



## JULY 2003 AGENDA

<b>SUBJECT:</b> STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest.	<input checked="" type="checkbox"/> INFORMATION <input checked="" type="checkbox"/> ACTION <input type="checkbox"/> PUBLIC HEARING
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**RECOMMENDATION:**

Consider and take action (as necessary and appropriate) regarding State Board Projects and Priorities, including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest.

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**Summary of Previous State Board of Education Discussion and Action.**

At each regular meeting, the State Board has traditionally had an agenda item under which to address “housekeeping” matters, such as agenda planning, non-closed session litigation updates, non-controversial proclamations and resolutions, bylaw review and revision, and other matters of interest. The State Board has asked that this item be placed appropriately on each agenda.

At the May 2003 meeting, the State Board directed staff to prepare proposed Bylaw changes related to the meeting schedule, the conduct of public hearings, the committee structure, and appointments of liaisons and representatives. At the June 2003 meeting, staff presented proposed Bylaw changes in writing to the State Board and was directed to place the proposed Bylaw changes on the July 2003 meeting agenda.

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**Summary of Key Issue(s).**

N/A

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**Fiscal Analysis (as appropriate).**

N/A

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**Background Information Attached to this Agenda Item.**

State Board Bylaws (as amended April 11, 2001).

[Proposed Revised 2003-04 Calendar.](#)

[Memorandum on Bylaw change regarding meeting schedule and public hearings.](#)

[Memorandum on Bylaw change regarding committees and representatives.](#)

**PROPOSED REVISED 2003-04  
STATE BOARD OF EDUCATION MEETING SCHEDULE**

**2003**

September 10-11  
November 12-13

**2004**

January 7-8  
March 10-11  
May 12-13  
July 7-8  
September 8-9  
November 9-10\*

\*Tuesday-Wednesday meeting due to Veteran's Day Holiday Thursday, November 11.

## CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street; P.O. Box 944272  
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(916) 319-0827  
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June 24, 2003

To: Members of the State Board of Education

From: Staff to the State Board of Education

Subject: Item 1, July 2003 Agenda  
Revisions to State Board Bylaws Regarding Meeting Schedule and Public Hearings

At its May 2003 meeting, the State Board agreed by consensus to explore an every-other-month meeting schedule as a way:

- To become more focused and strategic in the use of meeting time;
- To provide members more time to participate in other education-related activities; and
- To enable greater public access to the complete staff recommendations to the State Board and, thus, to facilitate improved public participation.

The State Board also acknowledged the fact that the Davis Administration has asked boards and commissions to reduce their meeting schedules significantly in order to lessen costs associated with travel, per diem, agenda publication, and the like.

Attached are proposed revisions to the State Board Bylaws designed to accomplish two key objectives:

- To modify the regular meeting schedule so that the State Board will meet six times per year instead of eleven. [Education Code Section 33007 requires that the State Board meet at least six times per year.]
- To provide at the State Board's direction for public hearings to be held by staff instead of before the State Board members. An audiotape recording of each public hearing would be made available to the members, along with a staff summary of comments received at the hearing.

In accordance with Article XIII of the Bylaws, the proposed revisions to the Bylaws were presented in writing at the June 2003 meeting, and they are being presented for adoption at the July 2003 meeting.

Cc: CDE Executive Staff

**PROPOSED AMENDMENTS TO THE STATE BOARD BYLAWS**

**Amend Article V, Section 1, of the State Board Bylaws to read as follows:**

ARTICLE V

Meetings

REGULAR  
MONTHLY  
MEETINGS

Section 1. Generally, regular meetings of the Board shall be held on the Wednesday and Thursday preceding the second Friday of each ~~month from September through July~~ of the following months: July, September, November, January, March, and May. However, in adopting a specific meeting schedule, the Board may deviate from this pattern to accommodate state holidays and special events. Other regularly noticed meetings may be called by the president for any stated purpose.

EC 33007

**Amend Article VII of the State Board Bylaws to read as follows:**

ARTICLE VII

Public Hearings: General

SUBJECT OF A  
PUBLIC  
HEARING

Section 1. (a) The Board may hold a public hearing regarding any matter pending before it after giving the notice required ~~for~~ ~~meetings required~~ by law.

(b) The Board may direct that a public hearing be held before staff of the Department of Education, an advisory commission to the Board, or a standing or ad hoc committee of the Board regarding any matter which is or is likely to be pending before the Board. If the Board directs that a public hearing be held before staff, then an audiotape of the public hearing and a staff-prepared summary of comments received at the public hearing shall be made available to the Board members in advance of the meeting at which action on the pending matter is scheduled.

5 CCR 18460

EC 33031

GC 11125

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Proposed Revisions of Bylaws (Meeting Schedule and Public Hearings)

June 24, 2003

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SPEAKERS

~~Section 2.~~ Persons wishing to address the Board on a subject to be considered at a future meeting, including any matter designated as a public hearing, shall present a written request to the secretary by noon of the third working day before the scheduled hearing at 721 Capitol Mall, Sacramento, California, 95814, stating the subject they wish to address, the organization they represent, if any, and the nature of their testimony.

~~5 CCR 18461  
EC 33031~~

COPIES OF STATEMENTS

~~Section 32.~~ A written copy of the ~~speaker's~~ testimony a person wishes to present at a public hearing is requested, but not required. The written copy may be ~~presented~~ given to the secretary or other appropriate staff in advance of or at the public hearing ~~or to members of the Board at the hearing.~~

TIME LIMITS FOR THE PRESENTATION OF PUBLIC TESTIMONY

~~Section 43.~~ At or before ~~the~~ a public hearing at which oral comments from the public are to be received, the ~~Board president or the chair of a hearing body other than the full Board~~ presiding individual shall (in keeping with any legal limitation or condition that may pertain) determine the total amount of time that will be devoted to hearing such oral comments, and may determine the time to be allotted to each person or to each side of an issue.

~~5 CCR 18463  
EC 33031~~

WAIVER BY PRESIDENT OR CHAIRPERSON PRESIDING INDIVIDUAL

~~Section 54.~~ At any time, upon a showing of good cause, the ~~Board president or chair of the hearing body~~ may ~~waive the above requirements of Sections 2 to 4, inclusive, of this article~~ presiding individual may waive any time limitation established under subdivision 4 of this article.

~~5 CCR 18464  
EC 33031~~

**Amend Article VIII of the State Board Bylaws to read as follows:**

ARTICLE VIII

Public Hearings: School District Reorganization

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SUBMISSION  
OF PROPOSALS  
AND  
PETITIONS

Section 1. A proposal by a county committee on school district organization or other public agency, or a petition for the formation of a new district or the transfer of territory of one district to another shall be submitted to the executive officer of the Board. The executive officer of the Board shall cause the proposal or petition to be:

- reviewed and analyzed by the California Department of Education;
- set for hearing before the Board (or before staff if so directed by the Board) at the earliest practicable date; and
- transmitted together with the report and recommendation of the Department of Education to the Board (or to staff who may be directed by the Board to conduct a hearing) and to such other persons as is required by law not later than ten days before the date of the hearing.

CCR 18570

ARGUMENTS  
BEFORE THE  
BOARD  
PRESENTED AT  
A HEARING:  
ORIGINAL  
SUBMISSION

Section 2. At the time and place of hearing, the Board (or staff if so directed by the Board) will receive oral or written arguments on the proposal or petition. The ~~Board~~ presiding individual may limit the number of speakers on each side of the issue, limit the time permitted for the presentation of a particular view, and limit the time of the individual speakers. The ~~Board will~~ presiding individual may ask that speakers not entertain a repetition of repeat arguments previously presented ~~by the same or another speaker at that meeting, or presented at a previous meeting at which the proposal or petition was considered.~~

CCR 18571

RESUBMISSIO  
N OF THE  
SAME OR AN  
ESSENTIALLY  
IDENTICAL  
PROPOSAL OR  
PETITION

Section 3. If the same or an essentially identical proposal or petition has been previously considered by the Board, the documents constituting such a resubmission shall be accompanied by a written summary of any new factual situations or facts not previously presented. In this case, ~~the Board will entertain~~ any hearing shall focus on arguments not theretofore presented and hear expositions of new factual situations and of facts not previously ~~brought to the Board's attention~~ entered into the public record.

CCR 18572

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STATEMENTS     Section 4. All statements are requested to be submitted to the Board (or to staff if so directed by the Board) in advance of the presentation. Statements are requested to be in writing and should only be summarized in oral testimony.

**Make technical amendments to Article X of the State Board Bylaws to read as follows:**

ARTICLE X

Parliamentary Authority

RULES OF  
ORDER

Section 1. Debate and proceedings ~~before the Board~~ shall be conducted in accordance with *Robert's Rules of Order (Newly Revised)* when not in conflict with rules of the Board and other statutory requirements.

Section 2. Members of the public or California Department of Education staff may be recognized by the president of the Board or ~~a committee chair~~ other presiding individual, as appropriate, to speak at any meeting. Those comments shall be limited to the time determined by the president or ~~committee chair~~ other presiding individual. All remarks made shall be addressed to the president or ~~committee chair~~ other presiding individual. No person other than In order to maintain appropriate control of the meeting, the president or other presiding individual shall determine the person having the floor at any given time and, if discussion is in progress or to commence, who may participate in members of the Board or committee shall be permitted to enter the discussion.

Section 3. All speakers ~~before the Board or committee~~ shall confine their remarks to the ~~subject indicated in their request or indicated in the recognition pending matter as recognized by~~ the president or ~~committee chair~~ other presiding individual.

Section 4. Public speakers shall not directly question ~~individual~~ members of the Board, ~~or the State Superintendent, or staff~~ without express permission of the president or ~~committee chair~~ other presiding individual, nor shall ~~individual~~ Board members, ~~or the State Superintendent, or staff~~ address questions directly to ~~the~~ speakers without permission of the president or ~~committee chair~~ other presiding individual.

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Section 5. The ~~staff counsel~~ Chief Counsel to the ~~Board~~ or the General Counsel of the California Department of Education, or a member of the Department's legal staff in the absence of the ~~Board's staff counsel~~ Chief Counsel, will serve as parliamentarian. In the absence of legal staff, the president or other presiding individual will name a temporary replacement if necessary.

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June 24, 2003

To: Members of the State Board of Education  
From: Staff to the State Board of Education  
Subject: Item 1, July 2003 Agenda  
Revisions to State Board Bylaws Regarding Committees and Representatives

Over the years, the State Board's traditions and practices related to committees and representatives have evolved. Attached are proposed revisions to the State Board Bylaws designed to better capture the current structure, including:

- Elimination of standing committees, except the Screening Committee.
- Establishment of representatives for specified purposes.
- Modification of provisions related to appointments by the State Board President for specified purposes.

In accordance with Article XIII of the Bylaws, the proposed revisions were presented in writing at the June 2003 meeting, and they are being presented for adoption at the July 2003 meeting.

Cc: CDE Executive Staff

**PROPOSED AMENDMENTS TO THE STATE BOARD BYLAWS**

**Amend Article VI of the State Board Bylaws to read as follows:**

ARTICLE VI

Committees and Representatives

STANDING  
SCREENING  
COMMITTEES

Section 1. ~~Standing committees~~ A Screening Committee composed of no fewer than three and no more than five members ~~each~~ shall be appointed by the president ~~promptly after assuming office, with one member designated chair of each committee.~~ ~~The standing committees are:~~

- ~~• the Administrative Committee which shall consider the recurring issues that come before the Board, conduct public hearings on school district reorganization matters and (as appropriate) proposed regulations, and recommend appropriate action to the Board;~~
- ~~• the Legislative Committee which shall review existing law, study pending legislation, develop legislative proposals, and recommend appropriate action to the Board;~~
- ~~• the Policy Committee which shall study the condition of education in the state, conduct public hearings on proposed regulations (as appropriate), and recommend appropriate action to the Board;~~
- ~~• the Screening Committee which shall to screen applicants for appointment to Board advisory bodies and other positions as necessary; participate, as directed by the president, in the selection of candidates for the position of student Board member in accordance with law; ~~be augmented by the respective liaison(s) sitting in a non-voting capacity when considering appointments to Board advisory bodies;~~ and recommend appropriate action to the Board~~
- ~~• the Strategic Planning Committee which shall study the state's economy and revenues and the state local fiscal relationship for support of the public schools; develop short- and long-range strategic plans for funding, organization, personnel, and infrastructure in the schools and in the California Department of Education; and recommend appropriate action to the Board; and.~~

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- ~~the Public Information Committee which shall review and monitor mechanisms for announcing the meetings, actions and priorities of the Board; develop a strategic communications plan to ensure that local education agencies, school boards, superintendents, principals, teachers, parents, statewide policy makers, and the general public are fully informed regarding the meetings, actions and priorities of the Board; and recommend appropriate action to the Board.~~

AD HOC  
COMMITTEES

Section 2. From time to time, the president may appoint ad hoc committees for such purposes as he or she deems necessary. Ad hoc committees shall remain in existence until abolished by the president.

REPRESENTA-  
TIVES

Section 3. From time to time, the president may assign Board members the responsibility of representing the State Board in discussions with staff (as well as with other individuals and agencies) in relation to such topics as assessment and accountability, legislation, and implementation of federal and state programs. The president may also assign Board members the responsibility of representing the Board in ceremonial activities.

**Amend Article XI of the State Board Bylaws to read as follows:**

ARTICLE XI

Board Appointments

ADVISORY  
BODIES

Section 1. Upon recommendation of the Screening Committee as may be necessary, the Board appoints members to the following advisory bodies for the terms indicated:

(a) Advisory Commission on Special Education. The Board appoints five of 17 members to serve four-year terms.

EC 33590

(b) Curriculum Development and Supplemental Materials Commission. The Board appoints 13 of 18 members to serve four-year terms.

EC 33530

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(c) Child Nutrition Advisory Council. The Board appoints ~~15~~ 13 members, ~~14~~ 12 to three-year terms and one student representative to a one-year term. By its own action, the Council may provide for the participation in its meetings of non-voting representatives of interest groups not otherwise represented among its members, such as school business officials and experts in the area of physical education and activity.

EC 49533

~~CFR 210.10, Title 7, Part 210.20~~

(d) Advisory Commission on Charter Schools. The Board appoints eight members to two-year terms.

EC 47634.2(b)(1)

State Board of Education Policy 01-04

OTHER  
APPOINTMENT  
S

Section 2. Upon recommendation of the Screening Committee On the Board's behalf, the Board president makes the following appointments:

(a) ~~WestEd (Far West Laboratory for Educational Research and Development). The Board appoints five persons~~ Five individuals to serve three-year terms on the Board of Directors as follows:

- one representing the California Department of Education;
- two representing school districts in California; and
- two representing county offices of education in California.

JPA-FWL

(b) Trustees of the California State Summer School for the Arts. ~~The Board appoints two~~ Two members, one of whom shall be a current member of the ~~State Board of Education~~, for terms of three years.

EC 8952.5

(c) No Child Left Behind Liaison Team. Two members for terms not to exceed two years.

EC 52058.1

SCREENING  
AND  
APPOINTMENT

Section 3. Opportunities for appointment shall be announced and advertised as appropriate, and application materials shall be made available to those requesting them. The Screening Committee shall paper-screen all applicants, interview candidates as the Committee determines necessary, and recommend appropriate action to the Board.

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**Amend Article XII of the State Board Bylaws to read as follows:**

ARTICLE XII

Presidential Appointments

LIAISONS

Section 1. The president shall appoint one Board member, or more where needed, to serve as liaison(s) to:

(a) The Advisory Commission on Special Education.

(b) The Curriculum Development and Supplemental Materials Commission.

~~—(c) The Education Council for Technology in Learning: one member as a nonvoting liaison.~~

(~~c~~) The National Association of State Boards of Education, if the Board participates in that organization: the president and such other Board members as he or she may designate.

(~~e~~) The Commission on Teacher Credentialing: ~~one member as a nonvoting liaison.~~

(~~f~~) The California Postsecondary Education Commission: one member to serve as the president's designee if the president so chooses, recognizing that no person employed full-time by any institution of public or private postsecondary education may serve on the commission.

EC 66901(d) and (h)

OTHER

Section 32. The president shall make all other appointments that may be required of the Board or that require Board representation.