

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

Thursday, July 8, 2004

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

**Members Present**

Ruth E. Green, President  
Glee Johnson, Vice President  
Brent Godfrey  
Joe Nuñez  
Suzanne Tacheny  
Johnathan Williams

**Members Absent**

Don Fisher  
Ruth Bloom  
Reed Hastings  
Jeannine Martineau  
Bonnie Reiss

**Secretary and Executive Officer**

Jack O'Connell, State Superintendent of Public Instruction

**Principal Staff**

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

**Closed Session**

The Board met in Closed Session from 8:10 a.m. to 9:45 a.m.

**Call to Order: Public Session**

President Green called the Public Session to order at 10:00 a.m.

**Salute to the Flag**

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

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**Announcements/Communications**

President Green reminded the audience that this was Mr. Godfrey's final meeting and there would be reception in his honor following the day's session. She announced that Item W-6, W-8, W-33, 39 and 40 were withdrawn, and limited speakers to two minutes.

ITEM 39	Environmental Effect of Proposed Formation of Wiseburn Unified School District from Wiseburn Elementary School District and a Portion of Centinela Valley Union High School District in Los Angeles County.	INFORMATION ACTION PUBLIC HEARING
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This item was withdrawn.

ITEM 40	Proposed Formation of Wiseburn Unified School District from Wiseburn Elementary School District and a Portion of Centinela Valley Union High School District in Los Angeles County.	INFORMATION ACTION PUBLIC HEARING
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This item was withdrawn.

**Closed Session Report**

Ms. Steentofte announced that in the morning's Closed Session the Board heard updates from their attorneys on *Williams v. State of California*; *Miller v. California Department of Education*; and *Renaissance Academy Charter School v. Los Angeles Unified School District*. No action was taken. The Board also heard an update from their attorneys on *California Association of Private Special Education Schools v. California Department of Education* and action was taken to approve a partial settlement agreement.

**CONSENT WAIVERS (Items WC-1 through WC-22)**

**ADULT EDUCATION INNOVATION AND ALTERNATIVE INSTRUCTIONAL DELIVERY PROGRAM**

ITEM WC-1	Request by <b>Santa Cruz City Schools</b> to waive <i>Education Code (EC) Section 52522(b)</i> 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: 6-4-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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FEDERAL WAIVERS – SAFE AND DRUG FREE

ITEM WC-2	Request by <b>Arcadia Unified School District</b> 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 <i>Connect With Kids</i> . Waiver Number: Fed-06-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM WC-3	Request by <b>Carlsbad Unified School District</b> 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 <i>Lions-Quest Skills for Growing</i> a K-5 comprehensive prevention program. Waiver Number: Fed-04-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM WC-4	Request by <b>Solana Beach School District</b> 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 <i>Michigan Model for Comprehensive School Health Education</i> (Substance Use and Abuse Section). Waiver Number: Fed-05-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM WC-5	Request by <b>Escondido Union High School District</b> 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 <i>Connect With Kids</i> – A multi-media approach to teaching life skills and prevention of drug and alcohol abuse and violence. Waiver Number: Fed-07-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

REGIONAL OCCUPATIONAL PROGRAM (ROP)

ITEM WC-6	Request by <b>San Bernardino County Superintendent of Schools ROP</b> for a renewal to waive <i>Education Code</i> (EC) Section 52314.6 regarding the 3% limit on enrollment of students under the age of 16, in the Regional Occupational Program (ROP). Waiver Number: 32-5-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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RESOURCE SPECIALIST

ITEM WC-7	Request by <b>Poway 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. (32 maximum) Cheryl Navidi at Rancho Bernardo High School Waiver Number: 54-3-2004 (Recommended for APPROVAL WITH CONDTIONS)	ACTION
ITEM WC-8	Request by <b>Poway 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. (32 maximum) Anne Van Bebber at Tierra Bonita Elementary school. Waiver Number: 56-3-2004 (Recommended for APPROVAL WITH CONDTIONS)	ACTION
ITEM WC-9	Request by <b>Poway 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. (32 maximum) Crystal Ochoa assigned at Garden Road Elementary School. Waiver Number: 33-5-2004 (Recommended for APPROVAL WITH CONDTIONS)	ACTION
ITEM WC-10	Request by <b>Walnut Valley 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. (32 maximum) Ramona Talampas assigned at CJ Morris Elementary. Waiver Number: 77-3-2004 (Recommended for APPROVAL WITH CONDTIONS)	ACTION
ITEM WC-11	Request by <b>Orange Center 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. (32 maximum) Susan Carlock assigned to Orange Center School. Waiver Number: 7-4-2004 (Recommended for APPROVAL WITH CONDTIONS)	ACTION

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ITEM WC-12	Request from the <b>Jefferson 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. (32 maximum) Polly Petz assigned at Monticello Elementary School. Waiver Number 102-4-2004 (Recommended for APPROVAL WITH CONDITONS)	ACTION
ITEM WC-13	Request by <b>North Monterey County 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. (32 maximum) Essie Martin at Echo Valley Elementary. Waiver Number: 131-4-2004 (Recommended for APPROVAL WITH CONDITONS)	ACTION
ITEM WC-14	Request by <b>West Contra Costa 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. (32 maximum) Jodee Gunther assigned at Highland Elementary School. Waiver Number: 51-4-2004 (Recommended for APPROVAL WITH CONDITONS)	ACTION
ITEM WC-15	Request by <b>West Contra Costa Unified School District</b> to waive <i>Education Code</i> (EC) Section 56362(c); allowing the caseload of three resource specialists to exceed the maximum caseload of 28 students by no more than four students. (32 maximum) Roselly Lumapas, Eric Tanaka, and Max Driggs assigned at De Anza High School. Waiver Number: 105-4-2004 (Recommended for APPROVAL WITH CONDITONS)	ACTION
ITEM WC-16	Request by <b>Hollister School District</b> to waive <i>Education Code</i> (EC) Section 56362(c); allowing the caseload of two resource specialists to exceed the maximum caseload of 28 students by no more than four students. (32 maximum) Kathleen Byrne assigned at Cerra Vista Elementary and Pam Patton assigned at R.O. Hardin Elementary School. Waiver Number: 7-11-2003 (Recommended for APPROVAL WITH CONDITONS)	ACTION

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ITEM WC-17	Request by <b>Hollister 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. (32 maximum) Chris Hyde assigned at R.O. Hardin Elementary School. Waiver Number: 13-11-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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SCHOOL SITE COUNCIL

ITEM WC-18	Request by <b>Tulelake Basin Joint Unified School District</b> for a renewal waiver of <i>Education Code</i> (EC) Section 52852, allowing one joint school site council to function for three small rural schools participating in the School Based Coordinated Program. Waiver Number: 28-4-2004 (Recommended for APPROVAL)	ACTION
ITEM WC-19	Request by <b>Tulelake Basin Joint Unified School District</b> for a <b>renewal</b> waiver of <i>Education Code</i> (EC) Section 52852, allowing the district to continue to operate a School Site Council which includes two, rather than four, students for each school participating in the School Based Coordination Act. Waiver Number: 29-4-2004 (Recommended for APPROVAL)	ACTION
ITEM WC-20	Request by <b>Golden Feather Union School District</b> for a <b>renewal</b> waiver of <i>Education Code</i> (EC) Section 52852, allowing one joint school site council to function for two small rural schools under the School Based Coordinated Program. Waiver Number: 121-4-2004 (Recommended for APPROVAL)	ACTION

STATE MEAL MANDATE (Summer School)

ITEM WC-21	Request by <b>Beverly Hills Unified School District</b> to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 18-5-2004 (Recommended for APPROVAL)	ACTION
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ITEM WC-22	Request by <b>Central Union School District</b> to waive Education Code (EC) Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 2-6-2004 (Recommended for APPROVAL)	ACTION
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The following individual addressed the Board:

Silvia DeRuvo, California Association of Resource Specialists and Special Education Teachers (WC-13)

- ACTION: Mr. Godfrey moved that the State Board approve the requests under Waiver Items WC-1 through WC-22, including any conditions, as recommended by staff. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

**WITHDRAWN WAIVERS (W-6, W-8, and W-33)**

**BOND INDEBTEDNESS**

ITEM W-6	Request by <b>Wiseburn School District</b> (SD) for a waiver of <i>Education Code</i> (EC) Section 35575 and portions of EC 35576 to continue to pay bond indebtedness of Measure C (Centinela Valley Union High School District, March 2000 General Obligation Bond) by property owners of Wiseburn School District. Waiver Number: 16-5-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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This item was withdrawn by the district.

**CHARTER SCHOOL ATTENDANCE**

ITEM W-8	Request by <b>Eagles Peak Charter School</b> to waive portions of Title 5 CCR Section 11960(c)(A) and (B), related to charter school attendance, to be able to enroll new students over age 20 and to serve students that have reached 23 years and older, while continuing to receive K-12 apportionments for these students. Waiver Number: 122-4-2004 (Recommended for DENIAL)	ACTION
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This item was withdrawn by the district.

**STATE MEAL MANDATE (Summer School Denial)**

ITEM W-33	Request by <b>Encinitas School District</b> to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 118-3-2004 (Recommended for DENIAL)	ACTION
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This item was withdrawn by the district.

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**PROPOSED CONSENT WAIVERS (W-7, W-10, W-11, W-13 through W-22, W-24 through W-28, W-31, and W-32)**

Ms Pinegar announced that Waiver Items W-6, W-8, and W-33 had been withdrawn by the districts; Center Unified School District had withdrawn its request in Waiver Item W-21; and that the shortfall of time in Waiver Item W-25 should reflect 2,320 minutes instead of 2,300 minutes.

**CERTIFICATED EMPLOYEE PROBATIONARY PERIOD**

ITEM W-7	Request by <b>San Francisco Unified School District</b> for a waiver of <i>Education Code</i> (EC) Section 44929.21(b) to allow an extension of the non-reelection date (March 15, 2004) for one certificated probationary teacher for a third year. Waiver Number: 27-5-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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**COMMUNITY DAY SCHOOL**

ITEM W-10	Request by <b>Corcoran Unified School District</b> for a renewal 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 continuation high school, and some adult education classes at the Kings Lake Education Center. Waiver Number: 94-4-2004 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply.	ACTION
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**EQUITY LENGTH OF TIME – (Kindergarten)**

ITEM W-11	Request by <b>Dixon Unified School District</b> (Dixon USD) to waive <i>Education Code</i> (EC) Section 48661(a) relating to the placement of a community day school on the same site as the Maine Prairie Continuation High School. Waiver Number: 13-5-2004 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply.	ACTION
ITEM W-13	Request by <b>Culver City Unified School District</b> to waive <i>Education Code</i> (EC) section 37202, the equity length of time requirement, to allow a pilot full day kindergarten program at Farragut, El Rincon, and La Ballona elementary schools. Waiver Number: 11-5-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION



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ITEM W-14	Request by <b>Konocti Unified School District</b> to renew a waiver of <i>Education Code</i> (EC) section 37202, the equity length of time requirement, to allow a full day kindergarten program at Pomo Elementary School. Waiver Number: 12-5-2004 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply.	ACTION
ITEM W-15	Request by <b>South Bay Union School District</b> to waive <i>Education Code</i> (EC) section 37202, the equity length of time requirement, to allow a pilot full day kindergarten program at West View School. Waiver Number: 14-5-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-16	Request by <b>Paramount Unified School District</b> for a renewal to waive <i>Education Code</i> (EC) section 37202, the equity length of time requirement, to allow full day kindergarten at Wirtz School. Waiver Number: 37-5-2004 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply.	ACTION
ITEM W-17	Request by <b>Las Virgenes Unified School District</b> for a renewal waiver of <i>Education Code</i> (EC) section 37202, the equity length of time requirement, to allow a full day kindergarten program at Sumac Elementary School. Waiver Number: 24-5-2004 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply	ACTION
ITEM W-18	Request by <b>Jefferson Elementary School District</b> to waive <i>Education Code</i> (EC) section 37202, the equity length of time requirement to allow a full day kindergarten program at Roosevelt School, Garden Village, Westlake, Coloma, M.H. Tobias, and Edison Elementary Schools. Waiver Number: 29-5-2004 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply.	ACTION

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ITEM W-19	Request by <b>Napa Unified School District</b> for a renewal to waive <i>Education Code</i> (EC) section 37202, the equity length of time requirement for kindergarten students to allow a full day kindergarten program at Alta Heights, Donaldson Way, El Centro, Mt. George, McPherson, Napa Junction, Northwood, Pueblo Vista, Salvador, Vichy and West Park Elementary Schools. Waiver Number: 4-5-2004 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply.	ACTION
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EQUITY LENGTH OF TIME (Grades 1-3)

ITEM W-20	Request by <b>Rocklin Unified School District</b> to waive <i>Education Code</i> (EC) section 37202, the equity length of time requirement, to allow Rock Creek Elementary School to operate grades 1-3 with longer instructional days than the rest of the district (schools on early-late schedule). Waiver Number: 132-4-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM W-21	Request by three school districts for a retroactive waiver of <i>Education Code</i> (EC) Section 60119 regarding the 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. Waiver Number– 09-05-2004 – <b>Big Pine Unified SD</b> Waiver Number– 15-05-2004 – <b>Center Unified SD</b> Waiver Number– 81-03-2004 – <b>Washington Union HS D</b> (Recommended for APPROVAL)	ACTION
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INSTRUCTIONAL TIME PENALTY

ITEM W-22	Request by <b>Acalanes Union High School District</b> to waive <i>Education Code</i> (EC) Section 46202(b), the longer day incentive program penalty for offering less instructional time in the 2002-2003 fiscal year than what the district offered in 1982-1983, at Miramonte High School (shortfall of 196 minutes). Waiver Number: 160-3-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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ITEM W-24	Request by <b>Pleasant Valley Joint Union Elementary School District</b> to waive <i>Education Code</i> (EC) Section 46202(b), the longer day incentive program penalty for offering less time in the 2002-2003 fiscal year than what the district offered in 1982-1983 at Pleasant Valley School (shortfall of 300 minutes). Waiver Number: 66-2-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-25	Request by <b>Big Oak Flat-Groveland Unified School District</b> to waive <i>Education Code</i> (EC) Section 46202(b) the longer day instructional time penalty for falling below the minutes set in 1986-87 in the 2002-2003 fiscal year for Kindergarten at Tenaya Elementary School (shortfall of 2,300 minutes). Waiver Number: 107-4-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-26	Request by <b>Vallejo City Unified School District</b> to waive <i>Education Code</i> (EC) Section 46202(b), the longer day incentive program penalty for offering less instructional time in the 2002-2003 fiscal year than what the district offered in 1982-1983, at Jesse Bethel High School (shortfall of 110 minutes). Waiver Number: 20-5-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-27	Request by <b>Rio Elementary School District</b> to waive <i>Education Code</i> (EC) Section 46202(b) the longer day instructional time penalty for falling below the minutes set in 1986-87 for grades 1-6 in the 2002-2003 fiscal year at five schools in the district: Rio Del Norte, El Rio, Rio Linda, Rio Plaza, and Rio Real (shortfall of 550 and 520 minutes). Waiver Number: 109-4-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-28	Request by <b>Westside Elementary School District</b> to waive <i>Education Code</i> (EC) Section 46202(b), the longer day instructional time penalty for falling below the minutes set in 1986-87 for grades 4-8 in the 2002-2003 fiscal year at Westside Elementary School (shortfall of 4,905 minutes). Waiver Number: 161-3-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

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STATE MEAL MANDATE (Summer School)

ITEM W-31	Request by <b>Carmel Unified School District</b> to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 28-5-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-32	Request by <b>Mesa Union School District</b> to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 7-5-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

- ACTION: Ms. Johnson moved that the State Board approve the waiver requests under Waiver Items W-7, W-10, W-11, W-13, W-14, W-15, W-16, W-17, W-18, W-19, W-20, W-21 (excluding Center Unified School District pursuant to the district's request), W-22, W-24, W-25 (with correction noted by staff), W-26, W-27, W-28, W-31, and W-32, including any conditions, as recommended by staff. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

**NON-CONSENT WAIVERS (W-1 through W-5, W-9, W-12, W-23, W-29, W-30, W-34, and W-35)**

ALGEBRA I GRADUATION REQUIREMENT

ITEM W-1	Request by <b>Long Valley Charter School</b> 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 a course in Algebra I (or equivalent) to be given a diploma of graduation for 1 (one) special education student based on EC 56101, the special education authority. Waiver Number: 23-5-2004 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply.	ACTION
ITEM W-2	Request by <b>Needles Unified School District</b> 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 a course in Algebra I (or equivalent) to be given a diploma of graduation for 4 (four) special education students based on EC 56101, the special education authority. Waiver Number: 5-6-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

Ms. Pinegar noted that the Algebra I waivers have decreased. She will report in September on the actual number of students who needed the waiver.

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Ms. Johnson clarified that these students are not taking Algebra I at all. Ms. Belisle explained that for these waivers under *Education Code* Section 56101, the impediment is that the students were placed on a diploma track but were not given Algebra I. The CDE has agreed to go to these districts and provide technical assistance to avoid this problem in the future.

- ACTION: Mr. Nuñez moved that the State Board approve (1) the requests under Waiver Items W-1 and W-2, with conditions, including reporting to CDE on the number of students under the waiver who did not complete Algebra I, as recommended by staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM W-3	Request by <b>Gustine Unified School District</b> 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 a course in Algebra I (or equivalent) to be given a diploma of graduation. (1 senior). Waiver Number: 30-5-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-4	Request by <b>Riverside County Office of Education</b> 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 a course in Algebra I (or equivalent) to be given a diploma of graduation. (32 seniors) Waiver Number: 115-4-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

Ms. Pinegar noted that the students under Waiver Items W-3 and W-4 have not yet been awarded a diploma.

- ACTION: Mr. Nuñez moved that the State Board approve the requests under Waiver Items W-3 and W-4, with conditions, including reporting to CDE on the number of students under the waiver who did not complete Algebra I, as recommended by staff. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM W-5	Request by <b>Oakland Unified School District (OUSD)</b> – Academic Performance Index (API) Waiver. Specifically, the OUSD requests a portion of Title 5 CCR Section 1032.5(d)(5), the 85% requirement in the number of test takers in history/social science to allow Oakland High School to be given a VALID base API for the (2003) year so that they will make Adequate Yearly Progress (AYP). Waiver Number: 135-3-2004 (Recommended for APPROVAL)	ACTION
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Bill Padia, Director of the Policy and Evaluation Unit, provided background information.

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- ACTION: Mr. Nuñez moved that the State Board approve the request under Waiver Item W-5, as recommended by staff. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

COMMON GOVERNING BOARD

ITEM W-9	Request by <b>Point Arena Union High School District</b> and <b>Arena Union Elementary School District</b> to waive a portion of <i>Education Code</i> (EC) Section 35110, to allow the common governing board of these two districts to adopt a resolution of joint and separate areas responsibilities when the employees of these two districts have different bargaining units (although both are associated with the California Teachers Association). Waiver Number: 31-5-2004 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply.	ACTION
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Ms. Pinegar provided background information.

- ACTION: Mr. Williams moved that the State Board approve the request under Waiver Item W-9, with conditions, as recommended by staff. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

EQUITY LENGTH OF TIME – (Kindergarten)

ITEM W-12	Request by <b>North Sacramento Unified School District</b> to waive <i>Education Code</i> (EC) Section 37202, the equity length of time requirement, to allow a pilot full day kindergarten program at Noralto Elementary School. Waiver Number: 110-4-2004 Recommended for APPROVAL WITH CONDITIONS	ACTION
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Ms. Pinegar provided background information.

The following individual addressed the Board:  
Martha Roten, Principal, Noralto Elementary School

- ACTION: Ms. Tacheny moved that the State Board approve the request under Waiver Item W-12, with conditions, as recommended by staff. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

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INSTRUCTIONAL TIME PENALTY

ITEM W-23	Request by <b>Albany Unified School District</b> to waive <i>Education Code</i> (EC) Section 46202(b), the longer day incentive program penalty for offering less instructional time in the 2002-2003 fiscal year than what the district offered in 1982-1983, at Albany High School (shortfall of 8,065 minutes). Waiver Number: 178-3-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Ms. Pinegar provided background information. Ms. Belisle explained that this waiver was not on proposed consent because it addressed an intentional elimination of the 7<sup>th</sup> period due to tight financial constraints without the understanding that eliminating a period would put them behind on instructional minutes. She noted that it is important that the Board send a message that districts need to be careful when they make those types of decisions. In this instance, the counselors chose to eliminate an entire period and denied those students over 8,000 minutes of instruction.

The following individual addressed the Board:  
Marla Stevenson, Assistant Superintendent, Albany Unified School District

Ms. Johnson asked the district approximately how many students who lost the minutes as freshman, now in 10<sup>th</sup> grade, were now signed up for eight periods per day. Ms. Stevenson responded that there were approximately 60 students per grade level (240 total).

Ms. Pinegar noted for the Board that the fiscal penalty would apply if this waiver was not granted.

Ms. Johnson stated that this was outrageous and noted that these students, who are now in 10<sup>th</sup> grade, are at risk of missing their A-G requirements.

Ms. Pinegar recommended that the Board add a condition to the waiver to the effect that the district has to make sure they have covered all the 10<sup>th</sup> grade students, since they were ultimately impacted. She clarified that while the 8<sup>th</sup> period was being offered to 10<sup>th</sup> grade students, it was being focused toward 9<sup>th</sup> grade students.

President Green asked how this has impacted the current 10<sup>th</sup> grade students, who is advising them and looking out for them. Ms. Stevenson stated that the assistant principal and counselors, under the supervision of the current district superintendent and assistant superintendent, are advising the students.

Ms. Johnson requested an amendment that the 8<sup>th</sup> period be offered to the 10<sup>th</sup> grade students. She stated that the focus needs to be on those students. Ms. Belisle clarified that the point the Board was making was that the particular group of students who lost the instructional time be

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offered the additional period as a condition of the waiver. Ms. Pinegar noted that CDE would add that condition. President Green requested that Ms. Pinegar follow up and report back to the Board.

- **ACTION:** Ms. Johnson moved that the State Board approve on the conditions that (1) the district maintain increased instructional time at Albany High School in grade 9 from the required 64,800 minutes per year to 72,865 minutes (64,800 plus the 8065 short) for 2003-2004 and provide the same amount of time to students in grade 11 in 2004-2005 (to assist the students who were denied the opportunity of full instructional time in their 9th grade in 2002-3003); (2) report these increases in its yearly audits; and (3) report all of the above to the Board through the Waiver Office. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

Ms. Johnson requested Ms. Pinegar to contact the district on Waiver Item W-28 to inform them of the Board's action, including the conditions, and express the Board's deep concern about the lost instructional opportunity. She noted that the shortfall of minutes lost by that district is significant.

Ms. Belisle suggested that the Board establish a threshold for staff as to what they want on proposed consent waivers. Ms. Johnson requested that waivers over 900 minutes not be placed on the proposed consent waivers.

**9<sup>th</sup> GRADE CLASS SIZE REDUCTION**

ITEM W-29	Request by <b>Pittsburg Unified School District</b> to waive <i>Education Code</i> (EC) sections 52084(a), 52084(c) and 52086(a), 9th Grade Class Size Reduction Program (Morgan-Hart), to provide a 25 to 1 student to teacher ratio across three core courses – English, mathematics, and science. Waiver Number: 89-3-2004 (Recommended for DENIAL)	ACTION
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Ms. Pinegar provided background information. John Merris-Coots, High School Initiatives and Career Education Office, provided information on 9<sup>th</sup> grade class reduction.

- **ACTION:** Ms. Tacheny moved that the State Board deny the request under Waiver Item W-29, as recommended by staff, per *Education Code* Section 33051(a)(1), the educational needs of the pupils are not adequately addressed. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.



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RESOURCE SPECIALIST

ITEM W-30	Request by <b>Alhambra City 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. (32 maximum) <b>Martha Myers/Karin Summerford</b> assigned at Northrup Elementary School. Waiver Number: 162-3-2004 (Recommended for DENIAL)	ACTION
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Ms. Pinegar provided background information. She noted that both the teacher and union opposed the waiver. Mary Hudler, Special Education Division, noted that historically these types of waivers have increased the caseload. The district has been referred to the Focused Monitoring and Technical Assistance Office for investigation.

- ACTION: Mr. Nuñez moved that the State Board deny the request under Waiver Item W-30, as recommended by staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM W-34	Request by <b>Bass Lake Joint Union Elementary School District</b> to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 123-4-2004 (Recommended for DENIAL)	ACTION
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Ms. Pinegar provided background information.

- ACTION: Mr. Godfrey moved that the State Board approve the request under Waiver Item W-34, as recommended by staff in the last minute memorandum. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM W-35	Request by <b>San Carlos School District</b> to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 21-5-2004 (Recommended for DENIAL)	ACTION
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Ms. Pinegar provided background information.

- ACTION: Ms. Tacheny moved that the State Board deny the request under Waiver Item W-35, as recommended by staff. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote of the members present.

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ITEM 38	Exclusion of Forks of Salmon Elementary School District from the Proposed Unification of Etna Union High School District in Siskiyou County.	INFORMATION ACTION
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Scott Hannan, Director of the School Fiscal Services Division, introduced Larry Shirey, Financial Accountability and Information Services Office. Mr. Shirey provided background information. He informed the Board that in the future CDE would, as with this item, bring exclusion requests to the Board at the beginning of the unification process.

The following individual addressed the Board:

Barbara Dillmann, Superintendent, Siskiyou County Office of Education

- ACTION: Mr. Godfrey moved that the State Board approve the request by Forks of Salmon Elementary School District to be excluded from the proposed unification of Etna Union High School District, as recommended by staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

Note: Items 39 and 40 were withdrawn.

ITEM 41	Legislative Update: Including, but Not Limited to, Information on Legislation.	INFORMATION ACTION
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Teri Burns, Deputy Superintendent of the Governmental Affairs Office, provided an update on current legislation. She noted that there was no estimation on when the Budget would be approved.

No action was taken on this item.

ITEM 42	California School Information Services (CSIS) Overview.	INFORMATION
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Keric Ashley, Director of the Data Management Division, and Russ Brawn, CSIS Chief Operations Officer, provided a PowerPoint presentation on CSIS.

Mr. Nuñez inquired as to when the completion of CSIS would occur. Mr. Brawn stated that the completion of CSIS is estimated to be within five years

Susan Lange, Deputy Superintendent of the Finance, Technology and Administration Branch, clarified that by the end of next year every student will have a student identifier. The CALPADS process, which will allow the longitudinal data on assessment, will be in effect immediately thereafter. Within two years, every student in the state will be part of collecting data using the student identifier. Ms. Lange explained that the CSIS program is a different program that requires adapting all of a district's data submissions to CDE through a different process. It is a voluntary program so there is no mandatory cost.

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Mr. Ashley summarized that 211 CSIS districts are participating in the voluntarily incentive program. He noted that another cohort is being considered that would add an additional 50 districts. Mr. Ashley explained that all the districts will have student identifiers by June 2005. In 2005-2006, those identifiers will go on all statewide assessments. In 2007, the longitudinal data system will begin to be compiled.

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

**Student Member**

President Green commented that Mr. Godfrey is a product of our public schools and Yale University is lucky to have him. She presented Mr. Godfrey with a plaque for his outstanding service along with a shirt and a picture of Governor Schwarzenegger, both autographed by the Governor.

The Board members and staff commented on Mr. Godfrey's exemplary service as the student member, the thoughtful and mature demeanor he brought to the Board, and how it was expected that he would continue to do great things.

Superintendent O'Connell acknowledged Mr. Godfrey as being a great advocate for over six million students. He presented Mr. Godfrey with a Certificate of Recognition in honor of his exemplary service as the student member.

Mr. Godfrey stated that with the Board and CDE he had encountered only warm, genuine and thoughtful individuals; that the Board welcomed and embraced him as a person and as a thinker; and he was humbled to call the Board members his colleagues and friends. He noted that it would be difficult to find another group as talented, passionate, and thoughtful. As for the future, Mr. Godfrey stated that he is hopeful that the new Board will renew its commitment to students and send a message of access to students.

The Board and the audience responded with a standing ovation.

**ADJOURNMENT OF MEETING**

President Green adjourned the meeting at 11:42 a.m.