

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

Wednesday, January 7, 2004

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

Members Present

Reed Hastings, President
Robert J. Abernethy
Donald Fisher
Brent Godfrey
Nancy Ichinaga
Suzanne Tacheny

Members Absent

Joe Nuñez, Vice President
Vacancy
Vacancy
Vacancy
Vacancy

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

Meeting Delay

President Hastings informed the audience at 8:45 a.m. that the meeting would not begin until 9:30 a.m. due to the delay of one of the Board members.

Call to Order

President Hastings called the meeting to order at 9:33 a.m.

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Salute to the Flag

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

Special Guest

President Hastings introduced Richard Riordan, Secretary for Education. Secretary Riordan stated that a good education starts and ends at the school site. Therefore, the power should be placed with the school and it should be held accountable. Secretary Riordan noted that it would take great leadership to put power into the principals' hands but that he is dedicated in giving every student in California a great education.

Approval of Minutes (November 2003 Meeting)

- ACTION: Mr. Abernethy moved that the State Board approve the minutes of the November 2003 meeting with minor corrections. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

Announcements/Communications

President Hastings announced that Items 12 and 13 would begin at 11:30 a.m. On Thursday morning, Items W-17 through W-21 would be heard in conjunction with Items 31 and 32. The remaining waiver items would be heard following Item 32. Following the meeting on Thursday, the Board members and staff would be hosting a gathering in honor of the Board members whose terms expire this month - Mrs. Ichinaga, Mr. Abernethy, and President Hastings. The audience was invited to attend.

Superintendent's Report

Superintendent O'Connell introduced Marta Reyes as the new Director of the Charter School Division.

Superintendent O'Connell reported that he had met with the Governor on December 22, 2003, and noted that the Governor is totally committed to public education. He stated that the funding the Governor has outlined would allow the Department to maintain the status quo for California schools. Superintendent O'Connell addressed the budget crisis in the state. He stated that he is looking forward to working to keep public education on the right track.

Secretary Riordan introduced his advisor, Piedad Robertson, president of Santa Monica Community College.

Note: Items appear in the order they were heard.

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

President Hastings announced that Mr. Geeting had left the Board staff to join the Department staff. He presented Mr. Geeting with a resolution in appreciation for his numerous roles and endeavors with the State Board.

Election of State Board Officers for 2004 (President and Vice President)

President Hastings announced that the election of officers would be continued to the March meeting.

ITEM 2	PUBLIC COMMENT. Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
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The following individuals addressed the Board:

Jim Woodhead, Advisory Commission on Special Education
 Maria Quezada, California Association for Bilingual Education

No action was taken on this information item.

ITEM 3	California High School Exit Examination (CAHSEE): Including, but not limited to, the Presentation of the CAHSEE Report to the Legislature.	INFORMATION ACTION
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Geno Flores, Deputy Superintendent, provided the Board with background information. Laress Wise, HumRRO, conducted a PowerPoint presentation on the evaluation findings and recommendations. Mr. Wise stated that the HumRRO contract would expire in September 2004. President Hastings noted that any alternate diploma for special education students would have to be addressed by the Legislature.

No action was taken on this item.

ITEM 4	California High School Exit Examination (CAHSEE): Approval of the Request for Proposal (RFP) for a Study Regarding Alternatives to the CAHSEE.	INFORMATION ACTION
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Mr. Flores provided background information. He reported that the selection panel would announce the independent consultant by April 30, 2004, and the report of the independent consultant would be due to the Legislature by May 1, 2005.

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The following technical corrections to the Request for Proposals were addressed:

- (1) Page 9, item h: Senator Burton's office requested language that specifies that the alternatives to CAHSEE could include such things as a portfolio assessment and they should consider that in the evaluation;
 - (2) Page 10, item k: Ms. Belisle recommended a change to allow the consultant to make a recommendation not only regarding an alternative diploma but any other recommendations as they deem appropriate;
 - (3) Page 11, Definition of "bidder" in 4.2: Ms. Belisle recommended a change to look for a bidder that has a demonstrated understanding of the complexity of large-scale, high-stakes assessments systems.
- ACTION: Mr. Abernethy moved that the State Board adopt the Request for Proposals for the Senate Bill 94 Study Group Report subject to the revisions recommended by staff on page 9, item h; page 10, item k; and page 11 under the bidder section; and that additional technical revisions be made if necessary upon the certification in writing of the Executive Director that those additional provisions are appropriate and necessary. Mr. Fisher seconded the motion. The motion was approved by unanimous vote of the members present.

Mr. Flores announced the 2004 CAHSEE administration schedule. He reported that schools have been directed to select February or March as their census administration and to provide a May administration as a make-up opportunity to assist schools in meeting the 95 percent participation rate for NCLB purposes.

The following individual addressed the Board:

Silvia De Ruvo, California Association of Resource Specialists and Special Education Teachers

ITEM 5	California English Language Development Test (CELDT): Including, but not limited to, Update on CELDT Program.	INFORMATION ACTION
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Mr. Flores reported that the annual assessment results have been delayed. Some delays were due to the fires in southern California during October. These schools have been given additional time to prepare the materials for submission to the scorer. Mr. Flores stated for general information that initially there has been a slight increase in the number of CELDT test takers.

Ms. Belisle suggested bringing a regulatory package back to the Board on the Title III data correction process using CELDT.

No action was taken on this item.

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ITEM 6	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, a Program Update.	INFORMATION ACTION
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Mr. Flores reported that the 2004 STAR is being readied for administration. Districts have been notified and they have ordered materials for Spring 2004. Mr. Flores noted that as part of the Budget Act, the Assessment Office was required to have a \$10,000,000 unallocated cut to the STAR assessments. The Assessment Office has been working with the Department of Finance to make those cuts.

Mr. Flores addressed the release of items from the STAR standards-based test. He reported that the items have been organized for release and are ready to go. The Department has been in consultation with the contractor to ensure that the 25 percent release of items will in no way jeopardize the future administration of the STAR program. Mr. Flores stated that the 2004 administration is not in jeopardy, however, more development is needed for the 2005 administration to ensure that there are sufficient items to cover each of the standards. He noted that the STAR California Standards Test items have not yet been released publicly.

No action was taken on this item.

ITEM 7	Golden State Seal Merit Diploma: Approve Commencement of the Rulemaking Process for Proposed Additions to Title 5 Code of Regulations.	INFORMATION ACTION
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Mr. Flores provided background information. He noted that the Board's previous request regarding the Algebra I issue was incorporated in the regulations.

- ACTION: Ms. Tacheny moved that the State Board (1) approve the proposed regulations regarding the Golden State Seal Merit Diploma, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, with technical modifications that may be identified and incorporated by staff, subject to the approval of the Executive Director of the State Board; (2) direct staff to commence the rulemaking process; and (3) direct CDE staff to conduct a public hearing on the proposed regulations pursuant to California Code of Regulations, Title 5, Section 18460. Mr. Godfrey seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 8	No Child Left Behind (NCLB) Act of 2001: Including, but not limited to, a report on the December NCLB Liaison Team meeting and an update on a visit from the federal Teacher Assistance Corps (TAC).	INFORMATION ACTION
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NCLB Liaison Team Report

Camille Maben, Special Project Coordinator, reported that the December NCLB Liaison Team meeting recommendations to the State Board were to (1) amend the Accountability workbook, as recommended by the Department; and (2) sponsor legislation to implement the 2003 budget language for home language testing. Ms. Maben stated that the NCLB Liaison Team's next meeting would be on February 23, 2004.

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U. S. Department of Education (USDE) Teacher Assistance Corps Visit Update

Ms. Maben reported that on November 19, 2003, Department staff and Board staff met with the Teacher Assistance Corps. The focus of this meeting was on Highly Qualified Teachers.

Improving America's Schools Act (IASA) Timeline Waiver – Peer Review

Ms. Maben stated that the USDE had not responded to the additional information that the Department submitted to show full compliance with the IASA, the 1994 reauthorization of the Elementary and Secondary Education Act.

No action was taken on this item.

ITEM 9	No Child Left Behind (NCLB) Act of 2001: Middle School and High School Science Tests: Grade Selection for Test Administration and Approval of Test Blueprints.	INFORMATION ACTION
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Mr. Flores provided background information. President Hastings thanked the panel for their contributions. President Hastings also recognized the leadership role that Mr. Abernethy has provided in science and noted that it is appropriate to take this action under Mr. Abernethy's tenure.

The following individuals addressed the Board:

- Sherry Skelly Griffith, Association of California School Administrators
- Holly Jacobson, California School Boards Association
- Christine Bertrand, California Science Teachers Association
- Theresa Inslee, Birdsall, Wasco and Associates

- ACTION: Mr. Abernethy moved that the State Board approve (1) the proposed blueprints for middle school and high school science tests required under NCLB; (2) the administration of the middle school test in grade 8; and (3) the administration of the high school test in grade 10, as recommended by staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 10	No Child Left Behind (NCLB) Act of 2001: Supplemental Educational Service Providers (required by Title 1, Section 1116(e)).	INFORMATION ACTION
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Joe Barankin, School and District Accountability Division, reported that 171 supplemental service providers statewide had already been approved.

- ACTION: Ms. Tacheny moved that the State Board approve the staff-recommended list of Supplemental Educational Service Providers to be included on the 2003-04 list of providers. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

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ITEM 11	No Child Left Behind (NCLB) Act of 2001: Local Educational Agency Plans required by Section 1112.	INFORMATION ACTION
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Mr. Barankin reported that 75 LEA plans were pending and 15 LEA plans had not been submitted. Ms. Belisle asked if direct funded charter schools that do not participate in Title I funding or other NCLB funding were required to file an LEA plan. Mr. Barankin stated not in its entirety, but probably only those portions that have to do with the federal funds they do receive, which is most often Title II.

- ACTION: Mr. Godfrey moved to approve the Local Educational Agency Plans required under Section 1112 of NCLB as recommended by staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 12	United States Senate Youth Program Presentation.	INFORMATION
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President Hastings and Superintendent O'Connell presented certificates to Anna Pauline Phillips and Deena Saad Shakir (delegates); Paul Andrew Cilker (first alternate); and Steven Patrick Gerard Ostrowski (second alternate). They were selected to represent California at the 42nd annual United States Senate Youth Program.

ITEM 13	California Teachers of the Year 2004 Presentation.	INFORMATION
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President Hastings and Superintendent O'Connell presented certificates to the following awardees: Arthur Coleman, Jr. (Hamilton Middle School, Stockton Unified School District); Dawn Imamoto (Bryte Elementary School, Washington Unified School District); Paul Lewanski (Tustin High School, Tustin Unified School District); Paul McLaughlin (Suzanne Middle School, Walnut Valley Unified School District); Zenaida Rosario (La Mirada Elementary, Ysidro School District).

Lunch Break: President Hastings called for the lunch break at 11:48 a.m. He reconvened the session at 1:00 p.m.

ITEM 14	The Academic Performance Index (API) Growth Report: Moving the Release Date to August.	ACTION
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Bill Padia, Policy and Evaluation Unit, reported that an August release of the API is feasible. He noted that the August API release would only include district level and schoolwide APIs, which are required for NCLB purposes. Mr. Padia stated that a release date of August 26, 2004 would require an amendment to California's Accountability Workbook and approval by the federal government. He stated that this earlier release would only be successful if the quality of the data in the system is good enough. As the stakes get higher on accountability, the accuracy of the data has become more important. Therefore, to facilitate the earlier release, a pre-edit process would be conducted to help ensure the accuracy of the data. Mr. Padia stated that other Accountability Workbook amendments would be brought back to the Board at the March meeting as well.

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Mr. Padia reported that the PSAA Advisory Committee concurred with the August 26, 2004 release of the API. The AB 312 NCLB Liaison Team also agreed with the proposal to release the API and the AYP on the same day.

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

- **ACTION:** Ms. Tacheny moved that the State Board direct staff to take necessary action to facilitate the earlier release of the API, including contract amendments, Department of Finance approval, and the U.S. Department of Education approval. Mr. Fisher seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 15	No Child Left Behind Act of 2001: Identifying Title I-funded Local Educational Agencies (LEAs) for Program Improvement (PI); Section 1116(c)(3)	INFORMATION ACTION
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Mr. Barankin reported on the issue paper on identification of local educational agencies (LEAs) for program improvement. Mr. Flores brought to the Board's attention updated figures on the impact of Option 3. Ms. Belisle requested that data be available for the Board at the March meeting on the first two options. She noted that it is important that the Board hear from the field, especially the counties. Mr. Barankin noted that this item would be brought to the Committee of Practitioners at its meeting this month for their input as well.

Action was postponed on this item until the March meeting.

ITEM 16	Special Education: Approve Commencement of the Rulemaking Process for Proposed Additions to Title 5 Code of Regulations.	INFORMATION ACTION
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Alice Parker, Special Education Division, reported on the proposed regulations.

- **ACTION:** Ms. Tacheny moved that the State Board (1) approve the proposed regulations pertaining to special education, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, with technical modifications that may be identified and incorporated by staff, subject to the approval of the Executive Director of the State Board; (2) direct staff to commence the rulemaking process; and (3) direct staff to conduct a public hearing on the proposed regulations pursuant to California Code of Regulations, Title 5, Section 18460. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 17	Vision Testing: Approve Commencement of the Rulemaking Process for Proposed Amendments to Title 5 Code of Regulations.	ACTION
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Caroline Roberts, School Health Connections and Healthy Start Office, reported on the proposed regulations.

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ACTION: Ms. Tacheny moved that the State Board (1) approve the proposed amendments to the vision screening regulations, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, with the changes noted by staff in the last minute memorandum and with technical modifications that may be identified and incorporated by staff, subject to the approval of the Executive Director of the State Board; (2) direct staff to commence the rulemaking process; and (3) direct CDE staff to conduct a public hearing on the proposed regulations pursuant to California Code of Regulations, Title 5, Section 18460. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 18	California School Accounting Manual: 2003 Revisions.	INFORMATION ACTION
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Scott Hannan, School Fiscal Services Division, reported that the changes to the accounting manual were noncontroversial.

- **ACTION:** Mr. Abernethy moved that the State Board approve the proposed revisions to the California School Accounting Manual as recommended by staff. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 19	California School Information Services (CSIS) Data Dictionary, Version 5.1: Proposed Changes.	ACTION
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Keric Ashley, Education Data Office, provided background information.

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

Mr. Ashley reported that approximately 221 districts representing about 60 percent of the student population are utilizing the CSIS Data Dictionary. Approximately 54 districts are in line waiting to participate but incentive money has not been authorized through the State Budget.

The Board held a discussion relating to districts that are willing to participate without the incentive money. Susie Lange, Deputy Superintendent, explained that the arrangement is through a contractual agreement with a county office who has a contract with the Fiscal Crisis and Management Assistance Team. Ms. Lange recommended having them come to address this issue with the Board since the Department has a very small role in the implementation of CSIS. She stated that there are software requirements as well.

President Hastings requested that this item be placed on the March agenda and have the CSIS representatives present at that meeting to discuss the questions raised by Mr. Fisher.

- **ACTION:** Mr. Fisher moved that the State Board approve the proposed changes for the CSIS Data Dictionary, Version 5.1, as recommended by staff. Mr. Abernethy seconded the motion. The motion was approved by unanimous vote of the members present.

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ITEM 20	The Principal Training Program (AB 75): Approval of Local Educational Agencies (LEAs) and Consortia applications for funding.	ACTION
ITEM 21	Mathematics and Reading Professional Development Program (AB 466): Approval of Requests for Local Educational Agency (LEA) Reimbursement for the 2003-04 Fiscal Year.	ACTION

Bill Vasey, Professional Development and Curriculum Support Division, provided background information. President Hastings announced that Items 20 and 21 could be acted on together.

- ACTION: Mr. Abernethy moved that the State Board (1) approve the list of Local Educational Agencies and Consortia AB 75 applications for funding by name only, with the understanding that actual funding amounts will be determined by CDE staff pursuant to the provisions of AB 75, as recommended by staff and (2) approve fiscal year 2003-04 AB 466 reimbursements for the list of Local Educational Agencies recommended by staff, with the understanding that these LEAs have complied with the required assurances of the AB 466 program. Ms. Tacheney seconded the motion. The motion was approved by unanimous vote of the members present.

Mr. Vasey noted that there was a shortage of training opportunities at the high school level. He reported that training had recently been completed based on the modules the Board approved at the November 2003 meeting to train the trainers for the high school module. Mr. Vasey stated that the training went very well and it is anticipated that there will be a significant increase in training opportunities at the high school level.

ITEM 22	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.	ACTION
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Ms. Franklin reported a change on the agenda materials. The approval is for grades 2-5, not K-1.

- ACTION: Ms. Tacheney moved that the State Board of Education approve as AB 466 professional development providers the recommended list of providers and their training curricula with the correction in the grade levels for the mathematics professional development provider. Mr. Godfrey seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 23	Appointments to the Curriculum Development and Supplemental Materials Commission	INFORMATION ACTION
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Ms. Tacheney reported on the interview of candidates for the Curriculum Commission by the Screening Committee.

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- ACTION: Ms. Tacheny moved that the State Board approve appointment to the Curriculum Development and Supplemental Materials Commission for the terms specified by the Screening Committee the following individuals: Richard Wagoner (term expires December 31, 2005), Wendy Levine (term expires December 31, 2007), Mary-Alicia McRae (term expires December 31, 2007), Charles Munger (term expires December 31, 2007), Jose Velasquez (term expires December 31, 2007), and Rebecca Brown (term commences January 1, 2005 and expires December 31, 2008). Mr. Godfrey seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 24	2004 Health Primary Adoption of Instructional Materials: Appointment of Instructional Materials Advisory Panel (IMAP) members and Content Review Panel (CRP) experts.	ACTION
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Tom Adams, Curriculum Framework and Instructional Resources Division, provided information on the applicants recommended by the Curriculum Commission.

- ACTION: Ms. Tacheny moved that the State Board approve the appointment of 22 Instructional Materials Advisory Panelists and 5 Content Review Panelists for the 2004 Health Primary Adoption of Instructional Materials, as recommended by the Curriculum Commission, conditioned on the joint conflict of interest review by SBE/CDE legal counsel. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

Closed Session

The Board met in Closed Session from 1:51 p.m. to 2:07 p.m. A break was then taken until 3:30 p.m. when the Public Hearing was scheduled to begin.

Closed Session Report

Ms. Steentofte reported that the Board heard updates from their attorneys on *Chapman v. California Department of Education*; *Californians for Justice Education Fund v. State Board of Education*; and *Williams v. State of California*. No action was taken. The Board also heard updates from their attorneys on *Pazmino v. California State Board of Education* and *Ocean View School District v. SBE*. The Board took action on *Pazmino v. California State Board of Education*, giving direction to their attorneys to enter into a settlement agreement; and on *Ocean View School District v. SBE*, foregoing the collection of filing fees from the Intervenors.

ITEM 25	Curriculum Commission: Approval of Visual and Performing Arts Framework for California Public Schools.	ACTION PUBLIC HEARING
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Edith Crawford, Vice Chair, Curriculum Commission; Lora Griffith, Chair, Visual Performing Arts Subject Matter Committee; and Roy Anthony provided background information.

Superintendent O'Connell thanked the Curriculum Commission and the Curriculum Frameworks and Instructional Resources Division for their work.

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Public Hearing: Open. 3:40 p.m.

The following individual addressed the Board:

Sherry Skelly Griffith, Association of California School Administrators

Public Hearing: Closed. 3:42 p.m.

- ACTION: Ms. Tacheny moved that the State Board adopt the *Visual and Performing Arts Framework for California Public Schools, Grades Kindergarten Through Grade Twelve*, as recommended by the Curriculum Commission, and authorize the Executive Director of the State Board to approve necessary minor and technical changes made during the pre-publication editing process. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

Adjournment of Day's Session

President Hastings adjourned the day's session at 3:45 p.m. He announced that the public session would begin at 8:00 a.m. on Thursday morning.