

FINAL MINUTES  
State Board of Education  
May 8-9, 2003

Thursday, May 8, 2003

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

**Members Present**

Reed Hastings, President  
Nancy Ichinaga  
Carol S. Katzman  
Stephanie H. Lee  
Suzanne Tacheny  
Curtis Washington

**Members Absent**

Joe Nuñez, Vice President  
Robert J. Abernethy  
Donald Fisher  
Luis J. Rodriguez  
Vacancy

**Call to Order**

President Hastings called the meeting to order at 9:20 a.m.

**Salute to the Flag**

President Hastings 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 State Board considered *Pazmiño, et al. v. California State Board of Education, et al.* and took action to authorize counsel to take appropriate legal action to defend the State Board's interests in accordance with the discussion. The State Board also received updates on *Williams, et al. v. State of California, et al.* and litigation concerning the California High School Exit Examination, with no actions being taken.

ITEM 14	Review of entry requirements for alternative schools participating in the Alternative Schools Accountability Model (ASAM).	INFORMATION
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Sue Bennett, Education Options Office, introduced Lynn Wilen and Vicki Barber, Co-chairs, Alternative Schools Accountability Model (ASAM). Ms. Wilen informed the Board that the last ASAM meeting focused on the entry requirements for alternative schools.

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Ms. Barber added that there are currently 162 schools in ASAM that do not meet the criteria defined in law to participate in the ASAM but are serving the kinds of students ASAM was intended to represent. The ASAM schools are held to some but not all of the accountability standards applicable to other schools. Some criteria need to be reconsidered, e.g., students at risk of dropping out, students referred by other district-level referral processes, and one or more semesters behind in credits. These three criteria need further work or possibly could be eliminated. Once the new entry criteria are in place, the 162 schools will be required to reapply to be certified.

President Hastings asked who would manage the review and certification process. Ms. Wilen replied that in the past the district superintendents certified each application. One option is that the district superintendent and county superintendent certify and that the CDE staff review the applications.

Ms. Tacheny added that the standards movement causes us to think differently about these issues. Pregnant and parenting teens (for example) need a rigorous, standards-based education. With them, we have not one child but two to be concerned about.

Ms. Barber concurred that we need to be limited in our application of ASAM status, but there are clearly some schools where it is appropriate. The ASAM has multiple measures that hold alternative schools accountable.

Ms. Tacheny said that while with the Los Angeles Unified School District she had seen many students with serious problems at schools in very poor neighborhoods. The issue for her is how to differentiate among the schools. President Hastings commented that when, in the future, we have longitudinal data on students; this will become less of an issue.

Ms. Barber pointed out that the objective of some alternative schools is to return students to the regular classroom. Measuring school effectiveness becomes extremely complex in that situation. President Hastings added that the “one or more semester behind in credit” criterion will clearly need to be removed since there are many schools where vast numbers of students meet that definition.

This item was for information only. It will return for action in June with modifications to reflect the matters discussed.

ITEM 26	Permanent Regulations Regarding Claims for Average Daily Attendance for Pupils Over the Age of 19 by Charter Schools and Charter Granting Entities.	ACTION
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Jan Sterling, School Fiscal Services, presented the item, recommending that the Board proceed to adopt the regulations as amended.

- ACTION: Ms. Tacheny moved that the State Board adopt the proposed regulations pertaining to claims for average daily attendance for pupils over the age of 19 by charter schools and charter granting entities, those regulations having been amended at the April 2003 meeting and

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circulated for 15-day public review in accordance with the Administrative Procedure Act (APA). The motion incorporated approval of the Final Statement of Reasons and other documents required for submission of the regulations to the Office of Administrative Law under the APA. Ms. Katzman seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 27	Permanent Regulations Pertaining to Annual Financial Reporting for all K-12 Local Educational Agencies, including Charter Schools, as Required by Assembly Bill 1994 (Chapter 1058, Statutes of 2002).	INFORMATION ACTION
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Ms. Sterling presented this item which included a proposed form for use by charter schools as an alternative to preparing financial reports in Standardized Account Code Structure (SACS) format. She recommended that the State Board approving moving ahead with the rule-making process in accordance with the Administrative Procedure Act.

President Hastings asked if the legislation requiring the financial reporting (AB 1994) has mandated cost implications and how, if at all, the regulations affect the extent of the mandate. Ms. Belisle commented that the regulations per se do not affect the extent of the mandate, provided the regulations reflect the most reasonable way of effectuating the statutory requirement. The rule-making package will include an exploration of alternatives to the regulations and public comment is welcome on that part of the package, as well as on the wording of the proposed regulations themselves.

Ms. Tacheny indicated that she felt the alternative format was very workable and useful. Superintendent O’Connell asked if the proposed form was available on the Web, and if not, could it be posted. Ms. Sterling indicated that it would be included with the Web posting of the rule-making package.

President Hastings inquired whether the proposed form could be modified, indicating that he had several technical recommendations to make, e.g., the form lists “tuition” under revenues, and charter schools are prohibited from charging tuition. Mr. Geeting suggested that the Board’s motion incorporate direction to staff to make technical amendments to the proposed form (and other parts of the rule-making package) as may be determined to be necessary prior to the commencement of the 45-day public comment period. Ms. Belisle added that this would be another good candidate for direction from the State Board to have the public hearing held by staff. In that way, the Board could have the regulations before it in September with a full listing of public comments and, as may be necessary, staff responses.

The following individual addressed the Board:  
David Patterson, California Network of Educational Charters

- ACTION: Ms. Lee moved that the State Board approve the proposed regulations and rulemaking package with the inclusion of technical amendments to be approved by the Executive Director. For purposes of the public hearing required by the Administrative Procedure Act following 45-day public review of the proposed regulations, the motion included a direction by the State Board (in accordance with subdivision (b) of Section 18460 of Title 5 of the California Code of

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Regulations) that the public hearing be conducted by staff with an audiotape of the proceeding and a staff-prepared summary of any comments presented at the public hearing being made available to the State Board members prior to the September 2003 meeting. Mr. Washington seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 28	Legislative Update: Including, but not limited to, information on legislation.	INFORMATION ACTION
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B. Teri Burns, Associate Superintendent for Governmental Affairs, provided a special report on the status of the major legislation affecting charter schools. President Hastings commended her for an excellent report and asked that the written summary be distributed to the absent members.

No action was taken.

WAIVER REQUESTS

CONSENT MATTERS

COUNTY COOPERATIVE

ITEM WC-1	Request by North Cow Creek Elementary School District (NCCESD) to waive Title 5 Section 3945, to withdraw from Shasta County Cooperative (SCC) for the purposes of the Consolidated Application and Funding. CDSIS-24-1-2003 (Recommended for APPROVAL) EC 33051(c) will apply	ACTION
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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM WC-2	Request by eight 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-01-04-2003 – Antelope Elementary School District CDSIS-13-12-2003 – Blochman Union School District CDSIS-172-3-2003 – Lennox School District CDSIS-13-04-2003 – Loomis Union School District CDSIS-02-04-2003 – Roseland School District CDSIS-08-04-2003 – Soledad Unified School District CDSIS-52-03-2003 – San Lorenzo Unified School District CDSIS-56-03-2003 – San Lucas Union School District (Recommended for APPROVAL)	ACTION
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NONPUBLIC SCHOOL/AGENCY (annual certification)

ITEM WC-3	Request by the Los Angeles Unified School District <i>Education Code</i> (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals for Aviva High School. CDSIS-20-2-2003 (Recommended for APPROVAL)	ACTION
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ITEM WC-4	Request by the South East Consortium to waive <i>Education Code</i> (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals for nonpublic, nonsectarian schools/agencies. Pacific Autism Center for Education (PACE) – NPS CDSIS-129-3-2003 (Recommended for APPROVAL)	ACTION
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REGIONAL OCCUPATIONAL PROGRAM

ITEM WC-5	Request by Los Angeles Unified School District for a renewal waiver of <i>Education Code</i> (EC) Section 53314.6(a) regarding the 3% limit on enrollment of students under the age of 16, in the Regional Occupational Program (ROP). CDSIS-38-3-2003 (Recommended for APPROVAL WITH CONDITIONS) <i>Education Code</i> Section 33051(c) will apply	ACTION
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SUMMER SCHOOL STATE MEAL MANDATE (original)

ITEM WC-6	Original request by Golden Valley Unified School District to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session. CDSIS-23-2-2003 (Recommended for APPROVAL)	ACTION
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SUMMER SCHOOL STATE MEAL MANDATE (renewal)

ITEM WC-7	Renewal requests by 24 school districts to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session. CDSIS # various (Recommended for APPROVAL)	ACTION
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ADULT INNOVATION AND ALTERNATIVE INSTRUCTIONAL DELIVERY PROGRAM

ITEM WC-8	Request by Inyo County Office of Education 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). CDSIS-4-2-2003 (Recommended for APPROVAL)	ACTION
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RESOURCE SPECIALIST CASELOAD

ITEM WC-9	Request by Orange Center Elementary School District to waive <i>Education Code</i> (EC) Section 56362 (c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for Resource Specialist Susan Carlock assigned at Orange Center. CDSIS-54-3-2003 (Recommended for APPROVAL)	ACTION
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- ACTION: Ms. Katzman moved that the State Board approve the requests in Consent Waiver Items WC-1 through WC-9. The motion incorporated the conditions recommended under Item WC-5. The motion recognized corrections announced by CDE staff under Item WC-2, and the motion recognized that the provisions of Education Code Section 33051(c) would apply to the requests in Items WC-1 and WC-5. Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present.

WAIVERS WITHDRAWN

ACADEMIC PERFORMANCE INDEX

ITEM W-1	McFarland Unified School District requests a waiver of Title 5 CCR Section 1032(d)(5) which would in effect allow McFarland High School to receive a valid API for the 2002 base and growth targets with “less than 85%” of students taking the mathematics portion of the California Standards Test. CDSIS-82-3-2003 (Recommended for DENIAL) Per <i>Education Code</i> Section 33051(a)(1)	ACTION
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Item withdrawn.

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INSTRUCTIONAL TIME PENALTY

ITEM W-10	Request by Victor Valley Union High School District for fiscal year 2001-2002 to waive <i>Education Code (EC)</i> Section 46202, the penalty for offering less time than what the district offered in 1982-1983, at the seventh through eighth grades at Hook Junior High School and at Victor Valley Junior High School. CDSIS-10-2-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Item withdrawn.

SUMMER SCHOOL STATE MEAL MANDATE (renewal)

ITEM W-13	Request by Dunsmuir Joint Union High School District for a General Waiver of <i>Education Code (EC)</i> Section 49550, the State Meal Mandate and E.C. 49548 (the waiver process for the summer school meal program) during the summer school this year. CDSIS-26-4-2003 (Recommendation will be provided in the supplemental mailing)	ACTION
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Item withdrawn.

SUMMER SCHOOL STATE MEAL MANDATE (renewal)

ITEM W-14	Renewal request by Bishop Joint Union High School District to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session. CDSIS-30-3-2003 (Recommended for DENIAL)	ACTION
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Item withdrawn.

PROPOSED CONSENT MATTERS

ADULT INNOVATION AND ALTERNATIVE INSTRUCTIONAL DELIVERY PROGRAM

ITEM W-2	Request by Los Angeles Unified School District for a renewal to waive <i>Education Code (EC)</i> 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). CDSIS-39-3-2003 (CDE Recommendation will follow in SBE Supplemental)	ACTION
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EQUITY LENGTH OF TIME

ITEM W-4	Request by Jefferson Elementary School District to waive <i>Education Code</i> (EC) Section 37202, the equity length of time requirement for the kindergarten pupils at Roosevelt School, Garden Village, Westlake, Cloma, M.H. Tobias, and Edison Elementary School. CDSIS-128-3-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM W-5	Request by Orcutt Union 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 hold the public hearing, and also had insufficient texts, and has developed a plan to remedy this situation. CDSIS-13-3-2003 (Recommended for APPROVAL)	ACTION
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ITEM W-6	Request by Wilsona 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 hold the public hearing. CDSIS-11-2-2003 (Recommended for APPROVAL)	ACTION
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INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP)

ITEM W-7	Petition request under <i>Education Code</i> Section 60421(d) and 60200(g) by East Whittier City Elementary School District to purchase Instructional Resources ( <i>Everyday Mathematics</i> , Grades K-3, c. 2001, and Grades 4 – 6, c. 2002) using Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-21-2-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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INSTRUCTIONAL TIME PENALTY

ITEM W-9	Request by Planada Elementary School District to waive <i>Education Code</i> Section 46201, the longer day instructional time penalty for the 2000-2001 school year for Planada Elementary School. CDSIS-3-3-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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NONPUBLIC SCHOOL/AGENCY (child specific)

ITEM W-11	Request by Konocti Unified School District (KUSD) to waive <i>Education Code</i> (EC) Section 56366.1(a), certification requirements for an uncertified nonpublic agency to provide Occupational Therapy Services to 16 special needs students. Jeanette T. Gallegos, The Mountain O.T.R CDSIS-2-7-2002 (Recommended for APPROVAL)	ACTION
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RESOURCE SPECIALIST CASELOAD

ITEM W-12	Request by Hart-Ransom Union School District to waive <i>Education Code</i> (EC) 56362(c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for Resource Specialist Susan Mead assigned at Hart-Ransom School. CDSIS-35-2-2003 (Recommended for APPROVAL)	ACTION
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- ACTION: Ms. Lee moved that the State Board approve the requests in Waiver Items W-2, W-4, W-5, W-6, W-7, W-9, W-11, and W-12. The motion recognized supplemental memoranda regarding Items W-2 and W-6, as well as several minor corrections in various items noted by CDE staff. The motion also incorporated the conditions recommended under Items W-2, W-4, W-7, and W-9. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

NON-CONSENT MATTERS

CONCURRENT ENROLLMENT COMMUNITY COLLEGE/HIGH SCHOOL

ITEM W-3	Request by Windsor School District to waive <i>Education Code</i> (EC) Section 76001(h)(i), the five percent (5%) limit on the number of high school students a principal may recommend for summer school enrollment in a community college. The request is to go up to 12%. CDSIS-37-3-2003 (CDE Recommendation will follow in SBE Supplemental Mailing)	ACTION
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Judy Pinegar, Waiver Office, introduced Russ Weikle (High School Leadership Division) who explained the rationale for the Department’s recommendation for denial, based upon the educational needs of the students not being met, a substantial increase the state costs, and pupil protections being jeopardized. Mr. Weikle commented that this was a statutory restriction that would be a good candidate for additional legislative scrutiny. The waiver route, however, is not an ideal way of addressing the restriction.

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The following individuals addressed the Board:  
Peter Birdsall, representing Windsor School District  
Cindy Pilar, Windsor School District

Michael Hersher, CDE Legal Office, indicated that the Chief Counsel of the Chancellor’s Office of the California Community Colleges had questioned whether the Board has authority to waive this section based upon an *Education Code* provision which appears to give authority over implementation of this area of the *Education Code* to the Board of Governors of the California Community Colleges and it’s administrative arm, the Chancellor’s Office. Mr. Hersher suggested that denial of the waiver, as recommended by the program staff, would be consistent with the outcome sought by the Chancellor’s Office, namely that the waiver not take effect.

Ms. Tacheny indicated that she had heard nothing unique about the situation in this district that the State Board could cite to distinguish its circumstances from other districts in the state. If this waiver were to be approved, how could we later deny the same request from another district?

- **ACTION:** In accordance with the recommendation of CDE staff, Ms. Tacheny moved that the State Board deny the request in Item W-3, citing the justifications for denial set forth in Education Code Sections 33051(a)(1), educational needs of the students are not adequately addressed; 33051(a)(4), pupil protections are jeopardized; and 33051(a)(6), the request would substantially increase state costs. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

**INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP)**

ITEM W-8	Petition request under <i>Education Code</i> Section 60421(d) and 60200(g) by Pleasant Valley School District to purchase Instructional Resources ( <i>Everyday Mathematics</i> , Grades K-5) using Instructional Materials Funding Realignment Program (IMFRP) monies for one of their eleven schools, Los Senderos Open School. CDSIS-125-3-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Ms. Pinegar introduced Howard Hamilton who was available to answer any questions the Board may have on this request.

- **ACTION:** In accordance with the revised recommendation of CDE staff, Ms. Katzman moved that the State Board approve the petition in Item W-8 for the period May 1, 2003, to June 30, 2007. The motion incorporated the conditions recommended by CDE staff. Mr. Washington seconded the motion. The motion was approved by unanimous vote of the members present.

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SUMMER SCHOOL STATE MEAL MANDATE (original)

ITEM W-15	Original request by Brea Olinda Unified School District to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session. CDSIS-12-3-2003 (Recommended for Partial APPROVAL)	ACTION
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Ms. Pinegar summarized the CDE recommendation to approve the request for two schools, but to deny the request for one school.

- **ACTION:** In accordance with the recommendation of CDE staff (as contained in the supplemental memorandum for the agenda item), Mr. Washington moved that the State Board (1) approve the request in Item W-15 to the extent that it applies to Brea Olinda High School and Brea Junior High School and (2) deny the request in Item W-15 to the extent that it would apply to Brea Country Hills Elementary School. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

GOLDEN STATE SEAL MERIT DIPLOMA

ITEM W-16	Request by numerous districts (see list in last minute memorandum) to waive <i>Education Code</i> Section 51451, regarding the method of qualifying this years high school seniors (as listed) for a Golden State Seal Merit Diploma. CDSIS: See numbers in last minute memorandum. (Recommendation to be provided in the last minute memorandum.)	ACTION
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Ms. Pinegar summarized the waiver requests from 15 school districts. Mr. Flores provided the background for why this waiver was developed, and indicated why it was being proposed for the Class of 2003 only. The proposal to use a scale score of 350 or better on the CST, as indicated, takes the place of the Golden State Exams.

President Hastings expressed his concern about the lack of notification of students and parents (guardians) - at the time the students took the CST in 2002 - that the CST results would be used in this way. Mr. Flores acknowledged that problem, but indicated that there was no reasonable way to foresee the budget reductions that became necessary in 2002-03 and severely limited administration of the GSE.

Ms. Pinegar commented that the districts she has talked to all felt this compromise approach was fair to all concerned parties. Ms. Katzman asked if all the districts have been notified of this waiver opportunity. Mr. Flores replied the 15 districts applied for waivers, and that other districts were known to be ready to file waivers or were already in the process of doing so. He urged the Board to provide direction to staff to place all similar waivers on the consent waiver calendar, noting that there would be no need to adopt formal waiver guidelines since this was a limited-duration circumstance.

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President Hastings asked if there was a motion to approve these waivers as recommended by CDE staff and to provide direction for similar requests to be placed on the consent waiver calendar.

Prior to the motion being made, there was public disclosure of a potential conflict by Ms. Lee. Specific information regarding the disclosure and the advice of counsel is provided within the motion itself (see immediately below).

- **ACTION:** In accordance with the recommendations of CDE staff, Mrs. Ichinaga moved that the State Board (1) approve the specific requests in the supplemental memorandum to Item W-16 and (2) authorize the same requests received from other local education agencies henceforward to be placed on the State Board agenda with consent waivers. [Given that these waivers address a short-term problem, a formal set of waiver guidelines normally prepared for consent will not be adopted.] Ms. Katzman seconded the motion. The motion was approved by unanimous vote of the members present. [Prior to the vote, a potential conflict on the part of Ms. Lee was publicly disclosed. The school district in which Ms. Lee is a student, although it was not among the local education agencies whose specific requests were under consideration in this item, will likely submit the same request in the future and would, pursuant to the motion, have that request placed on a future State Board agenda among the consent waivers. The potential future waiver submitted by the affected district, if granted, would likely result in Ms. Lee qualifying for a Golden State Seal Merit Diploma. Both CDE Deputy General Counsel Michael Hersher and State Board Chief Counsel Karen Steentofte indicated for the public record their opinion that, having publicly disclosed the potential conflict, Ms. Lee should proceed to participate in the vote on the motion, citing the following reasons: (1) There is a well-established “rule of necessity” under which a member of a decision-making body is extended latitude to participate in votes that might otherwise present a conflict when he or she forms part of the bare quorum necessary for the conduct of business and when the pending matter is determined to be of importance. In this case, both elements necessary to justify application of the “rule of necessity” were present. (2) The potential of Ms. Lee benefiting financially from the Golden State Seal Merit Diploma in contrast to the high school diploma she would otherwise receive (at the point the diploma is bestowed or at any future time) is extremely remote. (3) The one reasonably foreseeable potential benefit of the Golden State Seal Merit Diploma (i.e., its potential influence on college or university admission decisions) is not pertinent in Ms. Lee’s case, given that she has already been accepted for admission by Harvard University.]

ITEM 29	Environmental Effect of Proposed Formation of Dixie-Terra Linda Unified School District from Dixie Elementary School District and a Portion of San Rafael City High School District in Marin County.	PUBLIC HEARING ACTION
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Larry Shirey, School Fiscal Services, explained the CDE staff recommendation to adopt a negative declaration regarding the environmental effect of the proposed district formation.

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President Hastings opened the Public Hearing at 11:11 a.m.

There were no speakers

President Hastings closed the Public Hearing at 11:12 a.m.

- ACTION: Mrs. Ichinaga moved that the State Board adopt a negative declaration of environmental impact with respect to the proposed formation of the Dixie-Terra Linda Unified School District, 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.

ITEM 30	Proposed Formation of Dixie-Terra Linda Unified School District from Dixie Elementary School District and a Portion of San Rafael City High School District in Marin County.	PUBLIC HEARING ACTION
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Mr. Shirey summarized the CDE staff recommendation to disapprove the proposed formation of the Dixie-Terra Linda Unified School District. Seven of the criteria specified in statute are met, but two criteria are not met. The two criteria not met pertain to promotion of racial or ethnic discrimination or segregation, and to significant disruption of educational programs.

The Board options are to approve or to disapprove the proposal. If the proposal is approved, the Board would proceed to set an area of election. CDE staff recommends disapproval of the proposal. If the Board chooses instead to approve the proposal, CDE staff recommends that the election be held in the whole of the San Rafael City High School District.

President Hastings informed the audience that each side would have up to 30 minutes to present facts and arguments, then each side would have up to five minutes for rebuttal. He asked all speakers to be succinct and not feel compelled to use the full time allotment.

President Hastings opened the Public Hearing at 11:31 a.m.

Speakers in favor of the proposed unification

Greg Stepanicich, Chief Petitioner

Carole Hayashino, Chief Petitioner

Jorge Duran, Chief Petitioner

Mark Regan, Board Member, Dixie Elementary School District

Speakers against the proposed unification

Laura D. Alvarenga, Superintendent, San Rafael City Schools

Jenny Callaway, Board Member, San Rafael City Schools

Rebuttal speaker in favor of the proposed unification

Greg Stepanicich

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Rebuttal speaker against the proposed unification  
Laura D. Alvarenga

President Hastings closed the Public Hearing at 12:36 p.m.

President Hastings inquired about the method of election for existing local board members (which is at large). Ms. Tacheny inquired about the proponents' statement that student performance declined markedly from middle school to high school. President Hastings asked about the length of service of principals at Terra Linda High School and San Rafael High School. Mr. Washington inquired about the current district boundaries. Ms. Tacheny noted that there are two governing boards but three districts, which makes the decision more complex. She indicated that notwithstanding the argument about promotion of racial and ethnic isolation, the motivation of the proponents is clearly concern about educational quality.

Ms. Katzman expressed being overwhelmed by the intensity of the feeling from the parents and community. The present governance structure is odd and makes accountability to the voters difficult. President Hastings stated is important for the affected communities to work together. Both groups are concerned and thoughtful.

- **ACTION:** Mr. Washington moved that the State Board accept the recommendation of CDE staff to disapprove the petition to form a new unified (K-12) school district from Dixie Elementary School District and a portion of San Rafael City High School District in Marin County by adoption of the resolution to that effect presented in the agenda item. Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present.

**Adjournment of the Meeting**

President Hastings adjourned the meeting at 12:48 p.m.