

FINAL MINUTES  
State Board of Education  
December 11-12, 2002

Thursday, December 12, 2002

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

**Members Present**

Joe Nuñez, Vice President  
Robert J. Abernethy  
Susan Hammer  
Nancy Ichinaga  
Marion Joseph  
Stephanie H. Lee  
Suzanne Tacheny

**Members Absent**

Reed Hastings, President  
Donald Fisher  
Carlton J. Jenkins  
Vacancy

**Closed Session**

The State Board met in Closed Session from 8:40 a.m. to 8:55 a.m.

**Call to Order**

Vice President Nuñez called the meeting to order at 9:05 a.m.

**Salute to the Flag**

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

**Closed Session Report**

Vice President Nuñez reported that in the Closed Session just completed, the State Board considered *Ocean View School District, et al. v SBE, et al.* No action was taken.

**Announcements/Communications**

Vice President Nuñez announced that the Board members are hosting a gathering for Superintendent Eastin in the Board office conference room after the Board meeting adjourns and that staff and the audience are invited to attend.

Vice President Nuñez announced the following changes in the agenda:

- Item 26, Monitoring and Evaluation of Supplemental Educational Services Providers, was withdrawn
- Item 27, the NCLB Local Educational Agency Plan, was withdrawn
- Items 28 and 29, related to the formation of the Dixie-Terra Linda USD, have been postponed

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- Item 34, the charter school facilities disputes regulations, was withdrawn

**Special Presentation for Ada Schloeman**

The State Board recognized and commended (on the occasion of her retirement) Ada Schloeman for her 45 years of service in the California Department of Education, including eight years' service as Executive Assistant to State Superintendent Delaine Eastin. Vice President Nuñez commented that Mrs. Schloeman had started working for the Department in 1957 and has ably assisted six superintendents. Vice President Nuñez presented a plaque from the Board. (The Board and the audience gave Mrs. Schloeman a standing ovation.)

**Special Presentation for State Superintendent of Public Instruction Eastin**

The State Board recognized and commended Superintendent Eastin for her eight years of service, a time of exceptional challenge and remarkable achievement. Vice President Nuñez read a plaque and resolution from the State Board recognizing numerous achievements during Superintendent Eastin's tenure. (The Board and the audience gave Superintendent Eastin a standing ovation.)

Following the presentation, the State Board members expressed their appreciation for Superintendent Eastin' eight years of service to California public education, acknowledged the reforms instituted during her tenure, and recognized her as a passionate spokesperson for public education.

Vice President Nuñez invited the audience to come forward. The following individuals expressed their appreciation for Superintendent Eastin:

Silvia DeRuvo, California Association of Resource Specialists and Special Education Teachers

Brian Bennett

Martha Diaz, California Association for Bilingual Education

Chuck Weis, California County Superintendent's Association

Holly Jacobson, California School Boards Association

Judy Hart, California Teachers Association

Lynn Wilen, on behalf of small school districts.

Superintendent Eastin commented that things were a bit messy eight years ago when she assumed the office of the Superintendent. The Reading Task Force had ideas—like professional development—that some people thought were crazy. There were a short supply of textbooks, out-of-date books in classrooms and school libraries, no statewide assessment system, and no standards. The efforts of many people have resulted in more money for textbooks, state-adopted academic standards, statewide assessment, and higher pay for teachers—all important reforms. During the last eight years, three California teachers have been selected as the National Teacher of the Year—we have world-class teachers in this state.

Superintendent Eastin stated that she is proud California schools have art, nutrition education, and gardens, as well as math, science, reading, and history-social science. It is important to have faith in our kids—these are great kids and they believe we will do the right thing. It is our sacred duty to work for excellent education for all students. In closing, Superintendent Eastin thanked the Department staff, noting that some of the best individuals she has ever worked with are in this Department.

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ITEM 18	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 19	Gifted and Talented Education Funding.	ACTION
ITEM 20	California School Information Services (CSIS) Data Dictionary Version 4.1.	ACTION
ITEM 33	2002-03 (and beyond) determination of funding requests from charter schools pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2.	ACTION

Vice President Nuñez informed the Board that Items 18, 19, 20, and 33 were proposed consent items and asked for a motion from the Board.

- ACTION: Ms. Hammer moved that the State Board approve the actions recommended in the proposed consent agenda items – Items 18, 19, 20, and 33. Ms. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 21	Approval of 2002-2003 Consolidated Applications.	ACTION
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Keric Ashley, Consolidated Programs Accountability Unit, informed the Board that there were three consolidated applications before the Board today for approval.

The following individual addressed the Board:

Dave Page, District Advisory Council, San Diego Unified School District

Ms. Hammer asked for a response from the Department regarding Mr. Page’s concerns. Mr. Ashley explained that the consolidated application before the Board today does not lack signatures. It does not require a signature from the District Advisory Council (DAC) because no funds from Economic Impact Aid are going to compensatory education. The district’s English Learner Advisory Council (DELAC) was in transition when the consolidated application was submitted. He reminded the Board that *Education Code* does not require signatures from the advisory councils, only the opportunity for advisory councils to provide input. Mrs. Joseph asked if there was any evidence that the district was providing compensatory education services. Mr. Ashley responded he had no personal knowledge of how the district is funding or providing these services.

Vice President Nuñez asked for Board discussion with regard to delaying action on the consolidated applications. Mr. Ashley explained that the district has 60 days to respond to the complaint filed by the DAC. He noted that the Department is currently reviewing the district’s response to a complaint from previous years.

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Mrs. Joseph expressed concern about whether the district is providing services in an equitable manner.

- MOTION FAILS: Ms. Hammer moved that the State Board grant regular approval to the 2002-2003 Consolidated Applications from Liberty Family Academy, Live Oak Charter, and San Diego Unified School District, as recommended by CDE staff. Ms. Tacheny seconded the motion. The motion failed passage by a vote of 5-0-2. Mrs. Ichinaga and Ms. Lee did not vote on the motion.

Ms. Hammer asked for a staff report on the progress of the San Diego Unified School District complaint.

Ms. Tacheny pointed out there are two schools besides the San Diego USD whose consolidated applications were recommended for approval and suggested that the Board act on those applications.

- ACTION: Ms. Tacheny moved that the State Board grant regular approval to the 2002-2003 Consolidated Applications from Liberty Family Academy and Live Oak Charter, as recommended by CDE staff. Mrs. Joseph seconded the motion. The motion was approved by unanimous vote of the members present.

Mr. Ashley advised the Board that the Department is unlikely to have information to bring to the Board before March 2003. Mrs. Ichinaga stressed the importance of parental participation and approval, noting that this issue has been ongoing for three years. The district needs to get “buy in” from the parents. Superintendent Eastin expressed her great respect for the process, but noted it is very difficult to achieve unanimity. The district’s student achievement is improving, and the district has momentum for improvement.

ITEM 22	Legislative Update: Including, but not limited, information on committee appointments and legislation.	INFORMATION
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Erika Hoffman, Government Affairs Office, drew the Board’s attention to the materials in the agenda, including the member roster and a brief summary of some of the education bills introduced to date. Ms. Hoffman summarized the Governor’s education spending reduction proposal and adjustments, which would result in a budget savings of \$10.2 billion over the next two years. Proposition 98 funds are proposed to be reduced by 3.7 percent. For K-12, that is a reduction of \$1.51 billion. The Governor is proposing some flexibility between various program funds. There are also reversions of prior years savings.

Mr. Abernethy asked for additional information on Senate Bill 6. Ms. Hoffman reported that SB 6 would implement some aspects of the Education Master Plan. The bill calls for specific appointments to the State Board, which are intended to reflect the diversity of the state. The bill would change the governance structure and the roles of the State Superintendent and the State Board, and also calls for a cabinet level position of Chief Education Officer.

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Superintendent Eastin stated that there is much in the Master Plan she embraces; however, the governance piece does not address the root of the problem. It would make a bad situation worse. Superintendent Eastin expressed her opposition to SB 6 and her belief that the Education Coalition organizations would also oppose it. The public wants an elected superintendent.

- ACTION: Mr. Abernethy moved that State Board empower the State Board President (or, in his absence, the State Board Vice President) to appoint an ad hoc committee of members to study and bring back recommendations for consideration by the full State Board regarding Senate Bill 6 (Alpert). Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present.

Teri Burns, Government Affairs Branch, reported on the Legislature’s special session, during which no action was taken. She added that the budget reductions will affect local assistance funding and the State Board’s budget and will reduce assistance for childcare services for former welfare recipients who are now working.

Superintendent Eastin noted that the biggest item in a district’s budget is personnel—primarily teachers’ salaries. Many districts increased salaries based on projected funds and will find it difficult, if not impossible, to eliminate teachers midyear.

ITEM 23	No Child Left Behind (NCLB) Act, Including, but not limited to, Update on NCLB and Reading First Implementation.	INFORMATION ACTION
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Camille Maben, Senior Advisor to the State Superintendent, reported that the Department staff has spent much time preparing for the meetings of the AB 312 NCLB Liaison Team and on Persistently Dangerous Schools, which will be discussed under Item 25. She informed the Board that the final Title I regulations had been released on December 2 and they clarified some ambiguities. She reported that the Commission on Teacher Credentialing (CTC) has been reviewing teacher-credentialing issues and the Department and Board staffs continue to meet frequently to work on NCLB implementation.

The following individual addressed the Board:  
Martha Diaz, California Association for Bilingual Education (CABE)

No action was taken on this item.

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ITEM 24	Reading First Implementation--Technical Assistance Centers.	INFORMATION ACTION
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Ms. Steentofte briefly described the Reading First Program Technical Assistance Plan for central and regional technical assistance to help LEAs apply for funding for these activities and implement the program.

- ACTION: Mrs. Joseph moved that the State Board approve the technical assistance plan for Reading First implementation as presented by State Board staff. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent members, Ms. Tacheny was not present when the vote was taken.

Mrs. Joseph acknowledged the remarkable job both Ms. Steentofte and the Department staff have done on Reading First. She noted that California was the eighth state to be approved for these funds.

ITEM 25	No Child Left Behind (NCLB): Title IX, Persistently Dangerous Schools.	INFORMATION ACTION
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Wade Brynelson, Learning Support and Partnerships Division, reported that the statewide advisory committee was reconvened to discuss the process for identifying Persistently Dangerous Schools in light of the USDE rejection of the state's proposal to begin data collection in 2002-03 and thus not identify Persistently Dangerous Schools for three years. The decision was made to retain the definition and use data from 2002-03 and the two previous years to meet the NCLB requirement to identify Persistently Dangerous Schools by the beginning of the 2003-04 school year.

No action was taken on this item.

ITEM 4	Testing Policies for English Learners.	INFORMATION ACTION
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Mr. Abernethy stated that he wished to make a motion for reconsideration of the Board's action the previous day. [See minutes for Wednesday, December 11, 2002.]

- MOTION TO RECONSIDER APPROVED: Mr. Abernethy moved that the State Board reconsider the motion that failed passage at the preceding day's meeting regarding testing accommodations for English learners. Ms. Hammer seconded the motion. The motion was approved by unanimous vote of the members present.
- ACTION: The motion to reconsider having been successful, the motion that failed passage the preceding day was brought back before the State Board for vote. The motion was as follows:  

Recognizing that CDE staff had proposed that the Sate Board authorize accommodations for English learners related to extended time and the use of

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glossaries, subject to specified conditions, and recognizing that the State Board had determined that accommodations for specific groups of students (and not universally available) had to be authorized by regulation, that the State Board direct staff to commence the development of regulations pertaining to accommodations for English learners as proposed by CDE staff, with those draft regulations being brought before the State Board as soon as possible for purposes of beginning the formal rulemaking process, following discussion with the incoming State Superintendent.

The motion was approved by a vote of 6-1. Mr. Abernethy voted against the motion.

ITEM 26	Monitoring and Evaluation of Supplemental Educational Services Providers for No Child Left Behind Act of 2001.	INFORMATION ACTION
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This item was withdrawn.

ITEM 27	No Child Left Behind Act of 2001-Local Educational Agency Plan.	INFORMATION
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This item was withdrawn.

**CONSENT WAIVERS (WC-1 through WC-8)**

**CARL PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998**

ITEM WC-1	Request by Borrego Springs Unified School District to waive <i>Section 131(d)(1)</i> of the Carl D. Perkins Vocational and Applied Technology Education Act of 1998 (P.L. 105-332). CDSIS-7-10-2002 (Recommended for APPROVAL)	ACTION
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**HIGH SCHOOL EXIT EXAMINATION (special education students)**

ITEM WC-2	Request by Garden Grove Unified School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for three special education students. #046, #047 and #049 CDSIS-4-10-2002 (Recommended for APPROVAL)	ACTION
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ITEM WC-3	Request by Carmel Unified School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for three special education students. #055, #056 and #057 CDSIS-6-10-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-4	Request by Morongo Unified School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student. #058 CDSIS-8-10-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-5	Request by Dublin Unified School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student. #059 CDSIS-9-10-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-6	Request by San Ramon Valley Unified School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student. #060 CDSIS-11-10-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-7	Request by Placer Union School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education students. #061 CDSIS-10-10-2002 (Recommended for APPROVAL)	ACTION

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MILLER UNRUH READING SPECIALIST

ITEM WC-8	Request by Hanford Elementary School District is to waive <i>Education Code</i> Section 52859(b). This request is related to the prohibition of using funds coordinated under the School-Based Coordinated Program (SBCP) to pay for the local share of costs associated with the employment of a Miller-Unruh Reading Specialist. CDSIS-18-10-2002 (Recommended for APPROVAL)	ACTION
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Judy Pinegar, Waiver Office, advised that there were no changes or corrections to the consent waivers.

- ACTION: Mr. Abernethy moved that the State Board approve the requests in Items WC-1 through WC-8. Ms. Hammer seconded the motion. The motion was approved by unanimous vote of the members present.

**PROPOSED CONSENT WAIVERS (W-1, W-2, W-4, and W-5)**

EQUITY LENGTH OF TIME

ITEM W-1	Request by Pioneer Union School District to waive <i>Education Code</i> (EC) Section 37202, the equity length of time requirement for kindergarten students at Grizzly Pines School to allow full for extended day kindergarten. CDSIS-5-10-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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ITEM W-2	Request by Mountain View School District to waive <i>Education Code</i> Section 37202, the equity length of time requirement for kindergarten classes at Twin Lakes Elementary and Parkview Elementary Schools for a pilot program to extend the instructional day by thirty minutes. (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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HIGH SCHOOL EXIT EXAMINATION (special education students)

ITEM W-4	Request by Acalanes Union High School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student. #045 CDSIS-18-9-2002 (Recommended for APPROVAL)	ACTION
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**INSTRUCTIONAL TIME PENALTY**

ITEM W-5	Request by Los Molinos Unified School District to waive <i>Education Code</i> Section 46201(c), the full longer day instructional time penalty for the 2000-2001 school year. CDSIS-3-11-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Ms. Pinegar advised that there were no corrections to the proposed consent waivers; however, the original agenda materials lacked one page related to W-4. Ms. Pinegar distributed the missing page.

- ACTION: Mrs. Joseph moved that the State Board approve the requests in Items W-1, W-2, W-4, and W-5. The motion recognized a correction to the presentation materials for Item W-4. The motion included the conditions recommended by CDE staff for Items W-1, W-2, and W-5. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

**NON-CONSENT WAIVERS (W-3)**

**EQUITY LENGTH OF TIME**

ITEM W-3	Request by Dublin Unified School District to waive <i>Education Code</i> (EC) Section 37202, the equity length of time requirement for third students at Dougherty and Dublin Elementary Schools, to untagger their third grade classes in order that all students in their classes can attend a longer school day (45 minutes per day). CDSIS-14-10-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Ms. Pinegar provided a brief outline of the Dublin Unified School District’s request for an equity length of time waiver. She pointed out that the district still has an early/late schedule, referred to as a staggered schedule, and that there are only a few districts in the state that maintain staggered schedules. Most equity length of time waivers the Board sees are for longer day kindergarten classes. She noted that the district says that it is requesting the waiver to implement a literacy program, but this program appears to be implemented in other schools in the district.

The following individuals addressed the Board:

- Cindy Neuschwander, teacher, Daugherty Elementary School
- John Sugiyama, superintendent, Dublin Unified School District
- Crystal Fisher, 3<sup>rd</sup> grade student, Neilson School
- Brenda Fisher, parent, Neilson School
- Brigit Craig, parent

Mrs. Joseph asked about the time differential involved. Ms. Pinegar responded it is an additional 45 minutes per day, four days a week. Mrs. Joseph then asked about the union contract and how long the bargaining agreement that all teachers at a grade level at a school site had to agree to the non-staggered

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day would remain in place. District Superintendent Sugiyama replied that contract negotiations would begin in late January/early February 2003.

Vice President Nuñez expressed his support for the Department recommendation. This waiver request is a local control issue. The district's students are making progress. Ms. Tacheny stated that she is cautious about waiving the *Education Code*. In this instance, she is troubled by the packaging of the waiver as being about an instructional program when it does not seem to be evident that this is the case. Ms. Hammer agreed that this is a local control issue and noted that these schools are doing very well.

- MOTION FAILS: Ms. Hammer moved that the State Board approve the request in Item W-3 for the period January 1, 2003, to June 30, 2003, with the condition recommended by CDE staff. Mrs. Ichinaga seconded the motion. The motion failed passage by a vote of 4-2-1. Mrs. Joseph and Ms. Tacheny voted against the motion. Mr. Abernethy did not vote on the motion.

Vice President Nuñez directed that the request be returned to the State Board for consideration at the January 2003 meeting unless withdrawn by the district.

ITEM 28	Environmental Effect of Proposed Formation of Dixie-Terra Linda Unified School District from Dixie School District and a Portion of San Rafael City High School District in Marin County.	ACTION PUBLIC HEARING
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This item was postponed to an undetermined future meeting date.

ITEM 29	Proposed Formation of Dixie-Terra Linda Unified School District from Dixie School District and a Portion of San Rafael City High School District in Marin County.	ACTION PUBLIC HEARING
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This item was postponed to an undetermined future meeting date.

ITEM 30	Proposed Additions and Amendments to Title 5, CCR, Regulations Relating to Special Education.	ACTION PUBLIC HEARING
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Alice Parker, Special Education Division, presented this item to the Board. She said that the regulations were drafted to meet federal requirements. She informed the Board that \$900 million federal Part B funding for special education comes into the state. The federal government reauthorization of the Individuals with Disabilities Education Act (IDEA) will most likely result in the need for some additional changes in the regulations.

Janet Canning, Special Education Division, reported on comments received during the 45-day period comment period and the Department's response to those comments.

Vice President Nuñez opened the Public Hearing at 11:55 a.m. and called for comments from the audience.

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The following individuals addressed the Board:

David Patterson, CANEC

Silvia DeRuvo, California Association of Resource Specialists and Special Education Teachers

Vice President Nuñez closed the Public Hearing at 12:04 p.m.

Vice President Nuñez asked Ms. Parker to report on the efforts of the Department staff to discuss the issues Mr. Patterson raised, which the Board had asked the Department staff to do last month. Ms. Parker responded that she had personally had conversations over the last 18 months with Mr. Patterson. She stated that the regulations do conform to the current law. She encouraged the charter school community to attend the meetings of the Advisory Committee on Special Education.

Mrs. Joseph asked if the Board needed to take action now or could it wait until January 2003. Ms. Parker responded that the only impact of not acting at this meeting would be a slowing down of the process for writing the state plan.

Vice President Nuñez asked the Board if there was consensus to put over this item to the January meeting. He directed that the regulations be brought back to the State Board for further consideration at the January 2003 meeting.

ITEM 11	Appointment to the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
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Mrs. Joseph reported that the Screening Committee and Mr. Abernethy had met the previous day to interview six candidates as potential members of the Curriculum Commission. The Committee met briefly this morning, between the end of the Closed Session and the beginning of the Public Session. Three individuals were recommended for appointment: Deborah Keys, Stan Metzberg, and Nancy Aaberg.

Mr. Geeting reported that Ms. Aaberg had past former contractual arrangements with two publishers and would have to waive in perpetuity all future compensation, although these amounts are minimal. He noted that, according to the Board's policies, any motion to appoint Ms. Aaberg would require a finding that the amounts were minimal. Mr. Geeting presented detailed information about the past work and compensation.

- ACTION: In accordance with the recommendation of the Screening Committee (augmented by Mr. Abernethy), Mrs. Ichinaga moved that the State Board appoint Nancy Aaberg, Deborah Keys, and Stan Metzberg to the Curriculum Development and Supplemental Materials Commission for four-year terms commencing January 1, 2003, barring any legal impediment to each individual's appointment, predicated upon each individual's acceptance of the appointment, and taking note of special circumstances regarding Ms. Aaberg's appointment. The motion recognized Ms. Aaberg's disclosure of payments received from Prentice Hall (later subsumed by Pearson Education, Inc.) for work as a contributing author to a publication produced

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approximately 20 years ago, and payments received from College Preparatory Math (CPM) for work as an editor approximately 10 years ago. Both Prentice Hall (Pearson) and CPM are recognized as organizations that either do or are likely to do business with or submit materials or proposals to the Curriculum Commission. Based upon information supplied by Ms. Aaberg, the payments she received from Prentice Hall (Pearson) over the past two years were \$993 (2000) and \$338 (2001); the payments she received from CPM over the past two years were \$1,527 (2000) and \$1,244 (2001). The motion recognized that Ms. Aaberg had indicated that she will waive in perpetuity any present or future payments to be received from Prentice Hall (Pearson) and CPM as of the date she takes the Oath of Office. In accordance with the State Board's Policy titled "Activities that are Inconsistent, Incompatible, or in conflict with Duties of a Member of an Educational Policy Advisory Commission or a Committee, Task Force, or Panel Thereof" (Policy #78-01), the motion incorporated a finding that the "total payment per year" received by Ms. Aaberg from Prentice Hall (Pearson) and CPM "[f]or at least two years prior to membership on the commission...is no more than minimal." Ms. Tacheny seconded the motion. The motion was approved by a vote of 6-1. Ms. Hammer voted against the motion.

ITEM 31	For action: Recommendations from the Superintendent's Advisory Committee for the Public Schools Accountability Act (PSAA) pursuant to the review and approval process for locally adopted pre-posted tests of achievement to serve as additional indicators in the Alternative Schools Accountability Model (ASAM).	ACTION
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Sue Bennett, Educational Options Office, introduced Lynn Wilen, Co-Chair of the Alternative Schools Accountability Model (ASAM) Subcommittee of the Public Schools Accountability Act Advisory Committee, and Stan Rabinowitz, WestEd.

Ms. Wilen reported that the Subcommittee recommended Board approval of the four Level 1 assessment instruments, continued collection of information on Level 2 and 2a instruments, and rejection of Level 3 assessment instruments.

Mr. Rabinowitz reported that WestEd had followed up on the tests that Mrs. Joseph suggested the committee consider.

- ACTION: Mrs. Joseph moved that the State Board (1) approve the four Level 1 assessment instruments for use as additional indicators in the Alternative Schools Accountability Model, (2) direct that information continue to be collected regarding Level 2 and 2a instruments, and (3) reject Level 3 instruments, in accordance with the recommendations of the Alternative Schools Accountability Model Subcommittee of the Public Schools Accountability Act Advisory Committee and CDE staff. Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent members, Mr. Abernethy was not present when the vote was taken.

ITEM 32	For information: Progress report on goal setting for indicators in the Alternative Schools Accountability Model (ASAM).	INFORMATION
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Vice President Nuñez noted that this item was for information only and asked if the Board had any questions. Ms. Wilen commented that goal setting was the key piece of the ASAM.

ITEM 34	Permanent Regulations Relating to Disputes Between School Districts and Charter Schools Regarding Facilities for Charter Schools.	INFORMATION ACTION
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This item was withdrawn.

ITEM 35	Permanent Regulations Regarding Claims for Average Daily Attendance for Pupils Over the Age of 19 by Charter Schools and Charter Granting Entities.	INFORMATION ACTION
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Mr. Geeting stated that the proposed regulations concern the average daily attendance (ADA) for students over the age of 19, which is not defined clearly in statute. The Secretary for Education and the Department of Finance recommend that the Board begin the public rulemaking process.

The following individuals addressed the Board:  
Sunny Schwartz, San Francisco Sheriff's Department  
Siddiq Jihad, San Francisco Sheriff's Department  
Leslie Levitas, San Francisco Sheriff's Department  
Tom Arata, San Francisco Sheriff's Department  
David Patterson, CANEC  
Brian Bennett, Metropolitan Area Assistance Committee Charter School

Mr. Geeting commented that the proposal was not to adopt the regulations but to begin the rulemaking process and eventually hold a public hearing on the proposed regulations.

Ms. Hammer stated that the speakers' arguments are compelling and that she knows many young people earned high school diplomas while in the San Jose Conservation Corps.

- **MOTION FAILS:** Ms. Tacheny moved that the State Board approve the Notice of Proposed Rulemaking with any technical edits or corrections that may be necessary, as recommended by State Board staff. Mrs. Ichinaga seconded the motion. The motion failed passage by a vote of 5-1. Ms. Hammer voted against the motion. In addition to the absent members, Mr. Abernethy was not present when the vote was taken.

Vice President Nuñez directed that this matter be brought back to the State Board at the January 2003 meeting unless otherwise directed by the State Board President.

**Adjournment:** Vice President Nuñez adjourned the meeting at 12:54 p.m.