

LAST MINUTE MEMORANDUM

DATE: March 9, 2004
TO: MEMBERS, STATE BOARD OF EDUCATION
FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch
RE: Item No. 8
SUBJECT: Golden State Seal Merit Diploma: Adopt Proposed Title 5 Regulations

Background

At its January 2004 meeting, the State Board approved commencement of the rulemaking process for adopting proposed Title 5 Regulations for the Golden State Seal Merit Diploma. The public comment notice was published on January 23, 2004 and a public hearing was held on March 9, 2004.

Report on Public Hearing

Consistent with the requirements of the Administrative Procedure Act, the public hearing regarding the proposed amendments was scheduled for Tuesday, March 9, at the California Department of Education, 1430 N Street, Room 1801, Sacramento, California, beginning at 9 a.m. An audiotape of the public hearing was made, and Maryanna Rickner will provide a copy of the audiotape to any State Board member desiring a copy.

The public hearing was called to order at 9 a.m. on the prescribed date and at the prescribed location. No one was present to provide comments at the public hearing. The public hearing was adjourned at 10:03 a.m.

Two comments were received during the public comment period that ended at 5:00 p.m. on Monday, March 8, 2004. The two comments have been summarized and responses provided to the Board in this memorandum.

Summary of Public Comments/Key Issues

A summary of the comments and responses follows.

Staff Recommendation

Recommend that the State Board adopt the regulations with no changes.

Summary and response to comments received during the Initial Notice Period of January 23, 2004 through March 8, 2004, and the Public Hearing, March 9, 2004.

Comment:

The following e-mail was received from Karen Ashim:

I have been reading the proposed changes in the GSE with great interest. I commend the state for using the CST scores for the GSE. As a former testing coordinator for our school, I am very happy to see that the number of test days will be lessened by this change.

However, I do not see in the on-line proposed regulations if students will need to pass specific tests as they did in the past (i.e. US History, a math, a science, a reading or writing). Will there be requirements that state which tests or groups of tests have to be passed? Also, are the optional tests in Economics, Government, and Spanish being eliminated altogether?

Response:

Education Code Section 51451, which cites the qualifications for the Golden State Seal Merit Diploma, has not changed. Students must demonstrate mastery in at least six subject matter areas, four of which shall be mathematics, English language arts, science, and United States history, with the remaining two subject matter areas selected by the student.

AB 1266, Chapter 573, Statutes of 2003, repealed the Golden State Examination (GSE) program. Golden State Examinations, including the examinations in economics, government/civics, and second-year Spanish language, will no longer be given. However, previously earned GSE results may be used to qualify for the Golden State Seal Merit Diploma. The proposed regulations allow students to use GSE results, specified California Standards Test scores, or a combination of the two to qualify for the Golden State Seal Merit Diploma.

Comment:

The following e-mail was received from Karen Ashim:

One of my concerns is that the GSE Spanish will no longer be offered, and as far as I know, there are no CST/STAR tests for Spanish. The ELD population is the group these changes will hurt the most.

Would the state consider using the Advance[d] Placement passing scores for subject test areas to enhance the numbers of students being eligible for the Merit Diploma? This would certainly help our Spanish speakers as well as all other students.

Response:

The Golden State Seal Merit Diploma is intended to recognize students who demonstrate mastery of California's high school curriculum. Both the Golden State Examinations (GSE) and California Standards Tests (CSTs) were developed specifically to measure student achievement of the California Academic Content Standards. Advanced Placement (AP) exams, however, are national examinations that were not developed specifically to be aligned with the California Academic Content Standards. Also, whereas the CSTs are administered to all students, not every school offers AP courses or gives the AP exams, and the exams are voluntary for students at a cost.

Finally, allowing students to use AP scores in addition to CST scores could increase the burden on school districts due to the increased record keeping and tracking that would be required to identify students eligible to receive the merit diploma. The California Department of Education and the State Board of Education are attempting to minimize the burden on students and districts that may accompany testing.

Attachments:

[Attachment 4](#): Final Statement of Reasons (3 Pages)

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

SECTION 876.

The regulations allow the use of specified California Standards Test (CST) scores, in addition to the use of previously earned Golden State Examination (GSE) scores, to qualify for the Golden State Seal Merit Diploma. One comment received requested further clarification on the subject areas required to qualify for the Golden State Diploma. *Education Code* section 51451, which cites the required subject areas, did not change and was not addressed in the regulations.

One comment received requested consideration for using Advanced Placement (AP) exam passing scores as an additional means of qualifying for the Golden State Diploma. However, AP exams were not developed specifically to be aligned to California Academic Content Standards, are not offered at all schools, are voluntary to students at a cost, and would increase the workload on schools and districts.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JANUARY 23, 2004 THROUGH MARCH 8, 2004.

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Response: *Education Code* Section 51451, which cites the qualifications for the Golden State Seal Merit Diploma, has not changed. Students must demonstrate mastery in at least six subject matter areas, four of which shall be mathematics, English language arts, science, and United States history, with the remaining two subject matter areas selected by the student.
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longer be given. However, previously earned GSE results may be used to qualify for the Golden State Seal Merit Diploma. The proposed regulations allow students to use GSE results, specified California Standards Test scores, or a combination of the two to qualify for the Golden State Seal Merit Diploma.

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Response: The Golden State Seal Merit Diploma is intended to recognize students who demonstrate mastery of California's high school curriculum. Both the Golden State Examinations (GSE) and California Standards Tests (CSTs) were developed specifically to measure student achievement of the California Academic Content Standards. Advanced Placement (AP) exams, however, are national exams that were not developed specifically to be aligned with the California Academic Content Standards. Also, whereas the CSTs are administered to all students, not every school offers AP courses or gives the AP exams, and the exams are voluntary for students at a cost. Finally, allowing students to use AP scores in addition to CST scores could increase the burden on school districts due to the increased record keeping and tracking necessary to identify students eligible to receive the merit diploma. The California Department of Education and the State Board of Education are attempting to minimize the burden on students and districts that may accompany testing.

ALTERNATIVES DETERMINATION

The State Board has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

REGULATIONS TO BECOME EFFECTIVE UPON FILING

Education Code section 51452 currently cites the use of Golden State Examination (GSE) results as the means by which students may qualify for the

Golden State Seal Merit Diploma. Budget cuts to the GSE program in spring 2003 reduced the number of Golden State Examinations given from thirteen exams to three exams. AB 1266, Chapter 573, Statutes of 2003 repealed the GSE program. Consequently, without the implementation of the proposed regulations to allow students to use specified California Standards Test scores, seniors graduating in 2004 cannot qualify for the Golden State Seal Merit Diploma. In order for eligible seniors to receive the Golden State Seal Merit Diploma at graduation ceremonies beginning in May, the proposed regulations need to become effective upon filing.