



CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2004 AGENDA

SUBJECT Golden State Seal Merit Diploma: Adopt Proposed Title 5 Regulations	<input checked="" type="checkbox"/> Action
	<input checked="" type="checkbox"/> Information
	<input type="checkbox"/> Public Hearing

RECOMMENDATION

Consider comments received during the public comment period and at the public hearing and take action to adopt the regulations.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved the Notice of Proposed Rulemaking, the proposed Title 5 Regulations for the Golden State Seal Merit Diploma, and the beginning of the 45-day comment process at its meeting on January 7, 2004.

SUMMARY OF KEY ISSUES

The Golden State Seal Merit Diploma is an honors diploma intended to recognize high school graduates who have mastered the high school curriculum. To earn the Golden State Seal Merit Diploma, students must demonstrate mastery of the curriculum in at least six subject areas, including mathematics, English-language arts, science, United States history, and two subject areas of the students' choice. Golden State Examinations were identified as the means by which students may demonstrate mastery. (*Education Code sections 51450 – 51452*)

AB 1266, Chapter 573, Statutes of 2003, repealed the Golden State Examination program. *Education Code Section 51452* allows the SBE to designate examinations deemed appropriately rigorous to demonstrate mastery of the curriculum.

At its January 2004 meeting, SBE approved proposed Title 5 Regulations for the Golden State Seal Merit Diploma. The proposed regulations detail the use of California Standards Test scores and Golden State Examination results as the means of demonstrating mastery of the high school curriculum.

The Notice of Proposed Rulemaking and proposed Golden State Seal Merit Diploma Regulations were published on January 23, 2004, and the public hearing is set for 9 a.m., on March 9, 2004. Written public comments may be submitted until 5 p.m. on March 8, 2004. California Department of Education will summarize and present the public comments at the March 10, 2004, SBE meeting.

If SBE makes revisions to the proposed regulations at this meeting, the revised regulations will be sent out for an additional 15-day comment period. If this occurs, there

may need to be a special SBE meeting to receive and review public comments and adopt the amended regulations in order to allow schools to identify eligible seniors and award Golden State Seal Merit Diplomas at 2004 graduation ceremonies.

FISCAL ANALYSIS (AS APPROPRIATE)

CDE reviewed the proposed regulations and determined that there are no additional costs associated with them.

ATTACHMENT

Attachment 1: Fiscal Analysis (5 pages)*

[Attachment 2](#): Title 5. EDUCATION, California State Board of Education, Notice of Proposed Rulemaking, Golden State Seal Merit Diploma (4 pages)

[Attachment 3](#): Proposed Regulations, Title 5. EDUCATION, Division 1. State Department of Education, Chapter 2. Pupils, Subchapter 3.75. Standardized Testing and Reporting Program, Article 2.5, Section 876 (1 page)

A summary of the comments received during the public comment period and at the public hearing will be submitted as a Last Minute Memorandum.

* This attachment is not available for web viewing. A printed copy is available for viewing in the SBE Office.

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Room 5111
Sacramento, CA 95814



TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Golden State Seal Merit Diploma

[Notice published January 23, 2004]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

Staff will hold a public hearing beginning at **9:00 a.m. on March 9, 2004**, at 1430 N Street, Room 1801, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on March 8, 2004**. The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 95814
E-mail: dstrain@cde.ca.gov
Telephone: (916) 319-0860
FAX: (916) 319-0155

AUTHORITY AND REFERENCE

Authority: Sections 33031, 51450 and 51451, Education Code.

Reference: Sections 51450, 51451 and 51452, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Education Code Section 33031 states, "The board shall adopt rules and regulations not inconsistent with the laws of this state (a) for its own government, (b) for the government of its appointees and employees, (c) for the government of the day and evening elementary schools, the day and evening secondary schools, and the technical and vocational schools of the state, and (d) for the government of other schools, excepting the University of California, the California State University, and the California Community Colleges, as may receive in whole or in part financial support from the state.

The rules and regulations adopted shall be published for distribution as soon as practicable after adoption.

The purposes of the proposed regulations are to specify the California Standards Tests and scores that students may use to qualify a student for the Golden State Seal Merit Diploma, and to provide for phase out of the use of Golden State Examinations for the same purpose. These regulations are needed because that the Golden State Examinations that were used previously to identify students eligible to receive the diploma were eliminated by the Legislature. However, the laws related to awarding Golden State Seal Merit Diplomas remain intact.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or

(3) affect the expansion of businesses currently doing business within California.
Significant effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they only apply to Local Educational Agencies and their subgrantees.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the

State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Vicki Perez, Associate Governmental Program Analyst
Standards and Assessment Division
California Department of Education
1430 N STREET, 5TH FLOOR
Sacramento, CA 95814
E-mail: vperez@cde.ca.gov
Telephone: (916) 445-8765

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0860.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State

Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting Vicki Perez, Standards and Assessment Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 445-8765; fax, (916) 319-0967.

1 Title 5. EDUCATION

2 Division 1. State Department of Education

3 Chapter 2. Pupils

4 Subchapter 3.75. Standardized Testing And Reporting Program

5
6 Add Article 2.5 and Section 876 to read:

7
8 Article 2.5. Golden State Seal Merit Diploma

9
10 **§ 876. Golden State Seal Merit Diploma.**

11 For the purposes of the Golden State Seal Merit Diploma:

12 (a) "Demonstration of mastery" or "demonstrate mastery" means earning a scaled
13 score of 370 or above on a California Standards Test (CST), as set forth in Education
14 Code Section 60642.5, or a performance level of recognition, honors, or high honors on a
15 Golden State Examination (GSE).

16 (b) Mastery must be demonstrated on six separate GSEs or high school level CSTs,
17 not including the Algebra I CST, General Mathematics CST, and Integrated Mathematics 1
18 CST.

19 (c) Students may not use both a CST and the GSE in the same course of study to
20 demonstrate mastery of the curriculum under Education Code Section 51452.

21 NOTE: Authority cited: Sections 33031, 51450 and 51451, Education Code. Reference:
22 Sections 51450 , 51451 and 51452, Education Code.

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