

FINAL MINUTES
State Board of Education
September 10-11, 2003

Thursday, September 11, 2003

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

Members Present

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

Members Absent

Robert J. Abernethy
Vacancy

Closed Session

The State Board met in Closed Session from 8:07 a.m. to 8:22 a.m.

Call to Order: Public Session

President Hastings called the meeting to order at 8:45 a.m.

Salute to the Flag

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

Tribute to September 11, 2001

President Hastings requested a moment of silence in honor of the 3,000 Americans who lost their lives during the terrorist attacks on September 11, 2001.

Closed Session Report

Ms. Steentofte reported that the State Board heard updates on *Chapman v. California Department of Education*; *EMS-BP, LLC v. California Department of Education*; *Pazmiño v. California State Board of Education*; and *Williams v. State of California*. No actions were taken. The State Board also heard updates on *Boyd v. State of California* and related cases, and took action advising and directing its attorneys.

Announcements/Communications

President Hastings announced that Item W-1 would be heard with Item 32, and Items 8 and 24 would be heard before Item 30.

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Note: Items appear in the order they were heard.

ITEM 33	AB 466 Mathematics and Reading Professional Development Program (Chapter 737, Statutes of 2001): Including, but not limited to, rescinding previous action approving contract to create an archive of approved training curricula, and manage the review of training curricula submitted for Board approval, and instead approve consolidating services under the contract in one new local education agency.	INFORMATION ACTION
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Ms. Franklin reported that a savings of at least \$27,000 would occur by consolidating services under the subcontractor, Orange County Department of Education.

- ACTION: Mr. Washington moved that the State Board rescind the State Board’s previous action approving the contract with the Sacramento County Office of Education pertaining to implementation of AB 466 (Chapter 737, Statutes of 2001) and, in its place, approve consolidating services under a contract with the Orange County Department of Education. Ms. Katzman seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 28	No Child Left Behind Act of 2001 Teacher Requirements (“Highly Qualified Teacher”) – Including, but not limited to, Adoption of Proposed Title 5 Regulations.	INFORMATION ACTION
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Ms. Steentofte provided an update on the regulations. Approximately 30 comments were received during the public comment period. Ms. Steentofte stated that stakeholder meetings had been held on drafting a guide for school districts to go with these regulations.

Ms. Steentofte addressed highlights of the revisions. More clarity has been given to the HOUSSE process. A main revision is a proposal to allow for experience, service to the profession (i.e., mentoring or being a distinguished teacher), coursework, and in-depth professional development that is for more than one day to count for points to demonstrate subject matter competence.

Ms. Steentofte apologized for the misspelling of the name of Barbara Kerr, President of the California Teachers Association, in the last-minute memorandum.

The following individuals addressed the Board:

- Don Bridge, California Teachers Association
- Elizabeth Jimenez, California Counsel on Teacher Education
- Marta Zaragoza Diaz, California Together Coalition
- Liz Guillen, Public Advocates, Inc.
- Stephanie Farland, California School Boards Association
- Sherry Skelly Griffith, Association of California School Administrators
- Silvia DeRuvo, California Association of Resource Specialists and Special Educators

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Ms. Steentofte stated that the “highly qualified teacher” issue has been on the Committee of Practitioners’ agenda. The Committee’s last meeting was in May before the concept paper or the federal regulations were out. Given that the Committee only meets three times a year, Ms. Steentofte requested that the Board direct staff to take the issue to the Committee’s October meeting. According to law, in an emergency situation, the Committee may see the regulations after they have been promulgated.

Mr. Nuñez complimented Ms. Steentofte for reaching out to have interest groups participate extensively in moving these regulations forward. He thanked Ms. Steentofte and all the staff for the hard work they have done. California’s 300,000 teachers will be affected significantly by these regulations.

Ms. Katzman thanked Ms. Steentofte for her work with the Commission on Teacher Credentialing in finally reaching a solution on this issue. Ms. Steentofte pointed out that it was a group effort, and thanked all the stakeholders and Department staff for their hard work. Many people provided their intelligence and knowledge to make it a good product.

- **ACTION:** Ms. Katzman moved that the State Board (1) amend the regulations pertaining to *No Child Left Behind Act of 2001* Teacher Requirements as proposed in the last-minute memorandum; (2) direct staff to send out the amended regulations for 15-day public review in accordance with the Administrative Procedure Act (APA); (3) direct staff to present the amended regulations to the Title 1 Committee of Practitioners at its next meeting; (4) if no objections to the amended regulations are received during the 15-day public review, direct staff to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval in accordance with the APA; and (5) if objections to the amended regulations are received during the 15-day public review, direct staff to place the matter on the next State Board agenda for action following consideration of the objections. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote of the members present.

Special Presentation

Assembly Member Jackie Goldberg called on the State Board to help bring an end to the “math wars” by extending teachers great flexibility in the teaching of mathematics. Teaching needs to be artistic, not mechanistic. When teachers believe in what they are doing, they do a better job.

ITEM 29	Approval of 2003-2004 Consolidated Applications.	ACTION
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Keric Ashley, Education Data Unit, provided an overview of the consolidated application. He stated that the bulk of the applications were before the Board – 1,119 LEAs for regular approval and 38 LEAs for conditional approval. Mr. Ashley explained that “conditional approval” means that funding will flow on the condition that districts with noncompliant issues continue to make progress, either by resolving the issues or by making significant progress toward resolving the noncompliant issues. Mr. Ashley stated that a progress report would be brought to the Board in March 2004 on how those districts are doing in resolving the noncompliance issues.

Ms. Katzman asked if the applications given conditional approval had noncompliance issues related primarily to English learner issues. Mr. Ashley said that was primarily the case but that a few districts had issues outside of the English learner program.

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The following individuals addressed the Board:

Thekimá Mayasá, San Diego Unified School District, parent
 Maria Martinez, San Diego Unified School District, parent
 Mitz Lee, San Diego Unified School District, parent
 Peter Birdsall, representing San Diego Unified School District

Exercising an abundance of caution regarding any possible appearance of a conflict, Mr. Fisher, Mr. Godfrey, and Mr. Washington did not participate in the consideration or vote on this item.

- **ACTION:** Ms. Katzman moved that the State Board (1) grant regular approval to the 2003-2004 consolidated applications from 1,119 local education agencies (LEAs), as recommended by CDE staff; (2) grant conditional approval to the 2003-2004 consolidated applications from 38 LEAs, also as recommended by CDE staff; (3) direct CDE and State Board staff collaboratively to identify the issues of non-compliance related to the 38 LEAs and report that information to the State Board; and (4) request that CDE staff closely monitor the conditionally approved LEAs and present a written report on these LEAs' progress toward compliance at the State Board's March 2004 meeting. Ms. Tacheny seconded the motion. The motion was approved by a vote of 6-0.

CONSENT WAIVERS (Items WC-1 through WC-6)

GOLDEN STATE EXAMINATION

ITEM WC-1	Request by various districts to waive <i>Education Code</i> (EC) Section 51451, regarding the method of qualifying this year's high school seniors for a Golden State Seal Merit Diploma. CDSIS--various (Recommended for APPROVAL WITH CONDITION)	ACTION
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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM WC-2	Request by two school districts for a retroactive waiver of <i>Education Code</i> (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. These districts have audit findings for fiscal year 2001-2002 that they 1) failed to hold the public hearing, or 2) failed to properly notice (10 days) the public hearing and/or 3) failed to post the notice in the required three public places. CDSIS-51-6-2003 Montecito Union School District CDSIS-53-5-2003 Snelling Merced Falls School District (Recommended for APPROVAL)	ACTION
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NONPUBLIC SCHOOL/AGENCY (annual certification)

ITEM WC-3	Sacramento City Unified School District is requesting to waive <i>Education Code</i> (EC) Section 56366.1(g), which would allow New Dimension Learning Academy to submit their renewal application outside the August 1 – October 31, timeline. CDSIS-5-7-2003 (Recommended for APPROVAL)	ACTION
ITEM WC-4	Request by Center Unified School District to waive <i>Education Code</i> (EC) Section 56366.1(g), which would allow Integrated Rehabilitation Services to submit their renewal application outside the August 1 October 31, timeline. CDSIS-57-6-2003 (Recommended for APPROVAL)	ACTION
ITEM WC-5	Request by Pasadena Unified School District to waive <i>Education Code</i> (EC) Section 56366.1(g) which would allow Villa Esperanza Services to submit their renewal application outside the August 1 – October 31, timeline. CDSIS-55-6-2003 (Recommended for APPROVAL)	ACTION

SCHOOL MEAL MANDATE (Summer School Session)

ITEM WC-6	Request by two school districts to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the summer school session. CDSIS-44-6-2003 Little Lake City School District CDSIS-58-6-2003 Beverly Hills Unified School District (Recommended for APPROVAL)	ACTION
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Judy Pinegar, Waiver Office, reported on the consent waiver items.

- ACTION: Mr. Nuñez moved that the State Board approve all of the requests in Items WC-1 through WC-6, as recommended by CDE staff. The motion incorporated the condition recommended for requests under Item WC-1. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Ms. Tacheny was not present when the vote was taken.

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PROPOSED CONSENT WAIVERS (Items W-2 through W-12 and W-14 through W-17)

EMPLOYMENT—RETIRED SCHOOL TEACHER

ITEM W-2	Request by Los Angeles Unified School District for a waiver of <i>Education Code</i> (EC) Section 45134(c), to allow the employment of three State Teacher Retirement System (STRS) retirees as staff assistants to board members. (Donna Smith, Lannie Foster and Edward Burke) CDSIS-22-7-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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EQUITY LENGTH OF TIME

ITEM W-3	Request by North Sacramento Elementary School District for a waiver of <i>Education Code</i> (EC) Section 37202, equity length of time requirement to allow a full day kindergarten pilot program at Northwood Elementary School . CDSIS-32-6-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-4	Request by Las Virgenes Unified School District to waive <i>Education Code</i> (EC) Section 37202, equity length of time requirement to allow a full day kindergarten program at Sumac School . CDSIS-37-6-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-5	Request by Auburn Union School District for a renewal waiver of <i>Education Code</i> (EC) Section 37202, equity length of time requirement to allow a full day kindergarten program at Rock Creek School and Alta Vista School . CDSIS-11-7-2003 (Recommended for APPROVAL) EC 33051(c) will apply	ACTION
ITEM W-6	Request by Salinas City Elementary School District to waive <i>Education Code</i> (EC) Section 37202, equity length of time requirement to allow a full day kindergarten program at Boronda, Loma Vista and Los Padres Elementary Schools . CDSIS-28-7-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-7	Request by Paramount Unified School District for a renewal to waive <i>Education Code</i> (EC) Section 37202, equity length of time requirement for kindergarten students at Wirtz School to allow full day kindergarten programs. CDSIS-30-7-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

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ITEM W-8	Request by Simi Valley Unified School District to waive <i>Education Code (EC)</i> Section 37202, equity length of time requirement to allow full day kindergarten programs at seven elementary schools: Knolls, Santa Susana, Park View, Justin, Arroyo, Township and Berylwood. CDSIS-4-7-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM PETITION

ITEM W-9	Petition request under <i>Education Code (EC)</i> Section 60421(d) and 60200(g) by Alhambra School District to purchase non-adopted Instructional Resources (<i>Houghton Mifflin Mathematics, Grade 6</i>) using Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-38-6-2003 (Recommended for APPROVAL)	ACTION
ITEM W-10	Petition request under <i>Education Code (EC)</i> Section 60421(d) and 60200(g) by Cypress School District to purchase non-adopted Instructional Resources (<i>Houghton Mifflin Mathematics, Grade 6</i>) using Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-27-7-2003 (Recommended for APPROVAL)	ACTION
ITEM W-11	Petition request under <i>Education Code (EC)</i> Section 60421(d) and 60200(g) by Palos Verde Peninsula School District to purchase Instructional Resources (<i>Everyday Mathematics, 2001 (K-5)</i>) using Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-18-7-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-12	Petition request under Education Code (EC) Section 60421(d) and 60200(g) by Explorer Elementary Charter School to purchase Instructional Resources (<i>Everyday Mathematics, K-6</i>) using Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-31-7-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

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9th GRADE CLASS SIZE REDUCTION (Morgan Hart)

ITEM W-14	Request by Conejo Valley Unified School District for a renewal to <i>waive Education Code</i> (EC) Sections 52082 and 52084 (a) and (b) under 9 th Grade Class Size Reduction (Morgan-Hart) to receive funding to reduce class size for first year Algebra in 8 th Grade in addition to Grade 9 English and Math. CDSIS-13-7-2003 (Recommended for APPROVAL WITH CONDITIONS) EC 33051(c) will apply	ACTION
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NONPUBLIC SCHOOL/AGENCY (child specific)

ITEM W-15	Request by Fullerton Joint Union High School District to waive <i>Education Code</i> (EC) Section 56366.1(a), certification for an uncertified nonpublic school, Youth Care Pine Ridge Academy located in Draper, Utah to provide services to one special education student, Britanny K. CDSIS-12-5-2003 (Recommended for APPROVAL)	ACTION
ITEM W-16	Request by Sonora Union High School District to waive <i>Education Code</i> (EC) Section 56366.1(a) certification for an uncertified nonpublic school, Bancroft School located in Haddonfield, New Jersey to provide services to one special education student, Taylor S. CDSIS-27-5-2003 (Recommended for APPROVAL)	ACTION
ITEM W-17	Request by Saddleback Valley Unified School District to waive <i>Education Code</i> (EC) Section 56366.1(a) certification for an uncertified nonpublic school, Sunhawk Academy located in Saint George, Utah to provide services to one special education student, Lauren B. CDSIS-21-7-2003 (Recommended for APPROVAL)	ACTION

Ms. Pinegar reported on the proposed consent waivers.

- ACTION: Mr. Nuñez moved that the State Board approve all requests in Items W-2, W-3, W-4, W-5, W-6, W-7, W-8, W-9, W-10, W-11, W-12, W-14, W-15, W-16, and W-17, and recommended by CDE staff. The motion incorporated the conditions recommended under Items W-2, W-3, W-4, W-6, W-7, and W-8, W-11, W-12, and W-14. The motion recognized that the provisions of Education Code 33051(c) would apply to the requests in Items W-5 and W-14. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Ms. Tacheny was not present when the vote was taken.

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NON-CONSENT WAIVER (W-13)

INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM W-13	Request by Cold Springs Elementary School District for a retroactive waiver of <i>Education Code</i> (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2001-2002 that they failed to do the proper board “resolution” with their public hearing. CDSIS-40-4-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Ms. Pinegar summarized the request and the CDE recommendation. A letter was read on behalf of the district superintendent.

- **ACTION:** Mr. Nuñez moved that the State Board approve the request in Item W-13 with the conditions recommended by CDE staff. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 8	Standardized Testing and Reporting (STAR) Program – Approve Commencement of the Rulemaking Process for Amendments to Title 5.	INFORMATION ACTION
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Mr. Flores reported that the key issues in the changes to the regulations specifically deal with (1) English learners and creating accommodations for their administration of the STAR program; (2) adding CAPA

to section 852 to conform to changes in the law; and (3) adding some changes to the STAR test security agreement to enhance the security over the California Standards Test. If approved, the regulations will be back in November following a staff-conducted public hearing.

- **ACTION:** Mr. Nuñez moved that the State Board (1) approve the proposed STAR regulations, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, with technical modifications as may be identified and incorporated by staff, subject to the approval of the Executive Director of the State Board; (2) direct staff to proceed with the 45-day public comment period in accordance with the Administrative Procedure Act; 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 24	Public Charter Schools Grant Program (PCSGP) – Approve Recommended Grant Award Recipients.	ACTION
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Eileen Cubanski, Charter Schools Office, reported on some last-minute grant terminations and a data input error that was found, which resulted in more money that could be immediately awarded in this round.

Exercising an abundance of caution regarding the appearance of a conflict, Mr. Fisher did not participate in the discussion or vote on this item.

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- ACTION: Mr. Washington moved that the State Board approve the revised list of Public Charter Schools Grant Program awards as recommended by CDE staff in the last-minute memorandum. Mr. Rodriguez seconded the motion. The motion was approved by a vote of 8-0.

ITEM 30	Seminar Session on Mathematics.	INFORMATION
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Ms. Tacheny announced that a panel representing many educators, teachers and university professors who have been instrumental in crafting California’s math standards and curriculum framework had been asked to conduct a seminar for the State Board on California’s system of mathematics instruction. She introduced the panel of CDE Deputy Superintendent Sue Stickel; Paul Clopton, Hung-Hsi Wu, and Ze’ev Wurman (members of the STAR Content Review Panel), and Tom Adams, Director of the Curriculum Frameworks and Instructional Resources Division.

Ms. Stickel stated the purpose of the seminar was to address the components of a very successful, focused system that has been developed over the past decade. The Board has created a standards-based system where there are standards for what to teach but not how to teach it. It is important that students have the opportunity to excel beyond the standards if they can. The framework provides the context for the implementation of the standards. The instructional materials provide the tools for the teachers. The assessments tell us the degree to which students have mastered the standards. Ms. Stickel related the history of the “math wars.” Ms. Tacheny commented that California’s math standards and framework have become known as the best in the nation.

Mr. Wu discussed the framework, which has an emphasis on mathematical reasoning. Mr. Adams discussed the mathematics adoption process. Ms. Belisle noted that the standards were adopted at the end of 1997. It took until 2001 to have adopted textbooks. Changing one piece has a huge impact on the entire system and takes years to complete. Mr. Clopton and Mr. Wurman conducted a PowerPoint presentation on the California Standards Tests in mathematics.

Ms. Stickel thanked the presenters. Mr. Nunez asked about the work being done on the intervention materials for children not ready for Algebra I. Ms. Stickel stated that in the next textbook adoption criteria, CDE staff are looking at ways to ensure that intervention resources are included in the adoption. Meanwhile, intervention teams working with districts try to suggest some successful intervention materials, both technological and written, that teachers can use to help students. Ms. Stickel stated that the math adoption criteria would be addressed again in March 2005.

Ms. Tacheny recognized the people involved in all of the panels (i.e. Instructional Materials Advisory Panel, Content Review Panel, Curriculum Commission) and President Hastings thanked all those involved.

The following individuals addressed the Board:
Sheri Willebrand, California Mathematics Council
Scott Farrand, CSU Sacramento, Math Professor

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Ms. Katzman thanked the panel for their outstanding presentation. Ms. Belisle added for the record that there are achievement standards. On those panels, such as the Performance Standard Setting Panel, the State Board has found it critical to have the involvement of teachers and other educational practitioners. Those panels do have a large number of teachers and their input is valued.

ITEM 31	Environmental Effect of the Formation of Alhambra Unified School District from Alhambra City Elementary School District and Alhambra City High School District in Los Angeles County.	PUBLIC HEARING ACTION
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Larry Shirey, School Fiscal Services Division, reported that adoption of a negative declaration was recommended. President Hastings called the Public Hearing to order at 11:33 a.m. No speakers addressed the Board. President Hastings adjourned the Public Hearing at 11:34 a.m.

- ACTION: Mr. Rodriguez moved that the State Board adopt the negative declaration of environmental impact as presented in Attachment 1 of the agenda item. Mr. Washington seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Ms. Katzman, Mr. Nuñez, and Ms. Tacheny were not present when the vote was taken.

ITEM 32	Proposed Formation of Alhambra Unified School District from Alhambra City Elementary School District and Alhambra City High School District in Los Angeles County.	PUBLIC HEARING ACTION
ITEM W-1	Request by the Alhambra City Elementary School District and the Alhambra City High School District to waive part or all of <i>Education Code</i> (EC) Sections 5033, 35101, 35102, 35106, 35737, and 35756-35765 regarding elections for unification proposals and governing boards of newly unified school districts. CDSIS-50-6-2003 (Recommended for APPROVAL WITH CONDITIONS) EC 33051(c) will apply	ACTION

President Hastings called the Public Hearing to order at 11:34 a.m. No individuals addressed the Board in opposition to the proposed unification.

The following individual briefly addressed the Board in support of the proposed unification:
Myrna L. Rivera, Superintendent, Alhambra City Elementary and High School Districts

President Hastings adjourned the Public Hearing at 11:35 a.m.

- ACTION: Mr. Nuñez moved that the State Board (1) approve the requests in Item W-1, recognizing that the provisions of Education Code Section 33051(c) will apply; and (2) approve the proposed formation of Alhambra Unified School District from the Alhambra City Elementary School District and the Alhambra City High School District by adoption of the resolution presented in Attachment 2 of Item 32. Mr. Rodriguez seconded the motion. The motion was approved by unanimous vote of the members present.

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President Hastings turned the meeting over to Vice President Nuñez for Item 34.

ITEM 34	Board Member Ethics Training as Required by Government Code Sections 11146-11146.4.	INFORMATION
Government Code sections 11146-11146.4 have been amended to require that all persons who file Form 700 Statement of Economic Interest must also complete an Ethics Training Course by a specified date. Periodically, opportunities are provided for new and continuing State Board members to complete this requirement. The Ethics Training will take approximately two hours, at the conclusion of which the State Board meeting will be adjourned.		

Vice President Nuñez, Mrs. Ichinaga, and Mr. Washington remained for the presentation of the ethics training. The other members exercised alternative means to complete the required ethics training, including the Internet-based course.

Adjournment of the Meeting

Vice President Nuñez adjourned the meeting at 1:50 p.m.