

FINAL MINUTES
State Board of Education
November 13-14, 2002

Wednesday, November 13, 2002

State Capitol Building
California Room (Room 4203)
Sacramento, California

and

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

Members Present

Reed Hastings, President
Joe Nuñez, Vice President*
Robert J. Abernethy*
Donald Fisher
Nancy Ichinaga
Carlton J. Jenkins
Marion Joseph*
Stephanie H. Lee*
Suzanne Tacheny

* Present at the morning session held in the State Capitol Building

Member Absent

Susan Hammer
Vacancy

Principal Staff to the State Board of Education

Delaine Eastin, State Superintendent of Public Instruction
Leslie Fausset, Chief Deputy Superintendent, California Department of Education
Scott Hill, Chief Deputy Superintendent, California Department of Education
Richard Whitmore, Chief Advisor to the State Superintendent of Public Instruction
Linda A. Cabatic, General Counsel, California Department of Education
Rick Brandsma, Executive Director, State Board of Education
Phil Garcia, Deputy Executive Director, State Board of Education
Greg Geeting, Assistant Executive Director, State Board of Education
Rae Belisle, Chief Counsel, State Board of Education
Deborah Franklin, Education Policy Consultant, State Board of Education
Karen Steentofte, Education Policy Consultant, State Board of Education
Hazel Bailey, Executive Assistant, State Board of Education
Maryanna Bogard, Legal Secretary, State Board of Education
Robin Jackson, Executive Secretary, State Board of Education
Katherine Gales, Office Technician, State Board of Education

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Call to Order: Subcommittee of the State Board

Vice President Nuñez called the meeting to order at 9:10 a.m. He informed the audience the morning meeting would be a meeting of a subcommittee of the State Board and that because there was not a quorum, the members present would not take action as a Board.

He announced that the morning agenda would be devoted to:

- The Screening Committee’s selection of the individuals to be interviewed next month for appointment to the Curriculum Commission
- Interviewing the student candidates
- Hearing recommendations from the Student Advisory Board on Education
- Recognition of the California teachers selected to participate in the Presidential Awards for Excellence in Mathematics and Science Teaching.

Vice President Nuñez also informed the audience that the afternoon session would be in Room 1101 in the Department of Education Building at 1430 N Street, the usual Board meeting location.

ITEM A	Screening Committee: Review of Applications and Selection of Applicants to be Interviewed: Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
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Vice President Nuñez and Mrs. Joseph reviewed the applications submitted for the three openings on the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) and selected six applicants to interview. Vice President Nuñez explained to the audience that the Screening Committee would make its recommendation on appointments to the Curriculum Commission to the State Board after the interviews were completed and that the Board would likely make the appointments at the December meeting.

- ACTION: By consensus, the Screening Committee of the State Board (composed on this day of Mrs. Joseph and Mr. Nuñez) directed staff to arrange for interviews on Wednesday, December 11, 2002, during the State Board’s lunch break on that day, of the following six applicants:
 - Candidate #01, Nancy H. Aaberg, Assistant Superintendent, Instructional Services, Yuba City Unified School District
 - Candidate #10, Kerry Hamill, President, Board of Education, Oakland Unified School District
 - Candidate #12, Deborah Keys, Executive Director, Middle Schools, Oakland Unified School District
 - Candidate #13, Sharon Stelle Kientz, Member, Board of Education, Sierra Unified School District
 - Candidate #16, Stan Metzenberg, Assistant Professor of Biology, California State University, Northridge
 - Candidate #19, Charles T. Munger, Experimental Physicist, University of California, Irvine, Stanford Linear Accelerator Center

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(Also see Item A below.)

ITEM B	2003-04 State Board of Education Student Member: Interview of Six Candidates and Selection of Three Finalists.	INFORMATION ACTION
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Vice President Nuñez, Mrs. Joseph, Mr. Abernethy, and Ms. Lee interviewed each of the six candidates for the position of 2003-04 State Board of Education Student Member. The Board members commented on the stellar scholastic records and outstanding achievements of the students and the difficulty of selecting three students to recommend to Governor Davis.

- ACTION: By consensus, the Screening Committee (augmented by Mr. Abernethy and Ms. Lee), subject to ratification by the full State Board, selected the following students to be the three finalists recommended by the State Board to the Governor (in the order shown) for appointment consideration as the 2003-04 Student Member on the State Board of Education:
 - Brent Godfrey, Irvine, California, Irvine High School
 - Aakanksha Mehta, Apple Valley, California, Granite Hills High School
 - Martha Alvarez, Lompoc, California, Lompoc Senior High School

(See Item B below for State Board action on this item.)

ITEM C	Report of the 2002-03 Student Advisory Board on Education.	INFORMATION
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Ms. Lee introduced Salina Wilson, president of the California Association of Student Councils. Ms. Wilson extended commendations to State Superintendent Delaine Eastin, Superintendent-Elect Jack O'Connell, the State Board of Education, Mr. Geeting, and Ms. Lee.

Isabelle Barter, director of the Student Advisory Board on Education (SABE), explained that during their conference the students developed local action plans that they will implement in their schools and communities. Five SABE members presented recommendations to the State Board regarding (1) the California High School Exit Exam, (2) the state's student-to-school nurse ratio and its impact on student health, (3) English-immersion programs, (4) teacher qualifications, and (5) violence prevention.

The SABE recommendations were presented by:

Alexander Wong, Laguna Hills High School
Thu Tran, Milpitas High School
Martha Alvarez, Lompoc High School
Corey Uhalde, Montgomery High School
Harshith Reddy Avula, Clovis High School

Vice President Nuñez congratulated the students on their excellent presentations and reminded them that one of their recommendations from the previous year, allowing (at local option) students to have cell phones at school, had become a successful legislative proposal.

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ITEM D	Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST).	INFORMATION
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Pat Chladek, Policy and Evaluation Unit, invited Superintendent Eastin to the podium to present the awards. Superintendent Eastin acknowledged Mr. Chladek and his wonderful team. She noted that the Presidential Awards for Excellence are the highest honor that K-12 teachers can earn. The teachers who receive these awards are the premier group of teachers.

Vice President Nuñez joined Superintendent Eastin in presenting the awards and congratulating the teachers. The honored teachers were each given the opportunity to express their excitement about receiving the award and to introduce their special guests.

The following teachers were 2001 Presidential Awardees:

- Elementary mathematics—Leanna Baker, Hayward Unified School District
- Secondary mathematics—Christopher Shore, Temecula Valley Unified School District
- Elementary science—Julia Taylor, Adelanto Elementary School District
- Secondary science—Pamela Miller, Monterey Peninsula Unified School District

The following teachers are 2002 State Finalists:

- Elementary mathematics—Charaline Maxim, Mesa Union School District
- Secondary mathematics—Pam Mason, Los Angeles Unified School District
- Elementary science—Louise Stivers, Los Angeles Unified School District
- Secondary science—Robert Allbaugh, Moreno Valley Unified School District
- Secondary science—Caleb Cheung, Oakland Unified School District
- Secondary science—Mary Wuerth, Tamalpais Union High School District

Lunch Break

Vice President Nuñez called for the lunch break at 12: 25 p.m.

Call to Order: Full Board

President Hastings called the meeting to order at 1:20 p.m.

Salute to the Flag

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

Introduction of Superintendent-Elect

Superintendent Eastin introduced Superintendent-Elect Jack O’Connell. She noted that Senator O’Connell was her former colleague in the State Assembly and had served on the Assembly Education Committee when she was chair of that committee. She congratulated him on his election, remarking on his long and stalwart support for and commitment to public education.

Senator O’Connell recognized the Superintendent for her many years of work for California’s public education system and noted that he had learned a great deal from her when they were both on the Assembly Education Committee. He stated that he would work in partnership with the State Board and

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that there were over six million reasons—the students in California’s schools—to work together. He pledged that he would work every single day to improve education with like-minded people—including everyone in the meeting room and in the Department of Education building.

Approval of Minutes (October 2002 Meeting)

- ACTION: Mr. Abernethy moved that the State Board approve the minutes of the October 2002 meeting with minor corrections. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Ms. Lee and Mr. Nuñez were not present when the vote was taken.

Announcements/Communications

President Hastings announced that Item 5 would be heard on Thursday morning and that Item 14 had been withdrawn from the agenda. He informed the audience that he would be missing his first Board meeting in December.

Report of the Superintendent

Superintendent Eastin informed the Board that she would be attending a University of California Regents meeting on Thursday and would not be able to attend the Board meeting. She reported on her visits to schools in Europe with members of the TIMSS organization and commented on the need for a longer school year and more teachers in California.

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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Resignation of Chief Counsel Rae Belisle

President Hastings announced that this was the last meeting at which Ms. Belisle would represent the State Board as chief counsel. He publicly thanked Ms. Belisle for being a great teacher about the law and about how government works. Mr. Nuñez commented that he relies on Ms. Belisle to be creative, to think outside the box. He thanked her for her support. Mrs. Joseph acknowledged the vital role that Ms. Belisle has played and quipped that she would miss Ms. Belisle’s expertise so much that she had asked the Los Angeles USD to provide her with a “red phone” to contact Ms. Belisle. Ms. Tacheny commented that she has never seen a person who does more work in a day and that she admires Ms. Belisle’s work ethic, breadth of knowledge, and problem-solving skills. Mr. Brandsma remarked that during his brief time as executive director, he has appreciated her straight-ahead approach and the extent of her knowledge. Mr. Fisher said that Ms. Belisle’s common sense is exquisite.

Ms. Belisle thanked everyone for the kind words. Ms. Belisle said that it has been a privilege to work for the State Board. She remarked that we have done good work. She expressed her appreciation for the work of the Department staff. Noting that they had not always agreed on issues, she stated that she respected the Superintendent’s work on behalf of children and she wished the Superintendent well in her

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future endeavors. Ms. Belisle also expressed her respect for the Board members she had worked with over the last five years.

President Hastings announced an open house in honor of Ms. Belisle on Thursday, right after the State Board meeting, and invited the audience to attend.

Board Officers Election Procedures

President Hastings outlined the procedure for election of officers. Nominations are made for Board officers in December, and the election takes place in January. Prior to the December meeting, letters of nomination, including self-nominations, can be submitted to the executive director. At the December meeting, nominations (including self-nominations) are taken from the floor and do not require a second. Nominations can still be made at the January meeting, but they require a second.

President Hastings asked for a report from the Screening Committee, which had met in the morning.

(Item 1 continues below.)

ITEM A	Screening Committee: Review of Applications and Selection of Applicants to be Interviewed: Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
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Mr. Nunez reported that the Screening Committee had directed staff to schedule interviews with six applicants during the lunch break of the State Board meeting on Wednesday, December 11, 2002.

No action by the full State Board was necessary.

(Also See Item A above.)

ITEM B	2003-04 State Board of Education Student Member: Interview of Six Candidates and Selection of Three Finalists.	INFORMATION ACTION
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Mr. Nuñez reported that the Screening Committee and Mr. Abernethy and Ms. Lee had interviewed six outstanding students and had selected three to recommend Governor Davis. He noted that the action by the full Board is needed before the names can be forwarded to Governor Davis.

- ACTION: Mr. Jenkins moved, on behalf of the Screening Committee (augmented by Mr. Abernethy and Ms. Lee), that the State Board ratify the committee's selection of the following students to be the three finalists recommended by the State Board to the Governor (in the order shown) for appointment consideration as the 2003-04 Student Member on the State Board of Education:
 - Brent Godfrey, Irvine, California, Irvine High School
 - Aakanksha Mehta, Apple Valley, California, Granite Hills High School
 - Martha Alvarez, Lompoc, California, Lompoc Senior High School

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Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Ms. Lee was not present when the vote was taken.

(Also see Item B above.)

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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The following individual addressed the Board:
Jacki Fox Ruby, California Federation of Teachers

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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(Continued from above.)

Request for Letter of Condolence

Mrs. Joseph announced the passing of Henry Alder, a truly remarkable person. She noted that Mr. Alder helped develop the mathematics standards, participated in the mathematics adoption, and served for many years on the STAR Mathematics Content Review Panel. Mrs. Joseph asked that a letter of condolence be sent to Mr. Alder's family.

- ACTION: By consensus, the State Board authorized the State Board President to send an appropriate letter of condolence and recognition to the family of Henry Alder, former member of the State Board, distinguished professor of mathematics at the University of California at Davis, and substantial contributor to the California mathematics standards and to the process of selecting California's adopted mathematics instructional materials. Henry Alder passed away November 6, 2002.

East Whittier Instructional Materials Fund Petition

President Hastings reported that East Whittier City School District in its Instructional Materials Fund petition had inadvertently submitted incorrect data indicating student growth in mathematics achievement was higher than it actually was. He noted that the district did have growth at about the same rate as the statewide average. He suggested letting the Board's action in June, approval of the petition, stand if there were no objections.

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- ACTION: In the absence of objection, Mr. Hastings announced that the State Board accepted the request of the East Whittier City School District that the State Board's action to approve the district's Instructional Materials Fund petition (taken at the June 2002 meeting) not be calendared for further consideration.

ITEM 3	Standardized Testing and Reporting (STAR) Program: Presentation on Sub-Group Performance.	INFORMATION ACTION
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Phil Spears, Standards and Assessment Division, presented information on STAR test subgroup performance. He displayed numerous charts on the test results, including the percentages of students scoring at or above the 50th percentile in second and fifth grades on mathematics and English-language arts tests. He commented that the test results show consistent growth over time.

Mrs. Joseph asked Mr. Spears to explain the data and why the subgroups' growth was higher than the growth for the all students. Mr. Spears explained that the subgroup group's growth is higher than the average for the entire group due to what is called Simpson's paradox. Simpson's paradox refers to the relative impact of subgroups on a body of data. Because each subgroup contributes to the total in proportion to its size, any subgroup with a large number of students will have a greater impact on the total than a subgroup with fewer students.

Mr. Spears commented that even as California's student population changes, we are seeing growth. Mr. Spears said that although the data indicate a gap remains between different racial and ethnic subgroups' performances, it is encouraging that subgroups are improving.

Mr. Fisher asked what growth other states have reported. Mr. Spears replied that he did not have that information available at today's meeting. President Hastings commented that not enough states use the same tests as California to make a meaningful comparison. He noted the National Assessment of Educational Progress (NAEP) is the best way to obtain a national comparison.

President Hastings commented on the data for second grade students. He remarked that we are seeing remarkable improvement in the elementary schools. He drew the Board's attention to the increase in the percentage of students who scored at or above the 50th percentile in math. In 1998, only 27 percent of African American students were at or above the 50th percentile in math and now 48 percent are. Latino/Hispanic students had similar improvement. In 1998, 27 percent scored at or above the 50th percentile in math. In 2002, 51 percent scored at or above the 50th percentile in math.

President Hastings stated that we are seeing actual achievement gain in grades two through seven and this is real learning improvement. Mrs. Joseph commented that it is clear that in high school, and in some cases middle school, students have not had the benefit of a standards-based foundation.

President Hastings thanked Mr. Spears for his informative presentation and suggested the information be shared with the Legislature.

No action was taken on this item.

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ITEM 4	Reading/Language Arts/English Language Development (RLA/ELD) Adoption of 2002, Alternate Format – Spanish.	INFORMATION
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President Hastings noted that this item was for information only. The Department staff is informing the Board that the review of the alternative format has been completed. President Hastings stated that these alternative formats are the appropriate materials for use in classrooms with Proposition 227 waiver programs. He thanked Sherry Griffith, Curriculum Frameworks and Instructional Resources Division (CFIR), and her staff for their work on this review.

The following individual addressed the Board:
Martha Zaragoza Diaz, Californians Together Coalition

President Hastings thanked Curriculum Commission Chair Sue Stickel for her contribution to the review of these materials. Ms. Stickel advised that the publishers anticipate the materials will be available in December 2002. Mrs. Joseph recognized Ms. Stickel for her leadership on the Curriculum Commission and thanked her for consistently working to keep this review on track. Ms. Stickel commented that the CFIR staff and the reviewers did a tremendous job.

No action was taken on this information only item.

ITEM 5	Implementation of Assembly Bill 1781 (Hertzberg), Chapter 802, Statutes of 2002: Instructional Materials Funding Realignment Program (IMFRP).	INFORMATION ACTION
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This item was postponed to the Thursday session. (See minutes for Thursday, November 14, 2002.)

ITEM 6	Standardized Testing and Reporting (STAR) Program: Testing Policies for English Learners.	INFORMATION ACTION
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Deputy Superintendent Paul Warren reviewed the Department’s recommendations on testing policies for English learners, which include alternative flexible settings, access to translation glossaries, and extended time on the California Standards Test (CST). Mr. Warren stated that the Department looked at the extended time accommodation and glossary use on the norm-referenced test (NRT). He reported that ETS has told the Department staff that it does not believe allowing extended testing time affects the interpretation of test scores. ETS also has reported that there is not a lot of research on the use of glossaries by English learners and recommended caution. Mr. Warren stated that the Department suggests using glossaries for mathematics, history-social science, and science tests, but not for English-language arts tests. Mr. Warren noted that more research on the use of glossaries is needed.

The following individuals addressed the Board:
Martha Zaragoza Diaz, Californians Together Coalition
Don Bridge, California Teachers Association

President Hastings recapped the Department’s recommendation to administer the CAT 6 test as untimed tests in addition to the CSTs, which already are untimed.

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- ACTION: Ms. Tacheny moved that the State Board take action to authorize that, commencing with the 2003 administration, the STAR Program tests (CAT/6 and CST) be administered to students without an arbitrary time limit, subject to necessary and appropriate controls to ensure test security, similar to California High School Exit Examination. The motion was made with the understanding that the publisher of the CAT/6 did not believe administration of the test absent time constraints would adversely impact the validity of the results in relationship to the test's national norms. Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Ms. Lee was not present when the vote was taken. [Subsequently, President Hastings announced that additional information had been received from the publisher of the CAT/6 clarifying the publisher's position on the issue of time constraints on the validity of the results in relationship to the test's national norms. He indicated that this matter would need further consideration at the next State Board meeting and that this action should be regarded as provisional until that additional consideration had taken place.]

President Hastings stated that the use of a glossary for tests other than the English-language arts test is one question and the use of a glossary for the English-language arts test is another. He asked if the Board wanted additional information regarding the use of glossaries for the English-language arts test.

Mrs. Joseph remarked that we need additional information, especially about the constructs of the test. President Hastings noted that the testing expert panel recommended the use of glossaries. Mr. Nuñez commented that for him the issue is what is being tested. If we have evidence from other states, it would be helpful for the discussion about glossary use on English-language arts tests.

Ms. Tacheny raised concerns about the incorrect use of terminology. The correct term is not accommodations for English learners. The correct term is alterations for English learners.

Mrs. Joseph pointed out that a large part of mathematics and science instruction is the academic language of the discipline. This is such an important concept. The State Board really needs to address the message about teaching the vocabulary that is specific a subject, its academic language.

President Hastings noted that the use of glossaries is a temporary alteration to help students access the tests and asked the Department to return with additional information regarding the use of glossaries. Mr. Fisher asked what other states are doing, including those states that do not allow glossary use during their tests. Mr. Warren explained that not a lot of research exists on the use of glossaries.

Mr. Warren discussed the Department's recommendation for offering flexible settings and flexible scheduling as alterations for English learners. President Hastings asked why allowing flexible settings would be beneficial to English learners. Mrs. Ichinaga commented that a good school administrator knows what is the best setting for students. She noted that some English learners might need to read the test out loud and would benefit from a flexible setting.

Mr. Spears stated that he thinks we need to send the message to the field that they have flexibility for settings in which the test is administered. As a point of information, Ms. Belisle noted that the test

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administration manual does not require specific settings for the test. Schools can, and do, test in different settings. President Hasting commented that there needs to be a clear connection between English learners and the proposed alterations. Mr. Warren noted that a delay in the decision on the use of a glossary will not allow the alterations to be part of the 2003 test administration.

In response to a speaker's comments, President Hastings asked about the legislative requirements for testing students who have just enrolled in a California school. Ms. Belisle responded that state statute requires that every student take the test no matter how long the student has been in the school. Mrs. Ichinaga noted that the test results of students new to the school are not included in the calculation of the API. Mrs. Joseph reported that the content review panels are very concerned about getting the instructions simplified and have focused on this task during the last several reviews of test items. Mrs. Ichinaga remarked that schools do not need more rules; common sense is what is needed.

ITEM 7	Standardized Testing and Reporting (STAR) Program: 2003 STAR Report Package.	INFORMATION ACTION
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Mr. Spears presented the 2003 STAR Report Package. He noted that the parent report is the same as that presented last month and work has begun to improve the report for 2004. Mr. Spears noted that there is a revised teacher report and that rationales have been added to the school reports. Educational Testing Services (ETS) convened groups of teachers and administrators where a great deal of input was received on the teacher report and changes were made based on that input.

Mr. Spears asked for State Board approval of the parent and school reports and for State Board input on the new draft of the report for the teachers. The new draft of the teacher report includes classroom level information and comparisons to school, district, and state level performance. Mr. Spears noted that there are no current descriptions of what the performance levels mean, though there is a section for this information in the report. One message the Department received from the teachers was that they did not want a multiple-sheet report.

President Hastings asked if most teachers know what instructional materials are adopted for their grade level and whether it would be useful to include that information on the report. Mrs. Joseph expressed that she would very much like to have the instructional materials from the most recent adoptions on the report and asked The Grow Network representative, Jennifer Luria, if that was possible. Ms. Luria replied it is possible for the grade level and subject area of test.

Mr. Nuñez commented that the move to provide these reports is a useful effort and thanked Ms. Tacheny for her efforts to ensure the development of a report for teachers. He stated that he was concerned about using reports for diagnosis and compared the report to *Cliffs Notes* because it just gives an overview. It is important that teachers know about other reports, especially student reports. Ms. Luria replied that is why information about the student reports is included on the report for teachers and information on other reports is also provided.

Ms. Tacheny stated that she would like to be sure that teachers are comfortable with the classroom-level reporting and she requested input from teacher groups for the next Board meeting. Ms. Tacheny commented that the comparison between students in the class and proficient students statewide is a

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brilliant addition. Mr. Hill noted that the comparison to proficient students may not be that useful and there may be another method to compare student test performance, but the rest of the report is fantastic. Mr. Spears stated that the Department needs to be clear and guarded in its message about this report and its purpose. Ms. Belisle noted that currently teachers only get a copy of the student report and there has been no report specifically designed for teachers.

President Hastings asked that the State Board members provide their comments to the Department staff today or tomorrow so that the changes could be made before the December meeting when the report for teachers would be back before the Board. Mrs. Ichinaga expressed concern that the report contains wordy sentences and should be simplified.

- ACTION: Ms. Tacheny moved that the State Board approve the 2003 basic STAR Program Report Package as recommended by CDE staff. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Ms. Lee was not present when the vote was taken.

The following individual addressed the Board:

Marilyn Langlois, California Coalition for Authentic Reform in Education

In response to Ms. Langlois' comments, President Hastings noted that frequent assessment, for example, using assessments in the newly adopted materials, is a much better diagnostic tool than the STAR test results.

ITEM 8	Standardized Testing and Reporting (STAR) Program: Release of 10 Percent of Contract Costs for CTB/McGraw Hill.	INFORMATION ACTION
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Mr. Spears reported that the contract with CTB/McGraw-Hill contract is nearing the end of this testing cycle and there is nothing that precludes the full payment of the 10 percent withhold. The Department anticipates requesting the State Board's approval of this payment at the December meeting.

No action was taken on this item.

ITEM 9	Standardized Testing and Reporting (STAR) Program: Partial Release of 10 Percent of Contract Costs for Harcourt Educational Measurement (HEM).	INFORMATION ACTION
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Mr. Spears noted that this item is similar to the previous item, but the situation is a little bit different. Of the items of the list in the agenda, only one issue is remaining at this time. Harcourt Educational Measurement (Harcourt) has responded to the Department suggestions.

President Hastings acknowledged Harcourt's incredible five-year partnership. Harcourt has been a real asset to the California's assessment system. President Hastings thanked the Department for guarding the taxpayers' dollar, for doing its job in monitoring the contract. He stated that at the State Board level,

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we are conscious of the work Harcourt has done for us. He asked that the Department work with Harcourt to resolve this remaining problem.

The following individual addressed the Board:
Darlene Hart, Harcourt Educational Measurement

President Hastings informed the Board that this issue would be back before the Board in December.

No action was taken on this item.

ITEM 10	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Receive 2003 Accommodations and Modifications for Testing Students with Disabilities.	INFORMATION ACTION
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Mr. Spears outlined the two issues in this item: the matrix for accommodations and modifications for special education students and out-of-level testing. He noted that there should have been double asterisks on the chart for category three modifications for the California High School Exit Exam (CAHSEE) to reference the waiver policy on CAHSEE. Mr. Spears recommended that the Individual Education Plan (IEP) teams be clearly informed that out-of-level testing will not lead to passing the CAHSEE.

The following individuals addressed the Board:
Andrea Ball, Long Beach Unified School District
Lisa Ramer, Association of California School Administrators

President Hastings asked for comments on out-of-level testing from the Board.

Ms. Belisle commented that the Individuals with Disabilities Education Act (IDEA) is currently being reauthorized. She added that there is a natural conflict between the IDEA and the No Child Left Behind (NCLB) Act. She suggested looking at out-of-level testing after the IDEA is reauthorized and we have more information about the interplay of IDEA and NCLB. Mrs. Joseph mentioned that the out-of-level testing would be on both the normed-reference test (NRT) and the California Standards Test (CST).

Superintendent Eastin expressed her view that because special education students are so varied it might be better to err on the side of giving them more of a chance to do well on a test. Mr. Spears informed the Board that now there is the California Alternative Performance Assessment, which is appropriate for use with a small number of special education students.

President Hastings observed that the conservative step and the Department's recommendation is Option 1, and the more aggressive step is Option 2. Mr. Fisher suggested setting a date to end out-of-level testing within the next two years. President Hastings said that he would suggest Option 1, with a policy review in two years. Mr. Fisher again stated his opinion that the two-year date for the elimination of out-of-level testing should be set now. Mr. Nuñez expressed concern over what would need to be done for IDEA compliance and urged caution in making policy decisions without knowing what requirements will be in the reauthorized IDEA.

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Mrs. Joseph said that it is important to tie all the parts of the education system together. For students who are below grade level and are in the fourth grade or a higher grade, those student need to be in an intervention program. Just stopping out-of-level testing will not solve the problem of students who have not received proper instruction.

Ms. Tacheny stated that what makes her support Option 1 is the strong recommendation from the testing experts panel that the IEP teams must be clear that out-of-level testing puts students at risk of not passing the CAHSEE.

- MAIN MOTION MADE: Mr. Nuñez moved that the State Board approve Option 1 related to out-of-level testing (under which out-of-level testing is allowed subject to specified limitations). Ms. Tacheny seconded the motion.
- AMENDMENT TO MAIN MOTION APPROVED: Mr. Fisher moved that the main motion be amended to provide that Option 1 would be in place only for the 2003 and 2004 STAR administrations and that, thereafter (the 2005 STAR administration and beyond), Option 2 (under which out-of-level testing is not allowed) would be in place. Mrs. Joseph seconded the motion to amend the main motion. The motion to amend was approved by a vote of 6-2. Mr. Hastings and Mr. Nuñez voted against the motion. In addition to the absent member, Ms. Lee was not present when the vote was taken.

Superintendent Eastin remarked that all the special education students could not be expected to be up to grade level within two years, especially the English learner students.

Mr. Nuñez added he hopes that when this issue comes up again, we will be in compliance with the IDEA.

- ACTION: The amended main motion – Option 1 to be in place for the 2003 and 2004 STAR administrations and, thereafter (the 2005 STAR administration and beyond), Option 2 to be in place – was approved by a vote of 6-2. Mr. Hastings and Mr. Nuñez voted against the motion. In addition to the absent member, Ms. Lee was not present when the vote was taken.
- ACTION: Ms Tacheny moved that the State Board approve the Accommodations/Modifications Matrix for California state assessments as recommended by CDE staff. Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Ms. Lee was not present when the vote was taken.

ITEM 11	Golden State Examination (GSE): Including, but not limited to, GSE Contract Update.	INFORMATION ACTION
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Mr. Spears announced that NCS Pearson was awarded the contract for the Golden State Exam (GSE) because NCS Pearson was the lowest qualified bidder. Mr. Spears then introduced Richard Young, Program Manager, NCS Pearson. Mr. Spears informed the Board that ACT would be the subcontractor doing the test development.

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Ms. Tacheny commented that this test has been a moving target. The Board's policy is to reduce testing time. The GSE will be used by California State University (CSU) for placement purposes. Because the GSE is blended with the California Standards Tests (CST) and there are two contractors for these tests, the content review panels (CRPs) are the key to this work. She added that she would like to look at the GSE in light of higher standards and whether some tests could be eliminated. Mrs. Joseph pointed out that the timeline is very short. The GSE is the blend and the augmentation of the CST, so the CST CRPs need to be contacted immediately. They have a lot of advice on the shape and form of items.

No action was taken on this item.

ITEM 12	California English Language Development Test (CELDT): Including, but not limited to, CELDT Contract Update.	INFORMATION ACTION
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Mr. Spears reported that CTB/McGraw-Hill (CTB) has been awarded the contract for the California English Language Development Test. CTB has been the contractor on this test for a number of years.

No action was taken on this item.

ITEM 13	California English Language Development Test (CELDT): Title 5 Regulations.	INFORMATION ACTION
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Mark Fetler, Standards and Assessment Division, presented the proposed amendment to the CELDT regulations, including the shift in the timing of the apportionment.

- ACTION: Mr. Nuñez moved that the State Board approve the Notice of Proposed Rulemaking for regulations related to the California English Language Development Test as recommended by CDE staff, including any technical adjustments to the notice as may be necessary. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Ms. Lee was not present when the vote was taken.

President Hastings announced that Items 16, 17 and 18 would be taken up now at the request of staff and that Items 14 and 15 would be heard after the Board acts on those items.

ITEM 16	Implementation of the AB 466 Mathematics and Reading Professional Development Program (Chapter 737, Statutes of 2001): Including, but not Limited to, Approval of Training Providers and Training Curricula.	INFORMATION ACTION
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ITEM 17	Approval of Local Educational Agencies (LEAs) funding for AB 75, The Principal Training Program.	ACTION
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ITEM 18	Approval of Training Providers for AB 75, The Principal Training Program.	ACTION
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President Hastings suggested that Items 16, 17, and 18 be acted on as a group of proposed consent items.

- ACTION: Mr. Nuñez moved that the State Board approve the staff recommendations for Items 16, 17, and 18. Ms. Tacheney seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Ms. Lee was not present when the vote was taken.

ITEM 14	Expenditure plan to support implementation of state sanctions for schools designated as low performing per Assembly Bill 312 (Chapter 1020, Statutes of 2002).	INFORMATION ACTION
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This item was withdrawn. It was determined that there was no statutory requirement for action by the State Board.

ITEM 15	Determination of Cohort I Immediate Intervention/Underperforming Schools (II/USP) demonstrating significant growth on 2002 Growth API results and designation of state-monitored schools as subject to sanctions.	INFORMATION ACTION
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Mr. Whitmore noted the agenda item includes a list of schools that achieved significant growth and are eligible to receive a third year of funding. The statute is very clear on this, so no Board action is necessary.

Mr. Whitmore stated that the focus of this item is the schools that are not making growth. The Department recommendation on the 22 schools it identifies as not meeting growth requirements is the assignment of a School Assistance and Intervention Team (SAIT) to each of the schools.

Mr. Whitmore acknowledged the hard work of Wendy Harris and Laura Wagner and her team. He reported on behalf of Holly Covin, who could not be here today, that the Public Schools Accountability Act (PSAA) Advisory Committee also recommends the use of SAITs.

Superintendent Eastin commented that when the PSAA was passed and the Immediate Intervention/Underperforming Schools Program (II/USP) was created, the Department argued to include only the lowest decile schools. Superintendent Eastin noted that the list of schools Mr. Whitmore referred to includes schools that are performing well, especially when compared to similar schools. These schools are on the list because it is the law. Other states have varying levels of intervention depending on the circumstances. These schools deserve a review, even if the only outcome is to report they are on the right track. Superintendent Eastin encouraged the State Board to take the path recommended by Department staff.

President Hastings thanked the Department staff for the data on the II/USP schools. He noted that the statewide and similar schools decile data were from 2001. He remarked that 2001 data are 18 months old. Ms. Wagner replied that the statewide and similar schools deciles would not be available for 2002 until after January 2003.

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President Hastings said that at this point, the Academic Performance Index (API) is not fully released. The deciles and statewide and similar schools rankings do not come out until January. President Hastings stated that the clock does not begin ticking the full API data are released.

Superintendent Eastin said that the Department would continue to work with the Board on the shared goal of helping schools to succeed.

The following individuals addressed the Board:

Jean Fuller, superintendent, Bakersfield Unified School District

Justo Robles, California Teacher Association

Dottie Leveque, Ontario-Montclair Unified School District

President Hastings commented that we are all frustrated by low performing schools and want to do something for the students attending these schools. Among the things to consider in discussions about how to help low-performing schools is the data. Some of these schools are 5/10 schools that should be models, ought to be blue ribbon schools. When a school is performing well demographically, it may not have constant growth. We must consider what it means to intervene in a school that is performing relatively well. There is a need to act, but on the other hand, when we do act, it is important that the action is credible.

President Hastings stated that the Department has done a great job of being ready for the assignment of sanctions. Mr. Fisher asked what criteria were used to select these schools. President Hastings explained that the schools voluntarily entered into II/USP and received additional funding in return for promising growth. He added that these schools already are cut off from receiving the additional money.

President Hastings noted that the Legislature had changed the law in this area. The new law, Senate Bill 1310 (Chapter 1035, Statutes of 2002), will take effect in January 2003 with new timelines. Mr. Nuñez stated that he thinks it is a good idea to wait until all of the data are available. We are shining a light on these schools, and the districts are focusing on these schools. Superintendent Eastin remarked that if the 2002 test scores go down, the schools' deciles will not improve. She stated that the Department has no intention of going into schools that are on the right track and disrupting that work.

Mrs. Ichinaga commented that with the limited resources available to the state, we should only be intervening in Decile 1 and 2 schools. Superintendent Eastin replied that the Department is recommending action in keeping with the law. Ms. Tacheny stated that she wants this Board to challenge the lowest-performing schools and these are not those schools. One issue is how to measure success. There are a lot of pieces that the Board needs to understand fully before taking any action.

President Hastings noted that no motion was necessary on this item. The State Board wants to work with the Department to come up with appropriate action and comply with the law, but no action is required until the API is fully reported.

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- o The determination of schools making significant growth and, thus, qualifying to receive an additional year of funding, were considered to be self-executing determinations that did not require specific action by the State Board.

No action was taken on this item.

Adjournment of Day's Session: President Hasting adjourned the day's session at 5:34 p.m.