

FINAL MINUTES
State Board of Education
March 10-11, 2004

Thursday, March 11, 2004

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

Members Present

Reed Hastings, President
Joe Nuñez, Vice President
Ruth Bloom
Brent Godfrey
Ruth E. Green
Glee Johnson
Jeannine Martineau
Bonnie Reiss
Suzanne Tacheny
Johnathan Williams

Members Absent

Don Fisher

Closed Session

The Board met in Closed Session from 8:00 a.m. to 9:35 a.m.

Call to Order: Public Session

President Hastings called the meeting to order at 9:47 a.m.

Salute to the Flag

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

Closed Session Report

Ms. Steentofte reported that in the morning's Closed Session the Board heard an update from their attorneys on *Williams v. State of California*. No action was taken. The State Board also heard an update on *California Association of Private Special Education Schools v. California Department of Education* and took action to not accept a settlement offer. The State Board heard an update on *Californians for Justice Education Fund v. State Board of Education* and took action to not accept the attorneys' fees offer. The State Board heard an update on *Emma C. v. Eastin* and gave direction to their attorneys regarding attorney fees. Finally, the State Board heard an update on *California State Board of Education v. Eastin* and took action to enter into a settlement agreement.

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Announcements/Communications

President Hastings announced that Item W-10 would be heard after Item 32; and Item W-13 was withdrawn. Ms. Franklin informed the Board that Item W-12 was withdrawn; and Items 39 and 41 were postponed to the May meeting.

ITEM 32	Vision Testing: Adopt Proposed Amendments to <i>California Code of Regulations, Title 5, Education, Division 1, Chapter 2, Subchapter 3, Article 4.</i>	INFORMATION ACTION
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Caroline Roberts, School Health Connections and Healthy Start Office, provided an update on the regulations. The public hearing was held on March 9, 2004. Ms. Roberts explained the proposed technical corrections, which were not substantive and did not require a 15-day notice.

- ACTION: Ms. Tacheny moved to adopt, with the technical corrections presented in the last-minute memorandum, the proposed regulations regarding Vision Testing and direct staff to complete the rulemaking package and submit it to the Office of Administrative Law for approval. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 33	Immediate Intervention/Underperforming Schools Program (II/USP): Waiver Policy for higher-performing II/USP schools that do not make “significant growth” and are subject to state sanctions.	INFORMATION ACTION
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Wendy Harris, School Improvement Division, provided background information and explained the recommended options.

The Board held an in-depth discussion.

Ms. Harris, Pat McCabe, Policy and Evaluation Office, and Sue Stickel, Deputy Superintendent of the Curriculum and Instruction Branch, answered questions from the Board.

President Hastings requested the CDE staff to come back to the Board with a list of all the current schools in II/USP, raw API scores, growth over the past two to three years, the current API rank and the similar schools rank. He also requested a summarization of II/USP by cohort, funding, and performance.

President Hastings explained the complication of delaying this issue. He noted that a waiver request related to this waiver policy had now been brought before the Board twice. The waiver has already been deferred once but should it be deferred a second time, the waiver would automatically be granted according to law.

Mr. Nuñez stated that he would like to see information on how many schools qualify under the option.

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

Ms. Belisle noted that waiver policies before the Board are a housekeeping matter. They are not precedent setting but are direction to the CDE and SBE staff for arranging the consent calendar.

- By consensus the Board postponed action on this item until the May meeting.

IMMEDIATE INTERVENTION/UNDERPERFORMING SCHOOLS PROGRAM (II/USP)

ITEM W-10	Request by Sacramento City Unified School District for Fruit Ridge Elementary School , in Cohort I of the Immediate Intervention/Underperforming Schools Program (II/USP) postponed from January 8, 2004 (Invalid API) to waive sanctions in portions of <i>Education Code</i> (EC) Section 52055.5(h), in effect to keep the school on “watch” for the 2003-04 school year. Waiver Number: 3-2-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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This item was heard out of order. Ms. Harris provided background information.

- ACTION: Mr. Nuñez moved to approve the waiver of sanctions for Fruit Ridge School, which met the alternative criteria for significant growth, and place the school on “watch” status for the 2003-04 school year. Ms. Bloom seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 34	Immediate Intervention/Underperforming Schools Program (II/USP): Proposed Intervention for (Cohorts I and II) schools that failed to show significant growth.	INFORMATION ACTION
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Ms. Harris provided background information.

- ACTION: Mr. Nuñez moved to (1) deem as state-monitored the II/USP schools listed in the item that failed to show significant growth as stated in the staff recommendation; (2) require that the districts of the schools deemed state-monitored enter into contracts with School Assistance and Intervention Teams (SAITs); and (3) allow the local governing board of each school district to retain legal rights, duties, and responsibilities with respect to any state-monitored school. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.
- ACTION: Mr. Nuñez moved to rescind the Board action taken in November 2003 to deem Biggs Elementary a state-monitored school and instead place Biggs Elementary School on “watch” status for the 2003-04 school year based on corrected growth API data that shows the school made significant growth. Ms. Martineau seconded the motion. The motion was approved by unanimous vote of the members present.

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ITEM 35	Immediate Intervention/Underperforming Schools Program (II/USP): School Assistance and Intervention Team (SAIT) Providers: Approve criteria for selection of SAIT Providers in 2004-05.	INFORMATION ACTION
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Ms. Harris provided background information.

- ACTION: Ms. Green moved to approve the 2003-04 SAIT provider criteria for use in 2004-05. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 36	Immediate Intervention/Underperforming Schools Program (II/USP): School Assistance and Intervention Team (SAIT): Approval of expenditure plan to support SAIT activities and corrective actions in “state-monitored” schools.	INFORMATION ACTION
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Ms. Harris provided background information.

- ACTION: Mr. Nuñez moved to approve the expenditure plan to support SAIT activities and corrective actions in state-monitored schools, as recommended by staff. Ms. Martineau seconded the motion. The motion was approved by unanimous vote of the members present.

President Hastings announced that the Board would be returning to Item 1.

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 Meeting Schedule

Ms. Reiss requested the Board’s input about returning to meeting every month since the Governor is about action and there are many important educational issues being faced.

The Board held an in-depth discussion.

President Hastings noted that the previous every month meetings presented the Board with tactical issues. He explained that the current schedule is meant to allow the Board more preparation time in order to be more strategic and thoughtful about the major issues. Ms. Belisle commented that the current cycle promotes thought for the issues, analysis of comments for regulations, and provides Board members with more time for other areas of involvement (e.g., their work as liaisons). Superintendent O’Connell stated that the current cycle has improved quality of agenda items and enables the CDE to spend more time assisting the districts.

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President Hastings noted that the annual review for the every-other-month schedule is slated for the May meeting, at which time the liaison assignments would also be addressed.

No action taken.

ITEM 37	Proposed State Board of Education (SBE) Waiver Policy and Guidelines: Algebra I Graduation Requirement for Seniors in 2003-2004.	INFORMATION ACTION
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Judy Pinegar, Waiver Office, provided background information. Ms. Stickel addressed questions from the Board.

The Board held an in-depth discussion.

Ms. Belisle stated that there had been no specific requirement for districts to notify parents or students of the Algebra I graduation requirement. She recommended sending out an additional letter to ask school districts why they are not submitting waiver requests because their had been little response. Ms. Belisle noted that Assembly Member Darrell Steinberg and Senator Poochigian have taken a special interest in this issue. She acknowledged Ms. Stickel for being instrumental in helping to fashion a solution.

Superintendent O'Connell noted that Algebra is a basic skill in our global economy and it is a foundation for all the other math programs. He stated that students who are not exposed to algebra forego their ability to succeed in both college and the workplace. More than 75 percent of those occupations that require certification by exam demand that students know algebra. Superintendent O'Connell commented that when the California High School Exit Exam was postponed, some people mistakenly thought that since algebra is contained in the exam that the algebra requirement would also be delayed.

The following individuals addressed the Board:

Silvia DeRuvo, California Association of Resource Specialists and Special Education Teachers
Dick Bray, on behalf of Association of California School Administrators
Steve Morford, Riverside Unified School District
Jo Behm, California Learning Disability Association

- ACTION: Ms. Tacheny moved to approve the Waiver Policy and Guidelines for the Algebra I Graduation Requirement for 2003-04 only. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

Ms. Pinegar stated that she expected to see a lot more waivers for the May agenda.

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CONSENT WAIVERS (Items WC-1 through WC-14)

ADULT EDUCATION INNOVATION AND ALTERNATIVE INSTRUCTIONAL DELIVERY PROGRAM

ITEM WC-1	Request by Alhambra School District to waive <i>Education Code</i> (EC) Section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of approved programs (Adult Education Innovation and Alternative Instructional Delivery Program). Waiver Number: 22-12-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM WC-2	Request by Torrance Unified School District to waive <i>Education Code</i> (EC) Section 52522(b) to increase from 5 percent to 7 percent the proportion of their adult education state block entitlement that may be used to implement approved adult education innovation and alternative instructional delivery programs. Waiver Number: 27-12-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

CARL D. PERKINS VOCATIONAL & APPLIED TECHNOLOGY EDUCATION ACT

ITEM WC-3	Request by Muroc Joint Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) Waiver Number: 24-12-2003 (Recommended for APPROVAL)	ACTION
ITEM WC-4	Request by Lucerne Valley Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) Waiver Number: 25-12-2003 (Recommended for APPROVAL)	ACTION

FEDERAL WAIVERS – SAFE AND DRUG FREE

ITEM WC-5	Request by Novato Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of Bully-Proofing Your School , a K-8 program that offers a systems approach for handling bully/victim problems through the creation of a “caring community” approach. Waiver Number: Fed-11-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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ITEM WC-6	Request by Novato Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of Get Real About Violence , a researched-based, K-12, violence prevention program. Waiver Number: Fed-07-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM WC-7	Request by Ross Valley School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of Bully-Proofing , a K-8 program that offers a systems approach for handling bully/victim problems through the creation of a “caring community”. Waiver Number: Fed-14-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM WC-8	Request by Simi Valley School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of Get Real About Violence , a violence prevention program for grades six through nine Waiver Number: Fed-15-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM WC-9	Request by Los Angeles Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(C) to use Safe and Drug Free Schools and Communities funds to support the cost of Take Charge of Your Life , a seventh and ninth grade prevention program Waiver Number: Fed-22-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM WC-10	Request by Clovis Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(C) to use Safe and Drug Free Schools and Communities funds to support the cost of Take Charge of Your Life , a seventh and ninth grade prevention program Waiver Number: Fed-18-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM WC-11	<p>Request by ten school districts for a retroactive waiver of <i>Education Code (EC) Section 60119</i> regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2002-2003 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.</p> <p>16-11-2003 – Mountain Union SD 17-12-2003 – Oxnard SD 20-01-2004 – Placer Union High SD 15-11-2003 – Santa Paula Elementary School District 09-10-2003 – Shaffer Elementary SD 31-12-2003 – Central SD 11-12-2003 – Hesperia Unified SD 29-12-2003 – San Ramon Valley SD 32-07-2003 – Lake Elsinore Unified SD 04-10-2003 – Turlock Joint Union High SD (Recommended for APPROVAL)</p>	ACTION
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STATE MEAL MANDATE (Summer School Session)

ITEM WC-12	<p>Request by various school districts to waive <i>Education Code (EC) Section 49550</i>, the State Meal Mandate during the Summer School Session. Waiver Number (see attached list of districts) (Recommended for APPROVAL)</p>	ACTION
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NONPUBLIC SCHOOL/AGENCY (annual certification)

ITEM WC-13	<p>Request by Los Angeles Unified School District to waive <i>Education Code (EC) Section 56366.1(g)</i>, the August 1 through October 31 timeline on annual certification renewal application for nonpublic agency (NPA) Wayne Tashjian, Marriage and Family Therapist (MFT). Waiver Number: 16-12-2003 (Recommended for APPROVAL)</p>	ACTION
ITEM WC-14	<p>Request by Santa Clarita Valley Special Education Local Plan Area (SELPA) to waive <i>Education Code (EC) Section 56366.1(g)</i>, the August 1 through October 31 timeline on annual certification renewal application for nonpublic agency (NPA) Community Therapies. Waiver Number: 33-12-2003 (Recommended for APPROVAL)</p>	ACTION

Ms. Pinegar provided background information.

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- ACTION: Ms. Bloom moved to approve the waiver requests under Items WC-1 through WC-14, with conditions and corrections, as recommended by staff. Ms. Green seconded the motion. The motion was approved by unanimous vote of the members present.

RESOURCE SPECIALIST

ITEM WC-15	Request from the Mammoth Unified School District 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 (32 max) for Jennifer McGraw assigned at Mammoth High School . Waiver Number: 7-10-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM WC-16	Request by Clovis Unified School District 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 (32 maximum) Linda Gillis/Sarah West assigned at Dry Creek Elementary School . Waiver Number: 32-12-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

Ms. Pinegar provided background information.

The following individual addressed the Board:

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

- ACTION: Ms. Reiss moved to approve the waiver requests under Items WC-15 and WC-16 with conditions, as recommended by staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

NON-CONSENT WAIVERS (Items W-1 through W-16)

ALGEBRA I GRADUATION REQUIREMENT

ITEM W-1	Request by various districts to waive <i>Education Code</i> (EC) Section 51224.5(b), the requirement that all students graduating in the 2003-04 year be required to complete Algebra I to be given a diploma of graduation. Waiver Number: (see attached list of districts) (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Ms. Pinegar provided background information.

The following individuals addressed the Board:

Jo Behm, California Learning Disability Association

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

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- ACTION: Mr. Williams moved to approve the waiver requests under Item W-1, with conditions and corrections, as recommended by staff. Ms. Martineau seconded the motion. The motion was approved by unanimous vote of the members present.

ADMINISTRATIVE CREDENTIAL FOR COE SUPERINTENDENT

ITEM W-2	Request by Sacramento County Office of Education (COE) to waive <i>Education Code</i> (EC) Section 1206 and 1208, the requirement that a county superintendent must possess an administrative credential as a condition of holding the superintendent position. Waiver Number: 14-2-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Ms. Pinegar provided background information. Ms. Belisle provided further information.

The following individuals addressed the Board:
Dick Bray, Superintendent, Hesperia Unified School District
Harold Fong, Trustee, Sacramento County Office of Education

The Board held an in-depth discussion.

- MOTION FAILS. Ms. Bloom moved that the State Board deny the waiver request under Item W-2. Ms. Tacheny seconded the motion. The motion failed passage by a vote of 2-8. Ms. Bloom and Ms. Tacheny voted in favor of the motion.
- ACTION. Mr. Godfrey moved that the State Board approve the waiver request under Item W-2, with conditions, as recommended by staff. Ms. Martineau seconded the motion. The motion was approved by a vote of 9-1. Ms. Bloom voted against the motion.

CHARTER SCHOOLS (full funding)

ITEM W-3	Request by California Virtual Academy @ Kern Charter School for a waiver of Title 5 of the <i>California Code of Regulations</i> (5 CCR) Section 11963.4(b)(3) to allow the charter school to receive full funding with less than 50 percent (but more than 30 percent) of expenditures required for certificated staff costs due to the characteristics of a "Virtual Education Program." Waiver Number: 9-9-2003 (Recommended for DENIAL per EC 33051(a)(6))	ACTION
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ITEM W-4	Request by California Virtual Academy @ San Diego Charter School for a waiver of Title 5 of the <i>California Code of Regulations (5 CCR)</i> Section 11963.4(b)(3) to allow the charter school to receive full funding with less than 50 percent (but more than 30 percent) of expenditures required for certificated staff costs due to the characteristics of a "Virtual Education Program." Waiver Number: 10-9-2003 (Recommended for DENIAL per EC 33051(a)(6))	ACTION
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CHARTER SCHOOLS (independent study student teacher ratio)

ITEM W-5	Request by California Virtual Academy @ Kern Charter School for a waiver of <i>Education Code</i> Section 51745.6 and Title 5, <i>California Code of Regulations (5 CCR)</i> sections 11704 and 11963.3(2) related to charter school independent study average daily attendance (ADA)-to-teacher ratios to allow a ratio that is 50 percent higher than the ratio required by these sections. (Prospective) Waiver Number: 11-9-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-6	Request by California Virtual Academy @ San Diego Charter School for a waiver of <i>Education Code</i> Section 51745.6 and Title 5, <i>California Code of Regulations (5 CCR)</i> sections 11704 and 11963.3(2) related to charter school independent study average daily attendance (ADA)-to-teacher ratios to allow a ratio that is 50 percent higher than the ratio required by these sections. (Prospective) Waiver Number: 8-9-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

President Hastings provided an overview of the issues leading to the waiver requests.

The Board held an in-depth discussion.

Marta Reyes, Charter Schools Division, provided background information. She explained that the waivers were for this year and beyond.

The following individuals addressed the Board:

Jim Konantz, Head of Schools, Virtual Academy
Tom Boysen, Senior Vice President, K-12 Inc.

The Board continued its discussion.

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- **ACTION:** Ms. Martineau moved that the State Board direct staff to request that the Advisory Commission on Charter Schools (1) review the waiver requests under Items W-3, W-4, W-5, and W-6 and make recommendations to be brought to the Board at the May meeting and (2) make recommendations regarding a possible waiver policy for on-line charter schools. Ms. Reiss seconded the motion. The motion was approved by unanimous vote of the members present.

Lunch Break: President Hastings called for the lunch break at 12:21 p.m. He reconvened the meeting at 1:17 p.m.

EQUITY LENGTH OF TIME

ITEM W-7	Request by Bonita Unified School District to waive <i>Education Code</i> (EC) Section 37202, equity length of time requirement, to allow a full day kindergarten pilot program at Allen Avenue, Fred Ekstrand Elementary, Gladstone, Grace Miller, La Verne Heights Elementary, and J. Marion Roynon Elementary School. Waiver Number: 1-9-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Ms. Pinegar provided background information.

- **ACTION:** Mr. Nuñez moved that the State Board approve the waiver request under Item W-7 with conditions, as recommended by staff. Ms. Martineau seconded the motion. The motion was approved on a vote of 7-0. Ms. Johnson, Ms. Reiss, and Mr. Williams were not present when the vote was taken.

FEDERAL WAIVERS – SAFE AND DRUG FREE

ITEM W-8	Request by Clovis Unified School District to waive No Child Left Behind Act (NCLB), Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of Here's Looking At You , a K-12 grade prevention program. Waiver Number: Fed-17-2003 (Recommended for DENIAL)	ACTION
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Ms. Pinegar provided background information.

- **ACTION:** Mr. Nuñez moved that the State Board deny the waiver request under Item W-8, as recommended by staff. Mr. Godfrey seconded the motion. The motion was approved on a vote of 7-0. Ms. Johnson, Ms. Reiss, and Mr. Williams were not present when the vote was taken.

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HIRING PRACTICES – DISTRICT EMPLOYEE

ITEM W-9	Request by Manhattan Beach Unified School District to waive portions of <i>Education Code</i> (EC) Section 45272(a), to allow the district to pass over staff in the top three hiring ranks in order to hire a substitute assistant who has been working in the district’s Child Development Center. Waiver Number 28-12-2003 (Recommended for APPROVAL)	ACTION
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Ms. Pinegar provided background information.

- ACTION: Ms. Tacheny moved that the State Board approve the waiver request under Item W-9, as recommended by staff. Mr. Godfrey seconded the motion. The motion was approved on a vote of 7-0. Ms. Johnson, Ms. Reiss, and Mr. Williams were not present when the vote was taken.

Item W-10 was previously heard after Item 33 (see above).

IMMEDIATE INTERVENTION/UNDERPERFORMING SCHOOLS PROGRAM (II/USP)

ITEM W-11	Request by Burbank Unified School District for Providencia Elementary School , in Cohort I of the Immediate Intervention/Underperforming Schools Program (II/USP) deemed state-monitored on Nov 12, 2003, (Valid API) to waive sanctions in portions of <i>Education Code</i> (EC) Section 52055.5(h) and remain on “watch” for the 2003-04 school year. Waiver Number: 6-12-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Ms. Pinegar provided background information.

- ACTION: Mr. Nuñez moved that the State Board approve the waiver request under Item W-11 with conditions, as recommended by staff. Ms. Martineau seconded the motion. The motion was approved on a vote of 8-0. Ms. Reiss, and Mr. Williams were not present when the vote was taken.

ITEM W-12	Request by San Jose Unified School District for Hester Elementary School , in Cohort I of the Immediate Intervention/Underperforming Schools Program (II/USP) deemed state-monitored on Nov 12, 2003, (Valid API) to waive sanctions in portions of <i>Education Code</i> (EC) Section 52055.5(h) and remain “on watch” for the 2003-04 school year. Waiver Number: 3-12-2003 (Recommended for DENIAL)	ACTION
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This item was withdrawn by the district.

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ITEM W-13	Request by Biggs Unified School District for Biggs Elementary School , in Cohort I of the Immediate Intervention/Underperforming Schools Program (II/USP), to waive the II/USP timeline for the School Assistance and Intervention Team (SAIT) of <i>Education Code</i> (EC) Section 52055.51(d)(e) to be restarted to begin on March 11, 2004 Waiver Number 18-2-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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This item was withdrawn by the district.

INSTRUCTIONAL TIME PENALTY

ITEM W-14	Request by Duarte Unified School District to waive <i>Education Code</i> (EC) Section 46201(d), the longer day instructional time penalty for fiscal year 2002-2003 at Andres Duarte Elementary School due to a shortage of 900 instructional minutes. Waiver Number: 12-7-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-15	Request by Lake Elsinore Unified School District to waive <i>Education Code</i> (EC) Section 46201(d), the longer day instructional time penalty for fiscal year 2002-2003 at Cottonwood Canyon Elementary School due to a shortage of 2,160 instructional minutes. Waiver Number 30-12-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

Exercising an abundance of caution regarding the appearance of a conflict, Ms. Martineau indicated that she would not participate in the consideration or vote on Items W-14 and W-15.

- ACTION: Mr. Nuñez moved that the State Board approve the waiver requests under Items W-14 and W-15, with conditions, as recommended by staff. Ms. Green seconded the motion. The motion was approved by a vote of 9-0. Ms. Martineau did not participate in the consideration or vote on these two agenda items.

PETITION

ITEM W-16	Petition request under <i>Education Code</i> (EC) Section 60421(d) and 60200(g) by Palo Alto Unified School District to purchase Instructional Resources (Ca. Edition of Full Option Science System (FOSS) K-5) using Instructional Materials Funding Realignment Program (IMFRP) monies Waiver Number: 15-1-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Ms. Pinegar provided background information.

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The following individuals addressed the Board:

Cynthia Pino, Assistant Superintendent, Palo Alto
Rachael Jordan, Science Resource Teacher

- ACTION: Mr. Nuñez moved that the State Board approve the petition request under Item W-16, with conditions, as recommended by staff. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 38	Assignment of Numbers for Charter School Petitions.	INFORMATION ACTION
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President Hastings provided an overview of the Board's administrative role in assigning numbers for charter schools approved at the local level.

- ACTION: Ms. Reiss moved to assign numbers to charter schools as proposed by CDE staff. Ms. Martineau seconded the motion. The motion was approved by unanimous vote of the members present.

President Hastings commented that this item could be placed on proposed consent in the future.

ITEM 39	Appointment to Advisory Commission on Charter Schools.	INFORMATION ACTION
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This item was postponed to May.

ITEM 40	Charter School Funding Requests Pursuant to Senate Bill (SB) 740 (Chapter 892, Statutes of 2001): Approval of Determination of Funding Requests.	INFORMATION ACTION
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Ms. Reyes provided background information.

- ACTION: Mr. Williams moved to approve the 2003-04 (and beyond) determination of funding requests of the listed charter schools, as recommended by the Advisory Commission on Charter Schools and the California Department of Education. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 41	Funding for Countywide Charter Schools [Assembly Bill (AB) 1994]: Adopt Amendments to Title 5, <i>California Code of Regulations</i> .	INFORMATION ACTION
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This item was withdrawn.

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ITEM 42	Request by the Academy of Culture and Technology for an Extension of Time to Meet State Board of Education Condition Related to SELPA Membership.	INFORMATION ACTION
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Deborah Connelly, State Board of Education Charter School Oversight, provided background information.

The Board held an in-depth discussion.

Ms. Reiss requested that more information on charter schools be brought back to the Board at the May meeting.

- **ACTION:** Ms. Bloom moved to approve the Academy of Culture and Technology's request for an extension to May 10, 2004, to meet the condition to submit written verification of having applied to a SELPA by February 2, 2004, as recommended by staff. Mr. Williams seconded the motion. The motion was approved by a 7-3 vote. Mr. Nuñez, Mr. Godfrey, and Ms. Tacheny voted against the motion.

President Hastings requested that Ms. Connelly make it clear to the group that they will be on a short leash and that he was doubtful that there would be six votes to approve a second extension.

ITEM 43	Request by the Ridgecrest Charter School for Renewal of its State Board of Education – Approved Charter.	INFORMATION ACTION PUBLIC HEARING
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President Hastings provided an overview. Ms. Connelly provided further background information.

Public Hearing: Open. 1:50 p.m.

President Hastings announced that the total comment period for each side was limited to five minutes.

Proponents

Elsa Hennings, Governing Board President, Ridgecrest Charter School
Michael Noga, Principal, Ridgecrest Charter School
Brian Bennett, Ridgecrest Charter School

Opponent

Charles Milligan, Superintendent, Sierra Sands Unified School District

Public Hearing: Closed. 2:01 p.m.

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At the Board's request, Ms. Connelly explained the CDE's degree of involvement in overseeing the charter schools.

The Board held an in-depth discussion.

Ms. Bloom inquired as to how many visits the CDE had made to the school. Ms. Connelly responded that in the past three years there have probably been three or four visits. Ms. Bloom requested that the Board hold an in-depth discussion in regards to how the Board for SBE charters is performing the same functions that a local board does for charter schools. Ms. Connelly noted that a new charter petition would probably be presented to the Board in May. President Hastings noted that he would cue up a discussion prior to that approval.

- ACTION: Ms. Bloom moved that the State Board grant approval of the request for a five-year renewal of the State Board-approved charter for Ridgecrest Charter School subject to Ridgecrest Charter School satisfying the following conditions, consistent with the recommendations of CDE staff and the Advisory Commission on Charter Schools:
 - (1) The school is to provide a program description and proposed timeline for incorporating the second language program into the co-curricular educational program.
 - (2) The school is to revise all outcomes, including those related to academic achievement, to provide measurable benchmarks against which to assess outcomes.
 - (3) The school is to provide specific information about the frequency of the school performance evaluation, what the evaluation will include, and how the information will be reported to parents and other interested parties.
 - (4) The school is to provide annual training for governing board members on the requirements of the Brown Open Meeting Act.
 - (5) The school is to conduct annual surveys of faculty and staff regarding the school's educational program and operation, and provide the results to CDE oversight staff.
 - (6) The school is to provide information regarding its proposed plan and timeline for securing permanent staff or vendors for its business management services.
 - (7) The school is to report on its efforts to fully engage parents in all aspects of the school's operations.
 - (8) The school is to amend the charter petition in conformance with the CDE recommendations on pages 6 –15.

Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

The Board discussed the timeframe for one-day seminars to discuss charter school approvals, program intervention, SAIT process, II/USP, and high priority schools.

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ITEM 44	Legislative Update: Including, but not limited to, information on legislation.	INFORMATION ACTION
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Teri Burns, Government Affairs Office, reported that the CDE is tracking approximately 500 bills in the Legislature that deal with education or CDE operations. The bulk of the measures were presented in spot-bill format.

Ms. Burns addressed the Governor's Budget. She noted that the Governor came up with a proposed agreement between himself and the education community groups but the Legislature has made it clear that it is not yet with them. Ms. Burns provided an overview of the major issues of the proposed agreement. The Governor also proposed, apart from the agreement, to roll 22 categorical programs into the revenue limit.

Ms. Burns noted that the budget hearings have started and there appears to be a lot of motivation by both parties, both houses, and the Governor to have a budget on time.

No action was taken on this item.

President Hastings announced that Item 28 from Wednesday would be heard after Item 45.

ITEM 45	2003-04 Consolidated Applications – Update on Local Educational Agency (LEAs) that received Conditional Approval.	INFORMATION ACTION
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Keric Ashley, Education Data Office, provided background information. He noted that within the 38 districts that were given conditional approval in September, 18 districts had resolved all of their compliance issues. Mr. Ashley announced that he would return to the Board in May for a report on the 39th district (Oakland Unified School District), which is also on conditional approval.

No action was taken on this item.

ITEM 28	Funding Approval for the California Healthy Kids Resource Center for State Fiscal Year 2003-2004.	INFORMATION ACTION
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This item was postponed from Wednesday.

Ms. Bramson-Paul explained that the Healthy Kids Resource Center is a special project office within the Alameda County Office of Education but their employees are county employees. She noted that the center had not met with Kim Belshe, Secretary for Health and Human Services. Ms. Bramson-Paul noted that the CDE contracts with the center and the Department of Health and Human Services also contracts with the center for similar resources and training materials. The center takes direction and guidance from both agencies. Caroline Roberts, School Health Connection and Healthy Start Office, explained that the Alameda County Office of Education agreed to house the resource center over ten years ago. It houses a number of nutrition, health and physical activity-related contracts.

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Ms. Reiss requested an amendment to include a strong recommendation to have the center coordinate these activities with the Secretary of Health and Human Services and the Governor's Council on Physical Fitness and Sports. President Hastings requested that Ms. Bramson-Paul convey this recommendation to the Alameda County Superintendent of Education.

- **ACTION:** Ms. Reiss moved to approve expenditure of \$70,200 to support a contract with the California Healthy Kids Resource Center, as recommended by staff, with condition that the California Healthy Kids Resource Center coordinate efforts with the Secretary for Health and Human Services and the Governor's Counsel on Physical Fitness. Ms. Martineau seconded the motion. The motion was approved by unanimous vote of the members present.

VIDEO PRESENTATION

Asking for the Board's indulgence, Ms. Tacheny presented a video regarding the overuse of jargon.

ADJOURNMENT OF MEETING

President Hastings adjourned the meeting at 2:35 p.m.