

FINAL MINUTES
State Board of Education
June 11-12, 2003

Wednesday, June 11, 2003

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

Members Present

Reed Hastings, President
Joe Nuñez, Vice President
Robert J. Abernethy*
Carol S. Katzman
Stephanie H. Lee
Luis J. Rodriguez
Suzanne Tacheny
Curtis Washington

[*Participating from duly noticed teleconference location.]

Members Absent

Donald Fisher
Nancy Ichinaga
Vacancy

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
Phil Garcia, Deputy Executive Director, State Board of Education
Greg Geeting, Assistant Executive Director, State Board of Education
Marion Joseph, Special Consultant to the 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
Hazel Bailey, Executive Assistant, State Board of Education
Robin Jackson, Executive Secretary, State Board of Education
Gavin Payne, Chief Deputy Superintendent, 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
Marsha Bedwell, General Counsel, California Department of Education

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Call to Order

President Hastings called the meeting to order at 9:07 a.m. Mr. Abernethy participated by telephone. He stated that the public notice was posted and that there was a member of the public present at his location. President Hastings requested that Mr. Abernethy inform him whenever a member of the public wished to address the Board, and Mr. Abernethy agreed to do so.

(Note: The votes at this meeting were taken by roll call as required by law in a teleconference meeting.)

Salute to the Flag

President Hastings led the Board, staff, and audience in the Pledge of Allegiance.

Approval of Minutes (May 2003 Meeting)

- ACTION: Mr. Abernethy moved that the State Board approve the minutes of the May 2003 meeting with minor corrections. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

- ROLL CALL VOTE: 6 Yes, 0 No, 1 Abstention
 - Abernethy yes
 - Hastings yes
 - Katzman yes
 - Lee yes
 - Nuñez yes
 - Rodriguez abstained
 - Tacheny yes
 - Washington yes

Announcements/Communications

New Board Member: Luis Rodriguez

President Hastings introduced and welcomed the new Board member, Mr. Luis Rodriguez. He has been a Deputy Public Defender for Los Angeles County for the past ten years. Mr. Rodriguez has been involved in numerous community service organizations, including organizations that serve at-risk youth.

Oath of Office Administered

Superintendent O'Connell administered the Oath of Office to Mr. Rodriguez. Mr. Rodriguez explained that his motivation for serving on the Board is his clients, too many of whom have not been well served by the education system. As a member of the Board, he hopes to support quality education for all students in an attempt to reduce the workload of the criminal justice system.

Changes in Agenda

President Hastings announced that Item 19 was withdrawn at the Department's request.

(Note: Items appear in the minutes in the order they were heard.)

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Report of the Superintendent

Superintendent O’Connell thanked Mr. Nuñez for representing the State Board at the Distinguished Schools Awards program. He announced that California’s *No Child Left Behind* plan had been approved by the USDE. He acknowledged Ms. Belisle and Camille Maben, NCLB Coordinator, for their coordination of the plan and the many hours they worked on the plan. He informed the Board that over 800 local educational agencies’ plans were received and are being processed by Department staff. The Department will have 130 staff members reviewing the plans over the next couple of weeks and the plans will be brought to the Board for approval in July. Superintendent O’Connell reported that the Department had hosted an AB 466 professional development program for Department staff and educators throughout the state.

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; and other matters of interest.	INFORMATION ACTION
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AB 312 NCLB Liaison Committee Appointment

President Hastings announced that he had appointed Linda Gonzales, Chair of the English Learner Advisory Committee, to the AB 312 NCLB Liaison Team. Ms. Gonzales replaces Ms. Belisle.

Bylaws Change Proposals

President Hastings announced that changes to the State Board’s bylaws would be up for action at the July meeting. Mr. Washington expressed concern over the meeting schedule in regard to public access and public comment at hearings. President Hastings stated that the bylaws could be changed back if the meeting schedule modification does not work efficiently, but that he is hopeful it will work. Ms. Tacheny explained that the Board has a six meeting requirement and additional meetings could be called if needed. Ms. Belisle clarified that fewer meetings did not mean less work, but would provide more time for Board members to interface with the education community and the Legislature and facilitate more communication with the public. President Hastings explained the proposed public hearing process changes under the new meeting schedule.

- By consensus, the members acknowledged the two sets of proposed State Board Bylaw changes presented in writing and directed staff to place them on the July agenda for action.

ITEM 2	PUBLIC COMMENT. Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
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There were no speakers on this item.

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ITEM 3	Seminar Session on the National Assessment of Educational Progress (NAEP).	INFORMATION
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Ms. Tacheny briefly introduced speakers from the National Assessment Governing Board (NAGB): Darwin Winick, Chairman; Edward Haertel, Member from California; Charles Smith, Executive Director; Sharif Shakrani, Deputy Executive Director; and Marilyn Whirry, Member of Commission on Teacher Credentialing and a former California and National Teacher of the Year. The speakers presented an interesting and informative seminar on NAGB and the National Assessment of Educational Progress (NAEP).

Mr. Winick congratulated California on the approval of its accountability plan for NCLB. He provided background information on NAGB. Ms. Whirry described the NAEP structure and test development process. Mr. Haertel discussed the NAEP components, instrument and sample design, and reporting of results.

Ms. Tacheny clarified NAEP is not taken by every child, nor is it taken in every school. Only about 10,000 students in select schools in each state take it. Ms. Tacheny noted that NAEP is not given every year and not for every subject. Mr. Haertel stated that tests for reading and math would be given every other year beginning in 2003. He informed the State Board that the 2002 reading test results for grades 4 and 8 are to be released nationally on June 19, 2003.

Mr. Smith discussed the challenges for NAGB and NAEP. He noted that the fall 2003 reading and math reports will be the baseline for NCLB. Mr. Smith mentioned the 12th Grade Commission, which is comprised of 20 members. Three members are from California. The commission will address issues relating to the lagging participation of 12th grade students and lack of motivation for 12th grade students to do their best.

Mr. Shakrani stated that California's English learner inclusion in the NAEP is the largest of all states. President Hastings advised that 25 percent of students in California are English learners. He requested clarification on percentages of English learners in other states. Mr. Shakrani indicated that many places exclude English learners from testing. He reviewed previous test results in reading and math, and compared California's results to the nationwide results.

President Hastings inquired whether controlling for parent education narrowed the gap in performance by ethnicity and race. Mr. Haertel responded that one-third to two-thirds of the performance gap is explained by parent education.

Ms. Tacheny asked Mr. Winick to discuss differences in NAEP under NCLB. He stated that there might be better participation in math and reading testing. Ms. Tacheny stated that the conversation around the nation is that there is too much testing and, with NAEP, other national tests will be less important. Mr. Winick responded that NAEP, if done correctly, could provide data to compare state performances. He noted that the attitude that there is too much testing is not found in polls of parents.

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Ms. Katzman stated that it is her understanding that NAEP is not aligned to state standards, so there is a disconnection between what is taught and what is tested. Ms. Whirry responded that California's standards match well with NAEP. President Hastings noted that the style of questions on the NAEP is noticeably different from those in California's state assessments.

Proposed Consent Items (Items 21, 23, 27, 28, 29, 30 and 31)

ITEM 21	High Priority Schools Grant Program – New Implementation Grant Awards.	ACTION
ITEM 23	Approval of Local Educational Agencies (LEAs) and Consortia applications for funding under the Principal Training Program (AB 75).	ACTION
ITEM 27	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 28	2002-03 (and beyond) determination of funding requests from charter schools pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2.	ACTION
ITEM 29	Request by the KIPP Summit Academy Petitioners to Establish a New Deadline for Meeting State Board of Education Condition of Approval to Open.	INFORMATION ACTION
ITEM 30	Funding approval to provide (1) professional development courses in nutrition and food service management for child nutrition personnel and (2) instructional strategies and courses for child nutrition personnel and teachers.	INFORMATION ACTION
ITEM 31	Appointments to the Advisory Commission on Special Education and Advisory Commission on Charter Schools and, if necessary, Child Nutrition Advisory Council and Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION

President Hastings called for public comment on Items 21, 23, 27, 28, 29, 30 and 31. There were no speakers.

Eileen Cubanski, Charter Schools Office, announced that Emiliano Zapata Street Academy had withdrawn its application, which would result in a change in the numbers assigned to certain other charter schools.

- ACTION: Mr. Nuñez moved that the State Board approve the staff recommendations under Items 21, 23, 27, 28, 29, 30, and 31. With respect to Item 27, the motion took into account the fact that the Emiliano Zapata Street Academy had withdrawn its request for numbering at the June

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meeting and instead requested numbering at the July meeting, thus modifying the assignment of charter numbers at this meeting to be as follows:

- #556 Heritage K-8 Charter School
- #557 Leadership Public Schools – Richmond
- #558 Roseland Charter School
- #559 Leadership Public Schools – Oakland
- #560 Futures High School
- #561 Grant Community Outreach Academy
- #562 Grant School-to-Career Institute

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

- ROLL CALL VOTE: 8 Yes, 0 No, 0 Abstentions

- Abernethy yes
- Hastings yes
- Katzman yes
- Lee yes
- Nuñez yes
- Rodriguez yes
- Tacheny yes
- Washington yes

ITEM 4	No Child Left Behind.	INFORMATION ACTION
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Ms. Maben informed the Board that this item included an update on several issues under NCLB and that the Board would be asked to act on the accountability plan.

AB 312 NCLB Liaison Team Chair, Chuck Weis briefed the Board on the Liaison Team’s last meeting. He congratulated the Board and the Department on the federal approval of the accountability workbook. Mr. Weis reported that the Liaison Team had discussed the definition of Highly Qualified Teacher, the accountability workbook, Title III, and the NCLB budget. The Liaison Team voted unanimously to recommend Board approval of the definition of Highly Qualified Teacher as presented by staff.

Ms. Maben remarked that the “big ticket” item was the approval by the U.S. Department of Education (USDE) of the accountability workbook. She commented that she would be remiss if she did not thank Bill Padia and the Policy and Evaluation Division staff for all of their hard work. She also thanked the Board’s NCLB Liaisons, Mr. Nuñez and Ms. Tacheny.

Ms. Belisle explained that staff had been working with the USDE to define the English learner subgroup in a manner that would give the state credit for English learners’ academic progress. The USDE rejected the proposal that English learners stay in the subgroup until the student had scored at the proficient level for up to five years on the California Standards Test for English/Language Arts. As of Friday, June 6,

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2003, the USDE agreed that English learners could remain in the subgroup for three years. She reported that the USDE had issued a legal opinion that students who demonstrated proficiency on the CELDT do not have to continue to take the test. In addition, districts will have the opportunity for additional federal funding since Title III of NCLB is a formula driven program based on the number of English learners.

Ms. Belisle noted that she presented the proposed change in the English learner subgroup definition to the AB 312 NCLB Liaison Team. Although the Liaison Team was supportive of the proposal, they encouraged the Board to be as forceful as possible to define the subgroup in a manner that would provide districts and schools with an opportunity to show the academic progress of English learner students.

Bill Padia, Policy and Evaluation Division, explained the other changes in the accountability workbook. During the peer review process, the USDE requested changes in several areas, including AYP for schools with less than 100 valid CST or CAHSEE scores, the graduation rate proxy, and the participation rate requirements and parental opt-outs. He noted that the accountability workbook had been revised to satisfy the USDE's concerns.

- ACTION: Mr. Nuñez moved that the State Board approve the accountability workbook as submitted to the United States Department of Education on Friday, June 6, 2003, which (among other things) defined the English learner (or LEP) subgroup for purposes of the *No Child Left Behind Act of 2001* (NCLB) as consisting of English learners until those students have been redesignated Fluent English Proficient and attained three years of proficiency on the California Standards Test for English-Language Arts. Ms. Katzman seconded the motion. The motion was approved by unanimous vote of the members present.

- ROLL CALL VOTE: 8 Yes, 0 No, 0 Abstentions
 - Abernethy yes
 - Hastings yes
 - Katzman yes
 - Lee yes
 - Nuñez yes
 - Rodriguez yes
 - Tacheny yes
 - Washington yes

[There was spontaneous applause as the motion passed.]

Fred Tempes, WestEd, presented the preliminary report from the supplemental services survey. He noted that the big finding is that only five percent of eligible students used supplemental services this school year. Ms. Belisle stated that once a district goes into program improvement, it could no longer be a supplemental services provider. Mr. Nuñez expressed concern about who would provide supplemental services if the district cannot. He said that this will be a problem for the 40 percent of students who

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attend schools in rural areas. He raised the issue of how districts would bear the cost of transporting students to providers and how services would be equitably available in all areas of California. Ms. Maben explained that some services could be provided through the use of technology. Ms. Belisle replied that there is a waiver process to deal with some of these problems.

The following individual addressed the Board:
Thekima Mayasa, parent, San Diego USD

Ms. Maben informed the Board that in July the local educational agency plans and a list of persistently dangerous schools would be brought to the Board for action.

President Hastings announced that Item 6 would be heard at 1:00 p.m. to accommodate the schedule of the Commission on Teacher Credentialing Chair, Margaret Fortune.

ITEM 5	Approval of Supplemental Educational Service Providers required by Section 1116(e) of No Child Left Behind Act of 2002.	INFORMATION ACTION
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Larry Jaurequi, Specialized Programs Division, presented the list of recommended providers to the Board.

- ACTION: Ms. Tacheny moved that the State Board approve the list of Supplemental Educational Services Providers as recommended by staff. Mr. Abernethy seconded the motion. The motion was approved by unanimous vote of the members present.
- ROLL CALL VOTE: 8 Yes, 0 No, 0 Abstentions
 - Abernethy yes
 - Hastings yes
 - Katzman yes
 - Lee yes
 - Nuñez yes
 - Rodriguez yes
 - Tacheny yes
 - Washington yes

Ms. Belisle requested more description of the providers in the future.

ITEM 7	No Child Left Behind (NCLB) Title III Achievement Objectives and Accountability Requirements.	INFORMATION ACTION
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Jan Mayer, Language Policy and Leadership Office, informed the Board that under NCLB Title III California must set two annual measurable achievement objectives (AMAOs). She presented information about both objectives in a PowerPoint presentation, but noted that the Board was only being asked to determine the annual growth metric at this meeting. The Department recommendation for the annual growth metric for students was to gain at least one level on the CELDT per year until they reach

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proficiency. Once at the proficient level, students are expected to remain at that level. President Hastings thanked Ms. Mayer for her informative presentation.

- **ACTION:** Mr. Nuñez moved that the State Board approve the staff recommendation to set the annual California English Language Development Test (CELDT) growth metric as follows: The annual growth metric for students is to gain one proficiency level annually until they reach English language proficiency. Once they reach English language proficiency, they are expected to remain at that level until they are redesignated. Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present.

- **ROLL CALL VOTE:** 8 Yes, 0 No, 0 Abstentions
 - Abernethy yes
 - Hastings yes
 - Katzman yes
 - Lee yes
 - Nuñez yes
 - Rodriguez yes
 - Tacheny yes
 - Washington yes

Lunch Break: President Hastings called for the lunch break at 12:07 p.m. He reconvened the session at 1:15 p.m.

ITEM 6	No Child Left Behind: Teacher requirements (“Highly Qualified Teacher”) and measurable objectives.	INFORMATION ACTION
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Ms. Steentofte stated that she was happy to report that after many months of discussion with the NCLB Liaison Team, the Commission on Teacher Credentialing (CTC), and other stakeholders, there is agreement on a definition of Highly Qualified Teacher. She summarized the proposal. She informed the Board that CTC is working to modify the state’s credentialing process to meet the “new” teacher requirements under NCLB. “Not new” teachers are defined in the proposal as those who received their credentials before July 1, 2002. Ms. Steentofte thanked the Association of California School Administrators and the California Teachers Association for helping to develop guidelines. She added that there is one group of teachers about which there is concern—elementary teachers “new” to the profession who earned their credentials through approved coursework. They need to have more time to comply with law. This proposal calls for a transition period, which will be one of the issues discussed with the USDE.

Margaret Fortune, Chair of the Commission on Teacher Credentialing, commented that she was pleased to be able to support the definition of Highly Qualified Teacher. She said that there is a need for unity between the Board and CTC. In response to a question posed by Mr. Washington, Ms. Fortune explained that the current multiple subjects test is the CSET and that CTC would be working on the development of an assessment to be given when individuals have completed their teacher preparation

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college coursework. Ms. Katzman welcomed Ms. Fortune and applauded her efforts on the definition. She added that Ms. Fortune’s presence was an indication that CTC and the Board could work together on important issues.

The following individuals addressed the Board:

- Dave Spence, California State University Executive Vice Chancellor
- Beverly Young, California State University Assistant Vice Chancellor
- Russlynn Ali, Director, Education Trust West
- Linda Kaminski, Chair, Association of California School Administrators
- Silvia DeRuvo, California Association of Resource Specialists and Special Education Teachers
- Eric Premack, Charter Schools Development Center

- ACTION: Mr. Nuñez moved that the State Board (1) approve in concept the staff recommendation pertaining to teacher requirements; (2) direct staff to seek technical assistance from the United States Department of Education on the matters outlined in the discussion; and (3) direct staff to bring back the proposal at the July meeting with any modifications that may be advisable and with any proposed implementing regulations that may be necessary. Ms. Katzman seconded the motion. The motion was approved by unanimous vote of the members present.
- ROLL CALL VOTE: 8 Yes, 0 No, 0 Abstentions
 - Abernethy yes
 - Hastings yes
 - Katzman yes
 - Lee yes
 - Nuñez yes
 - Rodriguez yes
 - Tacheny yes
 - Washington yes

Mr. Nuñez remarked that this has been a long and difficult effort. He thanked Ms. Steentofte for her persistence and noted that during the process of developing this definition the Board and its staff have built and strengthened many relationships.

ITEM 8	Paraprofessional Requirements (No Child Left Behind).	INFORMATION ACTION
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Bill Vasey, Professional Development and Curriculum Leadership Division, reported on the Department recommendations for meeting NCLB requirements for paraprofessionals.

The following individual addressed the Board:

- Linda Kaminski, Association of California School Administrators

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- ACTION: Ms. Katzman moved that the State Board approve the CDE staff recommendations regarding paraprofessional requirements. Ms. Lee seconded the motion. The motion was approved by a vote of 7-0-1.
- ROLL CALL VOTE: 7 Yes, 0 No, 1 Abstention
 - Abernethy abstained
 - Hastings yes
 - Katzman yes
 - Lee yes
 - Nuñez yes
 - Rodriguez yes
 - Tacheny yes
 - Washington yes

ITEM 9	The California Mathematics and Science Partnership (CaMSP) Program authorized by Title II, Part B, No Child Left Behind Act.	INFORMATION
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Mr. Vasey explained that the partnership is a new program under NCLB that will provide professional development for math and science teachers. He informed the Board that in July there would be an action item for this program.

No action was taken on this information-only item.

ITEM 10	Reading First Evaluation Contractor.	INFORMATION ACTION
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Mr. Padia announced that Educational Data Services (EDS) was the successful bidder for the independent evaluation contract for the Reading First Program, and he asked for Board approval.

- ACTION: Ms. Tacheny moved that the State Board approve Educational Data Services (EDS) as the independent evaluator for the Reading First Program, given that EDS was determined to be the successful bidder in the specified bid evaluation process. Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present.
- ROLL CALL VOTE: 8 Yes, 0 No, 0 Abstentions
 - Abernethy yes
 - Hastings yes
 - Katzman yes
 - Lee yes
 - Nuñez yes
 - Rodriguez yes
 - Tacheny yes
 - Washington yes

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ITEM 11	Standardized Testing and Reporting (STAR): Update on the Plan for Releasing California Standards Test (CST) Items.	INFORMATION ACTION
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Deputy Superintendent Geno Flores gave an update on the plan for releasing STAR items. He noted that the State has not yet released test items from the STAR tests and that the current proposal is for release of only California Standards Tests items. Other components of the STAR program are proprietary tests. Under the proposal, a percentage of CST items are to be released over the next several years.

Ms. Belisle commented that it is important to have well planned communication for the roll out of test items for parents (guardians) and educators, and a consistent policy for release of items across all tests in which items are to be released, including the California High School Exit Exam and the California English Language Development Test. A consistent pattern of release and a long-range plan are necessary. Mr. Flores stated that he would bring that type of proposal to the July Board meeting.

No action was taken on this item.

ITEM 12	Standardized Testing and Reporting (STAR) Program: Approving an Amendment to the 2002-2004 STAR Contract with Educational Testing Services (ETS).	INFORMATION ACTION
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Mr. Flores informed the Board that this contract amendment was necessary to meet NCLB requirements, including quicker reporting of the test results to calculate the API. Ms. Belisle expressed concern about the \$433,800 in the amendment for data verification. She noted that under the current ETS contract, the state is paying for accurate information and questioned whether this work is already covered by the contract. Ms. Tacheny also questioned the costs of, and the need for, data verification.

Mr. Padia stated that the Department staff cannot do all the necessary verification within the NCLB timeline and that he believed the verification work in the proposed contract amendment would help the Department meet the reporting timeline. Mr. Nuñez commented that it seems that the only change is to do the same work more quickly. Ms. Belisle related that in her conversations with ETS this verification was described as risk management.

Ms. Belisle requested additional information and that ETS staff be included in the Board's discussion. She also noted that any contract amendment would need approval from the Department of Finance (DOF) and that the Board's motion would need to include language on the DOF approval.

Mr. Flores informed the Board that the total for the entire contract provided in the budget chart was incorrect. The correct total amount is \$173,022,684 including the proposed contract amendment.

President Hastings informed the audience that Item 12 would be revisited later in the day's agenda, when ETS had a representative available to answer the Board's questions.

[This item was continued after Item 15. See below.]

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ITEM 13	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Proposal for Revision of the STAR Parent Report.	INFORMATION ACTION
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Mr. Flores asked the Board for input on the parent report redesign and revisions. Ms. Tacheny replied that she would like the reports to be available in several languages, contain less jargon, and be more informative so that parents (guardians) know how their children are doing compared to other students. President Hastings expressed concern about the potential costs of a full-blown redesign and the adequacy of the current funding available to do this work. Ms. Tacheny commented that the parent report is problematic and offered to continue to work on its design. Ms. Katzman stated that the parent report is a great way to get parents involved.

No action was taken on this item.

ITEM 14	California English Language Development Test (CELDT): Including, but not limited to, CELDT Program Update.	INFORMATION ACTION
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Mr. Flores reported that this spring the CELDT contractor had offered 12 training sessions on the new format and administration of the test. He walked the Board through the charts in the agenda materials, one of which uses 2001 test data to compare test results for English learners by the type of instruction they are receiving. He noted that staff is preparing, for the July meeting, a similar chart using data from 2002.

Mr. Nuñez commented that the chart showing the grade levels at which English learners enter public school was very interesting. He noted there were 511,317 new CELDT takers in the second year of the test's administration. President Hastings commented that the data show that about one-half of the state's English learners start public school at the kindergarten level.

No action was taken on this item.

ITEM 15	California High School Exit Examination (CAHSEE): Including, but not limited to, Discussion of the Report Required by AB 1609.	INFORMATION ACTION
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President Hastings informed the audience that the Board would not make a decision on whether to delay the CAHSEE until the July meeting. Mr. Flores explained the data in the charts in the agenda materials. President Hastings commented that the first-time pass rate for the class of 2005 is considerably higher than the first-time pass rate for the class of 2004.

Ms. Tacheny noted that other states are using a different denominator than California is using to calculate their exit exam passage rates. For example, Texas uses the 12th grade enrollment as the denominator. This may be one reason why other states have higher pass rates.

Mr. Flores drew the Board's attention to the information on compensatory passing scores. President Hastings noted that using compensatory passing score with a scale score floor set, for example, at 325, a student who is strong in English could pass if they had sufficient math skills to achieve the floor scale score. Ms. Katzman noted that the SAT college admission test uses a compensatory score. Ms. Lee

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remarked that she does not want it to appear that the compensatory model is only being considered to have more students pass. President Hastings stated that if a compensatory model were to be used, it would be because the Board believes, as colleges do (when they use compensatory SAT scores), that strength in one academic area compensates for weakness in other areas.

Mr. Washington commented on the lower pass rate of African American students. He said that he hopes the Board can have a conversation about why these students are not doing as well as their peers. Ms. Tacheny stated that the compensatory scoring model intrigues her because it recognizes the reality that people do have different strengths and weaknesses and they are prepared to get jobs based on their strengths. She added that the Board would have to be careful to set limits in such a model so that we are not lowering expectations for all students. Mr. Rodriguez expressed concern about the impact of the exam on students. He inquired whether a student who passes one subject area of the test is required to keep taking that part of the test. President Hastings replied that a student who passed one subject area would not have to take that test again. Mr. Nuñez stated that he also finds the compensatory model intriguing.

Ms. Katzman stated that when considering students' opportunity to learn, the Board needs to look at data on when the standards were in place and when other reforms such as class size reduction were implemented. President Hastings noted that this kind of information is in the HumRRO report. Mr. Nuñez commented that one fact in the HumRRO report that made an impression on him is the number of high schools that are still in transition and have not fully implemented the standards.

President Hastings inquired about the status of the proposal to discuss shortening the English-language arts test to one day. Mr. Flores replied that information about a one-day test would be brought to the July meeting.

The following individuals addressed the Board:

Linda Kaminski, Association of California School Administrators
Jo Behm, Learning Disabilities Association
Emily Hobson, Californians for Justice
Leoni Decency, student/member of Californians for Justice
Tuccoa Polk, California Association of Family Empowerment Centers
Stephanie Farland, California School Boards Association
Doug McRae, assessment expert

No action was taken on this item.

ITEM 12	Standardized Testing and Reporting (STAR) Program: Approving an Amendment to the 2002-2004 STAR Contract with Educational Testing Services (ETS).	INFORMATION ACTION
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[Continued from earlier in the day's session. See Item 12 above.]

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Mr. Flores informed the Board that the funding source for Item E.12.1 in the contract amendment budget would be from the state General Fund and other items would be funded with the federal Title VI dollars.

Ms. Belisle reported that she had discussed the contract amendment with Department staff and would suggest that the Board approve the contract for only one year and for one-third of the amount presented in the agenda materials. This is a cautious approach that will ensure the Department meets NCLB reporting deadlines and allow staff to pursue other ways to ensure the Department has the accurate data it needs in the timeframe required under NCLB.

- ACTION: Mr. Nuñez moved that the State Board approve an amendment to the STAR contract with Educational Testing Service (ETS) that reflects the objectives outlined in the agenda item and surrounding discussion for one year only with the cost reduced proportionately, but with the exact wording of the amendment and exact amount of the additional funding to be determined by the Executive Director of the State Board. The motion recognized that the funding sources affected by the contract amendment were both state General Fund and federal Title VI. The motion also recognized that approval of the amendment by the Department of Finance is necessary. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

- ROLL CALL VOTE: 8 Yes, 0 No, 0 Abstentions
 - Abernethy yes
 - Hastings yes
 - Katzman yes
 - Lee yes
 - Nuñez yes
 - Rodriguez yes
 - Tacheny yes
 - Washington yes

ITEM 16	2003 Academic Performance Index (API) Modifications: Integrating Results from California’s Standards-Based Tests in Science into the API; and Similar Schools and the API Growth Report.	INFORMATION ACTION
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Mr. Padia provided background information on the discussions of the Technical Design Group (TDG) and the Public Schools Accountability Act (PSAA) Advisory Committee regarding including the science CSTs in the API. He explained the three options presented in the agenda materials. Mr. Padia noted that Option 3 was recommended by the Department. This option gives the science CSTs a weight of five percent in the API and retains the weight of three percent for the CAT/6 science tests.

Ms. Tacheny requested information about the differences between issues in adding science compared to adding math. Mr. Padia responded that there is a slightly bigger problem in adding science because significantly fewer students take the science tests than the math tests.

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The following individuals addressed the Board:

Christine Bertrand, Executive Director, California Science Teachers Association, also representing Association of California School Administrators

Sandra Mann, Chair of Science Subject Matter Committee, Curriculum Commission

President Hastings asked how the recommendation for a five percent CST weight had been reached. Mr. Padia replied that Department staff was persuaded by the TDG's concerns about giving the tests too much weight. President Hastings asked if the total science weight on the API would be able to be substantially increased when we have a core knowledge test. Mr. Padia responded that we would want more weight on the universal test, the core knowledge test, than the other tests in the API science measure. Mr. Washington stated that while he wants to have a 20 percent weight for science eventually, he is concerned about disadvantaging schools and students who do not have enough science teachers or other science-related resources. For that reason, he supports the Department's recommendation.

- ACTION: Mr. Washington moved that the State Board approve the State Superintendent's recommendations to (1) include the high school science CSTs in the 2003 Base API with a weight of 5 percent of the high school API and with non-tested students handled in the same manner as non-tested students in mathematics and (2) express the intent to include the Core Knowledge Science Test results in the API as soon as they are available with the exact weighting to be determined at a future time. Ms. Tacheny seconded the motion. The motion was approved by a vote of 7-0-1.

- ROLL CALL VOTE: 7 Yes, 0 No, 1 Abstention
 - Abernethy abstained
 - Hastings yes
 - Katzman yes
 - Lee yes
 - Nuñez yes
 - Rodriguez yes
 - Tacheny yes
 - Washington yes

President Hastings asked Mr. Padia to explain the proposal for a median similar school API.

- ACTION: Ms. Lee moved that the State Board approve the CDE staff proposal to provide additional information on the annual Growth API related to the similar schools median. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

- ROLL CALL VOTE: 8 Yes, 0 No, 0 Abstentions
 - Abernethy yes
 - Hastings yes
 - Katzman yes

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Lee yes
Nuñez yes
Rodriguez yes
Tacheny yes
Washington yes

ITEM 17	Entry requirements for alternatives schools participating in the Alternative Schools Accountability Model.	ACTION
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Sue Bennett, Education Options Office, introduced Ms. Barber and Ms. Wilen, the co-chairs of the Alternative Schools Accountability Model Subcommittee. Ms. Barber presented the new criteria recommended by the PSAA Advisory Committee.

- ACTION: Ms. Katzman moved that the State Board approve the PSAA Advisory Committee’s recommendation regarding the Alternative Schools Accountability Model (ASAM) entry requirements for alternative schools. Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present.

- ROLL CALL VOTE: 8 Yes, 0 No, 0 Abstentions
 - Abernethy yes
 - Hastings yes
 - Katzman yes
 - Lee yes
 - Nuñez yes
 - Rodriguez yes
 - Tacheny yes
 - Washington yes

ITEM 18	Draft regulations for Administering, Scoring, and Reporting Locally Adopted Tests of Achievement for Use as Indicators in the Alternative Schools Accountability Model.	INFORMATION ACTION
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Ms. Bennett introduced Stan Rabinowitz of WestEd, who would address questions on the substance of the regulation, if any.

Ms. Belisle asked if the Board has the statutory or legal authority to require schools to maintain assessment documents for three years. Ms. Bedwell replied that she believed regulations exist related to retention of student records. Ms. Belisle recommended deleting the records retention section proposed in the regulations. Ms. Franklin suggested changing the term “security agreement” on page 3 to “security affidavit”.

- ACTION: Ms. Tacheny moved that the State Board (1) adopt the proposed Emergency Regulations pertaining to administering, scoring, and reporting of locally adopted tests of

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achievement for use as indicators in the Alternative Schools Accountability Model (ASAM) with the incorporation of several modifications outlined in the discussion, with the final text subject to approval by the Executive Director of the State Board; (2) adopt the Finding of Emergency as presented in the supplemental agenda materials with any technical corrections or additions that may be necessary in the judgment of the Executive Director; (3) direct staff to begin the permanent rulemaking process using the text of the Emergency Regulations as the text of the proposed permanent regulations; and (4) direct staff (in accordance with subdivision (b) of Section 18460 of Title 5 of the California Code of Regulations) to conduct the public hearing on the proposed permanent regulations following the 45-day public comment period that is required by the Administrative Procedure Act. Mr. Abernethy seconded the motion. The motion was approved by unanimous vote of the members present.

- ROLL CALL VOTE: 8 Yes, 0 No, 0 Abstentions

Abernethy	yes
Hastings	yes
Katzman	yes
Lee	yes
Nuñez	yes
Rodriguez	yes
Tacheny	yes
Washington	yes

ITEM 19	Determining annual school performance for schools in the Alternative Schools Accountability Model.	INFORMATION
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This item was withdrawn at the Department's request.

ITEM 20	Criteria for the selection of 2003-2004 School Assistance and Intervention Team (SAIT) Providers.	ACTION
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Wendy Harris, School Improvement Division, presented the Department's recommendation on the criteria for approval of SAIT providers. She reported that she has received positive comments on the SAIT process from schools that went through the process this spring.

The following individuals addressed the Board:

Eric Dyer, teacher, Compton Middle School, Bakersfield
 Susan Maitia, teacher, Compton Middle School, Bakersfield
 Karen Kessinger, teacher, San Bernardino High School
 Justo Robles, California Teachers Association

Mr. Nuñez stated that he was distressed about what he had heard from the speakers. President Hastings commented that the SAIT process has not been successful in all schools. Given what the Board heard from the speakers, he suggested that instead of approving the criteria that the Board discuss the criteria and the process with staff.

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Mr. Nuñez stated teachers have been asked to make a lot of changes in the last several years. He expressed concerns about the state's capacity to do this kind of intervention in a positive and productive manner, to look at the system of interventions, and to evaluate each school based on its current situation. He questioned whether the Department in these tight budget times has the resources to do this important work, and stated his answer would be that it does not.

Mr. Nuñez commented that there needs to be a different conversation for high schools than for elementary and middle schools and districts need to be important players on these teams. He hoped the training material would be rewritten and that the SAIT process would focus on the elements of AB 961. He added that the SAIT members should have expertise in the instructional programs used at the schools with which they are working. Mr. Nuñez thanked Deputy Superintendent Sue Stickel and Ms. Harris for calling a meeting to start this revision process.

Ms. Tacheny stated that she and Mr. Nuñez share the same concerns about capacity. She believes there is a flaw in the design of the process in that the skills for evaluation and research at schools and the skills for assisting schools with change are different sets of skills. Ms. Tacheny remarked that we have not accurately focused on our priorities or done the deep thinking that needs to be done.

President Hastings asked Mr. Nuñez and Ms. Tacheny to give some thought to this issue between this meeting and the next. He asked Ms. Harris if there was a timeline problem with waiting until July to act. Ms. Harris replied that there would be no timeline problem if the Board acted in July. Mr. Washington stated there is a tendency to focus on the process. He thinks this process is damaging to schools. Mr. Washington suggested that we should start by asking what we want for our children and the SAITs should then focus on that.

No action was taken on this item.

ITEM 22	Mathematics and Reading Professional Development Program (AB 466) – Interim Report to the Legislature.	ACTION
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President Hastings asked if there were any questions for Mr. Vasey. There were none.

- ACTION: Mr. Nuñez moved that the State Board approve the interim report on AB 466 as recommended by staff. Ms. Lee seconded the motion. The motion was approved by a vote of 7-0-1.

- ROLL CALL VOTE: 7 Yes, 0 No, 1 Abstention
 - Abernethy abstain
 - Hastings yes
 - Katzman yes
 - Lee yes
 - Nuñez yes
 - Rodriguez yes

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Tacheny yes
Washington yes

ITEM 24	Approval of Training Providers for AB 75, The Principal Training Program.	ACTION
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Mr. Vasey reported that Gerald Hayward would be conducting the evaluation of AB 75.

- ACTION: Mr. Nuñez moved that the State Board approve the list of AB 75 Principal Training Providers as recommended by staff. Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present.

- ROLL CALL VOTE: 8 Yes, 0 No, 0 Abstentions
 - Abernethy yes
 - Hastings yes
 - Katzman yes
 - Lee yes
 - Nuñez yes
 - Rodriguez yes
 - Tacheny yes
 - Washington yes

ITEM 25	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
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Curriculum Development and Supplemental Materials Commission Chair Karen Yamamoto reported that the Curriculum Commission had unanimously voted to appoint Tom Adams as its Executive Director.

No action was taken on this item.

ITEM 26	School Campus Environmental Audit Tool.	INFORMATION ACTION
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Ms. Yamamoto introduced Sandra Mann, Chair of the Science Subject Matter Committee. Ms. Mann acknowledged the work of Stan Metzenberg. Ms. Mann stated that the audit is a safe, student friendly, and “doable” tool. She thanked the Curriculum Commission and its staff for completing the work on the audit tool.

- ACTION: Ms. Lee moved that the State Board approve the modified School Campus Environmental Audit Tool as recommended by the Curriculum Commission, with minor technical, editorial, or presentational changes as may be determined necessary by staff. Ms. Katzman seconded the motion. The motion was approved by unanimous vote of the members present.

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- ROLL CALL VOTE: 8 Yes, 0 No, 0 Abstentions

Abernethy	yes
Hastings	yes
Katzman	yes
Lee	yes
Nuñez	yes
Rodriguez	yes
Tacheny	yes
Washington	yes

Adjournment of the Day's Session

President Hastings announced that the Board would meet in Closed Session on Thursday morning at 8:00 a.m. and Public Session would begin at approximately 9:00 a.m. The day's session was adjourned at 5:18 p.m.