

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

Wednesday, January 8, 2003

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  
Susan Hammer  
Nancy Ichinaga  
Marion Joseph  
Stephanie H. Lee  
Suzanne Tacheny

**Members Absent**

Vacancy  
Vacancy

**Secretary and Executive Officer**

Jack O'Connell, State Superintendent of Public Instruction

**Principal Staff**

Gavin Payne, Chief Deputy Superintendent, California Department of Education  
Susan Ronnback, Chief Policy Advisor to the State Superintendent of Public Instruction  
Kris Kuzmich, Liaison to the State Board, California Department of Education  
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  
Karen Steentofte, Chief Counsel, State Board of Education  
Deborah Franklin, 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

**Call to Order**

President Hastings called the meeting to order at 9:06 a.m.

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

**Salute to the Flag**

Ms. Lee led the Board, staff, and audience in the Pledge of Allegiance.

**Approval of Minutes** (December 2002 Meeting)

- ACTION: Mr. Abernethy moved that the State Board approve the minutes of the December 2002 meeting with minor corrections. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote of the members present. Mr. Fisher, Mrs. Joseph, and Ms. Tacheny were not present when the vote was taken.

**Announcements/Communications**

*Board Members' Resignations and Term Expirations*

President Hastings announced that Carlton Jenkins resigned from the State Board just prior to the January 2003 meeting. President Hastings reported that this would be the last meeting for both Mrs. Joseph and Ms. Hammer as their terms expire on January 15.

President Hastings asked Ms. Hammer for her advice after four years of tremendous change in which she played a critical role. Ms. Hammer remarked on the many important reforms that began and were first implemented during her four years on the Board. She commented that it was a privilege to be part of these momentous efforts. She advised the Board to be tough and relentless in support of standards-based education and added it was a pleasure to serve with such an extraordinary group of people whose priority is California's children. Ms. Hammer also congratulated Superintendent O'Connell on his election and wished him well.

President Hastings spoke of the five years Mrs. Joseph has served on the Board. He stated that he has learned a lot from her and expressed his great gratitude and respect for Mrs. Joseph. Mrs. Joseph acknowledged Rae Belisle, who was with her and the Board when the reforms began. She recalled developing the mathematics standards and the invaluable roles played by past State Board President Bob Trigg and outgoing Curriculum Commission Chair Sue Stickel. She noted that for language arts, science, and mathematics the process was to first develop standards, next to create the frameworks, and then adopt instructional materials aligned to the standards. In history-social science studies, the process was different. The framework was written in large part by Diane Ravitch, and it was so good that the standards were built on it.

Mrs. Joseph acknowledged the Board members she has served with and their roles, which contributed to the important work of the Board, including Mr. Abernethy for his efforts in science and Ms. Hammer for her championing of the arts. She stated that children are not yet where they ought to be in reading and the instructional materials adoptions remain critical to efforts to improve reading. The standards were adopted for all children; to help all children master the standards, we must continue to develop a system to support learning for every student. The English-language arts/English language development adoption is remarkable in that context. Mrs. Joseph reminded everyone she is not going away; she did this work prior to being a Board member and will continue to do this work.

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

Ms. Hammer acknowledged and thanked the State Board staff and the Department staff for the excellent work she has seen over the last four years.

*Changes to the Meeting Agenda*

President Hastings announced the following changes to the agenda:

- Senator John Vasconcellos and Assembly Member Jackie Goldberg are expected to join the meeting at 10:30 a.m. and would be given the floor when they arrive.
- At the request of Superintendent O'Connell, Item 19 has been moved forward from Thursday morning to this morning and will be part of the Superintendent's Report.
- The ceremonies honoring the Senate Youth Delegates and the California Teachers of the Year will begin at approximately 11:15 and other agenda items may be heard out of order to accommodate the ceremonies.
- Waivers W-1 and W-7 have been withdrawn from the agenda.
- The Board would adjourn by 11:00 a.m. on Thursday.

**Report of the Superintendent**

President Hastings welcomed Superintendent O'Connell to his first Board meeting as State Superintendent. President Hastings stated that there is no equal to Superintendent O'Connell and he is very excited to be working with him over the next four years.

Superintendent O'Connell expressed his excitement about the opportunity to serve as State Superintendent of Public Instruction. He commented that we will all need to work together and that he is very confident that we will. He noted that we have the same interests, the same goals, and the same clients—the six million students in California's schools. There will be a new partnership between the Department staff and the Board staff, a new partnership with the Legislature, a new partnership with the Governor, and a new partnership with the counties and school districts. The State Board has adopted world-class standards and a world-class accountability and assessment system. We have work to do on many issues, including more qualified teachers and school facilities.

Superintendent O'Connell thanked the State Board for making suggestions for his leadership staff. He remarked that he is very excited that his first-string choices have agreed to serve in key leadership positions.

Superintendent O'Connell introduced his leadership staff:

Gavin Payne, Chief Deputy Superintendent

Sue Stickel, Deputy Superintendent, Curriculum and Instruction

Susie Lange, Deputy Superintendent, Finance and Administration

Geno Flores, Deputy Superintendent, Assessment and Accountability

Susan Ronnback, Chief Policy Advisor

Terri Burns, Assistant Superintendent of Governmental Affairs

Rick Miller, Communications Director

Kris Kuzmich, Liaison to the State Board

Jim DeBoo, Gina Neves, Cindy Cunningham, Michelle Zumot, and Cathy Boyce

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

Superintendent O’Connell stated that he looks forward to working collaboratively on education issues and the reforms the State Board has started.

ITEM 19	Appointment of one deputy and three associate superintendents (exempt positions) in accordance with Article IX, Section 2.1, of the Constitution of the State of California.	ACTION
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President Hastings called forward Mr. Payne, Ms. Ronnback, Mr. Flores, and Ms. Burns and asked each individually if they had read and agreed to Policy #2. All responded that they had and did.

- ACTION: Upon the recommendation of State Superintendent of Public Instruction O’Connell, Mr. Abernethy moved that the State Board appoint the following individuals to the positions noted: Gavin Payne, Chief Deputy Superintendent of Public Instruction; Susan Ronnback, Chief Policy Advisory to the Superintendent of Public Instruction; Geno Flores, Deputy Superintendent for Assessment and Accountability, California Department of Education; and Teri Burns, Associate Superintendent for Government Affairs, California Department of Education. The motion recognized that each individual acknowledged and expressed voluntary acceptance of the provisions of State Board Policy No. 2. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote.

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; nomination of State Board officers; 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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**Election of State Board Officers for 2003**

President Hasting informed the audience that Superintendent O’Connell would preside over the meeting during the election of officers.

Superintendent O’Connell announced that at the December 2002 meeting, Mr. Hastings had been nominated for State Board President and Mr. Nuñez for Vice President. He called for additional nominations. Seeing none, he then closed the nominations and asked for a motion to elect the 2003 officers.

- ACTION: Ms. Hammer moved that the State Board elect Mr. Hastings to the Office of President for 2003 and elect Mr. Nuñez to the Office of Vice President for 2003. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote.

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

**Liaison Assignments**

President Hastings announced that Ms. Tacheny would be the Board’s new liaison for the *No Child Left Behind* Act (NCLB) and that he would be the new liaison for assessment. Mrs. Joseph had previously held both of these liaison assignments.

**Appointment of Karen Steentofte**

President Hastings announced that Governor Davis appointed Karen Steentofte to serve as Chief Counsel to the Board. Ms. Steentofte, who joined the State Board staff in May 2002 as a consultant, has worked for many years in education in both the public and the private sectors, including working for the Department of Finance and the Department of Education. The Board is lucky to have someone with her experience and knowledge as its Chief Counsel.

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 for this item.

ITEM 3	No Child Left Behind (NCLB) Accountability Plan.	INFORMATION ACTION
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Bill Padia, Policy and Evaluation Division, stated that the Board was being asked to make a number of decisions today related to the state’s accountability plan under NCLB. He noted that over the last several months, he has brought to the Board information about these NCLB issues and the Board has had much discussion on them. Today, he would present the Department’s recommendations on issues that must be decided for the state to complete the NCLB accountability workbook. He added that the AB 312 NCLB Liaison Team (Liaison Team) has also discussed these issues and has recommendations on many of them. Mr. Padia informed the Board that its representatives to the Liaison Team, Rae Belisle and Chuck Weis, Chair of the Liaison Team, would be joining him in the discussion today.

**Definition of Adequate Yearly Progress.**

Mr. Padia asked the Board to first consider the definition of adequate yearly progress (AYP). He reported on discussions with the U.S. Department of Education (USDE) and the reasons for the California Department of Education’s recommendation that Option 3 be adopted as the state’s definition of AYP.

Mr. Weis reported on the Liaison Team meeting and the difficult discussion regarding the options for defining adequate yearly progress. He informed the Board that the Liaison Team had voted seven to five for Option 4. Under this option, the Liaison Team also voted to include two additional subgroups in the calculation of a school’s achievement (English learners and special education students), to set a target goal of 800 on the Academic Performance Index (API) for all subgroups and schools, and to report math and reading-language arts achievement separately.

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

President Hastings remarked that Option 4 is a system referred to as compensatory or averaging. He noted that NCLB by philosophy, by name, and by law requires each child to be proficient in reading and math. President Hastings advised that in the many conversations with the USDE and his own conversation with Undersecretary Hickok, it was clear that there was no way the Option 4 definition would be approved by the USDE. Submitting that definition would result in the loss of months of funding for the state. Option 3 will keep the federal money flowing into California. President Hastings stated that Option 4 is not compliant with the law or the regulations. Mr. Weis commented that the Liaison Team had wanted to keep our API system and still meet the federal requirements and trying to achieve both was the reason for the split vote on which option to recommend. President Hastings raised the point that another advantage of Option 3 is that it does not materially change the API.

Mr. Nuñez expressed his frustration with the process the federal government has followed, including the late and sometimes contradictory guidelines and the lack of opportunity to negotiate and argue for what has been a successful accountability system. He said that Option 4 as presented now is not our API.

Ms. Tacheny cited her pride in California's API and pointed out that Option 3 does not compromise the API. She drew the Board's attention to the much-improved "Classification Matrix" for Option 3. Ms. Tacheny pointed out that if Option 4 is submitted, we will get a rejection decision and have to begin all over again. This resubmission process would take several months, during which schools will be uncertain about funding. She commented that we cannot find a single school in California that has all the students at the proficient level and she does not think there is such a school in the entire nation.

Superintendent O'Connell commented that Option 3 will provide information that will help us improve schools and urged the Board to support Option 3. Mrs. Joseph said that she thinks it will take some effort to explain Option 3, just as we had to explain the API. Mr. Nuñez noted that regarding the consequences for Program Improvement schools, the Board has some very serious work to do to ensure the effectiveness of the supplemental educational services for which districts must pay. Ms. Tacheny said that the critical link between the API and the AYP is the classification matrix, which she would include in the motion to approve Option 3.

The following individual addressed the Board:

Dick Bray, Association for California School Administrators

- ACTION: Ms. Tacheny moved that the State Board approve Option 3 for responding to differences between California's current Academic Performance Index (API) system and the requirements of the No Child Left Behind (NCLB) Act for reporting Adequate Yearly Progress (AYP), in keeping with the recommendation of CDE staff. In effect, Option 3 maintains the API in its current form and provides for a separate reporting of AYP. The motion also incorporated approval of the "Classification Matrix" for NCLB as presented in the agenda item under Option 3. The motion recognized that minor technical adjustments in the recommendations presented by staff in the agenda item may be necessary in the actual implementation of Option 3 and the Classification Matrix, and provided that such technical adjustments may be made with the

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

approval of the Executive Director of the State Board. Mrs. Joseph seconded the motion. The motion was approved by a vote of 8-1. Mr. Nuñez voted against the motion.

After the vote on the motion, Mr. Abernethy asked that the record reflect that he had voted for Option 3 with regret.

President Hastings asked Mr. Weis and Ms. Belisle to convey the Board's respect for the Liaison Team's recommendation but that concerns about federal funding and the compensatory nature of Option 4 made Option 3 the best choice.

**Adoption of the California High School Exit Exam (CAHSEE) as the core knowledge assessment in English/language arts and mathematics at the high school level.**

Mr. Padia presented the Department's recommendation to use the CAHSEE as the core knowledge test at the high school level. Mr. Weis reported that the Liaison Team supported the Department's recommendation in a vote of 12 to one.

- ACTION: Mr. Nuñez moved that the State Board adopt the California High School Exit Examination (CAHSEE) as the core knowledge test for grades 10-12 for NCLB purposes, in keeping with the recommendation of CDE staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote.

**Accountability for schools with fewer students than the minimum subgroup size.**

Mr. Padia briefly explained the Department's recommendation to roll up into the district accountability measure the test scores of schools that lack enough test scores to be considered valid and reliable for accountability decisions. Mr. Weis noted that the Liaison Team unanimously supported the Department's recommendation.

- ACTION: Mr. Nuñez moved that the State Board approve rolling the Standardized Testing and Reporting (STAR) Program scores of certain types of schools into a district accountability measure, in keeping with the recommendation of CDE staff. These types of schools include (1) schools without STAR scores (e.g., K-1 schools); (2) schools with fewer students enrolled than the minimum subgroup size; and (3) schools with fewer students than the minimum subgroup size enrolled in the school for a full academic year (e.g., because of student mobility). Ms. Hammer seconded the motion. The motion was approved by unanimous vote.

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

**Maintenance of the Alternative Schools Accountability Model (ASAM) as the accountability mechanism under NCLB for schools that serve students for less than a full academic year.**

Mr. Padia informed that Board that in earlier drafts of the NCLB regulations, alternative accountability models were allowed. In the final regulations, those provisions were eliminated. The issue before the Board is whether to retain the ASAM that was created under the Public Schools Accountability Act. He presented the Department's recommendation to treat the ASAM schools in the same manner as other public schools and include them in the statewide accountability system. Mr. Weis reported that the Liaison Team voted unanimously to support the Department's recommendation.

- ACTION: Mrs. Joseph moved that the State Board approve treating Alternative Schools Accountability Model (ASAM) schools in the same manner as all other public schools and be included in the single statewide accountability system, in keeping with the recommendation of CDE staff. Ms. Hammer seconded the motion. The motion was approved by unanimous vote.

**Modification of current mobility exclusion from district to school to match new NCLB requirements.**

Mr. Padia commented that the NCLB definition is stricter than our current definition for the API. Under the NCLB, more students are excluded at the school level than under Senate Bill 1310, which increased the number of students that would be included in a school's API. He explained the Department's recommendation to conform the mobility definition for the API to the requirements of NCLB.

President Hastings summarized that students enrolled in a school in October would count at the school level. Students enrolled at a school after October, after the California Basic Educational Data System (CBEDS) reporting date, would count at the district level. Mr. Weis advised that the Liaison Team supported the Department's recommendation and did so unanimously. Ms. Belisle remarked that the USDE has changed its definition of mobility a number of times over the last several years.

- ACTION: Mr. Fisher moved that the State Board approve changing the student mobility definition for the API to parallel the new requirements of the NCLB, in keeping with the recommendation of CDE staff. Ms. Tacheney seconded the motion. The motion was approved by unanimous vote.

**Addition of two new NCLB required subgroups (i.e., students with disabilities and English learners) to California's accountability system.**

Mr. Padia noted that the Department recommends including these two subgroups in the API, but has no recommendation at this time on the definition of English learners. Mr. Weis reported that the Liaison Team supports the Department's recommendation.

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



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

- ACTION: Mr. Nuñez moved that the State Board approve the adding of two new subgroups (English learners and students with disabilities) to the API to parallel the requirements of the NCLB, in keeping with recommendation of CDE staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote.

**Use of the CAHSEE as a proxy for the high school graduation rate calculator as the required “other indicator” for AYP under NCLB.**

Mr. Padia explained that there is some flexibility under NCLB for states to calculate the high school graduation rate if the method of calculation is chosen to more accurately represent the state’s graduation rate. The Department is recommending that the combined passing rates on the CAHSEE serve as a proxy for the high school graduation rate. Mr. Weis noted that in unanimously supporting the Department’s recommendation, the Liaison Team added a statement that the proxy would be used only until the California School Information System (CSIS) is in place.

Mr. Fisher asked for and received clarification that the cut scores for passing the CAHSEE would not be changed by Board action on the recommendation.

- ACTION: Mr. Fisher moved that the State Board approve using the combined pass rates (for reading/language arts and mathematics) on the CAHSEE as a proxy for a high school graduation rate until such time as the California School Information System (CSIS) provides for the tracking of all students’ progress through high school, in keeping with the combined recommendations of CDE staff and the NCLB Liaison Team. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote.

**Increase the required participation rate for high schools from 90 percent to 95 percent and approval of a 95 percent participation rate requirement for all numerically significant subgroups.**

Mr. Padia stated that the Department’s recommendation is to increase the required participation rate (the percent of students tested) to the 95 percent participation rate required under NCLB. He mentioned that there is no recommendation for, and discussion is needed on, a policy regarding parental opt-outs and how the participation rate is calculated in light of these parental waivers. Mr. Weis reported that the Liaison Team’s vote on this issue was 12 in support of the Department’s recommendation and one abstention. Ms. Belisle suggested starting with the current regulations on participation rate as the default position and negotiating with the USDE from that starting point.

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

- ACTION: Mr. Abernethy moved that the State Board approve increasing the overall STAR participation rate for high schools from 90 percent to 95 percent and approve requiring a 95 percent participation rate for all numerically significant subgroups, in keeping with the recommendations of CDE staff. The motion recognized the existence of issues surrounding the

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

participation rate calculation that will be addressed in future actions. Mrs. Joseph seconded the motion. The motion was approved by unanimous vote.

**Determination of minimum subgroup size for accountability.**

Mr. Padia reminded the Board that the minimum subgroup size under the API is 100 students or 30 students if they represent at least 15 percent of the student population. Department staff discussed this option with the USDE and was told that no other state has a conjoint measure and approval of its use is highly unlikely. Mr. Weis informed the Board that the Liaison Team spent a considerable amount of time discussing this issue and that several motions were made and failed. In the end, the Liaison Team voted to recommend that the minimum subgroup size be 50 students and 15 percent of the student population and that 100 students form a subgroup even if it is not 15 percent of the student population. There were 12 votes for and one abstention on this recommendation. Ms. Belisle noted that with the 15 percent threshold, special education students might not be included as a subgroup in most schools. Mr. Padia stated that the Department has revised its previous recommendation and now supports the Liaison Team's recommendation.

- ACTION: Mr. Nuñez moved that the State Board approve the setting of minimum subgroup size as no less than 50 students and 15 percent of students, provided that 100 students form a subgroup even if not 15 percent of students, in keeping with the recommendation of the NCLB Liaison Team. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote.

[In the midst of the consideration of this item, Senator John Vasconcellos and Assembly Member Jackie Goldberg arrived to address Item 4. President Hastings temporarily suspended consideration of Item 3 and moved forward to Item 4 to hear their remarks. Discussion and action on Item 3 continued after their comments and the discussion on the issues they raised. See below.]

ITEM 4	No child Left Behind (NCLB) Act, including but not limited to, Update on NCLB and Reading First Implementation.	INFORMATION ACTION
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President Hastings welcomed Senator John Vasconcellos, Chair of the Senate Education Committee, and Assembly Member Jackie Goldberg, Chair of the Assembly Education Committee.

Senator Vasconcellos and Assembly Member Goldberg each addressed the State Board and expressed concern about the eligibility requirements for the Reading First program and the exclusion of some schools under those requirements.

President Hastings summarized the two principles expressed by Senator John Vasconcellos and Assembly Member Jackie Goldberg:

- 1) Any classroom that implements the full state-adopted reading programs should be allowed into the Reading First program

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

- 2) Schools should be allowed to participate in the Reading First program even if they have waived classrooms

Mrs. Joseph remarked that if students are in waived classes but are receiving two and a half hours of instruction in reading-language arts in English in the state-adopted materials, those classes could be in the Reading First program. Assistant Secretary for Education Theresa Garcia clarified that the waived classes using the state-adopted reading-language arts instructional materials are not “counted” as waived classrooms. The issue of participation by schools that have waived classes, those not using the adopted reading-language arts materials, was the subject of much discussion because Reading First is intended to be a school-level reform. She noted that continued funding for participating schools is dependent on improving test scores of all students at the school. Mrs. Joseph asked Ms. Garcia to place the issue of participation by schools with waived classrooms on the next Reading First meeting agenda, which is scheduled for January 24.

Ms. Tacheny concurred with the concerns expressed by Senator Vasconcellos and Assembly Member Goldberg, commenting that California’s unique and unfortunate initiative history has helped to create this problem.

President Hastings stated that the Board will fix the first part, the waived classes in which reading instruction is in the state-adopted instructional material, but the second part about partial school versus whole school must be referred to the Reading First committee out of respect for their work and expertise.

Senator Vasconcellos urged the State Board to work to get all children in the program, not leave some children out. Assembly Member Goldberg recommended that funding decisions such as this be made by formal Board action or by regulation. Assembly Member Goldberg thanked Mrs. Joseph for her years of service and committed to continue working with her in the future.

Superintendent O’Connell stated that the Department would send to the field a clarifying memo regarding eligibility for the Reading First program.

The following individual addressed the Board:  
Francesca Sanchez, Santa Barbara County Office of Education

[Item 4 was continued after the lunch break. See below.]

ITEM 3	No Child Left Behind (NCLB) Accountability Plan.	INFORMATION ACTION
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[Continued from above.]

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

**Methodology for determining district accountability.**

Mr. Padia described the methodology the Department is recommending, which is to roll up the student data from the school level to the district level. Mr. Weis noted that this was a difficult topic for the Liaison Team and that the Liaison Team had agreed not to make a recommendation on this issue.

- ACTION: Mr. Fisher moved that the State Board approve the district accountability measure as consisting of a student roll-up on the same metric as the school, in keeping with the recommendation of CDE staff. Ms. Hammer seconded the motion. The motion was approved by unanimous vote.

**Definition of proficient.**

Mr. Padia informed the Board that the issue of the definition of proficient is really two issues for Board decision. The Board needs to define proficient for grades 2-8 and also for high school. The Department recommends that for grades 2-8, the current proficient level on the California Standards Tests (CSTs) serve as proficient for NCLB purposes. For high school, the CAHSEE scores of 10<sup>th</sup> graders would be the basis for NCLB. The Department recommends a “scaffolding” approach where the performance levels on the CAHSEE would result in a proportion of students at proficient that is equivalent to the proportion at proficient on the CSTs at the same grade. Mr. Weis explained that the Liaison Team had voted nine to three to recommend that proficient for the 10<sup>th</sup> grade be set by “vectoring back” from the passing score on the CAHSEE to the CSTs. Ms. Belisle commented that whatever the method of calculation the Board decides should be used, the calculation of proficient would be done on this year’s full census testing of 10<sup>th</sup> grade students.

President Hastings noted that the Liaison Team’s recommendation is less rigorous than the Department’s recommendation. He stated that NCLB purposefully chose the word “proficient” when setting the goal for all children. The question before the Board is whether using our state’s definition of proficient for the federal AYP definition of proficient is setting too high of a bar.

Mr. Nuñez expressed his support for the Liaison Team’s recommendation to vector back from the passing cut score on the CAHSEE to define proficient for NCLB purposes. Ms. Tacheny commented that if the Board follows the Liaison Team’s recommendation, it would be comparable to setting a goal of what is basic academic performance instead of a goal of proficient performance, which is the goal for all of our students. Ms. Hammer stated that she also wants to set the NCLB proficient level at the current proficient level. President Hastings remarked that we need to think about the wise course for children over the years. It would be confusing to have two definitions of proficient.

The following individuals addressed the Board:

Dick Bray, Association of California School Administrators  
Holly Jacobson, California School Boards Association

In response to a speaker’s comments, President Hastings noted that it makes almost no difference in the simulations whether we set the proficient level for NCLB at the proficient level of the CSTs or lower.

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

- ACTION: Ms. Tacheny moved that the State Board approve, for grades 2 through 8, the “proficient” level on the California Standards Tests (CSTs) as the “proficient” level for NCLB; and approve, for the high school level, the “scaffolding” approach in which the performance levels on the CAHSEE would result in a proportion of students at proficient that is equivalent to the proportion at proficient on the CST at the same grade, in keeping with the recommendations of CDE staff. The motion incorporated the setting of CAHSEE performance levels as necessary to effectuate the scaffolding approach. Any technical determinations necessary to effectuate the actions are to be approved by the Executive Director of the State Board. Ms. Hammer seconded the motion. The motion was approved by a vote of 6-1-1. Mr. Nuñez voted against the motion. Mrs. Ichinaga did not vote on the motion. Mr. Abernethy was not present when the vote was taken.

President Hastings stated that he wanted to make clear there is great concern that no school in California, no school in Beverly Hills, currently meets the NCLB requirement that all students perform at the proficient level.

Mr. Weis reported that the next Liaison Team meeting would be on February 4 and on the Liaison Team’s motion regarding testing of English learners in primary languages. Ms. Belisle noted that the motion had been made at the end of the meeting when not everyone was there and with little time for review and that there was a small error in the language of the motion, which incorrectly cited NCLB language.

ITEM 9	United States Senate Youth Presentation.	INFORMATION
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Superintendent O’Connell introduced California’s United States Senate Youth delegates and alternates. President Hastings and Superintendent O’Connell congratulated and presented certificates of achievement to the students.

The following high school seniors were recognized:  
Naomi Hung, Alternate, Sheldon High School  
Heather Hemingway, Alternate, El Cajon High School  
Edward Duffy, Delegate, Will C. Wood High School  
Eleni Antoniou, Delegate, James Monroe High School.

ITEM 10	California Teachers of the Year (TOY) 2003.	INFORMATION
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Superintendent O’Connell commented that as a former teacher he is delighted to recognize the five 2003 California Teachers of the Year and the two alternates. He noted that three times in the last nine years, a California teacher has been selected National Teacher of the Year. Superintendent O’Connell introduced each honoree. Superintendent O’Connell and President Hastings congratulated the teachers on their achievement.

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

The 2003 California Teachers of the Year are:

- Virginia Avila, Grant High School, Sacramento
- Annie Marie Bergen, Magnolia High School, Oakdale
- Connie Blackburn, Central Elementary School, Escondido
- Chris Mullin, Santa Ynez Valley Union High School, Santa Ynez
- Tamara Thornell, Norman R. Brekke School, Oxnard

The 2003 California Teachers of the Year Alternates are:

- James Jordan, Del Campo High School, Sacramento
- Sharon Roxburgh, Dr. Juliet Thorner School, Bakersfield

**Lunch Break**

President Hastings called for the lunch break at 12:08 p.m. He reconvened the meeting at 1:21 p.m.

ITEM 4	No child Left Behind (NCLB) Act, including but not limited to, Update on NCLB and Reading First Implementation.	INFORMATION ACTION
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[Continued from above.]

Camille Maben, NCLB Coordinator, reported that the accountability workbook is due to the USDE by January 31, 2003. Don Kairott, NCLB Coordinator, reported that additional draft guidance was received from the USDE on school choice, faith-based community organizations, highly qualified teachers, and alternative credentialing routes. He informed the Board that the California Commission on Teacher Credentialing is considering sponsoring legislation to align California’s credentialing requirements to the NCLB.

Mr. Fisher asked if the USDE has provided any guidance for school choice decisions given that under NCLB overcrowding and class size reduction needs are not reasons to deny student transfer requests. Mr. Kairott responded the USDE has not, but the NCLB Liaison Team might provide guidance. President Hastings acknowledged that the Board has not yet addressed this issue in light of the new federal guidelines.

No action was taken on this item.

ITEM 5	Revisions in the 2002 Base Academic Performance Index (API).	INFORMATION ACTION
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Mr. Padia reported that the Department is very close to publishing the 2002 API report. There are a couple of problems to be resolved that may effect the decisions for weighting the norm referenced test (NRT) and CST in the API. Typically, when the tests are changed, there is an equating process. In this case, Education Testing Service (ETS) is using a linking process. Several months ago, even before the full set of data was made available, ETS began a series of data analyses. The conclusion was that there would be a certain amount of instability or “wobble” in the API in the linkage between SAT-9 and CAT 6. This is especially true for science because the NRT is the only test in the API. In addition to the

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

statistical issue, there is a policy issue to be resolved. The CAT 6 tests that the Board decided would be administered are survey tests of approximately 25 items, not full battery tests. The CSTs have 65 to 80 questions. With 25 test items, which are not refreshed each year, there are security concerns about the CAT 6.

Mrs. Joseph expressed concern about receiving information about the proposed revisions to the API at the meeting rather than before the meeting and also whether the survey tests are sufficient to test basic skills. She noted that when the tests were adopted several years ago, the Board wanted the NRTs to test basic skills. Her concern is for the schools around Decile 1 and Decile 2, which do better on the NRTs than on the CSTs. Mr. Padia explained that the large weight of NRT creates more instability in the API than if the NRT was weighted less. Mrs. Joseph commented that for several years the Department recommended using the shorter survey forms of the NRT.

Ms. Tacheny said that she shares Mrs. Joseph's concern that this proposal is coming to the Board as a last-minute item without much time for review. Six months ago, the Board made a decision on the weighting of the API. Since then the Board has chosen survey forms of the NRT, which resulted in dropping a basic skills component that should be added back in next year. Another concern is there is a vendor out there selling test preparation materials for the survey test. The vendor is promoting the test prep materials as a way for schools to increase their NRT scores, which the vendor claims is the best way for schools to increase their API. This is not the message the Board wants to send.

Ms. Tacheny stated that she thinks the Board should lower the weight of the NRT science test in high school and would like a "tweener" for the elementary and middle school NRT weight. During the next six months a picture should be developed of what the API will look like in the end. Ms. Tacheny also asked for a decision calendar that includes both assessment and accountability policy decisions. It seems that otherwise when the Board makes a decision in one area, it unravels a decision in the other area.

Ms. Hammer asked why the 12 percent NRT weight was suggested for elementary and middle schools. Mr. Padia replied that it was the suggestion of the Public School Accountability Act (PSAA) Technical Design Group.

Mr. Fisher wondered if the Board would be better off going one year without the NRT in the API and putting the NRT back in when CAT 6 two-year comparisons are available. President Hastings noted that if the NRT were only 12 percent of the API, it would mean that it would not materially affect the API.

Holly Jacobson, Co-Chair of the PSAA Advisory Committee, advised that the PSAA group has not had a chance to review this proposal; however, the PSAA Advisory Committee has always said that stability in the API is the ultimate goal.

The following individual addressed the Board:  
Doug McRae

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

Mrs. Joseph commented that she had assumed that the equating process was what the Board had decided would happen and asked if there was any data or simulations on the impact of this change on lower decile schools and whether the effect on those schools was different than higher decile schools. Mr. Padia replied that he did not have such data. He noted that by breaking down below basic into two categories—below basic and far below basic—the lower decile schools can exhibit growth.

President Hastings asked if there was any data or research on the difference in the difficulty of NRT and CST items. Phil Spears, Standards and Assessment Division, responded there is correlation between student performance on the NRT and the CST.

- **ACTION:** Ms. Tacheny moved that the State Board approve revision of the API Indicator Weights for high schools (grades 9-11), in keeping with the recommendations of CDE staff (i.e., reduction of Norm Referenced Test (NRT) to 12 percent and increasing the CST to 73 percent, while maintaining the CAHSEE at 15 percent). The motion recognized this revision as a temporary measure pending incorporation of the results of the science CSTs into the API. Mr. Nuñez seconded the motion. The motion passed by a vote of 6-3. Mr. Abernethy, Mr. Fisher, and Mrs. Ichinaga voted against the motion.

Mr. Fisher commented that he would still prefer the equating process. President Hastings asked for an explanation on why the equating process was not used. Mr. Spears responded that the reasons for not going with the equating process were costs and logistics. Mr. Padia said that he would guess that equating would not reduce the instability that much.

Ms. Tacheny suggested that for elementary and middle schools, the Board set a weight of 80 percent for the CSTs and 20 percent for the NRTs. Her caveats to that suggestion would be to add the basic skills reading-language arts component back into the STAR next year, have staff develop an end picture of the API, and improve the process for assessment and accountability decision making.

- **MOTION FAILS:** Ms. Tacheny moved that the State Board (1) approve revision of the API Indicator Weights for elementary and middle schools (grades 2-8) such that the NRT would constitute 20 percent and the CSTs would constitute 80 percent, with the subweighting of NRT and CST components to be established by staff in proportion to the subweighting recommendations made by CDE staff; (2) express a commitment to better planning and coordination in the future between changes in STAR tests and the effect of the changes on the API and, toward that end, request that CDE staff present information to the State Board on the eventually composition (“end picture”) of the API; and (3) request that CDE staff present information to the State Board as soon as possible regarding the costs and feasibility of including the NRT component on basic reading skills (e.g., word attack skills) in the 2004 (and thereafter) STAR administration. Mrs. Joseph seconded the motion. The motion failed passage by a vote of 5-3-1. Mr. Abernethy, Mr. Fisher, and Mrs. Ichinaga voted against the motion. Ms. Lee did not vote on the motion.

Mrs. Joseph stated we have got to get this straight next time and she hoped that the history of this decision-making is not lost if, and when, another test is selected in several years. Mr. Fisher asked



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

about the cost of equating the tests. Mr. Spears replied that he could not estimate the costs for testing 10,000 students and noted that time is also an issue. President Hastings estimated retesting for equating would cost maybe between \$50 and \$200 per child. Assuming an average of \$100 that would be about a million dollars.

- **RECONSIDERATION APPROVED:** Following further discussion, Ms. Lee moved that the State Board reconsider the motion that failed passage. Ms. Tacheny seconded the motion to reconsider. The motion to reconsider was approved by unanimous vote.
- **ACTION:** The motion to reconsider having been approved, the State Board again had before it the motion to (1) approve revision of the API Indicator Weights for elementary and middle schools (grades 2-8) such that the NRT would constitute 20 percent and the CSTs would constitute 80 percent, with the subweighting of NRT and CST components to be established by staff in proportion to the subweighting recommendations made by CDE staff; (2) express a commitment to better planning and coordination in the future between changes in STAR tests and the effect of the changes on the API and, toward that end, request that CDE staff present information to the State Board on the eventually composition (“end picture”) of the API; and (3) request that CDE staff present information to the State Board as soon as possible regarding the costs and feasibility of including the NRT component on basic reading skills (e.g., word attack skills) in the 2004 (and thereafter) STAR administration. The motion was approved by unanimous vote.

ITEM 6	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Approval of Performance Standards (Levels) for the California Integrated Science Standards Tests.	INFORMATION ACTION
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Mr. Spears explained that the proposed performance standards (levels) reflect the same high achievement goals for students taking the integrated science tests as the students taking the traditional subject matter tests.

- **ACTION:** Mr. Nuñez moved that the State Board approve the holding of regional public hearings on the proposed performance standards (levels) for the California Standards Tests in Integrated Science. The intent was expressed that two regional public hearings (South/Inland Empire Region and Bay Area/Coastal Region) be held by designated staff between the January and February State Board meetings with the third (and final) regional public hearing (North/Central Valley/Sierra Region) being held in conjunction with the February State Board meeting in Sacramento. Due to the state’s fiscal crisis, the South/Inland Empire and Bay Area/Coastal Regional Public Hearings may be held by teleconference. Ms. Tacheny seconded the motion. The motion was approved by a vote of 6-1. Mr. Abernethy voted against the motion. Mrs. Joseph was not present when the vote was taken. Ms. Hammer did not participate in the consideration or vote on this item, exercising “an abundance of caution” with respect to a potential conflict of interest in regard to her position with the Synopsis Foundation.

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

ITEM 7	California High School Exit Examination (CAHSEE): Including, but not limited to, CAHSEE Program Update.	INFORMATION ACTION
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Mr. Spears reported there were no outstanding issues to be decided today. He provided a brief update on the CAHSEE, including the training for districts on promoting student success. He noted that high schools have been identified that have higher passing rates than similar schools and these schools have shared with other schools the programs that they believe have helped their success rate. This spring, there will be a tenth-grade census administration of the test in which all tenth graders would be tested. He said that the Department is working on the problem of schools over-ordering tests, as well as dealing with districts that administered the test to the class of 2005 on the wrong test administration date. He reminded the Board that in May HumRRO would present its AB 1609 report to the Board and reported that data collection surveys for the report had been completed. Mr. Spears commented that there is anecdotal evidence that the CAHSEE is a powerful force for high school reform.

Superintendent O’Connell inquired about the status of the student workbooks for the CAHSEE. Mr. Spears responded that the workbooks are currently in the development stage with availability anticipated in the spring.

No action was taken on this item.

ITEM 8	California English Language Development Test (CELDT): Including, but not limited to, CELDT Program Update.	INFORMATION ACTION
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Mr. Spears reported that the CELDT test redesign would be brought before the Board in the next few months. Since July 1, 2002, 1.5 million tests have been scored and the results of the full test administration will be reported to the Board in February 2003. Last year, the Board took action to reduce both the administrative burden and testing time. Those changes were implemented for the 2002 test administration. Mr. Spears noted that by July the Department will have a new test with all state-owned items.

Mrs. Joseph commented that there have been a lot of good changes in the test and asked how much the testing time had been reduced. Mr. Spears estimated that overall there was a 35-40 minutes reduction in testing and scoring time.

Ms. Tacheny requested an item on the Golden State Exams at the February or March Board meeting.

No action was taken on this item

ITEM 11	Draft Evaluation Criteria for K-8 History-Social Science Adoption of Instructional Materials.	INFORMATION ACTION
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Curriculum Commission Past Chair Sue Stickel presented an overview of the evaluation criteria noting that even though the Board must take action by March 2003, the publishers would benefit if the Board acts earlier. She remarked that it is anticipated that the next adoption will result in additional history-

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

social science instructional materials from which schools may choose. Ms. Stickel expressed appreciation for the opportunity to serve on the Curriculum Commission for the last five years.

Karen Yamamoto, History-Social Science Subject Matter Chair, provided more detailed information on the evaluation criteria and noted that the proposed changes from Mrs. Joseph would improve the criteria.

Ms. Hammer stated that she was pleased to see the issues raised by the Jewish Community Relations Council were addressed in the proposed changes.

Mrs. Joseph complimented the Curriculum Commission on the good work it did in developing the criteria. She commented that the linkage of the history-social science content standards with the English-language arts standards, which began during the 2002 reading adoption, continues with this evaluation criterion.

- ACTION: Mrs. Joseph moved that the State Board approve the evaluation criteria for the K-8 History-Social Science Adoption to be held in 2005 with the modifications presented and discussed at the meeting. The revised criteria (reflecting incorporation of the modifications) are to be approved by the Executive Director of the State Board. Ms. Hammer seconded the motion. The motion was approved by unanimous vote.

ITEM 12	High Priority Schools Grant Program Implementation Grant Awards.	INFORMATION ACTION
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Wendy Harris, School Improvement Division, asked the Board to approve the grant application and action plan for Fremont Senior High School.

- ACTION: Ms. Hammer moved that the State Board approve the application and action plan submitted by Fremont Senior High School located in the Oakland Unified School District, in keeping with the recommendation of CDE staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 13	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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Ms. Franklin recommended Board approval of the training provider and training curriculum listed in the agenda materials. She noted this would be the first provider approved for high school reading program.

- ACTION: Mrs. Joseph moved that the State Board approve the one training provider and training curriculum presented in the agenda item, in keeping with the recommendation of State Board staff. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote.

ITEM 14	Approval of Local Educational Agencies (LEAs) and Consortia	INFORMATION
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FINAL MINUTES  
State Board of Education  
January 8-9, 2003

	applications for funding under AB 75, The Principal Training Program.	ACTION
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Bill Vasey, Professional Development and Curriculum Support Division, requested Board approval of the local education agencies' (LEAs) funding applications. He noted that with this approval, 486 LEAs have requested funding for approximately two-thirds of the site administrators.

- ACTION: Ms. Hammer moved that the State Board approve the funding of local education agencies and consortia as presented in the agenda item with the understanding that actual funding amounts will be determined by CDE staff pursuant to the provisions of AB 75. Ms. Lee seconded the motion. The motion was approved by unanimous vote.
- o Consensus support was again expressed for additional opportunities to be offered for evaluation of training providers. Superintendent O'Connell was encouraged to give this matter priority consideration in evaluating the CDE's internal budget situation.

**Adjournment Of Day's Session:** President Hastings informed the audience that the Board would meet in Closed Session on Thursday morning at 8:00 a.m. for approximately 30 minutes. He adjourned the day's session at 3:22 p.m.