

FINAL MINUTES
State Board of Education
July 7-8, 2004

Wednesday, July 7, 2004

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

Members Present

Ruth E. Green, President
Glee Johnson, Vice President
Brent Godfrey
Reed Hastings
Joe Nuñez
Johnathan Williams

Members Absent

Ruth Bloom
Don Fisher
Jeannine Martineau
Bonnie Reiss
Suzanne Tacheny

Secretary and Executive Officer

Jack O'Connell, State Superintendent of Public Instruction

Principal Staff

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

Call to Order

President Green called the meeting to order at 9:06 a.m.

Salute to the Flag

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

FINAL MINUTES
State Board of Education
July 7-8, 2004

Announcements/Communications

President Green announced that Items 32 and 33 were postponed to a future meeting; Waiver Item W-6 would be heard after Item 38; and Waiver Item W-8 had been withdrawn by the charter school.

Approval of Minutes (May 2004 Meeting)

- ACTION: Mr. Hastings moved that the State Board approve the minutes for the May 2004 meeting with minor corrections. Mr. Godfrey seconded the motion. The motion was unanimously approved.

Closed Session Agenda

President Green announced that a new legal case, *Renaissance Academy Charter School v. Los Angeles Unified School District*, would be added to the Closed Session agenda on Thursday, and noted that prior notice was not possible because the case was served on the Board after the publication of the July agenda.

Superintendent's Report

Superintendent O'Connell provided an overview of the priorities that were included in the State of Education address that he delivered in February. He stated that the first priority is high school reform. Superintendent O'Connell noted that he is sponsoring three bills in the Legislature focusing on this area.

- (1) SB 1795 (Alarcon), Rigorous Curriculum, would provide access to the A-G more rigorous curriculum for all students and counseling would be provided for all students to inform them of the A-G curriculum availability.
- (2) SB 1405 (Karnette), High School Instructional Materials Advisory List, would help with the curriculum and alignment for high schools with our world-class state standards. Superintendent O'Connell thanked Ms. Belisle for her assistance on the legislative process with this issue.
- (3) AB 164 (Wolk/Wyland), High School Principal Professional Development, addresses the need for more professional development training for school site leaders (principals and vice principals).

Superintendent O'Connell stated that the second priority is to reduce the amount of paperwork for school sites and school districts. He announced that effective July 1, 2004, CDE has reduced their data requests by over 10 percent and by January 1, 2005, CDE will have eliminated 37 percent of all data requests under CDE control that are not mandated by the federal government. In addition to the elimination of data requests, CDE is simplifying and standardizing as many forms as possible. Superintendent O'Connell noted that more resources and time will be spent in the classroom with the students and less time spent filling out paperwork. He acknowledged Keric Ashley, Director of the Data Management Division, and his staff for their work in this task.

FINAL MINUTES
State Board of Education
July 7-8, 2004

Superintendent O'Connell stated that the third priority is staying the course and continuing to expand and support those programs that work. He noted that the assessment system is due to sunset in less than 6 months and CDE is sponsoring SB 1448 (Alpert) to reauthorize the assessment system. A compromise was worked out in this bill to reauthorize the assessment system for the next six years for grades 3 through 11 and reauthorize the 2nd grade testing for the next three years. Superintendent O'Connell explained that the 2nd grade testing is substantially oral in nature, developmentally and age appropriate for the students, represents 240-250 minutes over the entire year (less than one percent of classroom time), is used to help measure the placement of students in 3rd grade and for diagnostic purposes, and is a cornerstone to our API.

Superintendent O'Connell announced that CDE was notified several weeks ago that California was the largest recipient (\$75 million over the next three years) of a federal grant to help start up charter schools. The first installment of \$25 million was presented a week ago by Secretary Rod Paige, U.S. Department of Education, to the Governor and Superintendent O'Connell. Superintendent O'Connell expressed his appreciation for the Governor's generous remarks regarding the CDE staff that worked toward obtaining this grant.

Superintendent O'Connell informed the Board that an initial meeting took place last week for Board-granted charter schools. The charter schools shared best practices, worked in a collaborative manner, and agreed to stay in closer contact since the Board granted these charters. Superintendent O'Connell acknowledged Deborah Connelly, Charter School Division, for facilitating that meeting.

Note: Items appear in the order they were heard.

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

President Green stated that most of the Board members' liaison assignments and appointments had been made.

WestEd Board Appointment

President Green provided a brief overview of WestEd. She announced that David Gordon, Superintendent of the Sacramento County Office of Education, has replaced David Meaney, former Superintendent of the Sacramento County Office of Education, as the county superintendent representative on the WestEd Board of Directors.

FINAL MINUTES
State Board of Education
July 7-8, 2004

Seminars/Retreat

President Green noted that an English learner seminar was planned for September. She suggested holding a discussion in September about a possible Board retreat.

No action was taken on this item.

ITEM 2	PUBLIC COMMENT. Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
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President Green announced that speakers were limited to two minutes.

The following individuals addressed the Board:

- Patrick Wilson, parent
- Teresa Piña, Indio/Rosalyn Charter School
- Lois Lambert, teacher, Indio/Rosalyn Charter School

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

ITEM 3	Seminar: K-8 Instructional Materials and the Adoption Process.	INFORMATION
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Sue Stickel, Deputy Superintendent of Curriculum and Instruction, provided an overview of instructional materials adoptions and introduced the seminar presenters: Tom Adams, Director of Curriculum Frameworks and Instructional Resources Division; Kathi Cooper, Associate Superintendent for Instruction and Learning, Sacramento City Unified School District; and Steve Dreisler, Executive Director of the American Association of Publishers.

Mr. Adams conducted a PowerPoint presentation on the major components of the adoption process and the sequence of events. He noted that the entire process takes over 30 months from the completion of the framework.

Ms. Johnson asked about resources available to the reviewers prior to the deliberations. Mr. Adams noted that reviewers are encouraged to contact CDE staff with questions because they are under the restrictions of the *Bagley-Keene Open Meeting Act*. All discussions between the reviewers must be held in public.

President Green asked how the public is notified of the 30-day public display. Mr. Adams responded that the Learning Resource Display Centers notify their local constituents. There is also a posting on the CDE web site and the different sites throughout the state.

Mr. Adams stated that the adopted programs are also made available in specialized format (e.g. braille, large print, ASL VideoBooks) through the Center for Specialized Media and Technology.

FINAL MINUTES
State Board of Education
July 7-8, 2004

Mr. Adams noted that the Instructional Materials Funding Realignment Program is currently available. Starting in 2005, districts must purchase materials within 24 months of the State Board adoption.

The Board held an in-depth discussion regarding textbook pricing and publication costs.

Ms. Cooper discussed the impact of state-adopted instructional materials in a school district. She stated that the adoption of instructional materials aligned with the standards is essential. Ms. Cooper commented that it is very difficult to achieve consistency, equity and fairness for teachers and students without guidance and support in terms of the identification of instructional materials that are aligned to the California state standards. She thanked the Board for their work and expressed that it is an important benefit for districts to have the Board do the work they do to adopt instructional materials.

Mr. Dreisler provided an overview of the California market and California's criteria. He stated that in 2002-2003, the total national textbook market was approximately \$10-11 billion. California, the largest state purchaser, typically represents approximately 12-13 percent of the instructional materials market nationally. National editions of textbooks tend to come from California or Texas versions, and are usually used in non-adoption states or smaller-adoption states. Mr. Dreisler noted that California's curriculum is the broadest, deepest, and most comprehensive one out there. The adoption process requires publishers to be in complete compliance with those standards.

Mr. Dreisler addressed some of the unintended consequences of what has occurred in the curriculum development and the impact it has had on textbooks (e.g. size, weight, pricing). Additional content standards and the increased number of pages in student and teacher editions have increased the cost of instructional materials. Mr. Dreisler stated that due to the importance of the market and the role the Board has in adopting standards and improving instructional materials, decisions need to take into consideration unintended consequences. The point is to be able to provide a textbook that has content, affordability, and manageable size and weight.

Mr. Dreisler addressed the pricing model and electronic delivery of content. He noted that intellectual property, research development, and marketing are a significant part of the cost in producing materials. He explained the challenges surrounding electronic content, which included entities that refuse to sell electronic rights. Mr. Dreisler noted that the cost of the materials would increase if publishers have to seek the electronic format rights.

Mr. Hastings asked how the smaller publishers sell to districts effectively. Mr. Dreisler responded that the smaller publishers are primarily found in the supplemental materials market. The costs of competing in the big markets have been part of what has driven consolidation. Mr. Dreisler noted that four major publishers account for 75-80 percent of sales.

President Green thanked all the presenters for their presentations.

FINAL MINUTES
State Board of Education
July 7-8, 2004

The following individuals addressed the Board:
Sherry Skelly Griffith, Association of California School Administrators
Martha Zaragoza-Diaz, Californians Together Coalition

Mr. Hastings addressed the restriction of “most favored nation.” Mr. Dreisler noted that this policy effectively takes away the price competition.

Ms. Johnson asked Mr. Dreisler for percentages on the major costs involved in publishing. Mr. Dreisler stated that he could provide her with that information (e.g., overhead, content) but that he did not have it with him.

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

ITEM 4	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
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Norma Baker, Vice Chair of the Curriculum Commission, updated the Board on the Commission’s activities. On July 21, 2004, the Commission will have a draft mathematics framework for review with the new criteria. Between August 10, 2004 and October 15, 2004, the framework will be posted on the CDE website. The framework will be brought to the Board in early 2005.

Ms. Baker reported that between July 19, 2004, and July 22, 2004, the reviewers will be meeting in Sacramento to discuss their findings in regards to the adoption of instructional materials for health. The Commission will bring its recommendations to the Board in November.

Currently, the Commission is in the process of recruiting reviewers for the upcoming history-social science adoption in 2005.

On June 23, 2004, the Commission explained to the publishers the content of the curriculum framework and criteria for science and visual and performing arts. Adoptions will take place in 2006 for both of those areas.

The following individual addressed the Board:
Mike Contino, California Mathematics Council

No action was taken on this item.

FINAL MINUTES
State Board of Education
July 7-8, 2004

PROPOSED CONSENT ITEMS (Items 17-19, 25-30, and 34-36)

ITEM 17	<i>No Child Left Behind (NCLB) Act of 2001: Title I Committee of Practitioners: Appointment of Members.</i>	INFORMATION ACTION
ITEM 18	<i>No Child Left Behind (NCLB) Act of 2001: Approve Additional Supplemental Educational Service Providers for the List of 2004-05 School Year Providers.</i>	INFORMATION ACTION
ITEM 19	<i>No Child Left Behind (NCLB) Act of 2001: Approve Local Educational Agency Plans (Title I Section 1112).</i>	INFORMATION ACTION
ITEM 25	Mathematics and Reading Professional Development Program (AB 466): Approve Local Educational Agencies' (LEAs) Reimbursement Requests.	INFORMATION ACTION
ITEM 26	Mathematics and Reading Professional Development Program (AB 466) (Chapter 737, Statutes of 2001): Including, but Not Limited to, Approval of Training Providers and Training Curricula.	INFORMATION ACTION
ITEM 27	Principal Training Program (AB 75): Approval of the Interim Report for the Legislature.	INFORMATION ACTION
ITEM 28	The Principal Training Program (AB 75): Approval of Training Providers.	INFORMATION ACTION
ITEM 29	The Principal Training Program (AB 75): Approval of Local Educational Agencies (LEAs) and Consortia Applications for Funding.	INFORMATION ACTION
ITEM 30	Consolidated Applications 2003-2004: Approval.	INFORMATION ACTION
ITEM 34	Assignment of Numbers for Charter School Petitions.	INFORMATION ACTION
ITEM 35	Determination of Funding Requests from Charter Schools Pursuant to Senate Bill (SB) 740 (Chapter 892, Statutes of 2001), Specifically <i>Education Code</i> Sections 47612.5 and 47634.2, and <i>California Code of Regulations</i> , Title 5 Sections 11963 to 11963.6, Inclusive: Approval for 2003-04 (and Beyond).	INFORMATION ACTION
ITEM 36	Charter Schools: Request by Leadership Public Schools – San Rafael (LPSSR) to Postpone Opening and Set New Dates for Meeting State Board of Education Conditions.	INFORMATION ACTION

President Green asked if there were any items the Board members would like to pull from proposed consent list.

On Item 17 (Title I Committee of Practitioners), Ms. Belisle clarified that the Board is attempting to put the Committee on a more realistic track where members' terms are not expiring at the same time. The goal is to stagger the terms in order to establish continuity in membership.

FINAL MINUTES
State Board of Education
July 7-8, 2004

Ms. Belisle stated that unless there were any objections, the terms would be staggered by extending the terms of randomly selected members from each category for one year. No objections were raised.

President Green announced that at their request, HomeSmartKids of Knightsen had been pulled from the list of charters recommended for 2003-04 funding under Item 35 at the request of the charter school.

- ACTION: Mr. Hastings moved that the State Board approve the staff recommendations under Items 17, 18, 19, 25, 26, 27, 28, 29, 30, 34, 35, and 36.
 - Item 17: Appoint Christopher T. Downing and Priscilla Murphy to the Title I Committee of Practitioners.
 - Item 18: Approve additional providers for the 2004-2005 school year list of approved supplemental educational service providers.
 - Item 19: Approve the Local Educational Agency (LEA) Plans that have met the requirements for full approval status.
 - Item 25: Approve the list of local educational agencies (LEAs) that have complied with required assurances for the AB 466 program, pursuant to *Education Code* Section 99234(g).
 - Item 26: Approve the recommended AB 466 Training Providers and Training Curricula for the purposes of providing professional development under the provisions of the Mathematics and Reading Professional Development Program (AB 466)
 - Item 27: Approve the Principal Training Program (AB 75) Interim Report for the Legislature.
 - Item 28: Approve the list of Training Providers for The Principal Training Program (AB 75).
 - Item 29: Approve the list of local educational agencies (LEAs) and Consortia that have submitted applications for funding under The Principal Training Program (AB 75), with specific amounts for each LEA or Consortium to be determined by CDE staff in accordance with the established practice for this program.
 - Item 30: Approve the list of 2003-2004 Consolidated Applications (ConApps) submitted by Local Educational Agencies (LEAs).

FINAL MINUTES
State Board of Education
July 7-8, 2004

- Item 34: Approve the assignment of charter numbers 638 through 646.
- Item 35: Approve various 2003-04 (and beyond) determination of funding requests from charter schools, excluding Charter 324 (HomeSmartKids of Knightsen), pursuant to *Education Code* sections 47612.5 and 47634.2, and *California Code of Regulations*, Title 5 sections 11963 to 11963.6, inclusive, based upon the recommendations of the Advisory Commission on Charter Schools (ACCS) and the California Department of Education (CDE).
- Item 36: Approve a new opening date of fall 2005 for Leadership Public Schools -San Rafael (LPSSR) and approve new dates by which the school must meet the State Board of Education (SBE) conditions of approval in order to open.

Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 5	Information Regarding the National Assessment of Educational Progress (NAEP).	INFORMATION ACTION
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Deb Sigman, Director of the Standards and Assessment Division, introduced the presenters: Charles Smith, Executive Director of the National Assessment Governing Board (former Tennessee State Commissioner of Education); Steve Lazer, Education Testing Service Vice President for Assessment Development (former NAEP Executive Director); and Eric Zilbert, Assessment Office (California NAEP coordinator).

Mr. Smith and Mr. Lazer conducted a PowerPoint presentation, which included an overview of NAEP and the role of the National Assessment Governing Board (Governing Board); a comparison of NAEP to the California STAR Language Arts results; and the differences between NAEP and STAR testing. California has been part of the NAEP data since 1998.

Mr. Nuñez raised the confusion over the data by the general public and the Legislature. Mr. Smith stated that the Governing Board has a great responsibility of producing more understandable data. He noted that new policy recommendations would be coming to the Governing Board in November and each state chief would be receiving a letter from the Governing Board to establish more commonality between the states.

President Green asked how to compare the data when the inclusion and exclusion rates change. Mr. Smith stated this exact question had been posed to the state chiefs. Mr. Lazer noted that 2002-2003 appears to be more stable in regard to exclusion rates. He also stated that California's performance has increased in mathematics. Mr. Hastings asked what group was the primary exclusion group. Mr. Lazer stated the exclusion group is mainly around students with disabilities. Mr. Hasting asked if the constructed response might cloud reading and writing. Mr. Smith responded that this is one of the five most debated issues.

FINAL MINUTES
State Board of Education
July 7-8, 2004

President Green thanked Mr. Smith and Mr. Lazer for their presentations.

No action was taken.

ITEM 6	Assessment: Review Draft Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments.	INFORMATION
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Ms. Sigman provided background information. She announced that the matrix is still in the process of being updated as regulations are developed and adopted.

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

ITEM 7	Standardized Testing and Reporting (STAR) Program: Including, but Not Limited, to Program Update.	INFORMATION ACTION
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Ms. Sigman announced that 99 percent of testing had been completed. She reported that over 13,000 students would be receiving the Golden State Seal on their diplomas.

No action was taken on this item.

ITEM 8	Standardized Testing and Reporting (STAR) Program: Approve Commencement of the Rulemaking Process for Proposed Amendments to Title 5 Code of Regulations	INFORMATION ACTION
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Ms. Sigman addressed the proposed amendments outlined in the last minute memorandum.

- **ACTION:** Mr. Hastings moved that the State Board (1) approve the commencement of the regulatory process for proposed regulations regarding the STAR Program, with technical modifications that may be identified and incorporated by staff, subject to the approval of the Executive Director of the State Board, and direct staff to commence the rulemaking process; (2) approve the Initial Statement of Reasons and the Notice of Proposed Rulemaking with any necessary technical modifications; and (3) direct CDE staff to conduct a public hearing on the proposed regulations. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote of the members present.

Mr. Hastings inquired about the release of test scores. Ms. Sigman responded that the simultaneous release of the STAR and CAHSEE scores for the first time was scheduled for August 16, 2004. Districts will have approximately five days prior notice to review the scores before press releases. Internet access to the public will be at approximately 10:00 a.m. on August 16, 2004. The API and AYP results will be released on August 31, 2004.

ITEM 9	California English Language Development Test (CELDT): Including, but Not Limited to, Update on CELDT Program.	INFORMATION ACTION
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Ms. Sigman stated that on July 1, 2004, the Request for Proposal for the CELDT administration (through 2008) was posted on the CDE website. She noted that bids will be opened on August 20, 2004. The contract is expected to begin around October 1, 2004.

FINAL MINUTES
State Board of Education
July 7-8, 2004

Ms. Sigman provided an update on AB 921 (Firebaugh), regarding the development of a reading and writing assessment for CELDT (grades K and 1). She noted that there is an NCLB requirement to test K-1 students but the Legislature did not want to authorize the development of a K-1 reading and writing test. The bill in its current form requires the Board to seek a waiver from the NCLB requirement.

No action was taken on this item.

ITEM 10	California English Language Development Test (CELDT): Adopt Amendments to Title 5 Regulations.	INFORMATION ACTION
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Ms. Sigman reported on the comments received during the public comment period and at the public hearing. Ms. Sigman noted that CDE staff held additional discussions regarding the use of modifications. It was determined that it was best to allow modifications and the amendments to the proposed regulations include allowing modifications in specific circumstances.

Mr. Hastings suggested using the term “home” language in place of “primary” language in the proposed regulations. Ms. Sigman explained the reasoning behind using the term “primary” language.

- ACTION: Mr. Hastings moved that the State Board (1) direct staff to send out the revised proposed regulations for the CELDT for a 15-day public comment period; (2) if no objections to the revisions to the regulations are received during the 15-day public comment period, direct staff to complete the rulemaking package and submit it to the Office of Administrative Law for approval; and (3) if objections to the revisions to the regulations are received during the 15-day public comment period, direct staff to place the regulations on the Board’s September agenda. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 11	California High School Exit Examination (CAHSEE): Including, but Not Limited to, CAHSEE Program Update	INFORMATION ACTION
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Ms. Sigman stated that the assessment for 10th graders had been completed this year for CASHEE. The test results release date for CAHSEE is August 16, 2004. Ms. Sigman stated that changes have been made to the test to decrease the time. She noted that the CDE is working diligently with staff and the test contractor to ensure that districts, the Board, and the press have the tools to make the appropriate conclusions.

Ms. Sigman announced that a Request for Proposal for an independent evaluator on CAHSEE was posted on the CDE website. She noted that bids will be opened on August 20, 2004. The contract will begin on October 1, 2004.

No action was taken on this item.

FINAL MINUTES
State Board of Education
July 7-8, 2004

ITEM 12	California High School Exit Exam (CAHSEE): Approve Commencement of the Rulemaking Process for Amendments to Title 5 California Code of Regulations.	INFORMATION ACTION
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Ms. Sigman noted that the amendments were being made to ensure as much consistency as possible between the state's tests. Ms. Belisle clarified that the technical changes related to consistent terminology throughout the document.

- **ACTION:** Mr. Hastings moved that the State Board (1) approve the commencement of the regulatory process for proposed regulations regarding the California High School Exit Exam, with technical modifications that may be identified and incorporated by staff, subject to the approval of the Executive Director of the State Board, and direct staff to commence the rulemaking process; (2) approve the Initial Statement of Reasons and the Notice of Proposed Rulemaking with any necessary technical modifications; and (3) direct CDE staff to conduct a public hearing on the proposed regulations. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote of the members present.

Lunch Break: President Green called for the lunch break at 12:33 p.m. She reconvened the meeting at 1:35 p.m.

ITEM 13	Alternative Schools Accountability Model (ASAM): Public Hearing and Adoption of Performance Standards for the ASAM Performance Indicators.	INFORMATION ACTION PUBLIC HEARING
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Sue Bennett, Educational Options Office, introduced Vickie Barber, Member of the Advisory Committee for the Public Schools Accountability Act. Ms. Barber conducted a PowerPoint presentation regarding valid and appropriate accountability for alternative schools serving high-risk students.

President Green opened the public hearing at 1:46 p.m.

The following individuals addressed the Board:
Sherry Skelly Griffith, Association of California School Administrators
Jacqueline Flowers, San Joaquin County Office of Education

President Green closed the public hearing at 1:48 p.m.

President Green called for Board deliberation.

- **ACTION:** Mr. Godfrey moved that the State Board adopt the performance standards for the Alternative School Accountability Model performance indicators, as recommended by staff. Mr. Hastings seconded the motion. The motion was approved by unanimous vote of the members present.

FINAL MINUTES
State Board of Education
July 7-8, 2004

ITEM 14	<i>No Child Left Behind (NCLB) Act of 2001: Including, but Not Limited to, Updates on the Status of Ed-Flex/Timeline Waiver and California's Proposed Amendments to the State Accountability Workbook.</i>	INFORMATION ACTION
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Camille Maben, Special Project Coordinator, provided an update on the Improving America's Schools Act (IASA) timeline waiver. She acknowledged Ms. Sigman and her staff for gathering the information requested by the U.S. Department of Education regarding math content standards on the CAHSEE in relation to the high school mathematics standards. The CDE will have information in August for the Board on an Ed-Flex application with an action item before the Board in September, if the IASA timeline waiver is approved.

Ms. Maben stated that CDE has not received anything in writing as to the approval or denial of the accountability workbook amendments that were submitted.

Ms. Maben informed the Board that CDE will be bringing information to the Board in August and an action item in September on a process for school districts to be able to consolidate their administrative funds, as required by NCLB. She also noted that CDE has almost completed the process of placing personal phone calls to superintendents in districts that are at risk of becoming Program Improvement districts.

No action was taken on this item.

President Green announced that Item 16 would be heard before Item 15.

ITEM 16	<i>No Child Left Behind (NCLB) Act of 2001: Teacher Requirements: Adopt Title 5 Regulations.</i>	INFORMATION ACTION
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Bill Vasey, Director of the Professional Development and Curriculum Support Division, addressed minor changes made for the purpose of clarification.

- ACTION: Mr. Nuñez moved that the State Board adopt the proposed regulations regarding Teacher Requirements under NCLB and direct staff to complete the rulemaking package and submit it to the Office of Administrative Law for approval. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 15	<i>No Child Left Behind (NCLB) Act of 2001: Title IX Persistently Dangerous Public Elementary and Secondary Schools: Adopt Title 5 Regulations.</i>	INFORMATION ACTION
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Mary Weaver, Director of the Learning Support and Partnerships Division, noted that the public hearing was held on July 6, 2004. Chuck Nichols, Safe and Healthy Kids Program Office, provided a summary of the comments received during the public comment period. He noted that the CDE would fully address the issues raised, which were both substantive and technical in nature, over the next couple of months.

FINAL MINUTES
State Board of Education
July 7-8, 2004

Ms. Belisle noted that the Board adopted a definition of “persistently dangerous schools” for purposes of NCLB. If a school is deemed to be persistently dangerous once CDE applies the Board’s criteria, then some public school choice requirements kick in under the federal law. Ms. Belisle stated that clarifying the actions schools would have to take if deemed persistently dangerous would be happening over the summer. A report will be coming to the Board in September with a possible information memorandum in August. Ms. Belisle explained that the Board’s definition elements are being clarified and will be placed into the regulations. She stated that CDE suggested taking the proposed regulations under submission, having staff address the clarifications and public comments, and bringing it back to the Board in September. Any revisions in September will be addressed and sent out for another 15-day public comment period.

The following individual addressed the Board:
Barrett Snider, Elk Grove Unified School District

Action on this item was postponed to the September meeting.

Note: Items 17 through 19 were acted on earlier in the meeting under Proposed Consent.

ITEM 20	High Priority Schools Grant Program: Approval of Definition of “Significant Growth.”	INFORMATION ACTION
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Wendy Harris, Director of the School Improvement Division, provided an overview of the three available definitions.

Ms. Belisle commented that the high priority schools are primarily in Decile I and are likely to end up in Program Improvement under the rigorous federal system definition of Adequate Yearly Progress (AYP). She explained the reasoning for utilizing Option I.

The following individual addressed the Board:
Sherry Skelly Griffith, Association of California School Administrators

- **ACTION:** Mr. Hastings moved that the State Board (1) approve Option 1, positive growth on the schoolwide API, for the definition of significant growth for the High Priority Schools Grant Program, as recommended by staff; and (2) direct staff to bring regulations to implement the definition to the Board in September. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 21	Advisory Commission on Special Education: Report on Activities.	INFORMATION
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Alice Parker, Director of the Special Education Division, introduced Barbara Rickard Monroe, Member of the Advisory Commission on Special Education. Ms. Monroe reported that on June 24, 2004, the Commission elected officers for 2004-2005 (Catherine Conrado (Chair) and Donald Shalvey (Vice Chair)). The Commission welcomed Ms. Martineau as the State Board liaison.

FINAL MINUTES
State Board of Education
July 7-8, 2004

Ms. Monroe announced that the Commission would meet six times during 2004-2005 with one of its main issues being mental health services for special education students and who will be financially responsible for these services. Ms. Belisle acknowledged that the Commission has been very responsive in reducing the number of meetings per year and expressed her appreciation for its efforts.

On behalf of the Commission, Ms. Monroe commended Superintendent O'Connell for being inclusive and ensuring that special education is represented on the California High School Advisory Panel.

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

ITEM 22	Special Education: Adopt Title 5 Regulations (Sections 3088.1 and 3088.2 Regarding Withholding Funds to Enforce Special Education Compliance.	INFORMATION ACTION
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Ms. Parker noted that the public hearing was held on July 6, 2004. Dennis Kelleher, Program Services Office, provided a summary of the comments received during the public comment period and explained the proposed revisions to the regulations.

The following individual addressed the Board:

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

- **ACTION:** Mr. Nuñez moved that the State Board (1) direct staff to send out the revised proposed regulations regarding Withholding Funds to Enforce Special Education Compliance for a 15-day public comment period; (2) if no objections to the revisions to the regulations are received during the 15-day public comment period, direct staff to complete the rulemaking package and submit it to the Office of Administrative Law for approval; and (3) if objections to the revisions to the regulations are received during the 15-day public comment period, direct staff to place the regulations on the Board's September agenda. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 23	Approve Commencement of the Rulemaking Process for School Bus and School Pupil Activity Bus Lap/Shoulder Belt Regulation.	INFORMATION ACTION
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John Green, Office of School Transportation, provided background information and explained the definitions of Type 1 school buses (1-16 passengers) and Type 2 school buses (over 16 passengers).

- **ACTION:** Mr. Hastings moved that the State Board (1) approve the commencement of the regulatory process for proposed regulations regarding School Bus Lap/Shoulder Belts, with technical modifications that may be identified and incorporated by staff, subject to the approval of the Executive Director of the State Board, and direct staff to commence the rulemaking process; (2) approve the Initial Statement of Reasons and

FINAL MINUTES
State Board of Education
July 7-8, 2004

the Notice of Proposed Rulemaking with any necessary technical modifications; and (3) direct CDE staff to conduct a public hearing on the proposed regulations. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 24	Mathematics and Reading: Professional Development Program (AB 466): Adopt Title 5 Regulations.	INFORMATION ACTION
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Mr. Vasey explained the technical revisions made to the proposed regulations based on the comments received during the public comment period.

Mr. Nuñez stated that training is a critical issue for teachers. He has received positive feedback from teachers who have attended the AB 466 training. Mr. Nuñez expressed concern that restricting this training could be counter-productive for teachers and students. He recommended changing the regulations on page 2, number 2 by inserting a period after “changed” and deleting the remainder of the sentence “by more than two grade levels.”

President Green commented that the importance of good staff development cannot be overstated. She noted that changing grade levels by less than two and being able to go back to a refresher course is important.

Ms. Belisle explained that one reading of the statute is that the teachers go through the training once. Another reading is that the statute was created to allow teachers to be trained once and then allow consideration of expanding the program to allow teachers to go through the training more than one time. Ms. Belisle explained that the compromise language therefore states that within the Budget, this is how the money will go out if there is any money left. She stated that there is expected to be an increased demand for the training due to increases in the number of schools that will be required to participate in AB 466 training.

Mr. Vasey stated that CDE strongly encourages AB 466 training. He noted that teachers should probably receive more training but it is a question of the intent of appropriation for AB 466. Mr. Nuñez clarified that the Reading First funds were outside of this appropriation. The rules around Reading First and the training with those teachers are a different set of requirements because they are constrained by the Reading First law and approved plan. Ms. Belisle concurred that this is not a Reading First program. Mr. Nuñez asked if there was money in the Budget for AB 466 training outside of Reading First and NCLB Title II. Ms. Belisle stated that it was her understanding that there is.

Ms. Belisle commented that the regulations would be coming back to the Board in September. She noted that the worst scenario would be that the Board would need to send the regulations back out for another 15-day public comment period with adoption by the Board in November.

- ACTION: Mr. Williams moved that the State Board (1) direct staff to send out the revised proposed regulations for the AB 466 Mathematics and Reading Professional Development Program with the modification requested by the Board for a 15-day public

FINAL MINUTES
State Board of Education
July 7-8, 2004

comment period; and (2) bring the revised proposed regulations to the Board for action at the September meeting. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

Note: Items 25 through 30 were acted on earlier in the meeting under Proposed Consent.

ITEM 31	English Learner Advisory Committee: Appointment of Members.	INFORMATION ACTION
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Ms. Belisle noted that the terms of office for the Committee members would be staggered. She stated that the Committee would require direction on what information to bring back to the Board.

- ACTION: Ms. Johnson moved that the State Board appoint David Carr and Sylvia Gullingrud to the English Learner Advisory Committee for terms commencing June 1, 2004. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 32	Child Nutrition Advisory Council: Appointment of Members.	INFORMATION ACTION
ITEM 33	Advisory Commission on Charter Schools: Appointment of Member.	INFORMATION ACTION

Items 32 and 33 were postponed to a future meeting.

Note: Items 34 through 36 were acted on earlier in the meeting under Proposed Consent.

ITEM 37	Charter Schools: Request by the Edison Charter Academy to Expand from a K-5 to a K-7 School.	INFORMATION ACTION
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Deborah Connelly, State Board of Education Charter School Oversight, provided background information.

The following individuals addressed the Board:
 Laura Baker, Charter Board President, Edison Charter Academy
 Lupe Hernandez, Edison Charter Academy

Mr. Hastings acknowledged the improvement of the charter school. President Green congratulated the charter school on their API improvement.

- ACTION: Mr. Hastings moved that the State Board approve the request by the Edison Charter Academy to add a 6th and 7th grade component to the existing K-5 program, as recommended by staff. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

President Green announced that Items 39, 40, and W-6 had been withdrawn and on Thursday, the Board would be hold a reception in honor of Mr. Godfrey's service over the past year.

FINAL MINUTES
State Board of Education
July 7-8, 2004

ADJOURNMENT OF DAY'S SESSION

President Green announced that the Board would meet in Closed Session at 8:00 a.m. on Thursday. *Renaissance Academy Charter School v. Los Angeles Unified School District*, which was served on the Board after the agenda for this meeting was published, would be on the Closed Session agenda. President Green adjourned the day's session at 2:45 p.m.