

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

Thursday, July 10, 2003

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

**Members Present**

Reed Hastings, President  
Joe Nuñez, Vice President  
Donald Fisher  
Nancy Ichinaga  
Carol S. Katzman  
Stephanie H. Lee  
Luis J. Rodriguez  
Suzanne Tacheny  
Curtis Washington

**Members Absent**

Robert J. Abernethy  
Vacancy

**Closed Session**

The State Board met in Closed Session from 8:05 a.m. to 8:20 a.m.

**Call to Order: Public Session**

President Hastings called the meeting to order at 8:30 a.m.

**Salute to the Flag**

Ms. Lee led the Board, staff, and audience in the Pledge of Allegiance.

**Closed Session Report**

Ms. Steentofte reported that the State Board heard updates on *Acevedo v. State of California*; *Aguayo v. State of California*; and *Buckle v. State of California*. No actions were taken.

**Announcements**

President Hastings announced that (1) Item 34 would be heard at approximately 10:00 a.m. and (2) a Spanish language translator was available. He informed the audience that this was Ms. Lee's final meeting and cake would be served at a gathering in her honor at noon.

Note: Items appear in the order they were heard.

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

ITEM 33	Legislative Update: Including, but not limited to, information on legislation.	INFORMATION ACTION
---------	--	--------------------

B. Teri Burns, Government Affairs Office, reported that there was still no budget. Many bills had been placed on the suspense file. She provided an update to the Board on AB 195, AB 642, AB 921, SB 5, SB 383, and AB 907, which has migrated to AB 1548.

Mr. Fisher commented that the agenda materials do not help the Board to make decisions on legislation. He was concerned about the Board not being in the position to support or oppose legislation. Ms. Burns explained that the Department would take a position for the Board if the Board were to take a position. Mr. Fisher stated that the Department should inform the Board what position they are taking on bills. Ms. Burns noted that meeting every other month will make it difficult for the Board to stay current with positions since bills change frequently as they progress. Ms. Belisle brought up the concept of legislative liaisons for the Board to work through issues and to provide Ms. Burns and the Department with guidance on the Board's concept position on issues.

Mr. Fisher stated there had been discussion about a legislative committee. He believed positions should be taken by the Board. Ms. Burns stated that the Board last took a position about three years ago. Ms. Katzman stated she would support being more active in taking a position on bills. Ms. Belisle suggested taking a conceptual position on issues. With two liaisons, the Board would be able to keep up with bill changes and work more quickly. President Hastings recommended that Ms. Burns work with the liaisons. Mr. Nuñez stated his concern regarding the level of activity the Board would be getting involved in by following legislation.

Ms. Tacheny suggested a framework to include standards, accountability, curriculum, and instruction. President Hastings stated that the Board should become active in legislation in January 2004 since the legislative year is winding down. Ms. Belisle stated that the Board currently works to support the Governor's position through the Office of the Secretary for Education. President Hastings informed the Board that the reauthorization of the testing system should be a legislative priority next year.

No action was taken on this item.

ITEM 17	National Assessment of Educational Progress (NAEP): Report of NAEP 2002 Reading Results and an Update of NAEP Activities for 2003-2004.	INFORMATION ACTION
---------	---	--------------------

Geno Flores, Deputy Superintendent, introduced Eric Zilbert, the Department's NAEP coordinator. Mr. Zilbert conducted a PowerPoint presentation entitled *NAEP Update and 2002 Reading Results*.

Mr. Zilbert informed the Board that participation in NAEP was voluntary in 2002. In 2003, it was required by NCLB as a condition of receiving Title I funds. He reviewed the NAEP results with the Board. The state did well, including English Learners and disabled students. A foreign language pilot test assessment is now being developed.

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

President Hastings stated that reading scores are up, with a four-point gain overall, but the subgroup gains were considerably higher. The largest gap in the state is between students classified as free-or-reduced lunch and those who are not.

Mr. Zilbert announced that the 2003 data would be out this fall. NCLB requires it to be out within six months. Parental education does make a big difference. Ms. Tacheny stated she is looking for information on both parents' college education to compare against other states.

No action was taken on this information item.

ITEM 18	Assessment Release Plan.	INFORMATION ACTION
---------	--------------------------	--------------------

This item was withdrawn.

ITEM 19	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Approving an Amendment to the 2002-2004 STAR Contract with Educational Testing Services (ETS).	INFORMATION ACTION
---------	--	--------------------

Mr. Flores discussed the amendment to the ETS contract to develop the middle school and high school assessments in science. The Content Review Panel will be the key to deciding the grade level and the standards tested. The Department of Finance supports the funding for this year's work. Ms. Belisle stated she was concerned about the original materials that proposed that the tests cover four subjects. She wants to give a clear message to ETS. It must be a test on what we expect all students to know and be able to do in science.

Mr. Nuñez was concerned about schools creating courses that do not have depth. Ms. Belisle stated that high school requirements for graduation are life science and physical science, but a broad range of courses met those requirements. Statute does not designate the specific course. Ms. Belisle stated that science test scores are not in the AYP but she expects that they will be eventually.

- ACTION: Ms. Tacheny moved that the State Board approve the proposed amendment to the 2002-2004 STAR Contract with Educational Testing Services (ETS) as presented in the agenda item and supplement thereto. Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 20	Standardized Testing and Reporting (STAR) Program: Adoption of Performance Standards (Levels) for the California Alternate Performance Assessment (CAPA).	INFORMATION ACTION
---------	---	--------------------

Pam McCabe, Special Education Division, explained the background of the CAPA test and gave examples of test items at the request of President Hastings. CAPA is an alternate assessment for students with severe cognitive disabilities. It is a performance assessment in which students are asked to do a specific task. The level I test is for children developmentally at or below 24 months. The student's Individualized Education Plan (IEP) determines whether the student takes CAPA. Students could be in

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

a regular classroom, a special class or school, or in a non-public school placement. Ms. McCabe explained that CAPA participation was approximately 40,000 students this year.

Ms. Belisle clarified that CAPA is part of STAR. She explained that the alternative performance standards could be used for up to one percent of students, according to the USDOE. CAPA scores are included in the API and AYP systems.

The following individuals addressed the Board:  
Sue Sheridan, on behalf of Patty Arvin, teacher

President Hastings explained that one reason for having public hearings on performance standards is to address issues, as raised by the speaker. Mr. Rodriguez was concerned about whether we are testing disability instead of ability. Ms. Belisle emphasized that those performance standards are limited to one percent of the population. There is little incentive to push students into this CAPA assessment. The test is specifically designed for students with disabilities. Mr. Nuñez stated that the addition of special education is really a way to include the resource students in the assessment system.

- **ACTION:** Mr. Washington moved that the State Board (1) approve the California Alternate Performance Assessment (CAPA) Performance Standards as recommended by the Performance Standard-Setting Panel; (2) direct staff to hold three regional public hearings in July pursuant to CCR-5, Section 18460; and (3) adopt the CAPA Performance Standards as recommended by the Performance Standard-Setting Panel conditioned on receiving no comments specific to the cut points at the regional public hearings. Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 21	Standardized Testing and Reporting (STAR) Program: Approval of Individual Student Reports for the California Alternate Performance Assessment (CAPA).	INFORMATION ACTION
---------	---	--------------------

Ms. McCabe requested approval of the individual report form. Ms. Tacheny stated she wanted to reconsider the language in the first paragraph. President Hastings indicated that Ms. McCabe could work with the Board liaisons but let the approval proceed. Ms. Tacheny suggested that the test contractor finesse the language.

- **ACTION:** Ms. Tacheny moved that the State Board approve the individual student reports for the California Alternate Performance Assessment (CAPA) with changes to be made in consultation with the testing liaisons in keeping with the discussion at the meeting. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 22	California English Language Development Test (CELDT): Including, but not limited to, CELDT Program Update.	INFORMATION ACTION
---------	--	--------------------

Mr. Flores reported on the 2002 data on the third grade English learners' performance on the California Standards Test in English/Language Arts (ELA). President Hastings stated that the Board is often in this debate about what programs are most effective. These data show that about 50 percent more students in

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

English language development programs are reading at grade level compared to those in waiver programs.

No action was taken on this item.

ITEM 23	Criteria for the selection of 2003-2004 School Assistance and Intervention Team (SAIT) Providers.	ACTION
---------	---	--------

Wendy Harris, School Improvement Division, stated that the two largest changes in the criteria were the narrowed focus and requirement that teams are prepared to deliver different levels of review and support.

SAIT providers must apply for approval by grade span. The staff added knowledge of frameworks and intervention programs to the criteria. Ms. Katzman thanked the staff and liaisons for their work and noted that she was pleased with the changes. She asked about the SAIT follow-up after visiting the school. Ms. Harris stated it could be weeks or months. The legislation envisions it to be up to a three-year process. Ms. Katzman expressed concern about making the process a more positive experience. Ms. Harris stated that the purpose of the teams is to work closely with the school. The focus on support in the criteria has been strengthened.

Ms. Katzman noted that the Department does not assign providers. The schools select providers from an established list. Mr. Fisher asked if we have any data on this process. Ms. Harris replied that the first data reports are due in the next couple of months. Funds of \$75,000 for elementary and \$100,000 for high schools will be appropriated for up to three years.

Ms. Tacheny thanked Ms. Stickel, Ms. Harris, and Mr. Nuñez. She views the document as a concise statement of what the Board believes will help schools.

The following individual addressed the Board  
Patricia Rucker, California Teachers Association

- ACTION: Mr. Nuñez moved that the State Board approve the criteria for the selection of 2003-2004 School Assistance Intervention Team (SAIT) providers as reflected in the last supplemental memorandum from CDE staff (dated July 10, 2003). Ms. Katzman seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 26	Report Pursuant to AB 2532/Pacheco, Chapter 1096 of the Statutes of 2002: Textbook Weight.	INFORMATION ACTION
---------	--	--------------------

President Hastings thanked Tom Adams, Curriculum Frameworks and Instructional Resources, for the written report. Ms. Tacheny suggested sending a letter to the publishing industry standards group to ask them to consider changing publishing standards to address the weight of the books.

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

- By consensus, the State Board agreed with a staff recommendation (relayed by Ms. Tacheny) for a letter to be directed to the national association that sets standards for the physical attributes of textbooks and other instructional materials, urging that consideration be given to revising the standards such that materials of the most cost-effective, durable type are incorporated.
- The State Board President directed that the process outlined in the agenda item for development of recommendations on textbook weight be followed, with the Curriculum Commission taking the lead role in developing the recommendations (as opposed to a separate advisory body being established for that purpose).

ITEM 27	Implementation of the AB 466 Mathematics and Reading Professional Development Program (Chapter 737, Statutes of 2001): Including, but not Limited to, Approval of training Providers and Training Curricula.	INFORMATION ACTION
---------	--	--------------------

This item was withdrawn.

**PROPOSED CONSENT ITEMS**

ITEM 28	Approval of Training Providers for The Principal Training Program (AB 75).	ACTION
---------	--	--------

ITEM 29	Approval of Local Education Agencies (LEAs) and Consortia applications for funding under The Principal Training Program (AB 75).	ACTION
---------	--	--------

ITEM 30	Assignment of Numbers for Charter School Petitions.	ACTION
---------	---	--------

ITEM 31	Request by KIPP Summit Academy Petitioners to Establish a New Deadline for Meeting State Board of Education Condition of Approval to Open.	INFORMATION ACTION
---------	--	--------------------

ITEM 32	California School Information Services (CSIS) Data Dictionary Version 5.0.	ACTION
---------	--	--------

Mr. Fisher stated that in exercising an abundance of caution, he would reclude himself from consideration of the proposed consent items. He explained that Items 30 and 31 affect charter schools to which money has been contributed from a foundation with which he is associated. Mr. Fisher left the meeting room during the consideration of the proposed consent items.

- ACTION: Mr. Nuñez moved that the State Board approve the staff recommendations for Items 28, 29, 30, 31, and 32, including the supplemental memoranda for Items 28 and 30. Mr. Washington seconded the motion. The motion was approved by unanimous vote of the members

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

present when the vote was taken (8-0). For the reasons he stated, Mr. Fisher did not participate in (and was not present during) the consideration and vote on the proposed consent items.

ITEM 34	Approval of 2002-2003 Consolidated Applications.	ACTION
---------	--	--------

The following individuals addressed the Board:

- Thekima Mayasá-Hailey, parent, San Diego Unified School District
- William Penick, parent, San Diego Unified School District
- Susan Brinchman, teacher, San Diego Unified School District
- Mitz Lee, parent, San Diego Unified School District
- Alan Bersin, Superintendent, San Diego Unified School District
- Katherine Nakamura, Vice President, San Diego Unified School District Board of Education
- Michelle Knight, Chair, Johnson Elementary School Site Council
- Maria Peña, parent, Chair, District English Learner Advisory Committee

President Hastings stated that over the past several years, the Board has heard various aspects of this issue presented. He explained the danger of getting involved with local issues. The results in reading test scores for the San Diego Unified School District were impressive. If the Board became the forum for local issues, it would see school board members and superintendents before the Board instead of in their districts serving the children.

Mr. Nuñez clarified that the vote is for moving forward on the application. He stated that he has consistently voted in support of the consolidated application. His vote is a vote for local control, not an endorsement of a particular approach or set of local issues. Ms. Tacheny agreed with President Hastings on remaining within the borders of the Board’s authority. Mr. Rodriguez asked about the parents’ suggestion that the Board require a Coordinated Compliance Review (CCR) in San Diego. Ms. Belisle explained that schools go through the CCR process every four years on a rolling basis. The “sea” change to focus on results gives us many tools for monitoring the district. President Hastings commented that the downside is the cost of the CCR and the intrusion into the district. The Department has investigated numerous claims and found them to be unfounded.

- ACTION: Ms. Katzman moved that the State Board approve the 2002-03 Consolidated Applications for five local education agencies as recommended by staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 35	Approval of 2003-2004 Consolidated Applications.	ACTION
---------	--	--------

Mr. Flores reported on this item.

- ACTION: Mr. Nuñez moved that the State Board approve the 2003-2004 Consolidated Applications for 64 local education agencies as recommended by staff. Ms. Lee seconded the motion. The motion was approved by a vote of 8-0-1. Ms. Tacheny did not vote on the motion.

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

**CONSENT WAIVERS (Items WC-1 through WC-7)**

**GOLDEN STATE EXAMINATION**

ITEM WC-1	Request by various districts to waive Education Code (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
-----------	--	--------

**INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)**

ITEM WC-2	Request by one school district for a <b>retroactive waiver of Education Code (EC) Section 60119</b> regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit findings 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> CDSIS-32-5-2003 West Fresno School District (Recommended for APPROVAL)	ACTION
-----------	--	--------

**MILLER-UNRUH READING SPECIALIST**

ITEM WC-3	Request by <b>New Haven Unified School District</b> to waive Education Code (EC) Sections 52859(b) and 52863 in order to use SIP funds to co-fund the Miller-Unruh Reading Specialist positions at five school sites. This waiver is requested in the event that the Miller-Unruh program is not eliminated from the California State Budget for Fiscal Year 2003/04. CDSIS-45-5-2003 (Recommended for APPROVAL)	ACTION
-----------	--	--------

**NONPUBLIC SCHOOL/AGENCY (annual certification)**

ITEM WC-4	Request by <b>Ventura County SELPA</b> to waive Education Code (EC) Section 56355.1(g), the August 1 through October 31 timeline on annual certification renewal application for Child Development Center – Simi Valley Hospital. CDSIS-16-5-2003 (Recommended for APPROVAL)	ACTION
-----------	--	--------

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

RESOURCE SPECIALIST CASELOAD

ITEM WC-5	Request by <b>Cascade Union Elementary 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. Resource Specialist <b>Conde Kunzman assigned at Anderson Middle School.</b> CDSIS-144-3-2003 (Recommended for APPROVAL)	ACTION
ITEM WC-6	Request by <b>Bassett 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. For Resource Specialists, <b>Jaime Tambara assigned at Erwin Elementary School, Janice Lim assigned at Edgewood Academy, and Helen Okawa assigned at Sunkist Elementary School.</b> CDSIS-25-5-2003 (Recommended for APPROVAL)	ACTION

STATE MEAL MANDATE (Summer School Session)

ITEM WC-7	Request by <b>Scotia Union School District</b> to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the summer school session. CDSIS-28-6-2003 (Recommended for APPROVAL)	ACTION
-----------	---	--------

Judy Pinegar, Waiver Office, asked for State Board approval of the consent waivers.

- ACTION: Mr. Nuñez moved that the State Board approve all of the requests in the consent waiver items, Items WC-1 through WC-7. The motion incorporated the supplemental memorandum regarding Item WC-1. Ms. Katzman seconded the motion. The motion was approved by unanimous vote of the members present.

**PROPOSED CONSENT WAIVERS (Items W-1 through W-8, W-10 through W-12, and W-14)**

EQUITY LENGTH OF TIME

ITEM W-1	Request by <b>Mountain View Elementary School District</b> for a renewal to waive <i>Education Code</i> (EC) Section 37202, equity length of time requirement to allow a full day kindergarten program at <b>Twin Lakes Elementary and Parkview Elementary Schools.</b> CDSIS-23-5-2003 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
----------	---	--------

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

ITEM W-2	Request by <b>Moorpark Unified School District</b> to waive <i>Education Code</i> (EC) Section 37202, equity length of time requirement to allow full day kindergarten program at <b>Walnut Canyon, Peach Hill, Campus Canyon, and Flory Schools</b> . CDSIS-42-5-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
----------	---	--------

COMMUNITY DAY SCHOOL

ITEM W-3	Request by <b>Lucerne Valley Unified School District</b> for a waiver <i>Education Code</i> (EC) Section 48916.1(d) and portions of <i>Education Code</i> (EC) Section 48660 to permit the establishment of a K-8 community day school. CDSIS-43-5-2003 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
----------	---	--------

COMMUNITY DAY SCHOOL (co-location)

ITEM W-4	Request by the <b>Hacienda La Puente Unified School District</b> for a waiver of <i>Education Code</i> (EC) Section 48661(a) relating to the placement of a district community day school on the same site as Valley Alternative (Continuation High) School. CDSIS-19-6-2003 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
----------	--	--------

ITEM W-5	Request by the <b>Yucaipa-Calimesa Joint Unified School District</b> for a waiver of <i>Education Code</i> (EC) Section 48661(a) relating to the placement of a community day school on the same site as a junior high school. CDSIS-17-5-2003 (Recommended for APPROVAL)	ACTION
----------	---	--------

9<sup>th</sup> GRADE CLASS SIZE REDUCTION (Morgan-Hart)

ITEM W-6	Request by <b>Los Angeles Unified School District</b> to waive <i>Education Code</i> (EC) Section 52084 (a) 9 <sup>th</sup> Grade Class Size Reduction to receive funding for two English courses in Grade 9 (adding Developing Readers and Writers-Strategic Literacy for students who score below the 20 <sup>th</sup> percentile on the SAT-9 Reading test) and one Math course. CDSIS-1-5-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
----------	---	--------

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP) PETITION

ITEM W-7	Petition request under <i>Education Code</i> (EC) Sections 60421(d) and 60200(g) by <b>Portola Valley School District</b> to purchase Instructional Resources ( <i>Everyday Mathematics, 2001 (K-3)</i> ) using Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-1-9-2002 (Recommended for APPROVAL)	ACTION
----------	---	--------

ITEM W-8	Petition request under <i>Education Code</i> (EC) Sections 60421(d) and 60200(g) by <b>Ontario-Montclair School District</b> to purchase non-adopted Instructional Resources ( <i>Houghton Mifflin Mathematics, Grade 6</i> ) using Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-24-5-2003 (Recommended for APPROVAL)	ACTION
----------	--	--------

INSTRUCTIONAL TIME PENALTY

ITEM W-10	Request by <b>Holt Union Elementary School District</b> to waive <i>Education Code</i> (EC) Section 46202(b), for falling below the 1982/83 offered number of minutes at during the 2001-2002 fiscal year. CDSIS-28-4-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
-----------	---	--------

ITEM W-11	Request by <b>Compton Unified School District</b> to waive <i>Education Code</i> (EC) Section 46201(c), the longer day instructional time penalty for the 2000-2001 school year for <b>Centennial High School and Dominguez High School</b> . CDSIS-10-5-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
-----------	--	--------

ITEM W-12	Request by <b>Las Virgenes Unified School District</b> to waive <i>Education Code</i> (EC) Sections 46201(d) and 46200(c), the longer day instructional time penalty and the requirement of 180 days of instruction for the 2001-2002 school year for <b>Lupin Hill Elementary School</b> . CDSIS-19-5-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
-----------	--	--------

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

SALE/LEASE OF SURPLUS PROPERTY

ITEM W-14	Request by <b>Mill Valley School District</b> to waive portions of <i>Education Code</i> (EC) Section 17466, Sale/Lease of Surplus Property, regarding property disposition of the <b>Homestead School</b> , owned by the <b>Mill Valley School District</b> , in order to continue its existing long term lease to the <b>Marin Horizon School</b> , a private school. CDSIS-14-4-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
-----------	--	--------

Ms. Pinegar noted changes in Items W-9, W-12, and W-13.

- ACTION: Ms. Lee moved that the State Board approve all requests in the proposed consent items, Items W-1 through W-8, W-10 through W-12, and W-14. The motion recognized the correction presented by staff regarding Item W-12. The motion also recognized that Education Code Section 33051(c) would apply to the requests in Items W-1, W-3, and W-4. The motion incorporated the conditions recommended by staff under Items W-2, W-6, W-10, W-11, W-12, and W-14. Mr. Washington seconded the motion. The motion was approved by unanimous vote of the members present.

**NON-CONSENT WAIVERS (Items W-9 and W-13)**

RESOURCE SPECIALIST CASELOAD

ITEM W-9	Petition request under <i>Education Code</i> (EC) Sections 60421(d) and 60200(g) by <b>Orinda Union School District</b> to purchase non-adopted Instructional Resources ( <i>FOSS, Grades K-1, California Edition</i> ) using Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-38-4-2003 (Recommended for APPROVAL)	ACTION
----------	--	--------

Ms. Belisle suggested that the waiver come back in September in order to establish a policy. Mr. Nuñez clarified that it highlights the need for a policy on approving waivers for non-adopted instructional materials. Ms. Tacheny commented on the need to find ways to provide incentives to the publishing industry to develop materials aligned to California standards.

President Hastings agreed that there is a need for a policy. It must be acknowledged that this is a high-performing district.

Ms. Belisle stated that there is no problem allowing this type of flexibility to such a high-performing district. She suggested that the staff bring forth a policy to define when such waivers would be acceptable for the Board's consent calendar. Mr. Nuñez and Ms. Tacheny were concerned about moving away from standards-aligned materials. Ms. Tacheny and Mr. Nuñez stated they would vote against the waiver.

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

- **ACTION:** Ms. Katzman moved that the State Board approve the request in Item W-9. The motion incorporated the district’s modification of the request to be operative only until 2005 (instead of 2008). The motion also recognized that this request reflected a special case, being from an extraordinarily high-achieving district and involving a relatively small amount of money. Mr. Washington seconded the motion. The motion was approved by a vote of 7-2. Mr. Nuñez and Ms. Tacheny voted against the motion.

President Hastings directed that staff prepare the proposed petition/waiver guidelines pertaining to non-adopted instructional materials in light of the reorganization of state instructional materials funding by AB 1781. The guidelines are to be considered at the September 2003 State Board meeting.

ITEM W-13	Request by <b>Modesto City Schools</b> to waive <i>Education Code</i> (EC) 56362 (c) and Title 5 CCR 3100 (c) (3), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) and in excess of the statutory maximum for more than two school years for Resource Specialist <b>Karen Kline assigned at Mark Twain Jr. High School.</b> CDSIS-43-4-2003 (Recommended for DENIAL)	ACTION
-----------	---	--------

- **ACTION:** Mrs. Ichinaga moved that the State Board deny the request in Item W-13. The motion recognized the correction in the agenda write-up for this item as presented by staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Mr. Nuñez was not present when the vote was taken.

ITEM 36	Appeal of the County Committee’s Denial of a Petition to Transfer Territory from the Redwood City Elementary School District to the Woodside Elementary School District in San Mateo County.	ACTION
---------	--	--------

Teri Chen, School Fiscal Services Division, reported on the appeal and provided background information. She noted that both the sending and receiving districts are opposed. The County Committee disapproved the transfer. The Department found that all the criteria were met.

Ms. Chen explained the potential cost to the state. She summarized that Department staff did not find compelling reasons to approve this transfer. President Hastings requested examples of “compelling reasons.” Ms. Chen gave examples of overcrowding, safety, and community identity. She stated there is no educational reason to approve the transfer. President Hastings explained that there is no statutory requirement that there be a “compelling reason.” Ms. Belisle stated as a lawyer she has a specific definition of “compelling” that is different from how the term is used in this instance (which is more general). Ms. Chen clarified that the criteria established in statute are minimum threshold standards, and that the State Board’s approval authority is clearly discretionary.

President Hastings allotted 10 minutes each to the proponents and opponents.

FINAL MINUTES  
State Board of Education  
July 9-10, 2003

The following individuals addressed the Board:

Proponents

Perry Vartanian, Former Woodside Mayor and Council member

Paul Goeld, Vice Mayor of Woodside

Opponents

Don Harter, Superintendent, Woodside School District

Mary Lairon, Assistant Superintendent, Redwood School District

Tom Mudd, Woodside School District Board member

Ms. Steentofte clarified that the Board does not need a “compelling reason.” The Board’s action must not be arbitrary and capricious.

Mr. Nuñez stated that the district/city map was compelling but he was concerned that approval could put the districts on a slippery slope. He addressed concern over the freeway barrier. Mr. Washington stated the Board had heard from two school boards and on that basis alone he would vote to support the staff’s recommendation. Ms. Katzman commented that neighborhoods are not what they were in the past.

- **ACTION:** In accordance with recommendation of staff, Mr. Nuñez moved that the State Board affirm the action of the San Mateo County Committee on School District Organization by (1) denying the appeal to transfer territory from the Redwood City Elementary School District to the Woodside Elementary School District and (2) adopting the proposed resolution to that effect presented in Attachment 2 of the agenda item. Ms. Katzman seconded the motion. The motion was approved by a vote of 7-2. Mr. Hastings and Mrs. Ichinaga voted against the motion.

**SPECIAL PRESENTATION**

President Hastings thanked Ms. Lee for her service to the Board over the past year. He presented her with a plaque for outstanding service, a book and a sweatshirt signed by Governor Davis. Ms. Lee stated that it had been a truly amazing experience and she had been encouraged that adults are so passionate about education. She hopes to be involved in education in some way during her lifetime. Ms. Lee concluded by thanking each of the Board members individually, Superintendent O’Connell, Ms. Belisle, and the Board staff.

**Adjournment of the Meeting**

President Hastings adjourned the meeting at 12:10 p.m.