

## Agenda--June 11-12, 2003

California State Board of Education (SBE) meeting agenda.

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### FULL BOARD Public Session

### AGENDA

June 11-12, 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; 156KB; 4pp.)

Wednesday, June 11, 2003 - 9:00 a.m.± (Upon adjournment of Closed Session if held)  
California Department of Education, 1430 N Street, Room 1101, Sacramento , California

- Call to Order
- Salute to the Flag
- Approval of Minutes (June 2003 Meeting)
- Announcements
- Communications
- REPORT OF THE SUPERINTENDENT
- SPECIAL PRESENTATIONS

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

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<a href="#">ITEM 1</a> (PDF; 223KB; 15pp.)	STATE BOARD PROJECTS AND PRIORITIES.  Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest.	INFORMATION ACTION
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<a href="#">ITEM 2</a> (PDF; 60KB; 15pp.)	PUBLIC COMMENT.  Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
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<a href="#">ITEM 3</a> (PDF; 61KB; 1p.)	Seminar Session on the National Assessment of Educational Progress (NAEP).	INFORMATION
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<a href="#">ITEM 4</a> (PDF; 69KB; 1p.)	No Child Left Behind.	INFORMATION ACTION
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<a href="#">ITEM 5</a> (PDF; 79KB; 2pp.)	Approval of Supplemental Educational Service Providers required by Section 1116(e) of No Child Left Behind Act of 2002. <ul style="list-style-type: none"><li>• <a href="#">Supplemental</a> (PDF; 126KB; 2pp.)</li></ul>	INFORMATION ACTION
<a href="#">ITEM 6</a> (PDF; 70KB; 1p.)	No Child Left Behind: Teacher requirements ("Highly Qualified Teacher") and measurable objectives. <ul style="list-style-type: none"><li>• <a href="#">Supplemental</a> (PDF; 28KB; 11pp.)</li><li>• <a href="#">Last Min.</a> (PDF; 119KB; 11pp.)</li></ul>	INFORMATION ACTION
<a href="#">ITEM 7</a> (PDF; 78KB; 6pp.)	No Child Left Behind (NCLB) Title III Achievement Objectives and Accountability Requirements. <ul style="list-style-type: none"><li>• <a href="#">Supplemental</a> (PDF; 32KB; 9pp.)</li><li>• <a href="#">Last Min.</a> (PDF; 416KB; 16pp.)</li></ul>	INFORMATION ACTION
<a href="#">ITEM 8</a> (PDF; 115KB; 6pp. )	Paraprofessional Requirements (No Child Left Behind). <ul style="list-style-type: none"><li>• <a href="#">Last Min.</a> (PDF; 70KB; 1p.)</li></ul>	INFORMATION ACTION
<a href="#">ITEM 9</a> (PDF; 76KB; 1p.)	The California Mathematics and Science Partnership (CaMSP) Program authorized by Title II, Part B, No Child Left Behind Act.	INFORMATION ACTION
<a href="#">ITEM 10</a> (PDF; 68; 11pp.)	Reading First Evaluation Contractor. <ul style="list-style-type: none"><li>• <a href="#">Last Min.</a> (PDF; 60KB; 1p.)</li></ul>	INFORMATION ACTION
<a href="#">ITEM 11</a> (PDF; 110KB; 3pp.)	Standardized Testing and Reporting (STAR): Update on the Plan for Releasing California Standards Test (CST) Items.	INFORMATION ACTION
<a href="#">ITEM 12</a> (PDF; 196KB; 6pp.)	Standardized Testing and Reporting (STAR) Program: Approving an Amendment to the 2002-2004 STAR Contract with Educational Testing Services (ETS).	INFORMATION ACTION
<a href="#">ITEM 13</a> (PDF; 66KB; 1p.)	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Proposal for Revision of the STAR Parent Report.	INFORMATION ACTION

<p><a href="#">ITEM 14</a> (PDF; 63KB; 1p.)</p>	<p>California English Language Development Test (CELDT): Including, but not limited to, CELDT Program Update.</p> <ul style="list-style-type: none"> <li>• <a href="#">Last Min.</a> (PDF; 167KB; 4pp.)</li> </ul>	<p>INFORMATION ACTION</p>
<p><a href="#">ITEM 15</a> (PDF; 73KB; 2pp.)</p>	<p>California High School Exit Examination (CAHSEE): Including, but not limited to, Discussion of the Report Required by AB 1609.</p> <ul style="list-style-type: none"> <li>• <a href="#">Supplemental</a> (PDF; 57KB; 10pp.)</li> </ul>	<p>INFORMATION ACTION</p>
<p><a href="#">ITEM 16</a> (PDF; 68KB; 1p.)</p>	<p>2003 Academic Performance Index (API) Modifications: Integrating Results from California's Standards-Based Tests in Science into the API; and, Similar Schools and the API Growth Report.</p> <ul style="list-style-type: none"> <li>• <a href="#">Supplemental</a> (PDF; 68KB; 21pp.)</li> </ul>	<p>INFORMATION ACTION</p>
<p><a href="#">ITEM 17</a> (PDF; 76KB; 1p.)</p>	<p>Entry requirements for alternatives schools participating in the Alternative Schools Accountability Model.</p> <ul style="list-style-type: none"> <li>• <a href="#">Supplemental</a> (PDF; 29KB; 6pp.)</li> <li>• <a href="#">Last Min.</a> (PDF; 170KB; 6pp.)</li> </ul>	<p>ACTION</p>
<p><a href="#">ITEM 18</a> (PDF; 84KB; 1p.)</p>	<p>Draft regulations for Administering, Scoring, and Reporting Locally Adopted Tests of Achievement for Use as Indicators in the Alternative Schools Accountability Model.</p> <ul style="list-style-type: none"> <li>• <a href="#">Supplemental</a> (PDF; 28KB; 10pp.)</li> </ul>	<p>INFORMATION ACTION</p>
<p><a href="#">ITEM 19</a> (PDF; 67KB; 1p.)</p>	<p>Determining annual school performance for schools in the Alternative Schools Accountability Model.</p>	<p>INFORMATION</p>
<p><a href="#">ITEM 20</a> (PDF; 72KB; 2pp.)</p>	<p>Criteria for the selection of 2003-2004 School Assistance and Intervention Team (SAIT) Providers.</p> <ul style="list-style-type: none"> <li>• <a href="#">Last Min.</a> (PDF; 100KB; 2pp.)</li> </ul>	<p>ACTION</p>
<p><a href="#">ITEM 21</a> (PDF; 83KB; 3pp.)</p>	<p>High Priority Schools Grant Program - New Implementation Grant Awards.</p>	<p>ACTION</p>
<p><a href="#">ITEM 22</a> (PDF; 76KB;</p>	<p>Mathematics and Reading Professional Development Program (AB 466) - Interim Report to the Legislature.</p> <ul style="list-style-type: none"> <li>• <a href="#">Supplemental</a> (PDF; 63KB; 12pp.)</li> </ul>	<p>ACTION</p>

1p.)

- [Last Min.](#) (PDF; 245KB; 12pp.)

[ITEM 23](#) Approval of Local Educational Agencies (LEAs) and Consortia applications for funding under the Principal Training Program (AB 75). ACTION  
 (PDF; 92KB; 9pp.)

[ITEM 24](#) Approval of Training Providers for AB 75, The Principal Training Program. ACTION  
 (PDF; 68KB; 1p.)

- [Supplemental](#) (PDF; 10KB; 2pp.)

[ITEM 25](#) Report of the Curriculum Development and Supplemental Materials Commission. INFORMATION ACTION  
 (PDF; 65KB; 1p.)

- [Supplemental](#) (PDF; 38KB; 5pp.)

[ITEM 26](#) School Campus Environmental Audit Tool. INFORMATION ACTION  
 (PDF; 82KB; 2pp. )

- [Supplemental](#) (PDF; 129KB; 35pp.)

[ITEM 27](#) Assignment of Numbers for Charter School Petitions. ACTION  
 (PDF; 98KB; 3p.)

[ITEM 28](#) 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; 72KB; 3pp.)

[ITEM 29](#) Request by the KIPP Summit Academy Petitioners to Establish a New Deadline for Meeting State Board of Education Condition of Approval to Open. INFORMATION ACTION  
 (PDF; 71KB; 1p.)

[ITEM 30](#) Funding approval to provide (1) professional development courses in nutrition and food service management for child nutrition personnel and (2) instructional strategies and courses for child nutrition personnel and teachers. INFORMATION ACTION  
 (PDF; 81KB; 4pp.)

[ITEM 31](#) Appointments to the Advisory Commission on Special Education and Advisory Commission on Charter Schools and, if necessary, Child Nutrition Advisory Council and INFORMATION ACTION

113KB; Curriculum Development and Supplemental Materials Commission.  
3pp.)

Thursday, June 12, 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:

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<a href="#">ITEM 32</a> (PDF; 97KB; 9pp.)	Approval of 2002-2003 Consolidated Applications.	ACTION
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<a href="#">ITEM 33</a> (PDF; 97KB; 9pp.)	Direct request from the Tri-County SELPA to dissolve effective June 30, 2003, and instead form three separate, single-county SELPAs in Amador, Calaveras, and Tuolumne Counties effective July 1, 2003. <ul style="list-style-type: none"><li>• <a href="#">Last Min.</a> (PDF; 100KB; 1p.)</li></ul>	ACTION
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\* \* \* PUBLIC HEARING \* \* \*

A public hearing on the following agenda item will commence at 9:00 a.m. or thereafter as the business of the State Board permits.

<a href="#">ITEM 34</a> (PDF; 97KB; 9pp. )	Permanent Regulations for the Reading First Program.	PUBLIC HEARING ACTION
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\* \* \* END OF PUBLIC HEARING \* \* \*

WAIVER REQUESTS

CONSENT MATTERS

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

GOLDEN STATE EXAMINATION

<a href="#">ITEM WC-1</a> (PDF; 83KB; 1p.)	Request by various districts to waive <i>Education Code</i> (EC) Section 51451, regarding the method of qualifying this year's high school seniors for a Golden State Seal Merit Diploma. CDSIS # various-list of districts will be provided as a last minute item in blue.	ACTION
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(Recommended for APPROVAL WITH CONDITION)

- [Last Min.](#) (PDF; 187KB; 4pp.)

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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

[ITEM WC-2](#) Request by five school districts for a retroactive waiver of **Education Code** ACTION  
(PDF; (EC) Section 60119 regarding Annual Public Hearing on the availability of  
99KB; textbooks or instructional materials. These districts have audit findings for fiscal  
3pp.) 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.  
CDSIS-02-05-2003 Franklin Elementary S.D.  
CDSIS-09-05-2003 Parlier Unified School District  
CDSIS-126-3-2003 Pond Union School District  
CDSIS-37-04-2003 Round Valley Jt. Elementary S.D.  
CDSIS-03-05-2003 Upper Lake Union High S.D.  
(Recommended for APPROVAL)

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MILLER-UNRUH READING SPECIALIST

[ITEM WC-3](#) Request by Firebaugh-Las Deltas Unified School District for a renewal of ACTION  
(PDF; a waiver of **Education Code** (EC) 52859(b), the prohibition of using funds  
77KB; coordinated under the School-based Coordinated Program to pay for the local  
1p.) share costs associated with the employment of a Miller-Unruh Reading Specialist.  
CDSIS-12-4-2003  
(Recommended for APPROVAL)

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[ITEM WC-4](#) Request by Lawndale Elementary School District for a renewal of a waiver ACTION  
(PDF; of **Education Code** (EC) 52859(b), the prohibition of using funds coordinated under  
75KB; the School-based Coordinated Program to pay for the local share of costs  
1p.) associated with the employment of a Miller-Unruh Reading Specialist.  
CDSIS-21-4-2003  
(Recommended for APPROVAL)

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RESOURCE SPECIALIST CASELOAD

[ITEM WC-5](#) Request by New Jerusalem Elementary School District to waive ACTION  
(PDF; **Education Code** (EC) 56362(c) in order to allow the caseload of the resource  
76KB; specialist to exceed the maximum caseload of 28 students, but by no more than  
2pp.) four students. For Resource Specialist Elizabeth Miller assigned at New  
Jerusalem Elementary School.  
CDSIS-17-4-2003  
(Recommended for APPROVAL)

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[ITEM WC-6](#) Request by Las Virgenes Unified School District to waive **Education Code** ACTION  
(PDF; (EC) Section 56362(c) in order to allow the caseload of the resource specialist to  
79KB; exceed the maximum caseload of 28 students, but by no more than four students .  
2pp.) For Nathan Harding assigned at Round Meadow Elementary School.  
CDSIS-130-3-2003

(Recommended for APPROVAL)

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SUMMER SCHOOL STATE MEAL MANDATE (original)

[ITEM WC-7](#) Original request by five school districts to waive *Education Code* Section 49550, ACTION  
(PDF; the State Meal Mandate during the summer school session.  
80KB; CDSIS # various  
2pp.) (Recommended for APPROVAL)

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SUMMER SCHOOL STATE MEAL MANDATE (renewal)

[ITEM WC-8](#) Requests by 51 school districts to waive *Education Code* Section 49550, the ACTION  
(PDF; State Meal Mandate during the summer school session.  
83KB; CDSIS # various  
3pp.) (Recommended for APPROVAL)

- [Last Min.](#) (PDF; 69KB; 2pp.)

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STATE MEAL MANDATE (Saturday School Session)

[ITEM WC-9](#) Request by East Whittier City School District to waive *Education Code* ACTION  
(PDF; 49550, the State Meal Mandate during the Saturday School session.  
78KB; CDSIS-5-4-2003  
2pp.) (Recommended for APPROVAL)

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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.

EQUITY LENGTH OF TIME

[ITEM W-1](#) Request by Fresno Unified School District to waive *Education Code (EC)* ACTION  
(PDF; Section 37202, equity length of time requirement for kindergarten students to allow  
76KB; full day kindergarten program at Burroughs, Greenberg and Winchell  
2pp.) Elementary Schools.  
CDSIS-33-4-2003  
(Recommended for APPROVAL WITH CONDITIONS)

- [Last Min.](#) (Blue)

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[ITEM W-2](#) Request by Conejo Valley Unified School District to waive *Education Code* ACTION  
(PDF; (EC) Section 37202, the equity length of time requirement for the kindergarten  
88KB; pupils at Cypress, Madrona, Manzanita and Wildwood Elementary  
2pp.) Schools.  
CDSIS-41-4-2003  
Recommended for APPROVAL WITH CONDITIONS)

E.C. 33051(c) will apply

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GRADE CLASS SIZE REDUCTION (Morgan-Hart)

[ITEM W-3](#) Request by Tamalpais Union High School District to waive portions of **ACTION**  
(PDF; *Education Code* 52084(a) and 52086(a) 9 th Grade Class Size Reduction  
91KB; (formerly Morgan-Hart), the requirement for a 20:1 student to teacher ratio so that  
2pp.) the district may provide a 25:1 ratio across four core courses-English, Math,  
Science and Social Studies.  
CDSIS-3-4 -2003  
(Recommended for APPROVAL WITH CONDITIONS)

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HIGH PRIORITY SCHOOLS GRANT PROGRAM

[ITEM W-4](#) Request by San Francisco Unified School District for a waiver delaying **ACTION**  
(PDF; the timelines for the High Priority Schools Grant Program (HPSGP) specified in  
91KB; *Education Code* (EC) Section 52052.610 (c)(4)(1) for the following schools: John  
2pp.) O'Connell High School and Starr King Elementary.  
CDSIS-45-4-2003  
(Recommended for DENIAL)

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INSTRUCTIONAL MATERIALS FUND

[ITEM W-5](#) Petition request under *Education Code* Section 60200(g) by Tulare County **ACTION**  
(PDF; Office of Education to purchase nonadopted Instructional Resources for  
79KB; "special education students" using Instructional Materials Fund (IMF) monies. (List  
2pp.) attached).  
CDSIS-36-4-2003  
(Recommended for APPROVAL)

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[ITEM W-6](#) Petition request under *Education Code* Section 60421(d) 60200(g) by Belmont **ACTION**  
(PDF; Redwood Shores School District to purchase Instructional Resources (  
85KB; *Everyday Mathematics* , 2001 (K-5) and 2002 (4-5) using Instructional Materials  
2pp.) Funding Realignment Program (IMFRP) monies.  
CDSIS-29-4-2003  
(Recommended for APPROVAL WITH CONDITIONS)

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INSTRUCTIONAL TIME PENALTY

[ITEM W-7](#) Request by Victor Valley Union High School District for fiscal year 2001- **ACTION**  
(PDF; 2002 to waive *Education Code* ( EC ) Section 46202, the penalty for offering less  
70KB; time than what the district offered in 1982-1983, at the seventh through eighth  
2pp.) grades at Hook Junior High School, Cobalt Middle School, and Victor Valley Junior  
High School.  
CDSIS-10-2-2003  
(Recommended for APPROVAL WITH CONDITIONS)

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[ITEM W-8](#) Request by Albany Unified School District to waive *Education Code* (EC) ACTION  
 (PDF; Section 46202(b), for falling below the 1982/83 offered number of minutes at  
 89KB; Albany Middle School during the 2001-2002 fiscal year.  
 2pp.) CDSIS-81-3-2003  
 (Recommended for APPROVAL WITH CONDITIONS)

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[ITEM W-9](#) Request by Kerman Unified School District to waive *Education Code* (EC) ACTION  
 (PDF; Section 46201(d), the longer day instructional time penalty for falling below the  
 92KB; 1986/87 minutes and to waive *Education Code* Section 46202(b), for falling below  
 3pp.) the 1982/83 offered number of minutes in fiscal year 2001-2002.  
 CDSIS-11-3-2003  
 (Recommended for APPROVAL WITH CONDITIONS)

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SCHOOL IMPROVEMENT FUNDS

[ITEM W-10](#) Request by Palo Alto Unified School District for a renewal to waive ACTION  
 (PDF; *Education Code* (EC) Sections 62002 (sunset provision) and 52046(b)(3) in order  
 73KB; to share and coordinate the use of School Improvement funds between Palo Alto  
 1p.) High School and Henry Gunn High School.  
 CDSIS-16-4-2003  
 (Recommended for APPROVAL)

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SUMMER SCHOOL STATE MEAL MANDATE

[ITEM W-11](#) Request by seven (7) school districts to waive *Education Code* Section 49550, ACTION  
 (PDF; the State Meal Mandate during the summer school session under the specific  
 86KB; waiver authority of *Education Code* Section 49548.  
 3pp.) CDSIS # various  
 (Recommended for DENIAL)

- [Last Min.](#) (PDF; 91KB; 2pp.)

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\* \* \* PUBLIC HEARINGS \* \* \*

Public hearings on each of the following agenda items will commence at 10:00 a.m. or thereafter as the business of the State Board permits.

[ITEM 35](#) Environmental Effect of Proposed Formation of Turlock Joint Unified School District PUBLIC HEARING  
 (PDF; from Turlock Joint Elementary School District and Turlock Joint Union High School ACTION  
 40KB; District in Stanislaus County.  
 8pp.)

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[ITEM 36](#) Proposed Formation of Turlock Joint Unified School District from Turlock Joint PUBLIC HEARING ACTION  
 (PDF; Elementary School District and Turlock Joint Union High School District in Stanislaus  
 46KB; County.  
 21pp. )

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\* \* \* END OF PUBLIC HEARINGS \* \* \*

- [ITEM 37](#) Legislative Update: Including, but not limited to, information on legislation.  
(PDF; 67KB; 1p.)
- [Supplemental](#) (PDF; 126KB; 11pp.)

INFORMATION  
ACTION

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- [ITEM 38](#) Permanent Regulations Regarding Funding Determinations for Charter Schools Offering Nonclassroom-based Instruction Pursuant to Senate Bill (SB) 740 (Chapter 892, Statutes of 2001). ACTION
- (PDF; 43KB; 1p.)
- [Supplemental](#) (PDF; 8KB; 1p.)

ADJOURNMENT OF MEETING

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

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

Last Reviewed: Monday, November 21, 2011

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# CALIFORNIA STATE BOARD OF EDUCATION

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Executive Director  
Rae Belisle

# AGENDA

June 11-12, 2003

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## SCHEDULE OF MEETING

## LOCATION

Wednesday, June 11, 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
- *Californians for Justice Education Fund, et al v. State Board of Education*, San Francisco City/County Superior Court, Case No. CPF-03-50227
- *Campbell Union High School District. et al., v. State Board of Education et al.*, Sacramento Superior Court, Case No. 99CS00570

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

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- *Chapman, et al., v. California Department of Education, et al.*, United States District Court, Northern District of California, Case No. C-01-1780 BZ
- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford v. Honig*, United States District Court, Northern District of California, C-89-0014 DLJ
- *CTA, et al. v. Wilson*, United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al v. State of California, et al.*, Los Angeles Superior Court, Case No. 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
- *McNeil v. State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen et al. v. Grossmont Unified School District et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Ocean View School District, et al. v SBE, et al.*, Superior Court of San Francisco, Case No. CGC-02-406738
- *Pazmino, et al. v. California State Board of Education, et al.*, San Francisco City/County Superior Court., Case No. CPF-03-502554
- *Porter, et al., v. Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los 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)].

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

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

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

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

Wednesday, June 11, 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, June 12, 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, June 12, 2003

8:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION  
Public Session

California Department of Education

1430 N Street, Room 1101  
Sacramento, CA 95814  
(916) 319-0827

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

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

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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) 319-0175.

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

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JUNE 2003 AGENDA

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

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**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.

At the May 2003 meeting, the State Board directed staff to prepare proposed Bylaw changes related to the meeting schedule, the conduct of public hearings, the committee structure, and appointments of liaisons and representatives. Two sets of proposed Bylaw changes are included as attachments to this item. Under Article XIII of the Bylaws, the proposed Bylaw changes may be voted upon at the July 2003 meeting, having been presented in writing at this meeting.

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**Summary of Key Issue(s).**

N/A

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**Fiscal Analysis (as appropriate).**

N/A

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**Background Information Attached to this Agenda Item.**

State Board Bylaws (as amended April 11, 2001).  
[Memorandum on Proposed Revisions to State Board Bylaws Regarding Meeting Schedule and Public Hearings](#)  
[Memorandum on Proposed Revisions to State Board Bylaws Regarding Committees and Representatives](#)  
[2003-2004 Agenda Planner.](#)

Item 1, June 2003 Agenda

Proposed Revisions of Bylaws (Meeting Schedule and Public Hearings)

May 20, 2003

Attachment Page 1

May 20, 2003

To: Members of the State Board of Education

From: Staff to the State Board of Education

Subject: Item 1, June 2003 Agenda  
Proposed Revisions to State Board Bylaws Regarding  
Meeting Schedule and Public Hearings

At its May 2003 meeting, the State Board agreed by consensus to explore an every-other-month meeting schedule as a way:

- To become more focused and strategic in the use of meeting time;
- To provide members more time to participate in other education-related activities; and
- To enable greater public access to the complete staff recommendations to the State Board and, thus, to facilitate improved public participation.

The State Board also acknowledged the fact that the Davis Administration has asked boards and commissions to reduce their meeting schedules significantly in order to lessen costs associated with travel, per diem, agenda publication, and the like.

Attached are proposed revisions to the State Board Bylaws designed to accomplish two key objectives:

- To modify the regular meeting schedule so that the State Board will meet six times per year instead of eleven. [Education Code Section 33007 requires that the State Board meet at least six times per year.]
- To provide at the State Board's direction for public hearings to be held by staff instead of before the State Board members. An audiotape recording of each public hearing would be made available to the members, along with a staff summary of comments received at the hearing.

In accordance with Article XIII of the Bylaws, action on a proposed revision to the Bylaws must be submitted in writing at one meeting in order to be eligible for approval at the next meeting. Accordingly, these proposed revisions may be acted upon at the State Board's July 2003 meeting.

Cc: CDE Executive Staff

**PROPOSED AMENDMENTS TO THE STATE BOARD BYLAWS**

**Amend Article V, Section 1, of the State Board Bylaws to read as follows:**

ARTICLE V

Meetings

REGULAR  
~~MONTHLY~~  
MEETINGS

Section 1. Generally, regular meetings of the Board shall be held on the Wednesday and Thursday preceding the second Friday of each ~~month from September through July~~ of the following months: July, September, November, January, March, and May. However, in adopting a specific meeting schedule, the Board may deviate from this pattern to accommodate state holidays and special events. Other regularly noticed meetings may be called by the president for any stated purpose.

EC 33007

**Amend Article VII of the State Board Bylaws to read as follows:**

ARTICLE VII

Public Hearings: General

SUBJECT OF A  
PUBLIC  
HEARING

Section 1. (a) The Board may hold a public hearing regarding any matter pending before it after giving the notice required ~~for meetings required~~ by law.

(b) The Board may direct that a public hearing be held before staff of the Department of Education, an advisory commission to the Board, or a standing or ad hoc committee of the Board regarding any matter which is or is likely to be pending before the Board. If the Board directs that a public hearing be held before staff, then an audiotape of the public hearing and a staff-prepared summary of comments received at the public hearing shall be made available to the Board members in advance of the meeting at which action on the pending matter is scheduled.

5 CCR 18460  
EC 33031  
GC 11125

~~SPEAKERS~~

~~Section 2. Persons wishing to address the Board on a subject to be considered at a future meeting, including any matter designated as a public hearing, shall present a written request to the secretary by noon of the third working day before the scheduled hearing at 721 Capitol Mall, Sacramento, California, 95814, stating the subject they wish to address, the organization they represent, if any, and the nature of their testimony.~~

~~5 CCR 18461  
EC 33031~~

Item 1, June 2003 Agenda

Proposed Revisions of Bylaws (Meeting Schedule and Public Hearings)

May 20, 2003

Attachment Page 3

COPIES OF  
STATEMENTS

~~Section 32.~~ A written copy of the ~~speaker's~~ testimony a person wishes to present at a public hearing is requested, but not required. The written copy may be ~~presented given to the secretary or other~~ appropriate staff in advance of or at the public hearing or to members of the Board at the hearing.

TIME LIMITS  
FOR THE  
PRESENTATION  
OF PUBLIC  
TESTIMONY

~~Section 43.~~ At or before ~~the a public hearing at which oral comments from the public are to be received,~~ the ~~Board president or the chair of a hearing body other than the full Board~~ presiding individual shall (in keeping with any legal limitation or condition that may pertain) determine the total amount of time that will be devoted to hearing such oral comments, and may determine the time to be allotted to each person or to each side of an issue.

5 CCR 18463  
EC 33031

WAIVER BY  
PRESIDENT OR  
CHAIRPERSON  
PRESIDING  
INDIVIDUAL

~~Section 54.~~ At any time, upon a showing of good cause, the ~~Board president or chair of the hearing body may waive the above requirements of Sections 2 to 4, inclusive, of this article~~ presiding individual may waive any time limitation established under subdivision 4 of this article.

5 CCR 18464  
EC 33031

**Amend Article VIII of the State Board Bylaws to read as follows:**

ARTICLE VIII

Public Hearings: School District Reorganization

SUBMISSION OF  
PROPOSALS  
AND PETITIONS

Section 1. A proposal by a county committee on school district organization or other public agency, or a petition for the formation of a new district or the transfer of territory of one district to another shall be submitted to the executive officer of the Board. The executive officer of the Board shall cause the proposal or petition to be:

- reviewed and analyzed by the California Department of Education;
- set for hearing before the Board (or before staff if so directed by the Board) at the earliest practicable date; and
- transmitted together with the report and recommendation of the Department of Education to the Board (or to staff who may be directed by the Board to conduct a hearing) and to such other persons as is required by law not later than ten days before the date of the hearing.

CCR 18570

Item 1, June 2003 Agenda

Proposed Revisions of Bylaws (Meeting Schedule and Public Hearings)

May 20, 2003

Attachment Page 4

ARGUMENTS  
BEFORE THE  
BOARD  
PRESENTED AT  
A HEARING:  
ORIGINAL  
SUBMISSION

Section 2. At the time and place of hearing, the Board (or staff if so directed by the Board) will receive oral or written arguments on the proposal or petition. The ~~Board~~ presiding individual may limit the number of speakers on each side of the issue, limit the time permitted for the presentation of a particular view, and limit the time of the individual speakers. The ~~Board will~~ presiding individual may ask that speakers not entertain a repetition of repeat arguments previously presented ~~by the same or another speaker at that meeting, or presented at a previous meeting at which the proposal or petition was considered.~~

CCR 18571

RESUBMISSION  
OF THE SAME  
OR AN  
ESSENTIALLY  
IDENTICAL  
PROPOSAL OR  
PETITION

Section 3. If the same or an essentially identical proposal or petition has been previously considered by the Board, the documents constituting such a resubmission shall be accompanied by a written summary of any new factual situations or facts not previously presented. In this case, ~~the Board will entertain any hearing shall focus on~~ arguments not theretofore presented and hear expositions of new factual situations and of facts not previously ~~brought to the Board's attention~~ entered into the public record.

CCR 18572

STATEMENTS

Section 4. All statements are requested to be submitted to the Board (or to staff if so directed by the Board) in advance of the presentation. Statements are requested to be in writing and should only be summarized in oral testimony.

**Make technical amendments to Article X of the State Board Bylaws to read as follows:**

ARTICLE X

Parliamentary Authority

RULES OF  
ORDER

Section 1. Debate and proceedings ~~before the Board~~ shall be conducted in accordance with *Robert's Rules of Order (Newly Revised)* when not in conflict with rules of the Board and other statutory requirements.

Section 2. Members of the public or California Department of Education staff may be recognized by the president of the Board or ~~a committee chair other~~ presiding individual, as appropriate, to speak at any meeting. Those comments shall be limited to the time determined by the president or ~~committee chair other~~ presiding individual. All remarks made shall be addressed to the president or ~~committee chair other~~ presiding individual. ~~No person other than~~ In order to maintain appropriate control of the meeting, the president or other presiding individual shall determine the person having the floor at any given time and, if discussion is in progress or to commence, who may participate in ~~members of the Board or committee shall be permitted to enter the discussion.~~

Section 3. All speakers ~~before the Board or committee~~ shall confine their remarks to the ~~subject indicated in their request or indicated in the recognition~~ pending matter as recognized by the president or committee chair other presiding individual.

Item 1, June 2003 Agenda

Proposed Revisions of Bylaws (Meeting Schedule and Public Hearings)

May 20, 2003

Attachment Page 5

Section 4. Public speakers shall not directly question ~~individual~~ members of the Board, ~~or the State Superintendent, or staff~~ without express permission of the president or ~~committee chair~~ other presiding individual, nor shall ~~individual~~ Board members, ~~or the State Superintendent, or staff~~ address questions directly to ~~the speakers~~ without permission of the president or ~~committee chair~~ other presiding individual.

Section 5. The ~~staff counsel~~ Chief Counsel to the ~~Board~~ Board or the General Counsel of the California Department of Education, or a member of the Department's legal staff in the absence of the ~~Board's staff counsel~~ Chief Counsel, will serve as parliamentarian. In the absence of legal staff, the president or other presiding individual will name a temporary replacement if necessary.

Item 1, June 2003 Agenda  
Proposed Revisions of Bylaws (Committees and Representatives)  
May 20, 2003  
Attachment Page 1

May 20, 2003

To: Members of the State Board of Education  
From: Staff to the State Board of Education  
Subject: Item 1, June 2003 Agenda  
Proposed Revisions to State Board Bylaws Regarding  
Committees and Representatives

Over the years, the State Board's traditions and practices related to committees and representatives have evolved. Attached are proposed revisions to the State Board Bylaws designed to better capture the current structure, including:

- Elimination of standing committees, except the Screening Committee.
- Establishment of representatives for specified purposes.
- Modification of provisions related to appointments by the State Board President for specified purposes.

In accordance with Article XIII of the Bylaws, action on a proposed revision to the Bylaws must be submitted in writing at one meeting in order to be eligible for approval at the next meeting. Accordingly, these proposed revisions may be acted upon at the State Board's July 2003 meeting.

Cc: CDE Executive Staff

**PROPOSED AMENDMENTS TO THE STATE BOARD BYLAWS**

**Amend Article VI of the State Board Bylaws to read as follows:**

ARTICLE VI

Committees and Representatives

STANDING  
SCREENING  
COMMITTEES

Section 1. ~~Standing committees~~ A Screening Committee composed of no fewer than three and no more than five members ~~each~~ shall be appointed by the president ~~promptly after assuming office, with one member designated chair of each committee.~~ The standing committees are:

- ~~the Administrative Committee which shall consider the recurring issues that come before the Board, conduct public hearings on school district reorganization matters and (as appropriate) proposed regulations, and recommend appropriate action to the Board;~~
- ~~the Legislative Committee which shall review existing law, study pending legislation, develop legislative proposals, and recommend appropriate action to the Board;~~
- ~~the Policy Committee which shall study the condition of education in the state, conduct public hearings on proposed regulations (as appropriate), and recommend appropriate action to the Board;~~
- ~~the Screening Committee which shall to screen applicants for appointment to Board advisory bodies and other positions as necessary; participate, as directed by the president, in the selection of candidates for the position of student Board member in accordance with law; ~~be augmented by the respective liaison(s) sitting in a non-voting capacity when considering appointments to Board advisory bodies;~~ and recommend appropriate action to the Board~~
- ~~the Strategic Planning Committee which shall study the state's economy and revenues and the state-local fiscal relationship for support of the public schools; develop short- and long-range strategic plans for funding, organization, personnel, and infrastructure in the schools and in the California Department of Education; and recommend appropriate action to the Board; and.~~
- ~~the Public Information Committee which shall review and monitor mechanisms for announcing the meetings, actions and priorities of the Board; develop a strategic communications plan to ensure that local education agencies, school boards, superintendents, principals, teachers, parents, statewide policy makers, and the general public are fully informed regarding the meetings, actions and priorities of the Board; and recommend appropriate action to the Board.~~

AD HOC  
COMMITTEES

Section 2. From time to time, the president may appoint ad hoc committees for such purposes as he or she deems necessary. Ad hoc committees shall remain in existence until abolished by the president.

REPRESENTA-  
TIVES

Section 3. From time to time, the president may assign Board members the responsibility of representing the State Board in discussions with staff (as well as with other individuals and agencies) in relation to such topics as assessment and accountability, legislation, and implementation of federal and state programs. The president may also assign Board members the responsibility of representing the Board in ceremonial activities.

**Amend Article XI of the State Board Bylaws to read as follows:**

ARTICLE XI

Board Appointments

ADVISORY  
BODIES

Section 1. Upon recommendation of the Screening Committee as may be necessary, the Board appoints members to the following advisory bodies for the terms indicated:

(a) Advisory Commission on Special Education. The Board appoints five of 17 members to serve four-year terms.

EC 33590

(b) Curriculum Development and Supplemental Materials Commission. The Board appoints 13 of 18 members to serve four-year terms.

EC 33530

(c) Child Nutrition Advisory Council. The Board appoints ~~15~~ 13 members, ~~4~~ 12 to three-year terms and one student representative to a one-year term. By its own action, the Council may provide for the participation in its meetings of non-voting representatives of interest groups not otherwise represented among its members, such as school business officials and experts in the area of physical education and activity.

EC 49533

CFR 210.10, Title 7, Part 210.20

(d) Advisory Commission on Charter Schools. The Board appoints eight members to two-year terms.

EC 47634.2(b)(1)

State Board of Education Policy 01-04

OTHER  
APPOINTMENTS

Section 2. ~~Upon recommendation of the Screening Committee~~ On the Board's behalf, the Board president makes the following appointments:

(a) WestEd (Far West Laboratory for Educational Research and Development). ~~The Board appoints five persons~~ Five individuals to serve three-year terms on the Board of Directors as follows:

- one representing the California Department of Education;
- two representing school districts in California; and
- two representing county offices of education in California.

JPA-FWL

(b) Trustees of the California State Summer School for the Arts. ~~The Board appoints two~~ Two members, one of whom shall be a current member of the ~~State Board of Education, for terms of three years.~~

EC 8952.5

(c) No Child Left Behind Liaison Team. Two members for terms not to exceed two years.

EC 52058.1

SCREENING  
AND  
APPOINTMENT

Section 3. Opportunities for appointment shall be announced and advertised as appropriate, and application materials shall be made available to those requesting them. The Screening Committee shall paper-screen all applicants, interview candidates as the Committee determines necessary, and recommend appropriate action to the Board.

**Amend Article XII of the State Board Bylaws to read as follows:**

ARTICLE XII

Presidential Appointments

LIAISONS

Section 1. The president shall appoint one Board member, or more where needed, to serve as liaison(s) to:

(a) The Advisory Commission on Special Education.

(b) The Curriculum Development and Supplemental Materials Commission.

~~—(c) The Education Council for Technology in Learning: one member as a nonvoting liaison.~~

~~(d)~~ (e) The National Association of State Boards of Education, if the Board participates in that organization: the president and such other Board members as he or she may designate.

~~(e)~~ (f) The Commission on Teacher Credentialing: ~~one member as a nonvoting liaison.~~

~~(f)~~ (g) The California Postsecondary Education Commission: one member to serve as the president's designee if the president so chooses, recognizing that no person employed full-time by any institution of public or private postsecondary education may serve on the commission.

EC 66901(d) and (h)

OTHER

Section 32. The president shall make all other appointments that may be required of the Board or that require Board representation.

# AGENDA PLANNER 2003-2004

## **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
- Regulations, public hearing on proposed regulations for Reading First
- No Child Left Behind Act, update/action as necessary
- Approval of definition for highly qualified teacher
- Designation of annual measurable objectives for English language fluency
- Seminar on National Assessment of Educational Progress (NAEP)

### Other Activities of Interest to the State Board:

- Advisory Commission on Charter Schools, Sacramento, June 18
- Advisory Commission Special Education, Sacramento, date to be determined

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

### Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary, including decision on whether to defer passage of the exam as a requirement of graduation per AB 1609.
- Regulations, public hearing on proposed regulations for administration of medication to pupils
- No Child Left Behind Act, update/action as necessary

### Other Activities of Interest to the State Board:

- Advisory Commission on Special Education, date and location to be determined
- 2003 Foreign Language Adoption, deliberations of Instructional Materials Advisory Panels and Content Review Panels, Sacramento, July 7-10, and August 6-7 (for German language materials only)

## **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
- No Child Left Behind Act, update/action as necessary

## AGENDA PLANNER 2003-2004

### Other Activities of Interest to the State Board:

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

### **OCTOBER 8-9, 2003 .....SACRAMENTO**

#### Board Meeting

- STAR, update/action as necessary
- CAHSEE, feasibility and cost/benefits of using STAR performance as a supplement to CAHSEE
- No Child Left Behind Act, update/action as necessary

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

#### Board Meeting

- STAR, update/action as necessary
- CAHSEE, discussion on 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
- Appointment to Curriculum Commission, paper screening of applications
- 2003 Foreign Language Adoption, Curriculum Commission recommendations for adoption, for information only
- 2004 Health Adoption, action on Curriculum Commission recommendations for members of Instructional Materials Advisory Panels and Content Review Panel
- No Child Left Behind Act, update/action as necessary

### Other Activities of Interest to the State Board:

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

### **DECEMBER 10-11, 2003 .....SACRAMENTO**

#### 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
- Appointments to Curriculum Commission, interviews and selection of candidates
- 2003 Foreign Language Adoption, Curriculum Commission recommendations for adoption, for action
- No Child Left Behind Act, update/action as necessary

# AGENDA PLANNER 2003-2004

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

### Board Meeting

- Election of Board Officers
- Presentation of the California Teacher of the Year Awards
- United States Senate Youth
- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary

## **FEBRUARY 10-11, 2004 (TUESDAY/WEDNESDAY).....SACRAMENTO**

### Board Meeting

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

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

### Board Meeting

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

## **APRIL 7-8, 2004.....SACRAMENTO**

### Board Meeting

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

### Other Activities of Interest to the State Board:

2004 Health Adoption, training of Instructional Materials Advisory Panels and Content Review Panels, Sacramento, April 6-9

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

### Board Meeting

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

# AGENDA PLANNER 2003-2004

## **JUNE 9-10, 2004.....SACRAMENTO**

### Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- No Child Left Behind Act, provide new list of approved supplemental educational service providers

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

### Board Meeting

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

### Other Activities of Interest to the State Board:

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

## **AUGUST 2004..... NO MEETING SCHEDULED**

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

### Board Meeting

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

## **OCTOBER 6-7, 2004.....SACRAMENTO**

### Board Meeting

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

## AGENDA PLANNER 2003-2004

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

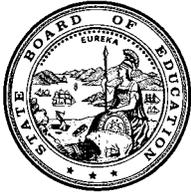
#### Board Meeting

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

### DECEMBER 8-9, 2004 .....SACRAMENTO

#### Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary Nomination of State Board Officers
- Appointments to Curriculum Commission, interviews and selection of candidates
- 2004 Health Adoption, Curriculum Commission recommendations for adoption, for action



CALIFORNIA STATE BOARD OF EDUCATION ITEM # 2\_\_\_\_\_

JUNE 2003 AGENDA

<b>SUBJECT:</b> 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.

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**Summary of Previous State Board of Education Discussion and Action.**

N/A.

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**Summary of Key Issue(s).**

N/A.

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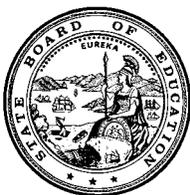
**Fiscal Analysis (as appropriate).**

N/A.

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**Background Information Attached to this Agenda Item.**

None.



CALIFORNIA STATE BOARD OF EDUCATION ITEM # 3\_\_\_\_\_

JUNE 2003 AGENDA

<b>SUBJECT:</b> Seminar Session on the National Assessment of Educational Progress (NAEP).	<input type="checkbox"/> ACTION
	<input checked="" type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

**RECOMMENDATION:**

Listen to an informational presentation on the National Assessment of Educational Progress (NAEP). Engage in discussion as the members may desire.

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**Summary of Previous State Board of Education Discussion and Action.**

N/A.

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**Summary of Key Issue(s).**

Within the context of the No Child Left Behind Act, NAEP results are taking on added importance.

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**Fiscal Analysis (as appropriate).**

N/A.

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**Background Information Attached to this Agenda Item.**

None.



**JUNE 2003 AGENDA**

<b>SUBJECT</b>	<b>X</b>	<b>ACTION</b>
No Child Left Behind	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

Hear an update on NCLB. Take action as deemed necessary and appropriate.

**Summary of Previous State Board of Education Discussion and Action**

The purpose of this standing item is to allow CDE and SBE staff to brief the Board on timely topics related to NCLB. At the May meeting, the draft of California's May 1<sup>st</sup> submission of the Consolidated State Application along with the Accountability Workbook follow-up position papers were presented to the Board for review and approval.

**Summary of Key Issue(s)**

Topics for discussion include: an update on both of California's May 1<sup>st</sup> submissions – the Consolidated State Application and Accountability Workbook follow-up; the official response letter from USDE on California's Accountability Workbook. Additionally, the review and approval process for the Local Education Plans will be discussed.

**Fiscal Analysis (as appropriate)**

N/A

**Attachment(s)**

N/A



**JUNE 2003 AGENDA**

<b>SUBJECT</b> Approval of Supplemental Educational Service Providers required by Section 1116(e) of No Child Left Behind Act of 2002.	<b>X</b>	<b>ACTION</b>
	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

Staff recommends adoption of the list of providers for Supplemental Educational Services.

**Summary of Previous State Board of Education Discussion and Action**

At the May 2002 State Board of Education (SBE) meeting, the criteria for the selection of providers of supplemental educational services were adopted. Applications have been submitted by potential providers, read, and rated based on a rubric consistent with the adopted criteria.

**Summary of Key Issue(s)**

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

Supplemental Educational Services include “tutoring and other academic enrichment services” that are:

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

The application process is open on an on-going basis. In the future applications will be presented to the State Board on a monthly basis. Between September 2002 and March 2003, 36 applications were received and evaluated, and they are all being recommended for approval. Each application was evaluated by at least two readers against a four-point rubric based on the SBE-adopted criteria. The narrative section of the application describes the four elements of the criteria:

- Alignment to SBE-adopted standards
- Alignment to state and local assessments
- Parent involvement
- Professional development

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**Fiscal Analysis (as appropriate)**

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

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**Attachment(s)**

A list of recommended supplemental providers will be included in the supplemental board item.

# Supplemental Memorandum

**To:** STATE BOARD MEMBERS

**Date:** May 30, 2003

**From:** Larry E. Jaurequi  
Assistant Superintendent

**Re:** ITEM # 5

**Subject** Approval of Supplemental Educational Services Providers required by Section 1116(e) of No Child Left Behind Act of 2002

[Attached](#) are the 21 applicants for supplemental educational service providers that updated their applications to show a demonstrated record of effectiveness. The updated application was required when the State Board of Education at its May 2002 meeting:

- Approved a revised application.
- Adopted emergency regulation of definition of a “demonstrated record of effectiveness”.

### COHORT 3 SUPPLEMENTAL SERVICES

APPLICANT	CONTACT PERSON	ADDRESS	CITY	STATE	ZIP	PHONE	FAX	EMAIL
America's Choice National Center on Education and the Economy	Vera J. Vignes	350 South Figueroa Street, Suite 770	Los Angeles	CA	90071	(213) 617-8377	(213) 617-8226	<a href="mailto:pacific@ncee.org">pacific@ncee.org</a>
Developmental Studies Center	Pamela Herrera	200 Embarcadero, Suite 305	Oakland	CA	94606	(510) 533-0213	(510) 464-3670	<a href="mailto:pam_herrera@devstu.org">pam_herrera@devstu.org</a>
Extreme Learning, Inc.	David Payne	155 East Main Avenue, Suite 130	Morgan Hill	CA	95037	(408) 782-5045	(408) 782-5045	<a href="mailto:dpayne@extremelearningcenter.com">dpayne@extremelearningcenter.com</a>
Fresno Coventant Foundation	Luis Santana	2727 North First	Fresno	CA	93703	(559) 226-4672	(559) 226-0701	<a href="mailto:fcfoundatn@cs.com">fcfoundatn@cs.com</a>
Glendale Unified School District	Anita Tetrault	223 N. Jackson Street	Glendale	CA	91206	(818) 241-3111	(818) 240-7956	<a href="mailto:Atetrault@gusd.net">Atetrault@gusd.net</a>
Help for At-Risk Children	James Kite	4251 Tujunga Avenue #4	Studio City	CA	91604	(818) 509-1342	(818) 509-1342	
Keppel Union School District	Roberta Zapf	34004 128th Street	East Pearblossom	CA	93553	(661) 944-2155	(661) 944-2933	<a href="mailto:mfzapf@prodigy.net">mfzapf@prodigy.net</a>
Montebello Unified School District	Barbara Trigg	123 S. Montebello Blvd	Montebello	CA	90640	(323) 887-7900 x2343	(323) 887-5896	<a href="mailto:trigg_Barbara@montebello.k12.ca.us">trigg_Barbara@montebello.k12.ca.us</a>
New Life Learning Center	Dr. Singletary	1322 North Medical Center Drive	San Bernardino	CA	92411	(909) 885-7655	(909) 381-9405	<a href="mailto:esbible@aol.com">esbible@aol.com</a>
Oroville City Elementary School District	Lynne Vincent	2795 Yard Street	Oroville	CA	95966	(530) 532-3000	(530) 532-3055	<a href="mailto:lvincent@ocesd.org">lvincent@ocesd.org</a>
Pacific Metrics Corp	Dr. Howard Mitzel	761 Lighthouse Avenue, Suite E	Monterey	CA	93940	(831) 646-6401	(831) 333-1632	<a href="mailto:hmitzel@pacificmetrics.com">hmitzel@pacificmetrics.com</a>
Paradigm Learning Center	Steve Everett	168 East Highland Avenue	San Bernardino	CA	92404	(909) 883-4966	(909) 883-3496	<a href="mailto:newheavens@msn.com">newheavens@msn.com</a>
PasadenaLEARNS	Percy Clark	351 S. Hudson Avenue	Pasadena	CA	91109	(626) 795-6981	(626) 795-5309	<a href="mailto:pclark@pasadena.k12.ca.us">pclark@pasadena.k12.ca.us</a>
Progressive Learning	Ralph Fagen	2525 Michigan Avenue, Unit A6	Santa Monica	CA	90404	(310) 315-1444	(310) 264-5500	<a href="mailto:Ralphfagen@progresivelearning.com">Ralphfagen@progresivelearning.com</a>
Project H.E.L.P	Michael Goltzer	809 Ponderosa Avenue	Sunnyvale	CA	94086	(408) 746-0414	(408) 245-5530	<a href="http://www.project-help.org">www.project-help.org</a>
San Diego State University Foundation	Ian Pumpian	5250 Campanile Drive	San Diego	CA	92182	(619) 594-1900	(619) 582-9164	<a href="mailto:ipumpian@mail.sdsu.edu">ipumpian@mail.sdsu.edu</a>
San Juan Unified School District	Rose Erickson	8301 Madison Avenue	Fair Oaks	CA	95628	(916) 971-5060	(916) 971-5070	<a href="mailto:rerickson@sanjuan.edu">rerickson@sanjuan.edu</a>
San Juan Unified School District	Jody Graf	1400 Bell Street, G-3	Sacramento	CA	95825	(916) 566-2184	(916) 556-2195	<a href="mailto:jgraf@sanjuan.edu">jgraf@sanjuan.edu</a>
Stockton Unified School District	Lisa Kotowski	701 N. Madison Street	Stockton	CA	95202	(209) 953-4830	(209) 953-4686	<a href="mailto:lkotowski@stockton.k12.ca.us">lkotowski@stockton.k12.ca.us</a>
Summerville Elementary School District	Leigh Shampain	18451 Carter Street	Tuolumne	CA	95379	(209) 928-4291	(209) 928-1602	<a href="mailto:lshampain@sumel.k12.ca.us">lshampain@sumel.k12.ca.us</a>
The Homework Club	Susan Everingham	One St. Vincent Drive	San Rafael	CA	94903	(415) 491-0142	(415) 491-0143	<a href="http://www.marinhomeworkclub.org">www.marinhomeworkclub.org</a>



**JUNE 2003 AGENDA**

<b>SUBJECT</b> No Child Left Behind (NCLB) Act: Teacher requirements (“Highly Qualified Teacher”) and measurable objectives.	<b>X</b>	<b>ACTION</b>
	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

Approve, in concept, the definition for meeting the NCLB teacher requirements and direct staff to seek technical assistance from the United States Department of Education (USDE) regarding the definition and determine if any regulations are required to implement the definition.

**Summary of Previous State Board of Education Discussion and Action**

Over the past several months, the State Board has discussed teacher requirements under NCLB (often referred to as the definition of “highly qualified teacher”). The Board staff and the Department staff are working to draft the definition of teacher requirements with input from the NCLB Liaison Team and various stakeholders.

NCLB also requires that state performance targets be established for the teacher and paraprofessional requirements to ensure compliance by the end of the 2005-2006 school year.

Both the definition and the state performance targets must be approved by the Board at its July meeting in order to submit the required information to the USDE by the September 1, 2003, deadline.

**Summary of Key Issue(s)**

Defining California’s criteria for determining whether a teacher meets the requirements of NCLB. The definition must reference credentialing requirements, as well as indicators (appropriate to each grade span) of teachers’ subject-matter competence.

**Fiscal Analysis (as appropriate)**

N/A

**Attachment(s)**

A supplemental memorandum will be provided.

# **Supplemental Memorandum**

**June 4, 2003**

**To: STATE BOARD MEMBERS**

**From: Karen M. Steentofte  
Chief Counsel**

**Re: Item # 6**

**Subject: No Child Left Behind (NCLB) Teacher Requirements**

Attached is a proposal for meeting the NCLB Teacher Requirements. It is recommended that the Board adopt this proposal in concept and direct staff to seek technical assistance from the United States Department of Education to ensure that the proposal meets all the federal requirements. After receiving advice from the USDE, staff will bring the proposal, with any revisions, and regulations, if necessary, back to the Board in July for further action.

## **Item # 6 June 2003**

### **Proposal for No Child Left Behind Teacher Requirements**

June 4, 2003

#### **Introduction**

The staff of the State Board of Education (SBE), the Office of the Secretary of Education (OSE), and the California Department of Education (CDE) has been working for over a year to develop a definition by which California could meet the Teacher Requirements of the No Child Left Behind Act (also known as the Highly Qualified Teacher requirement). All along, the effort has been to meld the requirement of this new federal law with California's existing teacher preparation and credentialing process and produce a new system that is as transparent to teachers and administrators as possible while still adhering to the new standards required by NCLB. This is an opportunity to improve upon an already good system with the backing and support of the federal government.

California's teacher preparation and credentialing system provides those seeking to enter the teaching profession two means by which to demonstrate their subject matter competency: (1) passing a State test (currently CSET, and prior to that, MSAT and Praxis II) or (2) completion of coursework with embedded culminating assessments. To retain this system, the attached draft proposes that each of the existing options be reviewed and strengthened to ensure uniformity, rigor, and compliance with NCLB criteria.

More specifically, in order to meet the NCLB "rigorous state test" requirement, elementary, multiple-subject credential candidates would need to pass either (1) one of the various State approved validated credentialing subject matter tests, or (2) a validated statewide culminating exam. (NCLB provides several options by which new middle and high school teachers can demonstrate their subject matter competency and therefore options for teachers at those levels need not be discussed with regard to the State test or coursework alternatives. Details for new middle and high school teachers are included in the attached draft.)

A recent letter from Congressman Miller advises California not to use culminating assessments to demonstrate subject matter competency because currently, they are not rigorous or uniform across the state. Steps would need to be taken to revamp the current culminating assessments before they could be utilized to meet the NCLB Teacher Requirements. It would be necessary to ensure that the culminating assessments were validated and uniform measures of the subject matter that elementary teachers need to know to teach in California before they could be used.

To create the list of State approved validated credentialing subject matter tests, CDE is developing and will disseminate a Request for Qualifications (RFQ) that includes:

- 1) Confirmation and evidence that the test has been validated to determine a candidates "subject matter competence" to teach in a California public school.
- 2) Notice that the test will be used to meet NCLB teacher requirements.
- 3) Confirmation and evidence that the test is consistent with California's K-12 Academic Content Standards
- 4) Commitment to administer the test at least a specified number of times per year at specified locations for a specified cost per test taker for a specified number of years.

Other qualifications may be added in order to ensure that the approved tests could also be used to award credentials. CDE staff is reviewing a previous Commission on Teacher Credentialing Request for Proposal for Credentialing Test in order to develop a RFQ compatible with credentialing needs. All tests that meet the qualifications in the RFQ will be offered a contract with the following terms.

In exchange for being designated as a test for purposes of meeting NCLB's subject matter competency, the test publisher agrees to hold the test and test administration (test questions/cut scores/number and location of administrations/cost per test taker) constant for the term of the contract. Test publishers would also agree to specified indemnification, such as return of test fee, if to the detriment of test takers, they did not hold the test and test administration constant during the term of the contract. Finally, test publishers would agree to provide a specified state agency the list of passing test takers within a specified time after each administration of the test. A list of persons who had passed a designated test would be maintained at the state-level for school districts to access. Finally, SBE and CDE will also work with test publishers to provide single combined core subject tests (English language arts and history/math and science) for new middle schools teachers to minimize the number of tests that combined subject teaching assignment teachers would be required to take.

While the above methods of demonstrating subject matter competency are necessary for teachers "new" to the profession, NCLB provides for an alternative method for teachers "not new" to the profession. That method, a high objective uniform State standard of evaluation (HOUSE for short), will allow "not new" to the profession teachers in California to demonstrate their subject matter competency through a process in conjunction with, and similar to, the Stull Act evaluations and assessments that teachers currently experience every two years. An outline of that process is included in the attached draft. While not part of this proposal, a student achievement growth analysis is also being developed that school districts could use in the HOUSE method to exempt teachers from the evaluation. At least one other State and several large school districts are testing this method and have received an initially positive response from USDE.

Given that NCLB allows for differing methods of demonstrating subject matter competency for "new" and "not new" to the profession teachers, it becomes important to define which teachers are "new" and "not new" to the profession. The attached draft proposes defining "new" to the profession as those that graduated and received a full credential or began an approved intern program after July 1, 2002, and "not new" as those that graduated and received a full credential or were enrolled in, or had completed, an approved intern program before July 1, 2002.

In addition to determining what must be done to demonstrate subject matter competency, it must also be determined when the demonstration must be completed. NCLB is fairly specific in this regard; stating that teachers hired into a Title I program after the first day of the 2002-2003 school year must meet the NCLB Teacher Requirements when hired. All other teachers (non-Title I and those Title I teachers hired before the first day of the 2002-2003 school year) have until the end of the 2005-2006 school year to meet the requirements. The attached draft proposes that the first day of school be defined as the first day of the school year that students report to the school per the district school calendar. As administering compliance dates could be difficult, particularly in districts with a year-round calendar, CDE will provide suggested method for districts to track when each teacher must meet the NCLB requirements and whether or not they have successfully met them.

Below is a chart that identifies the effect of this draft proposal on different categories of teachers.

Teachers already meeting NCLB Teacher Requirements	Teachers that have until the end of 2005-2006 school year to meet NCLB Teacher Requirements	Teachers that must meet the NCLB Teacher Requirements when hired
<p>Elementary, Middle and High School teachers that are interns or have a credential by passing MSAT, Praxis, and maybe CSET if it meets the requirements.</p>	<p>All teachers hired <u>before</u> the first day students report to school per the district school calendar in 2002-2003, regardless of grade span taught or whether the teacher is “new” or “not new” to the profession.</p> <p>Most of these teachers will demonstrate subject matter competency through HOUSE.</p>	<p>Teachers hired to teach in Title I, Part A, programs* after the first day students report to school per the district school calendar in 2002-2003, regardless of grade span taught or whether the teacher is “new” or “not new” to the profession.</p> <p>Some of these teachers will be “not new” to the profession and can use the HOUSE method to demonstrate subject matter competency.</p> <p>Teachers “new” to the profession that have not passed one of the approved State tests will have to do so. See transition period in attached draft proposal (page 6).</p>
<p>Middle and High School Teachers with degrees in the subjects taught</p>	<p>Teachers not teaching in a Title I program hired <u>after</u> the first day students report to school per the district school calendar in 2002-2003, regardless of grade span taught or whether the teacher is “new” or “not new” to the profession.</p>	
<p>All “not new” teachers that are nationally board certified in the subjects taught</p>		

\* If working in a school-wide Title I, Part A, school, the requirement applies to all teachers of core academic subjects. In a Title I, Part A, targeted assistance program, the requirement applies only to teachers paid from Title I, Part A, funds, and teaching core academic subjects.

Attached is the draft proposal described above for implementing the No Child Left Behind (NCLB) Teacher Requirements in California. This draft includes:

- 1) Timeline for Compliance
- 2) Elementary Teacher Requirements- Both “New” and “Not New” to the Profession
- 3) Middle and High School Teacher Requirements- Both “New” and “Not New” to the Profession
- 4) Categories of licenses and/or programs that do not meet NCLB Teacher Requirements
- 5) Definitions, including what is a “New” and “Not New” to the Profession Teacher

The requirements are organized by grade span in order to assist administrators and teachers who typically work in grade span programs. Therefore the discussion of requirements for teachers “new” and “not new” to the profession can be found both under Elementary Level and Middle and High School Level as the requirements for each level differ. The Timeline for Compliance, which is not contingent upon grade span or whether a teacher is “new” or “not new” to the profession can be found at the beginning, before the grade span discussion.

Finally, the Definitions, including what is a “New” and “Not New” to the Profession Teacher, are found at the end as these terms are used throughout the draft. Familiarity with the definition would be useful prior to reading this draft.

## **No Child Left Behind Teacher Requirements**

June 2, 2003

The No Child Left Behind Act includes requirements that all teachers of core academic subjects must meet. Core academic subjects include English, reading, language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography (NCLB Section 9101).

### **Timeline for Compliance**

The timeline for meeting the NCLB Teacher Requirements is contingent upon two elements: (1) the date of employment and (2) whether the teacher is working in a program supported by Title I funds (targeted assistance or school-wide).

#### ***Compliance required immediately:***

If hired after the first day of school\* in the 2002-03 school year and working in a program supported with Title I, Part A, funds (school-wide or targeted assistance), the teacher must meet the NCLB requirements on the date of employment.\*\*

#### ***Compliance required by end of the 2005-2006 school year:***

If hired after the first day of school\* in the 2002-03 school year and NOT working in a program supported with Title I, Part A, funds (school-wide or targeted assistance), the teacher must meet the NCLB requirements by the end of the 2005-06 school year.

If hired before the first day of school\* in the 2002-03 school year, the teacher must meet the NCLB requirements by the end of the 2005-06 school year, regardless of whether working in a program supported by Title I, Part A, funds or not.

#### ***Notes:***

\*The first day of school is defined as the first day of school that students report to the school per the district school calendar.

\*\*If working in a school-wide Title I, Part A, school, the requirement applies to all teachers of core academic subjects hired after the first day of school in the 2002-03 school year. In a Title I, Part A, targeted assistance program, the requirement applies only to teachers paid from Title I, Part A, funds, teaching core academic subjects who were hired after the first day of school in the 2002-03 school year.

## **Elementary Level Teachers-- Meeting NCLB Requirements**

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

- (1) holds at least a bachelor's degree, and
- (2) is currently enrolled in an intern program or has a full credential, and
- (3) meets the applicable requirements below.

**A teacher who meets the NCLB requirements and is NEW to the profession at the elementary level**, in addition to holding at least a bachelor's degree and either being currently enrolled in an intern program or having a full credential, must have passed either of the following:

- (1) any of the validated Credentialing Multiple Subject Matter Competence Tests included on the State Board of Education approved list (available summer 2003), OR
- (2) when available, a validated statewide culminating assessments of subject matter competency that meet the requirements of Standard 6:Assessment of Subject Competence of the Standards of Program Quality and Effectiveness for the Subject Matter Requirement for the Multiple Subject Teaching Credential. (Note: This assumes revision of the current culminating assessments so that they are both validated and uniform across the State.)

**[Title I Schools Transition Period.** If teachers that have not yet met the NCLB requirements are hired to teach in Title I programs, they should immediately be provided with a professional development program and a schedule that assists them in passing an approved exam as quickly as possible, but no later than June 30, 2004. The Title I set aside for professional development under section 1119(l) should be utilized to assist teachers in this category to pass the exam as soon as possible. This limited transition period, from July 1, 2002 to June 30, 2004, is necessary to provide notice of the NCLB teacher requirements to teachers in order to provide them with an opportunity to comply with NCLB.]

**A teacher who meets NCLB requirements and is NOT NEW to the profession at the elementary level**, in addition to holding at least a bachelor's degree and either being currently enrolled in an intern program or having a full credential, must have completed one of the following:

- (1) any of the validated Credentialing Multiple Subject Matter Competence Tests included on the State Board of Education approved list (available summer 2003), OR
- (2) when available, a validated culminating assessments of subject matter competency that meet the requirements of Standard 6:Assessment of Subject Competence of the Standards of Program Quality and Effectiveness for the Subject Matter Requirement for the Multiple Subject Teaching Credential (Note: This assumes revision of the current culminating assessments so that they are both validated and uniform across the State.),OR
- (3) in lieu of the high objective uniform state standard evaluation (number 4 below), National Board Certification

(4) the following high objective uniform state standard evaluation: In conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662 (commonly referred to as a Stull Act review), determine the teacher's subject matter competence in each of the academic subjects taught by the teacher by the means utilized to satisfy section 44662, except that (1) subject matter shall be defined as the State Academic Content Standards for the grades and subjects taught, and (2) competency shall be demonstrated by satisfactorily meeting standards 3 and 5.1 of the California Standards for the Teaching Profession. The demonstration of subject matter competence shall include some combination of the following;

- (1) classroom observation,
- (2) oral or written examination of the teacher's knowledge of appropriate grade-level and subject State Academic Content Standards, and
- (3) portfolio review of lesson plans and student work for one academic year.

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

If the teacher does not satisfactorily meet standards 3 and 5.1 of the California Standards for the Teaching Profession as part of the NCLB evaluation, then subject matter competency shall be demonstrated through completion of the Peer Assistance and Review Program for Teachers or other Individualized Professional Development Plan, pursuant to Education Code section 44664, aimed at assisting the teacher to meet standards 3 and 5.1 of the California Standards for the Teaching Profession.

## **Middle & Secondary Level Teachers--Meeting NCLB Requirements**

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

- (1) holds at least a bachelor's degree, and
- (2) is currently enrolled in an intern program or has a full Credential, and
- (3) meets the one of the applicable requirements below.

### **A teacher who meets NCLB requirements and is NEW to the profession at the**

**middle and secondary levels,** in addition to holding at least a bachelor's degree and either being currently enrolled in an intern program or having a full Credential in the subject taught, must have passed or completed one of the following for every core subject currently assigned:

- (1) any of the validated Credentialing Single Subject Matter Competence Tests included on the State Board of Education approved list (available summer 2003), OR
- (2) undergraduate major in the subject taught, OR
- (3) graduate degree in the subject taught, OR
- (4) coursework equivalent to undergrad major, OR
- (5) advanced certification or credentialing

### **A teacher who meets NCLB requirements and is NOT NEW to the profession at the**

**middle and secondary levels,** in addition to holding at least a bachelor's degree and either being currently enrolled in an intern program or having a full Credential, must have passed or completed one of the following for every core subject currently assigned:

- (1) any of the validated Credentialing Single Subject Matter Competence Tests included on the State Board of Education approved list (available summer 2003), OR
- (2) undergraduate major in the subject taught, OR
- (3) graduate degree in the subject taught, OR
- (4) coursework equivalent to undergrad major, OR
- (5) advanced certification or credentialing, such as National Board Certification, OR

(6) the following high objective uniform state standard evaluation: In conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662 (commonly referred to as a Stull Act review), determine the teacher's subject matter competence in each of the academic subjects taught by the teacher by the means utilized to satisfy section 44662, except that (1) subject matter shall be defined as the State Academic Content Standards for the grades and subjects taught, and (2) competency shall be demonstrated by satisfactorily meeting standards 3 and 5.1 of the California Standards for the Teaching Profession. The demonstration of subject matter competence for every core subject currently assigned shall include some combination of the following;

- (1) classroom observation,
- (2) oral or written examination of the teacher's knowledge of appropriate grade-level and subject State Academic Content Standards, and
- (3) portfolio review of lesson plans and student work for one academic year.

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

If the teacher does not satisfactorily meet standards 3 and 5.1 of the California Standards for the Teaching Profession as part of the NCLB evaluation, then subject matter competency shall be demonstrated through completion of the Peer Assistance and Review Program for Teachers or other Individualized Professional Development Plan, pursuant to Education Code section 44664, aimed at assisting the teacher to meet standards 3 and 5.1 of the California Standards for the Teaching Profession.

**Teachers Do Not Meet Requirements NCLB Teachers Requirements for the grade or subject taught if:**

- (1) They are teaching with an Emergency Permits, OR
- (2) They are teaching with supplemental or local authorizations for the subject taught, OR
- (3) They are teaching with state or local waivers for the grade or subject taught, OR
- (4) They are teaching as pre-interns

The reason the above do not constitute compliance with the NCLB teacher requirements is because teachers with such licenses or authorization have not yet demonstrated subject matter competency. Remember also that a teacher may meet the NCLB teacher requirements for one or more of the core academic subjects taught, and yet not meet the requirements for all core academic subjects taught.

**Definitions for NCLB Teacher Requirements**

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

**Full credential:** A Preliminary or Clear credential, or any earlier credential, which allowed a person to teach in California K-12 education system. (Need a better reference for “earlier credential”.)

**Hired:** A teacher is hired when they accept employment at the school district. The date a teacher is hired is not affected by a change of assignments or schools within the district. The date a teacher is hired in a district does not affect a teacher’s “new” or “not new” to the profession status.

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

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

# **Last Minute Memorandum**

**June 10, 2003**

**To: STATE BOARD MEMBERS**

**From: Karen M. Steentofte  
Chief Counsel**

**Re: Item # 6**

**Subject: No Child Left Behind (NCLB) Teacher Requirements**

[Attached](#) is a revised proposal for meeting the NCLB Teacher Requirements. The revisions are the result of a collaborative effort with the California Commission on the Teacher Credentialing and the AB 312 Liaison Team. It is recommended that the Board adopt this proposal in concept and direct staff to seek technical assistance from the United States Department of Education to ensure that the proposal meets all the federal requirements. After receiving advice from the USDE, staff will bring the proposal, with any revisions, and regulations, if necessary, back to the Board in July for further action.

## **Item #6 June 2003**

### **Introduction for No Child Left Behind Teacher Requirements**

June 10, 2003

The staff of the State Board of Education (SBE), the Office of the Secretary of Education (OSE), the Commission on Teacher Credentialing (CTC), and the California Department of Education (CDE) has been working for over a year to develop a definition by which California could meet the Teacher Requirements of the No Child Left Behind Act (also known as the Highly Qualified Teacher requirement). All along, the effort has been to meld the requirement of this new federal law with California's existing teacher preparation and credentialing process and produce a new system that is as transparent to teachers and administrators as possible while still adhering to the new standards required by NCLB. This is an opportunity to improve upon an already good system with the backing and support of the federal government.

California's teacher preparation and credentialing system provides those seeking to enter the teaching profession two means by which to demonstrate their subject matter competency: (1) passing a subject matter examination (CSET, MSAT<sup>1</sup>) or (2) completion of a Commission-approved subject matter program with embedded culminating assessments. In order meet the NCLB "rigorous state test" requirement, elementary multiple-subject credential candidates would need to pass either (1) a State approved validated multiple subject matter test, or (2) a validated statewide culminating exam. (NCLB provides several options by which new middle and high school teachers can demonstrate their subject matter competency and therefore options for teachers at those levels need not be discussed with regard to the State test or coursework alternatives. Details for new middle and high school teachers are included in the attached draft.)

A recent letter from Congressman George Miller advises California not to rely on the current culminating assessment requirement as a means by which candidates can demonstrate subject matter competency because currently, they are not rigorous or uniform across the state. Steps would need to be taken to revamp the current culminating assessment requirements before they could be utilized to meet the NCLB Teacher Requirements. It would be necessary to ensure that the culminating assessments were validated and uniform measures of the subject matter that elementary teachers need to know to teach in California before they could be used. At its June 2003 meeting, the CTC discussed a proposal to strengthen and make uniform Subject Matter Program Standard 6 dealing with the culminating assessment. CTC staff was directed to seek input from CTC's stakeholders and draft a revised standard for consideration at CTC's August meeting. According to Commission leadership, Standard 6 could be redrafted to require that candidates demonstrate compliance with NCLB through passage of a State Certified Subject Matter examination.

While the above methods of demonstrating subject matter competency are necessary for teachers "new" to the profession, NCLB provides for an alternative method for teachers "not new" to the profession. That method, a high objective uniform State standard of evaluation (HOUSE for short),

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<sup>1</sup> Candidates who took and passed a portion of MSAT prior to January 23, 2003 may take the MSAT.

will allow “not new” to the profession teachers in California to demonstrate their subject matter competency through a process in conjunction with, and similar to, the Stull Act evaluations and assessments that teachers currently experience every two years. An outline of that process is included in the attached draft. While not part of this proposal, a student achievement growth analysis is also being developed that school districts could use in the HOUSE method to exempt teachers from the evaluation. At least one other State and several large school districts are testing this method and have received an initially positive response from USDE.

Given that NCLB allows for differing methods of demonstrating subject matter competency for “new” and “not new” to the profession teachers, it becomes important to define which teachers are “new” and “not new” to the profession. The attached draft proposes defining “new” to the profession as those that graduated and received a credential or began an approved intern program after July 1, 2002, and “not new” as those that graduated and received a credential or were enrolled in, or had completed, an approved intern program before July 1, 2002.

In addition to determining what must be done to demonstrate subject matter competency, it must also be determined when the demonstration must be completed. NCLB is fairly specific in this regard; stating that teachers hired into a Title I program after the first day of the 2002-2003 school year must meet the NCLB Teacher Requirements when hired. All other teachers (non-Title I and those Title I teachers hired before the first day of the 2002-2003 school year) have until the end of the 2005-2006 school year to meet the requirements. The attached draft proposes that the first day of school be defined as the first day of the school year that students report to the school per the district school calendar. As administering compliance dates could be difficult, particularly in districts with a year-round calendar, CDE will provide suggested method for districts to track when each teacher must meet the NCLB requirements and whether or not they have successfully met them.

Below is a chart that identifies the effect of this draft proposal on different categories of teachers.

Teachers already meeting NCLB Teacher Requirements	Teachers who have until the end of 2005-2006 school year to meet NCLB Teacher Requirements	Teachers who must meet the NCLB Teacher Requirements when hired
<p>Elementary, Middle and High School teachers who are interns or have a credential by passing State Multiple Subject/Subject Matter examination. (CTC estimates 60% of elementary teachers in this category.)</p>	<p>All teachers hired <u>before</u> the first day students report to school per the district school calendar in 2002-2003, regardless of grade span taught or whether the teacher is “new” or “not new” to the profession.</p> <p>Most of these teachers will demonstrate subject matter competency through HOUSE.</p>	<p>Teachers hired to teach in Title I, Part A, programs* after the first day students report to school per the district school calendar in 2002-2003, regardless of grade span taught or whether the teacher is “new” or “not new” to the profession.</p> <p>Some of these teachers will be “not new” to the profession and can use the HOUSE method to demonstrate subject matter competency.</p> <p>Teachers “new” to the profession who have not passed one of the approved State tests will have to do so. See transition period in attached draft proposal (page 6).</p>
<p>Middle and High School Teachers who have met subject matter requirements through a Commission- approved subject matter program or who have earned a supplementary authorization based on a degree or major in the subjects taught</p>	<p>Teachers not teaching in a Title I program hired <u>after</u> the first day students report to school per the district school calendar in 2002-2003, regardless of grade span taught or whether the teacher is “new” or “not new” to the profession.</p>	
<p>All “not new” teachers that are nationally board certified in the subjects taught</p>		

\* If working in a school-wide Title I, Part A, school, the requirement applies to all teachers of core academic subjects. In a Title I, Part A, targeted assistance program, the requirement applies only to teachers paid from Title I, Part A, funds, and teaching core academic subjects.

Attached is the draft proposal described above for implementing the No Child Left Behind (NCLB) Teacher Requirements in California. This draft includes:

- 1) Timeline for Compliance
- 2) Elementary Teacher Requirements- Both “New” and “Not New” to the Profession
- 3) Middle and High School Teacher Requirements- Both “New” and “Not New” to the Profession
- 4) Categories of licenses and/or programs that do not meet NCLB Teacher Requirements
- 5) Definitions, including what is a “New” and “Not New” to the Profession Teacher

The requirements are organized by grade span in order to assist administrators and teachers who typically work in grade span programs. Therefore the discussion of requirements for teachers “new” and “not new” to the profession can be found both under Elementary Level and Middle and High School Level as the requirements for each level differ. The Timeline for Compliance, which is not contingent upon grade span or whether a teacher is “new” or “not new” to the profession can be found at the beginning, before the grade span discussion.

Finally, the Definitions, including what is a “New” and “Not New” to the Profession Teacher, are found at the end as these terms are used throughout the draft. Familiarity with the definition would be useful prior to reading this draft.

## **No Child Left Behind Teacher Requirements**

June 10, 2003

The No Child Left Behind Act includes requirements that all teachers of core academic subjects must meet. Core academic subjects include English, reading, language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography (NCLB Section 9101).

### **Timeline for Compliance**

The timeline for meeting the NCLB Teacher Requirements is contingent upon two elements: (1) the date of employment and (2) whether the teacher is working in a program supported by Title I funds (targeted assistance or school-wide).

#### ***Compliance required immediately:***

If hired after the first day of school\* in the 2002-03 school year and working in a program supported with Title I, Part A, funds (school-wide or targeted assistance), the teacher must meet the NCLB requirements on the date of employment.\*\*

#### ***Compliance required by end of the 2005-2006 school year:***

If hired after the first day of school\* in the 2002-03 school year and NOT working in a program supported with Title I, Part A, funds (school-wide or targeted assistance), the teacher must meet the NCLB requirements by the end of the 2005-06 school year.

If hired before the first day of school\* in the 2002-03 school year, the teacher must meet the NCLB requirements by the end of the 2005-06 school year, regardless of whether working in a program supported by Title I, Part A, funds or not.

#### ***Notes:***

\*The first day of school is defined as the first day of school that students report to the school per the district school calendar.

\*\*If working in a school-wide Title I, Part A, school, the requirement applies to all teachers of core academic subjects hired after the first day of school in the 2002-03 school year. In a Title I, Part A, targeted assistance program, the requirement applies only to teachers paid from Title I, Part A, funds, teaching core academic subjects who were hired after the first day of school in the 2002-03 school year.

## **Elementary Level Teachers-- Meeting NCLB Requirements**

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

- (1) holds at least a bachelor's degree, and
- (2) is currently enrolled in an intern program or has a credential, and
- (3) meets the applicable requirements below.

**A teacher who meets the NCLB requirements and is NEW to the profession at the elementary level**, in addition to holding at least a bachelor's degree and either being currently enrolled in an intern program or having a credential, must have passed a validated statewide subject matter examination certified by the Commission on Teacher Credentialing, such as CSET or MSAT.

**[Title I Schools Transition Period.** A relatively small group of elementary teachers, who earned their credential through a CCTC approved program and were hired into a Title I program, will not have met the NCLB Teacher Requirements because they have not take a "rigorous State exam." A limited transition period, from July 1, 2002 to June 30, 2004, is necessary to provide notice of the NCLB teacher requirements to these teachers in order to provide them with an opportunity to comply with NCLB. Teachers in this transition period would be allowed to meet the NCLB requirements through the high objective uniform state standard evaluation (HOUSE), or alternatively, the school district would be encouraged to immediately provide the teacher with a professional development program, if necessary, and a schedule that assists them in passing an approved exam as quickly as possible, but no later than June 30, 2004. The Title I set aside for professional development under section 1119(l) could be utilized to assist teachers in this category to pass the exam as soon as possible.]

**A teacher who meets NCLB requirements and is NOT NEW to the profession at the elementary level**, in addition to holding at least a bachelor's degree and either being currently enrolled in an intern program or having a credential, must have completed one of the following:

- (1) a validated statewide subject matter examination certified by the Commission on Teacher Credentialing, such as CSET or MSAT
- (2) in lieu of the high objective uniform state standard evaluation (number 4 below), National Board Certification
- (3) the following high objective uniform state standard evaluation: In conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662 (commonly referred to as a Stull Act review), determine the teacher's subject matter competence in each of the academic subjects taught by the teacher by the means utilized to satisfy section 44662, except that (1) subject matter shall be defined as the State Academic Content Standards for the grades and subjects taught, and (2) competency shall be demonstrated by satisfactorily meeting standards 3 and 5.1 of the California Standards for the Teaching Profession. The demonstration of subject matter competence shall include some combination of the following:
  - (1) classroom observation,
  - (2) demonstration of knowledge of the appropriate grade-level and subject State Academic Content Standards, and
  - (3) portfolio review of lesson plans and student work for one academic year.

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

If the teacher does not satisfactorily meet standards 3 and 5.1 of the California Standards for the Teaching Profession as part of the NCLB evaluation, then subject matter competency shall be demonstrated through completion of the Peer Assistance and Review Program for Teachers or other Individualized Professional Development Plan, pursuant to Education Code section 44664, aimed at assisting the teacher to meet standards 3 and 5.1 of the California Standards for the Teaching Profession.

## **Middle & Secondary Level Teachers--Meeting NCLB Requirements**

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

- (1) holds at least a bachelor's degree, and
- (2) is currently enrolled in an intern program or has a full Credential, and
- (3) meets the one of the applicable requirements below.

### **A teacher who meets NCLB requirements and is NEW to the profession at the**

**middle and secondary levels,** in addition to holding at least a bachelor's degree and either being currently enrolled in an intern program or having a Credential in the subject taught, must have passed or completed one of the following for every core subject currently assigned:

- (1) validated statewide subject matter examination certified by the Commission on Teacher Credentialing OR
- (2) undergraduate major in the subject taught, OR
- (3) graduate degree in the subject taught, OR
- (4) coursework equivalent to undergrad major, OR
- (5) advanced certification or credentialing

### **A teacher who meets NCLB requirements and is NOT NEW to the profession at the**

**middle and secondary levels,** in addition to holding at least a bachelor's degree and either being currently enrolled in an intern program or having a Credential, must have passed or completed one of the following for every core subject currently assigned:

(1) a validated statewide subject matter examination certified by the Commission on Teacher Credentialing OR.

- (2) undergraduate major in the subject taught, OR
- (3) graduate degree in the subject taught, OR
- (4) coursework equivalent to undergrad major, OR
- (5) advanced certification or credentialing, such as National Board Certification, OR

(6) the following high objective uniform state standard evaluation: In conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662 (commonly referred to as a Stull Act review), determine the teacher's subject matter competence in each of the academic subjects taught by the teacher by the means utilized to satisfy section 44662, except that (1) subject matter shall be defined as the State Academic Content Standards for the grades and subjects taught, and (2) competency shall be demonstrated by satisfactorily meeting standards 3 and 5.1 of the California Standards for the Teaching Profession. The demonstration of subject matter competence for every core subject currently assigned shall include some combination of the following;

- (1) classroom observation,
- (2) demonstration of knowledge of the appropriate grade-level and subject State Academic Content Standards, and
- (3) portfolio review of lesson plans and student work for one academic year.

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

If the teacher does not satisfactorily meet standards 3 and 5.1 of the California Standards for the Teaching Profession as part of the NCLB evaluation, then subject matter competency shall be demonstrated through completion of the Peer Assistance and Review Program for Teachers or other Individualized Professional Development Plan, pursuant to Education Code section 44664, aimed at assisting the teacher to meet standards 3 and 5.1 of the California Standards for the Teaching Profession.

### **Teachers Do Not Meet NCLB Teachers Requirements for the grade or subject taught if:**

- (1) They are teaching with an Emergency Permits, OR
- (2) They are teaching with a supplemental authorization (except where the supplemental authorization is based on a major in the subject taught) or a local authorizations for the subject taught, OR
- (3) They are teaching with state or local waivers for the grade or subject taught, OR
- (4) They are teaching as pre-interns

The reason the above do not constitute compliance with the NCLB teacher requirements is because teachers with such licenses or authorization have not yet demonstrated subject matter competency. Remember also that a teacher may meet the NCLB teacher requirements for one or more of the core academic subjects taught, and yet not meet the requirements for all core academic subjects taught.

### **Compliance with NCLB Teacher Requirements-One Time**

Compliance with NCLB Teacher Requirements is a one-time requirement. Therefore, once a school district has determined that a teacher meets the NCLB Teacher Requirements for the grade level and/or subject taught that teacher will not be required to demonstrate that they meet the requirements again for the same grade level and/or subject taught, even if they are later hired by another school district in California. The school district making the determination need not be a California school district.

### **Definitions for NCLB Teacher Requirements**

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

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

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

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

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



**JUNE 2003 AGENDA**

SUBJECT		ACTION
No Child Left Behind (NCLB) Title III Achievement Objectives and	<b>X</b>	<b>INFORMATION</b>
Accountability Requirements		<b>PUBLIC HEARING</b>

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**Recommendation:**

None. Information item only.

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**Summary of Previous State Board of Education Discussion and Action**

SBE has discussed the Achievement Objectives and reviewed CELDT data at their meetings in March, April and May 2003 meetings.

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**Summary of Key Issue(s)**

Establish two Annual Measurable Achievement Objectives as required by Title III, NCLB

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**Fiscal Analysis (as appropriate)**

None

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**Attachment(s)**

**[Attachment 1: Description of Materials to be Submitted](#)**

## Description of Materials to be Submitted

The Board item will contain two attachments:

- Attachment 1: Issues Related to the Establishment of the First Annual Measurable Achievement Objective (AMAO) for Title III. This paper will describe issues and present options for the annual targets for 2003-04 to 2013-14 for the first AMAO.
- Attachment 2: Issues Related to the Establishment of the Second Annual Measurable Achievement Objective for Title III. This attachment will describe the issues and target options for the second AMAO.

# Supplemental Memorandum

**To:** STATE BOARD MEMBERS

**Date:** May 30, 2003

**From:** Larry Jaurequi, Division Director

**Re:** ITEM # 7

**Subject** No Child Left Behind (NCLB) Title III Achievement Objectives and Accountability Requirements

AMAO I – Approve the Step 1 recommendation concerning the metric for the annual growth target. “The annual growth metric for students is to gain one proficiency level annually until they reach English language proficiency. Once they reach English language proficiency they are expected to remain at that level until they are redesignated.”

Please insert the following attachments:

Attachment 1: [Issue Paper – AMAO 1](#)

Issues related to the Establishment of the First AMAO for Title III

Attachment 2: [Issue Paper – AMAO 2](#)

Issues related to the Establishment of the Second AMAO for Title II

## **Issue Paper-AMAO 1** **Issues Related to the Establishment of the First AMAO for Title III**

This is the first of two issue papers that have been prepared this month to identify issues that must be resolved in order to meet the requirements of Title III of No Child Left Behind (NCLB). The SBE's task is to define two annual measurable achievement objectives (AMAOs) for limited-English-proficient students (§ 3122).

The two AMAOs that need to be defined are:

1. Gains in the percentage of students meeting annual California English Language Development Test (CELDT) objectives.
2. Annual increases in the percentage of students attaining English language proficiency as demonstrated by the CELDT.

In Title III the State is to hold LEAs accountable, rather than holding schools accountable as was done in Title I.

### **AMAO #1**

There are three decisions that need to be made to establish targets for 2003-04 to 2013-14.

1. Set the metric for the annual growth target
2. Set the starting point for 2003-04
3. Set the targets for 2004-05 to 2013-14

*Step 1. Set the metric for the annual growth target.*

The first AMAO requires setting an annual CELDT growth target. In March and April, the SBE discussed using the Overall proficiency level scores instead of scaled scores to measure growth in order to ensure greater reliability. Using proficiency level gains as the metric of growth limits the range of options regarding how much growth should be expected in one year. The most feasible target would be to expect students to gain one proficiency level per year until they reach the level where they are considered English Language Proficient (Early Advanced Overall, with no skill scores below Intermediate). Once they reach that level, the expectation would be that they maintain the level while they are working to meet academic content skills or other criteria required for redesignation.

CELDT growth data presented at the April Board meeting indicated that 50 percent of students gained one or more proficiency levels from 2001 to 2002. The greatest gains were made at the Beginning and Early Intermediate levels where a gain of one level per year is a reasonable expectation for most students. However, for students at the Intermediate level, a gain of one level is much more difficult. At the Intermediate level, 43 percent of the students gained one level and 57 percent did not. Although a gain of one level may not be reasonable for all intermediate students, it is reasonable to expect a given percent of students in an LEA to gain one proficiency level and for the

percent of students gaining one proficiency level or reaching and remaining at the English proficiency level to increase over time.

***Recommendation: The annual growth metric for students is to gain one proficiency level annually until they reach English language proficiency. Once they reach English language proficiency they are expected to remain at that level until they are redesignated.***

*Step 2. Set starting point for 2003-04*

For the first AMAO, the percent of students in an LEA who will meet the goal of one proficiency level growth per year or remain at the level required for English language proficiency is the growth metric. The goal structure will define what percent of students in an LEA meet that goal each year. Results for students with two years of CELDT data (2001 to 2002) were analyzed for all LEAs and for LEAs with 25 or more students. The data presented here are based on LEAs with 25 or more students because these results are more stable than those that include very small LEAs and should be used to establish targets even if a smaller minimum size is used for accountability purposes.

One option to determine the starting point is to use a process similar to Title I's Adequate Yearly Progress requirements. In that method, schools are ranked and the starting point is set at the percentage of students who meet the target in the school at the 20<sup>th</sup> percentile of the State's total enrollment. In Title III, LEAs are used instead of schools because LEAs are held accountable and only LEP students with CELDT data are used. Using the Title I method of selecting the starting point results in a starting point of 51 percent of students gaining one level or attaining/maintaining English language proficiency in 2003-04.

***Recommendation: Set the starting point for 2003-04 at 51 percent of students gaining one proficiency level or attaining or remaining at the level of English language proficiency.***

*Step 3. Set the targets for 2004-05 through 2013-14.*

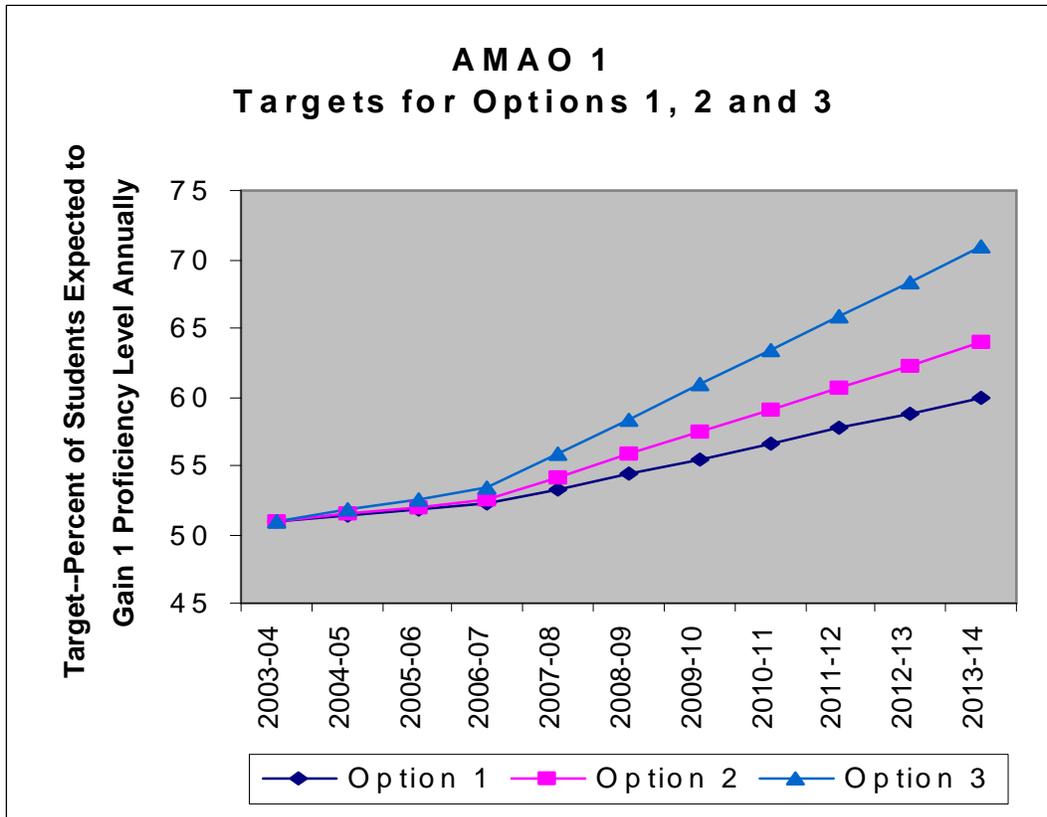
Title III requires that the AMAOs set annual increases for English language proficiency from 2003-04 to 2013-14. However in Title III, LEAs are not expected to reach 100 percent proficient in 2013-14 as is required in Title I for academic performance.

Outlined on the following page are three options for target structures. The target structures vary in where they expect the end point to be in 2013-14. Three end points were chosen as options.

- Option 1 ends at the 60<sup>th</sup> percentile of the LEA distribution. That is the level where 60 percent of LEAs are below the target and 40 percent are above.
- Option 2 ends at the 75<sup>th</sup> percentile of the LEA distribution.

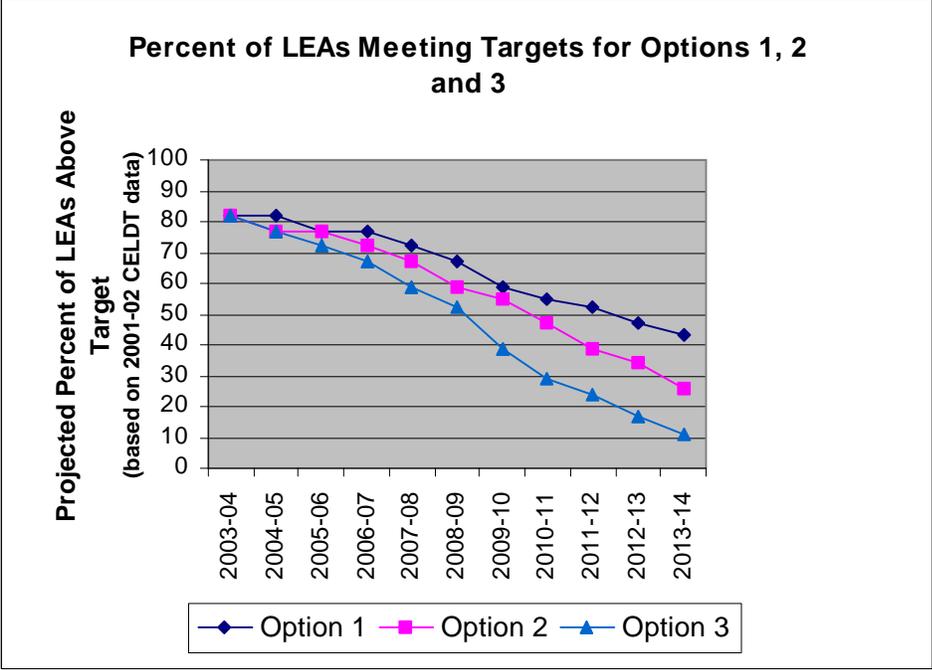
Language Policy and Leadership Office

- Option 3 ends at the 90<sup>th</sup> percentile of the LEA distribution.



We have used an approach similar to the Title I Adequate Yearly Progress targets where all three options have smaller gains the first three years. The targets increase 1/3 of a step the first 3 years and then 1 step per year until 2013-14. The actual targets for each option are listed in the Appendix.

The figure below shows the projected percent of LEAs that would meet the targets for the three options based on 2001-02 CELDT data. As can be seen from the chart, 82 percent of LEAs would meet all three targets in the 2003-04 and at least 72 percent would be projected to meet the targets in 2006-07. After that year, the targets increase at a greater rate and the percent of LEAs that would meet the targets decline especially under options 2 and 3. In 2013-14, 43 percent of schools would be projected to meet the target in Option 1, 26 percent of LEAs would be projected to meet the target in Option 2 and only 11 percent would be projected to meet target in Option 3.



**Recommendation:** Adopt the Option 2 target structure.

**Appendix**  
**AMAO 1 Target Structure**

The following table shows the percent of students who have to meet the target each year under Options 1, 2 and 3. The target is the percent of students who are expected to gain one proficiency level annually until they reach English language proficiency. Once they reach English language proficiency they are expected to remain at that level until they are redesignated.

Year	Option 1	Option 2	Option 3
2003-04	51.0	51.0	51.0
2004-05	51.4	51.5	51.8
2005-06	51.8	52.0	52.6
2006-07	52.2	52.5	53.4
2007-08	53.3	54.1	55.9
2008-09	54.4	55.8	58.4
2009-10	55.5	57.4	60.9
2010-11	56.6	59.0	63.4
2011-12	57.7	60.6	65.9
2012-13	58.8	62.2	68.4
2013-14	60.0	64.0	71.0

## **Issue Paper- AMAO 2**

### **Issues Related to the Establishment of the Second AMAO for Title III**

This is the second issue paper that is being prepared this month to identify issues that must be resolved in order to meet the requirements of Title III of No Child Left Behind (NCLB). The SBE's task is to define two annual measurable achievement objectives (AMAOs) for limited-English-proficient students (§ 3122).

The two AMAOs that need to be defined are:

1. Gains in the percentage of students meeting annual California English Language Development Test (CELDT) objectives.
2. Annual increases in the percentage of students attaining English language proficiency as demonstrated by the CELDT.

Unlike AMAO 1 which focused on annual gains for all students, AMAO 2 focuses on what percentage of students attain English language proficiency. This AMAO is based on a cohort analysis. Section 3122 specifies that such AMAOs shall be developed in a manner that reflects the amount of time an individual child has been enrolled in a language instruction educational program. In May, the SBE adopted the definition of English language proficiency that will be used in AMAO 2 as Early Advanced Overall, with all skill area scores at the Intermediate level or above.

There are three major decisions that need to be made in order to establish annual targets for the second AMAO.

1. Determine which students are appropriate to include in the analysis.
2. Set the initial target for 2003-04.
3. Set the targets for 2004-05 to 2013-14.

This paper addresses step 1, determining which students are appropriate to include in the analysis.

#### **Step 1. Determine which students are appropriate to include in the analysis**

Given the need to conduct a cohort analysis, one key issue to address is *which students can reasonably be expected to reach English language proficiency at a given point in time*. This is optimally determined using longitudinal data, in order to propose targets for students based on their English language proficiency levels when they enter California schools, and their corresponding attainment of the English language proficient level over time. At present there are two problems with the current data. The first problem is that there are only two years of CELDT data on English Learners. The second problem is that while data on the number of years students have been in U.S. public schools are available, there are a large number of missing cases. Information on years in U.S. schools was available for only 49 percent of the students taking the CELDT 2002 Annual test. Moreover, response options on the CELDT header sheet range from "less than one school year" to "five school years." Since there is no response option for years of U.S. schooling beyond five years, it is unclear if those who had more than five years marked "five school years" or left the variable blank. It is expected that the response rate and accuracy on the years in U.S. schools variable will increase over time as school personnel become accustomed to collecting it.

Language Policy and Leadership Office

In addition to years in U.S. schools, the other key factor to consider in determining which students to include for analysis is students' prior CELDT level since this may also indicate which students can reasonably be expected to reach English language proficiency.

Three options for determining which students to include in the analysis are described along with the advantages and disadvantages of each option. Note that students' time in U.S. schools is obtained from the last CELDT administration (2002 for this analysis), while CELDT level refers to their performance prior to the latest CELDT administration (2001 for this analysis).

**Option 1.** Include students who have been in U.S. schools for 4 or more years

This option includes for analysis those students with four or more years in US schools based on 2002 Annual CELDT data. Setting a 4-year criterion is defensible based on the annual objective that students progress one proficiency level per year on the CELDT.

*Advantages*

- considers students' expected performance in relation to time in U.S. schools
- consistent with annual objective that students progress one proficiency level per year on the the CELDT
- existing empirical studies of time to language proficiency, which estimate 3 to 5 years for oral fluency, and 4 to 7 years for overall English language proficiency also support a 4 year criterion.<sup>1</sup>

*Disadvantages*

- does not count those students who reach English fluency in less than 4 years
- given the large percentage of students missing "years in U.S. school" values this option may significantly limit the number of students considered on an annual basis<sup>2</sup>

**Option 2.** Include the following students:

1. students who have been in U.S. schools for 4 or more years
2. students at the Intermediate level or above who did not previously reach English proficiency

In addition to time in U.S. schools, this option considers students' prior language proficiency level by including students at the Intermediate level of proficiency or above in 2001. Option 2 excludes those students who previously attained English language proficiency.

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<sup>1</sup> See, for example, De Avila, E. (1997). *Setting expected gains for non and Limited English Proficient students*. Washington D.C.: National Clearinghouse for English Language Acquisition, and Hakuta, K., Butler, Y., & Witt, D. (2000). *How long does it take English learners to attain proficiency?* Santa Barbara: University of California Linguistic Minority Research Institute Policy Report 2000-1.

<sup>2</sup> Only 23.5 percent of the 2002 Annual CELDT test takers are included when LEAs with 25 or more ELs taking CELDT are considered.

*Advantages--Includes all of the advantages of Option 1 plus:*

- includes students at the Intermediate level because they could reasonably be expected to reach English proficiency
- mitigates the disadvantages described in Option 1 by including those students at Intermediate level regardless of time in U.S. school
- may motivate LEAs to better attend to the many English learners statewide that have plateaued at the Intermediate level.
- increases the number of students and LEAs included in the analysis relative to Option 1

*Disadvantages*

- does not credit LEAs who have students who are at levels lower than Intermediate who reach English proficiency

**Option 3.** Include the following students:

1. students who have been in U.S. schools for 4 or more years
2. students at the Intermediate level or above who did not previously reach English proficiency
3. students below Intermediate who meet the English proficient level

Option 3 is similar to Option 2 but it credits LEAs for all students who reach the English proficient level even if they were below the Intermediate level. It does not penalize districts for students below the Intermediate level who do not reach the English proficient level.

*Advantages--Includes all of the advantages of Options 1 and 2 and, in addition,*

- credits LEAs for those students below Intermediate who meet the proficient level

*Disadvantages*

- no disadvantages are apparent at this time

**Recommendation:** Adopt Option 3 which includes the following students in the analysis:

1. students who have been in U.S. schools for 4 or more years
2. students at the Intermediate level or above who did not previously reach English proficiency
3. students below Intermediate who meet the English proficient level

# Last Minute Memorandum

**To:** STATE BOARD MEMBERS

**Date:** June 11, 2003

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

**Re:** ITEM #7

**Subject:** NO CHILD LEFT BEHIND (NCLB) TITLE III ACHIEVEMENT  
OBJECTIVES AND ACCOUNTABILITY REQUIREMENTS.

Please insert the following revised attachments: **MOST RECENT VERSION**

[Attachment 1](#): Issue Paper – AMAO 1

Issues Related to the Establishment of the First AMAO for Title III (Pages 1-5)

[Attachment 2](#): Issue Paper –AMAO 2

Issues Related to the Establishment of the Second AMAO for Title III (Pages 1-9)

Issue Paper-AMAO 1

## Issues Related to the Establishment of the First AMAO for Title III

This is the first of two issue papers that have been prepared this month to identify issues that must be resolved in order to meet the requirements of Title III of No Child Left Behind (NCLB). The SBE's task is to define two annual measurable achievement objectives (AMAOs) for limited-English-proficient students (§ 3122).

The two AMAOs that need to be defined are:

1. Gains in the percentage of students meeting annual California English Language Development Test (CELDT) objectives.
2. Annual increases in the percentage of students attaining English language proficiency as demonstrated by the CELDT.

In Title III the State is to hold LEAs accountable, rather than holding schools accountable as was done in Title I.

### AMAO #1

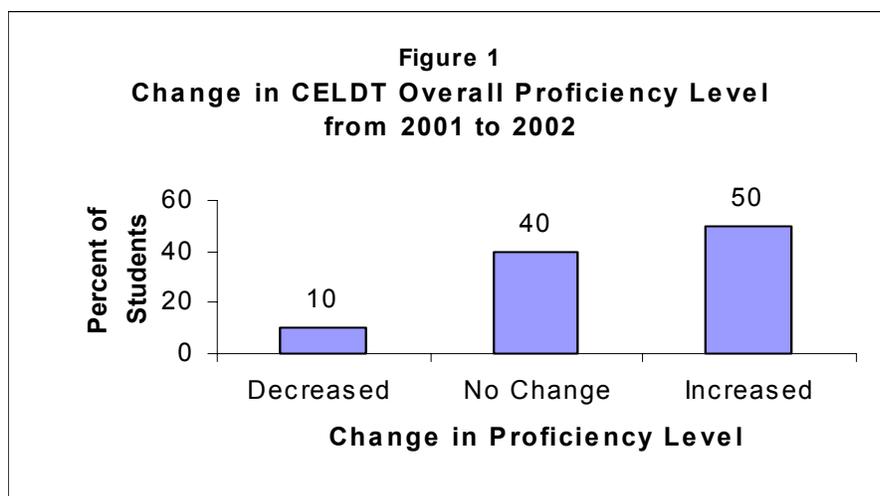
There are three decisions that need to be made to establish targets for 2003-04 to 2013-14.

1. Set the metric for the annual growth target
2. Set the starting point for 2003-04
3. Set the targets for 2004-05 to 2013-14

#### Step 1. Set the metric for the annual growth target.

The first AMAO requires setting an annual CELDT growth target. In March and April, the SBE discussed using the Overall proficiency level scores instead of scaled scores to measure growth in order to ensure greater reliability. Using proficiency level gains as the metric of growth limits the range of options regarding how much growth should be expected in one year. The most feasible target would be to expect students to gain one proficiency level per year until they reach the level where they are considered English Language Proficient (Early Advanced Overall, with no skill scores below Intermediate). Once they reach that level, the expectation would be that they maintain the level while they are working to meet academic content skills or other criteria required for redesignation.

CELDT growth data presented at the April Board meeting indicated that 50 percent of students gained one or more proficiency levels from 2001 to 2002 (See Figure 1 on page 2). The greatest gains were made at the Beginning and Early Intermediate levels where a gain of one level per year is a reasonable expectation for most students. However, for students at the Intermediate level, a gain of one level is much more difficult. At the Intermediate level, 43 percent of the students gained one level and 57 percent did not. Although a gain of one level may not be reasonable for all intermediate students, it is reasonable to expect a given percent of students in an LEA to gain one proficiency level and for the percent of students gaining one proficiency level or reaching and remaining at the English proficiency level to increase over time.



**Recommendation:** The annual growth metric for students is to gain one proficiency level annually until they reach English language proficiency. Once they reach English language proficiency they are expected to remain at that level until they are redesignated.

*Step 2. Set starting point for 2003-04*

For the first AMAO, the percent of students in an LEA who will meet the goal of one proficiency level growth per year or remain at the level required for English language proficiency is the growth metric. The goal structure will define what percent of students in an LEA meet that goal each year. Results for students with two years of CELDT data (2001 to 2002) were analyzed for all LEAs and for LEAs with 25 or more students. The data presented here are based on LEAs with 25 or more students because these results are more stable than those that include very small LEAs and should be used to establish targets even if a smaller minimum size is used for accountability purposes.

One option to determine the starting point is to use a process similar to Title I's Adequate Yearly Progress requirements. In that method, schools are ranked and the starting point is set at the percentage of students who meet the target in the school at the 20<sup>th</sup> percentile of the State's total enrollment. For Title III, only LEP students with CELDT data are used and LEAs are used instead of schools because LEAs are held accountable. Using the Title I method of selecting the starting point results in a starting point of 51 percent of students gaining one level or attaining/maintaining English language proficiency in 2003-04.

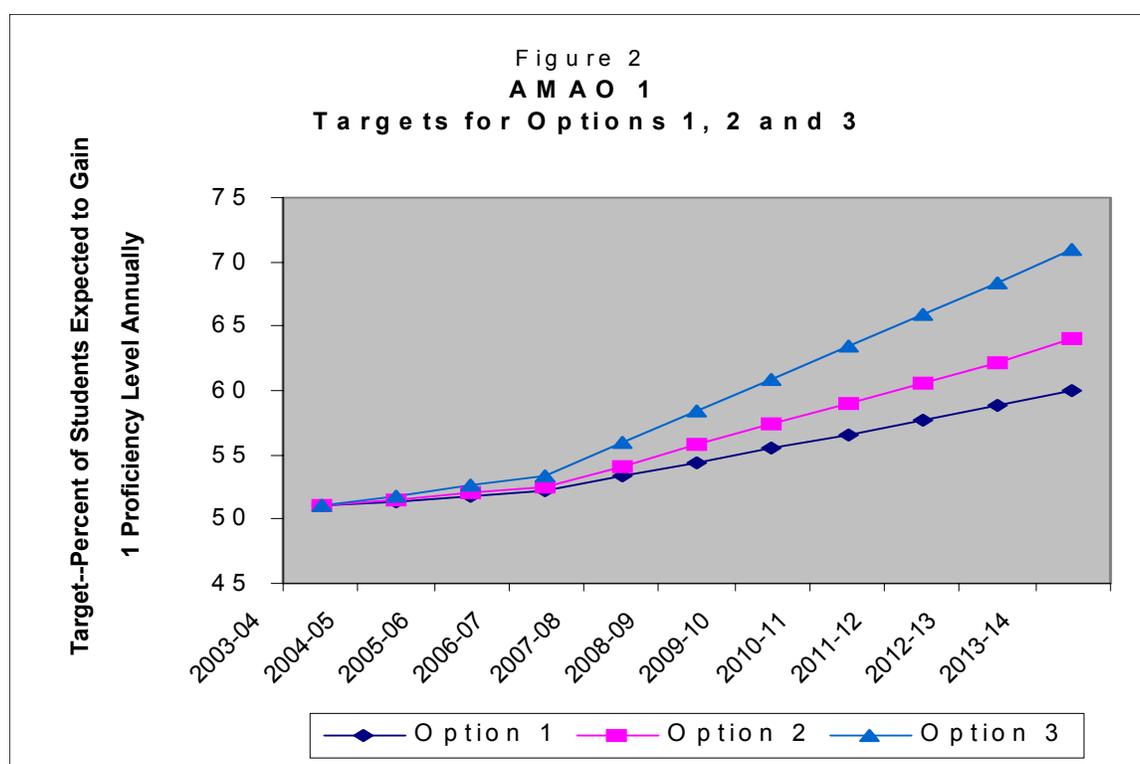
***Recommendation:*** Set the starting point for 2003-04 at 51 percent of students gaining one proficiency level or attaining or remaining at the level of English language proficiency.

*Step 3. Set the targets for 2004-05 through 2013-14.*

Title III requires that the AMAOs set annual increases for English language proficiency from 2003-04 to 2013-14. However in Title III, LEAs are not expected to reach 100 percent proficient in 2013-14 as is required in Title I for academic performance.

Outlined on Figure 2 are three options for target structures. The target structures vary in where they expect the end point to be in 2013-14. Three end points were chosen as options.

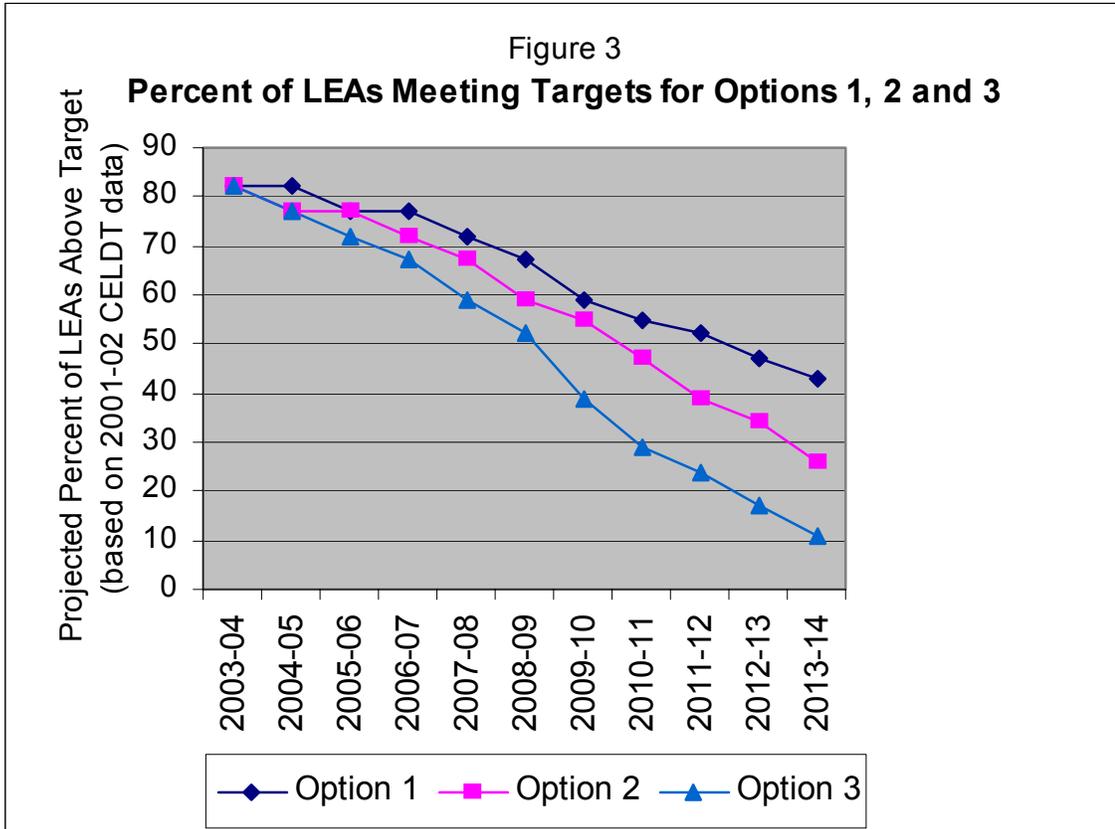
- Option 1 ends at the 60<sup>th</sup> percentile of the LEA distribution. That is the level where 60 percent of LEAs are below the target and 40 percent are above.
- Option 2 ends at the 75<sup>th</sup> percentile of the LEA distribution.
- Option 3 ends at the 90<sup>th</sup> percentile of the LEA distribution.



We have used an approach similar to the Title I Adequate Yearly Progress targets where all three options have smaller gains the first three years since it is a new accountability system. As schools and districts begin to improve their instruction for English learners they should be able to meet the more rigorous targets expected in 2007-08 and beyond. The targets increase 1/3 of a step the first 3 years and then 1 step per year until 2013-14. The actual targets for each option are listed in the Appendix. The target structure can be adjusted in the future if the data indicate a need for revision.

Figure 3 shows the projected percent of LEAs that would meet the targets for the three options based on 2001-02 CELDT data. As can be seen from the chart, 82 percent of LEAs would meet all three targets in the 2003-04 and at least 72 percent would be projected to meet the targets in 2006-07. After that year, the targets increase at a greater rate and the percent of LEAs that would meet the targets decline especially under options 2 and 3. In 2013-14, 43

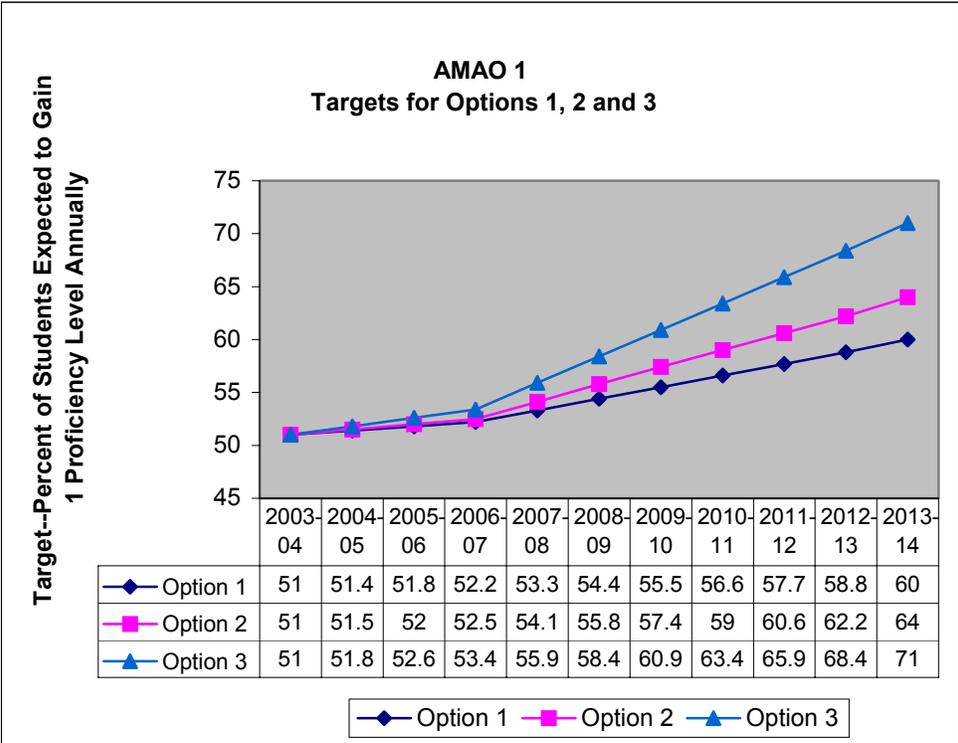
percent of schools would be projected to meet the target in Option 1, 26 percent of LEAs would be projected to meet the target in Option 2 and only 11 percent would be projected to meet target in Option 3.



**Recommendation:** Adopt the Option 2 target structure.

### Appendix AMAO 1 Target Structure

The following table shows the percent of students who have to meet the target each year under Options 1, 2 and 3. The target is the percent of students who are expected to gain one proficiency level annually until they reach English language proficiency. Once they reach English language proficiency they are expected to remain at that level until they are redesignated.





## **Issue Paper- AMAO 2**

### **Issues Related to the Establishment of the Second AMAO for Title III**

This is the second issue paper that is being prepared this month to identify issues that must be resolved in order to meet the requirements of Title III of No Child Left Behind (NCLB). The SBE's task is to define two annual measurable achievement objectives (AMAOs) for limited-English-proficient students (§ 3122).

The two AMAOs that need to be defined are:

1. Gains in the percentage of students meeting annual California English Language Development Test (CELDT) objectives.
2. Annual increases in the percentage of students attaining English language proficiency as demonstrated by the CELDT.

Unlike AMAO 1 which focused on annual gains for all students, AMAO 2 focuses on what percentage of students attain English language proficiency. This AMAO is based on a cohort analysis. Section 3122 specifies that such AMAOs shall be developed in a manner that reflects the amount of time an individual child has been enrolled in a language instruction educational program. In May, the SBE adopted the definition of English language proficiency that will be used in AMAO 2 as Early Advanced Overall, with all skill area scores at the Intermediate level or above.

There are three major decisions that need to be made in order to establish annual targets for the second AMAO.

1. Determine which students are appropriate to include in the analysis.
2. Set the initial target for 2003-04.
3. Set the targets for 2004-05 to 2013-14.

#### **Step 1. Determine which students are appropriate to include in the analysis**

Given the need to conduct a cohort analysis, one key issue to address is *which students can reasonably be expected to reach English language proficiency at a given point in time*. This is optimally determined using longitudinal data, in order to propose targets for students based on their English language proficiency levels when they enter California schools, and their corresponding attainment of the English language proficient level over time. There are two problems with the current data. The first problem is that there are only two years of CELDT data on English Learners. The second problem is that while data on the number of years students have been in U.S. public schools are available, there are a large number of missing cases. Information on years in U.S. schools was available for only 49 percent of the students taking the CELDT 2002 Annual test. Moreover, response options on the CELDT header sheet range from "less than one school year" to "five school years." Since there is no response option for years of U.S. schooling beyond five years, it is unclear if those who had more than five years marked "five school years" or left the variable blank. It is expected that the response rate and accuracy on the years in U.S. schools variable will increase over time as school personnel become accustomed to collecting it.

In addition to years in U.S. schools another key factor to consider in determining which students to include for analysis is students' prior CELDT level since this may also indicate which students can reasonably be expected to reach English language proficiency.

Four options for determining which students to include in the analysis are described along with the advantages and disadvantages of each option. Note that students' time in U.S. schools is obtained from the last CELDT administration (2002 for this analysis), while CELDT level refers to their performance prior to the latest CELDT administration (2001 for this analysis).

**Option A.** *Include students who have been in U.S. schools for 4 or more years*

This option includes for analysis those students with four or more years in US schools based on 2002 Annual CELDT data. Setting a 4-year criterion is defensible based on the annual objective that students progress one proficiency level per year on the CELDT.

**Advantages**

- considers students' expected performance in relation to time in U.S. schools
- consistent with annual objective that students progress one proficiency level per year on the CELDT
- existing empirical studies of time to language proficiency, which estimate 3 to 5 years for oral fluency, and 4 to 7 years for overall English language proficiency also support a 4 year criterion.<sup>1</sup>

**Disadvantages**

- does not count those students who reach English proficiency in less than 4 years
- given the large percentage of students missing "years in U.S. school" values this option may significantly limit the number of students considered on an annual basis<sup>2</sup>

**Option B.** *Include the following students:*

1. students who have been in U.S. schools for 4 or more years
2. students at the Intermediate level or above who did not previously reach English proficiency

In addition to time in U.S. schools, this option considers students' prior language proficiency level by including students at the Intermediate level of proficiency or above in 2001. Option B excludes those students who previously attained English language proficiency.

*Advantages--Includes all of the advantages of Option A plus:*

- includes students at the Intermediate level because they could reasonably be expected to reach English proficiency
- mitigates the disadvantages described in Option A by including those students at Intermediate level regardless of time in U.S. school

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<sup>1</sup> See, for example, De Avila, E. (1997). *Setting expected gains for non and Limited English Proficient students*. Washington D.C.: National Clearinghouse for English Language Acquisition, and Hakuta, K., Butler, Y., & Witt, D. (2000). *How long does it take English learners to attain proficiency?* Santa Barbara: University of California Linguistic Minority Research Institute Policy Report 2000-1.

<sup>2</sup> Only 23.5 percent of the 2002 Annual CELDT test takers are included when LEAs with 25 or more ELs taking CELDT are considered.

- may motivate LEAs to better attend to the many English learners statewide that have plateaued at the Intermediate level.
- increases the number of students and LEAs included in the analysis relative to Option A

#### Disadvantages

- does not credit LEAs who have students who are at levels lower than Intermediate who reach English proficiency

#### **Option C.** Include the following students:

1. students who have been in U.S. schools for 4 or more years
2. students at the Intermediate level or above who did not previously reach English proficiency
3. students below Intermediate who meet the English proficient level

Option C is similar to Option B but it credits LEAs for all students who reach the English proficient level even if they were below the Intermediate level. It does not penalize districts for students below the Intermediate level who do not reach the English proficient level.

*Advantages--Includes all of the advantages of Options A and B and, in addition,*

- credits LEAs for those students below Intermediate who meet the proficient level

#### *Disadvantages*

- no disadvantages are apparent at this time

#### **Option D.** Include the following students:

1. students who have been in U.S. schools for 4 or more years
2. students who reach English proficiency regardless of time in U.S. schools or prior CELDT level

Option D combines elements of Option A and Option C. It includes for analysis those students with four or more years in US schools based on 2002 Annual CELDT data, and it credits LEAs for all students who reach the English proficient level regardless of time in U.S. schools or prior CELDT level.

*Advantages--Includes all of the advantages of Option A plus:*

- mitigates the disadvantages described in Options A and B by including all those students reaching English proficiency regardless of time in U.S. schools or prior CELDT level
- increases the number of students and LEAs included in the analysis relative to all other Options

#### *Disadvantages*

- given the large percentage of students missing “years in U.S. school” values, this option may exclude a significant number of students
- credits LEAs for students previously reaching English proficiency who maintain proficient level, since prior CELDT level is not considered. This could provide a disincentive to reclassify students
- could set artificially high initial target, if students reaching English proficiency in future years are more carefully monitored for reclassification and less likely to retake CELDT

***Recommendation: Adopt Option C which includes the following students in the analysis:***

- 1. students who have been in U.S. schools for 4 or more years***
- 2. students at the Intermediate level or above who did not previously reach English proficiency***
- 3. students below Intermediate who meet the English proficient level***

## **Step 2. Set starting point for 2003-04**

As was done with the first AMAO, we recommend using a process similar to Title I's Adequate Yearly Progress requirements for determining the starting point. In that method, schools are ranked and the starting point is set at the percentage of students who meet the target in the school at the 20<sup>th</sup> percentile of the State's total enrollment. For Title III, only LEP students with CELDT data are used and LEAs are used instead of schools because LEAs are held accountable.

The target will be defined as the percent of LEP students in an LEA who achieve English language proficiency. In May, the SBE adopted the definition of English language proficiency as Early Advanced Overall, with all skill area scores at the Intermediate level or above.

***Recommendation: Use the Title I method of determining the starting point for 2003-04.***

## **Step 3. Set the targets for 2004-05 through 2013-14.**

Three options for target structures are outlined that parallel the target structures for AMAO 1<sup>3</sup>. The target structures all use the 20<sup>th</sup> percentile of the California's LEP student enrollment with CELDT data as the starting point and vary in where they expect the end point to be in 2013-14. Three end points were chosen as options. As was done in AMAO 1:

- option 1 ends at the 60<sup>th</sup> percentile of the LEA distribution. That is the level where 60 percent of LEAs are below the target and 40 percent are above.
- option 2 ends at the 75<sup>th</sup> percentile of the LEA distribution.
- option 3 ends at the 90<sup>th</sup> percentile of the LEA distribution.

The target structures are parallel to AMAO 1 where all three options have smaller gains the first three years. The targets increase 1/3 of a step the first three years and then 1 step per year until 2013-14.

Pages 6 through 9 contain charts outlining 1) the target structure and 2) the percent of LEAs meeting the targets for each of the options for student inclusion (Options A through D) that were outlined in step 1. Once the student inclusion criteria have been determined, a decision will need to be made regarding which target option to use.

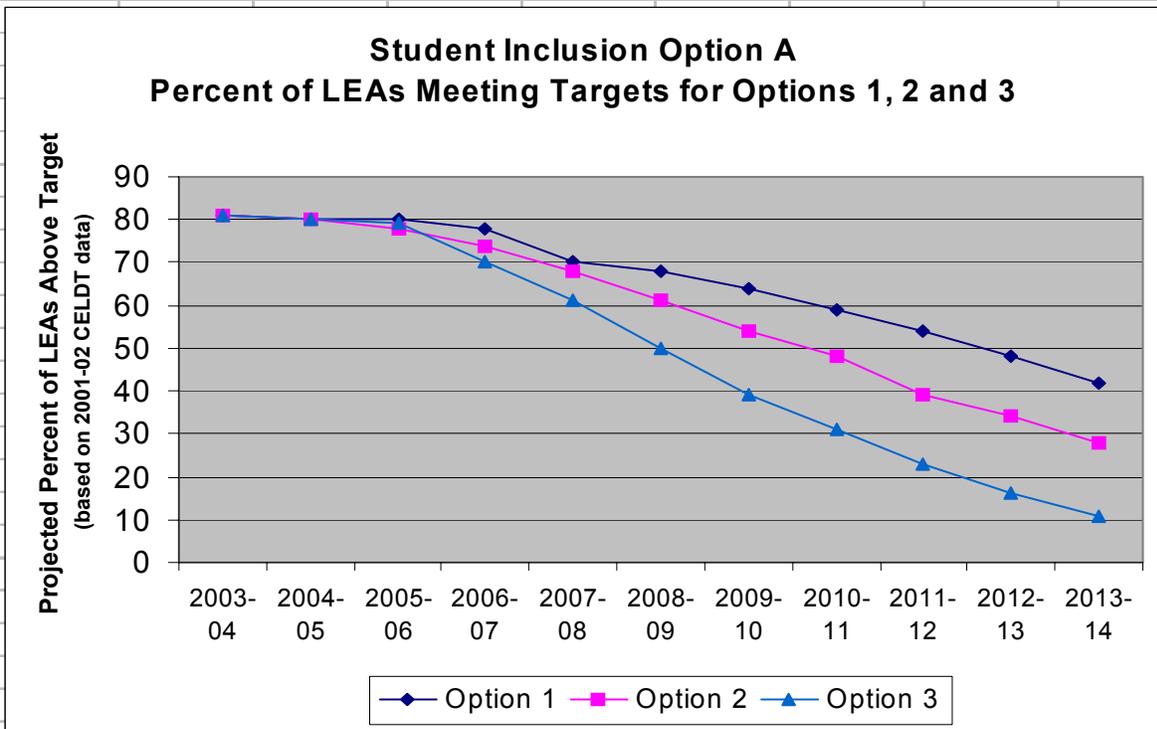
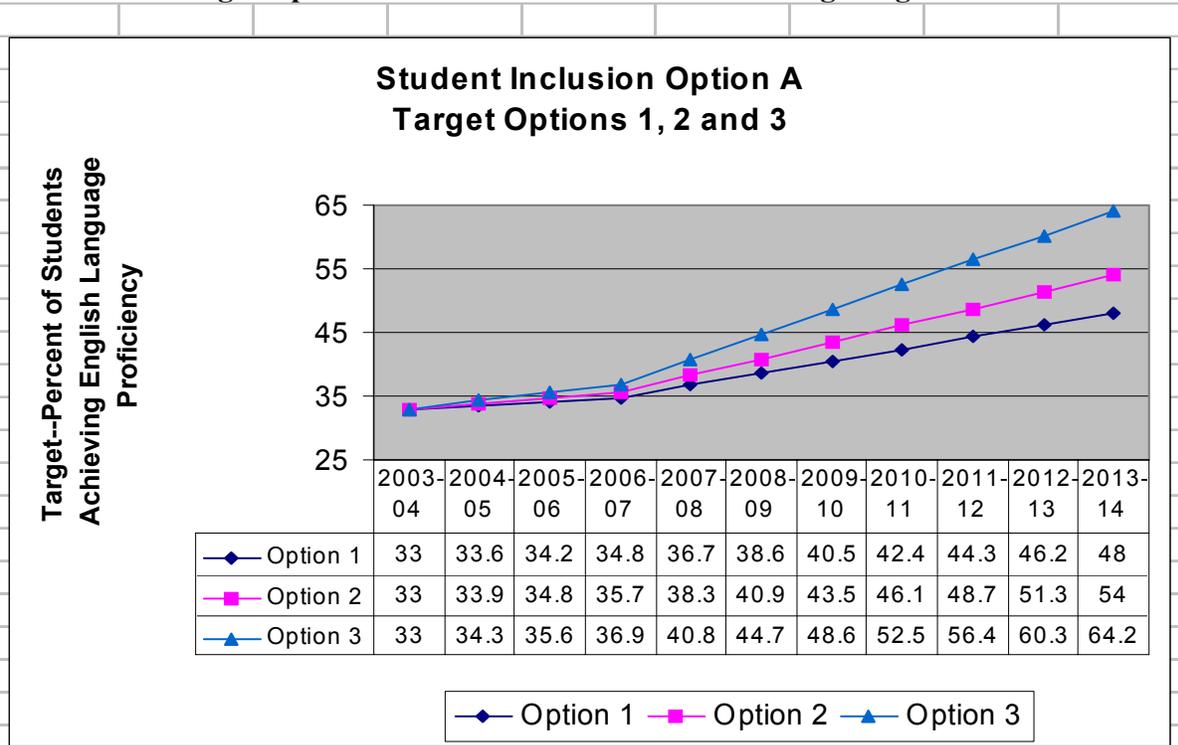
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<sup>3</sup> As with AMAO 1, the data presented here are based on LEAs with 25 or more students with CELDT data. These results are more stable than those that include very small LEAs and should be used to establish targets even if a smaller minimum size is used for accountability purposes.

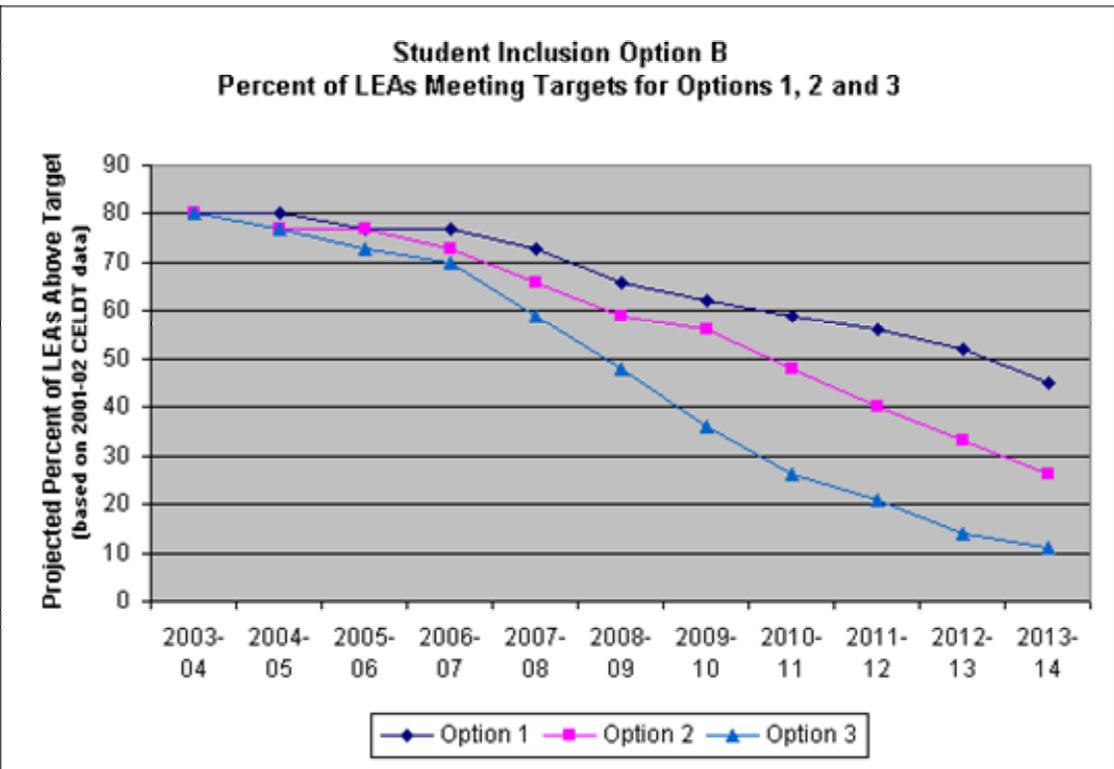
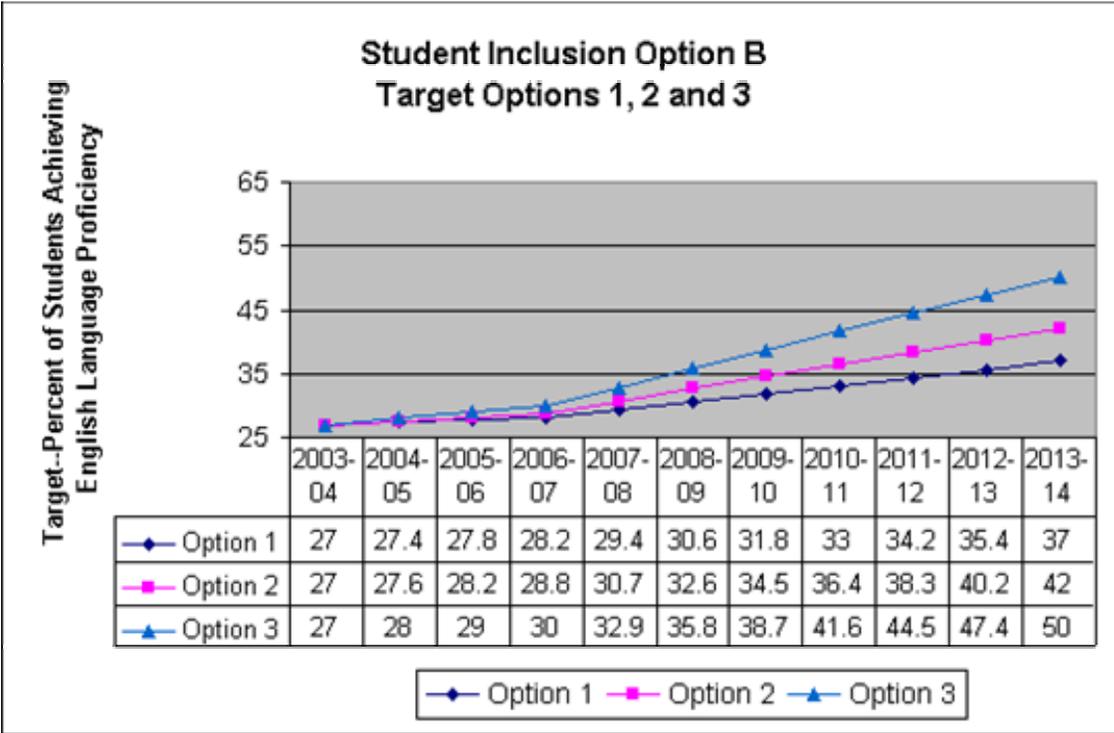
Option 2 is consistent with the recommendation for the first AMAO and would require districts to be at the level that the upper 25 percent of LEAs are now. This would be a rigorous target but is achievable if LEAs provide more focused and effective instruction targeted to the needs of their English learners.

***Recommendation: Select Option 2 which ends at the 75<sup>th</sup> percentile of the current LEA distribution***

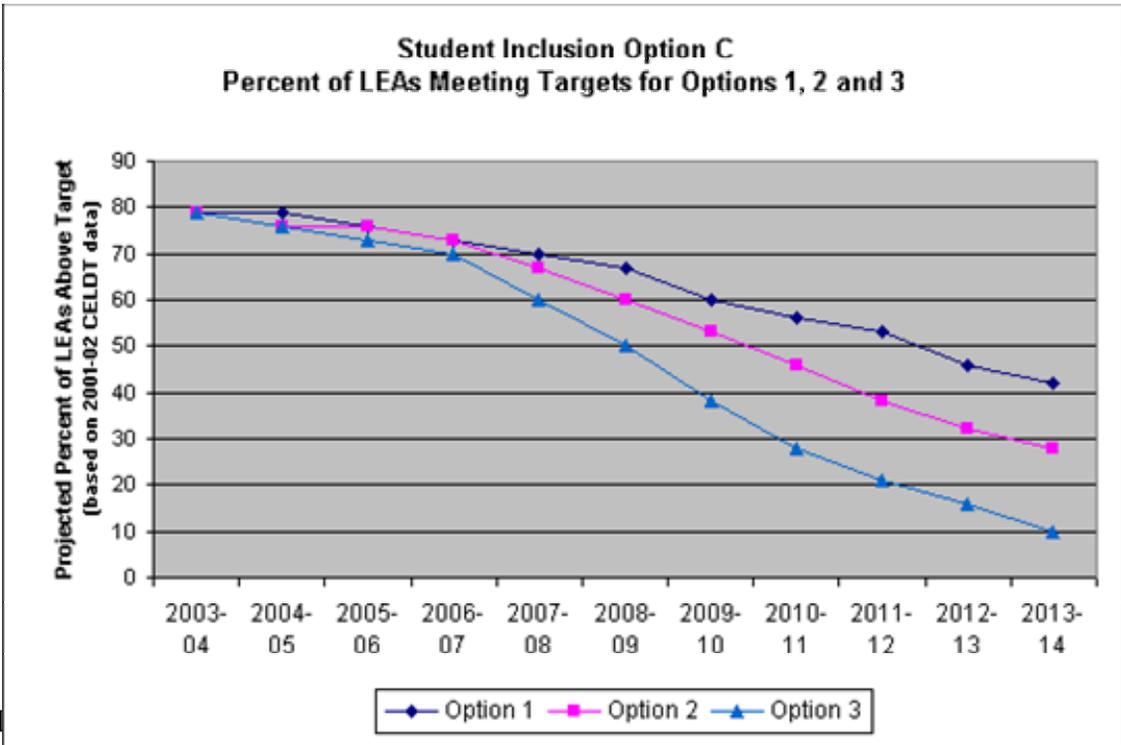
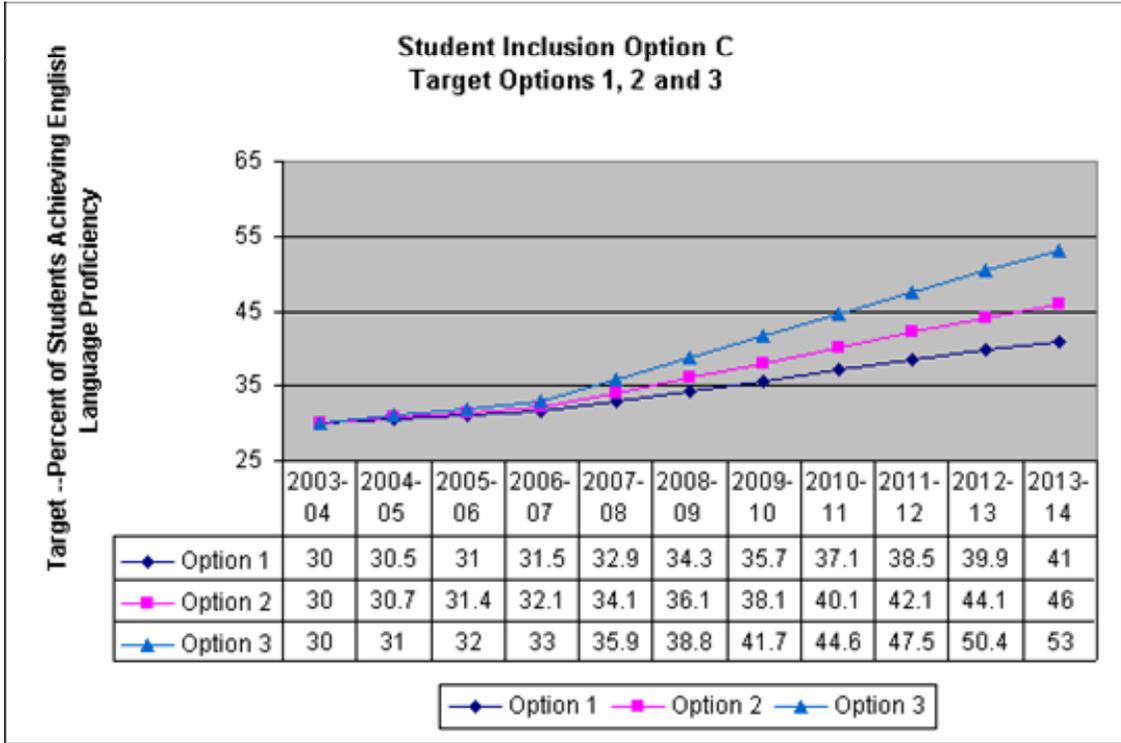
**Student Inclusion Option A  
Target Options and the Percent of LEAs Meeting Targets**



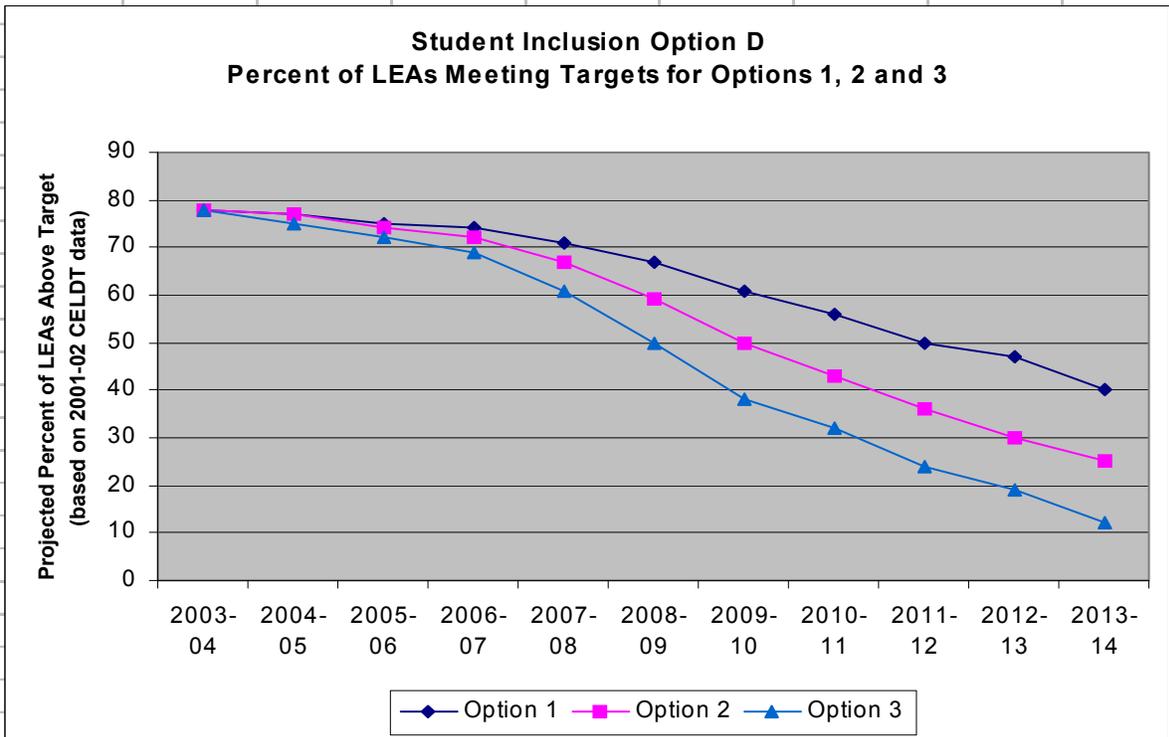
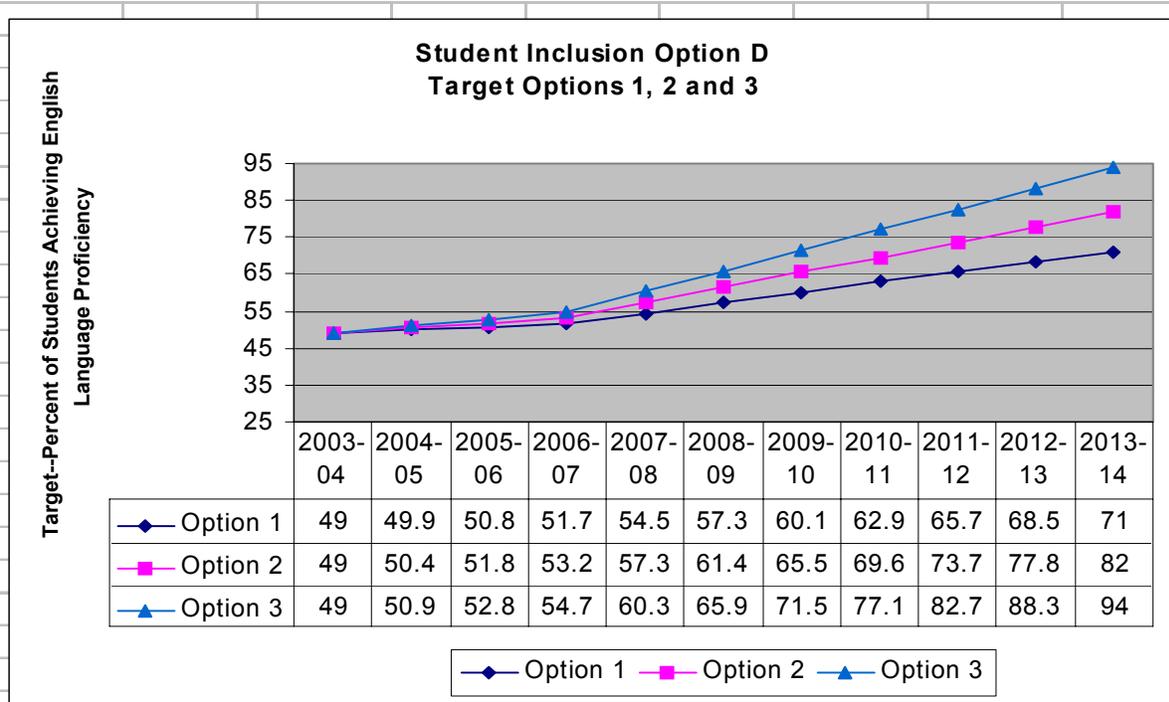
**Student Inclusion Option B  
Target Options and the Percent of LEAs Meeting Targets**



### Student Inclusion Option C Target Options and the Percent of LEAs Meeting Targets



### Student Inclusion Option D Target Options and the Percent of LEAs Meeting Targets





**JUNE 2003 AGENDA**

<b>SUBJECT</b> Paraprofessional Requirements (No Child Left Behind)	<b>X</b>	<b>ACTION</b>
	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

Formal recommendations will be made in a supplemental memorandum.

**Summary of Previous State Board of Education Discussion and Action**

Recommendations on paraprofessional requirements from the NCLB Liaison Team were submitted as an information item at the March 2003 meeting.

**Summary of Key Issue(s)**

The CDE is requesting policy direction from the State Board of Education regarding the implementation of federal NCLB requirements for paraprofessionals working in programs supported by Title I funds. Paraprofessionals must meet the requirements through one of three options: An AA degree, two years of college, or passing a formal State or local assessment. CDE staff estimates that approximately 50,000 currently employed veteran paraprofessionals will need to complete these requirements by 2005-06, with many electing to use the assessment option. The key issue is to determine the balance between SBE direction and local flexibility in terms of the development or selection of assessments. Attachment #1 lists specific issues that need to be clarified for California Local Education Agencies (LEAs), and presents options (with background information) for implementing these NCLB requirements.

**Fiscal Analysis (as appropriate)**

LEAs would incur costs associated with administering assessments to each paraprofessional employed or hired. Title I and Title II funds may be used to provide professional development to assist paraprofessionals in meeting NCLB requirements.

The SEA would incur significant costs only if a state test were to be developed or if a formal process for approving local assessments was adopted.

**Attachment(s)**

- [1. California Options for Meeting NCLB Paraprofessional Requirements](#)

Policy Options for  
Title I Paraprofessional Requirements  
Prepared for State Board of Education, June 2003

No Child Left Behind Requirements:

Title I paraprofessionals whose duties include instructional support and who were hired after January 8, 2002, must have (1) completed two years of study at an institution of higher education; (2) obtained an associate's (or higher) degree; or (3) met a rigorous standard of quality and be able to demonstrate, through a formal State or local academic assessment, knowledge of and the ability to assist in instructing reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness) Section 1119(c) and (d).

Paraprofessionals hired on or before January 8, 2002, and working in a program supported with Title I funds must meet these requirements by January 8, 2006.

All Title I paraprofessionals must have a secondary school diploma or its recognized equivalent.

Based on requests for clarification and guidance from school districts and CDE staff analysis, the following issues have been identified, with options for addressing each issue:

I. Definition of "two years of study"

The Title I Paraprofessionals Draft Non-Regulatory Guidance defines two years of study as the equivalent of two years of full-time study, according to the State definition of "full-time study", citing that in some states that may mean 12 credit hours per semester (for a total of 48), and in others, 15 units a semester (for a total of 60). In California, some districts are interpreting the requirement to mean 48 units, others are announcing that 60 units are required, and still others have not specified a particular number of credit units, but have requested state clarification. The options for addressing this issue include:

Credit Hours Option 1: That the number of credit hours required be standardized statewide at 60 units, equivalent to one-half the 120 units needed for a four-year degree.

Credit Hours Option 2: That the number of credit hours required be standardized statewide at 56 semester units, equivalent to standing as a transfer/junior at CSUs .

**Credit Hours Option 3: That the number of credit hours required be standardized statewide at 48 semester units. (Recommendation of the NCLB Liaison Team)**

Credit Hours Option 4: That the number of credit hours required be left to local judgment.

## II. Required Coursework for “Two Years of College”

The USDE suggests that the State determine what requirements, if any, it may choose to place on the coursework taken during the two years of study. California school districts currently make hiring decisions based on the particular requirements of each paraprofessional position, and have flexibility in determining what coursework they consider relevant to that position.

### **Coursework Option 1: That the State allow local flexibility in the coursework required. (Recommendation by the NCLB Liaison Team)**

Coursework Option 2: That the coursework to be taken to fulfill the paraprofessional requirements be defined or described by the CDE.

## III. Paraprofessional Assessment

If a paraprofessional does not meet the NCLB requirements by having an Associate’s degree or two years of college, he/she may demonstrate the appropriate knowledge and ability to assist in instruction by passing an assessment. The law does not require a paper-pencil test but the assessment must be valid and reliable and the results be documented.

It is the responsibility of each LEA, working in tandem with the State to ensure that the assessment meets the NCLB requirements. The assessment must ensure that more than just basic skills are being assessed

The Title I Paraprofessional Non-Regulatory Guidance offers recommendations for SEAs in approving assessments and communicating that information as follows:

SEAs and LEAs have flexibility to determine the content and format of the assessment.

The content of the assessment should reflect both the State academic standards and skills expected for a child at a given school level as well as the ability to assist in instruction.

The Guidance further suggests that an SEA may wish to establish and communicate certain policies related to the assessment of paraprofessionals.

Assessment Selection Option 1: That the SEA issue guidelines for the development of local assessments that meet the requirements for paraprofessional assessment.

Assessment Selection Option 2: That the SEA review and determine which commercially available tests appear to meet the requirements for paraprofessional assessment.

Option 2A: That the SEA recommend a list of commercially available tests  
Option 2B: That LEAs may use commercially available tests that they determine meet the NCLB requirements

Assessment Selection Option 3: That the development or selection of an assessment be a decision to be determined locally.

**Assessment Selection Option 4: That the CDE explore the use of a structured observation process for determining paraprofessional knowledge and skills. (Recommendation by the NCLB Liaison Team)**

Option 4A: That the SEA recommend a combination of written exam, structured observation, and/or structured interview for meeting the NCLB paraprofessional requirements.

#### Background Information for Considering Assessment Options

In California, Education Code governing the assessment of teacher aides' proficiency in basic skills has been in effect since 1982. EC 45361.5 states that "no person shall be initially assigned to assist in instruction for work as an aide for instructional purposes in kindergarten and grades 1 through 12 unless the person has demonstrated proficiency in basic reading writing and mathematics skills up to or exceeding that required by the employing district for high school seniors...."

Senate Bill 1405 (O'Connell) added clarifying language to the Education Code, including Section 45330, as follows:

- (i) A paraprofessional who was hired on or before January 1, 2003, and who has previously demonstrated, through a local assessment, knowledge of, and an ability to assist in, instructing reading, writing, and mathematics, is deemed to have met the proficiency exam requirements of paragraph (3) of subdivision (c).
- (j) A school district may use an existing proficiency assessment or may develop a new proficiency assessment to meet the requirements of paragraph (3) of subdivision (c).

The federal Title I regulations make it clear that states and local education agencies have considerable flexibility in how they design and administer the paraprofessional assessments. The assessment, therefore, could be a written exam, but also could be a demonstration, performance, observation, or oral exam. However, there must be evidence that the assessment is valid and reliable. Also the assessment results must be documented, i.e., there needs to be a record of the assessment and the individual's performance on that assessment.

Discussions are currently underway regarding the use of an observation/review process for determining veteran teachers' status in meeting the NCLB "highly qualified teacher" definition. A similar process could be developed or adopted for paraprofessionals, particularly for those who have already passed a written exam (if that exam meets the standard of rigor required by the law) that documents their knowledge and skills in the subject areas of reading, mathematics, and writing. If a local proficiency test were determined by the LEA to meet the rigor, reliability, and validity required under NCLB, those paraprofessionals who had previously passed the exam ("veteran paraprofessionals") may be in no need of further assessment. If a local proficiency test met the standard for knowledge of the subject areas, but not the ability to "assist in instruction," a successful rating through a structured observation process could complete the requirement for those veteran paraprofessionals.

Incorporating the NCLB and the California Education Code requirements for paraprofessionals, the following options could be considered for assessing the qualifications of instructional aides for employment in Title I programs:

#### Written Assessment

##### 1). Commercial tests

There are a variety of commercially available exams that appear to meet the criteria set forth by the USDE for assessing the skills and knowledge of paraprofessionals.

##### 2). Locally Developed tests

An LEA may choose to use locally developed tests if the test has been determined by the LEA to meet the rigor, reliability, and validity required under NCLB.

#### Structured Interview

Some LEAs in California are choosing to use a structured interview for determining the skills and knowledge of paraprofessionals, and when used in combination with a written exam (such as a proficiency exam given prior to NCLB that meets the standard of rigor required by the federal law), this process could adequately meet NCLB requirements. The structured interview could cover both content (core subject knowledge) and the

ability to assist in instruction (learning strategies, behavior management, etc.) without the addition of a written exam, if the LEA has determined that it meets the federal requirements.

### Structured Observation

Some LEAs in California are also choosing to use a structured observation to assess the skills and knowledge of currently employed paraprofessionals, in addition to a written exam (such as a proficiency exam given prior to NCLB that meets the standard of rigor required by the federal law). The structured observation should be designed to provide consistent, reliable data that demonstrates both content knowledge (reading, mathematics, and writing) and skills in assisting in instruction. LEAs may develop their own structured observation process, or adopt an existing tool (there are commercially available instruments). The determination of who (site administrator, teacher, etc.) performs and documents the observation is a local decision.

### IV. “Portability” of a paraprofessional’s qualifications

The USDE has indicated that a State may, at its discretion, establish a policy whereby qualified paraprofessionals have reciprocity between LEAs within the State. Since the form and process of determining the qualifications of paraprofessionals will probably vary from district to district, it would be difficult to establish statewide reciprocity.

Reciprocity Option 1: That the State establish a policy of reciprocity for all LEAs within the State if there is one statewide assessment or if there is a process for determining which assessments meet the statutory requirements.

**Reciprocity Option 2: That reciprocity with other LEAs be determined at the discretion of each LEA. (Recommendation by the NCLB Liaison Team)**

### Resources:

Title I Regulations, December 2, 2002, available at  
<http://www.ed.gov/offices/OESE/SASA/cepprogressp.html#reg>

Draft Non-regulatory Guidance, November 15, 2002, is available at  
<http://www.ed.gov/offices/OESE/SASA/paraguidance.pdf>

### Contact:

Bill Vasey, Director, Professional Development and Curriculum Support Division

# Last Minute Memorandum

**To:** STATE BOARD MEMBERS

**Date:** June 9, 2003

**From:** William W. Vasey

**Re:** ITEM #8

**Subject** NCLB PARAPROFESSIONAL REQUIREMENTS

Regarding the three options for meeting the NCLB Paraprofessional requirements (two years of study at an institution of higher education, an associate's degree or higher, or demonstration of skills and knowledge through a formal state or local assessment), CDE recommends:

- I. Two Years of Study  
That "two years of study" be standardized statewide at 48 semester units. (option 3)
- II. Required Course Work  
That the type of coursework acceptable for completion of this requirement may be defined by each local education agency. (option 1)
- III. Professional Assessment  
That the development or selection of an assessment be a decision to be determined locally. (option 3)
- IV. Portability of a paraprofessional's qualifications  
That reciprocity with other LEAs be determined at the discretion of each LEA. (option 2)



**JUNE 2003 AGENDA**

<b>SUBJECT</b> The California Mathematics and Science Partnership (CaMSP) Program authorized by Title II, Part B.		<b>ACTION</b>
	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

This item is submitted for information only. Staff will incorporate Board comments and prepare an action item for the July 2003 agenda.

**Summary of Previous State Board of Education Discussion and Action**

None

**Summary of Key Issue(s)**

The Mathematics and Science Leadership Office (MSLO) of the CDE is developing the Request for Applications for the California Mathematics and Science Partnership Program. Under the No Child Left Behind (NCLB), Title II, Part B, the State Education Agency (SEA) is required to administer the competitive California Mathematics and Science Partnership Program (CaMSP). The CaMSP program will establish partnerships between high need LEAs' and IHEs' to improve the academic achievement of students in mathematics and science. The focus of the program is to create opportunities for enhanced and ongoing professional development for mathematics teachers in grades five through nine and science teachers in grades four through eight based upon the California state standards.

**Fiscal Analysis (as appropriate)**

Approximately \$14 million is available for awards to eligible partnerships, including IHEs' and LEAs', to provide high quality professional development in mathematics and science. State administrative costs shall not exceed 5 per cent.

**Attachment(s)**

Attachment #1

- [Background Information on Title II, Part B](#)
- [California Mathematics and Science Partnership Focus](#)

## **Background Information on Title II, Part B**

Earlier this year, Congress appropriated \$100,343,500 for the Mathematics and Science Partnerships program, which is authorized under Title II, Part B (§2201-2203) of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001. A copy of the statute is attached. Because the appropriation is greater than \$100 million, the program will convert from what has been an USDE-administered competitive grant program to a SEA-administered competitive grant program.

In FY 2003, the USDE will make awards to State educational agencies (SEAs), which, in turn, must by law award subgrants on a competitive basis to eligible partnerships. The statute requires the USDE to provide an amount to each SEA "in proportion to the number of children, aged 5 to 17, who are from families with incomes below the poverty line and reside in a State for the most recent fiscal year for which satisfactory data are available, as compared to the number of such children who reside in all such States for such year" (§2202(a)(2)(B)).

California's estimated FY2003 allocation is \$14.3 million. These funds become available on July 1, 2003 and must be obligated by the States by September 30, 2004. In practical terms, this means that the States can receive their funds in July, 2003 and have until September, 2004 to make sub-grants to partnerships, as required in the law. The sub-grantees then have until September, 2005 to spend these funds.

To be eligible for a subgrant, a "partnership" must include both an engineering, mathematics, or science department of an institution of higher education and a high-need local educational agency (LEA). In addition to these two required partners, the partnership may also include: another engineering, mathematics, science, or teacher training department of an institution of higher education; additional LEAs, public charter schools, public or private elementary schools or secondary schools, or a consortium of such schools; a business; or a nonprofit or for-profit organization of demonstrated effectiveness in improving the quality of mathematics and science teachers (§2201(b)). These requirements are designed to ensure that Mathematics and Science Partnerships emphasize the improvement of content knowledge of teachers in mathematics and science through an expanded role of the disciplinary departments in higher education institutions.

## **California's Mathematics and Science Partnership Focus**

California's Mathematics and Science Partnership awards will be made in response to a competitive process. Awards will be granted to applications which adhere to the federal legislation and which focus on California's content standards and adopted instructional materials. With the new science California Standards Test for fifth grade students coming in 2004 and with the implementation of the algebra graduation requirement and the California High School Exit Exam, successful applications will target mathematics teachers in grades five through nine and science teachers in grades four through eight. Core members of funded partnerships will commit to undergo the coordinated institutional change necessary to sustain the partnership effort beyond the funding period. Funded CaMSP programs will participate in the CaMSP Learning Network in which they are linked with other researchers and practitioners in the study and evaluation of educational innovations designed to improve student achievement in mathematics and science.



**JUNE 2003 AGENDA**

<b>SUBJECT</b> Reading First Evaluation Contractor.	<b>X</b>	<b>ACTION</b>
	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

Approval of contractor to conduct the Reading First Evaluation.

**Summary of Previous State Board of Education Discussion and Action**

At the April 2003 State Board of Education (SBE) Meeting, the SBE approved the evaluation questions for the Reading First Request for Proposals (RFP). The California Department of Education (CDE) released the RFP on May 7, 2003, and proposals are due June 2, 2003. The reading of the technical proposals will take place June 2-4, and the public opening of cost/price proposals on June 5. CDE will issue preliminary notification of the successful bidder on June 6, 2003. Final approval by SBE will be at the June 2003 SBE meeting.

**Summary of Key Issue(s)**

None.

**Fiscal Analysis (as appropriate)**

None.

**Attachment(s)**

None.

# Last Minute Memorandum

**To: STATE BOARD MEMBERS**

**Date: June 11, 2003**

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

**Re: ITEM #10**

**Subject: READING FIRST EVALUATION CONTRACTOR.**

At the April 2003 State Board of Education (SBE) Meeting, the SBE approved the evaluation questions for the Reading First Request for Proposals (RFP). The California Department of Education (CDE) released the RFP on May 7, 2003, and proposals were due on June 2, 2003. The reading of the technical proposals took place June 2-4, and the public opening of cost/price proposals on June 5. CDE issued preliminary notification of the successful bidder on June 6, 2003. Final approval by the SBE will be at the June 11, 2003 SBE meeting.

The winning proposal was submitted by Educational Data Systems (EDS). CDE recommends approval of EDS to conduct the Reading First Evaluation.



**JUNE 2003 AGENDA**

<b>SUBJECT</b> Standardized Testing and Reporting (STAR): Update on the Plan for Releasing California Standards Test (CST) Items.	<b>X</b>	<b>ACTION</b>
	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

An update on the plan to release items for the CSTs is submitted to the State Board of Education (SBE) for their information and review.

**Summary of Previous State Board of Education Discussion and Action**

In April of 2002, the SBE adopted the Three Year Plan for the Development Of California’s Assessment System. In keeping with one of the six principles in the Three Year Plan which seeks to make state assessment results as useful as possible to administrators, teachers, parents and students, the sub-score reporting for all standards tests was approved. This will allow for important information on the strengths and weaknesses in student performance in each content strand.

At the December 2002 SBE meeting, the Report for Teachers was also approved by SBE in order to provide as much useful information as possible to teachers.

In order to provide materials that reinforce the state’s content standards and provide useful information regarding the CSTs, the SBE was provided a plan at the March 2003 meeting that outlined the process and timeline for releasing items. The cumulative result is that in three years, the released items will resemble a model of a complete test form

This item provides an update and small modifications to the previously provided timeline.

**Summary of Key Issue(s)**

Educational Testing Service (ETS), the current STAR contractor, in collaboration with the California Department of Education (CDE), have revised Attachment 1 that describes the plan for releasing items, the general criteria to be used, and the number of items that will be released in the next three years. This work is part of the Scope of Work for ETS and is submitted to SBE for their information and review.

**Fiscal Analysis (as appropriate)**

None.

**Attachment(s)**

[Attachment 1: Item Release For The California Standards Tests 2003 \(Pages 1-2\)](#)

## ITEM RELEASE FOR THE CALIFORNIA STANDARDS TESTS 2003

### Work Plan for Item Release

Action	Responsibility	Dates
Determine guidelines for released items.	CDE/ETS	January 27-March 7
Determine statewide data to be released, if any.	CDE/ETS	January 27-February 28
Select a draft set of released items for each content area grade and course.	ETS assessment specialists	January 27-March 15
Review draft sets.	CRPs	Science – March 28 H-SS – April 2 ELA – April 9 Math – April 10
Review and approve draft sets.	CDE	April 14 – 25
Compose items in sets.	ETS production department	May 1 – 30
Provide samples of released items presented by exemplar or by strand for review.	ETS	May 22
Review draft sets (second review).	CRPs	Science – July 24 H-SS – June 4 ELA – May 8 Math – June 26
Provide an update to State Board of Education.	CDE	June 11-12
Provide statistical data.	ETS psychometric team	July 18
Reevaluate draft sets; revise if needed.	ETS assessment specialists	July 21
Review and approve final documents.	CDE	August 1
Post released items to CDE website.	CDE	August 30

### Release Plan

#### *Guidelines for Items Released*

In the first year, a minimum of 20%, with a goal of 25%, of the items on each test will be released. For year 2, up to 40%, dependent on the percentage from year 1, for a maximum of 60% items released in years 1 and 2 cumulatively. Finally, in year 3 the final 40% will be released. The complete set of items released at the end of three years shall be reflective of the breadth of standards that are assessed on a test.

#### *Items as Exemplars of Performance Levels*

When possible, items will be released in appropriate groupings to accommodate the concept of performance level exemplars. One example of a potential item group descriptor could be: “A student performing at the proficient level would typically get items in this group (and lower performance level groups) correct.”

The percent of students who answered the item correctly at each performance level will be

provided. The performance levels are: Advanced; Proficient; Basic; and Below Basic/Far Below Basic.

*Proportional Release of Items by Strand Level*

Items will be released in approximate proportion to the blueprint at the strand level. The specific standard assessed by each item will be identified.

**General Criteria for Released Item Selection**

1. All items will be taken from the items that appeared on the 2003 operational form and forms thereafter.
2. Within each grade or subject-specific CST, items should represent a variety of content standards, with strands covered in proportion to the operational test to the extent possible.
3. Within each grade or subject-specific CST, and upon completion of the three year schedule for release, individual items will be selected to provide a range of difficulty comparable to the items that appear on the test. Additionally, the total items released will be representative of the overall difficulty of the operational form.
4. Within each grade or subject-specific CST, items should represent a variety of item types (e.g., for mathematics, with and without graphics).
5. Within each grade or subject-specific CST, items should provide multicultural representation whenever possible.
6. The variety of items released should communicate information that would be helpful in guiding standards-based instruction.

**Number of Items Released by Year**

<i>Content Area</i>	<b>Grade/Course</b>	<b>Year 1</b>		<b>Year 2</b>		<b>Year 3</b>
		<i>20% or 25%</i>		<i>40% or 35%</i>		<i>40%</i>
English- Language Arts	Grades 2-3	13 items	16 items	26 items	23 items	26 items
	Grades 4-11	15 items	19 items	30 items	26 items	30 items
Mathematics	Grades 2-7	13 items	16 items	26 items	23 items	26 items
	Subject-specific	13 items	16 items	26 items	23 items	26 items
History – Social Science	Grade 8	15 items	19 items	30 items	26 items	30 items
	Grades 10, 11	12 items	15 items	24 items	21 items	24 items
Science	Subject-specific	12 items	15 items	24 items	21 items	24 items



**JUNE 2003 AGENDA**

SUBJECT	X	ACTION
Standardized Testing and Reporting (STAR) Program: Approving an Amendment to the 2002-2004 STAR Contract with Educational Testing Services (ETS).	X	INFORMATION
		PUBLIC HEARING

**Recommendation:**

Approve the amending of the 2002-2004 contract with ETS for a total of \$828,600 to cover the cost of meeting the No Child Left Behind (NCLB) Act requirements for reporting Adequate Yearly Progress (AYP).

**Summary of Previous State Board of Education Discussion and Action**

The State Board of Education (SBE) approved the 2002-2004 STAR contract and scope of work for ETS at the June 2002 meeting. The reporting results section in the scope of work includes tasks to only meet California’s reporting requirements.

**Summary of Key Issue(s)**

NCLB requirements focus on increased accountability for states, school districts and schools. Schools and districts will be required to demonstrate adequate yearly progress by meeting the state’s minimum requirements for the percent of students identified in achieving the state’s proficiency standards in mathematics and English language arts. Results will be reported for all students, as well as disaggregated reports for a variety of subgroups.

Since ETS is responsible for reporting results for the STAR Program, including California Standards Tests, the California Alternate Performance Assessment (CAPA), and the California High School Exit Examination (CAHSEE), they have the ability and access to increase the amount of data validation and meet the reporting requirements as described in the amended scope of work.

The California Department of Education (CDE) will be requesting from the Department of Finance (DOF) funding from NCLB Title VI to support the costs necessary for this amendment.

Attached you will find an introduction to the proposed amendment, the additional requirements intended to be added to the scope of work, a timeline for deliverables, and costs associated with this amendment to the contract.

**Fiscal Analysis (as appropriate)**

\$828,600 requested from DOF from NCLB Title VI funds.

**Attachment(s)**

Attachment 1: [Contract Amendment to Meet No Child Left Behind Reporting Requirements \(Pages 1-8\)](#)

## **Contract Amendment to Meet No Child Left Behind Reporting Requirements**

What follows are changes in the scope of work for the 2003 STAR contract. The changes were precipitated by the need for the California Department of Education (CDE) to address the legislative requirements of the Federal education act, No Child Left Behind (NCLB), and by state law governing the Academic Performance Index (API). California's assessment program for students in grades 2-11 has two components: the standards-based California Standards Tests (CST) and the nationally norm-referenced test. Together these tests make up the centerpiece of California's assessment and accountability systems. The CSTs have become the primary measure of standards-based student achievement in California, providing results for individual students and groups of students, aggregated at the school, district, county, and state levels. These results are the predominant measures used in the state's accountability system and beginning in 2003 will be used to meet the requirements of NCLB.

NCLB essentially reauthorizes the Elementary and Secondary Education Act (ESEA) in ways that include increased accountability for states, school districts, and schools; greater choice for parents and students, particularly those attending low-performing schools; more flexibility for states and local educational agencies (LEAs) in the use of Federal education dollars; and a stronger emphasis on reading. To meet the NCLB requirements, assessment results and state progress objectives must be broken out by poverty, race, ethnicity, disability, and limited English proficiency. School districts and schools will need to show adequate yearly progress (AYP) toward proficiency over time. Failure to do so will require corrective action designed to meet state expectancy standards. Schools that meet or exceed AYP objectives or close achievement gaps will be eligible for State Academic Achievement Awards.

In 2003, the federal government through NCLB will require California to provide schools and districts with information to allow parents to exercise choice in selecting schools that will maximize a student's educational opportunity. To this end California is committed to posting AYP reports on the Internet by August 15, 2003. The AYP will be based on three statewide assessments: English-Language Arts (ELA) and Mathematics CSTs, California Alternate Performance Assessment (CAPA), and California High School Exit Examination (CAHSEE). CST and CAPA results, when appropriate, will be used to evaluate AYP of schools for grades 2 through 8. The Grade 10 CAHSEE and CAPA results will be use to evaluate the AYP of high schools.

Currently ETS is contracted to develop and administer STAR, which includes the CSTs, CAPA, and CAHSEE. ETS is therefore pivotal to California's meeting the reporting requirements of NCLB legislation. As a result of NCLB, ETS will need to expand the data validation and reporting requirement of these programs over the next two years.

**To implement the expanded data validation and reporting requirement, the CDE will require in 2003 that an amendment be added to "E. TEST PROCESSING, SCORING, AND ANALYSIS" of the STAR scope of work with ETS. This amendment will include an E.12.1 sub-task that adds the following to the processing of STAR data to from May 15<sup>th</sup> to November 31<sup>st</sup> 2003. This task will occur with each CDE STAR Internet Posting. The**

tasks are as follows:

## **E. Testing Processes, Scoring and Analysis**

### **E.12. Return of Raw Data to CDE**

#### **E.12.1 Independent Evaluation of Data Aggregation**

- To ensure the accuracy of the data used for the STAR and Internet reports, ETS will provide an Independent Contractor (IC) who will validate roll-ups corresponding to the 2003 STAR Reports. The contractor will ensure that all roll-ups are correct for the state, district, school, and subgroups. The IC will flag for inclusion or exclusion student records for each test. If any problems are found in the validating process, the IC will work with ETS to identify and resolve any potential errors.

#### **E.12.2 Student Master File Extractions**

- To assist the CDE in their use of student-level data, ETS will build a compressed student master file based on data validated by the error resolution that will occur between the IC and ETS. CDE will require two versions of the compressed student master file:
  - Version with Demographics and Scores—ETS will create a student-level file for delivery to the CDE with the demographics and scoring elements specified by the CDE.
  - Version with Demographics, Scores, and Item Response—ETS will create a student-level file for delivery to CDE with demographics, scoring information, and the item responses for each question.

ETS will deliver two copies of these files on CD-ROMs one week after the IC concurrent with the delivery of the completed student file

## **G. Reporting Results to CDE**

### **G.3 Student Level Files**

#### **G.3.1 Early Reporting of Student Data**

Student-level data or portions of the student-level file will be delivered to the IC prior to August 8<sup>th</sup>.

Analysis: The student level file delivered to CDE coterminous with the August 8 Internet file (to be opened to the public on August 15<sup>th</sup>) is currently scheduled to be delivered to the CDE on August 8<sup>th</sup>. Since this file will be used by ETS to produce the aggregations, it is clear that the file will be completed prior to August 8<sup>th</sup>. If the IC is conducting a separate validation, there is no reason for the IC to have to wait for ETS to complete its validation process before it is delivered to the IC. If IC can obtain this file as soon as ETS deems it complete, rather than having to wait for the transfer and validation activities of ETS, CDE will be able to meet the NCLB timelines and lessen the potential impact on STAR reporting.

**G.3.1.1 Provide IC with student level file of STAR California Standards Test (CST) data to verify aggregations.**

**G.3.1.2 Provide IC with student level file of CAPA Test data to verify aggregations.**

**G.3.1.3 Provide IC with merged CST-CAPA test data file the will be used to build the STAR Internet results for 2003.**

## **G. Reporting Results to CDE**

### **G.13 NCLB Data Development for Internet Reporting**

**Based on CDE's algorithms for AYP 2003, ETS will build a school/district-level AYP master file containing AYP proficient or above levels and 2004 targets for ELA and Mathematics. The tasks are as follows:**

#### **G.13.1 Replicate 2002 AYP report**

After CDE provides the 2002 baseline file with 2003 targets, ETS will replicate the 2002 AYP report using 2002 STAR and CAHSEE data. ETS will work with CDE staff to resolve any discrepancies with the 2002 AYP report results.

#### **G.13.2 Create 2003 File needed for AYP report**

ETS will use 2003 STAR, CAHSEE, and CAPA student-level files to build a 2003 data file in an approved format that can be used by CDE to build a 2003 website for NCLB reporting.

The target dates for 2003 deliverables for amendments to the contract for creating files for NCLB Internet Reporting are outlined in the following table:

**Deliverables for STAR Contract Amendment, for NCLB**

<b>Task</b>	<b>Date</b>
<b>E.12.1 Independent Evaluation of Data Aggregation</b>	
IC to compare STAR roll-up and 2 <sup>nd</sup> Internet totals	6/19/03
IC to prepare STAR roll-up file	6/22/03
IC to prepare STAR P1 roll-up file	8/12/03
<b>E.12.2 Student Master File Extractions</b>	
ETS to prepare compressed STAR file (Assumes compression file is required to produce roll-up file.)	6/20/03
ETS to prepare compressed STAR P1 file (Assumes compressed file is required to produce roll-up file.)	8/10/03
<b>G.3.1 Early Reporting of Student Data</b>	
ETS to deliver March 2003 CAHSEE data to IC	6/08/03
ETS to deliver student file P1 to IC	8/08/03
<b>G.3.1.1 Provide IC with student level file of STAR California Standards Test (CST) data to verify aggregations</b>	
ETS to deliver student file V2 to IC	6/16/03
CDE to provide IC with 2 <sup>nd</sup> Internet file totals	6/16/03
ETS to deliver student file P1 to IC	8/08/03
<b>G.13.1. Replicate 2002 AYP Report</b>	
ETS to begin the process of using 2002 STAR and CAHSEE data to replicate CDE's 2002 NCLB report	3/26/03
CDE to provide report design requirement.	3/26/03
CDE to identify report elements	3/26/03
CDE to provide draft specs for 2002 AYP analyses	4/02/03

Conference call to clarify 2002 AYP specs	4/07/03
CDE to specify report data format and source	4/08/03
CDE to provide draft layout for 2002 AYP file	4/11/03
CDE to provide AYP 2002 STAR data	4/15/03
CDE to provide AYP 2001 CAHSEE data	4/15/03
CDE to prepare mockup	4/15/03
CDE to certify acceptance of CDE mockup	4/22/03
CDE to provide final specs for 2002 AYP analyses	5/02/03
CDE to provide final specs for 2002 AYP analyses	5/02/02
ETS to provide initial replicated 2002 AYP results file	5/09/03
CDE and ETS to compare results and investigate differences	5/15/03
ETS to finalize replicated 2002 AYP results file to CDE	5/31/03
ETS to deliver March 2003 CAHSEE data to IC	6/08/03
ETS to deliver student file V2 to IC	6/16/03
ETS to prepare test 2003 AYP file	6/25/03
ETS to provide test 2003 AYP file to Donna (AYP file compares 2003 target file with actual 2003 performance data.)	6/26/03
CDE to prepare test mockup	6/30/03
CDE to load test mockup to server and evaluate	7/03/03
IC to prepare CAHSEE data for AYP	8/03/03
<b>G.13.2. Create 2003 File needed for AYP Report</b>	
CDE to provide 2003 target file to ETS.	4/09/03
CDE to certify aggregation rules	4/10/03
IC to prepare comparison 2003 target file	4/12/03

IC to provide CDE copy of comparison file	4/22/03
CDE to certify acceptance of IC's methodology	4/24/03
CDE to provide draft specs for 2003 AYP analyses	5/01/03
ETS to prepare CAHSEE data for AYP	6/10/03
CDE to provide layout for 2003 AYP analyses	6/15/03
CDE to provide final specs for 2003 AYP analyses	6/15/03
Interim files for CAPA, STAR, and CAHSEE obtained for program testing	7/15/03
ETS systems to provide CAPA file for 2003 AYP analyses	7/15/03
PEM/ETS to provide STAR file for 2003 AYP analyses	7/25/03
ETS to provide "interim" file to CDE for testing purposes	8/01/03
ETS systems to provide CAHSEE file (March & May) for 2003 analyses	8/01/03
ETS to provide final 2003 AYP results file to CDE	8/08/03
CDE to provide IC with P1 Internet file totals	8/08/03
IC to compare STAR P1 roll-up and 2 <sup>nd</sup> Internet totals	8/10/03
ETS to prepare 2003 AYP file	8/12/03
ETS to provide 2003 AYP file to CDE	8/13/03
CDE to prepare AYP site	8/13/03
CDE to load AYP file to server	8/13/03

**Contract #2151 AMENDMENT #1  
ETS, NCLB Requirements**

<b>Tasks</b>	<b>Costs</b>
<b>E. Testing Processes, Scoring and Analysis</b>	
E.12. Return of Raw Data to CDE	
E.12.1 Independent Evaluation of Data Aggregation	<b>\$ 433,800</b>
E.12.2 Student Master File Extractions	<b>\$ 52,800</b>
<b>G. Reporting Results to CDE</b>	
G.3 Student Level Files	
G.3.1 Early Reporting of Student Data	
G.3.1.1 Provide IC with student level file of STAR California Standards Test (CST) data to verify aggregations.	<b>\$ 28,080</b>
G.3.1.2 Provide IC with student level file of CAPA Test data to verify aggregations.	<b>\$ 28,080</b>
G.3.1.3 Provide IC with merged CST-CAPA test data file the will be used to build the STAR Internet results for 2003.	<b>\$ 28,080</b>
G.13 NCLB Data Development for Internet Reporting	
G.13.1 Replicate 2002 AYP report	<b>\$ 160,086</b>
G.13.2 Create 2003 File needed for AYP report	<b>\$ 97,674</b>
<b>Total:</b>	<b>\$ 828,600</b>

**California Standards Tests and  
California Achievement Test (CAT/6)**  
Contract #2151, Amendment #1

Budget Amendment #1 to address No Child Left Behind Act (NCLB)

		<b>Year 1</b>	<b>Amendment #1</b>	<b>Revised Year 1</b>	<b>Revised Year 2</b>	<b>Year 3</b>	
<b>Item</b>		<b>2002-2003</b>	<b>2003-2004</b>	<b>2002-2003</b>	<b>2003-2004</b>	<b>2004-2005</b>	<b>Revised Totals</b>
A	Development of the CA Standards Tests	6,055,596		<b>6,055,596</b>	<b>5,334,015</b>	<b>5,733,633</b>	<b>17,123,244</b>
B	Program Support Services	5,106,385		<b>5,106,385</b>	<b>4,301,918</b>	<b>4,355,539</b>	<b>13,763,842</b>
C	Test Materials Production	15,435,368		<b>15,435,368</b>	<b>15,472,957</b>	<b>16,155,586</b>	<b>47,063,911</b>
D	Delivery and Collection of Materials	2,263,061		<b>2,263,061</b>	<b>1,835,277</b>	<b>1,985,568</b>	<b>6,083,906</b>
E	Test Processing, Scoring, and Analyses	21,702,349	486,360	<b>21,856,309</b>	<b>24134465</b>	<b>25305370</b>	<b>71,296,144</b>
F	Reporting Results to Districts	4,281,605		<b>4,281,605</b>	<b>3,037,831</b>	<b>3,301,231</b>	<b>10,620,667</b>
G	Reporting Results to CDE	1,915,584	342,240	<b>2,042,094</b>	<b>2,082,197</b>	<b>1915166</b>	<b>6039457</b>
H	All Other Reports and Analyses	497,172		<b>497,172</b>	<b>269,037</b>	<b>265,304</b>	<b>1,031,513</b>
I	Transition to 2003 STAR Program						
J	CDE Approval						
		\$57,257,120	\$828,600	\$57,537,590	\$56,467,697	\$59,017,397	\$179,062,151



**JUNE 2003 AGENDA**

<b>SUBJECT</b>	<b>X</b>	<b>ACTION</b>
Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Proposal for Revision of the STAR Parent Report.	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

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**Recommendation:**

The following item is submitted to the State Board of Education (SBE) for their review and approval.

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**Summary of Previous State Board of Education Discussion and Action**

In the November 2002 meeting of the SBE, the 2003 basic STAR Report Package was approved. Included in the package was the STAR Parent Report. It was agreed that the format and content of the Parent Report would be revised prior to reporting the STAR 2004 test results.

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**Summary of Key Issue(s)**

The current STAR contractor, Educational Testing Services (ETS), is developing a proposal and a timetable for SBE's consideration.

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**Fiscal Analysis (as appropriate)**

None.

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**Attachment(s)**

Additional material (ETS proposal and timetable) will be provided in the supplemental mailing.



**MONTH 2003 AGENDA**

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

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**Recommendation:**

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

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**Summary of Previous State Board of Education Discussion and Action**

None.

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**Summary of Key Issue(s)**

None.

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**Fiscal Analysis (as appropriate)**

None.

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**Attachment(s)**

None.

# Last Minute Memorandum

**To:** STATE BOARD MEMBERS **Date:** June 10, 2003

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

**Re:** ITEM #14

**Subject:** CALIFORNIA ENGLISH LANGUAGE DEVELOPMENT TEST (CELDT):  
INCLUDING, BUT NOT LIMITED TO, CELDT PROGRAM UPDATE.

Please insert the following attachments:

- [Attachment 1](#): 2001 English Language Arts (ELA) California Standards Test (CST) Level of Performance for Students Participating in Different English Learner Programs and Initial Enrollment (Page 1)
- [Attachment 2](#): California Standards Test (CST) English Language Arts (ELA) Level of Performance by English Learner (EL) Program Participation (Page 1)
- [Attachment 3](#): 2001-02 Enrollment Chart Based on California English Language Development Test (CELDT) – Initial Assessment (Page 1)

## **2001 English Language Arts (ELA) California Standards Test (CST) Level of Performance for Students Participating in Different English Learner Programs and Initial Enrollment**

At the request of the California Department of Education (CDE), the Standardized Testing and Reporting (STAR) program contractor created a file containing matched 2001 STAR and California English Language Development Test (CELDT) student data. The State Board of Education (SBE) requested that the matched data for the subgroup of 42,672 third graders who participated in English learner (EL) programs be used to determine the ELA CST level of performance. Additionally, the SBE requested information on the initial enrollment patterns for students with a home language other than English.

### **ELA CST Performance**

A number of findings are suggested by the analysis.

- As coded by districts, 18.5 percent of the students participated in bilingual (waiver) programs (e.g., Bilingual Only, Bilingual and English Language Development (ELD), Bilingual and Specifically Designed Academic Instruction in English (SDAIE), or Bilingual, SDAIE and ELD), and 81.5 percent of students participated in other programs (e.g., ELD Only, SDAIE Only, or ELD and SDAIE).
- Of those students in bilingual (waiver) programs, 80.2 percent were located in the lower two (Far Below Basic or Below Basic) performance levels for the ELA CST. By comparison, of those students in other programs, 68.6 percent were in the lower two performance levels.
- Of those students in bilingual (waiver) programs, 20 percent were located in the Basic or Proficient performance levels for the ELA CST. By comparison, of those students in other programs, 30.6 percent were located in the Basic or Proficient performance levels.
- In summary, greater percentages of students in bilingual (waiver) programs tend to be located in lower ELA CST performance levels, compared to students in other programs.

### **Notes**

- The 2001 STAR allowed reporting of EL program combinations that were not consistent with Language Census (R-30) categories (e.g., Bilingual Only, Bilingual and SDAIE, and SDAIE Only).
- The analysis does not include background factors, such as demographics or staffing, which might partly explain the differences in student performance.
- In order to check the stability of results, it is recommended that this analysis be replicated using 2002 results.

### **Grade of Initial Enrollment**

The chart which displays the number and percent of students taking the CELDT for initial assessment provides an estimate of the grade at which English learners first enroll in California schools in the 2001-2002 academic year. The chart is based on 511,317 students tested. It indicates that just over half of English learners enroll in kindergarten, and 25 percent enrolling in grades one through five. Note that the apparent increase at grade nine is most likely associated with a transition to high school and repeated assessment for identification purposes. In such cases, it is possible that prior assessment results were not available to the receiving school.

**Table 1**

**California Standards Test (CST) English Language Arts (ELA) Level of Performance by English Learner (EL) Program Participation\***

**3rd Grade Students**

CST ELA Performance Level	EL Program Participation						
	Bilingual Only	ELD Only	SDAIE Only	Bilingual & ELD	Bilingual & SDAIE	ELD & SDAIE	Bilingual, SDAIE & ELD
Far Below Basic	2,645 46%	4,075 32%	3,785 29%	609 45%	79 43%	2,530 29%	357 46%
Below Basic	1,983 35%	4,897 38%	5,080 39%	452 33%	65 35%	3,368 39%	275 35%
Basic	916 16%	3,072 24%	3,272 25%	245 18%	40 22%	2,190 25%	119 15%
Proficient	185 3%	771 6%	753 6%	57 4%	0 0%	532 6%	25 3%
Advanced	18 0%	93 1%	103 1%	5 0%	0 0%	76 1%	0 0%
<b>TOTAL</b>	<b>5,747</b> <b>100%</b>	<b>12,908</b> <b>101%</b>	<b>12,993</b> <b>100%</b>	<b>1,368</b> <b>100%</b>	<b>184</b> <b>100%</b>	<b>8,696</b> <b>100%</b>	<b>776</b> <b>99%</b>

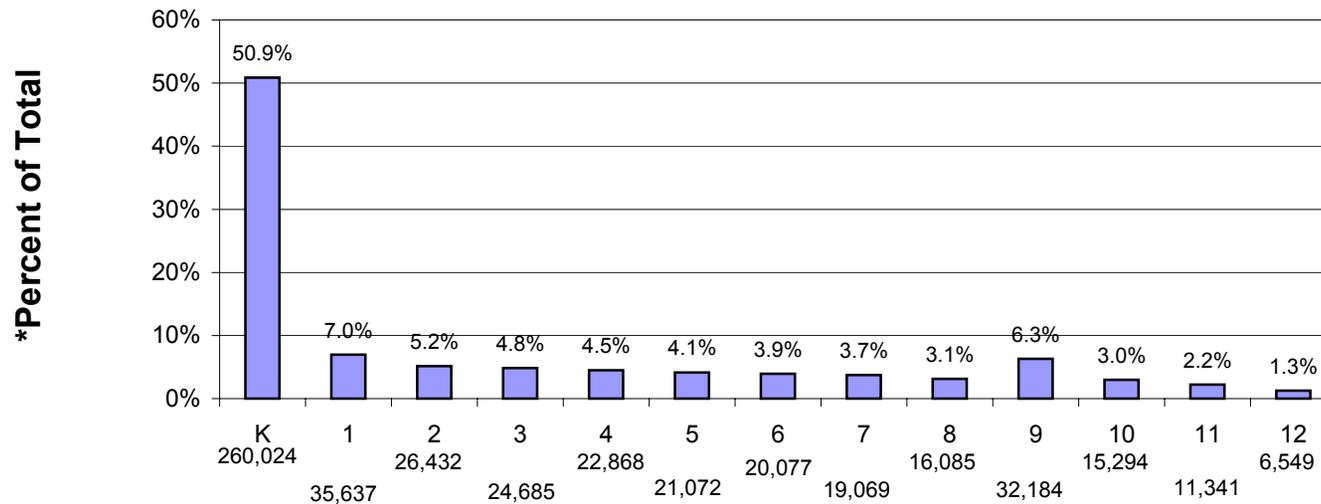
\* Program participation information was obtained from district provided data on the 2001 administration of the STAR. It should be noted that some of the EL program combinations that were recorded on the test are not consistent with the R-30 reporting categories (i.e. (1) bilingual only, (2) bilingual and SDAIE, and (3) SDAIE only).

This analysis was done on a statewide 2001 CELDT/STAR matched file created by the STAR contractor. A total of 42,672 third grade students were included in this analysis. These students all had EL program participation data provided on the STAR, CST ELA test results, and did not have an IEP or 504 Plan.

Grades	K	1	2	3	4	5	6	7	8	9	10	11	12
	260,024	35,637	26,432	24,685	22,868	21,072	20,077	19,069	16,085	32,184	15,294	11,341	6,549
	50.85%	6.97%	5.17%	4.83%	4.47%	4.12%	3.93%	3.73%	3.15%	6.29%	2.99%	2.22%	1.28%

**2001-02 Enrollment Chart**  
**Based on California English Language**  
**Development Test (CELDT) - Initial Assessment**

Last Minute Item #14 - Attachment 3  
Page 1 of 1



**Grade Level and Number Tested (Total 511,317)**

\*Percent of students entering California schools with a home language other than English based on CELDT initial test-takers.



**JUNE 2003 AGENDA**

<b>SUBJECT</b> California High School Exit Examination (CAHSEE): Including, but not limited to, Discussion of the Report Required by AB 1609.	<b>X</b>	<b>ACTION</b>
	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

This item is being presented to the State Board of Education (SBE) for information this month and for action as appropriate.

**Summary of Previous State Board of Education Discussion and Action**

Assembly Bill (AB) 1609 (Chapter 716, Statutes of 2001, Assemblyman Calderon) required the State Superintendent of Public Instruction (SSPI), with the approval of the SBE, to contract for an independent study regarding the requirement of passage of the CAHSEE as a condition of receiving a diploma of graduation and a condition of graduation from high school. A final report based on the study was delivered to the Governor, the chairs of the education policy committees in the California Legislature, the SBE, and the SSPI on May 1, 2003.

The study includes an examination of whether the test development process and the implementation of standards-based instruction meet the required standards for a test of this nature.

In March 2002, the SBE received a report on the status of the study required by AB 1609. The contract was signed in late September 2002. The contract was awarded to the Human Resources Research Organization (HumRRO). During November 2002, the draft surveys were reviewed by the contractors' outside consultant panel, California Department of Education (CDE) staff, and SBE testing liaisons and staff. HumRRO and CDE have been providing status briefings to SBE on the report since November.

HumRRO presented the AB1609 report to the SBE at its May 2003 meeting. The SBE members asked CDE for additional information, which will be provided in the supplemental mailing. This will include estimated math and English-language arts pass rates from the March 2003 administration of the CAHSEE and the effects of compensatory models on these pass rates for all students tested and for subgroups.

**Summary of Key Issue(s)**

AB 1609 was passed to require the SSPI to contract for an independent study to determine the state's readiness to require the Class of 2004 to pass the high school exit examination as a condition of receiving a diploma of graduation from high school. This bill also authorized the SBE to delay the date for requiring students to pass the high school exit examination as a condition of receiving a diploma based on the extent to which the SBE determines that the test development process or the implementation of standards-based instruction meets the required

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**Summary of Key Issue(s)**

standards for a test of this nature. The SBE will need to make its decision prior to August 1, 2003.

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**Fiscal Analysis (as appropriate)**

None.

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**Attachment(s)**

Additional information will be provided in the supplemental mailing.

# Supplemental Memorandum

**To:** STATE BOARD MEMBERS **Date:** May 27, 2003

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

**Re:** ITEM #15

**Subject:** CALIFORNIA HIGH SCHOOL EXIT EXAMINATION (CAHSEE):  
INCLUDING, BUT NOT LIMITED TO, DISCUSSION OF THE REPORT  
REQUIRED BY AB 1609.

Please insert the following attachments:

- Attachment 1: [California High School Exit Examination \(CAHSEE\) March 2003 Passing Rates for Grade 10 \(Class of 2005\) \(Page 1 of 1\)](#)
- Attachment 2: [California High School Exit Examination \(CAHSEE\) March 2003 Passing Rates for Grade 11 \(Class of 2004\) \(Page 1 of 1\)](#)
- Attachment 3: [California High School Exit Examination \(CAHSEE\) Estimated Cumulative Passing Rates for Grade 11 \(Class of 2004\) through January 2003 \(Page 1 of 1\)](#)
- Attachment 4: [Compensatory Passing Scores on the California High School Exit Examination \(CAHSEE\) \(Page 1 of 6\)](#)

Attachment 1 provides passing rates for grade 10 students (class of 2005) during the March 2003 administration of the CAHSEE. Results are provided for all students, as well as for various subgroups, on both portions of the CAHSEE (English-language arts and mathematics).

Attachment 2 provides passing rates for grade 11 students (class of 2004) during the March 2003 administration of the CAHSEE. Results are provided for all students, as well as for various subgroups, on both portions of the CAHSEE (English-language arts and mathematics).

Attachment 3 provides estimated cumulative pass rates, through January 2003, for grade 11 students (class of 2004) on both portions of the CAHSEE (English-language arts and mathematics).

Attachment 4 provides an analysis from Educational Testing Service, with a summary from the California Department of Education (CDE), of the March 2003 scores focusing on how passing rates for these students might change under a compensatory approach.

California High School Exit Examination (CAHSEE)  
March 2003 Passing Rates for Grade 10 (Class of 2005)

Demographic	Subgroup	English-language Arts			Mathematics		
		Number Tested	Number Passed	Percent Passed	Number Tested	Number Passed	Percent Passed
<b>TOTAL</b>		<b>379,209</b>	<b>299,584</b>	<b>79</b>	<b>389,702</b>	<b>234,230</b>	<b>60</b>
Gender	Female	186,292	155,138	83	191,078	114,643	60
	Male	192,310	144,103	75	197,940	119,337	60
Ethnicity	American Indian or Alaskan Native	3,257	2,583	79	3,398	1,879	55
	Asian	36,944	31,673	86	37,233	31,004	83
	Pacific Islander	2,723	2,131	78	2,809	1,616	58
	Filipino	11,694	10,485	90	11,841	8,778	74
	Hispanic or Latino	144,297	95,877	66	149,440	63,280	42
	African American (not of Hispanic origin)	29,893	20,853	70	31,306	11,689	37
	White (not of Hispanic origin)	145,841	132,860	91	148,853	113,692	76
	Declined to State	1,997	1,639	82	2,052	1,307	64
Economic Status	Non-Economically Disadvantaged	256,602	220,592	86	262,530	179,104	68
	Economically Disadvantaged	117,972	75,896	64	122,174	52,908	43
Special Education Program Participation	Not Receiving Services	344,966	285,384	83	354,123	225,977	64
	Receiving Services	34,243	14,200	41	35,579	8,253	23
Language Fluency	English Only	243,890	208,627	86	250,577	164,549	66
	Initially Fluent English Proficient	34,272	30,098	88	34,897	23,857	68
	Redesignated Fluent English Proficient	37,464	32,966	88	38,543	25,367	66
	English Learner	61,574	26,643	43	63,509	19,566	31

California High School Exit Examination (CAHSEE)  
March 2003 Passing Rates for Grade 11 (Class of 2004)

Demographic	Subgroup	English-language Arts			Mathematics		
		Number Tested	Number Passed	Percent Passed	Number Tested	Number Passed	Percent Passed
<b>TOTAL</b>		<b>47,127</b>	<b>15,835</b>	<b>34</b>	<b>91,214</b>	<b>19,501</b>	<b>21</b>
<b>Gender</b>	Female	19,222	6,980	36	46,300	10,160	22
	Male	27,750	8,806	32	44,633	9,274	21
<b>Ethnicity</b>	American Indian or Alaskan Native	383	153	40	849	181	21
	Asian	3,577	1,098	31	3,923	1,174	30
	Pacific Islander	362	152	42	751	182	24
	Filipino	836	371	44	1,912	552	29
	Hispanic or Latino	26,562	7,570	28	49,186	9,088	18
	African American (not of Hispanic origin)	5,582	1,954	35	11,656	1,774	15
	White (not of Hispanic origin)	8,473	4,012	47	20,440	5,981	29
	Declined to State	287	155	54	557	162	29
<b>Economic Status</b>	Non-Economically Disadvantaged	23,578	9,240	39	51,345	11,984	23
	Economically Disadvantaged	21,980	5,918	27	37,012	6,819	18
<b>Special Education Program Participation</b>	Not Receiving Services	34,967	13,732	39	73,563	17,723	24
	Receiving Services	12,160	2,103	17	17,651	1,778	10
<b>Language Fluency</b>	English Only	22,722	9,471	42	51,668	11,681	23
	Initially Fluent English Proficient	2,640	1,177	45	6,841	1,664	24
	Redesignated Fluent English Proficient	2,289	939	41	7,070	1,878	27
	English Learner	18,939	4,005	21	24,690	4,030	16

California High School Exit Examination (CAHSEE)  
**Estimated Cumulative Passing Rates for Grade 11 (Class of 2004) through January 2003\***

<b>Number Enrolled</b>	<b>English-language Arts</b>		<b>Mathematics</b>	
	<b>Number Passed</b>	<b>Percent Passed</b>	<b>Number Passed</b>	<b>Percent Passed</b>
459,588	373,284	81	287,129	62

\* The data in this table were compiled by Human Resources Research Organization (HumRRO).

## **California Department of Education (CDE) Compensatory Passing Scores on the California High School Exit Examination (CAHSEE)**

Chapter 6 of the report, *Independent Evaluation of the California High School Exit Examination (CAHSEE): AB 1609 Study Report—Volume I*, listed the main findings from the study and suggested several options for the State Board of Education to consider in making the decision to either continue the requirement for the class of 2004 to pass the CAHSEE in order to earn a diploma or to defer the requirement to a future class. If the State Board decides to continue the requirement for this class, one option suggested by the report was to increase the current passing scores by adopting a compensatory approach “...where achievement above the minimum in one subject could compensate for some deficiency in achievement in the other subject. For example, a total score of 700 could be required rather than requiring students to obtain scores of 350 or higher on each portion of the CAHSEE.” (Page 95)

At their May 2003 meeting, the State Board requested that CDE provide information at the June 2003 meeting on how the passing scores for the class of 2005 (March 2003 data) would change using the compensatory model. Educational Testing Service (ETS), the contractor for the CAHSEE, has prepared the paper entitled “Compensatory Passing Scores on the California High School Exit Examination (CAHSEE)” for your review.

### **CDE Recommendation**

The CDE is concerned with applying the compensatory method for determining a passing score on the California High School Exit Exam. If a high school graduate is expected to demonstrate a certain level of competency in reading, writing and mathematics, then applying a sliding scale to the passing score minimizes this policy goal.

In the attached paper, ETS points to the fact that increases in the CAHSEE passing rates are primarily achieved through lowering the passing score on the mathematics part. The current passing score of 350 represents 55% correct on the mathematics portion of the CAHSEE. A lower threshold of 325 represents about 40% correct on the mathematics portion, therefore a compensatory approach does not support the inference that a student passing the CAHSEE can demonstrate what is expected of a high school graduate in mathematics.

**Compensatory Passing Scores on the California High School Exit Examination (CAHSEE)  
Prepared by  
Educational Testing Service (ETS)**

## **Background**

The recently released Assembly Bill (AB) 1609 study included discussion of options that the California State Board of Education (SBE) might consider should the requirement that students in the Class of 2004 pass CAHSEE be continued. If the requirement is continued, a compensatory approach to setting CAHSEE passing scores was suggested as a possible way to increase overall student passing rates. This paper analyzes CAHSEE March 2003 results for 10<sup>th</sup> graders, focusing on how passing rates for these students might change under a compensatory approach. In addition, we discuss some issues that would need to be addressed if the CAHSEE requirement is continued for the Class of 2004, and a compensatory approach to passing scores is considered.

## **Method**

We included in our analysis all 10<sup>th</sup> graders (class of 2005) who were included in the aggregate reports for the March 2003 CAHSEE administration. A summary of the results for these students is provided in Table 1. Table 1 indicates that, under the current scoring model, 60 percent of 10<sup>th</sup> graders passed the mathematics portion of the test and 79 percent passed the English-language arts (ELA) portion of the test. Although not shown in Table 1, 59 percent of 10<sup>th</sup> grade students passed *both* the ELA and math portions. Table 1 also includes passing rates broken down by various subgroups; these trends are consistent with patterns seen in the past.

To evaluate compensatory passing scores, we selected 10<sup>th</sup> grade students from the March 2003 administration who completed both the ELA and math portions. We then compiled for those students overall, and by student groups, the percentages of students that would pass CAHSEE under a compensatory approach using a combined score of 700 as the passing point (as suggested in the AB 1609 study). In addition, we calculated CAHSEE passing rates under a partially compensatory approach that required a combined score of 700 and a score of at least 325 on each portion of the test.

## **Results**

Table 2 summarizes the analysis of compensatory passing scores. The table includes the percentage of students passing math, ELA, and both portions of the CAHSEE under the current scoring rules. In addition, Table 2 presents the percentages of students passing CAHSEE under the compensatory approach (i.e., with combined scores greater than or equal to 700), and the partially compensatory approach (i.e., with combined scores greater than or equal to 700 and scaled scores of at least 325 on both ELA and math). These results indicate that the CAHSEE passing rate for the March 2003 10<sup>th</sup> graders would increase from 59 percent under the current rules to 72 percent under the compensatory approach. With a partially compensatory approach

requiring a total score of 700 and minimum scores of 325 on ELA and math, the CAHSEE passing rate for all 10<sup>th</sup> graders would be 71 percent. The increases in passing rates across different student groups under the compensatory and partially compensatory approach are generally consistent with the overall increases. Additional analyses exploring different minimum thresholds for ELA and math under a compensatory approach are presented in Appendix A.

Although these increases in passing rates shown in Table 2 are significant, several considerations suggest that the possible use of the compensatory approach should be evaluated with caution.

- Tracking student test score results on different tests across administrations to determine if they met the combined compensatory passing criteria could be difficult for some districts.
- The compensatory approach might be more easily used if students were required to take both portions in each administration until they pass the entire exam, which would also require a change in law. However, this would limit the success of the method in increasing CAHSEE passing rates for repeaters, as many students who barely passed a particular portion in one administration could very well fail it in subsequent administrations. In addition, repeating students would have to prepare for both the ELA and math exams rather than concentrating solely on the subject area they previously failed. This would affect remediation programs.
- The compensatory approach is still vulnerable to the criticism that the CAHSEE standards are being lowered, although a partially compensatory approach would lessen this vulnerability.
- It is unclear whether the cumulative passing rate for the Class of 2004 under the compensatory approach will be increased enough to fully address the public policy and consequential validity issues that may arise should the CAHSEE requirement be continued.

Table 1  
CAHSEE March 2003 Passing Rates for 10<sup>th</sup> Graders in ELA and Math

Category	Designation	Grade 10		
		Total N	N Passed	Pct Passed
<b>Total for Mathematics</b>		<b>389702</b>	<b>234230</b>	<b>60</b>
<b>Gender</b>	Female	191078	114643	60
	Male	197940	119337	60
<b>Ethnicity</b>	1 American Indian/Alaskan Native	3398	1879	55
	2 Asian	37233	31004	83
	3 Pacific Islander	2809	1616	58
	4 Filipino	11841	8778	74
	5 Hispanic or Latino	149440	63280	42
	6 African American	31306	11689	37
	7 White	148853	113692	76
	8 Decline to State	2052	1307	64
<b>School Lunch Program</b>	No NSLP	262530	179104	68
	In NSLP	122174	52908	43
<b>Special Education / Section 504</b>	No Special Ed / Section 504	354123	225977	64
	Special Ed / Section 504	35579	8253	23
<b>Language Fluency</b>	1 Eng. Only	250577	164549	66
	2 InitiallyFluentEnglishProficient	34897	23857	68
	3 RedesignatedFluentEnglish	38543	25367	66
	4 Eng. Learner	63509	19566	31
Category	Designation	Grade 10		
		Total N	N Passed	Pct Passed
<b>Total for English Language Arts</b>		<b>379209</b>	<b>299584</b>	<b>79</b>
<b>Gender</b>	Female	186292	155138	83
	Male	192310	144103	75
<b>Ethnicity</b>	1 American Indian/Alaskan Native	3257	2583	79
	2 Asian	36944	31673	86
	3 Pacific Islander	2723	2131	78
	4 Filipino	11694	10485	90
	5 Hispanic or Latino	144297	95877	66
	6 African American	29893	20853	70
	7 White	145841	132860	91
	8 Decline to State	1997	1639	82
<b>School Lunch Program</b>	No NSLP	256602	220592	86
	In NSLP	117972	75896	64
<b>Special Education / Section 504</b>	No Special Ed / Section 504	344966	285384	83
	Special Ed / Section 504	34243	14200	41
<b>Language Fluency</b>	1 Eng. Only	243890	208627	86
	2 InitiallyFluentEnglishProficient	34272	30098	88
	3 RedesignatedFluentEnglish	37464	32966	88
	4 Eng. Learner	61574	26643	43

Table 2  
CAHSEE March 2003 Passing Rates Under Current Rules,  
a Compensatory Approach, and a Partially Compensatory Approach

Student Groups	Current Scoring Rules			Compensatory Scoring	
	ELA	Math	Both	Fully	Partially
All Students	80%	62%	59%	72%	71%
African Americans	70%	39%	38%	56%	54%
Hispanics	67%	44%	41%	56%	55%
Econ. Disadvantaged	65%	45%	41%	55%	54%
English Learners	44%	32%	24%	36%	35%
Special Education	42%	24%	22%	31%	30%

**Note.** Fully compensatory scoring assumed a student passes CAHSEE if the combined scaled score (math score plus ELA score) is at least 700. Partially compensatory scoring required a combined score of at least 700, a math score of at least 325, and an ELA score of at least 325.

## Appendix A

Table A.1 provides some additional information about how passing rates under a partially compensatory approach differ depending upon the minimum scaled scores required on each measure separately. Table 3 is based on all 10<sup>th</sup> grade students, and assumes a compensatory approach where a combined score of 700 is required to pass. The rows in the table represent different minimum scores required on math and the columns represent different minimum scores required on ELA. The entries in the table are the corresponding projected passing rates for all March 2003 students, based on the row and column combination of minimum ELA and math passing scores. The diagonals in the table provide passing rates in cases where the same minimum scores are required for ELA and math, the entries above the diagonal represent partially compensatory approaches where the scaled score minimum for math is higher than the minimum for ELA, and the entries below the diagonal represent cases where the scaled score minimum for math is lower than the minimum for ELA. Although unequal minimum scaled scores might not ever be considered in a partially compensatory approach, the full pattern of projected passing rates shown in Table 3 is instructive. In particular, the data indicate that nearly all of the increases in CAHSEE passing rates under either a fully or partially compensatory approach are achieved through lowering the standard for the math test. For example, if a combined score of 700 is required, the minimum math score is decreased from 350 to 325, and the minimum ELA score is left at 350, the projected CAHSEE passing rate increases from 59 percent to 70 percent. If ELA is also decreased from 350 to 325 the projected CAHSEE passing rate only further increases to 71 percent. In contrast, if the minimum math score is left at 350 and the minimum ELA score is reduced to 325, the projected CAHSEE passing rate only increases from 59 percent to 60 percent.

Table A.1  
CAHSEE March 2003 Passing Rates - Partially Compensatory Approach (Total = 700)  
with Different Minimum Thresholds for ELA and Math\*

		English Language Arts Minimum Threshold							
		350	345	340	335	330	325	320	250
Math Minimum Threshold	350	59%	60%	60%	60%	60%	60%	60%	60%
	345	62%	63%	63%	63%	63%	63%	63%	63%
	340	66%	66%	66%	67%	67%	67%	67%	67%
	335	67%	68%	68%	68%	68%	68%	69%	69%
	330	69%	70%	70%	70%	70%	70%	71%	71%
	325	70%	71%	71%	71%	71%	71%	71%	71%
	320	71%	71%	71%	72%	72%	72%	72%	72%
	250	71%	72%	72%	72%	72%	72%	72%	72%

\* Based on 10<sup>th</sup> Grade students who completed both ELA and Math



**JUNE 2003 AGENDA**

<b>SUBJECT</b>	<b>X</b>	<b>ACTION</b>
2003 Academic Performance Index (API) Modifications: Integrating Results from California’s Standards-Based Tests in Science into the API; and, Similar Schools and the API Growth Report.	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

That the State Board of Education (SBE) approve the recommendations of the State Superintendent of Public Instruction (SSPI) regarding modifications of the 2003 API.

**Summary of Previous State Board of Education Discussion and Action**

The SSPI recommends and the SBE approves all appropriate matters related to the API.

**Summary of Key Issue(s)**

The SSPI recommends adding the Content Standards Test (CST) Science into the 2003 Base year API with a weight of 5 percent. The SSPI also recommends modification of the reporting of similar schools in both the Base and Growth Report which would include the addition of the median API of the 100 similar schools so that direct comparison of a school’s API with their median 100 similar schools API can be made for both the Base and Growth. This change is necessary so that schools and districts have a context within which to evaluate the similar schools information.

**Fiscal Analysis (as appropriate)**

None.

**Attachment(s)**

Additional material will be provided in the supplemental agenda.

# Supplemental Memorandum

**To:** STATE BOARD MEMBERS

**Date:** June 11, 2003

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

**Re:** ITEM # 16

**Subject:** 2003 ACADEMIC PERFORMANCE INDEX (API) MODIFICATIONS:  
INTEGRATING RESULTS FROM CALIFORNIA'S STANDARDS-BASED  
TESTS IN SCIENCE INTO THE API; AND, SIMILAR SCHOOLS AND THE  
API GROWTH REPORT.

Please insert the following attachment:

Attachment 1: [2003 Base Academic Performance Index \(API\) Modifications: Integrating Results from California's Standards-Based Tests in Science into the API; and, Similar Schools and the API Growth Report \(Pages 1-20\)](#)

**2003 Base Academic Performance Index (API) Modifications:  
Integrating Results from California's Standards-Based Tests in Science into the API; and  
Similar Schools and the API Growth Report**

The Technical Design Group (TDG) for the Public Schools Accountability Act (PSAA) Advisory Committee developed a report in April 2003 with recommendations on four issues to be resolved in conjunction with integrating the California Standards Test in Science (CST Science), grades 9-11, into the 2003 Base Academic Performance Index (API). The PSAA Advisory Committee met on April 24, 2003 and agreed with the TDG that the CST Science should not be included in the API.

The State Superintendent of Public Instruction (SSPI) *does not concur* with the TDG and PSAA Advisory Committee's recommendations and believes that the CST Science *should be* included in the 2003 Base API. Following is a summary of the TDG and PSAA Advisory Committee's recommendations followed by a California Department of Education (CDE) analysis and the SSPI's recommendations.

### **TDG Recommendations**

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The TDG recommended the following:

- Not include CST Science results in the 2003 Base API.
  - The CST Science is not universally-administered to all students at a grade level, and this creates strong technical reasons for not including it in the API.
  - None of the seven options considered to account for non-universal test results provide an optimal technical approach.
- Include Core Knowledge Science Test results in the API as soon as it is available.
  - The high school results could be incorporated as early as 2007.
  - There appear to be few, if any, technical constraints that would limit including the test in the API since the test is to be universally administered to all students at a grade level.
- If the CST Science results were to be included in the 2003 API Base, the weight of the CST Science indicator should be set as low as possible.

### **PSAA Advisory Committee Recommendations**

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The PSAA Advisory Committee recommended the following:

- Agreed with TDG to not include CST Science results in the 2003 Base API.
  - The operational challenges to include the CST Science are significant.
  - Adding the CST Science to the API would involve adding incentives to increase CST Science participation, concurrent with already-adopted incentives for increasing CST Math participation. The effectiveness of such incentives is uncertain, and including additional incentives would add to the burden and pressures schools and districts are already facing.
- Agreed with TDG to include Core Knowledge Science Test results in the API as soon as it is available.

## **CDE Analysis**

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The CDE appreciates the concerns of those who point out that the science tests are not universal indicators: not all students in high school take the tests. As a result, including these tests in the API presents significant operational challenges, particularly in how to treat students who do not take these tests when calculating the API.

However, there are sound policy and educational reasons that overshadow the operational concerns:

- Currently, science results from the CAT/6 are included in the API, although the results contribute only 3% in the total API calculation (see Table 1 “2002 Base API”, page 3).<sup>1</sup> Keeping science at 3% of the API, while justifiable from an operational standpoint, sends out a misleading message to science educators and the public at large that science education is not important.
- The question arises of why we spend so much time and expense in administering end-of-course science exams to students if we do not value the results enough to include them in the API. This question is particularly pointed in this era of budget shortfalls and fiscal constraints.
- The exclusion of end-of-course results implies that we give at least some value to results from the short survey science portion of the CAT/6 while dismissing totally the results from the more demanding standards tests.
- Since we have added end-of-course mathematics tests to the API using a similar methodology, we cannot argue that it simply is too difficult to add similar tests in science.

While the implementation of the generic Core Knowledge Science Test at the high school level will provide valuable information about the knowledge and skills that all secondary students should possess, results of that test will give only part of the picture of standards-based science education in California. Specifically, it will not consider how well students are meeting the current state content and performance standards in science that the State Board and science educators have devoted so much time and effort in developing. Finally, the Core Knowledge Science Test will not be fully implemented until 2007.

## **SSPI Recommendations**

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The SSPI recommends the following:

- CST Science should be added to the 2003 Base API. Since the Core Knowledge Science Test is not yet implemented, the CST Science would consist solely of results from the current end-of-course tests.
- Results from the Core Knowledge Science Test should be added to the API as soon as available.
- In establishing the weight to give to results from the end-of-course science tests, the SBE should give careful consideration to minimizing any fluctuation in the API caused by the fact that the indicator is not universal. Specifically, the SSPI considers weight Option 3 (see Table 1, page 3) to strike the best balance between policy and technical concerns.

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<sup>1</sup> The indicator weight for science was reduced from 20% to 3% in the 2002 Base API in order to reduce the weight of the norm-referenced portion of the API due to the change from the Stanford 9 to the CAT/6.

- Finally, the SSPI believes the issue of non-tested students in end-of-course science tests should be handled in the same manner as non-tested students in end-of-course mathematics tests: students who do not test should be assigned a minimal score of 200 in calculating a high-school's science component of the API. This consistency of practice will facilitate ease of communication with districts and schools and make the API easier to understand by educators and the public. It will also provide an incentive for high schools to enroll students in rigorous and standards-based science courses. (This is Option 2 in the April 2003 TDG report, pages 8-9 and 11.)

**Table 1**  
**Three Options for API Weights for**  
**Integrating CST Science into the 2003 Base API**  
**High Schools (Grades 9-11)**

Content Area	2002-2003 API Cycle			2003-2004 API Cycle			2003-2004 API Cycle			2003-2004 API Cycle		
	<b>2002 Base API Final Weights</b>			<b>2003 Base API Option 1 20% SCIENCE</b>			<b>2003 Base API Option 2 14% SCIENCE</b>			<b>2003 Base API Option 3 8% SCIENCE</b>		
	NRT	CST	CAHSEE	NRT	CST	CAHSEE	NRT	CST	CAHSEE	NRT	CST	CAHSEE
English Language Arts (ELA)												
ELA NRT (Reading) (Language)	6% (3%) (3%)			6% (3%) (3%)			6% (3%) (3%)			6% (3%) (3%)		
ELA CST		35%			<b>24%</b>			<b>28%</b>			<b>32%</b>	
CAHSEE ELA			10%			10%			10%			10%
Mathematics												
Math NRT	3%			3%			3%			3%		
MATH CST		18%			<b>12%</b>			<b>14%</b>			<b>16%</b>	
CAHSEE MATH			5%			5%			5%			5%
Science												
Science NRT	3%			3%			3%			3%		
Science CST		---			<b>17%</b>			<b>11%</b>			<b>5%</b>	
Social Science												
Social Science NRT												
Social Science CST		20%			20%			20%			20%	
<b>TOTAL</b>	<b>12%</b>	<b>73%</b>	<b>15%</b>	<b>12%</b>	<b>73%</b>	<b>15%</b>	<b>12%</b>	<b>73%</b>	<b>15%</b>	<b>12%</b>	<b>73%</b>	<b>15%</b>
				<ul style="list-style-type: none"> <li>Restores science weight to former level</li> <li>Decreases the ELA and Math CSTs to former levels</li> </ul>	<ul style="list-style-type: none"> <li>Avoids drastically reducing ELA and Math CSTs</li> <li>Provides future flexibility when adding Core Knowledge Test</li> </ul>	<ul style="list-style-type: none"> <li>Least change to ELA and Math CSTs</li> <li>Greatest flexibility for adding the Core Knowledge Test</li> <li>Agrees with TDG that weight be as low as possible</li> </ul>						

# **Integrating Results from California's Standards-Based Tests in Science into the Academic Performance Index (API)**

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*A Report of the Technical Design Group  
to the Public Schools Accountability Act Advisory Committee*

*April 2003*

## *Summary*

### **Integrating Results from California's Standards-Based Tests in Science into the Academic Performance Index (API)**

The Technical Design Group (TDG) for the Public Schools Accountability Act (PSAA) Advisory Committee has identified four issues that must be resolved to integrate standards-based science test results into the Academic Performance Index (API). These issues include:

**5. Should the California Standards Test in Science (CST Science) be included in the 2003 API Base?**

Recommendation: Because the CST Science is a test not universally-administered to all students and is a course-specific test, there are strong technical reasons for not including it in the API. The TDG concluded that not adding the CST Science to the API provides the better technical approach. However, it also recognized that not including a standards-based science test in the API until 2007 when the Core Knowledge Science Test is available may not be the best policy approach. The PSAA Advisory Committee and SBE will need to consider the trade-offs between the technical issues and the policy demands. The advantages and disadvantages of including or not including the CST Science in the 2003 API Base are listed in Table 1 on pages 7-8.

**6. If the CST Science is included in the 2003 API Base, how should the results of students with no score on the CST Science be accounted for in the 2003 API Base?**

Recommendation: The TDG considered seven options for including the CST Science in the 2003 API Base. Each option proposes different methods for handling students with no scores on the CST Science (i.e., the problem of non-universal test results). The TDG concluded that none of the options provide an optimal technical approach to address the problem of non-universal test results. Therefore, the TDG does not recommend including the CST Science in the API. The advantages and disadvantages of the seven options are listed in Table 2 on page 11. The TDG was undecided about which option might be considered relatively the most technically sound. Nevertheless, if policy demands that the CST Science be included in the 2003 API Base, the TDG recommends that the weight of the CST Science indicator be set as low as possible.

**7. If the CST Science is included in the 2003 API Base, should the inclusion of the CST Science in the API be maintained or eliminated once the Core Knowledge Science Test is included in the API?**

Recommendation: If the CST Science were to be included in the 2003 API Base, the TDG believes the weight of the CST Science indicator should be set as low as possible. If the indicator weight were minimal, the TDG has no recommendation about whether to maintain or eliminate the CST Science from the API once the Core Knowledge Science Test is included in the API. This should instead be a policy decision of the SBE based upon consideration of recommendations by the PSAA Advisory Committee. If the indicator weight for the CST Science were substantial, the TDG recommends either reducing the indicator weight to a minimal level or eliminating the CST Science from the API.

8. **When should the Core Knowledge Science Test be included in the API?**

Recommendation: Based upon the current plans for development of a Core Knowledge Science Test, there appear to be few, if any, technical constraints that would limit including the test in the API, once the test is available. Therefore, the TDG recommends including the Core Knowledge Science Test in the API as soon as it is available. The elementary results for grade 5 could be incorporated into the API as early as 2004, and the middle and high school results could be incorporated as early as 2007. Adding the Core Knowledge Science Tests to the API will be easy technically because the test will be universally administered to all students at a grade level.

# **Integrating Results from California's Standards-Based Tests in Science into the Academic Performance Index (API)**

## **A Report of the TDG to the PSAA Advisory Committee**

The Public Schools Accountability Act (PSAA) of 1999 (Chapter 3, Statutes of 1999) requires that the State Superintendent of Public Instruction (SSPI), with approval of the State Board of Education (SBE), develop an API to measure the performance of schools. The law also provides for an Advisory Committee to assist the SSPI and the SBE in the creation of the Index. The Committee established a Technical Design Group (TDG), comprised of educational measurement specialists, to provide guidance on technical issues. The TDG developed this report.

The purpose of this paper is to evaluate the alternatives for incorporating standards-based science tests into the Academic Performance Index (API). The paper, organized into four sections, provides the following:

- Description of the background of current standards-based science tests
- Guiding principles for incorporation of indicators into the API
- Issues to be resolved
- Evaluation and recommendations on the resolution of each issue

### **Background**

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#### ***Current standards-based test: CST Science (grades 9-11, course-specific)***

Under the Standardized Testing and Reporting (STAR) program (Sections 60640-60648), California students, grades 9-11, take the norm-referenced test in science for their respective grade level. The California Standards Test in Science (CST Science) is a course-specific test and is not universally administered to all students in grades 9-11. Students in grades 9-11 are required to take the CST Science if they have completed the standards-based science courses between the previous summer school and the end of the school year of testing. Otherwise, the student does not take the CST Science. The CST Science refers to *all* of the following tests according to grade level or discipline:

- Biology/Life Science
- Chemistry
- Earth Science
- Physics
- Integrated Science 1 Biology/Chemistry/Physics (BCP)
- Integrated Science 2 Earth Science/Biology/Chemistry (EBC)
- Integrated Science 3 Earth Science/Biology/Physics (EBP)
- Integrated Science 4 Earth Science/Chemistry/Physics (ECP)

Science teachers are required to carefully match the test blueprints to their course content to order the most appropriate test for their students. If a science course is not closely aligned with a test blueprint, no science test should be administered. Performance standards for CST Science have been adopted by the SBE, including those for Integrated courses.

The PSAA requires the inclusion of results from the standards-based component of the STAR exam in the API [Section 52052(a)(3)].

**2002 Participation rates (Stanford 9 Science and CST Science)**

The following chart shows the Standardized Testing and Reporting (STAR) Program science tests administered in 2002 to students in grades 9-11 and participation rates for each test.

**2002 STAR Participation Rates in Science, Grades 9-11**

Science Test Administered		Grade 9	Grade 10	Grade 11
<i>Norm-referenced test</i>				
Stanford 9	Number Tested	438,988	395,241	342,441
<i>CST Science</i>				
Biology/Life Sciences	Number Tested	<b>87,995</b>	<b>164,730</b>	<b>45,750</b>
	% of Stanford 9	20%	42%	13%
Chemistry	Number Tested	<b>2,262</b>	<b>52,382</b>	<b>90,289</b>
	% of Stanford 9	1%	13%	26%
Earth Science	Number Tested	<b>57,885</b>	<b>12,550</b>	<b>9,661</b>
	% of Stanford 9	13%	3%	3%
Physics	Number Tested	<b>10,693</b>	<b>6,440</b>	<b>24,629</b>
	% of Stanford 9	2%	2%	7%
Integrated 1 (BCP)	Number Tested	<b>3,626</b>	<b>9,136</b>	<b>3,698</b>
	% of Stanford 9	1%	2%	1%
Integrated 2 (EBC)	Number Tested	<b>21,796</b>	<b>12,219</b>	<b>4,974</b>
	% of Stanford 9	5%	3%	1%
Integrated 3 (EBP)	Number Tested	<b>12,497</b>	<b>9,951</b>	<b>3,022</b>
	% of Stanford 9	3%	3%	1%
Integrated 4 (ECP)	Number Tested	<b>39,513</b>	<b>9,639</b>	<b>7,934</b>
	% of Stanford 9	9%	2%	2%
<b>Totals, CST Science</b>	<b>Total CST Science # Tested</b>	<b>236,267</b>	<b>277,047</b>	<b>189,957</b>
	% of Stanford 9	54%	70%	55%

For 2002 in grades 9-11, the Stanford 9 science test was a 40-item test, and the CST Science was a 60-item test. In 2003 for grades 9-11, the CAT/6 science test will be a 25-item test, and the CST Science will be a 66-item test.

**Proposed standards-based test: Core Knowledge Science Test (universal)**

Beginning in 2007, the No Child Left Behind (NCLB) Act of 2001 requires each state to administer at least once in grade spans 3-5, 6-9, and 10-12 standards-based science tests each year. All students will participate in these assessments at the specified grade level within the three grade spans. These tests will measure the fundamental science concepts and skills that all students within the designated grades should know and understand.

Currently, under the STAR Program, the CST Science tests are not grade-specific and therefore do not meet the NCLB requirement. Senate Bill 233 (Chapter 722 of 2001) authorized the State Board of Education (SBE) to develop and implement science tests in at least one elementary or middle school grade. The SBE designated grade 5 for the administration of a standards-based science test, which will be field tested during the spring of 2003 and administered as an operational test in 2004. This test meets the NCLB core knowledge test specifications for the elementary level. The California Department of Education (CDE) has prepared a schedule that addresses NCLB specifications for the development and implementation of Core Knowledge Science Tests at the middle (6-9) and high school (10-12) levels that will result in a universally-administered test by 2007 for the three grade spans.

The NCLB Core Knowledge Science Test will be a generic test of science, focusing on the minimum of science knowledge and skills that all students must possess at the elementary, middle, and high school grade levels to be prepared for high school graduation.

### ***Graduation and CST/UC requirements in science***

Graduation requirements for grades 9-12 in science are two courses in science, including biological and physical sciences. CSU admission requirements are two years of science; UC requirements are two years of laboratory science, three years recommended.

### **Guiding Principles**

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The methodology that the SBE adopts for the integration of the standards-based test in science must:

1. Be technically sound.
2. Be flexible enough to accommodate the phase-in of other standards tests.
3. Insofar as possible, preserve the present system of API calculation and reporting.

In addition, the properties of the new indicator should, to the greatest extent possible, do the following:

4. Establish the simplest computation for the most common course-grade combinations and additional complexity, if necessary, for more unusual course taking patterns.
5. Provide a neutral method that neither encourages nor discourages course-taking patterns and testing in science.

### **Issues to be Resolved**

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The TDG identified four issues that need to be resolved in integrating standards-based tests in science into the API:

1. Should the California Standards Test in Science (CST Science) be included in the 2003 API Base?
2. If the CST Science is included in the 2003 API Base, how should the results of students with no score on the CST Science be accounted for in the 2003 API Base?
3. If the CST Science is included in the 2003 API Base, should the inclusion of the CST Science in the API be maintained or eliminated once the Core Knowledge Science Test is included in the API?
4. When should the Core Knowledge Science Test be included in the API?

### **Evaluation and Recommendations for Each Issue**

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#### ***Issue #1***

#### ***Should the California Standards Test in Science (CST Science) be included in the 2003 API Base?***

*The Academic Performance Index (API): A Six-Year Plan for Development* was presented to the SBE in April 2002. The plan reflects an estimated schedule of indicators to be added to the API over several years. It recommends that the CST Science, grades 9-11, be added to the 2003-2004 API cycle, pending SBE approval. At the time the plan was developed, it reflected the available standards-based science tests at the secondary level. Since that time, the NCLB legislation was enacted, and a Core Knowledge Science Test to be universally-administered was planned. As a result, the TDG was asked to evaluate various approaches besides incorporation of the CST Science into the 2003 API Base. The TDG considered the following factors:

- The CST Science is based on discipline-specific tests. Not all secondary students take a test, and those who do, may take 1 of 8 tests (biology, chemistry, earth science, physics, or Integrated 1,2,3, 4). Incorporating a non-universal indicator such as the CST Science into the API complicates the calculation of the API.
- The *API Six-Year Plan* was developed before the enactment of NCLB. The Core Knowledge Science Test will be a universally-administered test but will not be completely ready until 2007.
- Since the Core Knowledge Science Test will be developed, it may be more effective to not include the CST Science in the API at all. However, if the CST Science is not included in the API prior to 2007, it sends the message that science is not important and creates a disincentive for schools to encourage students to take science courses in high school.
- The *API Six-Year Plan* is scheduled to be modified this year and presented to the SBE. It is anticipated that it will be combined with the long-term plan for California's assessment system.

There are strong policy reasons for including the CST Science in the API. The indicator weight for the science NRT was reduced in the 2002 API Base. The CST Science is a technically sound assessment based on high-level state content and performance standards that has been implemented and is currently available. Including the test in the API would support the importance of science in the accountability system.

The TDG was asked to evaluate the technical options for including the CST Science in the 2003 API Base. These options are described in detail in Issue #2 below. The options address the problem of non-universal test administration for the CST Science.

Since including the CST Science in the API would involve the problem of non-universal test administration, the TDG also discussed whether the CST Science should be included in the API at all. This view was the more appealing alternative from a technical standpoint, since a Core Knowledge Science Test will soon be developed that will avoid the problems of non-universal test results of the CST Science. It may be better to wait for the implementation of the Core Knowledge Science Tests and include those results in the API when they become available. The elementary results for grade 5 could be incorporated into the API as early as 2004, and the middle and high school results could be incorporated as early as 2007. Adding the Core Knowledge Science Tests to the API will be easy technically because the test will be universally administered to all students at a grade level.

The advantages and disadvantages of including or not including the CST Science in the 2003 API Base are listed in Table 1.

**Table 1**  
**Advantages and Disadvantages of Including/Not Including the CST Science in the 2003 API Base**

<b><i>Approach</i></b>	<b><i>Advantages</i></b>	<b><i>Disadvantages</i></b>
<b>Include CST Science in 2003 API Base</b>	<ul style="list-style-type: none"> <li>○ Supports the importance of science in the accountability system, particularly since the Science NRT weight in the API was greatly reduced in 2002</li> <li>○ Reflects the inclusion of higher-level science content than core knowledge content</li> <li>○ Provides an incentive as soon as possible for schools to encourage students to take higher-level science</li> <li>○ Maintains the goal of increasing the quality of high school science courses</li> <li>○ Is consistent with the timeline of the <i>API Six-Year Plan</i></li> </ul>	<ul style="list-style-type: none"> <li>○ No optimal technical solution exists for addressing non-universal test results</li> <li>○ Adds complexity to the API</li> <li>○ If gross differences exist in the difficulty across the types of CST Science subject tests (i.e., Physics vs. Biology), the interpretation of results is confounded</li> <li>○ Would be inefficient and confusing to schools to add the CST Science and then revise or eliminate it in 2007 (when the Core Knowledge Science Test is added to the API)</li> </ul>
<b><i>Approach</i></b>	<b><i>Advantages</i></b>	<b><i>Disadvantages</i></b>
<b>NOT Include CST Science in 2003 API Base</b>	<ul style="list-style-type: none"> <li>○ Provides the best technical solution because it avoids non-universal test results problem</li> <li>○ Avoids the complexity of adding a non-universal indicator to the API</li> <li>○ Avoids inefficiencies and</li> </ul>	<ul style="list-style-type: none"> <li>○ May be viewed as lack of support for the importance of higher-level science in the accountability system</li> <li>○ Establishes a disincentive for schools to encourage students to take science courses in high school (until the Core Knowledge Science Test is integrated into the API)</li> </ul>

	<p>confusion of adding CST Science to the API only to eliminate or revise it in 2007 when the Core Knowledge Science Test becomes available</p>	<ul style="list-style-type: none"> <li>○ Uses the results of a test that reflects the minimum of science knowledge and skills that all students must possess (rather than the higher-level of knowledge and skills of the state content standards).</li> <li>○ Is not consistent with the timeline of the <i>API Six-Year Plan</i></li> </ul>
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**Recommendation:** The TDG concluded that not adding the CST Science to the API provides the better technical approach. However, it also recognized that not including a standards-based science test in the API until 2007 when the Core Knowledge Science Test is available may not be the best policy approach. The PSAA Advisory Committee and SBE will need to consider the trade-offs between the technical issues and the policy demands.

### **Issue #2**

***If the CST Science is included in the 2003 API Base, how should the results of students with no score on the CST Science be accounted for in the 2003 API Base?***

Seven options were identified by the TDG for integrating the results of the CST Science into the 2003 API Base. Each of the seven options addresses the problem of non-universal test results differently and, therefore, each option treats differently students who have no scores on the test. Under any of the options, the Core Knowledge Science Test could be added to the API when it becomes available, as determined by the SBE. Once added, the CST Science indicator weight could be maintained, reduced, or eliminated, as determined by the SBE.

#### **Option 1: Exclude students with no scores**

Include the results of students with scores with no adjustments. Students with no score would not be counted in the API.

**Comment:** This option works well only for universal indicators; it is problematic when the indicator is not universal. In the most extreme case, a school's score could be based upon the performance of a single test taker. In less extreme cases, this proposal contains an undesirable incentive for schools to steer lower-scoring students away from courses that trigger a CST Science.

#### **Option 2: Include students with no scores as 200**

As in Option 1, include the results of students with scores with no adjustments. However, students with no score would be included in the API and assigned a weight of 200 (the lowest proficiency level).

**Comment:** Although it addresses the chief shortcoming of Option 1, this option may be overly punitive. There are legitimate reasons why no CST Science would be taken. (State requirements for high school graduation include only two years of science.) There is consensus that schools should not benefit from having their students take less science, but assigning students to the lowest proficiency level distorts the proposed indicator.

The CST Math was added to the 2002 API Base. CST Math is a non-universal indicator similar to the CST Science. It was integrated into the API using the approach described

in Option 2. Students in grades 10 and 11 that had no score on the CST Math were included in the 2002 API Base but assigned a weight of 200. Although it is a small number of cases, it unfairly penalizes schools with high numbers of students taking higher level mathematics courses for which no CST Math exists. The approach assigns the lowest weight, even for a student taking a higher-level math course (e.g., AP Calculus) because no CST Math test is available and there is no way to determine the course enrollments of the student. This same difficulty would occur for CST Science integration. Results have yet to prove that mathematics participation has increased from implementation of this option.

**Option 3: Include fraction of students with no scores as 200**

As in Option 1, include the results of students with scores with no adjustments. However, the number of students with no score who are assigned a 200 are treated as a fraction of the students in the calculation. This “down-weights” the cases assigned a weight of 200 and results in a less punitive method for handling non-universal test results than that proposed in Option 2.

**Comment:** The advantage of this option is that it addresses the problem of non-universal test results and is less punitive than Option 2. However, the problem of non-universal test results is not totally resolved.

**Option 4: Include students with no scores as 200 if over threshold**

As in Option 1, include the results of students with scores with no adjustments. Students with no score *over a certain threshold* would be included in the API and assigned a weight of 200 (the lowest proficiency level). Students with no score *within the defined threshold* would not be counted in the API. For example, if the threshold were set at 60%, and a school had CST Science test scores for 50% of its base enrollment in grades 9-11, then 10% of the grade 9-11 base enrollment would be assigned to the lowest proficiency level. The remaining 40% of students with no scores would not be included in the API.

**Comment:** Although this option may share some of the punitive character of Options 2 and 3, it allows for a reasonable incentive for science course taking. Depending on where the threshold is set, the proposal has the potential to reflect both a healthy incentive and a technically sound methodology.

**Option 5: Substitute students' NRT scores for no CST scores**

As in Option 1, include the results of students with scores with no adjustments. For students with no score, use the CAT/6 norm-referenced test (NRT) science score in place of the CST Science score. The CAT/6 national percentile rank (NPR) score would be conservatively converted to an equivalent performance level, and performance level weighting factors would be determined. This would be designed to lower the CAT/6 scores to encourage taking CST Science. The indicator weights for the NRT and CST science may need to be combined.

**Comment:** This option is better than Option 4 because it would be based on actual test scores rather than upon imputation. The advantage of this option is that it is easily implemented because the NRT scores are readily available and already calculated as part of the API process. However, this method was considered by the TDG and the PSAA for integrating the CST in Mathematics into the 2002 API. It was not adopted for several

reasons. First, the NRT score would be double-counted since the NRT score is already included in a school’s API. Second, using the NRT as a replacement for the CST MATH may change the meaning of the CST MATH indicator score to the extent that untested students were present at a school. For example, the CAT/6 is taken by students who may not be enrolled in a science course. This complicates the interpretation of the CST Science addition into the API. Third, this option would be problematic if the CAT/6 were ever to be eliminated.

**Option 6: Course enrollment credit**

If it is desirable that the API reward both course taking in the four subjects and performance on the CST Science, then define two indicators, each addressing only one of these objectives.

**Comment:** A course enrollment credit approach was proposed by the TDG and the PSAA for integrating the CST in Mathematics into the 2002 API. It was not adopted by the SBE because: (1) it would have created added complexity and workload requirements to the API yet would have a minimal effect on the API and (2) the use of this approach was not a cost-effective method for avoiding disincentives for high school mathematics course-taking. The same is likely to hold true for adding CST Science into the API.

**Option 7: Higher level course credit**

Supplementing one of the above proposals, give credit for advanced placement (AP) science scores at or above a certain level (for example, 3 or higher).

**Comment:** Including AP scores would solve a problem if AP students were not taking California Standards Tests in science. In this case, a school could be punished in the API depending on how the CST Science indicator is defined. This proposal assumes a problem that may or may not exist. Bringing in AP scores separately from the CST may be desirable, so long as this can be done equitably for all schools affected and the AP data can be matched with the STAR and California High School Exit Examination (CAHSEE) data.

Table 2 lists the advantages and disadvantages of the seven options for including the CST Science in the 2003 API Base.

**Table 2**  
**Advantages and Disadvantages of**  
**Seven Options for Including CST Science in the 2003 API Base**

<b>Option</b>	<b>Advantages</b>	<b>Disadvantages</b>
<b>Option 1: Exclude students with no scores</b>	<ul style="list-style-type: none"> <li>○ Easy to explain</li> <li>○ Works well for universal indicators</li> <li>○ Does not establish punitive measures for schools</li> <li>○ Does not distort CST Science scores</li> </ul>	<ul style="list-style-type: none"> <li>○ Creates incentives for schools to steer low performing students away from standards-based science courses</li> <li>○ API CST Science indicator score based only on students taking the test and will not reflect the entire school population</li> <li>○ Provides no credit for students taking higher-level science courses</li> <li>○ Setting a weight for a test that may be given to a portion of students at a school cannot be accurate and APIs between schools would not be comparable</li> </ul>

<p><b>Option 2: Include students with no scores as 200</b></p>	<ul style="list-style-type: none"> <li>○ Creates incentives for schools to encourage all students to take standards-based science courses</li> </ul>	<ul style="list-style-type: none"> <li>○ Assigns lowest performance level to students who take science courses for which no CST Science exists</li> <li>○ May be too punitive for some schools</li> <li>○ Adds complexity to the API</li> </ul>
<p><b>Option 3: Include fraction of students with no scores as 200</b></p>	<ul style="list-style-type: none"> <li>○ Creates incentives for schools to encourage all students to take standards-based science courses</li> </ul>	<ul style="list-style-type: none"> <li>○ Assigns lowest performance level to students who take science courses for which no CST Science exists</li> <li>○ Is less punitive than Option 2, but does not totally resolve non-universal test results problem</li> <li>○ Adds complexity to the API</li> </ul>
<p><b>Option 4: Include students with no scores as 200 if over threshold</b></p>	<ul style="list-style-type: none"> <li>○ Creates incentives for schools to encourage at least a minimum number of students to take standards-based science courses</li> <li>○ Has potential to reflect a good balance of incentive vs. punitive measures</li> </ul>	<ul style="list-style-type: none"> <li>○ Does not totally resolve non-universality problem</li> <li>○ Adds complexity to the API</li> <li>○ Incentive for low-performers not to take science if above minimum percent</li> </ul>
<p><b>Option 5: Substitute students' NRT scores for no CST scores</b></p>	<ul style="list-style-type: none"> <li>○ Creates incentives for schools to encourage all students to take standards-based science courses</li> <li>○ Based on actual scores rather than imputation</li> <li>○ Only method that uses science test results for all students</li> </ul>	<ul style="list-style-type: none"> <li>○ Double-counts the NRT scores for students with no scores if NRT and CST science weights are not combined</li> <li>○ Would need to switch to another alternative if NRT ever totally eliminated</li> </ul>
<p><b>Option 6: Course enrollment credit</b></p>	<ul style="list-style-type: none"> <li>○ Creates incentives for schools to encourage all students to take standards-based science courses</li> </ul>	<ul style="list-style-type: none"> <li>○ Adds significant complexity to the API (more than the CST Math in the API)</li> <li>○ Likely to have a minimal effect on the API, as was the case for the CST Math</li> <li>○ Not cost-effective</li> </ul>
<p><b>Option 7: Higher level course credit</b></p>	<ul style="list-style-type: none"> <li>○ Creates incentives for schools to encourage students to take higher-level science courses (e.g., AP courses)</li> </ul>	<ul style="list-style-type: none"> <li>○ Adds complexity to the API</li> <li>○ May pose problem to match data</li> <li>○ Affects only a small percent of students</li> </ul>

The TDG recognizes that the problem of non-universal test results is likely to be greater for the CST Science than it is for the CST Math. This is because fewer students take the CST Science than the CST Math. Also, the requirements for taking science courses are less specific than those for taking mathematics courses. Students are not required for graduation to take a particular science course such as Chemistry, but all students are required to take Algebra for graduation. Science courses such as Environmental Science may meet the graduation requirement, but there is no CST Science for this discipline.

Recommendation: The TDG concluded that none of the seven options considered provide an optimal technical approach to address the problem of non-universal test results. Therefore, the TDG does not recommend including the CST Science in the API. The TDG was undecided about which option might be considered relatively the most technically sound. Nevertheless, if policy demands that the CST Science be included in the 2003 API Base, the TDG recommends that the weight of the CST Science indicator be set as low as possible.

***Issue #3***

***If the CST Science is included in the 2003 API Base, should the inclusion of the CST Science in the API be maintained or eliminated once the Core Knowledge Science Test is included in the API?***

Recommendation: If the CST Science were to be included in the 2003 API Base, the TDG believes the weight of the CST Science indicator should be set as low as possible. If the indicator weight were minimal, the TDG has no recommendation about whether to maintain or eliminate the CST Science from the API once the Core Knowledge Science Test is included in the API. This should instead be a policy decision of the SBE based upon consideration of recommendations by the PSAA Advisory Committee. If the indicator weight for the CST Science were substantial, the TDG recommends either reducing the indicator weight to a minimal level or eliminating the CST Science from the API.

***Issue #4***

***When should the Core Knowledge Science Test be included in the API?***

Recommendation: Based upon the current plans for development of a Core Knowledge Science Test, there appear to be few, if any, technical constraints that would limit including the test in the API, once the test is available. Therefore, the TDG recommends including the Core Knowledge Science Test in the API as soon as it is available. The elementary results for grade 5 could be incorporated into the API as early as 2004, and the middle and high school results could be incorporated as early as 2007. Adding the Core Knowledge Science Tests to the API will be easy technically because the test will be universally administered to all students at a grade level.

**2003 Academic Performance Index (API): Modifications:  
Integrating Results from California's Standards-Based Tests in Science into the API; and,  
Similar Schools and the API Growth Report**

**Background:** The purpose of this paper is to describe a proposed change in the Academic Performance Index (API) Growth Report, which the California Department of Education (CDE) would institute in the fall of 2003 for the 2003 API Growth Report. The CDE submitted an earlier version of this proposal to the Technical Design Group (TDG) and then to the Public Schools Accountability Act (PSAA) Advisory Committee. This earlier version was simply to add a median growth API of similar schools to the API Growth Report.

While the TDG raised no technical objections to the earlier proposal, members of the Advisory Committee expressed the concern that simply reporting the median growth API of similar schools failed to provide districts and schools with any type of context within which to evaluate the information. As a body, the Committee recommended that the CDE develop a strategy that would enable districts and schools to compare changes in the distribution of similar schools between the release of the base API report and the corresponding growth API report. In response, the CDE has modified its original proposal and re-submitted it to the TDG, which once again found no technical problems with it.

**Proposal:** The modified proposal is that the 2003 API Growth Report for each school should include:

- The median 2002 base API of the 100 similar schools that were used to generate each school's 2002 Base API similar schools ranking.
- The median 2003 growth API of the same 100 similar schools.<sup>2</sup>
- An electronic link to a list of the same 100 similar schools that would include the 2003 growth API of each school. The list would be sorted by the value of the 2003 growth API.

**Pros:** These report enhancements would:

- Boost the value of the growth report.
- Increase the utility of the similar schools concept.
- Provide demographic background for the school's performance as reflected by the growth API.

**Cons:** Reporting of this statistic could:

- Provide misleading information in case a school had experienced significant demographic change from one year to the next and failed to report this to the CDE.

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<sup>2</sup> As noted earlier, the original CDE proposal included only the reporting of this statistic.

- Increase the potential for delay in the release of the API Growth Report, which currently occurs in September or October, because adding this statistic would involve a significant increase in the amount of processing needed to produce the report.

**Recommendation:** Districts and schools already are familiar with the concept of similar schools because of its use on the Base Report. The enhancement of the growth report would provide districts and schools with additional information that would be both useful and easy for them to understand.

The Attachment on page 3 demonstrates the potential value of this type of measure. In 2003 school ABC grows 20 points from 700 to 720 while the median value for the API of its 2002 similar schools group grows only 5 points from 780 to 785. If we merely re-ranked the similar schools by the 2003 growth API, school ABC will still be at rank 4. This would not reflect the progress that school ABC has made in closing the gap between its API and the median API for its similar schools group.

In contrast, the potential disadvantages of reporting such a measure are less certain. In the past two years, the CDE has received relatively few requests for invalidating growth APIs because of changes in school demographic characteristics. This assumed demographic stability is validated by very little observed annual fluctuation in the demographic characteristics used to construct the similar schools' grouping.

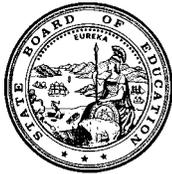
Regarding potential reporting delays, to comply with provisions of the NCLB, beginning in 2004 the CDE will probably release preliminary API growth reports in August beginning in 2004. This would include those API elements necessary to determining Adequate Yearly Progress (AYP) under the provisions of the No Child Left Behind Act of 2001. This in turn will decrease the negative consequences that might result from a delay in the release of the more formal API growth report, which currently occurs as late as October.

In conclusion, the likely advantages of the proposal outweigh the less certain disadvantages. Therefore, the CDE recommends adding these features to the 2003 API Growth Report.

**Attachment**

**Similar Schools Example**

		<b>2002 Base API</b>	<b>2003 Growth API</b>
<b>Similar Schools Rank</b>	<b>10</b>	School 1 - API 799 .	School 1 - API 804 .
	<b>9</b>	.	.
	<b>8</b>	.	.
	<b>7</b>	.	.
	<b>6</b>	.	.
		Median - API 780	Median - API 785
	<b>5</b>	.	.
	<b>4</b>	School ABC - API 700	School ABC - API 720
	<b>3</b>	.	.
	<b>2</b>	.	.
<b>1</b>	School 100 -API 600	School 100 - API 605	



**JUNE 2003 AGENDA**

SUBJECT	X	ACTION
Entry requirements for alternative schools participating in the Alternative Schools Accountability Model.		<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

Approve the proposal for refining the criteria that alternative schools must meet in order to participate in the Alternative Schools Accountability Model.

**Summary of Previous State Board of Education Discussion and Action**

Members of the State Board of Education (SBE) have requested that the criteria for alternative schools participating in the Alternative Schools Accountability Model (ASAM) be made more rigorous. The Superintendent’s Advisory Committee for the Public Schools Accountability Act presented a proposal for revising ASAM entry requirements for alternative schools as information to the SBE in May 2003. Members of the SBE requested that the proposal be further refined and that a recertification process be developed for schools in this category.

**Summary of Key Issue(s)**

Several types of alternative schools that are defined in law participate in the ASAM. These include Community Day Schools, Continuation Schools, Opportunity Schools, Juvenile Court Schools, County Community Schools, and California Youth Authority Schools. Approximately 162 “other alternative schools,” including 33 charter schools, also participate in ASAM. Questions have been raised about whether the characteristics of the populations served by “other alternative schools” in the ASAM, have been sufficiently well-defined to distinguish those schools from other schools that serve high-risk, low-performing populations.

The refined proposal presented for action will:

- Redefine the characteristics of the populations served by “other alternative schools.”
- Raise the percentage requirement for students with those characteristics.
- Require a new registration process for these schools that will include certification by the county superintendent as well as the principal, superintendent, and board president.

**Fiscal Analysis (as appropriate)**

None

**Attachment(s)**

Additional materials will be provided in the supplemental agenda.

# Supplemental Memorandum

**To:** STATE BOARD MEMBERS

**Date:** May 28, 2003

**From:** Susan M. Bennett, Administrator, Educational Options Office

**Re:** ITEM # 17

**Subject** Entry requirements and registration process for 'other alternative schools' participating in the Alternative Schools Accountability Model (ASAM).

Please find attached:

Attachment 1: [Reconsideration of Entry Requirements for Alternative Schools Participating in the Alternative Schools Accountability Model \(Pages 1-5\)](#)

**Reconsideration of Entry Requirements for Alternative Schools Participating in the  
Alternative Schools Accountability Model**

**Background.** The Alternative Schools Accountability Model (ASAM) is a multiple-indicator system. By design, schools participating in the ASAM are held accountable not only for performance on the STAR Indicator/Academic Performance Index (API), but also for performance on several additional performance indicators. ASAM schools select the additional indicators appropriate to the student populations they serve from a list of 15 indicators approved by the State Board of Education (State Board). These additional indicators include, for example, measures of attendance, credits completed, courses completed, suspension, and—beginning in 2003-2004—pre-post tests of achievement.

Under the requirements of the federal No Child Left Behind (NCLB) Act the ASAM schools, like all other schools, will be held accountable for adequate yearly progress (AYP) based on the percent of students who are proficient in reading and in mathematics. (See attached chart for a comparison of accountability as provided under NCLB for schools that are held accountable through the ASAM and for non-ASAM schools.)

A variety of schools serving high-risk students, including Community Day Schools, Continuation Schools, Opportunity Schools, Juvenile Court Schools, County Community Schools, and California Youth Authority (CYA) Schools are eligible to participate in the ASAM as it was established with State Board approval in 2000. These types of schools are all defined by the California Education Code. The Public Schools Accountability Act (PSAA) also specified that other “alternative schools” would be eligible to participate in the ASAM. The PSAA Advisory Committee recommended, and the State Board approved, participation of alternative schools in the ASAM if their school principal, district superintendent and local board president certified that they served a majority of students characterized by one or more of the following:

- classified as being at high-risk for behavioral or educational failure.
- expelled or under disciplinary sanction.
- wards of the court.
- pregnant and/or parenting.
- recovered dropouts.

The first of these criteria—high-risk for behavioral or educational failure—has been further defined as follows:

“This refers to the characteristics of students served by Continuation Schools, Opportunity Schools, Community Day Schools, and County Court and Community Schools as distinguished from students served by low-performing schools.”

Questions have recently been raised about the appropriateness of the ASAM for certain of the 'other alternative schools.' The concern is whether the criteria that 'other alternative schools' have had to meet in order to participate in the ASAM have been sufficiently well-defined and rigorous.

To address these concerns, the PSAA Subcommittee on Alternative Accountability considered the option of limiting participation in ASAM to only the following types of schools: Continuation Schools, Opportunity Schools, Community Day Schools, Juvenile Court Schools, County Community Schools, and CYA Schools. These specific types of alternative schools, their mission, and the student populations involved are defined by the California Education Code ('defined alternative schools'). The Subcommittee rejected this option because it would exclude 'other alternative schools' that serve the same types of students that are served in the 'defined alternative schools.'

The Subcommittee instead recommended revised entry requirements for 'other alternative schools' to participate in the ASAM, as described below. The full PSAA Advisory Committee unanimously concurred in this recommendation. The following two recommendations from CDE are based on the recommendations of the Subcommittee and full Committee, as well as further conversations with State Board representatives.

### **Recommendations for the State Board to Consider**

#### **A. Allow 'other alternative schools' to participate in the ASAM if they meet the following three conditions:**

- 1. Their specific purpose is to serve, usually for less than a full academic year, high-risk students who are referred from other schools. High-risk students are defined as students who are or were:**
  - expelled (*Ed. Code 48925[b]*) including situations in which enforcement of the expulsion order was suspended (*Ed. Code 48917*).
  - suspended (*Ed. Code 48925[d]*) more than 10 days in a school year.
  - wards of the court (WIC 601 or 602) or dependents of the court (WIC 300 or 654).
  - pregnant and/or parenting.
  - recovered dropouts (Dropout Guidelines for 2003 California Basic Educational Data System [CBEDS] at <<http://www.cde.ca.gov/demographics/dropouts03.htm>>.)
  - habitually truant (*Ed. Code 48262*) or habitually insubordinate and disorderly (*Ed. Code 48263*), and whose attendance at the school is directed by a school attendance review board (SARB) or probation officer (*Ed. Code 48263*).
  - retained more than once in kindergarten through grade 8.
- 2. Seventy percent (rather than a majority) of their students meet these criteria.**
- 3. They register with CDE by submitting a registration form (see sample attached) indicating the percentage of students at the school who meet the more rigorously**

**defined characteristics of high-risk students. The school principal, district superintendent, local school board president, and appropriate county office of education superintendent would be required to sign the form validating the information submitted. CDE would also review the revised form.**

These requirements would exclude those ‘other alternative schools’ that could not meet the new, more rigorous criteria.

- B. Allow districts or county offices of education to petition the State Board on behalf of ‘other alternative schools’ that did not meet the criteria in A. to allow such schools to participate in the ASAM. Such a petition would need to be based on compelling evidence that ASAM participation was appropriate based on the characteristics of the student populations served by such a school.**

<b>Comparison of Accountability Requirements for ASAM Schools and Non-ASAM Schools</b>		
<b>School Size</b>	<b>ASAM Schools</b>	<b>Non-ASAM Schools</b>
<b>Schools of Sufficient Size for CDE to Determine AYP<sup>1</sup></b>	AYP API  and  ASAM Indicator data	AYP API
<b>Schools Too Small for CDE to Determine AYP<sup>2</sup></b>	API <sup>*3</sup>  Test results incorporated into district AYP  and  CDE provides technical support for district to determine school-level AYP	API <sup>*3</sup>  Test results incorporated into district AYP  and  CDE provides technical support for district to determine school-level AYP
<b>Schools Too Small for CDE to Determine AYP or Report API<sup>4</sup></b>	Test results incorporated into district AYP  and  CDE provides technical support for district to determine school-level AYP <sup>5</sup>	Test results incorporated into district AYP  and  CDE provides technical support for district to determine school-level AYP <sup>5</sup>

<sup>1</sup> Following California's *Accountability Workbook* proposal, the school must have at least 100 valid test scores from 100 or more students eligible for testing to meet annual measurable objectives in mathematics and English language arts.

<sup>2</sup> The school had fewer than 100 valid test scores for purposes of determining AYP, but for purposes of calculating an API it had more than 10 valid test scores and tested 85 percent of the eligible students in each content area.

<sup>3</sup> API\* published for disclosure purpose only.

<sup>4</sup> The school had less than 11 valid test scores.

<sup>5</sup> Data may need to be rolled up for two or three years.

**Registration for ‘Other Alternative Schools’  
Alternative Schools Accountability Model**

School Name \_\_\_\_\_ District Name \_\_\_\_\_

County-District-School (CDS) Code \_\_\_\_\_

Name of Principal \_\_\_\_\_

School Mailing Address \_\_\_\_\_

Phone with Area Code (\_\_\_\_) \_\_\_\_\_ FAX Number (\_\_\_\_) \_\_\_\_\_

E-mail Address \_\_\_\_\_

- A. I request that this school be held accountable under the Alternative Schools Accountability Model. This school is an Alternative School designed to serve, for less than a full academic year, a high-risk student population as indicated in B.
- B. I certify that the stated purpose of this school is to serve students in the population(s) that I have checked below, and that these students currently make up 70% or more of the student population.

**Indicate the percent of students served at your school in each of the following categories (total may exceed 100%)**

- \_\_\_\_\_ expelled (*Ed. Code 48925[b]*) including situations in which enforcement of the expulsion order was suspended (*Ed. Code 48917*).
- \_\_\_\_\_ suspended (*Ed. Code 48925[d]*) more than 10 days in a school year.
- \_\_\_\_\_ wards of the court (WIC 601 or 602) or dependents of the court (WIC 300 or 654).
- \_\_\_\_\_ recovered dropouts (Dropout Guidelines for 2003 CBEDS California Basic Educational Data System [CBEDS] at <<http://www.cde.ca.gov/demographics/dropouts03.htm>>.)
- \_\_\_\_\_ habitually truant (*Ed. Code 48262*) or habitually insubordinate and disorderly (*Ed. Code 48263*), and whose attendance at the school is directed by a school attendance review board (SARB) or probation officer (*Ed. Code 48263*).
- \_\_\_\_\_ retained more than once in kindergarten through grade 8.

**C.**

<b>Name of Principal</b>		<b>Signature of Principal</b>					
<b>Name of Superintendent</b>		<b>Signature of Superintendent</b>					
<b>Name of Board President</b>		<b>Signature of Board President</b>		<b>Date Passed by Board</b>			
<b>Name of County Superintendent</b>		<b>Signature of County Superintendent</b>					
CDE Use Only:		Date Received:		Approved by:		Date Approved:	

**D. Please FAX the completed form AND mail the completed form to:**

Educational Options Office  
California Department of Education  
660 J Street, Suite 400  
Sacramento, CA 95814-2483

# Last Minute Memorandum

**To:** STATE BOARD MEMBERS

**Date:** June 10, 2003

**From:** Susan Bennett, Administrator, Educational Options Office

**Re:** ITEM #17

**Subject** ENTRY REQUIREMENTS AND REGISTRATION PROCESS FOR ‘OTHER ALTERNATIVE SCHOOLS’ PARTICIPATING IN THE ALTERNATIVE SCHOOLS ACCOUNTABILITY MODEL.

Please insert Attachment I, attached to this Last Minute Memorandum, to replace the previous Attachment I forwarded to the State Board with Supplemental Item #17. It is an updated version that removes letter A before “Allow...” on page 2 of 5, and deletes letter B and the paragraph that follows on page 3 of 5.

## Reconsideration of Entry Requirements for Alternative Schools Participating in the Alternative Schools Accountability Model

**Background.** The Alternative Schools Accountability Model (ASAM) is a multiple-indicator system. By design, schools participating in the ASAM are held accountable not only for performance on the STAR Indicator/Academic Performance Index (API), but also for performance on several additional performance indicators. ASAM schools select the additional indicators appropriate to the student populations they serve from a list of 15 indicators approved by the State Board of Education (State Board). These additional indicators include, for example, measures of attendance, credits completed, courses completed, suspension, and—beginning in 2003-2004—pre-post tests of achievement.

Under the requirements of the federal No Child Left Behind (NCLB) Act the ASAM schools, like all other schools, will be held accountable for adequate yearly progress (AYP) based on the percent of students who are proficient in reading and in mathematics. (See attached chart for a comparison of accountability as provided under NCLB for schools that are held accountable through the ASAM and for non-ASAM schools.)

A variety of schools serving high-risk students, including Community Day Schools, Continuation Schools, Opportunity Schools, Juvenile Court Schools, County Community Schools, and California Youth Authority (CYA) Schools are eligible to participate in the ASAM as it was established with State Board approval in 2000. These types of schools are all defined by the California Education Code. The Public Schools Accountability Act (PSAA) also specified that other “alternative schools” would be eligible to participate in the ASAM. The PSAA Advisory Committee recommended, and the State Board approved, participation of alternative schools in the ASAM if their school principal, district superintendent and local board president certified that they served a majority of students characterized by one or more of the following:

- classified as being at high-risk for behavioral or educational failure.
- expelled or under disciplinary sanction.
- wards of the court.
- pregnant and/or parenting.
- recovered dropouts.

The first of these criteria—high-risk for behavioral or educational failure—has been further defined as follows:

“This refers to the characteristics of students served by Continuation Schools, Opportunity Schools, Community Day Schools, and County Court and Community Schools as distinguished from students served by low-performing schools.”

Questions have recently been raised about the appropriateness of the ASAM for certain of the ‘other alternative schools.’ The concern is whether the criteria that ‘other alternative schools’

have had to meet in order to participate in the ASAM have been sufficiently well-defined and rigorous.

To address these concerns, the PSAA Subcommittee on Alternative Accountability considered the option of limiting participation in ASAM to only the following types of schools: Continuation Schools, Opportunity Schools, Community Day Schools, Juvenile Court Schools, County Community Schools, and CYA Schools. These specific types of alternative schools, their mission, and the student populations involved are defined by the California Education Code ('defined alternative schools'). The Subcommittee rejected this option because it would exclude 'other alternative schools' that serve the same types of students that are served in the 'defined alternative schools.'

The Subcommittee instead recommended revised entry requirements for 'other alternative schools' to participate in the ASAM, as described below. The full PSAA Advisory Committee unanimously concurred in this recommendation. The following two recommendations from CDE are based on the recommendations of the Subcommittee and full Committee, as well as further conversations with State Board representatives.

### **Recommendation for the State Board to Consider**

**Allow 'other alternative schools' to participate in the ASAM if they meet the following three conditions:**

- 1. Their specific purpose is to serve, usually for less than a full academic year, high-risk students who are referred from other schools. High-risk students are defined as students who are or were:**
  - expelled (*Ed. Code 48925[b]*) including situations in which enforcement of the expulsion order was suspended (*Ed. Code 48917*).
  - suspended (*Ed. Code 48925[d]*) more than 10 days in a school year.
  - wards of the court (WIC 601 or 602) or dependents of the court (WIC 300 or 654).
  - pregnant and/or parenting.
  - recovered dropouts (Dropout Guidelines for 2003 California Basic Educational Data System [CBEDS] at <<http://www.cde.ca.gov/demographics/dropouts03.htm>>.)
  - habitually truant (*Ed. Code 48262*) or habitually insubordinate and disorderly (*Ed. Code 48263*), and whose attendance at the school is directed by a school attendance review board (SARB) or probation officer (*Ed. Code 48263*).
  - retained more than once in kindergarten through grade 8.
- 2. Seventy percent (rather than a majority) of their students meet these criteria.**
- 3. They register with CDE by submitting a registration form (see sample attached) indicating the percentage of students at the school who meet the more rigorously defined characteristics of high-risk students. The school principal, district superintendent, local school board president, and appropriate county office of**

**education superintendent would be required to sign the form validating the information submitted. CDE would also review the revised form.**

These requirements would exclude those ‘other alternative schools’ that could not meet the new, more rigorous criteria.

<b>Comparison of Accountability Requirements for ASAM Schools and Non-ASAM Schools</b>		
School Size	ASAM Schools	Non-ASAM Schools
<b>Schools of Sufficient Size for CDE to Determine AYP<sup>1</sup></b>	AYP API  and  ASAM Indicator data	AYP API
<b>Schools Too Small for CDE to Determine AYP<sup>2</sup></b>	API <sup>*3</sup>  Test results incorporated into district AYP  and  CDE provides technical support for district to determine school-level AYP	API <sup>*3</sup>  Test results incorporated into district AYP  and  CDE provides technical support for district to determine school-level AYP
<b>Schools Too Small for CDE to Determine AYP or Report API<sup>4</sup></b>	Test results incorporated into district AYP  and  CDE provides technical support for district to determine school-level AYP <sup>5</sup>	Test results incorporated into district AYP  and  CDE provides technical support for district to determine school-level AYP <sup>5</sup>

<sup>1</sup> Following California's *Accountability Workbook* proposal, the school must have at least 100 valid test scores from 100 or more students eligible for testing to meet annual measurable objectives in mathematics and English language arts.

<sup>2</sup> The school had fewer than 100 valid test scores for purposes of determining AYP, but for purposes of calculating an API it had more than 10 valid test scores and tested 85 percent of the eligible students in each content area.

<sup>3</sup> API\* published for disclosure purpose only.

<sup>4</sup> The school had less than 11 valid test scores.

<sup>5</sup> Data may need to be rolled up for two or three years.

## Registration for 'Other Alternative Schools' Alternative Schools Accountability Model

School Name \_\_\_\_\_ District Name \_\_\_\_\_

County-District-School (CDS) Code \_\_\_\_\_

Name of Principal \_\_\_\_\_

School Mailing Address \_\_\_\_\_

Phone with Area Code ( ) \_\_\_\_\_ FAX Number ( ) \_\_\_\_\_

E-mail Address \_\_\_\_\_

- A. I request that this school be held accountable under the Alternative Schools Accountability Model. This school is an Alternative School designed to serve, for less than a full academic year, a high-risk student population as indicated in B.
- B. I certify that the stated purpose of this school is to serve students in the population(s) that I have checked below, and that these students currently make up 70% or more of the student population.

**Indicate the percent of students served at your school in each of the following categories (total may exceed 100%)**

\_\_\_\_\_ expelled (*Ed. Code 48925[b]*) including situations in which enforcement of the expulsion order was suspended (*Ed. Code 48917*).

\_\_\_\_\_ suspended (*Ed. Code 48925[d]*) more than 10 days in a school year.

\_\_\_\_\_ wards of the court (WIC 601 or 602) or dependents of the court (WIC 300 or 654).

\_\_\_\_\_ recovered dropouts (Dropout Guidelines for 2003 CBEDS California Basic Educational Data System [CBEDS] at <<http://www.cde.ca.gov/demographics/dropouts03.htm>>.)

\_\_\_\_\_ habitually truant (*Ed. Code 48262*) or habitually insubordinate and disorderly (*Ed. Code 48263*), and whose attendance at the school is directed by a school attendance review board (SARB) or probation officer (*Ed. Code 48263*).

\_\_\_\_\_ retained more than once in kindergarten through grade 8.

C.

Name of Principal		Signature of Principal					
Name of Superintendent		Signature of Superintendent					
Name of Board President		Signature of Board President		Date Passed by Board			
Name of County Superintendent		Signature of County Superintendent					
CDE Use Only:		Date Received:		Approved by:		Date Approved:	

D. Please FAX the completed form AND mail the completed form to:

Educational Options Office  
California Department of Education  
660 J Street, Suite 400  
Sacramento, CA 95814-2483



**JUNE 2003 AGENDA**

<b>SUBJECT</b>	<b>X</b>	<b>ACTION</b>
Draft regulations for Administering, Scoring, and Reporting Locally Adopted Tests of Achievement for Use as Indicators in the Alternative Schools Accountability Model.	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

Review draft regulations for the administering, scoring, and reporting of locally adopted tests of achievement for use as indicators in the Alternative Schools Accountability Model.

**Summary of Previous State Board of Education Discussion and Action**

In December 2002 and February 2003, the State Board of Education (SBE) approved a total of eight assessment instruments for use as locally adopted indicators of achievement in the Alternative Schools Accountability Model (ASAM). At its April 9, 2003 meeting, the SBE approved in concept, *Guidelines for Administering, Scoring, and Reporting Locally Adopted Tests of Achievement for Use as Indicators in the Alternative Schools Accountability Model*, with the proviso that emergency regulations be adopted prior to implementing these locally adopted tests. Emergency regulations are currently under development in preparation for school year 2003-2004 test implementation.

**Summary of Key Issue(s)**

Each ASAM school may select one of the locally adopted test of achievement approved by the Board for use as an indicator of achievement for the 2003-2004 school year. These assessments are a key component of the ASAM model. The SBE approved a set of guidelines controlling the administration, scoring, and reporting of these tests in April 2003. Regulations are now required to complete the oversight process.

**Fiscal Analysis (as appropriate)**

None

**Attachment(s)**

Additional materials will be provided in the supplemental agenda.

# Supplemental Memorandum

**To:** STATE BOARD MEMBERS

**Date:** June 2, 2003

**From:** Susan M. Bennett, Administrator, Educational Options Office

**Re:** ITEM # 18

**Subject** Regulations for Administering, Scoring, and Reporting Locally Adopted Tests of Achievement for Use as Indicators in the Alternative Schools Accountability Model.

ATTACHMENT I: [Proposed Emergency Regulations for the Alternative Schools Accountability Model Pre-Post Assessments \(pages 1-9\)](#)

Title 5. EDUCATION

**Division 1. State Department of Education**

**Chapter 2.**

**Subchapter 4.**

**Article 2.5 or 3.5 (Sections 1047-1061 available)**

**or Article 5 (Sections 1068-1200 available).**

**Alternative Schools Accountability Model Pre-Post Assessments**

*Add Sections XXXXX to read:*

**§ XXXXX. Application of this Article.**

This article shall only apply to schools that are registered in the Alternative Schools Accountability Model (ASAM) and have chosen to adopt a pre-post assessment instrument as an indicator for use in the ASAM.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 52052, Education Code.

**§ XXXXX. Definitions.**

**For the purposes of this article, the following definitions apply:**

- (a) “Pre-post assessment instrument” is an assessment instrument available for adoption as an indicator of achievement by schools in the ASAM.
- (b) “Pre-test” is an initial assessment given no later than 20 instructional days following the pupil’s first day of enrollment in the ASAM school.
- (c) “Post-test” is an assessment given after a minimum of 30 days of instruction following the administration of the pre-test.
- (d) “ASAM test site coordinator” means the ASAM school principal or other district employee designated by the district superintendent to oversee the acquisition, and the secure distribution, administration, scoring, and reporting of pre-post assessment instruments at the school site.
- (e) “Test Administrator” means a certificated employee or paraprofessional employee of a school district trained in the administration of a pre-post assessment instrument by the ASAM test site coordinator.
- (f) “Long-term student” is a student who has been continuously enrolled in the ASAM school for a minimum of 90 consecutive school days during the school year.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 52052, Education Code

**§ XXXXX. Administration of Pre-Post Assessment Instruments**

(a) In order to yield reliable and valid results, each pre-post assessment instrument shall be administered in accordance with directions provided in the publisher's assessment administration manual.

(b) The school's ASAM test site coordinator shall oversee the administration of all pre-post assessment instruments to ensure adherence to the directions provided in the publisher's assessment administration manual.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 52052, Education Code.

**§ XXXXX. Test Administrator Eligibility.**

Any certificated employee of a school district trained in the administration of the pre-post assessment instrument may administer the assessment. Trained paraprofessional employees of the district may administer the pre-post assessment instrument under the direct supervision of a trained certificated employee.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 52052, Education Code.

**§ XXXXX. Security and Storage Requirements.**

(a) To ensure security of the pre-post assessment instruments, all ASAM assessment test site coordinators (coordinators) shall sign the ASAM Pre-Post Assessment Security Agreement as set forth in subdivision (b).

(b) The ASAM Pre-Post Assessment Security Agreement shall be as follows:

**ASAM PRE-POST ASSESSMENT SECURITY AGREEMENT**

The coordinator acknowledges by his or her signature on this form that the ASAM pre-post assessment instruments are secure assessments and agrees to each of the following conditions to ensure test security:

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

(2) The coordinator will keep on file the names of persons having access to pre-post assessment

instruments and assessment materials. All persons having access to the materials shall be required by the coordinator to sign the ASAM Pre-Post Assessment Security Affidavit that will be kept on file in the school and school district office.

(3) The coordinator will keep the pre-post assessment instruments and assessment materials in a secure, locked location, limiting access to only those persons responsible for assessment security, except on actual administration dates.

(4) The coordinator will be responsible for ensuring the security of all scoring activities whether done at the school site, the district office, or by an external contractor.

By signing my name to this document, I am assuring that I and anyone having access to the pre-post assessment instruments will abide by the above conditions.

By: \_\_\_\_\_

Title: \_\_\_\_\_

School: \_\_\_\_\_

School District: \_\_\_\_\_

Date: \_\_\_\_\_

(c) All persons having access to the ASAM pre-post assessment instruments, including but not limited to the coordinator and test administrators shall acknowledge the limited purpose of their access to the assessment instruments by signing ASAM Pre-Post Assessment Security Affidavit set forth in subdivision (d).

(d) The ASAM Pre-Post Test Security Affidavit shall be as follows:

**ASAM PRE-POST ASSESSMENT SECURITY AFFIDAVIT**

I acknowledge that I will have access to the ASAM pre-post assessment instruments for the purpose of administering or scoring the assessments. I understand that these materials are highly secure, and it is my professional responsibility to protect their security as follows:

(1) I will not divulge the contents of the pre-post assessment instruments to any other person.

(2) I will not copy any part of the pre-post assessment instruments or assessment materials.

(3) I will keep the pre-post assessment instruments secure until the assessments are actually distributed to pupils or, in the case of computer-administered assessments, the pupils actually log on to begin the assessments.

(4) I will limit pupils' access to the pre-post assessment instruments and assessment to the actual testing periods.

(5) I will not permit pupils to remove pre-post assessment instruments and assessment materials from the room where testing takes place.

(6) I will not disclose, or allow to be disclosed, the contents of, or the scoring keys to, the pre-post assessment instruments.

(7) I will return all pre-post assessment instruments and assessment materials to the designated coordinator upon completion of the assessment administration.

(8) I will not interfere with the independent work of any pupil taking a pre-post assessment and I will not compromise the security of the assessment instrument by means including, but not limited to:

(A) Providing pupils with access to pre-post assessment questions prior to administration of the assessment instrument.

(B) Copying, reproducing, transmitting, distributing or using in any manner inconsistent with test security all or any portion of any secure pre-post assessment instrument.

(C) Coaching pupils during administration of the assessment instrument or altering or interfering with the pupils' responses in any way.

(D) Making answer keys available to pupils.

(E) Failing to follow security rules for distribution and return of secure pre-post assessment instruments as directed, or failing to account for all secure pre-post assessment instruments and assessment materials before, during, and after their administration.

(F) Failing to follow administration directions specified in the publisher's assessment administration manual.

(G) Participating in, directing, aiding, counseling, assisting in, or encouraging any of the acts prohibited in this section.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Position: \_\_\_\_\_

School: \_\_\_\_\_

School District: \_\_\_\_\_

Date: \_\_\_\_\_

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 52052, Education Code.

**§ XXXXX. Scoring.**

All pre-post assessment instruments shall be scored under the supervision of the coordinator. Scoring shall be done following the instructions and using the answer keys provided by the publisher of the specific pre-post assessment instrument.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 52052, Education Code.

**§ XXXXX. Record Keeping.**

ASAM schools shall maintain original pre-post assessment answer documents in a secure manner for a period of at least three (3) years. Printed reports summarizing the student's performance may substitute for an original answer document for computer-administered assessment instruments. Printed paper copies of test scores from computer-administered assessment instruments shall be kept on file in a secure manner for a period of three (3) years.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 52052, Education Code.

**§ XXXXX. Reporting.**

School districts that have adopted a pre-post assessment instrument, as an indicator of achievement for an ASAM, school shall submit the following information for each long-term student enrolled in the school. The information shall be submitted in a format provided by the California Department of Education.

- (a) Local student Identification number (as available).
- (b) Test name and form.
- (c) Dates pre-post assessment instruments were administered.
- (d) Scores on each assessment instrument.
- (e) Student demographics:
  - (1) Date of birth.
  - (2) Grade level.
  - (3) Gender.
  - (4) Language fluency and home language.

(5) Special program participation.

(6) Testing adaptations or accommodations.

(7) Amount of time in school district and in California public schools.

(8) Ethnicity.

(9) Parent education level.

(10) Handicapping condition or disability.

This information is for the purpose of aggregate analyses only.

Districts shall submit the ASAM pre-post assessment instrument results by July 31 each year.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 52052, Education Code.

## FINDING OF EMERGENCY

The State Board of Education (SBE) finds that an emergency exists and that the adoption of emergency regulations for the administration, scoring, and reporting of locally adopted pre-post assessment instruments for use as indicators in the Alternative Schools Accountability Model (ASAM) are now necessary for the immediate preservation of the public peace, health and safety, or general welfare. These regulations are required to allow the ASAM schools that selected locally adopted pre-post assessments as an accountability indicator to administer these instruments for the 2003-2004 school year. Year-round ASAM schools will begin their school year on July 1, 2003 and require regulations in order begin using the instruments at that time.

### SPECIFIC FACTS SHOWING THE NEED FOR IMMEDIATE ACTION

The Public Schools Accountability Act (PSAA) of 1999, SB 1X, Chapter 3, Statutes of 1999 [Article 2, Section 52052 (g)] requires that all schools be held accountable through the state's accountability system. The ASAM provides a critical measure of accountability for alternative schools with insufficient data to be held accountable under California's main accountability system. To be fully functional, the ASAM requires its schools to be able to measure student performance using pre-post assessment instruments. If regulations are not put in place immediately, the pre-post assessment instruments will not be available as ASAM indicators for the coming school year, and implementation of the fully functional accountability system for alternative schools in California will be delayed a full academic year.

The regulations for administration, scoring, and reporting the pre-post assessment indicators could not be developed earlier for several reasons. The SBE required that California Department of Education (CDE) carry out a rigorous review process before the pre-post assessment instruments could be approved for use in the ASAM. This process, in turn, depended on securing necessary funding and a contractor prior to completing the review process in Fall 2003. The SBE approved four pre-post assessment instruments in November 2003 and directed CDE to contact additional publishers and the publishers of instruments that had provided insufficient information to request additional submissions for a second review process. Following the second review, the SBE approved four additional pre-post assessment instruments in February 2003. CDE then developed guidelines for administering and reporting the pre-post assessments and the SBE approved the guidelines conditionally in May 2003 pending the development and adoption of regulations.

It is imperative that these regulations be finalized through the emergency regulation process so that schools can begin using the pre-post assessment instruments as ASAM indicators for the 2003-2004 school year. Specifically, year-round ASAM schools will begin their school year on July 1, 2003 and need regulations to guide the administration and reporting of the instruments from the beginning of their school year.

## **Authority and Reference**

Authority: Section 33031, Education Code.

Reference: Section 52052, Education Code.

## **Informative Digest**

The Public Schools Accountability Act (PSAA) 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.* The SBE approved the framework for the Alternative Schools Accountability Model (ASAM) developed by the PSAA Advisory Committee in July 2000.

More than 1,100 alternative schools currently participate in the ASAM. They include schools defined in law such as continuation schools, community day schools, county juvenile court schools, county community schools, California Youth Authority schools, and opportunity schools; as well as other alternative schools. Schools in the ASAM enroll high-risk students at the elementary, middle, and high school levels. Accountability that accurately reflects the growth of students enrolled in these schools must be based on multiple indicators of progress reflecting academic performance as well as other aspects of growth. Moreover, it must be based on data for students enrolled for a minimum period required for consistent delivery of instruction and must reflect the progress of those students during the time they are enrolled in the school.

Students in ASAM schools typically function far below grade-level standards. They also show extremely high levels of mobility, moving in and out of programs and schools on a routine basis. Pre-post assessment instruments are viewed as extremely valuable indicators of academic growth for these students because they can be sensitive to gains during their typically short enrollment periods.

Regulations to guide the administration and reporting of the pre-post assessment instruments must be adopted on an emergency basis so that schools registered in the ASAM can adopt and use the instruments as indicators of achievement throughout the 2003-2004 school year.

## **Mandate on Local Agencies or School Districts**

The SBE has determined that Sections XXXXX – XXXXX do not impose a mandate on local agencies or school districts (formal analysis will be done upon approval of Emergency regs by the Board).

**Cost Estimate**

(Formal analysis will be done after Emergency regulations are approved by the Board. If no cost is found – the following statement applies:) The SBE has determined that the regulation will involve no cost or savings to any State agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Section 17561 of the Government Code, and no costs or savings in federal funding to the State.



**JUNE 2003 AGENDA**

<b>SUBJECT</b>		<b>ACTION</b>
Determining annual school performance for schools in the Alternative Schools Accountability Model.	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

Review options for determining annual school performance for schools in the Alternative School Accountability Model.

---

**Summary of Previous State Board of Education Discussion and Action**

The Superintendent's Advisory Committee for the Public Schools Accountability (PSAA) Act presented preliminary information on options for determining annual school performance for schools in the Alternative Schools Accountability Model (ASAM) to the State Board of Education (SBE) at its April 2003 meeting. Many of these schools have fewer than the required minimum number of valid test scores required to report adequate yearly progress or Academic Performance Index results. President Hastings requested that the SBE Liaisons meet with California Department of Education staff to discuss these issues further. These conversations are currently underway, with the goal of bringing additional information on this Item to the SBE in June 2003.

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**Summary of Key Issue(s)**

The ASAM has been developed to provide accountability for California's system of specialized alternative schools serving highly mobile, high-risk student populations. The system that has been designed to meet the spirit and letter of the PSAA must now be defined in the context of the federal No Child Left Behind Act.

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**Fiscal Analysis (as appropriate)**

None

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**Attachment(s)**

Additional materials will be provided in the supplemental agenda.



**CALIFORNIA STATE BOARD OF EDUCATION ITEM # 20**

**JUNE 2003 AGENDA**

<b>SUBJECT</b> Criteria for the selection of 2003-2004 School Assistance and Intervention Team (SAIT) Providers.	<b>X</b>	<b>ACTION</b>
		<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

The Department recommends the enclosed criteria for the selection of SAIT Providers.

**Summary of Previous State Board of Education Discussion and Action**

At the April 2002 State Board meeting, the members approved criteria for SAIT Providers that explicitly required organizations to have recent demonstrated, successful expertise in improving school achievement. The California Department of Education (CDE) used the State Board-approved criteria as the basis for the application process. Sixty organizations submitted applications in July of 2002 and 27 applicants were able to demonstrate success in the 12 areas, and thus became approved SAIT Providers. Eleven of the Approved Providers are currently in the process of conducting Academic Audits for the 24 Immediate Intervention/Underperforming Schools Program (II/USP) state-monitored schools.

**Summary of Key Issue(s)**

In April 2002, the State Board of Education (SBE) adopted the criteria below and indicated that SAIT Providers should demonstrate recent success in improving school achievement and demonstrate, with data, recent successful expertise in each of the following areas. CDE is requesting that the same criteria be used to select the 2003-04 SAIT Providers. The criteria are as follows:

- Knowledge of state-adopted content standards and assessments
- The teaching of standards-based reading, writing, language arts and mathematics for students by grade span
- Helping English Learners acquire full academic proficiency in English and meet grade-level standards in the context of state statutory requirements
- The use of STAR assessment information as well as standardized, criterion-referenced and other assessments to guide school planning
- Accelerated interventions for underperforming students and schools
- Classroom management and discipline
- Evaluation and research-based reform strategies
- Professional development that addresses standards-based instruction, focused on State Board-approved instructional materials that are in use at the school
- Re-allocating human and fiscal resources to accelerate the academic achievement of underperforming students

---

**Summary of Key Issue(s)**

- Effective school management and leadership for “turning around” underperforming schools
- Effective communication with parents, students, teachers, staff and administrators in underperforming schools
- Oral and written communication skills.

As requested at the April 2003 State Board meeting, CDE and Board staff have met on several occasions to discuss ways to emphasize the importance of State Board-adopted materials within the SAIT process. As a result, CDE has agreed to dedicate time in the SAIT training to emphasize the use of the State Board-adopted materials in English/language arts and math and to consider how the intervention process might be refined in elementary, middle and high schools. CDE will also require that prospective SAIT Providers apply to conduct SAITs in specific grade spans and have at least one person on any SAIT team with expertise in the State Board-adopted materials being used in the “state-monitored” school subject to the SAIT.

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**Fiscal Analysis (as appropriate)**

Authority will be sought in the 2003-2004 Budget Act to support the costs of SAIT services and implementation of Corrective Actions.

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**Attachment(s)**

None

# Supplemental Memorandum

**To:** STATE BOARD MEMBERS

**Date:** June 9, 2003

**From:** SUE STICKEL, Deputy Superintendent, Curriculum and Instruction Branch

**Re:** ITEM #20

**Subject** Revisions in the criteria for the selection of 2003-2004 School Assistance and Intervention Team (SAIT) Providers

Please insert the attached document (Attachment 1), Most Recent Version of SAIT Selection Criteria, into the June 2003 State Board materials. Thank you.

ATTACHMENT 1  
Most Recent Version of SAIT Criteria

The California Department of Education (CDE) is requesting that the prior criteria for the selection of Approved SAIT Providers be used, with two additional elements.

The first is that prospective SAIT Providers submit an application to review a particular grade span or grade spans (e.g., elementary, middle, secondary) in a SAIT assigned school. The second element is that Providers have expertise, as described in the list below, in certain instructional programs to be reviewed at the school.

SAIT Providers should demonstrate recent success in improving school achievement and demonstrate, with data, recent successful expertise in each of the following areas. The criteria are as follows:

- Knowledge of state-adopted content standards and assessments
- The teaching of standards-based reading, writing, language arts and mathematics for students by grade span
- *For K-8 SAIT Providers, evidence of a minimum of one team member having had, or commitment to have had by the time of the investigation, training in any of the K-8 instructional programs in mathematics and reading/language arts that will be reviewed at the state-monitored site. The training requirement will be satisfied by successful completion of AB 466 training.*
- Helping English Learners acquire full academic proficiency in English and meet grade-level standards in the context of state statutory requirements
- The use of STAR assessment information as well as standardized, criterion-referenced and other assessments to guide school planning
- Accelerated interventions for underperforming students and schools
- Classroom management and discipline
- Evaluation and research-based reform strategies
- Professional development that addresses standards-based instruction, focused on State Board-approved instructional materials that are in use at the school
- Re-allocating human and fiscal resources to accelerate the academic achievement of underperforming students
- Effective school management and leadership for “turning around” underperforming schools
- Effective communication with parents, students, teachers, staff and administrators in underperforming schools
- Oral and written communication skills.



**JUNE 2003 AGENDA**

SUBJECT	X	ACTION
High Priority Schools Grant Program – New Implementation Grant Awards		INFORMATION
		PUBLIC HEARING

**Recommendation:**

Approve applications for 30 additional schools to participate in the High Priority Schools Grant Program (HPSGP)

**Summary of Previous State Board of Education Discussion and Action**

Previously, the Board approved 56 additional High Priority Schools at its May 2003 meeting. At said meeting, the approved motion language allowed the California Department of Education (CDE) to submit additional schools, as funds would allow per Department of Finance (DOF). The Governor’s May Revision of 2003-04 has confirmed the availability of these funds.

**Summary of Key Issue(s)**

In September 2002, AB 425, the Budget Act of 2002, appropriated an additional \$20 million to allow more schools in the first decile of the 2001 Academic Performance Index (API) to participate in the High Priority Schools Grant Program. As a result, the base funding for the program increased from \$197 to \$217 million. However, in March 2003, the passage of SBX1 18 reduced the HPSGP appropriation by \$37.4 million. Based on this amount, the HPSGP Office calculated that additional schools could be added to the program.

Selected schools were mailed letters on September 27, 2002 informing them of their eligibility and asking them to return Letters of Intent to apply by October 18, 2002. Upon receipt, schools were provided information to guide them through the application process and told that their narrative summaries and completed applications were due to the Department by February 10, 2003.

Applications received were subjected to a thorough review by program staff. Narratives were reviewed to insure they addressed the seven key elements needed for program approval. Budgets were inspected to ensure they were accurate and aligned with program objectives. Finally, staff completed a technical review of each application to ensure all required forms, signatures, and assurances are included.

Additionally, each school has agreed to the following conditions:

- Schools will receive \$400 per student (prorated at 80% pursuant to SBX1 18) for fiscal year 2002-03. SBX1 18 reduced funding for the Immediate

**Summary of Key Issue(s)**

Intervention/Underperforming Schools Program and the High Priority Schools Grant Program by 20% for fiscal year 2002-03. The remaining 20% will be funded in fiscal year 2003-04.

- Funds allocated in fiscal year 2002-03 may be carried over into 2003-04.
- Schools agreeing to accept these funds will be subject to the same accountability and timeline standards as schools that received their funding earlier in 2002-03. In other words, even though schools may not receive funding to implement their action plans until June, they will still be held accountable for making API growth targets and/or significant growth this year. In addition, as required by statute, these schools will also be required to submit an evaluation, due on November 30, 2003.

The schools on the attached list were identified as eligible to participate in the High Priority Schools Grant Program based on their rank on the Academic Performance Index (API) by using the approved process of funding schools in decile 1 beginning with the lowest API score upward.

All eligible districts were emailed letters outlining the above listed conditions of receipt of funding and asked to verify in writing if they accepted them and wished to participate in the program. All 30 schools affirmed their commitment to the program.

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**Fiscal Analysis (as appropriate)**

After the passage of SBX1 18 the appropriation for the High Priority Schools Grant Program is \$179.6 million.

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**Attachment(s)**

[CDE Funding Recommendations for 30 Additional High Priority Schools for Fiscal Year 2002-03](#)

C	D	S	County	District	School	Status	Funding
01	61259	6002059	Alameda	Oakland Unified	Markham	Approve	\$128,400
10	62166	6006423	Fresno	Fresno Unified	Norseman	Approve	\$196,400
10	75127	6006969	Fresno	Mendota Unified	McCabe	Approve	\$246,400
19	64725	6057814	Los Angeles	Long Beach Unified	Lindbergh	Approve	\$574,800
19	64725	6116933	Los Angeles	Long Beach Unified	Powell (Colin L.) Academy	Approve	\$411,600
19	64733	6016026	Los Angeles	Los Angeles Unified	Bertrand Avenue	Approve	\$196,400
19	64733	6016273	Los Angeles	Los Angeles Unified	Camellia Avenue	Approve	\$535,600
19	64733	6016711	Los Angeles	Los Angeles Unified	Dayton Heights	Approve	\$469,200
19	64733	6017131	Los Angeles	Los Angeles Unified	Ford Boulevard	Approve	\$287,800
19	64733	6017248	Los Angeles	Los Angeles Unified	Gates Elem	Approve	\$216,400
19	64733	6017362	Los Angeles	Los Angeles Unified	Grape Street	Approve	\$151,800
19	64733	6017446	Los Angeles	Los Angeles Unified	Hammel Street	Approve	\$422,800
19	64733	6017594	Los Angeles	Los Angeles Unified	Hillside	Approve	\$124,000
19	64733	6017669	Los Angeles	Los Angeles Unified	Huntington Drive	Approve	\$295,600
19	64733	6017859	Los Angeles	Los Angeles Unified	Liberty Boulevard	Approve	\$544,800
19	64733	6019020	Los Angeles	Los Angeles Unified	San Gabriel Avenue	Approve	\$410,000
19	64733	6019624	Los Angeles	Los Angeles Unified	Union Avenue	Approve	\$790,000
19	64733	6019640	Los Angeles	Los Angeles Unified	Valerio Street	Approve	\$594,400
20	65243	6023980	Madera	Madera Unified	Madison	Approve	\$242,000
27	66142	6026553	Monterey	Salinas City Elem	Loma Vista	Approve	\$246,400
30	66423	6027262	Orange	Anaheim Elem	Franklin	Approve	\$406,000
30	66621	6029821	Orange	Orange Unified	Jordan	Approve	\$118,200
30	66670	6030399	Orange	Santa Ana Unified	Roosevelt	Approve	\$439,600
30	66670	6106165	Orange	Santa Ana Unified	Sepulveda (Jose)	Approve	\$385,200
34	67439	6034110	Sacramento	Sacramento City Unified	Maple	Approve	\$57,000
34	67439	6034193	Sacramento	Sacramento City Unified	Pacific	Approve	\$280,000
36	67819	6036354	San Bernardino	Ontario-Montclair Elem	Mission	Approve	\$239,400
36	67876	6037048	San Bernardino	San Bernardino City Unified	Muscoy Elem	Approve	\$276,400
36	67876	6109714	San Bernardino	San Bernardino City Unified	Roberts (E. Neal) Elem	Approve	\$186,200
56	72538	6114029	Ventura	Oxnard Elem	Brekke (Norman R.)	Approve	\$302,400



**JUNE 2003 AGENDA**

SUBJECT	X	ACTION
Mathematics and Reading Professional Development Program (AB 466)—Interim Report to the Legislature		INFORMATION
		PUBLIC HEARING

**Recommendation:**

It is recommended that the State Board of Education approve the Mathematics and Reading Professional Development Program (AB 466) Interim Report to the Legislature. AB 466 (Chapter 737, Statutes of 2001) requires the California Department of Education to develop by July 1, 2003, an interim report regarding the program for submission to the Legislature. The interim report shall, at a minimum, detail the following:

- ✓ The number of teachers, by credential type, who have received training; and
- ✓ The entities that have received funds for the purpose of offering training (professional development providers) and the number of teachers that each has trained.

**Summary of Previous State Board of Education Discussion and Action**

At the May 2003 State Board of Education meeting, an oral presentation was made by William Vasey regarding the number of teachers trained via the AB 466 program and the credentials these teachers hold.

**Summary of Key Issue(s)**

AB 466 mandates that the CDE develop an interim report by July 1, 2003.

**Fiscal Analysis (as appropriate)**

None

**Attachment(s)**

Will be providing a copy of the draft report in the supplemental mailing.

# Supplemental Memorandum

**To:** STATE BOARD MEMBERS

**Date:** May 23, 2003

**From:** William W. Vasey

**Re:** ITEM # 22

**Subject** Mathematics and Reading Professional Development Program  
(AB 466)—Interim Report to the Legislature

The Mathematics and Reading Professional Development Program (AB 466) provides for professional development in reading/language arts and mathematics for teachers who deliver direct instruction to students in kindergarten and grades 1-12, inclusive.

AB 466 (Chapter 737, Statutes of 2001) requires the California Department of Education, in cooperation with the University of California and the California Professional Development Institutes, to develop an interim report regarding the Mathematics and Reading Professional Development Program for submission to the Legislature by July 1, 2003. The State Board of Education is to review and approve this report which will, at a minimum, detail the following:

- ✓ The number of teachers, by credential type, who have received training; and
- ✓ The entities that have received funds for the purpose of offering training (professional development providers) and the number of teachers that each has trained. This report also provides information on the number of teachers trained by subject area (reading/language arts and mathematics).

The Interim Report is currently in draft form. The CDE will be processing a payment based on requests for reimbursement submitted by the May 30, 2003, deadline. The final version of the report will include this updated data. **A copy of the updated data will be submitted to State Board of Education members at the June meeting for their review and approval.**

Attachment 1: [Mathematics and Reading Professional Development Program Interim Report \(pages 1 through 11\)](#)

# **MATHEMATICS AND READING PROFESSIONAL DEVELOPMENT PROGRAM INTERIM REPORT**

## **LEGISLATIVE PURPOSE**

The Legislature proposed the Mathematics and Reading Professional Development Program in an effort to increase academic performance in California schools by enabling teachers to participate in high-quality professional development activities in reading/language arts and mathematics. This high-quality professional development focuses on standards-based instructional materials and grade-appropriate teaching and intervention strategies. California has been engaged in academic reform over the last decade. The Mathematics and Reading Professional Development Program builds on and reinforces prior academic reform efforts.

## **INTERIM REPORT TO THE LEGISLATURE**

Assembly Bill (AB) 466 (Chapter 737, Statutes of 2001) requires the California Department of Education (CDE), in cooperation with the University of California and the California Professional Development Institutes, to develop an interim report regarding the Mathematics and Reading Professional Development Program for submission to the Legislature by July 1, 2003. The State Board of Education (SBE) is to review and approve this report which will, at a minimum, detail the following:

- ✓ The number of teachers, by credential type, who have received training; and
- ✓ The entities that have received funds for the purpose of offering training (professional development providers) and the number of teachers that each has trained. This report also provides information on the number of teachers trained by subject area (reading/language arts and mathematics).

## **PROGRAM DESCRIPTION AND COMPONENTS**

The Mathematics and Reading Professional Development Program (AB 466) provides for professional development in reading/language arts and mathematics for teachers who directly deliver instruction to students in kindergarten and grades 1-12, inclusive. The professional development offered via AB 466 is unique in that the instruction focuses on SBE adopted mathematics and reading/language arts/English language development instructional materials that are aligned to content standards. Instructional aides and paraprofessionals may also take advantage of this professional development opportunity, beginning in the 2004-05 state fiscal year (FY).

Professional Development Professional development consists of 40 hours of intensive institute-style training and 80 hours of follow-up practicum. The 40 hours of professional development must be delivered by SBE approved training providers. The 80 hours of professional development may be delivered by a provider approved by the SBE, by the local educational agency (LEA), or by an independent provider selected by the LEA. Also, regulations adopted in 2002 authorize 20 hours of initial training and 20 hours of follow-up practicum for instructional aides and/or paraprofessionals (to commence in FY 2004-05). Educators may receive training on standards-based instructional materials for their grade level, course type, and/or school level. Instructional

materials must be state-adopted for grades K-8 or local board-adopted for grades 9-12. Teachers directly delivering instruction in reading/language arts or social science may participate in AB 466 professional development in reading/language arts. Teachers directly delivering instruction in mathematics or science may receive professional development in mathematics. In addition, teachers delivering instruction in a self-contained classroom setting may participate in AB 466 professional development for both reading/language arts and mathematics. Teachers employed in a public school for the purpose of providing either mathematics and English instruction, or both, to pupils with exceptional needs are eligible to participate in AB 466 professional development.

Program Funding The AB 466 program was originally proposed to be funded at approximately \$110 million state general fund dollars. Due to reduced general fund revenue, this funding level was reduced to \$62.2 million for FY 2002-03. The budget bill proposes \$27.9 million of state general fund dollars for FY 2003-04. This is a reimbursement program, in which approved LEAs are reimbursed for teachers who successfully complete either 40 hours of program training, 80 hours of follow-up instruction, or both.

It is the intent of the Legislature that funding appropriated in one FY that is not expended by an LEA be redirected to LEAs that have trained more eligible teachers than the percentage funded. When a redirection of funding occurs, funding in subsequent fiscal years for the LEAs involved shall be adjusted to reflect the redirection of funding.

Instructional Materials AB 466 connects approved professional development to state or local board approved instructional materials which are aligned with state content standards and curriculum frameworks. Materials include the following (see Attachment 1 for specific instructional material programs):

1. Mathematics materials for grades K-8, including algebra, adopted by the SBE, February 2001;
2. Reading/language arts materials for grades K-8 adopted by the SBE, February 2002; and
3. Mathematics materials (including algebra II and geometry) and English/language arts materials for grades 9-12, which are standards-aligned and have been adopted by local boards of education.

For FYs 2002-03 and 2003-04 only, an LEA may participate in AB 466 professional development if the governing board of the LEA has approved the use of standards-aligned instructional materials, as adopted by the SBE subsequent to the adoption of content standards for grades K-8 [pursuant to Chapter 481, Statutes of 1998 (AB 2519)].

Professional Development Providers Under AB 466, independent training providers that deliver the initial 40 hours of the Mathematics and Reading Professional Development Program must be approved by the SBE. Individual LEAs may also provide the 40 hours of professional development for teachers within the LEA if approved as AB 466 providers by the SBE. In addition, professional development may be delivered by a California Professional Development Institute approved by the University of California that incorporates professional development on instructional materials newly adopted by the SBE and that complies with the provisions of AB 466. Provider training is based on specific criteria established by the SBE. These criteria can be viewed on the CDE AB 466 Web site at [www.cde.ca.gov/pd/ab466/pguide.pdf](http://www.cde.ca.gov/pd/ab466/pguide.pdf). Please see Attachment 2 for a list of current SBE approved professional development providers.

Assembly Bill 2781 In the 2002-03 budget year, the Budget Trailer Bill, Chapter 1167, Statutes of 2002 (AB 2781) reduced the percentage of eligible teachers that can be claimed each year to match resources available. In FY 2002-03, the program guarantees support for up to 3 percent of a district's eligible teachers. Chapter 1167/2002 also extended the years the program will support professional development through FY 2006-07. Funding will be provided to local education agencies on a first-come, first-serve basis.

AB 466 established the percent of eligible teachers a given LEA could train and be reimbursed for via this program. These percentages were: up to 12 percent of eligible teachers in the 2001-02 fiscal year, up to 28.5 percent in the 2002-03 fiscal year, and up to 28.5 percent in the 2003-04 fiscal year, with the remainder for its eligible teachers in the 2004-05 fiscal year. AB 2781 changed these percentages to better align program services with available funding as follows:

**Table 1**

<b>Percentage of Eligible Teachers</b>		
<b>Fiscal Year</b>	<b>Percentages Established by AB 466 (2001)</b>	<b>Percentages Established by AB 2781 (2002)</b>
<b>2001-02</b>	12 percent	--
<b>2002-03</b>	up to 28.5 percent	up to 3 percent
<b>2003-04</b>	up to 28.5 percent	up to 3 percent
<b>2004-05</b>	All Remaining Teachers	up to 2.4 percent
<b>2005-06</b>	--	up to 2.7 percent
<b>2006-07</b>	--	up to 1.3 percent

Paraprofessionals and Instructional Aides An LEA that chooses to participate in the program is eligible to receive funding for no greater than 29 percent of its instructional aides and paraprofessionals who directly assist with classroom instruction in mathematics and reading/language arts in the 2004-05 fiscal year and up to 14.5 percent in FY 2005-06. However, the statewide total number of instructional aides and paraprofessionals who directly assist with classroom instruction in mathematics and reading/language arts served under this program may not exceed 9,600 over the two fiscal years.

Eligible Teachers This program is intended to serve teachers employed in a public school who provide direct instruction to students in grades kindergarten through twelve in reading/language arts and/or mathematics. Teachers can hold a multiple-subject, single-subject (English, social science, mathematics, or science), pre-intern or intern, emergency, or special education teaching credential, certificate, or authorization issued by the Commission on Teacher Credentialing. Teachers who hold a single-subject credential in English or social science are eligible to receive instruction in reading/language arts. Teachers who hold a single-subject credential in mathematics or science are eligible to receive instruction in mathematics. See Attachment 3 for a summary of eligible teachers and the types of professional development they are authorized to take.

Reimbursement Reimbursements are to be made according to the following priorities:

1. Prior year training conducted through a California Professional Development Institute (CPDI) following certification by the district that the teacher received training on approved instructional materials either through the CPDI or district training (\$500 per eligible teacher).

2. Prior year training conducted through a SBE approved provider (\$1,250 per eligible teacher for completion of the initial 40 hours of training, or \$2,500 for completion of the full 120 hours of training).
3. Current year training for up to three percent of the eligible teachers.
4. Current year training in excess of the three percent of eligible teachers.

Of the \$2,500 reimbursement per teacher, no more than \$1,000 may be used for stipends per teacher.

## **TEACHER CREDENTIALS**

Teachers who hold a multiple-subject, single-subject, emergency, or special education teaching credential, certificate, or authorization issued by the Commission on Teacher Credentialing that authorizes them to teach reading/language arts, social science, mathematics, and/or science are eligible to participate in AB 466 professional development. Specifically, the following types of credentialed teachers are eligible:

- ✓ Teachers employed in a public school for the purpose of teaching in a self-contained classroom that serves pupils in kindergarten or any of grades 1 to 8, inclusive (multiple-subject: elementary credential);
- ✓ Teachers employed in a public school for the purpose of providing both mathematics and reading/language arts instruction to pupils with exceptional needs (special education credential);
- ✓ Teachers employed in a public school for the purpose of teaching in a self-contained classroom that serves pupils in kindergarten or any of grades 1 to 8, inclusive and who hold a one-year emergency teaching permit or an emergency career substitute teaching permit (multiple-subject: emergency credential);
- ✓ Teachers who are employed in a public school and who are assigned to teach English or social science courses in a classroom that is not self-contained (single subject: English or social science credential).
- ✓ Teachers who are employed in a public school and who are assigned to teach mathematics or science courses in a classroom that is not self-contained (single subject: mathematics or science credential).
- ✓ Teachers who hold a one-year emergency teaching permit or emergency career substitute teaching permit who are employed in a public school and assigned to teach reading/language arts or social science courses in a classroom that is not self-contained (single subject emergency: English or social science);
- ✓ Teachers who hold a one-year emergency teaching permit or emergency career substitute teaching permit who are employed in a public school and assigned to teach mathematics or science courses in a classroom that is not self-contained (single subject emergency: mathematics or science); and
- ✓ Teachers who hold a one-year emergency teaching permit or emergency career substitute teaching permit who are employed in a public school and assigned to teach pupils with exceptional needs (emergency: special education).

Holders of emergency 30-day substitute teaching permits issued by the California Commission on Teacher Credentialing are not eligible to receive training via AB 466.

Teaching Credentials LEAs participating in the AB 466 program were required to report the types of credentials and the types of professional development (reading/language arts or mathematics) their teachers completed. LEAs submitted data on the credential types shown in Table 2 on page 5.

**Table 2**

<b>Credentials Held by Teachers Completing AB 466 Professional Development</b>	
<b>Credential Type</b>	<b>Number of Teachers</b>
Single Subject: English or Social Science	3,299
Single Subject: Mathematics or Science	231
Special Education	654
Multiple Subject: Elementary	9,267
<sup>1</sup> Multiple Subject: Emergency	690
<sup>2</sup> Single Subject Emergency: English or Social Science	1,456
<sup>3</sup> Single Subject Emergency: Mathematics or Science	16
<sup>4</sup> Emergency: Special Education	56
<sup>5</sup> <b>Total</b>	<b>15,669</b>

Currently, the CDE has reimbursed LEAs for approximately \$30.4 million for a total of 27,995 teachers who received professional development. Of these teachers, 12,266 received training in fiscal years prior to 2002-03 (AB 466 required the CDE to collect credential information for 2002-03 and subsequent fiscal years). Of the remaining 15,669 teachers shown on Table 3, 12,954 completed training in reading/language arts and 2,715 completed training in mathematics.

A table displaying the number of teachers completing reading/language arts and mathematics professional development and the providers who delivered the professional development is shown on page 6. Of the 27,995 teachers completing AB 466 training, 19,363 completed 40 hours of training, 2,283 completed 80 hours of training and 6,349 completed 120 hours of training.

Professional Development Providers The initial 40 hours of professional development can be provided by independent training providers approved by the SBE, individual LEAs approved by the SBE (may provide professional development to LEA teachers only), or California Professional Development Institutes approved by the University of California that incorporate professional development on instructional materials newly adopted by the SBE and that comply with the provisions of AB 466.

The first row of Table 3 on page 6 represents various LEAs that provided the 80 hours of follow-up instruction to relatively small numbers of teachers. Of the remaining 34 providers listed in Table 3, 17 delivered the intensive 40 hours of AB 466 professional development training in mathematics, 16 delivered the 40 hours of training in reading/language arts and 1 delivered the 40 hours of training in both mathematics and reading/language arts.

<sup>1</sup> The 690 teachers who hold multiple subject, emergency credentials, includes interns and pre-interns.

<sup>2</sup> The 1,456 teachers who hold single subject emergency: English or social science credentials, includes interns and pre-interns.

<sup>3</sup> The 16 teachers who hold single subject emergency: mathematics or science, includes interns and pre-interns.

<sup>4</sup> The 56 teachers who hold single subject emergency: special education, includes interns and pre-interns.

<sup>5</sup> The total number of credentials does not include the credential type for 12,326 teachers trained prior to June 30, 2002, when collection of this data was not required.

**Table 3**

<b>Number of Teachers Trained and Professional Development Provider</b>			
<b>Name of Provider</b>	<b>Reading Training</b>	<b>Math Training</b>	<b>Total Teachers Trained</b>
Various 80-hour District Providers	167	723	890
Cal Poly University, Pomona	0	146	146
Cal Poly University, San Luis Obispo	0	244	244
Calabash Professional Learning Systems	1,609	225	1,834
CORE, Inc.	1,780	0	1,780
Center For Applied Research	34	0	34
CPDI – Los Angeles County Office of Education	348	0	348
CPDI – Sacramento County Office of Education	3,492	0	3,492
CSU Bakersfield Mathematics Project	0	15	15
CSU Chico Mathematics Project	0	54	54
CSU Monterey Bay/Monterey COE	0	44	44
CSU Sacramento Mathematics Project	0	24	24
Elk Grove Unified School District	0	459	459
Fremont Unified School District	246	0	246
Monterey Bay Area Math Project & Monterey COE	0	110	110
MPDI - CSU Fullerton	0	141	141
MPDI – Sacramento County Office of Education	0	61	61
MPDI – San Diego State University	0	286	286
Pearson Education	21	0	21
Redwood Area Mathematics Project (RAMP)	0	3	3
RIC – Alameda County Office of Education	72	0	72
RIC – Butte County Office of Education	14	0	14
RIC – Imperial County Office of Education	393	0	393
RIC – Los Angeles County Office of Education	41	0	41
RIC – Sacramento County Office of Education	4,087	0	4,087
RIC – San Diego County Office of Education	87	0	87
RIC – San Joaquin County Office of Education	241	0	241
San Jose State University	0	38	38
Santa Barbara Elementary School District	67	0	67
Santa Clara Valley mathematics Project	0	37	37
Sonoma State University	0	53	53
Sopris West, Inc.	60	0	60
SRA McGraw-Hill	195	0	195
Tri-Counties Mathematics Project	0	18	18
UC Davis Mathematics Project	0	34	34
<b>Total</b>	<b>12,954</b>	<b>2,715</b>	<b>15,669</b>

## SUMMARY

The Mathematics and Reading Professional Development Program (AB 466) has been in operation for one year. During this time, the State Board of Education has approved 355 LEAs to participate in the program. To date, 27,995 teachers have taken advantage of this professional development opportunity. Of the 15,669 teachers for whom training and credential information was collected, 83 percent completed professional development in reading/language arts and 17 percent completed professional development in mathematics. To date, \$30.4 million of the available \$62.2 million available has been allocated to participating LEAs.

An application for year two of the AB 466 program is available on the CDE AB 466 Web site at [www.cde.ca.gov/pd/ab466](http://www.cde.ca.gov/pd/ab466). It is anticipated that many participating LEAs will offer the 80-hours of follow-up instruction to their teachers during FY 2003-04 and that many additional LEAs will take advantage of AB 466 training.

There are currently twelve providers approved by the SBE to offer reading/language arts professional development. Among these providers are various county offices of education Reading Implementation Centers (RICs) and California Professional Development Institutes located throughout California. In addition, the SBE has approved three professional development providers to deliver training in mathematics; many additional Mathematics Professional Development Institutes have been approved by the University of California to deliver AB 466 professional development in mathematics.

**PUBLISHERS OF READING/LANGUAGE ARTS AND ENGLISH/LANGUAGE DEVELOPMENT  
AND MATHEMATICS PROGRAMS**

**READING/LANGUAGE ARTS & ENGLISH/LANGUAGE DEVELOPMENT PROGRAMS**

<p><b>Glencoe/McGraw-Hill—Grades 4-6, 6-8</b>  <i>Sopris West Language, (4-6)</i>                  Copyright © 2002  <i>The Readers Choice, (6-8)</i>-Copyright © 2002</p>	<p><b>The Hampton-Brown Company—Grades 4-8</b>  <i>High Point—Basics Student Book</i>, Copyright © 2001  <i>Levels A-C Student Book</i>, Copyright © 2000</p>
<p><b>Holt, Rinehart and Winston—Grades 6-8</b>  <i>Holt Literature and Language Arts</i>,                  Copyright © 2003</p>	<p><b>Houghton Mifflin Company—Grades K-6</b>  <i>HM Reading: A Legacy of Literature</i>,                  Copyright © 2003</p>
<p><b>McDougal Littell Inc.—Grades 6-8</b>  <i>McDougal Littell Reading and Language Arts                  Program</i>, Copyright © 2002</p>	<p><b>Prentice Hall School Division—Grades 6-8</b>  <i>Prentice Hall Literature: Timeless Voices, Timeless                  Themes</i>, Copyright © 2002</p>
<p><b>Scholastic Inc. —Grades 4-8</b>  <i>Scholastic Read 180</i>, Copyright © 2002</p>	<p><b>SRA/McGraw-Hill—Grades K-6, 4-8</b>  <i>SRA/Open Court Reading, (K-6)</i>—Copyright © 2002  <i>SRA/Reach, (4-8)</i>, Copyright © 2002</p>
<p><b>Wright Group/McGraw-Hill—Grades 4-8</b> <i>Fast Track Reading Program</i>, Copyright © 2002</p>	

**MATHEMATICS PROGRAMS**

<p><b>CSL Associates—Grades K-6</b>  <i>Success With Math Coach</i>                  Copyright © 2001</p>	<p><b>Harcourt School Publishers—Grades K-6</b>  <i>Harcourt Math</i>                  Copyright © 2002</p>
<p><b>Houghton Mifflin—Grades K-5</b>  <i>Mathematics by Houghton Mifflin</i>                  Copyright © 2002</p>	<p><b>McDougal, Littell &amp; Company—Grades 6-8</b>  <i>Concepts and Skills</i> Copyright © 2001  <i>Structure and Method</i> Copyright © 2001</p>
<p><b>McGraw-Hill—Grades K-6</b>  <i>McGraw Hill Mathematics</i>                  Copyright © 2002</p>	<p><b>Prentice Hall—Grades 7 and 8</b>  <i>Prentice Hall Pre-Algebra, CA Edition (7)</i>                  Copyright © 2002  <i>Prentice Hall Algebra 1, CA Edition (8)</i>                  Copyright © 2002</p>
<p><b>Sadlier-Oxford, Div. of W.H. Sadlier, Inc.                  Grades K-6</b>  <i>Progress in Mathematics, CA Edition</i>                  Copyright © 2001</p>	<p><b>Saxon Publishers—Grades K-3, 3-6</b>  <i>Saxon Math K-3 (K-3)</i> Copyright © 2001  <i>Math 54, 65</i>, Copyright © 2001 <i>Math 76</i>, Copyright © 1997,                  and <i>Math 87</i> Copyright © 1999 <b>(3-6)</b></p>
<p><b>Scott Foresman—Grades K-6</b> <i>Scott Foresman CA Mathematics</i> Copyright © 2001</p>	

**State Board of Education Providers Approved as of March 12, 2003**

<b>APPROVED AB 466 PROVIDERS FOR MATHEMATICS</b>	
<b>APPROVED AB 466 PROVIDERS FOR MATHEMATICS</b>	<b>PROGRAM(S) FOR WHICH TRAINING CURRICULUM IS APPROVED</b>
<b>Calabash Professional Learning Systems</b>	Harcourt, Math Houghton Mifflin, Mathematics McDougal Littell, Concepts and Skills, Course 1, Course 2, and Algebra I
<b>Elk Grove Unified School District</b> (Providing training for district only)	McDougal Littell, Concepts and Skills, Course 2 (Grade 7), Geometry, and Algebra II
<b>Elk Grove Unified School District</b> (Providing training for district only)	Prentice Hall Pre-Algebra, California Edition, and Algebra I, California Edition,
<b>Sacramento County Office of Education</b>	McDougal Littell, Concepts and Skills, Course 2 Prentice Hall, Pre-Algebra, California Edition, and Algebra I, California Edition
<b>APPROVED AB 466 PROVIDERS FOR READING/LANGUAGE ARTS</b>	
<b>APPROVED AB 466 PROVIDERS FOR READING/LANGUAGE ARTS</b>	<b>PROGRAM(S) FOR WHICH TRAINING CURRICULUM IS APPROVED</b>
<b>Calabash Professional Learning Systems</b>	Houghton Mifflin Reading, A Legacy of Literacy McDougal Littell, Reading and Language Arts Program, grades 6-8
<b>California Professional Development Institutes (University of California, Office of the President)</b>	Hampton Brown, High Point Houghton Mifflin Reading, A Legacy of Literacy SRA/McGraw-Hill, Open Court 2000, K-5, and Open Court 2002 SRA/McGraw-Hill, REACH Program
<b>California Reading Implementation Centers</b> (at Alameda, Butte, Imperial, Los Angeles, Sacramento, San Diego, and San Joaquin County Offices of Education)	Houghton Mifflin Reading, A Legacy of Literacy
<b>California Reading Implementation Centers</b> (at Alameda, Butte, Imperial, Los Angeles, Sacramento, San Diego, and San Joaquin County Offices of Education)	SRA/McGraw-Hill, Open Court 2000, K-5, and Open Court 2002

**State Board of Education Providers Approved as of March 12, 2003 (continued)**

<p align="center"><b>APPROVED AB 466 PROVIDERS FOR READING/LANGUAGE ARTS Continued</b></p>	<p align="center"><b>PROGRAM(S) FOR WHICH TRAINING CURRICULUM IS APPROVED Continued</b></p>
<p><b>CORE, Inc.</b></p>	<p>Houghton Mifflin Reading, Legacy of Literacy SRA/McGraw-Hill, Open Court 2002 Prentice Hall Literature, Timeless Voices, Timeless Themes</p>
<p><b>LEA Consortium</b> Center USD, Foresthill USD Forestville USD, Fremont USD Inglewood USD, Lemoore USD McKinleyville USD, Patterson USD, Rincon Valley USD, Santa Barbara SD (Provider training for own districts only)</p>	<p>SRA/McGraw-Hill, Open Court 2002</p>
<p><b>Pearson Education</b></p>	<p>Prentice Hall Literature, Timeless Voices, Timeless Themes, grades 6-8</p>
<p><b>Sacramento County Office of Education</b></p>	<p>Hampton Brown, High Point Holt, Rhinehart, and Winston, Literature and Language Arts, grades 6-8 and 9-10 McDougal Littell, Reading and Language Arts Program, grades 6-8 Prentice Hall Literature, Timeless Voices, Timeless Themes, grades 6-8 SRA/McGraw-Hill, REACH Program</p>
<p><b>Santa Cruz County Office of Education</b></p>	<p>McDougal Littell, Reading and Language Arts Program, grades 6-8</p>
<p><b>Scholastic Inc.</b></p>	<p>READ 180, California Edition</p>
<p><b>SRA/McGraw-Hill</b></p>	<p>SRA/McGraw-Hill, Open Court 2002</p>
<p><b>Sopris West</b></p>	<p>Glencoe/McGraw-Hill (Sopris West), LANGUAGE! A Literacy Intervention Curriculum</p>
<p><b>Wright Group/McGraw-Hill</b></p>	<p>Fast Track Reading</p>

**ELIGIBLE TEACHERS AND TYPES OF PROFESSIONAL DEVELOPMENT**

<b>Teachers</b>	<b>Allowable Training</b>	<b>Follow-up</b>
K-8 "self contained" classroom	40 hours mathematics 40 hours reading/ language arts	80 hours mathematics 80 hours reading/language arts
K-8 multiple-subject credentialed teachers, whose primary assignment is to teach in a classroom that is " not self-contained"	40 hours mathematics <b>OR</b> 40 hours reading/language arts(Depending on primary teaching assignment)	80 hours mathematics <b>OR</b> 80 hours reading/language arts(Depending on primary teaching assignment)
K-12 teachers providing exceptional needs students instruction in mathematics and reading/language arts	40 hours mathematics 40 hours reading/language arts	80 hours mathematics 80 hours reading/language arts
Secondary teachers with single subject credentials in English or social science	40 hours reading/language arts	80 hours reading/language arts
Secondary teachers and substitutes with one year emergency teaching permits for English and social science	40 hours reading/language arts	80 hours reading/language arts
Secondary teachers with single subject credentials in mathematics or science	40 hours mathematics	80 hours mathematics
Secondary teachers and substitutes with one-year emergency permits for mathematics or science	40 hours mathematics	80 hours mathematics

# Last Minute Memorandum

**To:** STATE BOARD MEMBERS

**Date:** June 10, 2003

**From:** William W. Vasey, Director  
Professional Development and Curriculum Support Division

**Re:** ITEM # 22

**Subject** MATHEMATICS AND READING PROFESSIONAL DEVELOPMENT  
PROGRAM (AB 466) INTERIM REPORT TO THE LEGISLATURE

The Mathematics and Reading Professional Development Program (AB 466) provides for professional development in reading/language arts and mathematics for teachers who deliver direct instruction to students in kindergarten and grades 1-12, inclusive.

AB 466 (Chapter 737, Statutes of 2001) requires the California Department of Education, in cooperation with the University of California and the California Professional Development Institutes, to develop an interim report regarding the Mathematics and Reading Professional Development Program for submission to the Legislature by July 1, 2003. The State Board of Education is to review and approve this report which will, at a minimum, detail the following:

- ✓ The number of teachers, by credential type, who have received training; and
- ✓ The entities that have received funds for the purpose of offering training (professional development providers) and the number of teachers that each has trained. This report also provides information on the number of teachers trained by subject area (reading/language arts and mathematics).

[Attachment 1](#)—Mathematics and Reading Professional Development Program (AB 466)  
Interim Report

## **MATHEMATICS AND READING PROFESSIONAL DEVELOPMENT PROGRAM INTERIM REPORT**

### **LEGISLATIVE PURPOSE**

The Legislature proposed the Mathematics and Reading Professional Development Program in an effort to increase academic performance in California schools by enabling teachers to participate in high-quality professional development activities in reading/language arts and mathematics. This high-quality professional development focuses on standards-based instructional materials and grade-appropriate teaching and intervention strategies. California has been engaged in academic reform over the last decade. The Mathematics and Reading Professional Development Program builds on and reinforces prior academic reform efforts.

### **INTERIM REPORT TO THE LEGISLATURE**

Assembly Bill (AB) 466 (Chapter 737, Statutes of 2001) requires the California Department of Education (CDE), in cooperation with the University of California and the California Professional Development Institutes, to develop an interim report regarding the Mathematics and Reading Professional Development Program for submission to the Legislature by July 1, 2003. The State Board of Education (SBE) is to review and approve this report which will, at a minimum, detail the following:

- ✓ The number of teachers, by credential type, who have received training; and
- ✓ The entities that have received funds for the purpose of offering training (professional development providers) and the number of teachers that each has trained. This report also provides information on the number of teachers trained by subject area (reading/language arts and mathematics).

### **PROGRAM DESCRIPTION AND COMPONENTS**

The Mathematics and Reading Professional Development Program (AB 466) provides for professional development in reading/language arts and mathematics for teachers who directly deliver instruction to students in kindergarten and grades 1-12, inclusive. The professional development offered via AB 466 is unique in that the instruction focuses on SBE-adopted mathematics and reading/language arts/English language development instructional materials that are aligned to content standards for grades K-8 and on local educational agency (LEA) adopted instructional materials for grades 9-12. Instructional aides and paraprofessionals may also take advantage of this professional development opportunity, beginning in the 2004-05 state fiscal year (FY).

Professional Development Professional development consists of 40 hours of intensive institute-style training and 80 hours of follow-up practicum. The 40 hours of professional development must be delivered by SBE approved training providers or by a California Professional Development Institute (CPDI) approved by the University of California that incorporates professional development on instructional materials newly adopted by the SBE and that complies with the provisions of AB 466. The 80 hours of professional development may be delivered by the LEA itself or by an independent provider selected by the LEA. Also, regulations adopted in 2002 authorize 20 hours of initial training and 20 hours of follow-up practicum for instructional aides and/or paraprofessionals (to commence in FY 2004-05). Educators may receive training on standards-based instructional materials for their grade level, course type, and/or school level. Instructional materials must be state-adopted for grades K-8 or local board-adopted for grades 9-12. Teachers directly delivering instruction in reading/language arts

or social science may participate in AB 466 professional development in reading/language arts. Teachers directly delivering instruction in mathematics or science may receive professional development in mathematics. In addition, teachers delivering instruction in a self-contained classroom setting may participate in AB 466 professional development for both reading/language arts and mathematics. Teachers employed in a public school for the purpose of providing either mathematics and English instruction, or both, to pupils with exceptional needs are eligible to participate in AB 466 professional development.

Program Funding The AB 466 program was originally proposed to be funded at approximately \$110 million (state general fund dollars). Due to reduced general fund revenue, this funding level was reduced to \$62.2 million for FY 2002-03. The budget bill includes \$27.9 million of state general fund dollars for FY 2003-04. This is a reimbursement program, in which approved LEAs are reimbursed for teachers who successfully complete either 40 hours of program training, 80 hours of follow-up instruction, or both.

It is the intent of the Legislature that funding appropriated in one FY that is not expended by an LEA be redirected to LEAs that have trained more eligible teachers than the percentage funded. When a redirection of funding occurs, funding in subsequent fiscal years for the LEAs involved shall be adjusted to reflect the redirection of funding.

Instructional Materials AB 466 connects approved professional development to state or local board approved instructional materials which are aligned with state content standards and curriculum frameworks. Materials include the following (see Appendix A for specific instructional material programs):

1. Mathematics materials for grades K-8, including algebra, adopted by the SBE, February 2001;
2. Reading/language arts materials for grades K-8 adopted by the SBE, February 2002; and
3. Mathematics materials (including algebra II and geometry) and English/language arts materials for grades 9-12, which are standards-aligned and have been adopted by local boards of education.

For FYs 2002-03 and 2003-04 only, an LEA may participate in AB 466 professional development if the governing board of the LEA has approved the use of standards-aligned instructional materials, as adopted by the SBE subsequent to the adoption of content standards for grades K-8 [pursuant to Chapter 481, Statutes of 1998 (AB 2519)].

Professional Development Providers Under AB 466, independent training providers delivering the initial 40 hours of the Mathematics and Reading Professional Development Program must be approved by the SBE. Individual LEAs may also provide the 40 hours of professional development if they are approved as an AB 466 provider by the SBE (may provide professional development to LEA teachers only). In addition, professional development can be delivered by a CPDI approved by the University of California that incorporates professional development on instructional materials newly adopted by the SBE and that complies with the provisions of AB 466. Provider training is based on specific criteria established by the SBE. These criteria can be viewed on the CDE AB 466 Web site at: [www.cde.ca.gov/pd/ab466/pguide.pdf](http://www.cde.ca.gov/pd/ab466/pguide.pdf). Please see Appendix B for a list of current SBE approved professional development providers.

Assembly Bill 2781 In the 2002-03 budget year, the Budget Trailer Bill, Chapter 1167, Statutes of 2002 (AB 2781) reduced the percentage of eligible teachers that can be claimed each year to match resources available. In FY 2002-03, the program guarantees support for up to 3 percent of a district's eligible teachers. Chapter 1167/2002 also extended the years the program will support professional development through FY 2006-07. Funding will be provided to LEAs on a first-come, first-serve basis. AB 466 established the percent of eligible teachers a given LEA could train and be reimbursed for via this program. These percentages were: up to 12 percent of eligible teachers in the 2001-02 fiscal year, up to 28.5 percent in the 2002-03 fiscal year, and up to 28.5 percent in the 2003-04 fiscal year, with the remainder for its eligible teachers in the 2004-05 fiscal year. AB 2781 changed these percentages to better align program services with available funding as follows:

**Table 1**

<b>Percentage of Eligible Teachers</b>		
<b>Fiscal Year</b>	<b>Percentages Established by AB 466 (2001)</b>	<b>Percentages Established by AB 2781 (2002)</b>
<b>2001-02</b>	12 percent	--
<b>2002-03</b>	up to 28.5 percent	up to 3 percent
<b>2003-04</b>	up to 28.5 percent	up to 3 percent
<b>2004-05</b>	All Remaining Teachers	up to 2.4 percent
<b>2005-06</b>	--	up to 2.7 percent
<b>2006-07</b>	--	up to 1.3 percent

Paraprofessionals and Instructional Aides An LEA that chooses to participate in the program is eligible to receive funding for no greater than 29 percent of its instructional aides and paraprofessionals who directly assist with classroom instruction in mathematics and reading/language arts in the 2004-05 fiscal year and up to 14.5 percent in FY 2005-06. However, the statewide total number of instructional aides and paraprofessionals who directly assist with classroom instruction in mathematics and reading/language arts served under this program may not exceed 9,600 over the two fiscal years.

Eligible Teachers This program is intended to serve teachers employed in a public school who directly provide instruction to students in grades K-12 in reading/language arts and/or mathematics. Teachers can hold a multiple-subject, single-subject (English, social science, mathematics, or science), pre-intern or intern, emergency, or special education teaching credential, certificate, or authorization issued by the Commission on Teacher Credentialing. Teachers who hold a single-subject credential in English or social science are eligible to receive instruction in reading/ language arts. Teachers who hold a single-subject credential in mathematics or science are eligible to receive instruction in mathematics. See Appendix C for a summary of eligible teachers and the types of professional development they are authorized to take.

Reimbursement Reimbursements are to be made according to the following priorities:

1. Prior year training conducted through a CPDI following certification by the district that the teacher received training on approved instructional materials either through the CPDI or district training (\$500 per eligible teacher);
2. Prior year training conducted through a SBE approved provider (\$1,250 per eligible teacher for completion of the initial 40 hours of training, or \$2,500 for completion of the full 120 hours of training);
3. Current year training for up to three percent of the eligible teachers; and
4. Current year training in excess of the three percent of eligible teachers.

Of the \$2,500 reimbursement per teacher, no more than \$1,000 may be used for stipends per teacher.

## **TEACHER CREDENTIALS**

Teachers who hold a multiple-subject, single-subject, emergency, or special education teaching credential, certificate, or authorization issued by the Commission on Teacher Credentialing that authorizes them to teach reading/language arts, social science, mathematics, and/or science are eligible to participate in AB 466 professional development. Specifically, the following types of credentialed teachers are eligible:

- ✓ Teachers employed in a public school for the purpose of teaching in a self-contained classroom that serves pupils in kindergarten or any of grades 1 to 8, inclusive (multiple-subject: elementary credential);
- ✓ Teachers employed in a public school for the purpose of providing both mathematics and reading/language arts instruction to pupils with exceptional needs (special education credential);
- ✓ Teachers employed in a public school for the purpose of teaching in a self-contained classroom that serves pupils in kindergarten or any of grades 1 to 8, inclusive and who hold a one-year emergency teaching permit or an emergency career substitute teaching permit (multiple-subject: emergency credential);
- ✓ Teachers who are employed in a public school and who are assigned to teach English or social science courses in a classroom that is not self-contained (single subject: English or social science credential).
- ✓ Teachers who are employed in a public school and who are assigned to teach mathematics or science courses in a classroom that is not self-contained (single subject: mathematics or science credential).
- ✓ Teachers who hold a one-year emergency teaching permit or emergency career substitute teaching permit who are employed in a public school and assigned to teach reading/language arts or social science courses in a classroom that is not self-contained (single subject emergency: English or social science credential);
- ✓ Teachers who hold a one-year emergency teaching permit or emergency career substitute teaching permit who are employed in a public school and assigned to teach mathematics or science courses in a classroom that is not self-contained (single subject emergency: mathematics or science credential); and
- ✓ Teachers who hold a one-year emergency teaching permit or emergency career substitute teaching permit who are employed in a public school and assigned to teach pupils with exceptional needs (emergency: special education credential).

Holders of emergency 30-day substitute teaching permits issued by the California Commission on Teacher Credentialing are not eligible to receive training via AB 466.

LEAs participating in the AB 466 program were required to report by May 30, 2003, the types of credentials their teachers hold and the types of professional development (reading/language arts or mathematics) their teachers completed. LEAs submitted data on the credential types shown in Table 2 on page 5.

**Table 2**

<b>Credential Held by Teachers Completing 40 Hours or 120 Hours of AB 466 Professional Development</b>	
<b>Credential Type</b>	<b>Number of Teachers</b>
Single Subject: English or Social Science	3,730
Single Subject: Mathematics or Science	426
Special Education	1,020
Multiple Subject: Elementary	18,114
<sup>1</sup> Multiple Subject: Emergency	1,341
<sup>2</sup> Single Subject Emergency: English or Social Science	2,278
<sup>3</sup> Single Subject Emergency: Mathematics or Science	81
<sup>4</sup> Emergency: Special Education	125
<sup>5</sup> Unknown	11,518
<b>Total</b>	<b>38,633</b>

Currently, the CDE has reimbursed LEAs for approximately \$43.9 million for a total of 38,633 teachers who received professional development. Of these 38,633 teachers, 11,518 received training either in fiscal years prior to 2002-03 (AB 466 required the CDE to collect credential information for 2002-03 and subsequent fiscal years) or the LEA has not yet submitted credential information for these teachers.

Of the 38,633 teachers who received professional development via the AB 466 program all together, approximately 65 percent completed 40 hours of professional development, 18 percent completed 80 hours of professional development, and 17 percent completed 120 hours of professional development.

Professional Development Providers The initial 40 hours of professional development can be provided by independent training providers approved by the SBE, individual LEAs approved by the SBE (may provide professional development to LEA teachers only), or CPDIs approved by the University of California that incorporate professional development on instructional materials newly adopted by the SBE and that comply with the provisions of AB 466.

Table 3 on page 6 displays the number of teachers completing reading/language arts and mathematics professional development and the providers who delivered the training. Of the total 27,115 teachers shown on Table 3, 21,748 completed training in reading/language arts and 5,367 completed training in mathematics. Of the first 38 providers listed in Table 3, 21 delivered the intensive 40 hours of AB 466 training in mathematics, 16 delivered the 40 hours of training in reading/language arts and 1 delivered the 40 hours of training in both mathematics and reading/language arts. The providers listed on Table 3 may also deliver the 80 hours of follow-up instruction. The last row of Table 3 on page 6 represents various LEAs that provided 80 hours of follow-up instruction to teachers within their LEA.

<sup>1</sup> The 1,341 teachers who hold multiple subject, emergency credentials, includes interns and pre-interns.

<sup>2</sup> The 2,278 teachers who hold single subject emergency: English or social science credentials, includes interns and pre-interns.

<sup>3</sup> The 81 teachers who hold single subject emergency: mathematics or science credentials, includes interns and pre-interns.

<sup>4</sup> The 125 teachers who hold single subject emergency: special education credentials, includes interns and pre-interns.

<sup>5</sup> The credential type for 11,518 teachers is unknown because most of these teachers were trained prior to June 30, 2002, when collection of this data was not required, or the LEA failed to meet the May 30, 2003, credential reporting deadline.

**Table 3**

<b>Number of Teachers Trained and Professional Development Provider</b>			
<b>Name of Provider</b>	<b>Reading Training</b>	<b>Math Training</b>	<b>Total Teachers Trained</b>
Cal Poly University, Pomona	0	328	328
Cal Poly University, San Luis Obispo	0	326	326
Calabash Professional Learning Systems	3,396	279	3,675
CORE, Inc.	2,187	0	2,187
Center For Applied Research	6	0	6
CPDI – Los Angeles County Office of Education	348	0	348
CPDI – Sacramento County Office of Education	3,819	0	3,819
CSU Bakersfield Mathematics Project	0	15	15
CSU Chico Mathematics Project	0	54	54
CSU Monterey Bay/Monterey COE	0	178	178
CSU Hayward Mathematics Project	0	356	356
CSU Sacramento Mathematics Project	0	24	24
CSU Fresno-San Joaquin Valley Math Project	0	36	36
Elk Grove Unified School District	0	500	500
Fremont Unified School District	208	0	208
MPDI - CSU Fullerton	0	229	229
MPDI – Sacramento County Office of Education	0	61	61
MPDI – San Diego State University	0	362	362
Pearson Education	21	0	21
Redwood Area Mathematics Project (RAMP)	0	3	3
RIC – Alameda County Office of Education	286	0	286
RIC – Butte County Office of Education	14	0	14
RIC – Imperial County Office of Education	393	0	393
RIC – Los Angeles County Office of Education	41	0	41
RIC – Sacramento County Office of Education	7,365	0	7,365
RIC – San Diego County Office of Education	508	0	508
RIC – San Joaquin County Office of Education	257	0	257
San Jose State University	0	51	51
Santa Barbara Elementary School District	67	0	67
Santa Clara Valley mathematics Project	0	37	37
Sonoma State University	0	49	49
Sonoma County Office of Education	0	14	14
Sopris West, Inc.	123	0	123
SRA McGraw-Hill	201	0	201
Tri-Counties Mathematics Project	0	18	18
UC Berkeley Mathematics Project	0	34	34
UC Davis Mathematics Project	0	63	63
UC Irvine Mathematics Project	0	8	8
Various 80-hour District Providers	2,508	2,342	4,850
<b>Subtotal</b>	<b>21,748</b>	<b>5,367</b>	<b>27,115</b>
Unknown	--	--	11,518
<b>Total</b>	<b>21,748</b>	<b>5,367</b>	<b>38,633</b>

## SUMMARY

The Mathematics and Reading Professional Development Program has been in operation for one year. During this time, the SBE has approved 355 LEAs to participate in the program. As of June 6, 2003, 38,633 teachers have taken advantage of AB 466 professional development opportunities. Of the 27,115 teachers for whom training and credential information was collected, approximately 80 percent completed professional development in reading/language arts and 20 percent completed professional development in mathematics. As of June 6, 2003, \$43.9 million of the \$62.2 million available has been allocated to participating LEAs.

An application for year two of the AB 466 program is available on the CDE AB 466 Web site at [www.cde.ca.gov/pd/ab466](http://www.cde.ca.gov/pd/ab466). It is anticipated that many participating LEAs will offer the 80-hours of follow-up instruction to their teachers during FY 2003-04 and that many additional LEAs will take advantage of AB 466 training.

There are currently twelve providers approved by the SBE to offer reading/language arts professional development. Among these providers are various county office of education Reading Implementation Centers (RICs) and California Professional Development Institutes located throughout California. In addition, the SBE has approved three professional development providers to deliver training in mathematics; many additional Mathematics Professional Development Institutes have been approved by the University of California.

<b>PUBLISHERS OF STATE BOARD OF EDUCATION ADOPTED READING/LANGUAGE ARTS AND ENGLISH/LANGUAGE DEVELOPMENT AND MATHEMATICS PROGRAMS</b>	
<b>PROGRAMS ADOPTED BY THE STATE BOARD OF EDUCATION AFTER JANUARY 1, 2001</b>	
<b>READING/LANGUAGE ARTS &amp; ENGLISH/LANGUAGE DEVELOPMENT PROGRAMS</b>	
<b>Glencoe/McGraw-Hill—Grades 4-6, 6-8</b> <i>Sopris West Language, (4-6)</i> Copyright © 2002 <i>The Readers Choice, (6-8)</i> -Copyright © 2002	<b>The Hampton-Brown Company—Grades 4-8</b> <i>High Point—Basics Student Book</i> , Copyright © 2001 <i>Levels A-C Student Book</i> , Copyright © 2000
<b>Holt, Rinehart and Winston—Grades 6-8</b> <i>Holt Literature and Language Arts</i> , Copyright © 2003	<b>Houghton Mifflin Company—Grades K-6</b> <i>HM Reading: A Legacy of Literature</i> , Copyright © 2003
<b>McDougal Littell Inc.—Grades 6-8</b> <i>McDougal Littell Reading and Language Arts Program</i> , Copyright © 2002	<b>Prentice Hall School Division—Grades 6-8</b> <i>Prentice Hall Literature: Timeless Voices, Timeless Themes</i> , Copyright © 2002
<b>Scholastic Inc. —Grades 4-8</b> <i>Scholastic Read 180</i> , Copyright © 2002	<b>SRA/McGraw-Hill—Grades K-6, 4-8</b> <i>SRA/Open Court Reading, (K-6)</i> —Copyright © 2002 <i>SRA/Reach, (4-8)</i> , Copyright © 2002
<b>Wright Group/McGraw-Hill—Grades 4-8</b> <i>Fast Track Reading Program</i> , Copyright © 2002	
<b>MATHEMATICS PROGRAMS</b>	
<b>CSL Associates—Grades K-6</b> <i>Success With Math Coach</i> Copyright © 2001	<b>Harcourt School Publishers—Grades K-6</b> <i>Harcourt Math</i> Copyright © 2002
<b>Houghton Mifflin—Grades K-5</b> <i>Mathematics by Houghton Mifflin</i> Copyright © 2002	<b>McDougal, Littell &amp; Company—Grades 6-8</b> <i>Concepts and Skills</i> Copyright © 2001 <i>Structure and Method</i> Copyright © 2001
<b>McGraw-Hill—Grades K-6</b> <i>McGraw Hill Mathematics</i> Copyright © 2002	<b>Prentice Hall—Grades 7 and 8</b> <i>Prentice Hall Pre-Algebra, CA Edition (7)</i> Copyright © 2002 <i>Prentice Hall Algebra 1, CA Edition (8)</i> Copyright © 2002
<b>Sadlier-Oxford, Div. of W.H. Sadlier, Inc. Grades K-6</b> <i>Progress in Mathematics, CA Edition</i> Copyright © 2001	<b>Saxon Publishers—Grades K-3, 3-6</b> <i>Saxon Math K-3 (K-3)</i> Copyright © 2001 <i>Math 54, 65</i> , Copyright © 2001 <i>Math 76</i> , Copyright © 1997, <i>and Math 87</i> Copyright © 1999 <b>(3-6)</b>
<b>Scott Foresman—Grades K-6</b> <i>Scott Foresman CA Mathematics</i> Copyright © 2001	

## State Board of Education Providers Approved as of March 12, 2003

<b>APPROVED AB 466 PROVIDERS FOR MATHEMATICS</b>	
<b>APPROVED AB 466 PROVIDERS FOR MATHEMATICS</b>	<b>PROGRAM(S) FOR WHICH TRAINING CURRICULUM IS APPROVED</b>
<b>Calabash Professional Learning Systems</b>	Harcourt, Math Houghton Mifflin, Mathematics McDougal Littell, Concepts and Skills, Course 1, Course 2, and Algebra I
<b>Elk Grove Unified School District</b> (Providing training for district only)	McDougal Littell, Concepts and Skills, Course 2 (Grade 7), Geometry, and Algebra II
<b>Elk Grove Unified School District</b> (Providing training for district only)	Prentice Hall Pre-Algebra, California Edition, and Algebra I, California Edition,
<b>Sacramento County Office of Education</b>	McDougal Littell, Concepts and Skills, Course 2 Prentice Hall, Pre-Algebra, California Edition, and Algebra I, California Edition
<b>APPROVED AB 466 PROVIDERS FOR READING/LANGUAGE ARTS</b>	
<b>APPROVED AB 466 PROVIDERS FOR READING/LANGUAGE ARTS</b>	<b>PROGRAM(S) FOR WHICH TRAINING CURRICULUM IS APPROVED</b>
<b>Calabash Professional Learning Systems</b>	Houghton Mifflin Reading, A Legacy of Literacy McDougal Littell, Reading and Language Arts Program, grades 6-8
<b>California Professional Development Institutes (University of California, Office of the President)</b>	Hampton Brown, High Point Houghton Mifflin Reading, A Legacy of Literacy SRA/McGraw-Hill, Open Court 2000, K-5, and Open Court 2002 SRA/McGraw-Hill, REACH Program
<b>California Reading Implementation Centers</b> (at Alameda, Butte, Imperial, Los Angeles, Sacramento, San Diego, and San Joaquin County Offices of Education)	Houghton Mifflin Reading, A Legacy of Literacy
<b>California Reading Implementation Centers</b> (at Alameda, Butte, Imperial, Los Angeles, Sacramento, San Diego, and San Joaquin County Offices of Education)	SRA/McGraw-Hill, Open Court 2000, K-5, and Open Court 2002

<b>APPROVED AB 466 PROVIDERS FOR READING/LANGUAGE ARTS Continued</b>	<b>PROGRAM(S) FOR WHICH TRAINING CURRICULUM IS APPROVED Continued</b>
<b>CORE, Inc.</b>	Houghton Mifflin Reading, Legacy of Literacy SRA/McGraw-Hill, Open Court 2002 Prentice Hall Literature, Timeless Voices, Timeless Themes
<b>LEA Consortium</b> Center USD, Foresthill USD Forestville USD, Fremont USD Inglewood USD, Lemoore USD McKinleyville USD, Patterson USD, Rincon Valley USD, Santa Barbara SD (Provider training for own districts only)	SRA/McGraw-Hill, Open Court 2002
<b>Pearson Education</b>	Prentice Hall Literature, Timeless Voices, Timeless Themes, grades 6-8
<b>Sacramento County Office of Education</b>	Hampton Brown, High Point Holt, Rhinehart, and Winston, Literature and Language Arts, grades 6-8 and 9-10 McDougal Littell, Reading and Language Arts Program, grades 6-8 Prentice Hall Literature, Timeless Voices, Timeless Themes, grades 6-8 SRA/McGraw-Hill, REACH Program
<b>Santa Cruz County Office of Education</b>	McDougal Littell, Reading and Language Arts Program, grades 6-8
<b>Scholastic Inc.</b>	READ 180, California Edition
<b>SRA/McGraw-Hill</b>	SRA/McGraw-Hill, Open Court 2002
<b>Sopris West</b>	Glencoe/McGraw-Hill (Sopris West), LANGUAGE! A Literacy Intervention Curriculum
<b>Wright Group/McGraw-Hill</b>	Fast Track Reading

## ELIGIBLE TEACHERS AND TYPES OF PROFESSIONAL DEVELOPMENT

Teachers	Allowable Training	Follow-up
K-8 "self contained" classroom	40 hours mathematics 40 hours reading/ language arts	80 hours mathematics 80 hours reading/language arts
K-8 multiple-subject credentialed teachers, whose primary assignment is to teach in a classroom that is " not self-contained"	40 hours mathematics <b>OR</b> 40 hours reading/language arts(Depending on primary teaching assignment)	80 hours mathematics <b>OR</b> 80 hours reading/language arts(Depending on primary teaching assignment)
K-12 teachers providing exceptional needs students instruction in mathematics and reading/language arts	40 hours mathematics 40 hours reading/language arts	80 hours mathematics 80 hours reading/language arts
Secondary teachers with single subject credentials in English or social science	40 hours reading/language arts	80 hours reading/language arts
Secondary teachers and substitutes with one year emergency teaching permits for English and social science	40 hours reading/language arts	80 hours reading/language arts
Secondary teachers with single subject credentials in mathematics or science	40 hours mathematics	80 hours mathematics
Secondary teachers and substitutes with one-year emergency permits for mathematics or science	40 hours mathematics	80 hours mathematics



**JUNE 2003 AGENDA**

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

**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 criteria and requirements for Principal Training Program applications at the February 6-7, 2002 meeting.

**Summary of Key Issue(s)**

The Principal Training Program requires the State Board of Education to approve all 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**  
**June 2003**

Applications received during the month of April 2003

<b>LOCAL EDUCATIONAL AGENCIES</b>	Total Number of Administrators	Total Amount of State Funding Requested
<b>CALAVERAS</b>		
Bret Harte Union Elementary	2	\$6,000.00
Calaveras Unified School District	7	\$21,000.00
<b>LOS ANGELES</b>		
West Covina Unified	3	\$9,000.00
Manhattan Beach Unified School District	4	\$12,000.00
<b>MENDOCINO</b>		
Point Arena Joint Union High	1	\$3,000.00
<b>ORANGE</b>		
Laguna Beach Unified School District	2	\$6,000.00
<b>SAN MATEO</b>		
Cabrillo Unified	4	\$12,000.00
<b>SONOMA</b>		
Sonoma County Office of Education	6	\$18,000.00
<b>STANISLAUS</b>		
Stanislaus County Office of Education	3	\$9,000.00
Sylvan Union Elementary	7	\$21,000.00
Waterford Elementary	6	\$18,000.00

Total State Funds Requested for June LEA Approval: \$135, 000.00

Total Number of LEAs Requested for June Approval: 7

Total Number of Approved Single LEAs to date: 328

Total State Funds Encumbered by Single LEAs to date: \$26,964,000.00

Total Number of Administrators Recommended for Program Participation in June: 45

Total Number of Administrators Approved to date for Program Participation: 10,240

**PRINCIPAL TRAINING PROGRAM  
 Consortium Members Recommended  
 for  
 State Board of Education Approval  
 June 2003**

<b>CONSORTIA With RECOMMENDED MEMBERSHIP</b>	<b>Total Number of Administrators in Consortium</b>	<b>Total Amount of State Funding Requested</b>
<b>EI DORADO COUNTY OFFICE OF EDUCATION</b> Mother Lode Union Elementary	61	\$183,000.00
<b>MONTEREY COUNTY OFFICE OF EDUCATION</b> King City Union Elementary	135	\$405,000.00
<b>SAN JOAQUIN COUNTY OFFICE OF EDUCATION</b> Denair Unified	25	\$75,000.00

Total Number of Consortia Participating in the Principal Training Program: 19

Total Number of New Consortia Recommended for June Approval: 0

Total Number of Single Local Educational Agencies Approved to  
Participate in a Consortium: 212

Total Number of New Consortia Members Recommended for June Approval: 3

State Funds Approved for Consortia: \$3,756,000.00



**JUNE 2003 AGENDA**

<b>SUBJECT</b>	<b>X</b>	<b>ACTION</b>
Approval of Training Providers for AB 75, The Principal Training Program		<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

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**Recommendation:**

The CDE requests approval of the list of training providers for AB 75, The Principal Training Program.

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**Summary of Previous State Board of Education Discussion and Action**

The State Board of Education approved the AB 75 Principal Training Program Criteria and Requirements for the Approval of Training Providers at the February 6-7, 2002 meeting.

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**Summary of Key Issue(s)**

Local Education Agencies must use State Board approved providers. The applications to become State Board approved providers have been reviewed using the SBE adopted criteria.

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**Fiscal Analysis (as appropriate)**

N/A

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**Attachment(s)**

The list of recommended training providers will be included in the supplemental mailing.

# Supplemental Memorandum

**To: STATE BOARD MEMBERS**

**Date: June, 2003**

**From: Sue Stickel, Deputy Superintendent  
Curriculum and Instructional Leadership Branch**

**Re: ITEM # 24**

**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  
June 2003**

**MODULE 1 – Leadership and Support of Instructional Programs**

**Sacramento County Office of Education**

Holt, Rinehart & Winston    Literature and Language Arts 6-8

**Etiwanda School District**

McDougal Littell: Reading and Language Arts Program 6-8  
Prentice Hall, Inc. Prentice Hall Pre-Algebra, CA Ed. 7

**MODULE 2– Leadership and Management for Instruction Improvement**

**Etiwanda School District**

**Ontario-Montclair School District**

**MODULE 3-Instructional Technology**

**Ontario-Montclair School District**



**JUNE 2003 AGENDA**

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

**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: May 28, 2003**

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

**Re: SUPPLEMENTAL ITEM # 25**

**Subject REPORT OF THE CURRICULUM DEVELOPMENT AND SUPPLEMENTAL  
MATERIALS COMMISSION**

This month's report contains information on the Curriculum Commission meeting on May 15-16, 2003 and upcoming activities for the Foreign Language Adoption.

Attachment #1: [Report of the Curriculum Commission.](#)

Attachment #2: [Math Content Review Panel.](#)



State of California

Gray Davis, Governor

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## Curriculum Development and Supplemental Materials Commission

An advisory body to the California State Board of Education

916-319-0881

June 1, 2003

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

RE: June 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 and an item of action will be presented separately.

### *May 15-16 Meeting*

The Curriculum Commission met May 15 and 16. Its first order of business was the appointment of Thomas Adams as its Executive Director at its May meeting. His experience in frameworks and adoptions, support of the standards, and extensive education provide solid credentials for the position. We want to thank Superintendent O'Connell for providing the Curriculum Commission with qualified and competent staff.

### Meeting Dates for 2004

The Curriculum Commission set its calendar for 2004 and selected the following dates:

- Wednesday, Jan. 14 (orientation-half day), Thursday Jan. 15, and Friday, Jan. 16, 2004
- Friday, April 9, 2004
- Thursday, May 20, and Friday, May 21, 2004
- No meeting in July 2004
- Thursday, September 16, and Friday, September 17, 2004
- Thursday, November 18, and Friday, November 19, 2004

### **Field Review of Draft Visual and Performing Arts Framework**

The Curriculum Commission will conduct the field review of the draft Visual and Performing Arts Framework between June 15 and August 1. Through the framework, the Commission is ensuring that the visual and performing arts standards are teachable for all students. The draft framework and evaluation questionnaire will be available on the CDE website, [www.cde.ca.gov/cfir](http://www.cde.ca.gov/cfir).

### *2003 K-8 Foreign Language Adoption*

Foreign Language Adoption activities will resume in July 2003. The members of the Instructional Materials Advisory Panel and Language Experts (IMAP/LE) will reconvene at the Hilton Sacramento from July 7-10, 2003, to conduct deliberations on each of the submitted programs. The exception will be the German panel members who will meet at the California Department of Education August 6-7, 2003, to conduct deliberations. Following deliberations, the joint IMAP/LE advisory reports on each submitted program will be forwarded to the Curriculum Commission for consideration and action at the September 17-19, 2003, Commission meeting. The Commission will bring the recommendations to the Board in November 2003, for hearing and action.

### *Mathematics Framework*

The Commission is continuing to make progress on the updating of the framework. The Commission has compiled a list of scholars to review the framework for content accuracy this summer. We have included those mathematicians who worked on the original framework and the Board's Content Review Panel for the California Standards Test in Mathematics. If you have other mathematicians whom you would like to review the framework, please let us know and we will be glad to include them. The Commission will review the comments and suggestion scholars will submit their comments to the Commission in September. A list of the scholars is attached for your information.

### *Science*

The Science Subject Matter Committee has completed its work on School Campus Environmental Audit Tool. Under SB 373 (Torlakson), the State Board of Education and California Department of Education are working with the Integrated Waste Management Board in fostering environment education. The School Campus Environmental Audit Tool will be presented as a separate item.

### *History-Social Science*

The Curriculum Commission held a briefing for publishers on the criteria for the 2005 adoption (available on the CFIR website, [www.cde.ca.gov/cfir](http://www.cde.ca.gov/cfir)). We were excited to see that eighteen publishers and organizations expressed interest in the upcoming adoption.

*Health*

The Curriculum Commission held a briefing for publishers on the criteria for the 2004 adoption (available on the CFIR website, [www.cde.ca.gov/cfir](http://www.cde.ca.gov/cfir)). We were excited to see that eight publishers and organizations expressed interest in the upcoming adoption. The formal Invitation to Submit meeting is scheduled for December 12, 2003 in Sacramento. We are beginning the process to recruit volunteers to serve on panels to review K-8 health instructional materials. If board members know of anyone who should receive an application, please let us know.

This concludes the Curriculum Commission's report for June. 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:tpa

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  
Rae Belisle, Executive Director, State Board of Education  
Members, Curriculum Commission  
Thomas Adams, Executive Secretary, Curriculum Commission

**Math Content Review Panel**

*(The following reviewers are recommended to analyze the current Mathematics Framework and make suggestions for ensuring the accuracy of mathematical content).*

<b>NAME</b>	<b>TITLE</b>	<b>DISTRICT NAME</b>
Ruth Asmundson	City Council Member	Davis Joint USD
Charlie Beavers	Architect	N/A
Barbara Bethel	Pilot Senior Advisor & Mathematics Supervisor San Diego USD	San Diego – City Heights Educational Pilot
Marshall Cates	Professor	CSULA
Mei-Chu Chang	Professor	UC Riverside
Paul Clopton	Statistician	San Diego
Ralph Cohen	Professor	Stanford University
Bill Evers	Research Fellow	Hoover Institution
Bob Franklin	Teacher/Dept. Chair	Sierra USD
Linda Gesualdi	Math Teacher/Dept. Chair	Manhattan Beach USD
Susan Greene	Math Specialist	San Juan USD
Deborah Tepper Haimo	Chair, Mathematics Framework Committee, 1997	UC San Diego
Oretha Hargro		
Vik Hovsepian	Math Professor/Dept. Chair	Rio Hondo community College/Hoover HS
Gina Koency	Assessment Consultant	LA county Office of Education
Tom Lester	Math Matters Project Director	Northern California Comprehensive Assistance Center
Nancy Maiello	Teacher	San Juan USD
James Milgram	Professor	Stanford
Calvin Moore	Professor	UC Berkeley
Carol Newman	PAR Consulting Teacher	Rincon Valley SD
Tom Roby	Assistant Professor of Mathematics	California State University
Dennis Stanton	Math Teacher	Fremont Union HSD
Susan Stickel	Deputy Superintendent, CDE	CDE
William Tarr	Consultant in Mathematics	CDE
Hung-Hsi Wu	Professor	UC Berkeley
Ze'ev Wurman	Parent	Palo Alto, CA



**JUNE 2003 AGENDA**

<b>SUBJECT</b> School Campus Environmental Audit Tool	<b>X</b>	<b>ACTION</b>
	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

The Curriculum Commission will present for approval the School Campus Environmental Audit Tool to the State Board of Education

**Summary of Previous State Board of Education Discussion and Action**

SB 373 requires that the “State Board of Education and the State Department of Education shall revise, as necessary, the framework in science to include the necessary elements to teach environmental education, including, but not limited to, all of the following topics:

- (1) Integrated waste management.
- (2) Energy conservation.
- (3) Water conservation and pollution prevention.
- (4) Air resources.
- (5) Integrated pest management.
- (6) Toxic materials.
- (7) Wildlife conservation and forestry.”

The State Board of Education fulfilled this requirement with adoption of the Science Framework on February 6, 2002.

Letter of August 12, 2002 from Greg Geeting, Assistant Executive Director, to the State Board of Education on the Implementation of SB 373 outlined the role of the Curriculum Commission in reviewing student materials that meet the goals of the legislation.

**Summary of Key Issue(s)**

The bill requires the State Board of Education and the Department of Education to participate in the process and product of a unified education strategy for elementary and secondary schools. SB 373 states: “The Office of Integrated Environmental Education is hereby established in the board. The office, in cooperation with the State Department of Education, State Board of Education, and the Secretary for Education, shall develop and implement a unified education strategy on the environment for elementary and secondary schools in the state. The office shall develop a unified education strategy to do all of the following:

- (A) Coordinate instructional resources and strategies for providing active pupil participation with onsite conservation efforts.
- (B) Promote service-learning opportunities between schools and local communities.
- (C) Assess the impact to participating pupils of the unified education strategy on student achievement and resource conservation.”

The adoption of the School Campus Environmental Audit Tool (Audit Tool) fulfills in part this

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**Summary of Key Issue(s)**

obligation. The next step will be the field testing of the Audit Tool. The item will return to the State Board in Spring 2004 if substantial revisions are made to the Audit Tool.

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**Fiscal Analysis (as appropriate)**

N/A

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**Attachment(s)**

The Curriculum Commission's version of School Campus Environmental Audit Tool will be forthcoming in the Board's Supplemental mailing.

# Supplemental Memorandum

**To:** STATE BOARD MEMBERS

**Date:** May 28, 2003

**From:** Karen Yamamoto, Chair, Curriculum Development and Supplemental  
Materials Commission  
Sandra Mann, Chair, Science Subject Matter Committee  
Thomas Adams, Executive Director, Curriculum Commission, CFIR Division

**Re:** SUPPLEMENTAL ITEM # 26

**Subject** School Campus Environmental Audit Tool

The Curriculum Development and Supplemental Materials Commission approved the School Campus Environmental Audit Tool at its meeting on May 15-16. We ask the State Board of Education to approve the School Campus Environmental Audit Tool.

**School Campus Environmental Audits  
Waste, Energy, and Water**

**A Series of Investigations Designed for  
Sixth Grade Students**

**to  
Fulfill the Requirements of  
California Senate Bill 373  
The School Diversion and Environmental Education  
Law**

**[pending approval by]  
California Integrated Waste Management Board  
California Department of Education  
California Secretary for Education  
California State Board of Education**

Draft – May 2003

# I. INTRODUCTION

The School Diversion and Environmental Education Law (School DEEL) was signed into law in September 2001 (SB373, Torlakson, Chapter 926, Statutes of 2001). The law created a series of integrated waste management and environmental education mandates for the California Integrated Waste Management Board (CIWMB). The legislation is intended to increase the presence of resource management programs, such as waste reduction, recycling, and composting on school district campuses statewide. Among other provisions, the School DEEL legislation calls for:

- Developing, implementing, and adopting a Unified Education Strategy (UES) for elementary and secondary schools in the state, to:
  - Coordinate instructional resources and strategies for providing active pupil participation with onsite conservation efforts.
  - Promote service-learning opportunities between schools and local communities.
  - Assess the impact to participating pupils of the UES on student achievement and resource conservation.
- Creating models and school waste reduction tools for schools, school districts, county offices, and local agencies.
- Establishing an Environmental Ambassador Pilot Program.
- Providing grants to school districts to implement the UES.
- Identifying and promoting use of recycled-content materials and environmentally preferable products in the construction and modernization of public school facilities.
- Evaluating the effects of school waste reduction plans and other resource conservation efforts in the state’s schools.

The School DEEL specifies that “Every school district and school site in this state will be encouraged to implement source reduction, recycling, and composting programs that ... reduce waste and conserve resources [and] provide pupils with a ‘hands-on’ learning experience.” The legislation calls for the development of “Service-learning partnerships, in which schools and communities work to provide real world experiences to pupils in areas of the environment and resource conservation, including education projects developed and implemented by pupils to encourage others to utilize integrated waste management concepts.”

While these audit tools do not represent a science curriculum, they have been designed to build upon the foundation provided by the Science Framework for California Public Schools (2003) in a manner that will help students learn about source reduction and recycling, and make them effective as Environmental Ambassadors.

## The Role of Campus Audits

The campus audits described in this document are an element of the CIWMB’s plans for implementing the UES. The audits offer sixth-grade students an opportunity to participate in an assessment of resource management practices on their own school campus.

## 1           **California State Content Standards and Adopted Instructional Materials**

2           Fundamental to implementation of the campus audit is a thorough understanding  
3 of science concepts related to resource use and waste, water, and energy, as outlined in  
4 Grade 6 California Science Standards (1998) and the Science Framework (2003). For  
5 example, through the campus waste audit, students will assess current campus practices  
6 related to waste disposal, source reduction, materials reuse, recycling, composting,  
7 purchasing of recycled products, and pollution prevention. This audit will have a greater  
8 impact if students have already examined the natural origins of the various resources,  
9 using instructional activities outlined in the State Board of Education-adopted science  
10 instructional materials in use at the school site. As students evaluate which resources are  
11 renewable or nonrenewable, they will be able to build upon what they have already  
12 learned, and consider the environmental implications of resource use during their  
13 lifetimes.

### 14                           **Using the Audit Tools**

15           The audit tools include detailed instructions for conducting assessments of waste,  
16 energy, water use patterns, and pollution prevention practices on campus. All school  
17 districts engaged in the UES grant program are required to conduct the waste audit and  
18 are encouraged, if time permits, to undertake the energy and water audits as well.

19           Each audit is designed as a stand-alone unit that requires four 45-minute class  
20 sessions. The intention is for students to work in groups, each auditing different areas of  
21 campus related to the particular topic (waste, energy, water). The design is flexible,  
22 however, so that within these groups, individual students can either complete a full  
23 section of the audit or tasks can be divided and results shared. (Since the number of  
24 students participating in the audits may vary widely, the design is flexible and specific  
25 arrangements are left to the discretion of the teacher.)

26           The specific study sites for each of the audits were selected with technical input  
27 from the boards, departments, and offices within the California Environmental Protection  
28 Agency and departments and commissions within the Resources Agency. In the waste  
29 audit, students examine the cafeteria/lunch area, and their classroom(s). The water audit  
30 calls for students to assess the restrooms and grounds. The energy audit looks at energy  
31 systems across the school: heating and cooling, lighting, and appliances.

32           Students work at all times under the immediate supervision and control of  
33 certificated faculty and, depending on local district policies, other adult assistants.  
34 Because students will not be handling wastes while carrying out their investigations,  
35 exposure to any potentially toxic substances in the waste is avoided.

## II. WASTE AUDIT

### OVERVIEW

Using campus audits and surveys as a foundation, this unit explores waste management practices on the school campus. The audit is designed to follow science instruction in weathering and soil formation. Because of the significant relationship between the waste stream and weathering and soil formation, the audit's purpose is to help students understand the magnitude and composition of major components of the school's current waste stream and how much of that waste stream could be diverted through greater efforts to reduce and reuse, recycle and compost. It should be administered after these specific chapters of State Board of Education-adopted science textbooks for grade 6:

Adopted Grade 6 Program	Administer after:
Glencoe	Chapter 7: Weathering and Soil
Holt	Chapter 4: Rocks and Mineral Mixtures
McGraw Hill	Chapter 3(1): Building up and Breaking Down
Prentice Hall	Chapter 7: Weathering and Soil Formation

### AUDIT GOALS

The audit is designed to answer the following questions about the school site:

- What is the daily volume of the school's waste stream?
- What sites on the school campus generate the waste stream?
- What percentages and types of materials make up the waste stream: reusables, recyclables, compostables, and trash?
- What might be the overall reduction of waste volume from the school, resulting from initiating or expanding an integrated waste management program?

### DATA SAMPLE AND INFORMATION COLLECTED

The following types of information and data will be collected for the purposes of the audit.

- Information collected by survey of the custodial supervisor or other school staff, regarding the average volume of wastes collected on a typical day, and the school sites from which these wastes are collected.
- Information collected by survey of the school administration regarding the frequency and volume of waste pickup and whether there is any school program to reduce wastes.
- Data samples collected in the classroom and school cafeteria/lunch area, regarding the types and volumes of recyclable and reusable materials entering the waste stream.

### ADVANCE PREPARATION

- The teacher should obtain or arrange for delivery of four 5-gallon buckets for classroom material/waste, and four 30-gallon containers for cafeteria/lunch area waste, and label them appropriately. These may be obtained from the California Integrated Waste Management Board by calling (916) 341-6769 or by sending a message to [uesgrants@ciwmb.ca.gov](mailto:uesgrants@ciwmb.ca.gov).
- Enlisting assistance from students as appropriate, the teacher should make arrangements to distribute and collect the two school site surveys included in Appendices Ia and Ib. The completed survey pages will be provided to students for analysis.

- 1 • The teacher should read the resource manual, becoming familiar with the principles  
2 of integrated waste management.
- 3 • The teacher should become familiar with the waste stream practices on campus, and  
4 give consideration to how the audit may need to be tailored to the school site.
- 5 • The teacher should obtain permission and develop a logistical plan for students to  
6 conduct the cafeteria site audit. The teacher should arrange for students to audit the  
7 cafeteria/lunch area waste material during one lunch period. Four 30-gallon  
8 containers can be obtained from the CIWMB (see above), and other containers may  
9 be used as appropriate. The containers should be used in sets of four, and should be  
10 labeled with the four waste categories outlined under Day 1. Custodial help may be  
11 required to empty waste containers as they are filled.
- 12 • The teacher should plan schedule adjustments as appropriate, since not all groups will  
13 necessarily work on the audit at the same time on a given day.
- 14 • The teacher should collect the necessary supplies for the hands-on activity.

15 **DAY 1**

16 1. The teacher introduces students to the audit activity, and the principles of waste  
17 reduction outlined in the resource manual. In particular, the teacher and students discuss  
18 reuse of materials, reduction of consumption, and consumer use of recycled materials to  
19 "close the loop." The teacher and students review the following categories:

20 Reusable/reducible materials

21       Blank or partially used paper

22 Recyclable materials

23       Metals - aluminum, steel "tin" cans

24       Paper - white paper, colored paper, magazines, newspaper, cardboard

25       Glass - bottles

26       Plastics - various types of plastic numbered according to category, for example  
27       #1, #2 plastic

28 Compostable materials

29       Vegetable and fruit wastes

30       Gardening wastes

31 Trash (some of the following materials may be recycled in some communities)

32       Contaminated paper food trays and wrappers

33       Meat and bones

34       Milk cartons and juice cartons

35       Other plastics and metals

36  
37 The teacher elicits students' initial thoughts with questions such as "What areas of the  
38 school do you think generate the most waste? In each of these areas, what material  
39 categories are generated most? Do you think the school uses recycled-content products?"  
40

41 2. The teacher assigns students to one of four specific task forces: Cafeteria/Lunch Area,  
42 Classroom, Custodial, or Administrative.  
43  
44  
45  
46

1 **DAY 2**

2 The four task forces collect data and review survey results:

**Cafeteria/Lunch Area task force:** Labeled trash containers should be set out in the cafeteria/lunch area, so that all students may sort their waste material as they leave the lunch area. Labeled waste containers should be set out in sets of four, and no unlabeled waste containers should be available. At least four students with clipboards will audit food being disposed during the lunch period, by observation of waste containers. The student auditors may provide direction to students as the students sort their own waste materials, but the auditors are not to handle the wastes themselves. Student auditors will use Appendix Ic to estimate and record the percentages of material/waste that are (1) unused or reusable materials, (2) recyclable materials, (3) compostable materials, and (4) trash. The Cafeteria task force assimilates the information from all of the clipboards onto a single table, with estimates of volume percentage of each material/waste category in the sample.

**Classroom task force:** Students should monitor the 5-gallon buckets containing the different types of materials and trash, but should not handle the contents of the buckets. Using Appendix Ic, students will record the percentage of material/waste that is (1) unused or reusable materials, (2) recyclable materials, (3) compostable materials, and (4) trash. The Classroom task force assimilates the information onto a single table, with estimates of volume fraction of each waste category in the sample.

**Custodial task force:** Students will study the survey sheet completed by the custodial supervisor, and begin to develop a wall chart displaying the volumes of material/waste produced by various campus sources, and the total school waste volume (see sample, day 3). Volumes are estimated, using 30-gallon plastic bags as a unit volume (metric: 0.11 cubic meter). The histogram bars on the chart, which represent total waste volumes, will be outlined in pencil only on day 2. Each bar will become a stacked histogram on day 3, once component elements of the waste are estimated using the data collected.

**Administrative task force:** Students will study the survey sheet completed by the school administration, and begin to develop a wall chart displaying the landfill volume savings realized by integrated waste management (see sample, day 3). The histogram bars on the chart, which represent waste volumes, will be outlined in pencil only on day 2. Each bar will become a stacked histogram on day 3, once component elements of the waste are estimated.

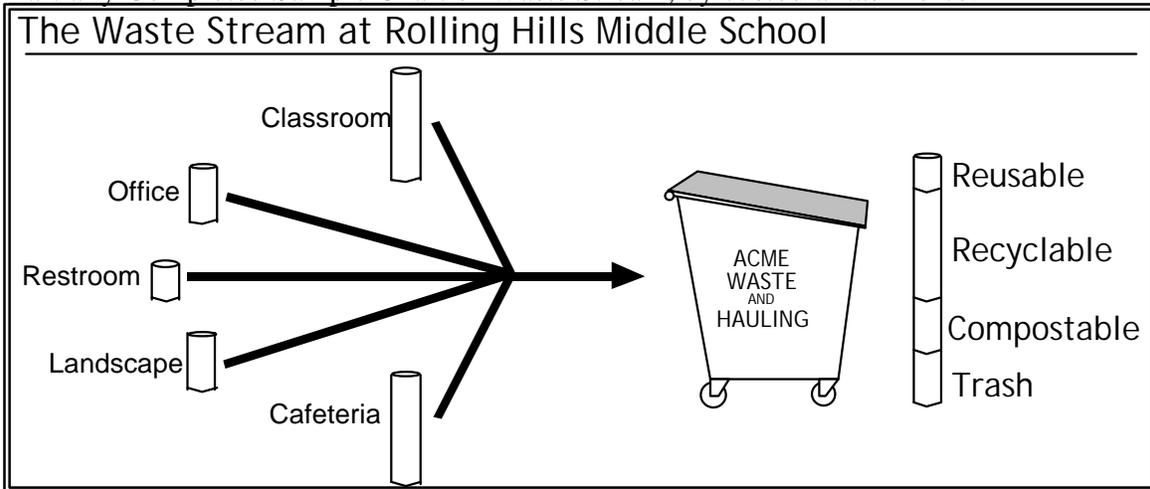
3  
4 **DAY 3**

5 Completion of Audit Analysis and Chart Preparation.

6  
7 Data and information collected by the task forces are combined, using Appendix Id, and  
8 the groups work together to complete the wall charts. The histograms on the two wall  
9 charts are made into stacked histograms displaying waste components. The first chart  
10 represents the sources of the campus waste stream, by location and by composition. The  
11 second chart represents the landfill space saved by integrated waste management.

12  
13

1 Partially Completed Sample Chart of Waste Stream, by custodial task force.

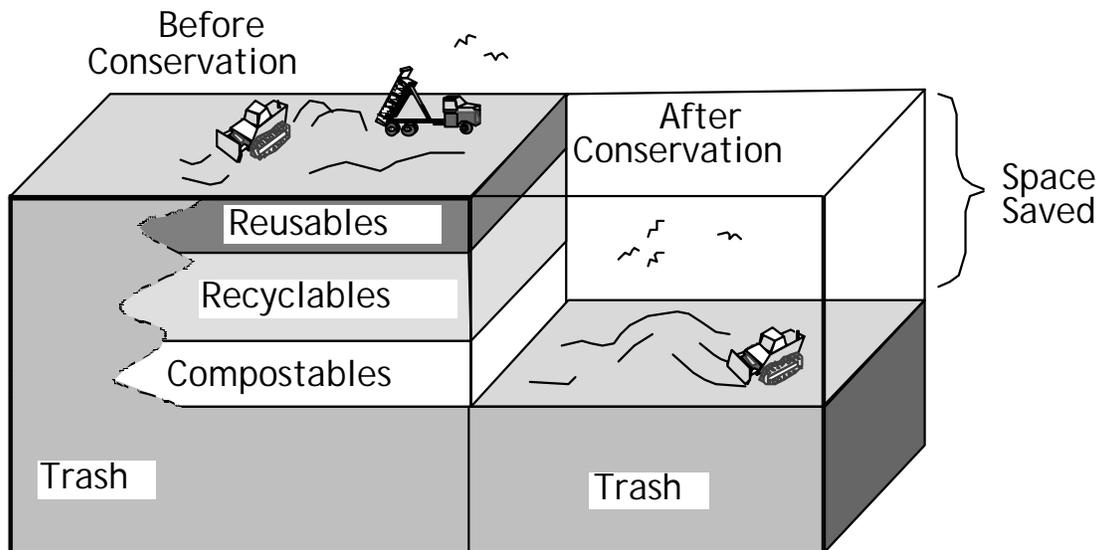


2

3 The recyclable and non-recyclable components of the waste are represented by stacked  
4 histograms, using data from the cafeteria and classroom task forces, and estimates of the  
5 composition of the other waste sources such as office, restrooms (assume all is trash),  
6 grass clippings and landscaping wastes, etc.

7

8 Partially Completed Sample Chart of Landfill Space Saved, by administrative task force.  
Landfill Space Saved By Rolling Hills Middle School



9

10 The landfill space saved by implementation of an integrated waste management plan is  
11 indicated, by comparing the waste delivered to the landfill "before" and "after"  
12 conservation.

13

14 Once completed, these two charts can be posted and discussed.

15

16

1 **Day 4**

2 The audit culminates with a class discussion of the results:

- 3 • Based on the audit, what is the estimated total volume of the school's entire daily  
4 waste stream?
- 5 • Based on the number of instructional days in the school year (e.g., usually about 180  
6 days in a traditional calendar school or 163 days in a multi-track year-round school),  
7 what is the estimated yearly volume of the entire waste stream?
- 8 • What percentage of that total volume comes from each of the categories of reusable,  
9 recyclable, compostable, and trash?
- 10 • Based upon your findings, where would it make the most sense to focus efforts on  
11 reusing/reducing materials and composting?
- 12 • Where would it make the most sense to put bins for recycling at the school, and what  
13 types of bins should be placed?
- 14 • What volume does the current waste stream add to the landfill, and how much  
15 material could you save from going to the landfill if conservation measures were  
16 implemented?
- 17 • What steps could students take personally, to reduce the waste stream?
- 18 • What might the school do to encourage reusing/reducing, recycling, and composting  
19 materials?
- 20 • Why is it important to "close the loop", and use recycled-content materials?
- 21 • What happens to materials that are sent to landfills, over time?

22

23 These discussion points and ideas generated can be written onto a third wall chart, and  
24 posted. The school principal may be invited to review the charts with the class.  
25

1 **APPENDIX Ia**

2 **School Site Custodial Survey**

3  
4  
5 Dear Custodial Supervisor,

6  
7 Our class is studying how much trash is being thrown away at the school, and how to  
8 reuse, recycle, and compost materials. We would appreciate it if you would fill out the  
9 following brief survey.

10  
11 Please return it to \_\_\_\_\_ by this date: \_\_\_\_\_ .  
12 Teacher's name

13  
14 On an average school day , how many 30-gallon plastic bags of waste are usually  
15 collected from each of these campus locations?

16  
17 All classrooms combined \_\_\_\_\_ bags

18  
19 School offices \_\_\_\_\_ bags

20  
21 All restrooms combined \_\_\_\_\_ bags

22  
23 Cafeteria/lunch area \_\_\_\_\_ bags

24  
25 Landscape wastes \_\_\_\_\_ bags

26  
27 Other \_\_\_\_\_ bags

28  
29 Total \_\_\_\_\_ bags

30  
31 Additional comments:

32  
33  
34 *Thank you for the information.*  
35

School Site Administrative Survey

Dear Administrator,

Our class is studying how much trash is being thrown away at the school, and how to reuse, recycle, and compost materials. We would appreciate it if you would fill out the following brief survey.

Please return it to \_\_\_\_\_ by this date: \_\_\_\_\_ .  
Teacher's name

- 1. Does the campus have an integrated waste plan to divert wastes?
2. If it does, what materials are recycled and who collects those recyclables?
3. What types of recycled-content materials are purchased by the school (please be specific)?
4. What types of materials does the school reuse, rather than discard (e.g. double-sided copying, reusing binders or folders, grass composting, etc.)?
5. What company picks up waste from the school, and to which landfill is it transported?
6. What size dumpster (e.g. cubic yards) is used for trash, and how often is it collected?
7. What percentage of your administrative office waste is:
\_\_\_\_\_ % unused or reusable materials
\_\_\_\_\_ % recyclable materials
\_\_\_\_\_ % compostable materials
\_\_\_\_\_ % trash
8. How are pruning wastes and grass clippings handled at the school?

Additional comments:

Thank you for the information.

**APPENDIX Ic**

**Student record of materials/waste**

Students:  
 Use this form to record the volume of a specific type of materials/waste being discarded at a specific location. *Observe, but do not touch the materials.*

School site (circle one):      Cafeteria/lunch area                      Classroom

1. Size of container (5 gal. or 30 gal.)      \_\_\_\_\_

A. Material	B. Number of times filled (including fractions)	C. Volume of material (multiply # times filled X line 1)
2. Reusables		
3. Recyclables		
4. Compostables		
5. Trash		

6. Student observations:  
 Date \_\_\_\_\_  
 Student name(s) \_\_\_\_\_

(The Cafeteria/Lunch Area and Classroom task forces each need copies of this form)

**APPENDIX Id**

**Consolidated record of materials/waste - page 1**

1  
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Students:  
  
Use this worksheet to calculate the volume percentages of each type of materials/waste being discarded at a specific location.  
  
Task force (circle one):            Cafeteria/Lunch Area                            Classroom  
  
Use the volume data from Column C on each Student record of materials/waste form given to your task force to compute total volumes for each material. Then, determine the total sample waste volume, and the percentages of each material.

Material	Volume of material recorded by each student						
	1	2	3	4	5	Total	Percentage
Reusables							
Recyclables							
Compostables							
Trash							
TOTAL SAMPLE:							100%

14  
15  
16  
17  
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21  
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24

(The Cafeteria/Lunch Area and Classroom task forces each need one copy of this form)

**APPENDIX Id**

**Consolidated record of materials/waste - page 2**

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1. From the Custodial Survey, what is the number of 30 gallon bags that are usually collected each day from the school site studied by your task force? \_\_\_\_\_

2. From the table on page 1, copy the percentages of each material into the column labeled "Percentage (in sample)". Then multiply each percentage times the number from line 1, and divide by 100, and enter the result in the column at right. This represents an estimate for the volumes of the four types of materials, in all of the waste from the school site studied by the task force.

<b>Material</b>	<b>Percentage (in sample)</b>	<b>Estimated volume for entire school</b>
Reusables		
Recyclables		
Compostables		
Trash		
TOTAL	100%	(# of bags from this site, as reported by custodian)

Date \_\_\_\_\_

Student name(s) \_\_\_\_\_

(The Cafeteria/Lunch Area and Classroom task forces each need one copy of this form)

# III. ENERGY AUDIT

## OVERVIEW

Using campus audits and surveys as a foundation, this unit explores energy use and conservation practices on the school campus. It also estimates motor vehicle trips to school. The audit is designed to follow science instruction in energy resources, so that students will be able to understand the sources of energy used by a community, and how energy may be conserved. It should be administered after these specific chapters of State Board of Education-adopted science textbooks for grade 6:

<b>Adopted Grade 6 Program</b>	<b>Administer after:</b>
Glencoe	Chapter 21: Resources
Holt	Chapter 5: Energy Resources
McGraw Hill	Chapter 10(7): California's Air, Water, and Energy
Prentice Hall	Chapter 21: Earth Resources

## AUDIT GOALS

The audit is designed to answer the following questions about the school site:

- What is the energy generation facility that delivers power to the school?
- What sites on the school campus use electricity, and how might it be conserved?
- Does the school use natural gas or heating oil?
- How is energy used to maintain the temperature inside the school?
- What might be the overall benefits and savings of an energy conservation program?
- What energy sources are used to transport people to school, and what effect does this have on air quality?

## DATA SAMPLE AND INFORMATION COLLECTED

The following types of information and data will be collected for the purposes of the audit.

- Information on the average daily usage of energy at the school and its cost.
- Data collected in the school classrooms, regarding the control of room temperature.
- Data collected in the school regarding lighting, and usage of electricity.
- Data and information collected on the number of motor vehicles parked at the school, and information about average energy use and emissions.
- Information on the sources of energy used at the school, and the environmental impact of energy generation.

## ADVANCE PREPARATION

- The teacher should distribute and collect the two school site surveys included in Appendices IIa and IIb. The completed survey pages will be provided to students for analysis.
- The teacher should distribute staff transportation surveys (Appendix IIc) to all school staff members. These should be collected and provided to students for analysis.
- The teacher should collect the following information for the students: Where are the energy generation facilities that produce power or deliver natural gas? Is the energy used for power production a renewable or nonrenewable resource?

- 1 • The teacher should read the resource manual, becoming familiar with the principles
- 2 of energy resources, transportation use, and conservation.
- 3 • The teacher should become familiar with the energy use practices on campus, types of
- 4 transportation used by students and staff to get to school, and consider how the audit
- 5 may need to be tailored to the school site.
- 6 • The teacher should obtain permission and develop a logistical plan for students to
- 7 conduct the energy and transportation audit.
- 8 • The teacher should collect the necessary supplies, including devices for measuring air
- 9 temperature.

10

11 **DAY 1**

12 1. The teacher introduces students to the audit activity, and the principles of energy and

13 transportation use and conservation outlined in the resource manual. The teacher elicits

14 students' initial thoughts about how energy is used at the school with questions such as:

15 "What do we use electricity for at school? What areas of the school do you think use the

16 most energy?" "How is energy used to get students and staff to school?" In particular,

17 the teacher and students discuss:

- 18 • The source(s) of electrical power used on campus, and whether the energy resources
- 19 used to generate the power are renewable or nonrenewable.
- 20 • The sources of natural gas and/or heating oil used on campus, if applicable.
- 21 • The way in which energy is used for electrical appliances.
- 22 • The ways in which energy is used for heating and air conditioning .
- 23 • The energy requirements for fluorescent and incandescent light fixtures.
- 24 • The energy use and air emissions of motor vehicles.

25

26 2. The teacher assigns students to one of four specific task forces: Energy Source,

27 Transportation, Heating and Cooling, Lighting and Appliances.

28

29 **DAY 2**

30 The four task forces collect data and review survey results:

**Energy Source task force:** Students will study the survey sheet completed by the administration, and the local information provided by the teacher, and begin to develop a wall chart displaying the energy sources for the campus. The chart will outline the ways energy is used on campus, and the cost of the energy (see sample, day 3).

**Transportation task force:** Students will study and compile the staff transportation survey to determine the number of miles that staff members drive, bicycle, or walk to and from school. Students will study information regarding school bus traffic, obtained from the administrative survey. They begin to develop a wall chart (see sample, day 3) displaying fuel use and air emissions, using the worksheet provided in Appendix IId.

**Heating and Cooling task force:** Students will study the survey sheet completed by the facilities supervisor, and audit the room temperatures at several locations in the classroom and in several rooms throughout the school, to see if they are in an appropriate range. Students should study whether room temperature could be partially controlled by raising or lowering window blinds or shades to adjust the level of sunlight. They will begin to develop a wall chart displaying the conservation of energy on campus (see sample, day 3).

**Lighting and Appliances task force:** Students will audit the use of lighting on campus, determining whether the lights are fluorescent or incandescent, and whether they are left on in unoccupied areas (such as empty classrooms). They will assess the number of major appliances on campus, and whether the lighting fixtures are energy efficient, using the information provided by the facilities survey.

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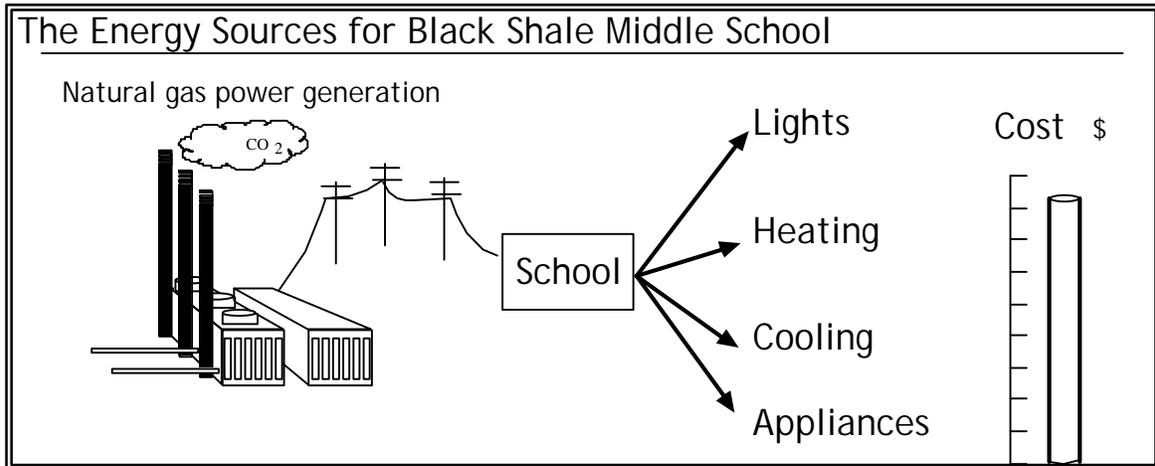
**DAY 3**

Completion of Audit Analysis and Chart Preparation.

The four task forces combine their information and data to complete the three wall charts.

1 Partially Completed Use Chart, by the Energy Sources Task Force

2

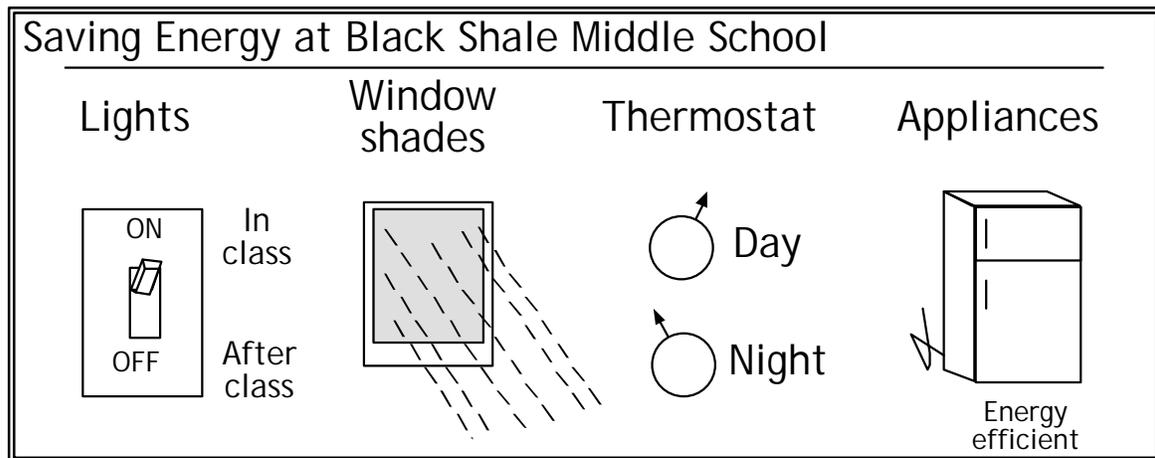


3

4 The first chart represents the energy sources for the campus, and may contain information  
5 about whether the sources are renewable or nonrenewable. The uses of energy on  
6 campus are illustrated, as is the average daily cost of the energy.

7

8 Partially Completed Use Chart, by the Heating and Cooling Task Force



9

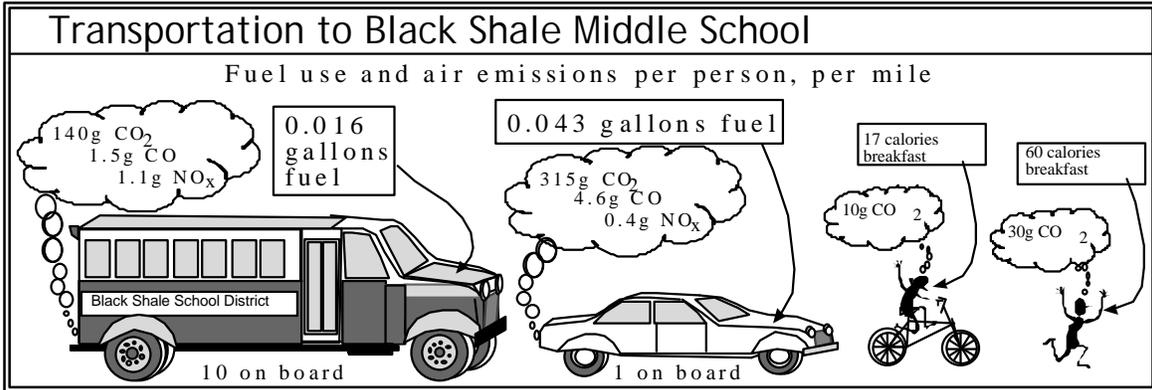
10 The second chart represents the energy uses on the campus, and may contain information  
11 and data developed by different task forces. The four segments of the chart outline  
12 school lighting practices, use of window shades, heating and cooling system controls, and  
13 the presence or absence of energy efficient major appliances. In each case, the practices  
14 that conserve the energy are highlighted and discussed.

15

16

1 Partially Completed Chart, by the Transportation Task Force

2



3

4 The third chart provides information on energy use and air emissions from different  
5 modes of transportation, using information from the student worksheet. Summary data  
6 from the school administrative survey and student estimates may be added.

7

8 Once completed, these three charts can be posted and discussed.

9 **Day 4**

10 The audit culminates with a class discussion of the results:

- 11 • What is the average daily power usage by the school, and what does it cost?
- 12 • Dividing the energy cost by the number of students, what is the cost per student?
- 13 • What is the energy resource used to generate power for the school, and is it  
14 renewable?
- 15 • What sites on the school campus use energy?
- 16 • Are the rooms uniform in temperature, and are they too warm or too cool?
- 17 • Could opening or closing window blinds save energy during the day?
- 18 • Are the major appliances energy efficient? Are computers and office equipment  
19 powered down when they are not needed after school?
- 20 • Are the light fixtures energy efficient?
- 21 • Is the amount of lighting appropriate in different parts of the school, and are lights left  
22 on when classrooms are empty?
- 23 • What amount of fuel usage and air emissions are associated with getting students and  
24 staff to school?
- 25 • What steps could students take personally, to reduce energy usage?
- 26 • What might the school do to encourage less energy consumption?

27

28 These discussion points and ideas generated can be written onto a fourth wall chart, and  
29 posted. The school principal may be invited to review the charts with the class.

30

School Site Facilities Survey

Dear Facilities Supervisor,

Our class is studying how much energy is being used at the school, and how to conserve it and improve air quality. We would appreciate it if you would fill out the following brief survey.

Please return it to \_\_\_\_\_ by this date: \_\_\_\_\_ .  
Teacher's name

1. What percent of the light fixtures in the school are fluorescent, and where are they located?

2. What percent of the light fixtures in the school are incandescent, and where are they located?

3. What major appliances are at the school, and are they rated as energy efficient?

4. Are computers (student and administrative), copy machines, and other electronic equipment left on after school ends, or are they powered down?

5. How is room temperature adjusted at different times of day, and in different seasons?

6. Please record readings from the school electric meter so that daytime and nighttime power use can be calculated by students. Dates chosen for meter reading: \_\_\_\_\_

- Reading before school starts on day 1 \_\_\_\_\_.
- Reading after school ends on the same day (day 1) \_\_\_\_\_.
- Reading before school starts the next day (day 2) \_\_\_\_\_.

Additional comments:

*Thank you for the information.*

School Site Administrative Survey

Dear Administrator,

Our class is studying how much energy is being used at the school, and how to conserve it and improve air quality. We would appreciate it if you would fill out the following brief survey.

Please return it to \_\_\_\_\_ by this date: \_\_\_\_\_ .  
Teacher's name

- 1. What is the average amount of electricity used daily by the school? \_\_\_\_\_
- 2. What is the average daily cost of this electricity? \_\_\_\_\_
- 3. (If applicable) What is the average amount of natural gas or heating oil used by the school, and what are the daily costs of these fossil fuels? \_\_\_\_\_
- 4. How many students are enrolled at the school?
- 5. How many buses transport students to school?
- 6. How many students travel to school on a school bus?
- 7. How many total stops do they make, and approximately how many miles do they travel (round trip)?
- 8. Does the school have an energy conservation plan? If so, please describe it.

Additional comments:

*Thank you for the information.*

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Dear Staff Member,

Our class is studying how much energy is being used at the school, and how to conserve it and improve air quality. We would appreciate it if you would fill out the following brief survey.

Please return it to \_\_\_\_\_ by this date: \_\_\_\_\_ .  
Teacher's name

1. What method do you use to commute to school each day?

Train\_\_\_\_ Bus\_\_\_\_ Car\_\_\_\_ Bicycle\_\_\_\_ Walk\_\_\_\_

Motorbike/motorcycle\_\_\_\_ Carpool/Vanpool\_\_\_\_

2. Approximately how many miles, round trip, do you commute each day to school?

**Transportation Worksheet - page 1**

This worksheet will help you calculate the fuel usage and air emissions for different types of transportation.

**Staff transportation...**

1. Use the information on the staff transportation survey to determine how many staff members commute to school by each of the following methods:

Train\_\_\_\_\_ Bus\_\_\_\_\_ Car\_\_\_\_\_ Bicycle\_\_\_\_\_ Walk\_\_\_\_\_

Motorbike/motorcycle\_\_\_\_\_ Carpool/Vanpool\_\_\_\_\_

**Automobile worksheet - fuel usage**

2. How many motor vehicles are driven by staff members, to and from school: \_\_\_\_\_

3. Add together all of the round trip miles driven by staff members who commute to school in motor vehicles: \_\_\_\_\_

4. Multiply line 2 times two to give the number of times these cars are started: \_\_\_\_\_

**Fuel efficiency of cars...**

5. The average car has a gas mileage of 23 miles per gallon (mpg), so it uses 0.043 gallons of fuel per mile. In addition, the average car uses 0.0014 gallons of fuel each time it is started. Calculate fuel usage as:

(line 3 X 0.043) + (line 4 X 0.0014) = \_\_\_\_\_ gallons

## Transportation Worksheet - page 2

## Automobile worksheet - air emissions

6. **Carbon dioxide** (CO<sub>2</sub>) is a product of burning fuel, and is an important "greenhouse gas." The average car generates 370 grams of CO<sub>2</sub> per mile, and an additional 77 g CO<sub>2</sub> each time the car is started. Calculate CO<sub>2</sub> emission as:

$$(\text{line 3 X } 370) + (\text{line 4 X } 77) = \underline{\hspace{2cm}} \text{ grams CO}_2$$

You may be interested to know that each gram of CO<sub>2</sub> takes up about 0.5 liters of volume.

7. **Carbon monoxide** (CO) is a product of burning fuel, and is poisonous. The average car generates 4.5 grams of CO per mile, and an additional 9.9 g CO each time the car is started. Calculate CO emission as:

$$(\text{line 3 X } 4.5) + (\text{line 4 X } 9.9) = \underline{\hspace{2cm}} \text{ grams CO}$$

You may be interested to know that each gram of CO takes up about 0.8 liters of volume.

8. **Nitrogen oxides** (NO<sub>x</sub> - a family of chemicals including nitrous oxide, nitrogen dioxide, and nitric acid) are products of burning fuel, and an important source of air pollution and acid rain. The average car generates 0.47 grams of NO<sub>x</sub> per mile, and an additional 0.57 g NO<sub>x</sub> each time the car is started. Calculate NO<sub>x</sub> emission as:

$$(\text{line 3 X } 0.47) + (\text{line 4 X } 0.57) = \underline{\hspace{2cm}} \text{ grams NO}_x$$

**Automobile Summary**

You may calculate air pollution emissions per passenger by dividing each of lines 6-8 by the number of automobile passengers, if known.

Per passenger: CO<sub>2</sub> emissions \_\_\_\_\_

Per passenger: CO emissions \_\_\_\_\_

Per passenger: NO<sub>x</sub> emissions \_\_\_\_\_

You may be interested to know that there are nearly 14 million cars in California, and each day they produce 200,000 tons of CO<sub>2</sub>, 3,000 tons of CO, and 300 tons of NO<sub>x</sub>.

## Transportation Worksheet - page 3

## School bus worksheet - fuel usage and air emissions

**Bus mileage...**

1. How many buses deliver students to the school?

(see Administrative survey, line 5): \_\_\_\_\_

2. How many students travel to school on a school bus?

(see Administrative survey, line 6): \_\_\_\_\_

3. How many total miles do all of the school buses travel, round trip?

(see Administrative survey, line 7): \_\_\_\_\_

4. Multiply line 1 X two to give the number of times these buses are started: \_\_\_\_\_

**Fuel efficiency of school buses...**

5. The average school bus has a fuel efficiency of 6.8 miles per gallon (mpg), so it uses 0.15 gallons of fuel per mile. In addition, the average school bus uses 0.14 gallons of fuel each time it is started and warmed up. Calculate fuel usage as:

(line 3 X 0.15) + (line 4 X 0.14) = \_\_\_\_\_ gallons

## Transportation Worksheet - page 4

6. **Carbon dioxide** (CO<sub>2</sub>) is a product of burning fuel, and is an important "greenhouse gas." The average school bus generates 1,300 grams of CO<sub>2</sub> per mile, and an additional 1,300 g CO<sub>2</sub> each time the bus is started and warmed up. Calculate CO<sub>2</sub> emission as:

$$(\text{line 3 X 1300}) + (\text{line 4 X 1300}) = \underline{\hspace{2cm}} \text{ grams CO}_2$$

You may be interested to know that each gram of CO<sub>2</sub> takes up about 0.5 liters of volume.

7. **Carbon monoxide** (CO) is a product of burning fuel, and is poisonous. The average school bus generates 14 grams of CO per mile, and an additional 13 g CO each time the bus is started and warmed up. Calculate CO emission as:

$$(\text{line 3 X 14}) + (\text{line 4 X 13}) = \underline{\hspace{2cm}} \text{ grams CO}$$

You may be interested to know that each gram of CO takes up about 0.8 liters of volume.

8. **Nitrogen oxides** (NO<sub>x</sub> - a family of chemicals including nitrous oxide, nitrogen dioxide, and nitric acid) are products of burning fuel, and an important source of air pollution and acid rain. The average school bus generates 11 grams of NO<sub>x</sub> per mile, and an additional 0.67 g NO<sub>x</sub> each time the bus is started and warmed up. Calculate NO<sub>x</sub> emission as:

$$(\text{line 3 X 11}) + (\text{line 4 X 0.67}) = \underline{\hspace{2cm}} \text{ grams NO}_x$$

### School Bus Summary

You may calculate air pollution emissions per passenger by dividing each of lines 6 - 8 by the number of student passengers, on line 2.

Per passenger: CO<sub>2</sub> emissions \_\_\_\_\_

Per passenger: CO emissions \_\_\_\_\_

Per passenger: NO<sub>x</sub> emissions \_\_\_\_\_

You may be interested to know that there are 26,000 school buses in California, and each day they produce 1,600 tons of CO<sub>2</sub>, 16 tons of CO, and 13 tons of NO<sub>x</sub>.

## Transportation Worksheet - page 5

**Human-powered transportation - food usage and CO<sub>2</sub> emissions**

When you walk or ride a bicycle to school, it takes energy, and you are burning the food that you eat as a type of fuel. Walking requires approximately 60 calories per mile, and bicycling requires approximately 20 calories per mile. When you walk or ride a bicycle, you breathe more CO<sub>2</sub> into the air. A student will exhale approximately 90 to 120 grams of CO<sub>2</sub> per hour, depending on exertion, so walking one mile at 3 mph or bicycling one mile at 15 mph will produce approximately 20 grams of CO<sub>2</sub> (walking) or 5 grams of CO<sub>2</sub> (bicycling).

1. How many round trip miles do staff members walk to and from school? \_\_\_\_\_.
2. Multiply line 1 times 60 to give the total number of dietary calories of energy (fuel) required for this walking \_\_\_\_\_
3. Multiply line 1 times 20 to give the total number of grams of CO<sub>2</sub> exhaled (air emission) during this walking \_\_\_\_\_
4. How many round trip miles do staff members bicycle to and from school? \_\_\_\_\_.
5. Multiply line 4 times 20 to give the total number of dietary calories of energy (fuel) required for this bicycling \_\_\_\_\_
6. Multiply line 4 times 5 to give the total number of grams of CO<sub>2</sub> exhaled (air emission) during this bicycling \_\_\_\_\_

You may be interested to know that there are 495,000 students in grade 6 in California. That is nearly one million feet!

## IV. WATER AUDIT

### OVERVIEW

Using campus audits and surveys as a foundation, this unit explores water use/conservation and pollution prevention practices on the school campus. The audit is designed to follow science instruction in water resources, so that students will be able to understand the sources of water used by the school, and how it may be conserved. It should be administered after these specific chapters of State Board of Education adopted science textbooks for grade 6:

<b>Adopted Grade 6 Program</b>	<b>Administer after:</b>
Glencoe	Chapter 21: Resources
Holt	Chapter 10: The Flow of Fresh Water
McGraw Hill	Chapter 10(5): Earth's Water Supply
Prentice Hall	Chapter 11: Water Resources

### AUDIT GOALS

The audit is designed to answer the following questions about the school site:

- What is the natural source of water used by the school?
- What is the average daily volume of water used by the school?
- What sites on the school campus use the water, and how might it be conserved?
- How is water leaving the school campus handled as runoff or sewage?
- What might be the overall benefits and savings of a water conservation program?
- What might be the overall benefits of a storm water pollution prevention program?

### DATA SAMPLE AND INFORMATION COLLECTED

The following types of information and data will be collected for the purposes of the audit.

- Information on the natural source of water used by the school, the average daily usage and cost.
- Data samples collected in the school restrooms, regarding the condition of the water fixtures, and rate of water flow.
- Data on the watering system used to maintain outdoor landscaping, and information on how storm water runoff is returned to the environment by the municipality.
- Information on how sanitary sewer water is collected and processed, and how the water is returned to the environment by the municipality.

1        **ADVANCE PREPARATION**

- 2        • The teacher should distribute and collect the two school site surveys included in  
3        Appendices IIIa and IIIb. The completed survey pages will be provided to students  
4        for analysis.
- 5        • The teacher should collect the following information for the Water Source task force:  
6        What is the source of fresh water used by the school, and how is it transported? How  
7        is water runoff collected at the school site, and how does the municipality return the  
8        water to the environment? How is sanitary sewage water treated and returned to the  
9        environment?
- 10       • The teacher should read the introduction in the resource manual, becoming familiar  
11       with the principles of water resources and conservation.
- 12       • The teacher should become familiar with the water use practices on campus, and give  
13       consideration to how the audit may need to be tailored to the school site.
- 14       • The teacher should obtain permission and develop a logistical plan for students to  
15       conduct the water audits, including water measuring and timing devices.

16  
17       **DAY 1**

18       1. The teacher introduces students to the audit activity, and the principles of water use  
19       and conservation, and storm water pollution prevention outlined in the resource manual,  
20       and elicits the students' initial thoughts about how water is used on the school campus. In  
21       particular, the teacher and students discuss:

- 22       • The natural source of water used on campus, as identified by the local water district,  
23       and how it is transported from the source to the local community.
- 24       • The ways in which students use water on campus on a daily basis.
- 25       • The ways in which water is used by staff for food service and cleaning.
- 26       • The ways in which water is used for landscaping.
- 27       • Where storm water runoff from the campus is collected and how it reenters the  
28       environment.
- 29       • How the sanitary sewer water is collected, processed, and reenters the environment.
- 30       • The types of pollutants that may leave the campus through runoff, and the effect those  
31       pollutants have on lakes, rivers, streams, and oceans.

32  
33       2. The teacher assigns students to one of four specific task forces: Water Source,  
34       Restroom, Grounds, and Drains.

35

1 **DAY 2**

2 The four task forces collect data and review survey results:

**Water Source task force:** Students will study the survey sheet completed by the administration, and the information provided by the teacher. They begin to develop a wall chart displaying the transportation of water from its source to the campus, the ways it is used on campus, and the cost of the water (see sample, day 3).

**Restroom task force:** Students should audit one or more restrooms to determine whether the water taps leak, and whether their maximal flow is excessive. Students will time the filling of a graduated container from restroom water taps at their highest flow rate, or with a "push button tap" held down. Students calculate the water volume per minute (e.g. 2 gallons per minute). They will also estimate an appropriate flow rate and time needed for hand washing, with the water turned off during lathering (e.g. 10 seconds, at a rate of 0.5 gallons per minute).

**Grounds task force:** Students will study the survey sheet completed by the grounds supervisor to understand the landscape watering schedule and to determine the types of pesticides and fertilizers used. Students audit the efficiency of the watering system, and search for, signs of over-watering, leaks, and other indications of outdoor water waste (e.g. puddles on paved surfaces, mud puddles in fields).

**Drains task force:** Students will study the local information sheet and the administrative survey and begin to develop two wall charts displaying the sanitary sewer and storm drain systems by which water leaves campus and is returned to the environment (see sample, day 3).

3

4 **DAY 3**

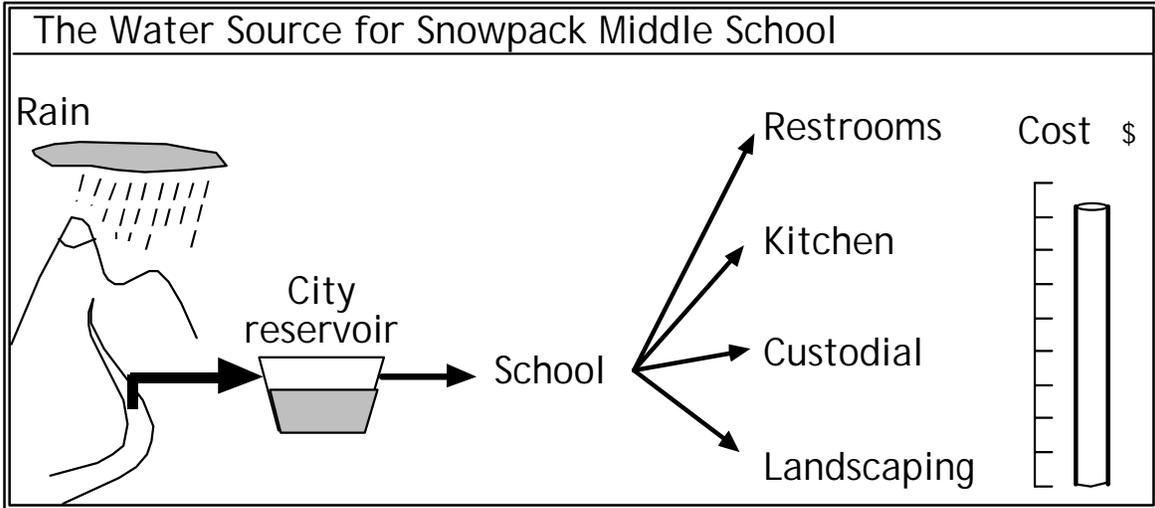
5 Completion of Audit Analysis and Chart Preparation.

6 The four task forces combine their information and data to complete the three wall charts.

7

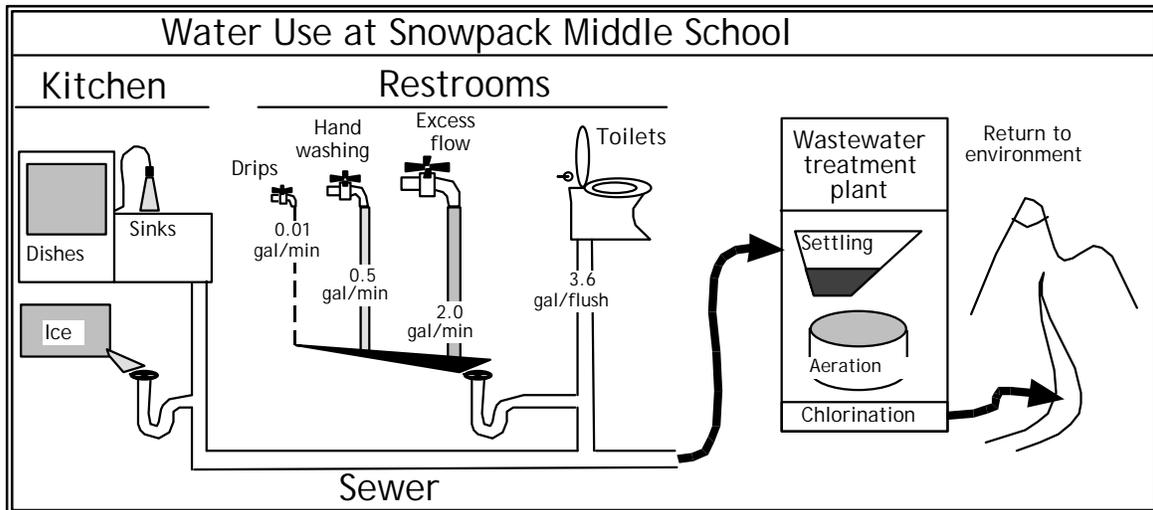
8

1 Partially Completed Sample Chart, by the Water Source Task Force  
 2



3  
 4 The first chart represents the fresh water entering the campus, and may contain  
 5 information about the natural geographic source of the water and its transportation. The  
 6 uses of water on campus are illustrated, as is the average daily cost of the water.  
 7  
 8

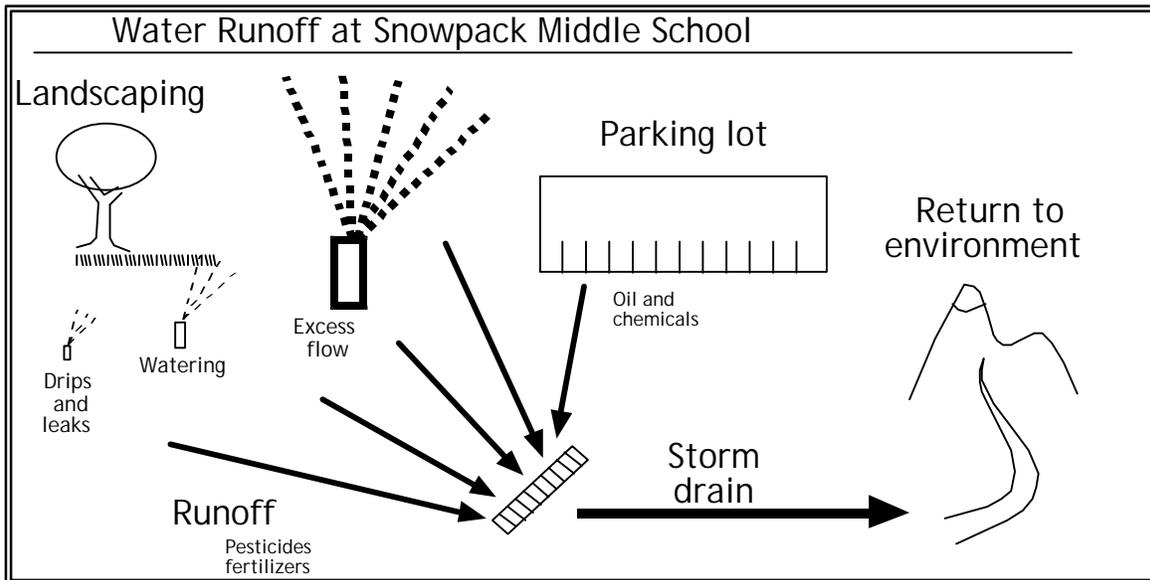
9 Partially Completed Use Chart, by the Restroom and Drains Task Forces



10  
 11 The second chart represents the use and misuse of water used by students, and its disposal  
 12 in the sanitary sewer. It is a combined effort from the Restroom and Drains task forces,  
 13 and shows data on the kitchen, restroom water taps and toilets. The "drips" data include  
 14 an estimate of the waste of water from leaky or improperly turned off faucets. The "hand  
 15 washing" data show an appropriate flow rate of water for hand washing (in  
 16 gallons/minute) and the "excess flow" data show the maximal flow rate from water taps.  
 17 The "toilets" data show an estimate of gallons per flush, based on the information  
 18 provided by the administration. The method of wastewater treatment, and return of water  
 19 to the environment are shown.

1 Partially Completed Runoff Chart, by the Restroom and Drains Task Forces

2



3

4 The third chart represents the use of water outdoors to maintain landscaping, and disposal  
5 of runoff water in the storm sewer. It is a combined effort from the Grounds and Drains  
6 task forces, and shows how excess watering, fertilizing, and pesticide application can  
7 wash chemicals into the storm drains, which return untreated water to the environment.

8

9 Once completed, these three charts can be posted and discussed.

10

11 **Day 4**

12 The audit culminates with a class discussion of the results:

13

• What is the average daily volume of water used by the school, and what does it cost?

14

• Dividing the water cost by the number of students, what is the cost per student?

15

• What is the natural source of the water, and how is it transported to the school?

16

• What sites on the school campus use water?

17

• Are the restroom water taps leaking? Are they easy to turn up too high?

18

• How much water do you need to wash your hands, without wasting any?

19

• Are the toilets "low flush"? Approximately how many gallons do they use per flush?

20

• What happens to water that goes down the drain in the restroom?

21

• When is the best time of day to water the school grounds? Is this done?

22

• Is the campus landscape watering system leaking?

23

• Is there evidence of over-watering, or watering on rainy days when it isn't needed?

24

• Does water run into paved areas? What happens to runoff that enters the storm drain?

25

• What steps could students take personally, to reduce water usage?

26

• What might the school do to encourage less water consumption?

27

• When is the best time of day to apply fertilizers and pesticides?

28

• What impact might excess fertilizers and pesticides have on the environment?

29

• What steps could students take personally to reduce water pollution?

1 • What might the school do to encourage water pollution prevention?

2

3 These discussion points and ideas generated can be written onto a fourth wall chart, and  
4 posted. The school principal may be invited to review the charts with the class.

5

School Site Grounds Survey

Dear School and Grounds Supervisor,

Our class is studying how much water is being used at the school, and how to conserve, and protect it. We would appreciate it if you would fill out the following brief survey.

Please return it to \_\_\_\_\_ by this date: \_\_\_\_\_ .  
Teacher's name

- 1. Do the school restrooms have "low flush" toilets or urinals? \_\_\_\_\_ gallons/flush\_\_\_\_\_
- 2. What is the average number of minutes per day that the landscaping is watered? \_\_\_\_\_
- 3. How does the watering schedule change in different seasons?
- 4. If it rains on any particular day, are the plants still watered by the school? \_\_\_\_\_
- 5. Are the sprinklers adjusted so that there is little excess runoff of water? \_\_\_\_\_
- 6. Does the school use pesticides and fertilizers? \_\_\_\_\_ Is it possible that they could run off into the storm drains?
- 7. What are the names of the pesticides and fertilizers being used?

Additional comments:

*Thank you for the information.*

School Site Administrative Survey

Dear Administrator,

Our class is studying how much water is being used at the school, and how to conserve and protect it. We would appreciate it if you would fill out the following brief survey.

Please return it to \_\_\_\_\_ by this date: \_\_\_\_\_ .  
Teacher's name

1. What is the average daily volume of water used by the school? \_\_\_\_\_
2. What is the average daily cost of the water? \_\_\_\_\_
3. Does the school have a water conservation plan? If so, please describe.

Additional comments:

*Thank you for the information.*



**JUNE 2003 AGENDA**

<b>SUBJECT</b>  Assignment of Numbers for Charter School Petitions	<b>X</b>	<b>ACTION</b>
		<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

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

**Summary of Previous State Board of Education Discussion and Action**

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

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 555 charter schools, including seven approved by the SBE after denial by the local agencies. Of these 555 schools, approximately 430 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 Numbers for Charter School Petitions \(Page 1 of 1\)](#)

## June 2003 State Board of Education Meeting

### Assignment of Numbers for Charter School Petitions

<b>NUMBER</b>	<b>CHARTER SCHOOL NAME</b>	<b>CHARTER SCHOOL COUNTY</b>	<b>AUTHORIZING ENTITY</b>	<b>CHARTER SCHOOL CONTACT</b>
556	Heritage K-8 Charter School	San Diego	Escondido Union SD	Tom Donahue 1845 East Valley Parkway Escondido, CA 92027 (760) 737-3154
557	Leadership Public Schools Richmond	Contra Costa	West Contra Costa USD	Mark Kushner PO Box 29527 San Francisco, CA 94129-0527 (415) 561-3397
558	Roseland Charter School	Sonoma	Roseland SD	Gail Ahlas 1777 West Ave. Santa Rosa, CA 95407 (707) 546-7050
559	Emiliano Zapata Street Academy	Alameda	Oakland USD	Betsy Schulz 417 29 <sup>th</sup> St. Oakland, CA 94609 (510) 879-3130
560	Leadership Public Schools Oakland	Alameda	Oakland USD	Mark Kushner PO Box 29527 San Francisco, CA 94129-0527 (415) 561-3397
561	Futures High School	Sacramento	Grant Joint Union HSD	Randy Orzalli 5201 Arnold Ave. McClellan, CA 95652 (916) 643-9891
562	Grant Community Outreach Academy	Sacramento	Grant Joint Union HSD	Randy Orzalli 5201 Arnold Ave. McClellan, CA 95652 (916) 643-9891
563	Grant School-to-Career Institute	Sacramento	Grant Joint Union HSD	Toby Richardson 3222 Winona Way North Highlands, CA 95660 (916) 286-3800





JUNE 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.

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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 considered a number of 2002-03 (and beyond) determination of funding requests at its meeting on May 22, 2003.

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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.

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Background Information attached to this Agenda Item.

The listing of specific recommendations is attached. Information submitted by each school and the analysis of that information prepared by CDE staff are available for public inspection at the State Board Office.

Attachment To Agenda Item Regarding  
2002-03 (And Beyond) Determination Of Funding Requests  
 June 2003

The tables below reflect the recommendations of the Advisory Commission on Charter Schools and California Department of Education staff regarding 2002-03 (and beyond) SECOND determination of funding requests submitted by charter schools. All Advisory Commission recommendations were by unanimous vote of the members present, except as noted.

RECOMMENDED FOR 100 PERCENT FOR ONE YEAR ONLY

<b>Charter #</b>	<b>Charter School Name</b>	<b>Recommended Level</b>	<b>Recommended Year(s)</b>
#20	Santa Barbara Elementary Charter School*	100%	One year only 2002-03
#257	Sanger Hallmark Charter School**	100%	One year only 2002-03

[\* Second determination of funding request intended to replace an existing determination of funding at the 80 percent level.]

\*\* Second determination of funding request intended to replace an existing determination of funding at the 70 percent level.]

The reasons justifying a level higher than 80 percent - or, in the case of Sanger Hallmark Charter School (#257), the already-approved level of 70 percent - in 2002-03 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.

RECOMMENDED FOR 100 PERCENT FOR THREE YEARS

<b>Charter #</b>	<b>Charter School Name</b>	<b>Recommended Level</b>	<b>Recommended Year(s)</b>
#22	Grass Valley Charter School*	100%	Three years 2002-03, 2003-04, and 2004-05

[\* Second determination of funding request intended to replace an existing determination of funding at the 100 percent level for one year only (2002-03).]

The reasons justifying a level higher than 80 percent in 2002-03 and higher than 70 percent in 2003-04 and thereafter 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.

Attachment To Agenda Item Regarding  
2002-03 (And Beyond) Determination Of Funding Requests  
June 2003

RECOMMENDED FOR 80 PERCENT FOR ONE YEAR ONLY

<b>Charter #</b>	<b>Charter School Name</b>	<b>Recommended Level</b>	<b>Recommended Year(s)</b>
#282	Eagles Peak Charter School*	80%	One year only 2002-03
#370	Wheatland Charter Academy**	80%	One year only 2002-03

[\* Second determination of funding request intended to confirm an existing determination of funding at the 80 percent level for one year only (2002-03). The Advisory Commission's recommendation on this determination of funding request was made by a vote of 7-1.]

[\*\* Second determination of funding request intended to replace an existing determination of funding at the 70 percent level for one year only (2002-03). The Advisory Commission's recommendation on this determination of funding request was made by a vote of 7-1. Technically, the CDE staff recommendation on this request had been to confirm the existing 70 percent level. However, the State Superintendent's designee supported this recommendation, thus indicating a change in the CDE position.]

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. In the case of Wheatland Charter Academy (#370), the 80 percent level is recommended based upon the consideration of a mitigating factors related to (1) the effect of a charter school revolving loan on total revenues and (2) the closeness of the percentage of funds expended for instruction and related services to the specified threshold.

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Information regarding each of the above-mentioned determination of funding requests is available for public inspection at the State Board Office.



**JUNE 2003 AGENDA**

<b>SUBJECT</b> Request by the KIPP Summit Academy Petitioners to Establish a New Deadline for Meeting State Board of Education Condition of Approval to Open.	<b>X</b>	<b>ACTION</b>
	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

The California Department of Education (CDE) recommends that a new deadline of July 1, 2003, be approved by which the KIPP Summit Academy (KIPP) petitioners must present evidence that the school is participating in a Special Education Local Plan Area (SELPA) or has an equivalent arrangement with a SELPA.

**Summary of Previous State Board of Education Discussion and Action**

The State Board of Education, at its February 2003 meeting, approved the KIPP Summit Academy petition subject to numerous conditions. One of those conditions is that, by June 2, 2003, KIPP must provide verification that the school is participating in a SELPA or has an equivalent agreement with a SELPA and a school district for the provision of special education programs and services. KIPP plans to open for summer school in July 2003.

**Summary of Key Issue(s)**

State Board, School Fiscal Services and Special Education Division staff has participated with KIPP in discussions with both the San Lorenzo Unified School District, which originally denied the charter, and the Mid-Alameda County SELPA, which includes the San Lorenzo Unified School District regarding KIPP’s fulfillment of the State Board condition related to participation in the SELPA. San Lorenzo is unwilling to treat KIPP as though it were a school of the district for special education purposes, and the SELPA has informed KIPP that it has missed the deadline for application to become a member of the SELPA in the 2003-04 year. This has the effect of delaying KIPP’s opening by one year.

KIPP, State Board, and CDE staffs are continuing to meet with the SELPA and a subcommittee of the SELPA’s special education directors to attempt to reach accommodation on this issue. These discussions cannot be completed by the June 2, 2003, deadline originally established by the State Board. KIPP requests a one-month extension of time to fulfill this condition.

**Fiscal Analysis (as appropriate)**

Not Applicable

**Attachment(s)**

None



**JUNE 2003 AGENDA**

<b>SUBJECT</b> Funding approval to provide 1) professional development courses in nutrition and food service management for child nutrition personnel and 2) instructional strategies and courses for child nutrition personnel and teachers.	<b>X</b>	<b>ACTION</b>
	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

We recommend approval to use \$260,000 in General Fund to contract with the three CAL-PRO-NET Centers to provide professional development courses in nutrition and food service management, including food safety.

**Summary of Previous State Board of Education Discussion and Action**

In January 2003, the State Board approved \$145,000 as follows:

- 1) Professional development courses in nutrition, including the federal School Meals Initiative Menu Planning System the California Professional Nutritional Education and Training (CAL-PRO-NET) centers; and
- 2) Professional development and technical assistance to school teachers through regional school garden resource centers.

**Summary of Key Issue(s)**

In 1975, the California State Legislature enacted the Child Nutrition Facilities Act that provides funds for nutrition education projects and requires State Board of Education approval. The Nutrition Services Division uses these funds to provide support to local educational agencies for a variety of nutrition programs and the education and training of child nutrition personnel.

CAL-PRO-NET training centers at Fresno City College, San Jose State University, and Cal Poly Pomona will provide food service education courses for child nutrition personnel, and instructional strategy courses for child nutrition personnel and teachers. In addition to nutrition education courses and effective teaching strategies courses, the services obtained from the CAL-PRO-NET centers will enable CDE to meet state food safety certification requirements and federal training mandates for child nutrition personnel related to healthy menu planning. The courses will be offered through three contracts in the amount of \$85,000 each for San Jose State and Cal Poly Pomona, and \$90,000 for Fresno City College.

---

**Fiscal Analysis (as appropriate)**

Every year the State Board of Education approves funding for nutrition education programs pursuant to the Education Code guidelines. To maintain consistency and minimize disruption of service to schools and child care agencies, the funding period will be from October 1, 2003, through September 30, 2004. The \$260,000 from the 2002-2003 General Fund will fund contracts with the three CAL-PRO-NET centers. These funds will be used to support nutrition and food service education activities. Unspent funds revert to the General Fund.

---

**Attachment(s)**

Background information on the contracts is provided in Attachment A

[Attachment A: Background for Nutrition Education Funds \(Pages 1-2\)](#)

## **Background for Nutrition Education Funds**

### **LEGISLATION**

State Budget Item 6110-021-0001 requires the Department of Education to spend these funds for nutrition education. Nutrition Services Division requests that \$260,000 of these funds be used for contracts to continue existing nutrition education programs for child nutrition personnel, nutrition education specialists, and teachers.

### **PURPOSE**

The Nutrition Services Division and its educational partners seek to (1) increase the professionalism of the child nutrition profession to better serve California's children; (2) promote nutrition education in the classroom and the cafeteria; and (3) meet federal and state mandates. The contracts described in this document will assist in addressing these areas and help promote healthier meals and nutrition education for children and youth.

#### **1. CAL-PRO-NET Centers**

In 1992, the Nutrition Services Division established three California Professional Nutrition Education and Training (CAL-PRO-NET) Centers throughout the State to assist in achieving the goals listed above. One of the centers, Fresno City College, State Center Community College District has been establishing professional college-level courses for child nutrition production-level personnel and site-managers for the past ten years. Fresno City College has also secured a network of community colleges throughout the State to assist in meeting the needs of the largest segment of child nutrition trainees. The community colleges provide instruction using scientifically based, pilot-tested nutrition and management-based curricula. The Fresno center also provides School Meals Initiative training on Food Based Menu Planning and Nutrient Standard Menu Planning for child nutrition personnel throughout the State.

In 1994, the United States Congress passed the Healthy Americans Act, which requires all child nutrition program meals to meet established nutrition standards. In response to the federal mandate, the United States Department of Agriculture enacted the School Meals Initiative (SMI) for Healthy Children. These published regulations prescribed menu-planning options that all National School Lunch and School Breakfast Program sponsors must use to meet the nutrition standards. The California Department of Education and the CAL-PRO-NET Centers have developed courses to assist agencies in the implementation of these menu-planning standards. This training helps ensure that California will have child nutrition professionals who can offer safe, healthy, and well-prepared meals for children.

In recent evaluations, all levels of staff have voiced the need for access to local level college training. They have requested instruction on food preparation of healthy, low-fat meals; food safety; fiscal management; and menu planning. In an effort to meet the needs of child nutrition program staff during 2003-2004, Fresno City College and its network of community colleges will provide courses in these topic areas.

The San Jose State University provides on-going management training for new child nutrition directors. Lack of training for new child nutrition program directors can result in fiscal sanctions for districts during the federally mandated administrative reviews that are conducted by CDE. This center is also developing a recruitment system by promoting the child nutrition profession among the high school and community college students in an attempt to address the increasing child nutrition personnel attrition rates. In addition, the San Jose State Center provides nutrition education specialists and classroom teachers with the information and skills to effectively teach nutrition in the classroom. This will be part of the statewide effort to combat the increasing number of overweight children in California schools.

Cal Poly Pomona includes instructors from both their hospitality and nutrition departments to provide training for established child nutrition program directors. The focus of this CAL-PRO-NET center is to develop leadership skills and management systems for the administrator of nutrition programs.



JUNE 2003 AGENDA

<b>SUBJECT:</b> Appointments to the Advisory Commission on Special Education and Advisory Commission on Charter Schools and, if necessary, Child Nutrition Advisory Council and Curriculum Development and Supplemental Materials Commission.	<input checked="" type="checkbox"/> ACTION
	<input checked="" type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

**RECOMMENDATION:**

Take action to reappoint three individuals to the Advisory Commission on Special Education (Angela Hawkins, Janet Mangini, and Don Shalvey) and to appoint one individual to the Advisory Commission on Charter Schools (Michael D. Piscal). Possibly make appointments to fill vacancies on the Child Nutrition Advisory Council and the Curriculum Development and Supplemental Materials Commission.

---

**Summary of Previous State Board of Education Discussion and Action.**

The State Board appoints members to a number of advisory bodies. The terms of three current members of the Advisory Commission on Special Education (ACSE) expire on December 31, 2003. Angela Hawkins, Janet Mangini, and Don Shalvey are highly regarded members of the ACSE. All three have expressed interest in reappointment and are eligible to be reappointed. [State law prohibits individuals from serving more than two terms on the ACSE.] Accordingly, their reappointment is recommended to four-year terms commencing January 1, 2004, and ending December 31, 2007. If these individuals are reappointed, staff will forego efforts to recruit and interview potential appointees this year.

The Advisory Commission on Charter Schools has one vacancy for a term that expires December 31, 2003. President Hastings recommends that the State Board appoint Michael D. Piscal to fill that vacancy. Mr. Piscal's resume is attached.

As of the agenda printing deadline, there is one vacancy on the Child Nutrition Advisory Council. Staff are endeavoring to identify an individual to recommend for that vacancy. Also, the possibility exists of a vacancy occurring on the Curriculum Development and Supplemental Materials Commission by the time of the June 2003 meeting. If necessary to address these possibilities, a supplemental memorandum will be provided.

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**Summary of Key Issue(s).**

N/A.

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**Fiscal Analysis (as appropriate).**

N/A.

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**Background Information attached to this Agenda Item.**

[Resume of Michael D. Piscal](#)

# Michael D. Piscal

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## *Experience*

**President & Founder, Inner City Education Foundation (ICEF), Los Angeles, 1994 to present:** founded non-profit organization in June of 1994. ICEF's programs and schools include:

- VPP Summer Camp est. 1996
- VPP After School Program est. 1996
- VPP Child Care Center est. 1997
- View Park Preparatory Accelerated Charter Elementary (K-5) est. 1999
- View Park Preparatory Accelerated Charter Middle School est. 2001
- View Park Preparatory Accelerated Charter High School est. 2003

Responsibilities include hiring and managing a staff of seven employees, overseeing the writing of grants, developing the board of trustees, buying school sites, construction of new schools, acquisition of necessary financing, and hiring of each school's principal. As of April 15, 2003, ICEF has raised over \$5 million since its founding.

**Head of School & Founder, View Park Preparatory Accelerated Charter Schools, 1999 to Present:** founded what at the time was the 2<sup>nd</sup> largest start-up charter school in California. Opened on September 7, 1999 with 240 students in grades K-5. Responsibilities include hiring and managing a staff of over 45 employees, and supervision of the Directors of the Elementary School, Middle School, High School, and After School Program. Below is a record of success at View Park Prep as measured by Standardized Tests. The goal for all schools as set by the State of California is that at least 50% of students will score at or above the national average.

Math: percentage of View Park Prep students scoring above the national average.

1998-1999*	1999-2000	2000-2001	2001-2002
41%	66%	74%	82%

Reading: percentage of View Park Prep students scoring above the national average.

1998-1999*	1999-2000	2000-2001	2001-2002
33%	59%	66%	71%

This represents a year on year 10% school wide improvement since the day we opened on September 7, 1999.

\* This represents the average score of a Los Angeles County Elementary student for the 1998-1999 school year – see STAR DATA for 1999 on the CDE website. An exact figure for View Park Prep is difficult to obtain and is based on incomplete data due to our geographic location. View Park Prep is located 7 blocks from the City of Inglewood and a large percentage of our students are from that city's district. View Park Prep received only SISC data for its LAUSD students. We have requested SISC DATA from the city of Inglewood and hope to have a more exact figure. Regardless, View Park Prep students last year outperformed the County Average from the 1998-1999 school year by more than 100%.

**English teacher, Harvard-Westlake School, Los Angeles, CA., 1989 to 1994.**

Instructor of English Literature:

- \*Classical Literature in translation
- \*British and American Literature
- \*Writing Poetry and Fiction
- \*Composition
- \*Lyric Poetry
- \*Shakespeare

**Director, Poet's Speaker Program, Harvard-Westlake, 1990-1994:** initiated program, acquired funding from Trustees, contacted poets through friends, letters, and readings. Organized event day schedule and prepared English colleagues unfamiliar with author by providing lesson plans. Poets who have read at the school include: Carolyn Forché, Al Young, David St. John, Mark Strand (Poet Laureate of the United States), Philip Levine (Pulitzer Prize Winner), Gerald Stern (National Book Award), Carol Muske-Dukes, Li-Young Lee, Stephen Dunn (Pulitzer Prize Winner), and Amy Gerstler (National Book Award Winner).

**Community Service Advisor, Harvard-Westlake, 1993-94:** responsible for planning, organizing, and supervising the community service projects of sixty students. Prepared, delivered, and served meals for up to 150 people at local homeless kitchens. Coordinator also acts as academic and personal advisor. In unofficial capacity, from 1990 to 1993, ran book drive that sent hundreds of new and used textbooks to Verbum Dei High School in South Central LA, Dolores Mission Elementary in East LA, and various other schools.

### *Education*

**Wake Forest University, 1988,** Winston-Salem, N.C., B.A. History, and extensive studies in European, Ancient Greek, and English literatures. Honors: 2nd Place in 1987, Academy of American Poets; Worrell House Program, Fall of 1986, London, England; finalist in Senior Symposium.

**Post Graduate Studies:** Yeats Festival in Sligo, Ireland, 1993; Oxbridge Teacher's Seminar, Oxford, England, 1993; NEH Scholar, University of Pennsylvania, 1992; Vergilian Society Archeological Studies, 1991; Torre di Babele Institute Rome, 1991; Rutgers University, English studies, 1990.

### *Honors*

**Breakfast in Bed by Emeril Lagasse October 2002,** nominated by students, parents, faculty and staff with over 400 letters. Breakfast in bed, and more importantly, 20 minutes of coverage of the Inner City Education Foundation and the View Park Preparatory Accelerated Charter Schools on national television.

**Good Morning America Hero Award December 2002** for founding the Inner City Education Foundation and View Park Preparatory Accelerated Charter Schools.

**Facing History Facing Ourselves, "Power of One Award" February 2003,** for founding the Inner City Education Foundation and View Park Preparatory Accelerated Charter Schools.

**The Johns Hopkins University California Teacher Recognition Program 1992:** "Special honors are presented to Michael Piscal for a unique contribution to the teaching of highly talented youth."

**National Endowment for the Humanities (NEH) Scholar Summer 1992** at the University of Pennsylvania: studied Boswell and Johnson.

### *Other*

Division I Football at Wake Forest University, Fall of 1985.

London Saracens Rugby Football Club, Fall of 1986.

Wake Forest University Rugby Football Club 1986-88.

Santa Monica Rugby Football Club, 1989-present.



**JUNE 2003 AGENDA**

<b>SUBJECT</b> Approval of 2002-2003 Consolidated Applications.	<b>X</b>	<b>ACTION</b>
		<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the 2002-2003 Consolidated Application (Con Apps) submitted by local educational agencies (LEAs).

**Summary of Previous State Board of Education Discussion and Action**

To date, the SBE has approved Con Apps for 1,155 LEAs. This is the second year LEAs have completed, and submitted the Con App 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 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 Con App. Approximately, \$2.4 billion is distributed annually through the Con App 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, 10<sup>th</sup> Grade Counseling, Peer Assistance 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); and Title V, Part A (Innovative); and Title VI, Part B (Rural, Low-Income).

**Summary of Key Issue(s)**

ConApps are presented to SBE for approval after they have been reviewed. CDE recommendation is based upon application completeness and the status of outstanding compliance issues.

**Fiscal Analysis (as appropriate)**

None.

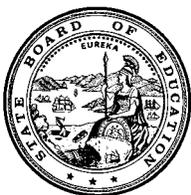
**Attachment(s)**

[Attachment 1: List of Consolidated Applications Recommended for Approval \(Page 1-1\)](#)

## List of Consolidated Applications Recommended for Approval

CDS Code	Local Educational Agency Name
0130641 0130641	B.A.S.I.S.
6120943 6120943	Promise Charter School
1030881 1030881	Rosalyn Charter School
3768338 0000000	San Diego City Unified School District
3330917 3330917	Temecula Preparatory School

Number of LEAs Recommended for Approval: 5



## JUNE 2003 AGENDA

SUBJECT: Direct request from the Tri-County SELPA to dissolve effective June 30, 2003, and instead form three separate, single-county SELPAs in Amador, Calaveras, and Tuolumne counties effective July 1, 2003.	<input checked="" type="checkbox"/> ACTION
	<input type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

## RECOMMENDATION:

State Board of Education staff recommend that (1) the Tri-County SELPA's request be denied and (2) the State Superintendent be directed not to approve any similar request from the Tri-County SELPA under the delegated approval authority created in January 2000.

---

Summary of Previous State Board of Education Discussion and Action.

In January 2000, the State Board of Education delegated authority to approve local SELPA plans to the State Superintendent of Public Instruction, subject to appeal to the State Board.

---

Summary of Key Issue(s).

In July 2002, the Tri-County SELPA submitted a request for reorganization into three separate, single-county SELPAs (Amador, Calaveras, and Tuolumne counties) effective July 1, 2003. Following lengthy discussion and consideration at the staff level, the Tri-County SELPA was encouraged by the CDE to withdraw its request because of unresolved issues related to fiscal impact, programmatic impact, and timeliness. The Tri-County SELPA elected instead to make a direct appeal to the State Board.

There are three reasons that State Board staff recommend denial of the Tri-County SELPA's request and direction to the State Superintendent not to approve any similar request under the delegated authority:

- **Fiscal.** Under this proposal, the Tri-County SELPA (which currently qualifies for approximately \$250,000 annually for regionalized services) would be broken up into three much smaller SELPAs (each of which would qualify separately for the minimum floor of approximately \$200,000 annually for regionalized services). The net increase in state special education funding to the region would be approximately \$350,000 per year. Although there appears to be no statutory prohibition on breaking-up a multiple-county SELPA to qualify each SELPA separately for the minimum funding level, it appears clear that the statute establishing the minimum funding level for necessary small SELPAs was not envisioned as a means of garnering additional revenues through local organizational rearrangement. Moreover, the State Board generally has not used its discretionary authority to approve requests substantially increasing state costs, unless that intent has been clear within statute (e.g., the statute that expressly provides for a waiver of the instructional time penalty under specified conditions).

<p>SUBJECT:</p> <p>Direct request from the Tri-County SELPA to dissolve effective June 30, 2003, and instead form three separate, single-county SELPAs in Amador, Calaveras, and Tuolumne counties effective July 1, 2003.</p>	<input checked="" type="checkbox"/> ACTION
	<input type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING
	<input type="checkbox"/>

- Programmatic. The proposal does not make a cogent argument that the current three-county arrangement per se creates a structural barrier to meeting the needs of the region’s special education students. Rather, the proposal focuses on the capacity of the individual counties separately to address the special education students’ needs. In that way, it endeavors to provide an answer to a question that has not been asked. The real programmatic question is why three smaller SELPAs would be better than a single larger one. The answer is that programmatically three smaller SELPAs would be at best equal in the ability to meet students’ needs, but would be no better.
- Procedural. Once a SELPA has chosen to make a direct request (appeal) to the State Board, the authority delegated to the State Superintendent for approval of SELPA plans should no longer be applicable to that request. The matter should remain under the State Board’s immediate control.

---

Fiscal Analysis (as appropriate).

The fiscal effect of approval of the Tri-County SELPA’s request is summarized above.

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Background Information attached to this Agenda Item.

1. Request from the Tri-County SELPA, dated July 8, 2002
2. Summary of Key Points Discussed by Telephone with Representatives of the Tri-County SELPA on April 29, 2003
3. Letter from John Brophy to Alice Parker, dated May 6, 2003
4. Letter (of direct request) from John Brophy to State Board of Education, dated May 9, 2003

## Attachment 1

Request from the Tri-County SELPA, dated July 8, 2002

[Available in hard-copy only.]

## Attachment 2

Summary of Key Points Discussed by Telephone with  
Representatives of the Tri-County SELPA on April 29, 2003

Jack O'Connell  
State Superintendent of Public Instruction

Summary of Key Points Discussed by Telephone with  
Representatives of the Tri-County SELPA on April 29, 2003

**Background**

On July 8, 2002, the California Department of Education (CDE), Special Education Division (SED), received a request from the Tri-County Special Education Local Plan Area (SELPA) to reorganize into three new SELPAs, effective with the 2003-04 fiscal year. The request has been thoroughly analyzed by SED staff over many months, during which they have been in frequent contact with Tri-County SELPA personnel, keeping Tri-County SELPA apprised of issues, concerns, and needs for additional information. SED staff has been assisted by representatives of the CDE School Fiscal Services Division and the CDE Legal Division.

**Conclusion**

CDE/SED is not prepared to recommend approval of the request at this time because of serious unresolved concerns and encourages the Tri-County SELPA to withdraw the request for the new organizational arrangement to take effect in 2003-04.

**Fiscal Impact**

When proposing new SELPAs, local education agencies (LEAs) are asked to evaluate whether there is a potential for significant adverse fiscal effects on one or more of the LEAs as a result of a change in the current plan. In this case, CDE has not received from each of the respective county offices of education (COEs) an analysis of the potential adverse fiscal effects of the proposed reorganization.

State enrollment data indicate a trend toward declining enrollment in Tuolumne County. Such a trend would likely cause Tuolumne County to experience a relative decrease in available resources as a single-county SELPA when compared to its continued participation as a member of the Tri-County SELPA.

The Tri-County SELPA maintains a sizeable reserve to support the nonpublic school (NPS) placements of students residing throughout the three counties. The SELPA has reported that Amador County, which accounts for approximately 28% of the SELPA's total ADA, has, in the past, expended as much as 50% of the available NPS reserve. As a single-county SELPA, Amador County would likely not have access to sufficient resources to support an unexpected increase of NPS placements.

As part of the analysis of the request to reorganize, CDE asked each of the proposed SELPAs to submit, no later than March 10, 2003, a proposed annual fiscal plan, pursuant to EC Section 56205(b)(1). While each proposed new SELPA outlined the expenditure of projected funds, the

Summary of Key Points Discussed By Telephone with  
Representatives of the Tri-County SELPA on April 29, 2003

proposed annual fiscal plans did not address potential funding shortfalls resulting from such factors as declining enrollment and NPS placements.

The CDE School Fiscal Services Division reports that total State funding for Amador, Calaveras, and Tuolumne Counties might increase as a result of reorganization. The projected increase would be the product of minimum funding for regionalized services in each of the proposed new SELPAs, pursuant to EC § 56836.24(a), as opposed to funding now allocated to the Tri-County SELPA as a whole. CDE assumes that such an increase would result in a proportionate decreased apportionment to other SELPAs statewide.

The CDE review team has recommended that analysis of the Tri-County SELPA's request to reorganize be delayed until after CDE has received:

- ❖ an analysis of the potential adverse fiscal effects of the proposed reorganization from each of the respective COEs, and
- ❖ proposed annual fiscal plans that more fully address the potential negative fiscal impact of reorganization from each of the proposed new SELPAs.

If the fiscal documents were received by CDE no later than October 1, 2003, the resulting CDE analysis could be completed no later than January 1, 2004, with possible implementation of the proposed new SELPAs on July 1, 2004.

**Timeliness**

The CDE School Fiscal Services Division reports that reorganization of the Tri-County SELPA would have ramifications on the statewide system of SELPA apportionments. Ensuring proper recalculation on a statewide basis requires close attention to detail. School Fiscal Services Division staff believe that approximately six months lead time would be necessary to avoid mistakes that could adversely affect the flow of funds both to the proposed new SELPAs (in Amador, Calaveras, and Tuolumne counties) and to SELPAs in other areas of the state.

Accordingly, the CDE/SED staff have concluded that the Tri-County SELPA's request to reorganize should be delayed to 2004-05. If the request to reorganize were approved by January 1, 2004, School Fiscal Services could reasonably calculate statewide SELPA apportionments with possible implementation of the proposed new SELPAs on July 1, 2004.

**Program Impact**

When formation of a new SELPA is proposed, an affected COE is asked to evaluate whether there is potential for significant adverse programmatic effects on one or more LEAs as a result of a change in the current plan. In this case, the CDE has not received from each of the respective COEs an analysis of the potential adverse programmatic effects of the proposed reorganization.

While each proposed new SELPA submitted an overview of service delivery options, at least two concerns were not adequately addressed:

## Summary of Key Points Discussed By Telephone with Representatives of the Tri-County SELPA on April 29, 2003

- ❖ The negative fiscal impact in Tuolumne County resulting from decreased ADA would likely have a concomitant programmatic impact.
- ❖ The negative fiscal impact in Amador County resulting from decreased access to NPS funding would likely have a concomitant programmatic impact.

The CDE/SED staff have recommended that analysis of the Tri-County SELPA's request to reorganize be delayed at least until the CDE has received:

- ❖ an analysis of the potential adverse programmatic effects of the proposed reorganization from each of the respective county offices of education, and
- ❖ proposed annual service plans that more fully address the potential negative programmatic impact of reorganization.

If the program documents were received by CDE no later than October 1, 2003, the resulting CDE analysis could be completed no later than January 1, 2004, with possible implementation of the proposed new SELPAs on July 1, 2004.

### **Size and Scope Requirements**

It is anticipated that the State Board of Education will soon consider SELPA size and scope standards, updating the standards originally approved in 1983. The purpose of the SELPA size and scope standards is to ensure that SELPAs are of sufficient size to provide effectively for the needs of special education students for programs and services. Obviously, SELPA size and scope standards incorporate latitude for SELPAs in sparsely populated areas, as does the system of funding. However, nowhere in statute or in the original 1983 size and scope standards is it anticipated or envisioned that a SELPA, once having been created, would be dissolved into smaller units. It is highly unlikely, moreover, that any such anticipation will be incorporated into the updated size and scope standards the State Board eventually adopts.

### **Compliance Monitoring**

CDE/SED staff members are not convinced that all LEAs in the Tri-County SELPA offer access to a true full continuum of program placement options consistent with the requirements of 34 CFR § 300.551. Tri-County SELPA officials and representatives of member districts have suggested that some LEAs offer only their local version of a "learning center" or "imbedded special day class" as the placement option available to mildly and/or moderately disabled students. In addition, it has been reported that students with more intensive needs, especially those in the most sparsely populated areas, are generally placed either in some variation of a "learning center" or in a nonpublic school. Such allegations cast doubt upon the assertion by each of the proposed new SELPAs that a full continuum of program placement options would be available and that each student's individualized education program (IEP) would be developed and implemented in accordance with law.

The CDE recommends focused monitoring of the Tri-County SELPA's instructional programs before further consideration is given to the SELPA's request to reorganize.

## Attachment 3

Letter from John Brophy to Alice Parker, dated May 6, 2003

[Available in hard-copy only.]

## Attachment 4

Letter (of direct request) from John Brophy to  
State Board of Education, dated May 9, 2003

[Available in hard-copy only.]

# CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street; P.O. Box 944272  
Sacramento, CA 94244-2720  
(916) 319-0827  
(916) 319-0175 FAX



## Last Minute Memorandum

June 9, 2003

To: State Board of Education Members

From: Greg Geeting  
Assistant Executive Director

Subject: Item 33, June 2003 Agenda  
Direct request from the Tri-County SELPA

John Brophy, Calaveras County Superintendent of Schools, submitted a memorandum dated May 28, 2003, to the members of the State Board regarding the Tri-County SELPA's direct request to dissolve and, instead, form three separate countywide SELPAs in Amador, Calaveras, and Tuolumne Counties. A key point in the memorandum is:

"We now feel our three county SELPA structure actually *inhibits* better programming for special needs children..."

No examples of how the existing structure inhibits better programming are provided. To the contrary, the memorandum outlines significant program improvements that have been made within the existing structure. Moreover, the memorandum emphasizes, "No programs or services to children will be affected by this change."

Another key point in the memorandum is:

"The results to state funding are negligible."

As indicated in the agenda item, CDE staff calculate that creation of three separate countywide SELPAs (in contrast to the existing SELPA) would result in approximately \$350,000 more annually being allocated to this region of the state. The State Board generally has not used its discretionary authority to approve requests increasing state costs or redirecting funds among regions, unless clear intent toward that end has been expressed in statute.

Accordingly, State Board staff reiterate the recommendation indicated in the agenda item that (1) the Tri-County SELPA's request be denied and (2) the State Superintendent be directed not to approve any similar request from the Tri-County SELPA under the delegated approval authority created in January 2000.

Cc: CDE Executive Staff



## JUNE 2003 AGENDA

<b>SUBJECT:</b> Permanent Regulations for the Reading First Program.	<input checked="" type="checkbox"/> ACTION
	<input type="checkbox"/> INFORMATION
	<input checked="" type="checkbox"/> PUBLIC HEARING

**RECOMMENDATION:**

Hold a public hearing (as required by the Administrative Procedure Act) regarding the proposed permanent regulations for the Reading First Program. After considering any public comment received either (1) approve the proposed permanent regulations or (2) amend the proposed regulations and direct that they be sent out for 15-day public review in accordance with the Administrative Procedure Act. Although the public hearing must be held, action on the proposed regulations may be postponed to another meeting if such is the State Board's desire.

---

**Summary of Previous State Board of Education Discussion and Action.**

At the April 2003 State Board meeting, Emergency Regulations for the Reading First Program were adopted, and the State Board directed that the permanent rule-making process be commenced using the text of the Emergency Regulations as the text of the proposed permanent regulations. In accordance with the Administrative Procedure Act, a public hearing on the proposed permanent regulations is scheduled for 9:00 a.m. (or thereafter as the business of the State Board permits) on Thursday, June 12, 2003.

---

**Summary of Key Issue(s).**

This regulation affects how the amount of the grant for each approved subgrant application is calculated. Specifically it provides that the per-classroom amount of between \$6,500 and \$8,000 be applied only to classrooms that agreed to implement the full English language arts program in the adopted instructional materials in English for one hour in Kindergarten and 2.5 hours in grades 1-3, inclusive, each day. This is necessary to implement California's Approved Reading First Plan which was approved by the USDE based on California's scientifically research based adopted instructional materials in English that are aligned to California's English-Language Arts Content Standards and support students reaching proficiency on California's English-Language Arts Content Standards Test by the end of third grade.

---

**Fiscal Analysis (as appropriate).**

N/A.

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**Background Information attached to this Agenda Item.**

Rule-making package, including the text of the proposed permanent regulations.

Also available on the CDE Web site at <http://www.cde.ca.gov/regulations/reading1stnotice.pdf> and <http://www.cde.ca.gov/regulations/reading1streg041803.pdf>

**GENERAL WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. WC-1**

<p><b>TITLE:</b> Request by various districts to waive <i>Education Code</i> (EC) Section 51451, regarding the method of qualifying <b>this years high school seniors</b> for a Golden State Seal Merit Diploma.</p> <p><b>CDSIS:</b> Various—list of districts will be provided as a last minute item in blue.</p>	<p>_____ <b>ACTION</b> _____ <b>INFORMATION</b> _____ <b>PUBLIC HEARING</b> _____ <b>x</b> <b>CONSENT</b></p>
---	---

**RECOMMENDATION:**

The Department recommends:

**Approval, on the condition that the districts have certified that all students submitted to Education Data Systems, Inc. (EDS, Inc.) have met either the existing requirements to be eligible for the Golden State Merit Seal Diploma, or the requirements of the 2003 Senior Waiver**

---

**Summary of Previous State Board of Education Discussion and Action:**

In January 2003, the CDE posted a waiver process for a waiver of **English language arts Golden State Exam (GSE) requirement**, because at the time this was the only exam not available to this years seniors. **The 13 districts submitted a waiver on these earlier waiver forms.**

The current year budget act then eliminates all the other GSE administration for this year. At the April 9, 2003, State Board of Education (SBE) meeting members approved the method described by the California Department of Education for a Golden State Exam “Senior Waiver Process.”

---

**Summary of Key Issue(s):**

The Education Code involved in this waiver is:

*E.C 51451. A student who meets the following requirements shall qualify for a Golden State Seal Merit Diploma:*

*(a) The completion of all requirements for a high school diploma.*

*(b) A demonstration of the mastery of the curriculum in at least six subject matter areas, four of which shall be mathematics, English language arts, science, and United States history, with the remaining two subject matter areas selected by the student.*

**The 2003 Senior Waiver criteria are described on the attached “sample” certification, and all districts making a request this time have certified to submit only names of students who have met the requirements of EC 51451, or the 2003 Senior Waiver.**

# Last Minute Memorandum

**To:** STATE BOARD MEMBERS

**Date:** June 10, 2003

**From:** Judy Pinegar, CDE Waiver Office

**Re:** ITEM # WC-1

**Subject** REVISIONS AND ADDITIONS TO WAIVER REQUEST

In an effort to assist as many California High Schools to be able to appropriately recognize (with the actual diploma instead of a “placeholder”!!) the Golden State Exam Award recipients from this year’s graduating seniors, waivers from Districts were accepted up until the last minute for this State Board Agenda Item.

**Addition of District requesting Waivers:**

See attached list of districts and waiver numbers that are added to this request.

**Addition to the Summary of Previous Board Action:**

At the MAY 8, 2003, State Board of Education (SBE) meeting members approved the method described by the California Department of Education for a Golden State Exam “Senior Waiver Process” as a Board Waiver Policy so that all future waivers may be placed on the Consent Calendar of the SBE Agenda.

**Correction to the Summary of Key Issues:**

The WC-1 Waiver item referenced attaching a “sample certification,” but this document was not used by these particular districts. Instead, attached is a “sample waiver” form that all these districts completed as required.

**GENERAL WAIVER REQUEST- Golden State Seal Merit Diploma**

GW-1 GSE (05/03) <http://www.cde.ca.gov/waiver/>

Page 1 of 2

To expedite, send copy by FAX (916) 319-0117  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

CDS CODE					

LEA:	Contact/recipient of approval/denial notice:	Contact Person's E-Mail Address:
Address: (City) (State) (ZIP)	CA	Phone (and extension, if necessary): ( ) - x Fax Number: ( ) -
Period of Request: (month/day/year)	Local Board Approval date: (Required)	Date of Public Hearing: (Required)
For: <b>2002-2003 school year</b>		

**LEGAL CRITERIA**

**1. Under the General Waiver Authority of Education Code 33050-33053, the particular Education Code or California Code of**

Topic of the waiver: Golden State Seal Merit Diploma; Golden State Exam requirement

***E.C. 51451 Qualifications for diploma.** A student who meets the following requirements shall qualify for a Golden State Seal Merit Diploma:*

*(a) The completion of all requirements for a high school diploma.*

*(b) A demonstration of the mastery of the curriculum in at least six subject matter areas, four of which shall be mathematics, English language arts, science, and United States history, with the remaining two subject matter areas selected by the student.*

**2. Position of the Bargaining Unit.** Does the district have any employee bargaining units?  No  Yes If yes, please complete required information below:

Date(s) the bargaining unit(s) was (were) consulted: \_\_\_\_\_

Name of bargaining unit persons(s) consulted: : \_\_\_\_\_

The position(s) of the bargaining unit(s) was/were:  Neutral  Support  Oppose *(Please summarize below)*

Comments (if appropriate): \_\_\_\_\_

**3. Public Hearing Requirement:** (A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district. **How was the required public hearing advertised?**

Notice in a newspaper?  Notice posted at each school?  Other: \_\_\_\_\_ *(Please summarize below.)*

**4. District/Parent Advisory Committee:** Please identify the council(s) or committee that reviewed this waiver:

\_\_\_\_\_ Date \_\_\_\_\_

There were objection(s)  *(Please summarize the objection(s))* \_\_\_\_\_

No Objections

# GENERAL WAIVER REQUEST

GW-1 GSE (01/03)

Page 2 of 2

## 5. Desired outcome/rationale.

Due to cancellation of the spring administration of the Golden State Examinations (GSEs) as a part of the current year budget cuts, many seniors are not able to complete the following requirement as of EC 51451:

To be eligible for the 2003 Golden State Diploma, seniors must:

- 1) Be receiving a high school diploma from their district.
- 2) Have earned achievement levels of 4 (recognition), 5 (honors), or 6 (high honors) on **six Golden State Examinations including U.S. history; reading/literature or written composition; a mathematics exam; a science exam; and two other exams of the student's choice.**

GSE subjects included:

Reading/Literature, Written Composition, First-year Algebra, Geometry, High School Mathematics, Biology, Chemistry, Physics, Second-year Coordinated Science, U.S. History, Economics, Government/Civics, Second-year Spanish Language.

Therefore, the State Board of Education will consider a General Waiver, called the Senior Waiver, to **also** allow students to be certified "as meeting the GSE requirements," provided that districts certify that students they recommend for the Golden Seal Merit Diploma meet the following requirements:

**2003 Senior Waiver: This waiver is available to seniors who were prevented from meeting the above requirements due to GSE program reductions.**

To be eligible for the 2003 Golden State Diploma, seniors must:

- 1) Be receiving a high school diploma from their district.
- 2) Have earned achievement levels of 4 (recognition), 5 (honors), or 6 (high honors) on **four or more** of the six required Golden State Examinations.
- 3) Be granted a waiver by the State Board of Education (SBE) to **use ONLY up to two 2002 California Standards Tests (CSTs), with scale scores no lower than 350**, to meet the subject-area requirements identified in Option ONE, number 2. To obtain a waiver, a CST scale score may be used only if the student **has not previously taken the GSE** for which the CST will substitute. The following are the CST's that may be used for this waiver: Grade 11 English Language Arts, Grade 11 History/Social Science (United States History), High School Mathematics, Algebra I, Algebra II, Geometry, Integrated Mathematics 1, 2, or 3, Biology, Chemistry, Physics, Earth Science.
- 4) Students must still have achieved GSE recognition or CST's with scale scores no lower than 350 for a **total of six subject matter areas, four of which shall be mathematics, English language arts, science, and United States history**, with the remaining **two subject matter areas selected** by the student.

### CERTIFICATION:

**• I request that ALL qualifying 2002-03 graduates in our district be granted a waiver under the criteria of the 2003 Senior Waiver.**

• I certify that all students submitted to Education Data Systems, Inc. (EDS, Inc.) have met either the existing requirements to be eligible for the Golden State Merit Seal Diploma, or the requirements of the 2003 Senior Waiver

Signature of Superintendent or Designee:	Title:	Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Signature:	Title: Administrator, CDE Waiver Office	Date:

# Golden State Examination Senior Waiver Certification

Waiver #	LEA	Local Board Approval	Certification Received
CDSIS-5-6-2003	Atascadero USD	5/20/2003	6/6/2003
CDSIS-55-5-2003	Beverly Hills USD	5/27/2003	5/30/2003
CDSIS-14-6-2003	Cabrillo USD	6/5/2003	6/6/2003
CDSIS-24-6-2003	Calpatria USD	6/9/2003	6/10/2003
CDSIS-9-6-2003	Fall River Joint USD	6/4/2003	6/5/2003
CDSIS-34-5-2003	Glendale USD	5/6/2003	5/27/2003
CDSIS-25-6-2003	Glendora USD	6/9/2003	6/10/2003
CDSIS-31-5-2003	Grossmont Union High SD	4/30/2003	5/27/2003
CDSIS-16-6-2003	Jurupa USD	6/2/2003	6/6/2003
CDSIS-50-5-2003	Lakeport USD	5/22/2003	5/29/2003
CDSIS-2-6-2003	Linden High School	5/28/2003	6/2/2003
CDSIS-49-5-2003	Long Beach USD	5/20/2003	6/10/2003
CDSIS-48-5-2003	Milpitas USD	5/27/2003	5/28/2003
CDSIS-18-5-2003	Modesto City High SD	5/12/2003	5/16/2003
CDSIS-4-6-2003	Moreno Valley USD	5/27/2003	6/2/2003
CDSIS-11-6-2003	Napa Valley USD	6/4/2003	6/5/2003
CDSIS-3-6-2003	Oxnard Union High SD	5/28/2003	6/2/2003
CDSIS-8-6-2003	Placer Union High SD	6/3/2003	6/5/2003
CDSIS-47-5-2003	Porterville USD	5/22/2003	6/2/2003
CDSIS-38-5-2003	Redondo Beach USD	6/10/2003	6/9/2003
CDSIS-26-5-2003	Saddleback Valley USD	5/13/2003	5/16/2003
CDSIS-12-6-2003	San Bernardino City USD	6/3/2003	6/5/2003
CDSIS-28-5-2003	Santa Barbara High SD	5/13/2003	5/20/2003
CDSIS-46-5-2003	Sonora Union High SD	5/20/2003	5/27/2003
CDSIS-15-6-2003	South Pasadena USD	6/5/2003	6/6/2003
CDSIS-39-5-2003	Walnut Valley USD	5/21/2003	5/22/2003
CDSIS-10-6-2003	Vallejo City USD	6/4/2003	6/6/2003
CDSIS-21-6-2003	Lemoore Union High	6/12/2003	6/9/2003

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. WC-2**

<p><b>TITLE:</b> Request by five school districts for a <b>retroactive waiver of <i>Education Code (EC) Section 60119</i></b> regarding Annual Public Hearing on the availability of textbooks or instructional materials. These districts had an audit finding for fiscal year 2001-2002 that they <b>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.</b></p> <p><b>CDSIS:</b> 02-05-2003 Franklin Elementary S. D. 09-05-2003 Parlier Unified School District 126-3-2003 Pond Union School District 37-04-2003 Round Valley Jt. Elementary S.D. 03-05-2003 Upper Lake Union High S.D.</p>	<p>_____ <b>ACTION</b> _____ <b>INFORMATION</b> _____ <b>PUBLIC HEARING</b> <u>  <b>X</b>  </u> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends:  Approval

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**Summary of Previous State Board of Education Discussion and Action:**

The State Board of Education (SBE) has heard and approved a policy developed by the department of Instructional Materials Sufficiency Waivers of Retroactive audit findings. None of these districts have had a prior year finding and waiver of this type, so this goes to consent.

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**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 *EC* Section 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. California Department of Education (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 2000-01 years. Without the waiver, the local educational agencies will have to return **\$297,198** 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.

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Authority for the waiver: EC Section 41344.3

Effective dates of request: 7/1/01 to 6/30/02 Audit Year

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**Fiscal Analysis (as appropriate):** This waiver if approved will relieve districts of \$ in total penalties.

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**Background Information:**

Waiver request forms and supporting documents are available for inspection in the Waiver Office.

**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- 02-05-2003 – Franklin Elementary School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$29,408 in Schiff-Bustamante and Instructional Materials funds.
- The district held the public hearing as required by EC Section 60119 but omitted the requirement of the resolution to be done by the board. The district superintendent was unaware of the resolution requirement.
- Since then, the district has held a fully compliant public hearing in accordance with EC Section 60119 on January 16, 2003. And the district has added the resolution requirement to their board calendar in order not to miss this important step in the future.
- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS- 126-3-2003 – Pond Union School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$13,944 in Schiff-Bustamante and Instructional Materials funds.
- The district did not complete a local board resolution after the public hearing for the sufficiency of instructional materials as required by EC Section 60119 in fiscal year 2001-2002.
- The district has since had a fully compliant hearing on March 17, 2003 and has instituted changes to prevent this from reoccurring.
- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS-37-4-2003 – Round Valley Joint Elementary School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$8,837 in Schiff-Bustamante and Instructional Materials funds.
- Due to the lack of a Superintendent in place during the last part of fiscal year 2001-2002, the district failed to hold a public hearing as required by EC Section 60119.

The district held a fully compliant public hearing as required by law on December 16, 2002.

- 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-09-05-2003 – Parlier Unified School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$221,393 in Schiff-Bustamante and Instructional Materials funds.
- The auditor found that the district only provided seven days notice instead of the required ten days notice of the public hearing in accordance with *EC* Section 60119. However, since then the district has had a fully compliant public hearing for the sufficiency of instructional materials on February 27, 2003.
- The district has changed their procedures to ensure that the notices are posted for the required ten days in the future.
- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS – 03-05-2003 – Upper Lake Union High School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$23,616 in Schiff-Bustamante and Instructional Materials funds.
- The district did not post the notice for the 60119 public hearing for the sufficiency of textbooks and instructional materials for ten days prior to the date of the meeting.
- The district claims it was an oversight on their part and has taken steps to ensure compliance with this section of the EC in the future. The district held a fully compliant public hearing on April 23, 2003 for fiscal year 2002-2003 and it was noticed for ten days prior.
- CDE staff verified all other requirements of the Specific Waiver request.

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. WC-3**

<b>TITLE:</b> Request by <b>Firebaugh-Las Deltas Unified School District</b> for a renewal of a waiver of <i>Education Code</i> (EC) Section 52859(b), the prohibition on using funds coordinated under the School Based Coordinated Program to pay for the local share cost associated with the employment of a Miller Unruh Reading Specialist	<input type="checkbox"/> <b>ACTION</b> <input type="checkbox"/> <b>INFORMATION</b> <input type="checkbox"/> <b>PUBLIC HEARING</b> <input checked="" type="checkbox"/> <b>CONSENT</b>
<b>CDSIS:</b> 12-4-2003	

**RECOMMENDATION:** The Department recommends:  Approval

**Summary of Previous State Board of Education Discussion and Action:**

The School 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. This is a renewal of a previously approved waiver, Waiver Number CDSIS 19-3-2000-WC-1, SBE approved on May 11, 2000.

**Summary of Key Issue(s):**

The intent is to co-fund the Miller Unruh reading specialist position with School Based Coordinated (SBCP) funds to provide supplementary assistance and instruction to students needing support to meet grade level standards in English Language Arts to increase the number and percentage of students reading at grade level by the end of 3<sup>rd</sup> grade. This is an isolated, rural school district with high levels of poverty and a high percentage of English Learners. SBCP co-funding is crucial as an alternative to the local match because of the general fund cuts.

Authority for the waiver: EC 52863, Renewal waiver

Bargaining unit(s) consulted on: 3-11-03

Position of bargaining unit (choose only one): Firebaugh, Las Deltas USD,

Lori Campanile

Neutral

Support

Oppose

Name of bargaining unit representative:

Local board approval date: March 11, 2003

Effective dates of request: July 1, 2003 to June30, 2005

**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**  
**JUNE 2003 AGENDA**  
**Item No. WC-4**

<p><b>TITLE:</b> Request by <b>Lawndale Elementary School District</b> for renewal of a waiver of <i>Education Code</i> (EC) Section 52859(b), the prohibition on using funds coordinated under the School Based Coordinated Program to pay for the local shares of costs associated with the employment of a Miller Unruh Reading Specialist.</p> <p><b>CDSIS:</b> 21-4-2003</p>	<p>_____ <b>ACTION</b> _____ <b>INFORMATION</b> _____ <b>PUBLIC HEARING</b> <u>  <b>X</b>  </u> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends:     Approval

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**Summary of Previous State Board of Education Discussion and Action:**

The School 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. This is a renewal of a previously approved waiver, Waiver Number CDSIS 110-4-2002-WC-5, SBE approved on May 30, 2002.

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**Summary of Key Issue(s):**

This waiver will allow six schools within the district to use funds from School Improvement Program (SIP) to pay the local share of cost for the continuation of Miller-Unruh reading specialists. This waiver will allow six district schools to use the SIP funds to continue uninterrupted participation in the Miller-Unruh Reading Program, which the district has supported for over ten years. It is essential to meet the needs of a student population made up of 12% CalWorks and 76% qualify for Free and Reduced Lunch Program.

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Authority for the waiver: EC 52863, Renewal waiver

Bargaining unit(s) consulted on:

Position of bargaining unit (choose only one):

- Neutral                                     Support                                     Oppose

Name of bargaining unit representative:

Local board approval date: April 1, 2003

Effective dates of request: May 1, 2003 to May 1, 2005

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**Fiscal Analysis (as appropriate):** No fiscal impact.

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**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**  
**JUNE 2003 AGENDA**  
**Item No. WC-5**

<p><b>TITLE:</b> Request by <b>New Jerusalem Elementary School District</b> to waive <i>Education Code</i> (EC) 56362 (c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. For Resource Specialist <b>Elizabeth Miller assigned at New Jerusalem Elementary School.</b></p> <p><b>CDSIS:</b> 17-4-2003</p>	<p>_____ <b>ACTION</b> _____ <b>INFORMATION</b> _____ <b>PUBLIC HEARING</b> _____ <b>X</b> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends:

Approval

Denial

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**Summary of Previous State Board of Education Discussion and Action:** Both EC 56362 (c) and Title 5CCR 3100 allows the State Board of Education to approve waivers of Resource Specialists to exceed the maximum caseload of 28 students by not more than four students. However, there are very specific requirements in these regulations that must be met for approval, and if these requirements are not met, the waiver must be denied.

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**Summary of Key Issue(s):**

The **New Jerusalem Elementary School District (NJESD)** requests a waiver of EC Section 56362 (c), which states that caseloads for Resource Specialists shall be stated in local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board.

The **NJESD** is requesting this waiver because one Resource Specialist decided not to renew her credential, requiring another Resource Specialist to absorb the students from that class. The district is providing a 6-hour aide, and assures that all students will receive the services called for in their IEPs. The waiver request indicates the caseload for the Resource Specialist will not exceed the maximum statutory limit of 28 students by more than four students. Finally, during the summer the district states that they will hire another Resource Specialist.

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Authority for the waiver: *Education Code* Section 56101 and Title 5CCR 3100.

Bargaining unit(s) consulted on: March 19 & 20, 2003

Position of bargaining unit (choose only one):

SW-3  
08/01

Neutral

Support

Oppose

Name of bargaining unit representative: Ellen McCray

Local board approval date: 3/23/03

Effective dates of request: 04/01/03-06/06/03

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**Fiscal Analysis (as appropriate): No known fiscal impacts.**

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**Background Information:** Waiver request forms and supporting documents are available in the Waiver Office upon request..

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. WC-6**

<p><b>TITLE:</b> Request by <b>Las Virgenes Unified School District</b> 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. <b>For Nathan Harding assigned at Round Meadow Elementary School.</b></p> <p><b>CDSIS:</b> 130-3-2003</p>	<p>_____ <b>ACTION</b> _____ <b>INFORMATION</b> _____ <b>PUBLIC HEARING</b> _____ <b>X</b> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends:

**Approval**

Denial

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**Summary of Previous State Board of Education Discussion and Action:** Both EC 56362 (c) and Title 5CCR 3100 allow the State Board of Education to approve waivers of Resource Specialists to exceed the maximum caseload of 28 students by not more than four students. However, there are very specific requirements in these regulations that must be met for approval, and if these requirements are not met, the waiver must be denied.

**Summary of Key Issue(s):**

The **Las Virgenes Unified School District (LVUSD)** requests a waiver of EC 56362 (c), which states that caseloads for Resource Specialists shall be stated in local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board. No Resource Specialist shall have a caseload that exceeds 28 students.

Over the past four years, the District has experienced faster growth in its Special Education population than in its regular education population, and at the same time state entitlements have decreased as a result of the change in the AB 602 Special Education funding model. The District will be reviewing how to best address these issues. In the meantime, the District is requesting this waiver. The District will provide the Resource Specialist with 2, six-hour aides, and states that the waiver will not hinder the implementation of Individualized Education Programs (IEPs). The Resource Specialist agrees to and the union supports the approval of the waiver. The waiver request indicated the caseload for the Resource Specialist will not exceed the maximum statutory limit of 28 students by more than four students.

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Authority for the waiver: *Education Code Section 56101, 56362 (c) and Title 5 CCR 3100.*

Bargaining unit(s) consulted on: March 3, 2003

SW-3  
08/01

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Sandra Pope

Local board approval date: 3/26/03

Effective dates of request: 2/01/03-6/13/03

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**Fiscal Analysis (as appropriate):** No known fiscal impacts. Revenue report is attached.

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**Background Information:** Waiver request forms and supporting documents are available in the Waiver Office upon request.

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. WC-7**

<p><b>TITLE:</b> Original request by four school districts to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session.</p> <p><b>CDSIS:</b> <i>Various</i></p>	<p>_____ <b>ACTION</b>          _____ <b>INFORMATION</b>          _____ <b>PUBLIC HEARING</b>          _____ <b>X</b> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends:  Approval  Denial

**Summary of Previous State Board of Education Discussion and Action:**

Waivers of this type normally go to the State Board of Education Consent Calendar, as there is statutory basis for the approval recommendation.

**Summary of Key Issue(s):**

The EC Section 49550 states that each needy child that attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. The following districts have requested a waiver of EC Section 49550 for Summer 2003 and have certified their compliance with all required conditions necessary to obtain a waiver.

EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met *at least two* of the following four criteria:

- a) The summer school session is less than four hours duration and is completed by noon;
- b) Less than ten percent of needy pupils attending the summer session are at the school site for more than three hours per day;
- c) A Summer Food Service Program site is available within the school attendance area;
- d) Serving meals during the summer school session would result in a financial loss to the school district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating cost.

<b>Agreement Number:</b>	<b>District(s):</b>	<b>Effective Period:</b>	<b>Local Board Approval:</b>	<b>Waiver Number:</b>
44-69757-0000000-01	Happy Valley Elem. SD	06/16/03-07/03/03	03/10/03	76-3-2003
04-61499-0000000-01	Manzanita Elem. SD	06/16/03-07/18/03	01/15/03	74-3-2003
43-69575-0000000-01	Moreland SD	06/23/03-07/18/03	03/11/03	58-3-2003
37-68353-0000000-01	San Pasqual Union SD	06/23/03-07/18/03	03/04/03	51-3-2003

Authority for the waiver: *Education Code* (EC) Section 49548

Bargaining unit(s) consulted on: **various**

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: **not required**

Local board approval date: **see table above**

Effective dates of request: **see table above**

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**Fiscal Analysis (as appropriate):** Approval of the waiver may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

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**Background Information:**

Waiver request forms and supporting documents are available for inspection in the Waiver Office. In cases where a request is recommended for denial, documentation is attached to this Executive Summary.

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. WC-8**

<p><b>TITLE:</b> Requests by 51 school districts to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session.</p> <p><b>CDSIS:</b> <i>Various</i></p>	<p>_____ <b>ACTION</b>          _____ <b>INFORMATION</b>          _____ <b>PUBLIC HEARING</b>          _____ <b>X</b> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends:

Approval

Denied

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**Summary of Previous State Board of Education Discussion and Action:**

Waivers of this type normally go to the State Board of Education Consent Calendar, as there is statutory basis for the approval recommendation.

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**Summary of Key Issue(s):**

The California Education Code (EC) Section 49550 states that each needy child that attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. The following districts have requested a waiver of EC Section 49550 for Summer 2003. EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met at least two of the following four criteria:

- a) The summer school session is less than four hours duration and is completed by noon;
- b) Less than ten percent of needy pupils attending the summer session are at the school site for more than three hours per day;
- c) A Summer Food Service Program site is available within the school attendance area;
- d) Serving meals during the summer school session would result in a financial loss to the school district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating cost.

<b>Agreement Number:</b>	<b>District(s):</b>	<b>Effective Period:</b>	<b>Local Board Approval:</b>	<b>Waiver Number:</b>
55-72348-0000000-01	Columbia Un SD	07/14/03-08/08/03	03/11/03	47-3-2003
12-62927-0000000-01	Loleta Un SD	06/16/03-07/07/03	03/11/03	57-3-2003
23-65581-0000000-01	Mendocino USD	06/18/03-07/16/03	04/10/03	44-3-2003
56-73874-0000000-01	Oak Park USD	06/16/03-07/24/03	03/06/03	33-3-2003

27-66134-0000000-01	Pacific Grove USD	06/16/03-07/18/03	03/06/03	49-3-2003
09-61960-0000000-01	Pollock Pines SD	06/16/03-07/11/03	03/11/03	43-3-2003
55-72371-0000000-01	Sonora SD	06/23/03-07/18/03	03/12/03	42-3-2003
55-72306-0000000-01	Bellevue SD	06/09/03-07/03/03	02/27/03	28-3-2003
15-63370-0000000-01	Buttonwillow SD	06/09/03-07/03/03	03/10/03	108-3-2003
27-65987-0000000-01	Carmel USD	06/16/03-07/11/03	03/24/03	142-3-2003
37-68049-0000000-01	Dehesa SD	06/23/03-07/25/03	03/20/03	5-3-2003
43-69526-0000000-01	Los Gatos Un ESD	06/23/03-07/18/03	03/11/03	131-3-2003
41-68965-0000000-01	Menlo Park City SD	06/23/03-07/18/03	03/13/03	98-3-2003
14-63297-0000000-01	Owens Valley USD	06/16/03-07/11/03	04/17/03	137-3-2003
36-67868-0000000-01	Rim of the World USD	06/23/03-08/01/03	02/13/03	32-3-2003
42-69344-0000000-01	Vista Del Mar Un SD	07/01/03-07/29/03	03/13/03	85-3-2003
19-65169-0000000-01	Wiseburn SD	07/07/03-08/01/03	03/25/03	66-3-2003
24-65649-0000000-01	Ballico-Cressey SD	07/07/03-08/01/03	4/17/03	141-3-2003
50-71050-0000000-01	Chatom Un SD	06/10/03-07/17/03	03/11/03	117-3-2003
10-62109-0000000-01	Clay Jt. ESD	06/06/03-06/27/03	03/13/03	111-3-2003
37-68031-0000000-01	Coronado USD	06/18/03-07/30/03	02/20/03	132-3-2003
21-65313-0000000-01	Dixie SD	06/23/03-07/18/03	03/25/03	140-3-2003
09-61853-0000000-01	El Dorado Un HSD	06/09/03-07/03/03	03/25/03	113-3-2003
24-65680-0000000-01	El Nido ESD	06/16/03-07/11/03	03/11/03	122-3-2003
47-70276-0000000-01	Etna Un HSD	06/19/03-08/01/03	03/12/03	16-3-2003
12-62794-0000000-01	Fieldbrook ESD	06/23/03-07/18/03	03/10/03	95-3-2003
56-72454-0000000-01	Fillmore USD	06/19/03-07/18/03	03/25/03	94-3-2003
49-70730-0000000-01	Harmony Un SD	07/28/03-08/16/03	02/27/03	97-3-2003
15-63552-0000000-01	Lakeside Un SD	06/09/03-07/03/03	04/08/03	139-3-2003
39-68551-0000000-01	Lammersville ESD	06/18/03-07/30/03	03/26/03	112-3-2003
42-69237-0000000-01	Los Alamos SD	06/30/03-07/25/03	03/13/03	90-3-2003
42-69245-0000000-01	Los Olivos ESD	06/16/03-07/19/03	03/13/03	92-3-2003
49-70805-0000000-01	Mark West Un SD	06/23/03-07/25/03	03/03/03	93-3-2003
41-68973-0000000-01	Millbrae SD	06/24/03-07/23/03	03/10/03	50-3-2003
09-61929-0000000-01	Mother Lode Un SD	06/03/03-06/30/03	03/12/03	88-3-2003
29-66340-0000000-01	Nevada City SD	06/17/03-08/15/03	03/11/03	135-3-2003
54-72090-0000000-01	Rockford ESD	06/11/03-07/08/03	03/13/03	91-3-2003
18-64188-0000000-01	Shaffer ESD	06/09/03-06/23/03	03/18/03	145-3-2003
24-65839-0000000-01	Snelling-Merced Falls SD	06/30/03-08/08/03	03/13/03	109-3-2003
55-72405-0000000-01	Summerville ESD	06/09/03-07/03/03	03/10/03	80-3-2003
26-73668-0000000-01	Eastern Sierra USD	06/18/03-08/23/03	04/16/03	147-3-2003
24-65730-0000000-01	Le Grand Un HSD	06/03/03-08/08/03	02/19/03	10-4-2003
15-63594-0000000-01	Lost Hills Un SD	06/09/03-08/15/03	03/11/03	133-3-2003
01-65417-0000000-01	Novato USD	06/17/03-07/27/03	04/01/03	146-3-2003
56-72520-0000000-01	Ojai USD	06/25/03-08/06/03	03/04/03	41-3-2003
19-64865-0000000-01	Palos Verdes Peninsula USD	06/16/03-07/18/03	02/13/03	29-3-2003
15-63750-0000000-01	Rosedale Un SD	06/09/03-07/03/03	02/11/03	18-4-2003
21-75002-0000000-01	Ross Valley SD	06/16/03-07/11/03	03/11/03	70-3-2003
09-61952-0000000-01	Placerville Un SD	06/05/03-07/03/03	03/19/03	27-3-2003
30-73635-0000000-01	Saddleback Valley USD	06/30/03-08/29/03	04/08/03	106-3-2003
19-65052-0000000-01	Temple City USD	06/25/03-08/01/03	03/26/03	9-4-2003

Authority for the waiver: *Education Code* (EC) Section 49548

Bargaining unit(s) consulted on: **Not required**

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: **None**

Local board approval date: **See table above**

Effective dates of request: **See table above**

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**Fiscal Analysis (as appropriate):** The approval of these waivers will have no impact on local or state finances.

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**Background Information:**

Waiver request forms and supporting documents are available for inspection in the Waiver Office. In cases where a request is recommended for denial, documentation is attached to this Executive Summary.

# Last Minute Memorandum

**To:** STATE BOARD MEMBERS

**Date:** 6/10/03

**From:** Judy Pinegar

**Re:** ITEM #WC-8 SUMMER MEAL PROGRAM WAIVER

**Subject** SUMMER MEAL PROGRAM WAIVER  
ADDITIONAL APPROVAL RECOMMENDATIONS FOR SEVERAL DISTRICTS

The Department of Education recommends approval of 22 additional waiver requests by the districts listed below in addition to those submitted on Item WC-8 (white copy).

**This is being done at the last minute so that districts have assurance that their waiver has been granted by the Board before their summer school starts this year.**

All of the school sites meet at least two of the four criteria for approval.

<b>Agreement Number:</b>	<b>District(s):</b>	<b>Effective Period:</b>	<b>Local Board Approval:</b>	<b>Waiver Number:</b>
55-75184-0000000-01	Big Oak Flat-Groveland USD	06/23/03-07/18/03	04/09/03	30-4-2003
14-63248-0000000-01	Big Pine USD	06/09/03-07/22/03	03/12/03	15-3-2003
42-69138-0000000-01	Buellton Union SD	06/25/03-07/29/03	05/14/03	138-3-2003
49-73882-0000000-01	Cotati-Rohnert Park USD	06/23/03-08/01/03	04/08/03	62-3-2003
30-66530-0000000-01	Huntington Beach City SD	06/24/03-07/24/03	04/08/03	136-3-2003
15-63529-0000000-01	Kern High SD	06/09/03-07/18/03	04/07/03	87-3-2003
19-64931-0000000-01	Rosemead SD	07/01/03-07/25/03	02/06/03	67-3-2003
50-71266-0000000-01	Salida Union SD	06/23/03-08/01/03	04/15/03	23-4-2003
55-72413-0000000-01	Summerville HSD	06/16/03-07/25/03	02/25/03	104-3-2003
49-70961-0000000-01	Twin Hills Union SD	07/07/03-08/07/03	02/27/03	7-3-2003
36-67918-0000000-01	Victor Elementary SD	06/22/03-08/22/03	04/09/03	44-4-2003

<b>Agreement Number:</b>	<b>District(s):</b>	<b>Effective Period:</b>	<b>Local Board Approval:</b>	<b>Waiver Number:</b>
49-70714-0000000-01	Gravenstein Union SD	06/17/03-07/21/03	04/16/03	31-4-2003
18-64105-0000000-01	Janesville Union SD	06/09/03-07/10/03	03/10/03	84-3-2003
10-62257-0000000-01	Kingsburg Jt. Un. HSD	06/09/03-07/18/03	04/22/03	42-4-2003
14-63289-0000000-01	Lone Pine USD	06/11/03-07/27/03	04/16/03	121-3-2003
46-70177-0000000-01	Sierra-Plumas Jt. USD	06/16/03-07/29/03	03/11/03	72-3-2003
18-64196-0000000-01	Susanville SD	06/16/03-07/11/03	03/19/03	8-5-2003
48-70573-0000000-01	Vacaville USD	06/20/03-08/04/03	03/20/03	40-3-2003
19-64485-0000000-01	East Whittier City SD	07/28/03-08/29/03	05/12/03	41-5-2003
19-64212-0000000-01	ABC Unified SD	06-24-03-07-15-03	07/16/03	13-6-2003
48-70565-0000000-01	Travis USD	06-12-03-07-25-03	06/10/23	51-5-2003
19-75333-0000000-01	Manhattan Beach	06-23-03-07-18-03	06/17/03	20-6-2003

**GENERAL WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. WC-9**

<b>TITLE:</b> Request by <b>East Whittier City School District</b> to waive <i>Education Code</i> 49550, the State Meal Mandate during the Saturday School session.  <b>CDSIS:</b> 5-4-2003	<u>      </u> <b>ACTION</b> <u>      </u> <b>INFORMATION</b> <u>      </u> <b>PUBLIC HEARING</b> <u>  <b>X</b>  </u> <b>CONSENT</b>
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**RECOMMENDATION:**

The Department recommends:

Approval

Denial

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**Summary of Previous State Board of Education Discussion and Action:**

Waivers of this type normally go to the State Board of Education Consent Calendar, as there is statutory basis for the approval recommendation.

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**Summary of Key Issue(s):**

The California Education Code (EC) Section 49550 states that each needy child that attends a public school be provided a nutritionally adequate free or reduced price meal every school day. The following school district has requested to waive EC Section 49550 for their Saturday school session and has certified their compliance with all required conditions necessary to obtain a waiver which includes holding a public hearing and meeting at least two of the following criteria listed in the Saturday school waiver guidelines:

- a) The Saturday school session is less than four hours duration and is completed by noon;
- b) Less than ten percent of needy pupils attending the Saturday session are at the school site for more than three hours per day;
- c) The Saturday school site does not have proper refrigeration facilities to enable meals to be prepared on Friday and served on Saturday; and/or
- d) Serving meals during the Saturday school session would result in a financial loss to the school district in an amount equal to one-third of the food service net cash resources.

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Bargaining unit(s) consulted on: **February 25, 2003**

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative:

Public hearing identified by (choose one or more):

posting in a newspaper     posting at each school     other  
(specify) \_\_\_\_\_

Public hearing held on: **March 24, 2003**

Local board approval date: **March 24, 2003**

Advisory committee(s) consulted: **PTA President's Meeting**

Objections raised (choose one):  None     Objections are attached on  
separate sheet

Date consulted: **March 11, 2003**

Effective dates of request: **March 25, 2003 through March 31, 2004**

**Fiscal Analysis (as appropriate):** Approval of the waiver may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

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**Background Information:**

Waiver request forms and supporting documents are available for inspection in the Waiver Office. In cases where a request is recommended for denial, documentation is attached to this Executive Summary.

# GENERAL WAIVER COVER SHEET

## CALIFORNIA STATE BOARD OF EDUCATION

JUNE 2003 AGENDA

Item No. W-1

<p><b>TITLE:</b> Request by <b>Fresno Unified School District</b> to waive <i>Education Code (EC)</i> Section 37202, equity length of time requirement for kindergarten students to allow full day kindergarten program at <b>Burroughs, Greenberg and Winchell Elementary Schools</b>.</p> <p><b>CDSIS:</b> 33-04-2003</p>	<p><input checked="" type="checkbox"/> <b>ACTION</b> <input type="checkbox"/> <b>INFORMATION</b> <input type="checkbox"/> <b>PUBLIC HEARING</b> <input type="checkbox"/> <b>CONSENT</b></p>
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### RECOMMENDATION:

The Department recommends approval of this waiver for one year with the condition that the district provide an evaluation of the full day kindergarten before a renewal is considered.

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### Summary of Previous State Board of Education Discussion and Action:

The State Board of Education has approved similar waivers in the past.

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### Summary of Key Issue(s):

The **Fresno Unified School District** instituted a full-day kindergarten program at three of their elementary schools, **Burroughs, Greenburg and Winchell**, without realizing that they were violating *Education Code* Section 37202, the equity length of time requirement which states in part, “the governing board of any school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year...” Once the district realized that they were out of compliance with that section of the Education Code, they immediately took steps to correct the situation by requesting a waiver of EC Section 37202.

The district began the process of full day kindergartens by going to their local board and passing a resolution to establish an Early Primary Program according to *Education Code* Sections 8970-8974. All of the school site councils have approved of the full day program and the teacher’s union agreed with the program. Due to space constraints, the full day kindergarten can only be offered at three school sites and the district has an open enrollment policy available for interested parents. An evaluation of the program will be prepared by the district’s Research, Evaluation and Assessment Department.

Therefore, since the district is trying to correct the equity length of time issue with this waiver request, the department recommends approval of this waiver for one year with the condition that the district provide an evaluation of the full day kindergarten before a renewal is considered.

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Bargaining unit(s) consulted on: fall of fiscal year 2001-2002

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Larry Moore, President of Fresno Teachers Association

Public hearing identified by (choose one or more):

posting in a newspaper  posting at each school  other (specify)

Public hearing held on: February 26, 2003

Local board approval date: February 26, 2003

Advisory committee(s) consulted: All School Site Councils

Objections raised (choose one):  None  Objections are attached on separate sheet

Date consulted: fiscal year 2001-2002

Effective dates of request: 08/09/02 to 08/01/03

**Fiscal Analysis (as appropriate):**

No impact.

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**Background Information:**

Waiver request forms and supporting documents are attached to this summary.

JUNE 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	Equity Length of Time	Approve with Conditions	
ITEM W-2	Equity Length of Time	Approve with Conditions	
ITEM W-3	Class Size Reduction (Morgan-Hart)	Approve with Conditions	
<b>ITEM W-4</b>	<b>High Priority Schools Grant Program</b>		<b>Deny</b>
ITEM W-5	Instructional Materials Fund	Approve	
ITEM W-6	Instructional Materials Fund	Approve with Conditions	
ITEM W-7	Instructional Time Penalty	Approve with Conditions	
ITEM W-8	Instructional Time Penalty	Approve with Conditions	
ITEM W-9	Instructional Time Penalty	Approve with Conditions	
ITEM W-10	School Improvement Funds	Approve	
<b>ITEM W-11</b>	<b>Summer School State Meal Mandate</b>		<b>Deny</b>

\* 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**  
**JUNE 2003 AGENDA**  
**Item No. W-2**

<p><b>TITLE:</b> Request by <b>Conejo Valley Unified School District</b> to waive <i>Education Code (EC)</i> Section 37202, the equity length of time requirement for the kindergarten pupils at <b>Cypress, Madrona, Manzanita and Wildwood Elementary Schools.</b></p> <p><b>CDSIS:</b> 41-4-2003</p>	<p><u>  X  </u> <b>ACTION</b> <u>      </u> <b>INFORMATION</b> <u>      </u> <b>PUBLIC HEARING</b> <u>      </u> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends approval. *EC* Section 33051(c) will apply.

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**Summary of Previous State Board of Education Discussion and Action:**

The State Board of Education has approved similar waivers in the past.

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**Summary of Key Issue(s):**

Conejo Valley Unified School District is requesting a renewal of a waiver of *EC* Section 37202, which states that a district shall maintain an equal length of time in the school year for all its schools. The district had discussed the extended day kindergarten program at four of their twenty elementary schools with their governing board at a meeting during which ***EC* Sections 8970-8974** were reviewed and approved. The district also has a policy for school choice so that interested parents can choose the extended day kindergarten program for their children.

The condition of approval for the previous waiver required that the district provide an evaluation of the extended day program for the four schools, Cypress, Madrona, Manzanita and Wildwood. Attached is the evaluation from the district. The schools are performing well, although only anecdotal evidence is available, and it appears that the needs of the kindergarten pupils are being enhanced. Therefore, the department recommends approval of this renewal waiver request for the same four schools and *EC* Section 33051 (c) will apply.

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Bargaining unit(s) consulted on: 01/17/03, 02/21/03 and 04/17/03

Position of bargaining unit (choose only one):

Neutral                                       Support                                       Oppose

Name of bargaining unit representative: UACT

Public hearing identified by (choose one or more):

posting in a newspaper       posting at each school       other

(specify) \_\_\_\_\_

Public hearing held on: 02/11/03

GW-2  
08/01

Local board approval date: 02/11/03

Advisory committee(s) consulted: Affected School Site Councils

Objections raised (choose one):  None  Objections are attached on  
separate sheet

Date consulted: 03/18/03

Effective dates of request: 08/01/03 to 07/01/05

Fiscal Analysis (as appropriate): N/A

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**Background Information:**

Documentation attached to this summary.

# GENERAL WAIVER COVER SHEET

## CALIFORNIA STATE BOARD OF EDUCATION

JUNE 2003 AGENDA

Item No. W-3

<p><b>TITLE:</b> Request by <b>Tamalpais Union High School District</b> to waive portions of <i>Education Code</i> 52084(a) and 52086(a) 9<sup>th</sup> Grade Class Size Reduction (formerly Morgan-Hart), the requirement for a 20:1 student to teacher ratio so that the district may provide a 25:1 ratio across four core courses—English, Math, Science and Social Studies.</p> <p><b>CDSIS:</b> 3-4-2003</p>	<p><input checked="" type="checkbox"/> <b>ACTION</b> <input type="checkbox"/> <b>INFORMATION</b> <input type="checkbox"/> <b>PUBLIC HEARING</b> <input type="checkbox"/> <b>CONSENT</b></p>
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### RECOMMENDATION:

**X APPROVAL**, for the period July 1, 2002 - June 29, 2003, E.C. 33051(c) **will not apply**, and the affected classes in the four core subjects on average will not exceed a student-teacher ratio of 25:1; and no individual affected class will exceed a maximum enrollment of 27:1 on any day the class meets; total funding for the program will not exceed two times the 9<sup>th</sup> grade CBEDS enrollment for each participating school.

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### Summary of Previous State Board of Education Discussion and Action:

This is the third, non-consecutive year for this waiver request. The current request is a renewal of a waiver approved by the State Board on May 9, 2001 for the 2002-03 school year with similar conditions as above, **however the district also promised that they would not seek a renewal “whether the legislation is approved or rejected”** This waiver request is part of a continuing “smaller learning community” project, the district combines funds from 9<sup>th</sup> Grade Class Size Reduction program and a federal smaller learning communities grant to create a reduced class size in all Grade 9 English/Language Arts, Math, Science and Social Studies classes.

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### Summary of Key Issue(s):

The State Board allowed the waiver originally for 2001-02 **because the three participating high schools posted API scores above 800** and this was seen as a pilot project for an academically successful district. The district promised to seek legislation to allow their program design, and they have done this with the introduction two bills (see below). Although the three high schools scored above 800 the year before the first waiver, **the following year 2 of the 3 schools did not receive a valid API score** because more than 20% of the students had parental waivers to opt-out of the testing that is used to create an API score.

In addition the district did, as promised, seek a legislative fix, first with AB 2547, Nation, Statutes of 2002, which died in committee last November 2002. It was reintroduced this year as AB 163, Nation, has been again “placed on Appropriations suspense file.” So the district now needs a third waiver to continue the program, in spite of the promises made. The district is able to provide data through an evaluation study of the program, and results indicate that **9<sup>th</sup> grade students’ GPAs**

**have risen, and school climate measures have improved (attendance rates and the number of suspensions dramatically reduced.) The district feels they have confirmed that smaller learning communities foster teacher collaboration and students' sense of community and support.** Two of the schools have 2002 API's 832 and 806, however the third school still has no API due to excessive parent opt-out waivers.

The Department is very interested in the data that is being collected as a part of this project as longitudinal evaluation studies are not currently available for high school class size reduction. Therefore, considering all of the above, the Department is recommending approval with the same types of waiver condition, for a third non-consecutive year so that EC 33051(c) will NOT apply.

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Bargaining unit(s) consulted on: 1-09-01 and 3-14-03

Position of bargaining unit (choose only one):

Neutral                                       **Support**                                       Oppose

Name of bargaining unit representative: Paul Grifo, President, Tamalpais Teachers  
Patrick Gaynor, President 2003

Public hearing identified by (choose one or more):

posting in a newspaper     **posting at each school**     **other (specify)**  
**Published on district website**

Public hearing held on: 2-26-02 (non controversial renewal)

Local board approval date: 3-25-03

Advisory committee(s) consulted: **Redwood High 3/19/03, Tamalpais High 3/18/03,**  
**and Drake High School 3/25/03**

Objections raised (choose one):  **None**     Objections are attached on separate sheet

Effective dates of request: July 1, 2003 - June 29, 2004

**Fiscal Analysis (as appropriate):** District would only be eligible for two times the 9<sup>th</sup> grade CBEDS enrollment for each participating school.. the same maximum allowed for any district under the regular program.

**Background Information:**

Documentation is attached to this summary.

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. W-4**

<p><b>TITLE:</b> Request by <b>San Francisco Unified School District</b> for a waiver delaying the timelines for the High Priority Schools Grant Program (HPSGP) specified in <i>Education Code (EC) 52052.610(c)(4)(1)</i> for the following schools: John O'Connell High School and Starr King Elementary.</p> <p><b>CDSIS:</b> CDSIS-45-4-203</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:

**DENIAL**

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**Summary of Previous State Board of Education Discussion and Action:**

The State Board has previously granted retroactive waivers of statutory timelines for both the Immediate Intervention/Under Performing program (II/USP) and High Priority Schools Grant Program (HPSGP) programs.

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**Summary of Key Issue(s):**

The San Francisco Unified School District (SFUSD) seeks a retroactive waiver of the deadline for the High Priority Schools Grant Program (HPSGP) on behalf of John O'Connell High School and Starr King Elementary. **They are specifically seeking waiver of Section 52055.610(c)(4)(1), which sets a deadline of May 15, 2002 for submission of applications and school action plans under this program.** SFUSD was one of 112 schools invited to participate in HPSGP in September 2002. When an additional \$20M became available to fund new HPSGP schools, eligible schools were asked to submit an application to the CDE on or before February 10, 2003. SFUSD alleges that miscommunication about this funding from California Department of Education (CDE) caused both of these schools to decide not to submit applications.

Staff recommends denial of this waiver request based on the fact that SFUSD missed the February 10, 2003 administrative deadline for submission of an approvable application and that there was no miscommunication. This administrative deadline, while not in statute, was established in September 2002 when HPSGP staff became aware of the augmentation to its budget. This augmentation allowed additional schools to be added to HPSGP. Staff was ever mindful that schools needed to receive and spend their awards before June 30, 2003. It was therefore determined that for invited schools to have sufficient time to implement their



**Instructional Materials Fund (IMF) Petition Request**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. W-5**

<p><b>TITLE:</b> Petition request under <i>Education Code</i> Section 60200(g) by <b>Tulare County Office of Education</b> to purchase nonadopted Instructional Resources for “special education students” using Instructional Materials Fund (IMF) monies. (List attached).</p> <p><b>CDSIS:</b> 36-4-2003</p>	<p><u>  <b>X</b>  </u> <b>ACTION</b></p> <p><u>      </u> <b>INFORMATION</b></p> <p><u>      </u> <b>PUBLIC HEARING</b></p> <p><u>      </u> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends:

Approval from date of SBE action through June 30, 2005.

Denial

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**Summary of Previous State Board of Education Discussion and Action:**

Petitions for the purchase of nonadopted instructional materials are reviewed by CDE Staff in accordance with the State Board Policy for IMF Petitions. The SBE has approved four similar petition requests for the use of IMF to purchase non-adopted materials for special education classrooms.

**Summary of Key Issue(s):**

The **Tulare County Office of Education** requests approval of its petition pursuant to Education Code Section 60200 (g) which states that 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 Tulare COE is petitioning to purchase materials from the attached list for use in the county special education programs serving 878 students in 47 school districts throughout Tulare County. These students have Individualized Education Programs (IEPs) with specific goals and objectives that meet their individual academic needs. Due to the severity of their disabilities, they do not benefit from the standards-aligned state-adopted textbooks. The adaptive instructional materials and software requested under this petition are required for these students to reach their goals in their IEPs.

The District states that teachers and parents have requested access to educational technology and alternative materials that are modified for students with cognitive defects. Staff development shall be provided to teachers and staff to train them in using the adapted hardware, software, and modified curriculum. The attached narrative gives a description of the student population, the need for and use of the materials.

A review for legal and social compliance is required for expenditures using IMF. All of the materials that are requested on the District's list are exempt from legal and social compliance review.

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Bargaining unit(s) consulted on: N/A

Position of bargaining unit (choose only one):

Neutral                                       Support                                       Oppose

Name of bargaining unit representative:

Public hearing identified by (choose one or more):

posting in a newspaper       posting at each school       other

(specify) \_\_\_\_\_

Public hearing held on: N/A

Local board approval date: April 4, 2003

Advisory committee(s) consulted:

Objections raised (choose one):  None       Objections are attached on  
separate sheet

Date consulted: \_\_\_\_\_

Effective dates of request: 6/1/03-6/30/05

**Fiscal Analysis (as appropriate):**

<b>Total holdover IMF funds currently retained by District:</b>	<b>\$41,484.</b>
<b>2001-02 IMF allotment (final year of program):</b>	<b>\$19,605.</b>
<b>Percentage of IMF requested under petition:</b>	<b>&gt;100%</b>
<b>Total estimated cost of requested materials:</b>	<b>\$41,484.</b>

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**Background Information:**

**Background Information is attached to this Agenda Item.**

**Instructional Materials Funding Realignment Program (IMFRP)  
Petition Request  
CALIFORNIA STATE BOARD OF EDUCATION  
JUNE 2003 AGENDA  
Item No. W-6**

<p><b>TITLE:</b> Petition request under <i>Education Code</i> (EC) Section 60421(d) and 60200(g) by <b>Belmont Redwood Shores School District</b> to purchase Instructional Resources (<i>Everyday Mathematics, 2001 (K-5) and 2002 (4-5)</i>) using Instructional Materials Funding Realignment Program (IMFRP) monies.</p> <p><b>CDSIS:</b> 29-4-2003</p>	<p><u>  X  </u> ACTION  <u>      </u> INFORMATION  <u>      </u> PUBLIC HEARING</p>
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**RECOMMENDATION:**

The Department recommendation: Approval: May 1, 2003 to June 30, 2005, with the condition that the district supplement *Everyday Mathematics*, Grades 4-5, as necessary for coverage of all mathematics content standards.

Approval is contingent on IMFRP funds being appropriated and allocated in subsequent fiscal years.

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**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)**. This is the first petition and/or waiver request for *Everyday Mathematics* by this district. Susan Stickel, former chair of the Curriculum Commission, has reviewed several editions of the program at the request of the State Board.

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**Summary of Key Issue(s).**

The Belmont-Redwood Shores 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 Belmont-Redwood Shores School District is petitioning to purchase: *Everyday Mathematics*, 2001 edition (K-5) and 2002 edition (4-5).

The five elementary schools within the Belmont-Redwood Shores School District all have API rankings of 6 or higher, with three scoring in the top two deciles in the 2002 API reporting. STAR and Standards Test scores in Mathematics for the district are significantly higher than the state average, with 79-89% of 2<sup>nd</sup>-5<sup>th</sup> graders in the district scoring at Basic, Proficient, or Advanced on the 2002 Mathematics Standards Test, as opposed to 59-67% over the same grade span statewide.

Detailed assessment data is attached to this petition. The District requests that its petition be granted to use *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 funds, the State Board of Education asked former Commissioner Stickel to review the new 2002 edition of the *Everyday Mathematics* program for grades 4-6. Ms. 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.

Belmont-Redwood Shores School District has acknowledged the contents of Ms. Stickel's report, and has expressed an intent to develop a plan to meet any and all identified deficiencies in the program. In prior petition requests for the *Everyday Mathematics* program by other districts, the publisher has indicated that a fourth grade supplement will be provided by Fall 2003, and the district has stated their intent to provide this and other supplemental materials to its teachers to ensure that all standards are fully met.

#### **Department Recommendation**

The Department recommendation is for approval of the petition request from 5/1/03 through 6/30/05, for **Belmont-Redwood Shores School District** with the condition that the district supplement *Everyday Mathematics*, Grades 4-5, as necessary for coverage of all mathematics content standards.

Approval is contingent on IMFRP funds being appropriated and allocated in subsequent fiscal years.

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Authority for the petition: *Education Code* (EC) Section 60421 (d) and 60200(g)

Local Board approval: April 3, 2003

Public hearing held on: October 17, 2002

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#### **Fiscal Analysis (as appropriate)**

<b>LEA's estimated K-8 IMFRP in the 2002-2003 year:</b>	\$ 119,280.00 <sup>1</sup>
<b>Estimated cost of requested materials:</b>	\$ 107,000.00
<b>Percentage of K-8 IMFRP:</b>	89.7%
<b>LEA's estimated K-8 IMFRP in future years:</b>	\$ 106,351.00
<b>Cost of consumables in future years:</b>	\$ 26,000.00
<b>Percentage of future IMFRP:</b>	24.4%

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**Background Information is attached to this Agenda Item.**

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<sup>1</sup> Estimate provided by the district. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. W-7**

<p><b>TITLE:</b> Request by <b>Victor Valley Union High School District</b> for fiscal year 2001-2002 to waive <i>Education Code (EC)</i> Section 46202, the penalty for offering less time than what the district offered in 1982-1983, at the seventh through eighth grades at Hook Junior High School, Cobalt Middle School, and Victor Valley Junior High School.</p> <p><b>CDSIS:</b> 10-02-2003</p>	<p><u>  X  </u> <b>ACTION</b> <u>      </u> <b>INFORMATION</b> <u>      </u> <b>PUBLIC HEARING</b> <u>      </u> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends approval on the condition that the district increase instructional time at **Hook Junior High School, Cobalt Middle School and Victor Valley Junior High School** to 62,736 minutes per year (62,480 minutes plus the 256 minutes short in fiscal year 2001-2002) for a period of two years beginning in 2003-2004 and continuing through 2004-2005, and report the increase in its yearly audits.

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**Summary of Previous State Board of Education Discussion and Action:**

On January 1, 2002, with SB 178, the existing *EC* authority, Section 46206 was repealed, and a new Section 46206 added to the *EC*. In the fall of 2002, AB 1227 was passed by the Legislature and signed into law by the Governor. It authorizes waivers to be granted for fiscal penalties created by shortfalls of instructional time **in the 2000-01 fiscal year** or thereafter only if the makeup minutes or days, or both, are commenced not later than the school year following the year in which the waiver is granted and removes the 900 minute restriction for waivers of this type. All waivers must go to action on the SBE's agenda.

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**Summary of Key Issue(s):**

**Victor Valley Union High School District** requests a waiver of *EC* Section 46202, the penalty for offering less instructional time than offered in 1982-1983, which was sixty two thousand four hundred and eighty minutes of instructional time that must be offered in grades fourth through eighth. In fiscal year 2001-02, Hook Junior High School and Victor Valley Junior High School failed to meet their requirement of 62,480 minutes by 256 minutes. **These findings equal a fiscal penalty for fiscal year 2001-2002 of \$44, 515.**

The department is recommending approval on the following condition: beginning in fiscal year 2003-04, and continuing through fiscal year 2004-05, the school will make up the shortage by offering 62,736 total instructional minutes (62,480 minutes plus 256 minutes short from fiscal year 2001-2002) at **Hook Junior High School, Cobalt Middle School, and Victor Valley Junior High School** and report the increase in its yearly audits.

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Authority for the waiver: 46206

Bargaining unit(s) consulted on: Not required

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Joan Harvell, CSEA; Donna Davis, VTTA

Local board approval date: 01/16/03

Effective dates of request: 09/04/01 to 06/17/02

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**Fiscal Analysis (as appropriate):**

- In fiscal year 2001-2002, the repayment amount for offering less than the 1982-83 minutes per *Education Code* Section 46202, as required by law is: 2,028 (Affected ADA) times \$5,357.25 (Base Revenue Limit) times 1 (Deficit Factor) equals \$10,864,503 (Apportionment); 256 (Minutes short) divided by 62,480 (number of required minutes) equals 0.004097311 (Percentage); \$10,864,503 (Apportionment) divided by 0.41% (Percentage) equals **\$44,515.25** (Penalty)

**Background Information:**

Waiver request forms and supporting documents are attached.

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. W-8**

<p><b>TITLE:</b> Request by <b>Albany Unified School District</b> to waive <i>Education Code</i> (EC) Section 46202(b), for falling below the 1982/83 offered number of minutes at <b>Albany Middle School</b> during the 2001-2002 fiscal year.</p> <p><b>CDSIS:</b> 81-03-2003</p>	<p><u>  X  </u> <b>ACTION</b> <u>      </u> <b>INFORMATION</b> <u>      </u> <b>PUBLIC HEARING</b> <u>      </u> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends approval on the condition that the district maintains increased instructional time at Albany Middle School to 56,178 minutes (55,664 minutes plus the 514 minutes short in fiscal year 2001-2002) for a period of two years, beginning in fiscal year 2002-2003 and continuing through 2003-2004 and reports the increase in its annual audits.

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**Summary of Previous State Board of Education Discussion and Action:**

On January 1, 2002, with SB 178, the existing *EC* authority, Section 46206 was repealed, and a new Section 46206 added to the *EC*. In the fall of 2002, AB 1227 was passed by the Legislature and signed into law by the Governor. It authorizes waivers to be granted for fiscal penalties created by shortfalls of instructional time **in the 2000-01 fiscal year** or thereafter only if the makeup minutes or days, or both, are commenced not later than the school year following the year in which the waiver is granted and removes the 900 minute restriction for waivers of this type. All waivers must go to action on the SBE's agenda.

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**Summary of Key Issue(s):**

**Albany Unified School District** requests a waiver of *Education Code* Section 46202(b), for falling below the 1982/83 offered number of minutes at Albany Middle School. In an effort to save money, the district erroneously reduced the school day from seven periods to six periods. Unfortunately, the district did not take into account the 1982/83 minimum instructional minutes of 55,664, which was higher than the requirement of 54,000 for all middle schools.

Therefore, the Department recommends approval on the condition that the district maintains increased instructional time at Albany Middle School to 56,178 minutes (55,664 minutes plus the 514 minutes short in fiscal year 2001-2002) for a period of two years, beginning in fiscal year 2002-2003 and continuing through 2003-2004 and reports the increase in its annual audits.

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Authority for the waiver: 46206

Bargaining unit(s) consulted on: 02/27/03

Position of bargaining unit (choose only one):

Neutral  Support  Oppose

Name of bargaining unit representative: N. Schiller, K. Gray, A. Douglas

Local board approval date: 03/11/03

Effective dates of request: 09/05/01 to 06/14/02

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**Fiscal Analysis (as appropriate):**

- The repayment amount for offering less than the 1982-83 minutes for grade 7 at Albany Middle School per *Education Code* Section 46202 as required by law is: 255 (Affected ADA) times \$4,624.25 (Base Revenue Limit) times 1 (Deficit Factor) equals \$1,188,144.45 (Apportionment). 514 (number of minutes short) divided by 55,664 (Required number of minutes) equals 0.00923975. \$1,188,144.45 (Apportionment) times 0.92% (Percentage) equals \$10,971.30.
- The total fiscal penalty is **\$10,971.30**.

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**Background Information:**

Waiver request forms and supporting documents are attached.

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. W-9**

<p><b>TITLE:</b> Request by <b>Kerman Unified School District</b> to waive <i>Education Code</i> (EC) Section 46201(d), the longer day instructional time penalty for falling below the 1986/87 minutes and to waive <i>Education Code</i> Section 46202(b), for falling below the 1982/83 offered number of minutes in fiscal year 2001-2002.</p> <p><b>CDSIS:</b> 11-03-2003</p>	<p><input checked="" type="checkbox"/> <b>ACTION</b> <input type="checkbox"/> <b>INFORMATION</b> <input type="checkbox"/> <b>PUBLIC HEARING</b> <input type="checkbox"/> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends approval on the condition that the district maintains increased instructional time for a period of two years, beginning in fiscal year 2003-2004 and continuing through 2004-2005, and reports the increase in its annual audits. **Sun Empire Elementary** must maintain increased instructional minutes of 51,960 for grades 1-3 (50,400 plus 1,560) and increased instructional minutes of 55,400 (54,000 plus 1,400) for grades 4-6. **Kerman High School** must maintain increased instructional minutes of 66,200 (64,800 plus 1,400) for grades 9-12.

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**Summary of Previous State Board of Education Discussion and Action:**

On January 1, 2002, with SB 178, the existing *EC* authority, Section 46206 was repealed, and a new Section 46206 added to the *EC*. In the fall of 2002, AB 1227 was passed by the Legislature and signed into law by the Governor. It authorizes waivers to be granted for fiscal penalties created by shortfalls of instructional time **in the 2000-01 fiscal year** or thereafter only if the makeup minutes or days, or both, are commenced not later than the school year following the year in which the waiver is granted and removes the 900 minute restriction for waivers of this type. All waivers must go to action on the SBE's agenda.

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**Summary of Key Issue(s):**

**Kerman Unified School District** requests a waiver of *Education Code* Section 46201(d), the longer day instructional time penalty, which states that fifty thousand four hundred instructional minutes must be offered in grades 1-3, (Sun Empire Elementary) fifty four thousand instructional minutes must be offered in grades 4-8 (Sun Empire Elementary) and sixty four thousand eight hundred instructional minutes must be offered in grades 9-12 (Kerman High School).

In fiscal year 2001-2002, **Sun Empire Elementary School** failed to meet the grades 1-3 requirement of 50,400 instructional minutes by 1,560 minutes, the grades 4-6 requirement of 54,000 instructional minutes by 1,400. **Sun Empire Elementary School** also was cited for

a violation of *EC* Section 46202(b), for falling below the 1982/83 offered number of minutes by being short 1,400 minutes of the required 55,100 minimum instructional minutes for grades 4-6. **Sun Empire Elementary School** incorrectly counted passing time and lunch breaks for their annual instructional minutes. This resulted in a fiscal penalty of \$228,162.79.

In fiscal year 2001-2002, **Kerman High** failed to meet the requirements of the longer day incentive program requirement of 64,800 instructional minutes in grades 9-12 by 1,400 minutes. This happened because **Kerman High** incorrectly counted passing times and lunch breaks in addition to incorrectly counting a tutorial time at the end of the school day. This resulted in a fiscal penalty of \$85, 180.40.

Combined these errors at both school sites result in a **total fiscal penalty of \$313,343.19.**

Starting in 2003-2004, Kerman Unified School District will begin making up the instructional time at both **Sun Empire Elementary School** and **Kerman High School**. Therefore, the department recommends approval on the condition that the district maintains increased instructional time for a period of two years, beginning in fiscal year 2003-2004 and continuing through 2004-2005, and reports the increase in its annual audits. **Sun Empire Elementary** must maintain increased instructional minutes of 51,960 for grades 1-3 (50,400 plus 1,560) and increased instructional minutes of 55,400 (54,000 plus 1,400) for grades 4-6. **Kerman High School** must maintain increased instructional minutes of 66,200 (64,800 plus 1,400) for grades 9-12.

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Authority for the waiver: 46206

Bargaining unit(s) consulted on: 01/16/03

Position of bargaining unit (choose only one):

Neutral                       Support                       Oppose

Name of bargaining unit representative: Scott Bishop and Jerry McCracken

Local board approval date: 02/13/03

Effective dates of request: 07/01/01 to 06/30/02

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**Fiscal Analysis (as appropriate):**

- The repayment amount for offering less than the 1986-87 minutes for grades 1-3 at Sun Valley Elementary per *Education Code* Section 46201(d), as required by law is: 821.34 (Affected ADA) times \$4,624.25 (Base Revenue Limit) times 3.10% (Deficit Factor) equals \$117,559.66 (Apportionment).
- The repayment amount for offering less than the 1986-87 minutes for grades 4-6 at Sun Valley Elementary per *Education Code* Section 46201(d), as required by law is: 772.45 (Affected ADA) times \$4,624.25 (Base Revenue Limit) times .56% (Deficit Factor) equals \$19,844.46 (Apportionment).
- The repayment amount for offering less than the 1986-87 minutes for grades 9-12 at Kerman High per *Education Code* Section 46201(d), as required by law is: 852.60

(Affected ADA) times \$4,624.25 (Base Revenue Limit) times 2.16% (Deficit Factor) equals \$85,180.40 (Apportionment).

- The repayment amount for offering less than the 1982-83 minutes for grades 4-6 at Sun Valley Elementary per *Education Code* Section 46202 as required by law is: 772.45 (Affected ADA) times \$4,624.25 (Base Revenue Limit) times 1 (Deficit Factor) equals \$3,572,001.91 (Apportionment). 1,400 (number of minutes short) divided by 55,100 (Required number of minutes) equals 0.025408348. \$3,572,001.91 (Apportionment) times 2.54% (Percentage) equals \$90,758.67.
- The total fiscal penalty is **\$313,343.19**.

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**Background Information:**

Waiver request forms and supporting documents are attached.

**Specific Waiver Cover Sheet**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. W-10**

<b>TITLE:</b> Renewal request by <b>Palo Alto Unified School District</b> to waive <i>Education Code</i> (EC) Sections 62002 (sunset provision) and 52046(b)(3) in order to share and coordinate the use of School Improvement funds between Palo Alto High School and Henry Gunn High School.  <b>CDSIS:</b> 16-4-2003	<input checked="" type="checkbox"/> <b>ACTION</b> <input type="checkbox"/> <b>INFORMATION</b> <input type="checkbox"/> <b>PUBLIC HEARING</b> <input type="checkbox"/> <b>CONSENT</b>
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**RECOMMENDATION:**

The Department recommends:     Approval     Denial

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**Summary of Previous State Board of Education Discussion and Action:**

The Board has approved similar requests from a number of school districts to allocate School Improvement Program funds received by one high school with one or more other high schools in the district.

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**Summary of Key Issue(s):**

Palo Alto Unified School District requests a waiver to coordinate the use of School Improvement Program (SIP) funds between two high schools. This waiver will allow the district to use part of the funds allocated to Palo Alto High School to provide the Henry Gunn High School with financial resources necessary to sustain positive changes that support student achievement at that school.

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Waiver Authority (identify only one *Education Code* (EC) Section that provides the authority to waive the *Education Code* provisions identified above): 33050

Bargaining unit(s) consulted on: 3-6-03

Position of bargaining unit (choose only one):

Neutral        x Support        Oppose

Name of bargaining unit representative(s): Roland Davis, President

Local board approval date: 3-18-03

Effective dates of request: 7-1-02 to 6-30-03

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**Fiscal Analysis (as appropriate):**

This action will not affect state or local finances.

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**Background Information Attached to this Agenda Item:** Waiver request forms and supporting documents are attached to this summary.

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE, 2003 AGENDA**  
**Item No. W-11**

<p><b>TITLE:</b> Request by 7 school districts to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session under the specific waiver authority of <i>Education Code</i> Section 49548.</p> <p><b>CDSIS:</b> various</p>	<p><u>  X  </u> <b>ACTION</b></p> <p><u>      </u> <b>INFORMATION</b></p> <p><u>      </u> <b>PUBLIC HEARING</b></p> <p><u>      </u> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends:  **Denial**

**Summary of Previous State Board of Education Discussion and Action:**

Waivers of this type normally go to the State Board of Education Action Calendar, as there is statutory basis for the denial recommendation.

**Summary of Key Issue(s):**

The California Education Code (EC) Section 49550 states that each needy child that attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has school sites that meet at least two of the following four criteria. Review of the waiver documents submitted indicates that none of the sites meet the required criteria as follow:

- 1) The summer school session is less than four hours duration and is completed by noon;
- 2) Less than ten percent of needy pupils attending the summer session are at the school site for more than three hours per day;
- 2) A Summer Food Service Program site is available within the school attendance area;
- 4) Serving meals during the summer school session would result in a financial loss to the school district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating cost.

<b>Agreement Number:</b>	<b>District(s):</b>	<b>Effective Period:</b>	<b>Local Board Approval:</b>	<b>Waiver Number:</b>
43-69377-0000000-01	Berryless Union S. D.	07/07/03-08/01/03	03/11/03	115-3-2003
30-66498-0000000-01	Fountain Valley S. D.	06/23/03-07/18/03	04/10/03	100-3-2003
50-71118-0000000-01	Hughson Unified S. D.	06/02/03-07/11/03	04/01/03	48-3-2003
13-63172-0000000-01	Magnolia Union Elem. S.D.	06/10/03-07/18/03	02/12/03	11-4-2003

30-66621-0000000-01	Orange Unified S.D.	06/23/03-08/01/03	03/13/03	101-3-2003
11-62653-0000000-01	Stony Creek Joint USD	06/16/03-08/15/03	03/12/03	103-3-2003
09-61895-0000000-01	Indian Diggings S.D.	06/09/03-07/02/03	04/13/03	96-3-2002

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**The California Department of Education (CDE) recommends denial of all school sites for the districts listed above. None of the school sites meet two of the four criteria required for approval.**

**Rationale for Disapproval of EACH site:**

The districts listed in the above table submitted incomplete waiver requests and/or requests that did not meet the criteria for approval. Numerous attempts were made to obtain supporting documentation, completed waiver requests, and/or information from these districts. All were given deadlines of May 7, 2003, to complete their waiver requests or provide required documentation. They were also given the opportunity to withdraw their waiver requests. As of May 14, 2003, these school districts have not submitted any additional information.

**Berryless Union School District:**

This district applied for a waiver at the following school sites:

1. Northwood School
2. Noble School
3. Piedmont Middle School
4. Lane view School

**All four sites do not meet any of the criteria required for approval.**

**Fountain Valley School District:**

This district applied for a waiver at the following school sites:

1. William T. Newland
2. Fred Moiola
3. Samuel Talbert School

**The first two sites meet criteria #1 only, which addresses the duration of the school session. They did not meet another criteria. The third site does not meet any of the criteria required for approval.**

**Hughson Unified School District:**

This district applied for a waiver at the following school sites:

1. Emile J. Ross Middle School
2. Hughson High School

**The district indicates it meets the district wide criteria #4, which address financial loss to the district; however the district did not provide adequate documentation to support this claim. Both sites did not meet any other criteria.**

**Magnolia Union Elementary School District:**

This district applied for a waiver at the following site:

1. Magnolia Union Elementary

**The site met criteria #1, which addresses the duration of the school session. The district also indicated it meets the district wide criteria #4, which addresses financial loss to the district; however the district did not provide any documentation to support this claim.**

**Orange Unified School District:**

This district applied for a waiver at the following sites:

1. Canyon High School
2. Cerro Villa Middle School
3. Portola Middle School
4. Santiago Charter School
5. Yorba Academy of the Arts Middle School
6. El Modena High School
7. Orange High School
8. Villa Park High School
9. West Orange Elementary School
10. Esplanade Elementary School
11. Jordan Elementary School
12. Linda Vista Elementary School
13. McPherson Magnet School
14. Olive Elementary School
15. Palmyra Elementary School
16. Prospect Elementary School

**Although all sites meet criteria #1, which address the duration of the school session, none of the sites met a second criterion.**

**Stony Creek Joint Unified School District:**

This district applied for a waiver at the following sites:

1. Elk Creek Elementary
2. Indian Valley Elementary

**Neither site met any criteria.**

**Indian Diggings School District**

1. Indian Diggings School District

**The site meets criteria #1 only, which addresses the duration of the school session. The district did not meet another criteria.**

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**Fiscal Analysis (as appropriate):** Denial of the waiver may increase the draw on Proposition 98 funds. Local finances may be affected.

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**Background Information for all waivers will be included in the “blue,” last Minute Memorandum for this Item. The department is still processing waivers which came from the districts VERY LATE.**

**However since this is a waiver related to summer school, and most programs begin in June, we will process as many as possible for the June 11-12, 2003 State Board of Education meeting. It is particularly critical that waivers DENIED are noticed early, so that schools can make plans to PROVIDE THE REQUIRED MEALS**

# Last Minute Memorandum

**To:** STATE BOARD MEMBERS

**Date:** 6/10/03

**From:** Judy Pinegar

**Re:** ITEM # W-11 SUMMER SCHOOL MEAL PROGRAM WAIVERS

**Subject** SUMMER SCHOOL MEAL PROGRAM WAIVERS –  
ADDITIONAL DENIAL RECOMMENDATIONS FOR SEVERAL DISTRICTS

The California Department of Education (CDE) recommends denial of 4 additional waiver requests by the districts listed below in addition to those submitted on Item W-11 (white copy).

**This is being done at the last minute to be sure that districts receive notice of the denial, before their summer school starts this year, so that arrangements can be made for meal service.**

None of the school sites meet two of the four criteria required for approval.

<b>Agreement Number:</b>	<b>District(s):</b>	<b>Effective Period:</b>	<b>Local Board Approval:</b>	<b>Waiver Number:</b>
30-73924-0000000-01	Los Alamitos USD	06/30/03-08/01/03	03/10/03	75-3-2003
09-61887-0000000-01	Gold Trail Union HSD	06/11/03-07/09/03	03/17/03	105-3-2003
45-69872-0000000-01	Bella Vista Elem. S.D.	06/16/03-07/18/03	06/12/03	21-5-2003
12-63016-0000000-01	Rohnerville S.D.	06/18/03-07/20/03	05/14/03	11-5-2003

## **Rationale for Disapproval of EACH site:**

The districts listed in the above table submitted incomplete waiver requests and/or requests that did not meet the criteria for approval. Numerous attempts were made to obtain supporting documentation, completed waiver requests, and/or information from these districts. All were given deadlines to complete their waiver requests or provide required documentation. They were also given the opportunity to withdraw their waiver requests. As of June 10, 2003, these school districts have not submitted any additional information.

## **Los Alamitos Unified School District :**

This district applied for a waiver at the following sites:

1. McGaugh Elementary
2. Rossmoor Elementary

**Los Alamitos Unified School District (continued):**

3. Hopkinson Elementary
4. McAuliffe Middle School

**None of the sites meet two of the four criteria required for approval. The first three sites meet the first site specific criteria which states: *The summer school session is less than four hours in duration and completed by noon*, the fourth site did not meet this criteria because their program is more than four hours in duration.**

**Gold Trail Union High School District:**

This district applied for a waiver at the following site:

1. Sutter's Mill School

**The Sutter's Mill School site does not meet any of the criteria required for approval.**

**Bella Vista Elementary School District**

1. Bella Vista Elementary School

**The school site meets criteria #1, which addresses duration of the school session. None of the other three criteria required for approval are met.**

**Rohnerville School District**

1. Toddy Thomas Elementary

**The school site does not meet any of the four criteria required for approval.**



**JUNE 2003 AGENDA**

<b>SUBJECT</b>	<b>X</b>	<b>ACTION</b>
Environmental Effect of Proposed Formation of Turlock Joint Unified School District from Turlock Joint Elementary School District and		<b>INFORMATION</b>
Turlock Joint Union High School District in Stanislaus County	<b>X</b>	<b>PUBLIC HEARING</b>

**Recommendation:**

Adopt a Negative Declaration (Attachment 1), which indicates no environmental effect.

**Summary of Previous State Board of Education Discussion and Action**

The State Board of Education has not heard this issue previously.

**Summary of Key Issue(s)**

Six years ago, the California Resources Agency adopted guidelines that exempted school district organizations from the California Environmental Quality Act (CEQA) process. Those guidelines were invalidated in a recent appellate court ruling (Communities for a Better Environment v. California Resources Agency, Court of Appeal, Third Appellate District, Case No. C038844).

The State Board of Education is the lead agency for all aspects of school district unifications, including the reinstated CEQA review process. Pursuant to past practice, California Department of Education (CDE) staff conducted an initial study (Attachment 2) and determined that there would be no significant adverse effect on the environment as a result of forming the Turlock Joint Unified School District. A copy of the Negative Declaration and initial study has been filed with the State Clearinghouse for state agency review (Attachment 3). Also, a legal notice of the June 12, 2003, public hearing has been published in a local newspaper of general circulation. Any comments received by CDE will be forwarded to the Board or presented verbally at the public hearing.

**Fiscal Analysis (as appropriate)**

There is no fiscal effect to adopting the proposed Negative Declaration.

**Attachments**

[Attachment 1: Negative Declaration \(Pages 1-1\)](#)

[Attachment 2: Environmental Checklist Form \(Pages 1-6\)](#)

Attachment 3: State Clearinghouse Acknowledgement of Receipt (Pages 1-1) (not available on web)

## NEGATIVE DECLARATION

1. Name, if any, and a brief description of project: **Formation of Turlock Joint Unified School District**, which is a unification of the Turlock Joint Union High School District with the Turlock Joint Elementary School District. Chatom Union School District and Keyes Union School District, currently component districts of Turlock Joint Union High School District will remain as elementary school districts within the new unified school district.
2. Location: **Stansilaus County**
3. Entity or person undertaking project: **California State Board of Education**

The California State Board of Education, having reviewed the Initial Study of this proposed project, and having reviewed the written comments received prior to the public meeting of the State Board of Education, including the recommendation of the California Department of Education's staff, does hereby find and declare that the proposed project will not have a significant effect on the environment. A brief statement of the reasons supporting the State Board of Education findings is as follows: **The unification itself will not involve or cause physical changes to the existing environment. Merely changing the political boundaries and the name of a school district (or portion of a school district) will not have an environmental impact.**

The California State Board of Education hereby finds that the Negative Declaration reflects its independent judgment.

A copy of the Initial Study may be obtained at the California Department of Education, 1430 N Street, Suite 3800, Sacramento, CA 95814. Telephone: (916) 322-1468.

The location and custodian of the documents and any other material which constitute the record of proceedings upon which the California State Board of Education based its decision to adopt this Negative Declaration are as follows:

California Department of Education  
1430 N Street, Suite 3800  
Sacramento, CA 95814  
Telephone: (916) 322-1468

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Larry Shirey  
California Department of Education

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Date filed with State Clearinghouse

## ENVIRONMENTAL CHECKLIST FORM

1. Project title: Formation of Turlock Joint Unified School District

2. Lead agency name and address:

California State Board of Education

1430 N Street, Suite 5111, Sacramento, CA 95814

3. Contact person and phone number: Larry Shirey, 916 322-1468

4. Project location: City of Turlock, Stanislaus County

5. Project sponsor's name and address:

Governing Board, Turlock Joint Union High School District, 1574 Canal Drive, Turlock, CA 95381-1105

Governing Board, Turlock Joint Elementary School District, 1574 Canal Drive, Turlock, CA 95381-1105

6. General plan designation: N/A

7. Zoning: N/A

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Change of local governmental structure from elementary/high school districts to unified school district

9. Surrounding land uses and setting: (Briefly describe the project's surroundings)

City of Turlock, four current school districts – Turlock Joint Union High, Turlock Joint Elementary,

Chatom Union, Keves Union

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreements.)

N/A

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially significant Impact" as indicated by the checklists on the following pages.

Land Use and Planning

Transportation/Circulation

Public services

Population and Housing

Biological Resources

Utilities and Service Systems

Geological Problems

Energy and Mineral Resources

Aesthetics

Water

Hazards

Cultural Resources

Air Quality

Noise

Recreation

Mandatory Findings of Significance

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Signature

Date: 04/07/03

Printed name: Larry Shirey

For: California State Board of Education

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 1 5063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. See the sample question below. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 7) This is only a suggested form, and lead agencies are free to use different ones.

**Sample Question:**

Issues (and Supporting Information Sources):

*Would the proposal result in potential impacts involving:*

- a) Landslides or mudslides? (1, 6)

Potentially Significant Impact	Potentially Significant Un Mitigation Incorporated	Less than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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(Attached source list explains that 1 is the general plan, and 6 is a USGS topo map. This answer would probably not need further explanation.)

**ENVIRONMENTAL IMPACTS:**

**I. LAND USE AND PLANNING.** *Would the proposal:*

- a) Conflict with general plan designation or zoning? (Source #: )
- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? ( )
- c) Be incompatible with existing land use in the vicinity? ( )
- d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? ( )
- e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? ( )

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**II. POPULATION AND HOUSING.** *Would the proposal:*

- a) Cumulatively exceed official regional or local population projections? ( )
- b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? ( )
- c) Displace existing housing, especially affordable housing? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**III. GEOLOGIC PROBLEMS.** *Would the proposal result in or expose people to potential impacts involving:*

- a) Fault rupture? ( )
- b) Seismic ground shaking? ( )
- c) Seismic ground failure, including liquefaction? ( )
- d) Seiche, tsunami, or volcanic hazard? ( )
- e) Landslides or mudflows? ( )
- f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? ( )
- g) Subsidence of land? ( )
- h) Expansive soils? ( )
- i) Unique geologic or physical features? ( )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**IV. WATER.** *Would the proposal result in:*

	Potentially Significant Impact	Less than Significant Impact	No Impact
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of people or property to water related hazards such as flooding? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Changes in currents, or the course or direction of water movements? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Altered direction or rate of flow of groundwater? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**V. AIR QUALITY.** *Would the proposal:*

a) Violate any air quality standard or contribute to an existing or projected air quality violation? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose sensitive receptors to pollutants? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Alter air movement, moisture, or temperature, or cause any change in climate? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VI. TRANSPORTATION/CIRCULATION.** *Would the proposal result in:*

a) Increased vehicle trips or traffic congestion? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Inadequate emergency access or access to nearby uses? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Insufficient parking capacity onsite or offsite? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Hazards or barriers for pedestrians or bicyclists? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VII. BIOLOGICAL RESOURCES.** *Would the proposal result in impacts to:*

a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Locally designated species (e.g., heritage trees)? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Wetland habitat (e.g., marsh, riparian, and vernal pool)? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal or migration corridors? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<b>Potentially Significant Impact</b>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>VIII. ENERGY AND MINERAL RESOURCES.</b> <i>Would the proposal:</i>				
a) Conflict with adopted energy conservation plans? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use nonrenewable resources in a wasteful and inefficient manner? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IX. HAZARDS.</b> <i>Would the proposal involve:</i>				
a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Possible interference with an emergency response plan or emergency evacuation plan? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation of any health hazard or potential health hazard? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Exposure of people to existing sources of potential health hazards? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Increased fire hazard in areas with flammable brush, grass, or trees? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>X. NOISE.</b> <i>Would the proposal result in:</i>				
a) Increases in existing noise levels? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of people to severe noise levels? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XI. PUBLIC SERVICES.</b> <i>Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:</i>				
a) Fire protection? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Maintenance of public facilities, including roads? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other government services? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XII. UTILITIES AND SERVICE SYSTEMS.</b> <i>Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:</i>				
a) Power or natural gas? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Communications systems? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Local or regional water treatment or distribution facilities? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Sewer or septic tanks? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Storm water drainage? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Solid waste disposal? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIII. AESTHETICS.</b> <i>Would the proposal:</i>				
a) Affect a scenic vista or scenic highway? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a demonstrable negative aesthetic effect? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create light or glare? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIV. CULTURAL RESOURCES.** *Would the proposal:*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
a) Disturb paleontological resources? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Disturb archaeological resources? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) Have the potential to cause a physical change which would affect unique ethnic cultural values? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XV. RECREATION.** *Would the proposal:*

a) Increase the demand for neighborhood or regional parks or other recreational facilities? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Affect existing recreational opportunities? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVI. MANDATORY FINDINGS OF SIGNIFICANCE.**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVII. EARLIER ANALYSES.**

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

- Earlier analyses used.** Identify earlier analyses and state where they are available for review.
- Impacts adequately addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

**Authority:** Public Resources Code Sections 21083 and 21087.

**Reference:** Public Resources Code Sections 21080(c), 21080.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrum v. County of Mendocino*, 202

Cal.App.3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal.App.3d 1337 (1990).



**JUNE 2003 AGENDA**

<b>SUBJECT</b>	<b>X</b>	<b>ACTION</b>
Proposed Formation of Turlock Joint Unified School District from Turlock Joint Elementary School District and Turlock Joint Union High School District in Stanislaus County		<b>INFORMATION</b>
	<b>X</b>	<b>PUBLIC HEARING</b>

**Recommendation:**

Adopt the attached proposed resolution (Attachment 2) approving the petition to form a new Turlock Joint Unified School District (SD) from Turlock Joint Elementary SD and Turlock Joint Union High SD in Stanislaus County

**Summary of Previous State Board of Education Discussion and Action**

The State Board of Education has not heard this item previously.

**Summary of Key Issue(s)**

Three elementary school districts (Chatom Union, Keyes Union, and Turlock Joint Elementary) currently are component districts within the Turlock Joint Union High SD. Resolutions proposing the unification of the Turlock Joint Union High SD were submitted to the Stanislaus County Superintendent of Schools by the governing boards of the Turlock Joint Union High SD and the Turlock Joint Elementary SD (Attachment 3). These resolutions state that Chatom Union SD and Keyes Union SD will not be affected by the unification proposal and will continue to enroll their secondary students in the proposed unified district under the same terms and conditions as existed previously in the high school district (Section 35542(b)).

The Stanislaus County Committee on School District Organization (SCC) found that eight of the nine criteria in Section 35753(a) were substantially met. They found that the remaining criterion (equitable division of property) did not apply to the proposed unification. The SCC unanimously recommended approval of the Turlock unification proposal (Attachment 5).

The governing board of one of the excluded elementary districts (Chatom Union SD) opposes the unification (Attachment 6). The governing board of the other excluded elementary district (Keyes Union SD) supports the proposed unification, noting that the Keyes Union SD would not be affected by the unification and would continue to function as a feeder school to the proposed Turlock Joint Unified SD (Attachment 7).

California Department of Education staff finds that all nine criteria in *Education Code* Section 35753(a) are substantially met and recommends that the State Board of Education approve the proposal to form a Turlock Joint Unified SD. Staff’s analysis is provided as Attachment 1. A proposed resolution approving the petition is provided as Attachment 2 for the Board’s consideration.

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**Fiscal Analysis (as appropriate)**

Based on estimated 2002-03 data, the revenue limit for the new Turlock Joint Unified SD is \$5,009 (Attachment 8). This estimated revenue limit includes adjustments for salary and benefit differentials and represents a 3.7 percent increase over the blended, or weighted average, revenue limit per ADA for the existing districts. Increases in revenue limit funding due to school district reorganization are not considered to be increased costs to the state since these funding increases are provided for in statute and are capped.

No other effects to state costs due to the reorganization have been identified.

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**Attachment(s)**

[Attachment 1: Report of Required Conditions for Reorganization \(Pages 1-17\)](#)

[Attachment 2: Proposed Resolution \(Pages 1-1\)](#)

Attachment 3: Resolution Seeking Unification of the Turlock Joint Elementary School District and the Turlock Joint Union High School District (Pages 1-9) (not available on web)

Attachment 4: Determination of Sufficiency of the Petitions (Pages 1-2) (not available on web)

Attachment 5: Recommendation (Pages 1-3) (not available on web)

Attachment 6: Chatom Union School District Resolution #03-03 (Pages 1-1) (not available on web)

Attachment 7: Keyes Union School District Resolution #02-03-11 (Pages 1-1) (not available on web)

Attachment 8: Proposed Turlock Unification Revenue Limit Worksheet for Reorganized School Districts Based on 2002-03 Budgeted Data (Pages 1-6) (not available on web)

[Attachment 9: Alternative Resolution \(Pages 1-1\)](#)

## **PROPOSED FORMATION OF TURLOCK JOINT UNIFIED SCHOOL DISTRICT IN STANISLAUS COUNTY**

### **REPORT OF REQUIRED CONDITIONS FOR REORGANIZATION**

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#### **1.0 RECOMMENDATION**

Staff recommends that the State Board of Education (SBE) adopt the resolution in Attachment 2, which would approve the proposal to form a Turlock Joint Unified School District (SD) from territory of the Turlock Joint Union High SD. This proposal specifically excludes two elementary school districts, which currently are within the high school district boundaries, from the unification. *Education Code* Section<sup>1</sup> 35542(b) gives the SBE the authority to exclude elementary districts from a proposal to unify a high school district.

#### **2.0 BACKGROUND**

Three elementary school districts (Chatom Union, Keyes Union, and Turlock Joint Elementary) currently are component districts within the Turlock Joint Union High SD. Turlock Joint Elementary SD and Turlock Joint Union High SD are common administration districts although each district has its own separately elected governing board.

Resolutions proposing the unification of the Turlock Joint Union High SD were submitted to the Stanislaus County Superintendent of Schools by the governing boards of the Turlock Joint Union High SD and the Turlock Joint Elementary SD (Attachment 3). These resolutions state that Chatom Union SD and Keyes Union SD will not be affected by the unification proposal and will continue to enroll their secondary students in the proposed unified district under the same terms and conditions as existed previously in the high school district (Section 35542(b)).

The county superintendent of schools is required to examine resolutions for a proposed school district organization and determine whether the resolutions are sufficient and signed as required by law (*Education Code* Section 35704). On June 4, 2002, the Stanislaus County Superintendent of Schools determined that the resolutions for the unification of the Turlock Joint Union High SD, submitted by the governing boards of the Turlock Joint Union High SD and the Turlock Joint Elementary SD, were sufficient and signed as required by law (Attachment 4).

At a public hearing and deliberation meeting held June 26, 2002, the Stanislaus County Committee on School District Organization (SCC) found that eight of the nine criteria in Section 35753(a) were substantially met. They found that the remaining criterion (equitable division of property) did not apply to the proposed unification. The SCC, on an 8-0 vote (with three members absent), recommended approval of the Turlock unification

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<sup>1</sup>All subsequent statutory references are to the *Education Code* unless otherwise indicated.

proposal (Attachment 5).

California Department of Education (CDE) staff finds that all nine criteria in *Education Code* Section 35753(a) are substantially met.

### **3.0 REASONS FOR THE UNIFICATION**

The governing boards of the Turlock Joint Elementary SD and Turlock Joint Union High SD cite the following reasons for the proposed Turlock Joint Unified SD (Attachment 3):

- (a) Continued enhancement of curriculum articulation.
- (b) Streamlined administration.
- (c) More efficient use of facilities and fiscal resources.
- (d) Increased funding.

### **4.0 POSITIONS OF SCHOOL DISTRICTS**

#### **4.1 Chatom Union SD**

The governing board of the Chatom Union SD adopted a resolution opposing the unification (Attachment 6). The reasons given by the governing board for the opposition are:

- (a) Taxes. Currently, property tax dollars paid by Chatom Union SD property owners are designated for Chatom Union SD and Turlock Joint Union High SD. With unification, these funds would be spread to Turlock's elementary and middle schools. Taxpayer funds should stay with Chatom Union SD and Turlock high schools only.
- (b) Blended Budgets. The additional funds that the new district would receive would be blended into a new budget for salary equalization and would have to cover the needs of the elementary district's inclusion.
- (c) General Fund Impact. The high school program and services will have to share funds with Turlock's elementary and middle schools to cover their needs. The general fund will be obligated to maintain the new budgetary increases.
- (d) Representation. The structure of the new Board of Trustees will not have representatives for each geographical area.
- (e) Impact of Lack of Representation. There is no assurance that the feeder district's parents and community will have representatives needed to ensure appropriate education for our feeder students.
- (f) Conflict of Interest. There is possibly a conflict of interest with Turlock Joint Union High SD board members voting on this unification effort.

- (g) Lack of Benefits. Chatom Union SD does not recognize any benefits the district would receive from this unification.

#### **4.2 Keyes Union SD**

The governing board of the Keyes Union SD supports the proposed unification, noting that the Keyes Union SD would not be affected by the unification and would continue to function as a feeder school to the proposed Turlock Joint Unified SD (Attachment 7).

### **5.0 SECTION 35753 CRITERIA**

The State Board of Education (SBE) may approve proposals for the reorganization of districts if the SBE has determined the proposal substantially meets the nine criteria in Section 35753. Those criteria are further clarified by Title 5, *California Code of Regulations*. Staff findings and conclusions regarding the Section 35753 and Title 5 conditions follow:

#### **5.1 The new districts will be adequate in terms of number of pupils enrolled.**

##### Standard of Review

*It is the intent of the State Board that direct service districts not be created which will become more dependent upon county offices of education and state support unless unusual circumstances exist. Therefore, each district affected must be adequate in terms of numbers of pupils, in that each such district should have the following projected enrollment on the date the proposal becomes effective or any new district becomes effective for all purposes: Elementary district, 901; high school district, 301; unified district, 1,501. (Section 18573(a)(1)(A), Title 5, California Code of Regulations)*

##### County Committee Evaluation/Vote

The *Unification Reorganization Conditions Report* (hereinafter referred to as “Conditions Report”) that was presented to the SCC stated that enrollment in the new unified school district would be 12,776. The Conditions Report also indicated that enrollment in the area is expected to increase by 1,856 students over the next five years.

The SCC determined that this criterion is substantially met.

##### Staff Findings/Conclusion

As stated previously, a new unified district is adequate in terms of number of pupils if projected enrollment is 1,501 or greater on the date the proposal becomes effective or any new district becomes effective for all purposes. The following table compares enrollments of the current high school district and its component elementary districts with the enrollments in the districts after unification. All enrollment figures are based on information from the 2002-03 California Basic Educational Data System (CBEDS).

<b>Current District Organization</b>	
<i>District</i>	<i>Enrollment</i>
Turlock Joint Elementary	8,933
Turlock Joint Union High	4,340
Chatom Union	678
Keyes Union	1,868
<b>Proposed District Organization</b>	
<i>District</i>	<i>Enrollment</i>
Turlock Joint Unified	13,273
Chatom Union	678
Keyes Union	1,868

Enrollment in the proposed Turlock Joint Unified SD significantly exceeds the required 1,501. Additionally, historical trends show that enrollment in the affected districts has increased by almost 15 percent over the past five years, and enrollment projections suggest that this growth will continue.

Although Chatom Union is a direct service district under the proposed district organization, this circumstance would not be created by the proposed unification since Chatom Union currently is a direct service district.

Staff concludes that this criterion is substantially met.

**5.2 The districts are each organized on the basis of a substantial community identity.**

Standard of Review

*The following criteria from Section 18573(a)(2), Title 5, California Code of Regulations, should be considered to determine whether a new district is organized on the basis of substantial community identity: isolation; geography; distance between social centers; distance between school centers; topography; weather; community, school and social ties; and other circumstances peculiar to the area.*

County Committee Evaluation/Vote

The Conditions Report indicates that there exist no issues related to the proposed reorganization that would have a negative effect on community identity. This report further finds that the new unified school district would predominantly focus on service to the Turlock vicinity (about 85 percent of existing students reside in the City of Turlock) and would result in an enhanced sense of community identity in Turlock.

The SCC determined that this criterion is substantially met.

Staff Findings/Conclusion

The new unified school district would correspond to the boundaries of the existing high school district. Therefore, a distinct educational community already exists within

the boundaries of the proposed unified school district. In the past, this educational community has played an important role in establishing the community identity of the Turlock area. The new unified school district should continue that role.

Additionally, the City of Turlock area corresponds significantly with the area of the Turlock Joint Union SD and this would not change with the formation of a Turlock Joint Unified SD.

Staff finds that the proposed district would be organized on the basis of a substantial community identity since it would correspond to existing school district boundaries and would primarily serve an existing distinct community (City of Turlock).

### **5.3 The proposal will result in an equitable division of property and facilities of the original district or districts.**

#### Standard of Review

*To determine whether an equitable division of property and facilities will occur, the California Department of Education reviews the proposal for compliance with the provisions of Education Code sections 35560 and 35564 and determines which of the criteria authorized in Section 35736 shall be applied. The California Department of Education also ascertains that the affected districts and county office of education are prepared to appoint the committee described in Section 35565 to settle disputes arising from such division of property. (California Code of Regulations, Title 5, Section 18573(a)(3))*

#### County Committee Evaluation/Vote

The Conditions Report indicates that, since the proposal is to combine districts, there will be no need to divide property or allocate bonded indebtedness. At the time of the proposal, the Turlock Joint Union High SD had outstanding general obligation bonds from 1997, Measure N, totaling \$35 million. According to the proposal, the bonded indebtedness will not be divided if the unification is approved. The geographic areas consisting of the Turlock Joint Union High SD will continue to remain liable for all obligations and debts incurred.

The SCC agreed that this criterion does not apply to the proposed unification.

#### Staff Findings/Conclusion

Staff concludes that this criterion has been met. Staff agrees that there will be no need to divide property and that geographic areas consisting of the Turlock Joint Union High SD shall continue to remain liable for the outstanding general obligation bonds.

However, although the Turlock Joint Elementary SD had no bonded indebtedness at the time of the proposal, any new debt incurred prior to the unification will remain the liability of the geographic areas consisting of the Turlock Joint Elementary SD, unless the voters within the new unified district agree to assume the additional debt. Any bonded indebtedness of the Keyes Union SD and the Chatom Union SD will remain

with those districts and not be a liability of the new unified school district.

**5.4 The reorganization of the districts will not promote racial or ethnic discrimination or segregation.**

Standard of Review

*In Section 18573(a)(4), Title 5, California Code of Regulations, the State Board of Education set forth five factors to be considered in determining whether reorganization will promote racial or ethnic discrimination or segregation:*

- (a) The current number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts, compared with the number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts if the proposal or petition were approved.*
- (b) The trends and rates of present and possible future growth or change in the total population in the districts affected, in each racial and ethnic group within the total district, and in each school of the affected districts.*
- (c) The school board policies regarding methods of preventing racial and ethnic segregation in the affected districts and the effect of the proposal or petition on any desegregation plan or program of the affected districts, whether voluntary or court ordered, designed to prevent or alleviate racial or ethnic discrimination or segregation.*
- (d) The effect of factors such as distance between schools and attendance centers, terrain, geographic features that may involve safety hazards to pupils, capacity of schools, and related conditions or circumstances that may have an effect on the feasibility of integration of the affected schools.*
- (e) The effect of the proposal on the duty of the governing board of each of the affected districts to take steps, insofar as reasonably feasible, to alleviate segregation of minority pupils in schools regardless of its cause.*

County Committee Evaluation/Vote

The following table summarizes the October 2000 CBEDS enrollment data presented in the Conditions Report:

<b>District</b>	<b>Minority Students</b>	<b>White Students</b>
Turlock Joint Union Elementary SD	50.8%	49.2%
Turlock Joint Union High SD	43.0%	57.0%
Turlock Joint Unified SD	48.3%	51.7%

The Conditions Report further notes the following:

- (a) Except for the Filipino and White categories, all racial/ethnic groups have increased in number over the past 10 years.
- (b) Numbers of Hispanic students have grown 13 percent while the numbers of White students have declined 16 percent over the past 10 years.

- (c) All districts currently have policies of nondiscrimination and equal opportunity.
- (d) There exist no factors that may have an effect on the feasibility of integration in the proposed unified school district.
- (e) The unification will not materially affect the duty of the governing board to alleviate discrimination or segregation.

The Conditions Report concludes that the proposed unification will not promote racial or ethnic discrimination or segregation. The SCC agrees that this criterion is substantially met.

#### Staff Findings/Conclusion

The current (October 2002 CBEDS) percent of minority students in Turlock Joint Union High SD and its three component elementary districts is depicted in the following table. The percent of minority students in a new Turlock Joint Unified SD also is displayed.

District	Percent Minority Students
Turlock Joint Union Elementary SD	54.3%
Turlock Joint Union High SD	46.5%
Chatom Union SD	45.6%
Keyes Union SD	46.9%
Turlock Joint Unified SD	51.8%

The unification proposes a consolidation of the Turlock Joint Union High SD and Turlock Joint Union Elementary SD. Both Chatom Union SD and Keyes Union SD will continue to operate their own K-8 programs and send secondary students to the Turlock Joint Unified SD under the same terms and conditions as existed previously in the high school district. Thus, the proposed unification will not cause any student to move from one school to another.

Staff agrees with the findings in the Conditions Report that the proposed unification will not negatively affect (1) the districts' duty to take steps to alleviate any segregation of minority pupils in schools and (2) any factor that may have an effect on the feasibility of the integration of affected school. Given the lack of negative effects and the fact that no students will be displaced or transferred to different schools as a result of the proposal, staff finds that this criterion is substantially met.

#### **5.5 The proposed reorganization will not result in any substantial increase in costs to the state.**

##### Standard of Review

*Education Code sections 35735 through 35735.2 mandate a method of computing revenue limits without regard to this criterion. Although the estimated revenue limit is provided in this section, only potential costs to the state other than those mandated by*

*sections 35735 through 35735.2 are considered in analyzing a proposal for compliance with this criterion.*

#### County Committee Evaluation/Vote

The Conditions Report contained a calculation of the base revenue limit per average daily attendance (ADA) that will result from the formation of the proposed unification and determined that increase in state costs is well within the range allowed by *Education Code Sections 35735 through 35735.2.*

The SCC determined that this criterion is substantially met.

#### Staff Findings/Conclusion

Based on estimated 2002-03 data from the Conditions Report and the CDE School Fiscal Services Division (SFSD), the blended Turlock Joint Elementary SD and Turlock Joint Union High SD revenue limits, including enhancements due to salary and benefit differentials, result in an estimated revenue limit per ADA of \$5,009 for the new district. The blended, or weighted average, revenue limit per ADA is revenue neutral and does not result in an increase in state costs. It is only the adjustment for salary and benefit differentials that yields new revenues. The revenue limit computation is included as Attachment 8. As stated previously, increases in revenue limit funding due to reorganization are not considered to be increased costs to the state since these funding increases are provided for in statute and are capped.

Should the proposed district become effective, the county office of education, in consultation with the SFSD Principal Apportionment Unit, will calculate the actual revenue limit, including cost of living and any other adjustments, based on second prior fiscal year data (2002-03 ADA and revenue limit funding for a July 1, 2004, effective date).

Neither the proposed unified district nor any excluded district would receive any significant increases in state funding. Staff agrees with the SCC's finding that this criterion is substantially met.

### **5.6 The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.**

#### Standard of Review

*The proposal or petition shall not significantly adversely affect the educational programs of districts affected by the proposal or petition, and the California Department of Education shall describe the districtwide programs, and the school site programs, in schools not a part of the proposal or petition that will be adversely affected by the proposal or petition. (Section 18573(a)(5), Title 5, California Code of Regulations)*

County Committee Evaluation/Vote

The Conditions Report states that the proposed unification will:

- a) Result in continued enhancement of curriculum articulation.
- b) Augment efforts to better integrate elementary and secondary programs.

The SCC determined that this criterion is substantially met.

Staff Findings/Conclusion

Currently, the Turlock Joint Elementary SD and Turlock Joint Union High SD operate under a common administration, an arrangement that can help promote the articulation of curriculum from the elementary program to the secondary program. Establishing a unified school district with a single governing board will have the potential to further enhance the articulation of curriculum.

Moreover, no students will be displaced or transferred to different schools as a result of the proposal. Thus, the unification should have minimal effect (if any) on the implementation of the educational program at the school site level.

Staff agrees with the SCC's finding that this criterion is substantially met.

**5.7 The proposed reorganization will not result in a significant increase in school housing costs.**

County Committee Evaluation/Vote

The Conditions Report contains the following findings:

- a) All real property in the Turlock Joint Elementary SD and Turlock Joint Union High SD will become property of Turlock Joint Unified SD.
- b) Turlock Joint Union High SD has no real property outside of Turlock Joint Elementary SD.
- c) Funding sources and management responsibility of the Mello-Roos district will not change.
- d) Unification will not affect the number of schools needed to house student growth.

The Conditions Report concludes that the proposed unification will not result in a significant increase in school housing costs. The SCC agrees that this criterion is substantially met.

Staff Findings/Conclusion

Since no students will be displaced or transferred to different schools as a result of the proposal, no additional facilities will be required as an immediate consequence of the

unification. The Turlock school districts are experiencing considerable growth in the student population, which could necessitate construction of additional facilities in the future. However, these new facilities will be a consequence of the enrollment growth rather than the unification. As such, any need for new facilities will exist whether or not the Turlock school districts unify.

A Mello-Roos district is solely within the boundaries of the Turlock Joint Elementary SD. The unification should have no effect on its funds or management.

Given these considerations, staff agrees with the finding of the SCC that this criterion is substantially met.

**5.8 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 an adjoining district.**

County Committee Evaluation/Vote

The Conditions Report notes that:

- a) The district initiated the unification.
- b) The unification would consolidate two separate entities.
- c) There should be no change in property values as a result of the unification

The SCC agrees that this criterion is substantially met.

Staff Findings/Conclusion

No evidence was presented to indicate that the proposed formation of the Turlock Joint Unified SD would increase property values in the petition area. Nor is there any evidence from which it can be discerned that any increase in property values could be the primary motivation for the proposed unification. Staff concludes this criterion has been substantially met.

**5.9 The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.**

County Committee Evaluation/Vote

The Conditions Report identified potential cost savings that will be generated as a result of the unification. Specifically, the unification will eliminate shared cost formula and negotiations, reduce duplication of services, and provide consistent goals, objectives, and procedures for fiscal management.

The SCC determined that this criterion is substantially met.

#### Staff Findings/Conclusion

The Turlock Joint Elementary SD and Turlock Joint Union High SD operate under a common administration, with the districts sharing the same superintendent, business manager, and other office staff. As a unified district, the fiscal management or fiscal status should not be negatively affected.

The governing board of Chatom Union SD has expressed concerns that the proposed unification would result in Chatom taxpayer funds and high school program funds being redirected to Turlock Joint Unified SD elementary and middle schools (Attachment 6). Chatom Union SD's concerns appear unwarranted. Under the assumption that Chatom Union SD will be excluded from the unification, Chatom's base revenue limit (state revenues and local taxes) will not be affected. Chatom will continue to receive revenue limit funding for their elementary and middle school programs.

As a result of the unification, the new unified district will receive a blended, or weighted average, revenue limit. Additionally, this blended revenue limit is adjusted for salary and benefit differentials (see 5.5 above). Thus, the unified district will receive more revenue limit funding than would be received by both the Turlock Joint Union High SD and the Turlock Joint Elementary SD. As a result, the unified district will have more funds that may be used for programs. Although the high school program, which includes students that feed in from Chatom Union SD and Keyes Union SD, will be funded from the same budget as the Turlock's elementary and middle school programs, the increased revenue limit funds should be sufficient to maintain all current programs.

Staff agrees with the SCC's finding that this criterion is substantially met.

## **6.0 COUNTY COMMITTEE SECTION 35707 REQUIREMENTS**

Section 35707 requires the county committee to make certain findings and recommendations and to expeditiously transmit them along with the reorganization petition to the SBE. These required findings and recommendations are:

### **6.1 County Committee Recommendation for the Petition**

A county committee must recommend to the SBE approval or disapproval of a petition for unification. The SCC voted 8-0 (with three members absent) to recommend approval of the proposal to form Turlock Joint Unified SD (Attachment 5).

### **6.2 Effect on School District Organization of the County**

A county committee must report to the SBE whether the proposal would adversely affect countywide school district organization. The SCC determined that the proposal would not adversely affect countywide school district organization (Attachment 5).

### **6.3 County Committee Recommendation**

A county committee must submit to the SBE its opinion regarding whether the proposal complies with the provisions of Section 35753. The SCC found that eight of the nine criteria in Section 35753(a) were substantially met. They found that the remaining criterion (equitable division of property) did not apply to the proposed unification (Attachment 5).

## **7.0 STAFF RECOMMENDED AMENDMENTS TO THE PETITION**

The SBE has authority to amend or add certain provisions to any petition for unification. This section contains CDE staff recommendations for such amendments.

### **7.1 Article 3 Amendments**

Petitioners may include, and the county committee or SBE may add or amend, any of the appropriate provisions specified in Article 3 of the *Education Code* (commencing with Section 35730). These provisions include:

#### Membership of Governing Board

A proposal for unification may include a provision for a governing board of seven members. The unification plan approved by the petitioning districts includes such a provision (Attachment 3).

#### Trustee Areas

The proposal for unification may include a provision for establishing trustee areas for the purpose of electing governing board members of the unified district. Neither the petitioning districts nor the SCC has included a provision for trustee areas. The unification plan specifically calls for governing board members to be elected at-large (Attachment 3).

The governing board of the Chatom Union SD, in its resolution opposing the proposed unification (Attachment 6), listed a concern that the structure of the new board of trustees for the unified district will not have representatives for each geographical area. The Chatom Union SD governing board further indicated that this lack of representation means that there is no assurance that the new unified district board of trustees will have representatives from the Chatom area to ensure that its secondary students receive an appropriate education. However, the current Turlock Joint Union High SD governing board members are not elected by trustee areas.

#### Election of Governing Board

A proposal for unification may include a provision specifying that the election for the first governing board be held at the same time as the election on the unification of the school district. The petitioning districts have included the following provision in the unification plan (Attachment 3).

*The first governing board of trustees of the new unified school district will be elected at the same election as the reorganization proposal. The following method will be used to determine the terms of office of the initial members of the board of trustees.*

*Candidates must declare for either an initial four (4) year term or for an initial two (2) year term. A candidate cannot declare for both a four (4) year term and for a two (2) year term.*

- a) The four (4) candidates receiving the highest number of votes for the initial four (4) year term shall be elected.*
- b) The three (3) candidates receiving the highest number of votes for the initial two (2) year term shall be elected.*

*After the initial term, succeeding terms will be four (4) years.*

#### Computation of Base Revenue Limit

A proposal for reorganization of school districts must include a computation of the base revenue limit per ADA for each reorganized district. The submittal by the SCC contained a computation of the base revenue limit for Turlock Joint Unified SD based upon 2001-02 data. Working with staff from the Turlock school districts, CDE staff obtained an estimated base revenue limit based on 2002-03 data. This base revenue limit computation of \$5,009 per ADA is contained in Attachment 8.

#### Division of Property and Obligations

A proposal for the division of property (other than real property) and obligations of any district whose territory is being divided among other districts may be included. Since no district is divided as a result of the current unification proposal, there will be no division of property and obligations.

#### Method of Dividing Bonded Indebtedness

A proposal for unification may include a method of dividing the bonded indebtedness other than the method established in Section 35576 for the purpose of providing greater equity in the division. No current bonded indebtedness will be divided as a result of the unification proposal.

#### CDE Staff Recommendation for Article 3 Amendments

CDE staff recommends that the SBE approve the Article 3 provisions that were included in the unification proposal by the petitioning districts. These provisions are (1) a governing board comprised of seven members and (2) the initial election of governing boards members to be held at the same time as the election on the unification proposal.

## **7.2 Area of Election**

A provision specifying the territory in which the election to reorganize the school

districts will be held is one of the provisions under Article 3 (see 7.1 above) that the SBE may add or amend. However, the inclusion of this provision is highlighted since Section 35756 indicates that, should the SBE approve the proposal, the SBE must determine the area of election.

The area proposed for reorganization is the entire Turlock Joint Union High SD. Thus, the “default” election area is the entire high school district (Section 35732). The SBE may alter this “default” election area if it determines that such alteration complies with the following area of election legal principles.

#### Area of Election Legal Principles

The Local Agency Formation Commission (LAFCO)<sup>2</sup> court decision provides the most current legal interpretations to be followed in deciding the area of school district reorganization elections. This decision upheld a limited area of election on a proposal to create a new city, citing the "rational basis test." The rational basis test may be used to determine whether the area of election should be less than the total area of the district affected by the proposed reorganization unless there is a declared public interest underlying the determination that has a real and appreciable impact upon the equality, fairness, and integrity of the electoral process, or racial issues. If so, a broader area of election is necessary.

In applying the rational basis test, a determination must be made as to whether:

- a) There is a genuine difference in the relevant interests of the groups, in which case an enhancement of the minority voting strength is permissible.
- b) The reduced voting area has a fair relationship to a legitimate public purpose. 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 that 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.

However, even under the rational basis test, a determination to reduce the area of election would, according to LAFCO, be held invalid if the determination constituted an invidious discrimination in violation of the constitutional Equal Protection Clause (e.g., involving a racial impact of some degree).

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<sup>2</sup>*Board of Supervisors of Sacramento County, et al., v. Local Agency Formation Commission (3 Cal. 4th 903, 1992)*

### CDE Staff Recommendation for Area of Election

The SBE may reduce the election area from the entire Turlock Joint Union High SD if it determines that such reduction is in accordance with the above area of election legal principles. Although the reorganization proposal calls for the exclusion of Chatom Union SD and Keyes Union SD from the unification process, staff recommends the entire Turlock Joint Union High SD as the area of election should the SBE approve the unification proposal. The Turlock Joint Unified SD will provide the secondary education program for students residing within the Chatom Union SD and Keyes Union SD. Voters within these two excluded elementary school districts also will vote for governing board members of the unified district and general obligation bond measures targeted for secondary facilities.

### **7.3 Exclusion of Component Elementary Districts**

*Education Code* Section 35542(b), added by Chapter 1186, Statutes of 1994, provides that:

“[A]n elementary school district that has boundaries that are totally within a high school district may be excluded from an action to unify those districts if the governing board receives approval for an exclusion from the State Board of Education. Any elementary school district authorized by the State Board of Education to be excluded from an action to unify, may continue to feed into the coterminous high school under the same terms that existed before any action to unify . . .”

### Circumstances of Current Unification Proposal

This unification proposal specifically states that Chatom Union SD and Keyes Union SD are unaffected by the unification proposal, thus assuming exclusion of these component elementary districts from unification of the high school district. However, it is clear from Section 35542(b) that only the SBE has authority to approve exclusion of component elementary districts and that such exclusion is discretionary.

### CDE Staff Recommendation for Exclusion of Component Districts

CDE staff recommends the exclusion of Chatom Union SD and Keyes Union SD from the proposed unification. Exclusion of the component elementary districts is supported because:

- (a) The districts ready to unify can proceed without being impeded by the opposition of the smaller component districts.
- (b) This form of unification allows continued self-determination by the voters of the excluded component elementary districts.
- (c) The residents of the excluded component elementary districts may continue to enroll their children in the new unified school district under the same terms and

conditions as existed previously in the high school district.

- (1) Voters in the excluded component elementary districts will participate in the election of governing board members for the unified district.
  - (2) Voters in the excluded component elementary districts will participate with the voters in the unified district in voting in any future bond elections affecting high school facilities just as they did in the previous high school district and will pay their prorated shares for any such bond issues passed as they did in the previous high school district.
- (d) Any component elementary district excluded from the unification action may at any time in the future unify with the new unified district if such action is initiated by local voters or by school board resolution and is subsequently approved by the SBE and local voters.
- (e) Statute specifically allows the SBE to exclude component elementary districts from an action to unify a high school district.

Additionally, since Chatom Union SD is not in support of the unification, failure to exclude Chatom may invalidate the entire unification proposal. Inclusion of Chatom in the unification would make that district an affected district. Section 35700(d) requires that a proposal for unification be approved by a majority of the governing board members of districts affected by the proposal.

## **8.0 STATE BOARD OF EDUCATION OPTIONS**

For this unification proposal, SBE options are outlined in Sections 35542(b), 35753, 35754 and 35756:

- (a) The SBE shall approve or disapprove the proposal.
- (b) The SBE may approve the proposal if it determines all the criteria in Section 35753(a) have been substantially met.
- (c) The SBE may approve the proposal pursuant to Section 35753(b) if it determines the criteria in Section 35753(a) are not substantially met but it is not possible to apply the criteria literally and an exceptional situation exists.
- (d) If the SBE approves the proposed unification, it may exclude the Chatom Union SD and the Keyes Union SD from the unification (Section 35542(b)).
- (e) If the SBE approves the proposed unification, it may amend or include in the proposal any of the appropriate provisions of Article 3, commencing with Section 35730 of the *Education Code*. In this case, the petitioning districts have added provisions that the new governing board will have seven members elected at-large and that the first governing board election be held at the same time as the election on unification.
- (f) The SBE must determine the area of election (Section 35756). As previously discussed, staff recommends the territory of the entire high school district as the area

of election if the SBE should choose to approve the petition.

## **9.0 RECOMMENDED ACTION**

Staff recommends that the SBE approve the proposed unification of Turlock Joint Union High SD and the Turlock Joint Elementary SD only if it also excludes the Chatom Union SD and the Keyes Union SD from the unification. Failure to exclude these component elementary districts would eliminate a key component of the locally developed unification plan and possibly invalidate the entire unification proposal. Staff further recommends that the SBE approve provisions that the governing board of the new district have seven members elected at-large and that the initial election of the governing board be held at the same time as the election on unification. Finally, staff recommends that the SBE determine the election area to be the entire Turlock Joint Union High SD. A proposed resolution addressing all the above recommendations is included as Attachment 2.

An alternative resolution is provided as Attachment 9 should the SBE decide to disapprove the unification proposal.

## CALIFORNIA STATE BOARD OF EDUCATION

June 2003

**PROPOSED RESOLUTION**

Petition to Form the Turlock Joint Unified School District  
from the Turlock Joint Elementary School District  
and the Turlock Joint Union High School District

RESOLVED, that under the authority of *Education Code* Section 35754, the proposal to form a new unified school district from the Turlock Joint Elementary School District and the Turlock Joint Union High School District, which was filed on or about July 16, 2002, with the Stanislaus County Superintendent of Schools pursuant to *Education Code* Section 35700(a) and Section 35542(b), is hereby approved.

RESOLVED further, that the base revenue limit per unit of average daily attendance for the new unified district is estimated to be \$5,009.67 and shall be recalculated using second prior fiscal year data from the time the unification becomes effective for all purposes; and be it

RESOLVED further, that the Chatom Union School District and the Keyes Union School District shall be excluded from the action to unify the high school district and residents of these excluded elementary districts may continue to enroll their children in the new unified school district under the same terms and conditions as existed previously in the high school district; and be it

RESOLVED further, that the governing boards shall consist of seven members elected at-large, with the first governing board elections held at the same time as the election on the unifications; and be it

RESOLVED further, that the State Board of Education shall direct the county superintendent of schools to call for the election and sets the area of election to be the territory of the entire Turlock Joint Union High School District; and be it

RESOLVED further, that the Secretary of the State Board of Education shall notify, on behalf of said Board, the Stanislaus County Superintendent of Schools, the chief petitioners, the Chatom Union School District, and the Keyes Union School District of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION  
June 2003

**ALTERNATIVE RESOLUTION**

Petition to Form the Turlock Joint Unified School District  
from the Turlock Joint Elementary School District  
and the Turlock Joint Union High School District

RESOLVED, that under the authority of *Education Code* Section 35754, the proposal to form a new unified school district from the Turlock Joint Elementary School District and the Turlock Joint Union High School District, which was filed on or about July 16, 2002, with the Stanislaus County Superintendent of Schools pursuant to *Education Code* Section 35700(a) and Section 35542(b), is hereby disapproved; and be it

RESOLVED further, that the Secretary of the State Board of Education notify, on behalf of said Board, the Stanislaus County Superintendent of Schools, the chief petitioners, the Chatom School District, and the Keyes School District of the action taken by the State Board of Education.



**JUNE 2003 AGENDA**

<b>SUBJECT</b>	<b>X</b>	<b>ACTION</b>
Legislative Update: Including, but not limited to, information on legislation.	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

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**Recommendation:**

Information only- no recommendation pending

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**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.

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**Summary of Key Issue(s)**

N/A

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**Fiscal Analysis (as appropriate)**

N/A

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**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.

# Supplemental Memorandum

**To: STATE BOARD MEMBERS**

**Date: 5-30-03**

**From: B. Teri Burns**

**Re: ITEM # 37**

**Subject LEGISLATIVE UPDATE: INCLUDING, BUT NOT LIMITED TO,  
INFORMATION ON LEGISLATION**

[State Board of Education Legislative Status Report.](#)



**JACK O'CONNELL**  
State Superintendent of Public Instruction

CALIFORNIA  
DEPARTMENT  
OF  
EDUCATION

1430 N Street

P.O. Box 944272

Sacramento, CA

94244-2720

May 15, 2003

To: County and District Superintendents  
Charter School Administrators

**Attention: County and District Chief Business Officers**

**ORIGINAL SIGNED BY:**

**From: Jack O'Connell**

**Subject: MAY 2003 BUDGET REVISION—PRELIMINARY OVERVIEW**

Yesterday Governor Gray Davis released his revised budget proposal for 2003-04. The May Revision proposal reflects a revised budget gap of \$38.2 billion and the impact of lagging state revenues from a delay in the expected economic recovery. In response to public and legislative concerns, however, the Governor's revised budget seeks to protect education and other critical government services.

Reflecting these priorities, the revised budget includes a number of changes to the Governor's January proposals both for the 2002-03 and 2003-04 fiscal years. This memo provides a preliminary overview of the Governor's revised budget proposals for K-12 education. We will provide a more detailed overview in the next week. Copies of this memo, as well as future budget-related documents, will be available on the California Department of Education's (CDE) web site at [www.cde.ca.gov/fiscal/budgetact/](http://www.cde.ca.gov/fiscal/budgetact/). Copies of budget documents themselves are available through the Department of Finance web site at [www.dof.ca.gov](http://www.dof.ca.gov).

The Governor's revised 2002-03 Proposition 98 spending level for K-12 education is \$39.2 billion—\$72 million below his January proposal and \$2.3 billion below the budget as enacted last year. This amount reflects the mid-year reductions recently enacted by the Legislature. Including funding both for K-12 and community college programs, the total Proposition 98 funding for 2002-03 is now \$122 million above the minimum guarantee, down slightly from the January estimates due to lower state revenues.

The revised K-12 spending proposal for 2003-04 is \$41.1 billion—\$1.2 billion above the January proposal and \$400 million below the 2002-03 budget as enacted. This results in total Proposition 98 funding for 2003-04 that equals the minimum guarantee; that guarantee has grown \$1.6 billion due to higher revenue projections for the budget year and to a technical change resulting from the elimination of the January proposal to shift child development programs to cities and counties.

In addition to eliminating the proposed shift in responsibility for child development programs to local governments, the revisions also reflect the concerns expressed by the Legislature, the education community and myself over the previously proposed across-the-board reductions to K-12 revenue limits and categorical programs. Instead, the Governor is now proposing a number of targeted reductions to K-12 programs and the continuance of the current-year deferrals enacted by the Legislature. Major changes to the Governor's January proposal that affect K-12 education include:

- Restoring \$835 million of the across-the-board reductions to categorical programs proposed in the January Budget and replacing them with a series of specific targeted reductions that reflect the Administration's discussions with the education community and members of the Legislature.
- Restoring the proposed 3.66 percent across-the-board cuts to current and budget-year revenue limits and reducing 2003-04 revenue limits instead by 1.2 percent.
- Restoring a net of \$800 million to reflect the reinstatement of child development programs under Proposition 98 after adjusting for a number of cost-saving reforms proposed by the Governor.
- Providing \$272 million in additional growth funding for revenue limits and special education to reflect an increase in the 2003-04 K-12 ADA growth rate from 1.00 percent to 1.34 percent.
- Modifying the proposed recapture of \$126.2 million in excess property taxes from basic aid districts by reducing the offset to \$20 million and applying it towards categorical funding that would otherwise be provided to excess tax districts.
- Full funding of K-3 Class Size Reduction, Special Education, Child Nutrition, School Safety, and Accountability Programs (including funding for the final 20 percent of funding for 2002-03 programs deferred in SB 18X).
- Increasing federal special education funding by \$69 million for mental health services provided pursuant to AB 3632 of 1984.
- Reducing state testing programs by \$24.7 million to continue efforts to streamline the state's system of assessments and reduce testing time in schools.

### **Next Steps in the Process**

Legislative hearings on the 2003-04 budget bills (AB 100 and SB 53) are in high gear and are scheduled to conclude shortly. The budget bills, having been amended in each house, will be reconciled by a joint conference committee and are scheduled to be passed to the Governor in late June. Upon receiving the final Budget Bill, the Governor may then exercise his line-item veto before signing the Budget Act of 2003.

As always, if you have any questions or ideas, please call me or my staff at (916) 319-0800.

<b>Accountability-SBE</b>	
<b>AB 8 Daucher</b> A-03/28/2003	<p><b>Summary:</b> Existing law establishes various school improvement programs to improve 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 " Local Education and Accountability Pilot Program" to be administered by the State Department of Education . The bill would require the Superintendent of Public Instruction to select 3 county offices of education to voluntarily participate in the pilot program. The bill would require each of those county offices of education to invite low-performing schools, as specified, to participate in an intervention program provided by the county office of education . This bill contains other related provisions.</p> <p><b>Status:</b> 04/09/2003-In committee: Set, second hearing. Referred to APPR. suspense file.</p>
<b>Accountability-SBE</b>	
<b>AB 165 Chan</b> I-01/22/2003	<p><b>Summary:</b> Existing law, the Classroom Instructional Improvement and Accountability Act, requires each school district that maintains an elementary or secondary school to develop and implement a School Accountability Report Card, as prescribed. The act prohibits any change to its provision, except to further its purpose by a bill passed by a vote of 2/3 of the Legislature and signed by the Governor. This bill would require each school district to include within the School Accountability Report Card information regarding the availability of credentialed school nurses, and would declare that its provisions further the purposes of the act. By requiring each school district to include this additional information within the School Accountability Report Card, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/28/2003-Do pass as amended.</p>
<b>NCLB-SBE</b>	
<b>Accountability-SBE</b>	
<b>AB 1485 Firebaugh</b> A-05/06/2003	<p><b>Summary:</b> Existing law, the English Learner and Immigrant Pupil Federal Conformity Act, requires a local educational agency to provide instructional services to limited-English-proficient pupils and immigrant pupils in conformity with the No Child Left Behind Act of 2001. This bill would declare the intent of the Legislature to require the State Board of Education to comply fully with federal law and ensure that the educational needs and rights of English learners are addressed fully in the accountability plan submitted by the state to the federal government for purposes of the federal No Child Left Behind Act of 2001. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/29/2003-From committee: Do pass. (Ayes 17. Noes 7.) (May 28). Read second time. To third reading.</p>
<b>NCLB-SBE</b>	
<b>Accountability-SBE</b>	
<b>SB 575 Poochigian</b> A-05/06/2003	<p><b>Summary:</b> Existing law, the Classroom Instructional Improvement and Accountability Act, requires the school accountability report card to provide data by which parents may make meaningful comparisons between public schools enabling them to make informed decisions on which school to enroll their children and requires certain information regarding school conditions to be included in this report card. Existing law provides that the Classroom Instructional Improvement and Accountability Act may be amended only to further the purposes of the act and by a bill passed by a 2/3 vote of the Legislature. This bill would impose a state-mandated local program by requiring a school district to ensure that all parents and guardians receive a copy of the school accountability report card or a summary of the report card that includes the information required by the federal No Child Left Behind Act of 2001. The bill would state that the Legislature finds and declares that the bill furthers the purposes of the Classroom Instructional Improvement and Accountability Act. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/29/2003-To Com. on ED.</p>
<b>Assessment &amp; Standards-SBE</b>	
<b>AB 36 Wyland</b> A-02/24/2003	<p><b>Summary:</b> 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><b>Status:</b> 03/20/2003-Referred to Com. on ED.</p>
<b>Assessment &amp; Standards-SBE</b>	
<b>AB 356 Hancock</b> A-03/17/2003	<p><b>Summary:</b> Existing law establishes the Public Schools Accountability Act of 1999, which consists of the Academic Performance Index, the Immediate Intervention/Underperforming Schools Program, and the Governor's High Achieving/Improving Schools Program. Under the act, schools receive awards for high achievement and improvement and sanctions for continued low performance. This bill would delete the rewards and sanctions provisions from the act and would make conforming changes. This bill contains other related provisions and other existing laws.</p>

<b>Status:</b> 05/28/2003-Do pass as amended.	
<b>Assessment &amp; Standards-SBE</b>	
<b>AB 497 Wyland</b> I-02/14/2003	<p><b>Summary:</b> Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics that is aligned with the statewide academically rigorous content standards. Existing law establishes the High School Exit Examination Standards Panel to assist in the design and composition of the exit examination to ensure that it is aligned with the statewide academically rigorous content standards. Existing law requires the examination to be field tested prior to implementation to ensure that it is free from bias and that its content is valid and reliable. Existing law sets forth additional requirements for the administration of the examination, including the administration of the examination to pupils with exceptional needs. This bill would require the superintendent with the approval of the State Board of Education, by October 1, 2005, to involve a component in American government and history in the existing high school exit examination. The bill would require this new examination component to be submitted to the High School Exit Examination Standards Panel for review of the design and composition to ensure that it is aligned with the statewide academically rigorous content standards. The bill would require this new examination component to be field tested to ensure that it is free from bias and that its content is valid and reliable. The bill would subject the modified exit examination, with the component in American government and history, to the existing examination administration requirements.</p> <p><b>Status:</b> 02/24/2003-Referred to Com. on ED.</p>
<b>Assessment &amp; Standards-SBE</b>	
<b>AB 511 Diaz</b> A-04/23/2003	<p><b>Summary:</b> Existing law requires the Superintendent of Public Instruction to design and implement a statewide pupil assessment program that includes, among other things, statewide academically rigorous content and performance standards that reflect the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. This bill would require the superintendent, by January 1, 2006, to make recommendations to the Governor, the Legislature, and the State Board of Education that include a recommended inventory of the components to be contained in an assessment tool for evaluating information and communications technology (ICT) literacy in grades 9 to 12, inclusive, and a proposed implementation strategy and time line for the incorporation of ICT literacy assessment into existing pupil testing frameworks.</p> <p><b>Status:</b> 04/30/2003-In committee: Set, first hearing. Referred to APPR. suspense file.</p>
<b>Assessment &amp; Standards-SBE</b>	
<b>SB 192 Scott</b> I-02/12/2003	<p><b>Summary:</b> Existing law establishes the Golden State Examination Program to administer the Golden State Examination to pupils enrolled in public high schools to measure advanced pupil achievement on the academically rigorous content standards adopted by the State Board of Education and requires the examination to be administered in augmentation of standards-based achievement tests. This bill would repeal this program and make related conforming changes.</p> <p><b>Status:</b> 02/25/2003-To Com. on ED.</p>
<b>Assessment &amp; Standards-SBE</b>	
<b>SB 241 Knight</b> I-02/14/2003	<p><b>Summary:</b> Existing law establishes the Golden State Examination Program to administer the Golden State Examination to pupils enrolled in public high schools to measure advanced pupil achievement on the academically rigorous content standards adopted by the State Board of Education and requires the examination to be administered in augmentation of standards-based achievement tests. This bill would repeal this program and make related conforming changes.</p> <p><b>Status:</b> 02/25/2003-To Com. on ED.</p>
<b>Assessment &amp; Standards-SBE</b>	
<b>SB 373 Margett</b> A-05/08/2003	<p><b>Summary:</b> Existing law requires the Superintendent of Public Instruction, by July 1, 1999, with approval of the State Board of Education, to develop an Academic Performance Index (API) to measure the performance of schools and to demonstrate comparable improvement in academic achievement by all numerically significant ethnic and socioeconomically disadvantaged subgroups within schools. Under existing law, only schools with 100 or more test scores contributing to the API may be included in the rankings. This bill would require the board to establish a policy for approving the use of instructional materials not approved by the board and would provide that a school district in which at least 70% of the schools receive scores of 800 or more on the API for 3 of the immediately preceding 5 years, is authorized to purchase instructional materials that have not been approved by the board and would require any school district that requests to use instructional materials not approved by the board to assure that all pupils attending a school that has scored in any of deciles 1 to 4, inclusive, on the API are provided with standards aligned textbooks and instructional materials, as specified. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/29/2003-To Com. on ED.</p>

<b>Assessment &amp; Standards-SBE</b>	
<b>SB 471 Vasconcellos</b> A-05/08/2003	<p><b>Summary:</b> Existing law repeals the Leroy Greene California Assessment of Academic Achievement Act on January 1, 2005, states the intent of the Legislature regarding this testing program and makes findings and declarations regarding the program. The existing act requires a school district to conduct a testing program in accordance with rules and regulations of the State Board of Education. This bill would extend the date of that repeal to January 1, 2007. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/29/2003-Do pass as amended.</p>
<b>Assessment &amp; Standards-SBE</b>	
<b>SB 495 Vasconcellos</b> A-05/07/2003	<p><b>Summary:</b> Existing law establishes the School Performance Accountability Program which consists of the Academic Performance Index (API), the Immediate Intervention/Underperforming Schools Program, the High Priority Schools Grant Program for Low Performing Schools, and the High Achieving/Improving Schools Program. This bill would state the intent of the Legislature to establish an Opportunity to Learn Index (OTL) as part of the Public School Performance Accountability Program to measure the opportunity for pupil learning as evidenced by pupil access to high-quality learning resources, conditions, and opportunities, based on standards that specify what all schools should have available for instruction and support. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/29/2003-Do pass as amended.</p>
<b>Assessment &amp; Standards-SBE</b>	
<b>SB 687 Cedillo</b> I-02/21/2003	<p><b>Summary:</b> Existing law establishes the Governor's Scholars Programs under the administration of the Scholarshare Investment Board, which was established pursuant to the Golden State Scholarshare Trust Act. One of the Governor's Scholars Programs is known as the Governor's Distinguished Mathematics and Science Scholars Program, under which a pupil may receive a scholarship for demonstrating specified high academic achievement in mathematics and the sciences. Among other things, the Governor's Distinguished Mathematics and Science Scholars Program requires that a pupil earn an award under the Governor's Scholars Program to be eligible. This bill would revise the provision establishing the Governor's Distinguished Mathematics and Science Scholars Program by making various technical and conforming changes.</p> <p><b>Status:</b> 03/06/2003-To Com. on ED.</p>
<b>Assessment &amp; Standards-SBE</b>	
<b>SCR 5 Scott</b> I-01/23/2003	<p><b>Summary:</b> This measure would declare the Legislature's acknowledgment and support of standards-based instruction in the visual and performing arts in all California public schools, prekindergarten through grade 12, inclusive.</p> <p><b>Status:</b> 04/03/2003-To Com. on ED.</p>
<b>Charter Schools-SBE</b>	
<b>AB 604 Dymally</b> A-05/05/2003	<p><b>Summary:</b> Existing law, the Charter Schools Act of 1992, allows for the establishment of charter schools that operate independently from the existing school district structure as a method of accomplishing specified goals. The act deems a charter school to be a school district for purposes of determining the manner in which warrants are drawn on the State School Fund. The act authorizes a charter school to receive the state aid portion of the charter school's total general-purpose entitlement and categorical block grant directly or through the local educational agency that either grants its charter or was designated by the State Board of Education. This bill would, notwithstanding those provisions, require in the case of a charter school that operates schools at multiple sites, that the charter school receive its funding directly from the county superintendent of schools of the county in which the local educational agency that approved the charter, or was designated by the state board, is located. The bill would authorize the county superintendent of schools to establish appropriate accounts in the county treasury for the charter school and each of its schoolsites, and would prescribe the manner of deposit and allocation of these funds . The bill would impose a state-mandated local program to the extent that it imposes new duties on the county superintendent of schools. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/15/2003-In committee: Set, first hearing. Referred to APPR. suspense file.</p>
<b>Charter Schools-SBE</b>	
<b>AB 1129 Goldberg</b> A-04/28/2003	<p><b>Summary:</b> Existing law establishes the Class Size Reduction Program in which participating school districts are provided up to \$800 per pupil for reducing class size to a ratio of 20 pupils to 1 teacher in kindergarten and any of grades 1 to 3, inclusive. Existing law requires the Controller to deduct the entire amount of funding received for each class that the school district failed to maintain that ratio. This bill would, instead, for participating schools ranked in any of deciles 1 to 3, inclusive, on the Academic Performance Index (API) provide up to \$906 per pupil for reducing class size to a ratio of 20 pupils to 1 teacher in kindergarten and any of grades 1 to 5, inclusive. The bill would provide that a school district would continue to receive that amount even if the school for which the funding is provided is no longer ranked in any of deciles 1 to 3, inclusive. This bill contains other related provisions.</p>

<b>Status:</b> 04/30/2003-In committee: Set, second hearing. Hearing canceled at the request of author.	
<b>Charter Schools-SBE</b>	
<b>AB 1307 Haynes</b> A-03/25/2003	<p><b>Summary:</b> The existing Charter Schools Act of 1992 permits teachers, parents, pupils, and community members to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. This bill would, notwithstanding any other provision of law, authorize nonprofit charitable organizations, a county board of education, a county chief executive officer, the chancellor of a campus of the University of California, the president of a campus of the California State University, the governing board of a community college district, or the governing body of a public or private college or university to approve a petition submitted to establish a charter school within the county in which that entity is located or person administers a campus. The bill would, in addition, authorize the State Board of Education to approve a petition submitted directly to the board to establish a charter school. The bill would, in addition, authorize the mayor of a city having a population of 250,000, or more, to approve a petition submitted to establish a charter school within that city. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 04/24/2003-Set, first hearing. Hearing cancelled at the request of author. (Refers to 4/23/2003 hearing)</p>
<b>Charter Schools-SBE</b>	
<b>AB 1366 Simitian</b> A-05/05/2003	<p><b>Summary:</b> Existing law defines "sponsoring local educational agency" for purposes of provisions governing charter schools. This bill would include within that definition, only for the purpose of transferring amounts in lieu of property taxes and for pupils who reside in and are otherwise eligible to attend school in a basic aid school district, but who attend a charter school authorized by a nonbasic aid district or county office of education, the basic aid district, as defined. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/23/2003-In Senate. Read first time. To Com. on RLS. for assignment.</p>
<b>Charter Schools-SBE</b>	
<b>SB 979 Ducheny</b> I-02/21/2003	<p><b>Summary:</b> The Charter Schools Act of 1992 provides that average daily attendance may not be generated by a pupil over 19 years of age who is not continuously enrolled in public school and make satisfactory progress toward a high school diploma, with certain specified exceptions. This bill would authorize the State Board of Education to grant a renewable exemption from that provision to a charter school, upon petition, for a term of up to five years.</p> <p><b>Status:</b> 05/29/2003-Set, first hearing. Held in committee and under submission.</p>
<b>Curriculum &amp; Instructional Materials-SBE</b>	
<b>AB 12 Goldberg</b> A-03/24/2003	<p><b>Summary:</b> 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, including English language development and primary language instruction, to adopt those materials in a manner that will provide each pupil with materials appropriate for his or her reading level. By requiring the governing board of a school district to adopt materials in this manner, this bill imposes a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/07/2003-In committee: Set, first hearing. Referred to APPR. suspense file.</p>
<b>Curriculum &amp; Instructional Materials-SBE</b>	
<b>AB 581 Chu</b> I-02/18/2003	<p><b>Summary:</b> Existing law specifies the course of study for grades 7 to 12, inclusive, and requires the State Department of Education to incorporate specified materials in department publications used as curriculum resources. This bill would require a labor relations curriculum to be considered in the next cycle in which the history-social science curriculum framework and its accompanying instructional materials are adopted, and would prescribe related matters.</p> <p><b>Status:</b> 05/07/2003-In committee: Set, first hearing. Referred to APPR. suspense file.</p>
<b>Curriculum &amp; Instructional Materials-SBE</b>	
<b>AB 642 Mullin</b> A-05/14/2003	<p><b>Summary:</b> Existing law requires the State Board of Education to adopt statewide academically rigorous content standards in the core curriculum areas of reading, writing, mathematics, history/social science, and science , and to adopt content standards in other areas, including visual and performing arts and English language development. Existing law also requires the State Board of Education to adopt statewide performance standards, as provided. This bill would require the Superintendent of Public Instruction , commencing in 2005 , to conduct a periodic review of the content standards for those areas, and as part of that review, to hold regional public hearings. The bill would require the superintendent to adopt any changes in the content standards deemed necessary or desirable and any conforming changes to the statewide performance standards.</p> <p><b>Status:</b> 05/29/2003-From committee: Do pass. (Ayes 17. Noes 7.) (May 28). Read second time. To third reading.</p>

Curriculum & Instructional Materials-SBE	
<b>AB 707 Correa</b> A-04/29/2003	<p><b>Summary:</b> Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to plan and develop a one-semester instructional program entitled consumer economics for use in schools maintaining any of grades 7 to 12, inclusive, and to make that program available to all school districts and schools with grades 7 to 12, inclusive. This bill would instead require only the Superintendent of Public Instruction to plan and develop this one-semester instructional program and would require the Department of Consumer Affairs and the Superintendent of Public Instruction to establish, by April 1, 2004, a Personal Financial Management Curriculum Task Force that would be required to develop curriculum and educational programs for grades 7 to 12, inclusive, in comprehensive personal financial management.</p> <p><b>Status:</b> 05/15/2003-In committee: Set, first hearing. Referred to APPR. suspense file.</p>
Curriculum & Instructional Materials-SBE	
<b>AB 907 Pavley</b> A-04/21/2003	<p><b>Summary:</b> Existing law requires the State Board of Education to adopt statewide academically rigorous content standards and performance standards in the core curriculum areas of reading, writing, mathematics, history/social science, and science. This bill would require the State Board of Education and Superintendent of Public Instruction to revise the academic content standards for history/social science and science to incorporate specific environmental education content , as provided. The bill would provide that the environmental education content is not required to be included within the assessments conducted pursuant to the Standardized Testing and Reporting Program (STAR) until the next revision of the assessment materials are required pursuant to other law .</p> <p><b>Status:</b> 05/07/2003-In committee: Set, first hearing. Referred to APPR. suspense file.</p>
Curriculum & Instructional Materials-SBE	
<b>AB 921 Firebaugh</b> A-03/27/2003	<p><b>Summary:</b> Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, in language arts, mathematics, science, social science, bilingual or bicultural subjects, and any other subject, discipline or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable. This bill would require the State Board of Education to consider the cost of the instructional materials, per pupil, in selecting the instructional materials for adoption, as specified. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/28/2003-Do pass as amended.</p>
Curriculum & Instructional Materials-SBE	
<b>AB 1016 Canciamilla</b> I-02/20/2003	<p><b>Summary:</b> Existing law designates and sets aside John Muir Day as a day of special significance and encourages public schools and educational institutions to observe that day and to conduct suitable exercises commemorating that day, as specified. This bill would authorize the State Board of Education to adopt a model curriculum guide for the exercises and instruction related to John Muir Day.</p> <p><b>Status:</b> 04/30/2003-In committee: Set, first hearing. Referred to APPR. suspense file.</p>
Curriculum & Instructional Materials-SBE	
<b>AB 1021 Yee</b> A-04/10/2003	<p><b>Summary:</b> Existing law requires the State Department of Education to incorporate into prescribed materials, frameworks on history and social science that deal with civil rights, human rights violations, genocide, slavery, and the Holocaust, and encourages all state and local professional development activities to provide teachers with content background and resources to assist in teaching about civil rights, human rights violations, genocide, slavery, and the Holocaust. Existing law encourages teachers to use films and videotapes as a resource in teaching pupils about certain important historical events, including, but not limited to, the Armenian Genocide of 1915-23. This bill would require that materials related to the Armenian Genocide be incorporated by the department into prescribed materials and be included in the next cycle in which the history/social science curriculum framework and the accompanying instructional materials are adopted.</p> <p><b>Status:</b> 05/07/2003-In committee: Set, first hearing. Referred to APPR. suspense file.</p>
Curriculum & Instructional Materials-SBE	

<p><b>SB 5 Karnette</b> A-04/24/2003</p>	<p><b>Summary:</b> Existing law requires the Superintendent of Public Instruction to design and implement a program that includes statewide academically rigorous content and performance standards, as specified. Existing law establishes deadlines by which the State Board of Education must adopt statewide academically rigorous content standards in the areas of reading, writing, mathematics, history/social science, science, physical education, and visual and performing arts. This bill would require the State Department of Education, on or before June 1, 2009, to adopt content standards for teaching foreign languages in kindergarten and grades 1 to 12, inclusive, pursuant to recommendations developed by the Superintendent of Public Instruction. The bill would provide that these standards are intended to guide schools that offer programs of instruction in languages other than English. The bill would require these standards to support the goal of providing programs of instruction in languages other than English as early as feasible, and to including a description of the skills to be attained at each grade level and alignment of the course content with the entrance requirements of the California State University and the University of California.</p> <p><b>Status:</b> 05/29/2003-To Com. on ED.</p>
<p><b>Curriculum &amp; Instructional Materials-SBE</b></p>	
<p><b>SB 383 Alarcon</b> A-04/21/2003</p>	<p><b>Summary:</b> Existing law requires the Superintendent of Public Instruction to assist all school districts to ensure that all public high school pupils have access to a core curriculum that meets the admission requirements of the University of California and the California State University. Existing law requires the California State University, and requests the University of California, to establish a model uniform set of academic standards for high school courses, including career technical courses, for the purposes of recognition for admission to the California State University and the University of California. This bill would establish a Postsecondary Readiness Commission, whose 13 members would be appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/29/2003-Do pass as amended.</p>
<p><b>Curriculum &amp; Instructional Materials-SBE</b></p>	
<p><b>SB 550 Vasconcellos</b> A-05/14/2003</p>	<p><b>Summary:</b> Existing law requires the Superintendent of Public Instruction to develop standards for the implementation of quality child care and develop programs. Existing law requires the State Department of Education to develop prekindergarten learning development guidelines that identify appropriate developmental milestones, basic beginning skills needed to prepare children for kindergarten or first grade, and methods of teaching these basic skills. Existing law requires the guidelines to be articulated with the academic content and performance standards adopted by the State Board of Education for kindergarten and grades 1 to 12, inclusive. This bill would require the State Board of Education to develop developmentally appropriate guidelines, standards, and curricula for preschool and early childhood education and to align them to the state-adopted academic content and performance standards for kindergarten and grades 1 to 3, inclusive. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/29/2003-Set, first hearing. Held in committee and under submission.</p>
<p><b>Ed. Technology-SBE</b></p>	
<p><b>AB 294 Daucher</b> A-03/25/2003</p>	<p><b>Summary:</b> Existing law requires schools that provide an online asynchronous interactive curriculum, as defined, to meet certain requirements including, applying to the State Department of Education for participation in the program and limits total participation in the program to 40 schoolsites. Existing law prohibits a pupil participating in an online classroom program from being credited with more than one day of attendance per calendar day or more than 5 days per calendar week. This bill would limit the participation of a pupil in an online course from qualifying for more average daily attendance than for an equivalent course taught in a traditional setting. The bill would require a school district to maintain records of pupil academic performance in online classroom programs and to submit that information to the State Department of Education. The bill would require the State Department of Education to clearly describe in the application form the academic performance information required to be submitted. The bill would require the Superintendent of Public Instruction to convene a working group to assess the online classroom pilot project and the fiscal costs of offering instruction through online classroom programs.</p> <p><b>Status:</b> 05/23/2003-In Senate. Read first time. To Com. on RLS. for assignment.</p>
<p><b>Governance-SBE</b></p>	
<p><b>AB 858 Goldberg</b> A-04/10/2003</p>	<p><b>Summary:</b> Existing provisions of the Education Code relate to the prohibition of discrimination in the provision of educational services by elementary and secondary schools. This bill would establish the California Racial Mascots Act, which would prohibit public schools from using certain specified terms as a school or athletic team name, mascot, or nickname. The bill would provide that the act does not apply to a school or campus if certain conditions regarding prior expenditures on uniforms and other materials are met, as specified. The bill would, in addition, provide that the act does not apply to certain schools located within, or with enrollment boundaries that include a portion of, "Indian country," as defined, provided certain conditions are met. The bill would also provide that this prohibition may not be waived by the State Board of Education. To the extent that this prohibition would impose additional duties on schools, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>

State Board of Education - Legislation Status Report

6/5/2003

<b>Status:</b> 05/29/2003-From committee: Do pass. (Ayes 15. Noes 8.) (May 28). Read second time. To third reading.	
<b>Governance-SBE</b>	
<b>AB 1197 Wiggins</b> A-05/13/2003	<p><b>Summary:</b> The Political Reform Act of 1974 requires each state or local government agency to adopt a conflict of interest code, pursuant to which each designated employee of the agency, as defined, shall file statements of economic interest disclosing his or her financial interests, as specified. This bill would further define a "designated employee" as including any board member, chief business officer, superintendent and assistant superintendent of a public school district or county office of education, and any person having governance or management responsibility in a charter school. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/29/2003-In Senate. Read first time. To Com. on RLS. for assignment.</p>
<b>Governance-SBE</b>	
<b>AB 1209 Nakano</b> A-04/21/2003	<p><b>Summary:</b> The existing California Public Records Act provides that, except for exempt records, every state or local agency, upon request, shall make records available to any person upon payment of fees to cover costs. Among those records that are exempt from disclosure under the act is a document prepared by a local agency that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt the public agency's operations and that is for distribution or consideration in a closed session. This bill would delete this provision and instead provide that specified vulnerability assessments and records relating to public facilities and infrastructure, as they relate to potential terrorist or other criminal acts, are exempt under the act. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/22/2003-Referred to Coms. on G.O. and JUD.</p>
<b>Governance-SBE</b>	
<b>AB 1259 Yee</b> I-02/21/2003	<p><b>Summary:</b> Existing law provides for the State Board of Education, comprised of 10 members who are appointed by the Governor with the advice and consent of 2/3 of the Senate. This bill would state the intent of the Legislature that the Governor appoint members to the board who are drawn from and represent distinct geographical regions of the state. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/05/2003-In committee: Hearing postponed by committee. (Refers to 4/30/2003 hearing)</p>
<b>Governance-SBE</b>	
<b>ABX1 1 Daucher</b> A-02/19/2003	<p><b>Summary:</b> Existing law provides for the establishment of charter schools and for the conversion of all the schools in a district to charter schools. Existing law exempts charter schools from many of the laws governing school districts. This bill would authorize a school district or county office of education, until June 30, 2005, to become a home rule school district or county office of education, as appropriate, if specified conditions are met. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 03/10/2003-In committee: Set, first hearing. Failed passage.</p>
<b>NCLB-SBE</b>	
<b>Accountability-SBE</b>	
<b>AB 1485 Firebaugh</b> A-05/06/2003	<p><b>Summary:</b> Existing law, the English Learner and Immigrant Pupil Federal Conformity Act, requires a local educational agency to provide instructional services to limited-English-proficient pupils and immigrant pupils in conformity with the No Child Left Behind Act of 2001. This bill would declare the intent of the Legislature to require the State Board of Education to comply fully with federal law and ensure that the educational needs and rights of English learners are addressed fully in the accountability plan submitted by the state to the federal government for purposes of the federal No Child Left Behind Act of 2001. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/29/2003-From committee: Do pass. (Ayes 17. Noes 7.) (May 28). Read second time. To third reading.</p>
<b>NCLB-SBE</b>	
<b>Accountability-SBE</b>	
<b>SB 575 Poochigian</b> A-05/06/2003	<p><b>Summary:</b> Existing law, the Classroom Instructional Improvement and Accountability Act, requires the school accountability report card to provide data by which parents may make meaningful comparisons between public schools enabling them to make informed decisions on which school to enroll their children and requires certain information regarding school conditions to be included in this report card. Existing law provides that the Classroom Instructional Improvement and Accountability Act may be amended only to further the purposes of the act and by a bill passed by a 2/3 vote of the Legislature. This bill would impose a state-mandated local program by requiring a school district to ensure that all parents and guardians receive a copy of the school accountability report card or a summary of the report card that includes the information required by the federal No Child Left Behind Act of 2001. The bill would state that the Legislature finds and declares that the bill furthers the purposes of the Classroom Instructional Improvement and Accountability Act. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/29/2003-To Com. on ED.</p>

<b>Special Education-SBE</b>	
<b>AB 615 Bates</b> I-02/19/2003	<p><b>Summary:</b> Existing law requires the State Board of Education, upon recommendation of the Superintendent of Public Instruction or the members of the State Board of Education, to appoint 5 public members to the Advisory Commission on Special Education. This bill would require the board to select one of those members from the charter school community.</p> <p><b>Status:</b> 05/15/2003-Referred to Com. on ED.</p>
<b>Special Education-SBE</b>	
<b>AB 1337 Daucher</b> A-05/05/2003	<p><b>Summary:</b> Existing law sets forth a method for providing special education and related services to pupils with exceptional needs. Existing law also permits, under certain circumstances, contracts to be entered for the provision of those services by nonpublic, nonsectarian schools or agencies, as defined. Existing law authorizes a master contract for special education and related services provided by a nonpublic, nonsectarian school or agency only if the school or agency has been certified as meeting specified standards. Existing law sets forth the certification process and procedures for the nonpublic, nonsectarian schools or agencies that seek certification. This bill would provide that, notwithstanding any other provision of law, a school district, county office of education, or special education local plan area is deemed to have standards for the provision of special education and related services that are , at a minimum, equal to the standards applicable to a certified nonpublic, nonsectarian school or agency. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 05/29/2003-In Senate. Read first time. To Com. on RLS. for assignment.</p>
<b>Special Education-SBE</b>	
<b>ACR 66 Pavley</b> A-05/12/2003	<p><b>Summary:</b> This measure would urge the State Board of Education to delay the high school exit examination until issues are resolved regarding appropriate testing methods for pupils with disabilities. The measure would also encourage the State Department of Education to develop, and the State Board of Education to adopt, guidelines regarding the method and content of alternate assessments to the high school exit examination for pupils with disabilities who cannot participate in the examination and for whom accommodations or modifications are not appropriate.</p> <p><b>Status:</b> 05/13/2003-In Senate. To Com. on RLS.</p>
<b>Supplemental Instruction-SBE</b>	
<b>AB 905 Hancock</b> A-04/10/2003	<p><b>Summary:</b> Existing law establishes the After School Education and Safety Program to create incentives for establishing local after school enrichment programs and establishes maximum grant amounts for participating schools. Existing law provides that the grants be awarded as an annual reimbursement, as specified. This bill would require the State Department of Education to select between 6 and 10 grant recipients based on specified criteria to participate in a two-year pilot program for the purpose of comparing program funding approaches. The bill would require the department to review the alternative funding program and to report to the Legislature regarding its findings and recommendations.</p> <p><b>Status:</b> 05/07/2003-In committee: Set, first hearing. Referred to APPR. suspense file.</p>
<b>Teachers &amp; Credentialing-SBE</b>	
<b>AB 1650 Simitian</b> A-04/28/2003	<p><b>Summary:</b> Existing law establishes various grant programs aimed at promoting the development of teachers in specific areas. This bill would consolidate the funding for many of those programs and would establish the Teacher Support and Development Act of 2003 to provide flexible professional development block grants to school districts. The bill would require the Superintendent of Public Instruction to annually award the block grants from funding provided in the annual Budget Act. The bill would provide for the block grant amounts to be calculated according to a specified formula and would require a school district to demonstrate that its staff development programs meet specified criteria prior to receiving a block grant. This bill contains other related provisions.</p> <p><b>Status:</b> 05/15/2003-In committee: Set, first hearing. Referred to APPR. suspense file.</p>



JUNE 2003 AGENDA

SUBJECT: Permanent Regulations Regarding Funding Determinations for Charter Schools Offering Nonclassroom-based Instruction Pursuant to Senate Bill (SB) 740 (Chapter 892, Statutes of 2001).	<input checked="" type="checkbox"/> ACTION
	<input type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Direct staff to make technical modifications in the final rule-making package for the permanent regulations regarding funding determinations for charter schools offering nonclassroom-based instruction pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001) to address the decision of the Office of Administrative Law (OAL), including (as may be necessary) circulation of certain documentation for public comment. If an additional 15-day public comment period is necessary, and if no public comment is received, then direct staff to submit the modified rule-making package to OAL following the close of the public comment period. If public comment is received, then direct staff to schedule consideration of the comment at the next State Board meeting.

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Summary of Previous State Board of Education Discussion and Action.

In July 2002, the State Board approved permanent regulations regarding funding determinations for charter schools offering nonclassroom-based instruction pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001).

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Summary of Key Issue(s).

Recently, OAL decided that there were certain technical deficiencies in the rule-making package and that certain documentation should have been made available during the public review period. The technical deficiencies appear to be easily correctable, and the documentation issue may be capable of being addressed by an additional 15-day circulation of the identified items.

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Fiscal Analysis (as appropriate).

No fiscal impact related to the technical deficiencies or the documentation issue.

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Background Information attached to this Agenda Item.

More detailed information will be provided in a supplemental memorandum

# Supplemental Memorandum

**To:** STATE BOARD MEMBERS

**Date:** May 29, 2003

**From:** Susan Lange

**Re:** ITEM #38

**Subject** Permanent Regulations Regarding Funding Determinations for Charter Schools Offering Nonclassroom-based Instruction Pursuant to Senate Bill (SB) 740 (Chapter 892, Statutes of 2001)

Upon further review of the reasons that the Office of Administrative Law (OAL) provided in its decision disapproving the SB 740 permanent regulations and discussions with OAL staff, California Department of Education (CDE) staff has determined that data used in the development of the regulations must be added to the rulemaking file. To do this, the data must have a 15-day public availability period as required by *Government Code* Section 11347.1.

The data are revenue and expenditure information reported to the CDE in the Standardized Account Code Structure (SACS) by small school districts (defined as districts with fewer than 1,000 units of average daily attendance). These data were used by the Advisory Commission on Charter Schools in its development of the percentages for certificated employee salaries and benefits expenditures, and instruction and instruction-related expenditures that are included as funding criteria in the SB 740 regulations. A copy of the data to be available for public comment is attached.

Attachment included in this supplemental:

Attachment 1: Selected Financial Data for Small School Districts (Pages 1-5) (This attachment is not available on the Web)