



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

| | |
|--|--|
| SUBJECT Mathematics and Reading Professional Development Program (AB 466): Approve Commencement of the Rulemaking Process for Amendments to Title 5 Sections 11981 and 11985 | <input checked="" type="checkbox"/> Action |
| | <input checked="" type="checkbox"/> Information |
| | <input type="checkbox"/> Public Hearing |

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve proposed amended regulations, Informative Digest, Initial Statement of Reasons, and Notice of Proposed Rulemaking and direct staff to commence the rulemaking process.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

These proposed regulations were submitted to the SBE in April as an Information Memorandum. The CDE is now requesting that the SBE take action to move forward with the rulemaking process.

SUMMARY OF KEY ISSUES

The proposed regulations clarify the intent of the legislation and stipulate that program funding shall be limited to providing professional development to teachers, paraprofessionals, and instructional aides eligible to receive instruction as set forth in *Education Code* Section 99233 and *California Code of Regulations, Title 5, Section 11981*, in one instructional materials program per subject area (reading/language arts and mathematics) for 120 hours divided into 40 hours of initial training and 80 hours of follow-up professional development.

FISCAL ANALYSIS (AS APPROPRIATE)

Fiscal information will be submitted as a Last Minute Memorandum.

ATTACHMENT

- [Attachment 1: Proposed Regulations \(1 page\)](#)
- [Attachment 2: Informative Digest \(1 page\)](#)
- [Attachment 3: Initial Statement of Reasons \(3 pages\)](#)
- [Attachment 4: Notice of Proposed Rulemaking \(5 pages\)](#)

Fiscal information will be submitted as a Last Minute Memorandum.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 11. Special Programs

Subchapter 21. Mathematics and Reading Professional Development Program

Amend Sections 11981 and 11985 to read:

§ 11981. Teacher Eligibility.

In addition to those identified in Education Code Section 99233, (a) Teachers who hold a multiple-subject credential, whose primary assignment is to teach in a classroom that is not self-contained, and who are employed in a public school, will be eligible to receive instruction in mathematics if their primary teaching assignment is mathematics and/or science and may receive instruction in reading/language arts if their primary teaching assignment is reading/language arts or social science.

NOTE: Authority cited: Section 99236, Education Code. Reference: Section 99233, Education Code.

§ 11985. Participation Requirement.

(a) The Superintendent of Public Instruction shall award funding to local educational agencies for each participant that fully meets the hour requirements of the Mathematics and Reading Professional Development Program (Article 3, Chapter 5, of Part 65 of the Education Code [Sections 99234(h) and 99237(b)] and Subchapter 21, Chapter 11, Division 1 of Title 5, California Code of Regulations [Section 11980(c)]).

(b) Beginning in 2004-05 fiscal year, such funding shall be limited to one 120 hour sequence of professional development divided into 40 hours of initial training and 80 hours of follow-up professional development per subject area for each teacher eligible to receive instruction as set forth in Education Code Section 99233 and Title 5, California Code of Regulations, Section 11981.

(c) Beginning in the 2004-05 fiscal year, such professional development funding shall be limited to one training per subject area for each paraprofessional and instructional aide eligible to receive instruction as set forth in Education Code Section 99233.

NOTE: Authority cited: Section 99236, Education Code. Reference: Sections 99234(h) and 99237(b), Education Code.

INFORMATIVE DIGEST

AB 466 (Mathematics and Reading Professional Development Program)

Assembly Bill 466 (Chapter 737, Statutes of 2001) established the Mathematics and Reading Professional Development Program. The Program greatly assists efforts to increase academic performance in California schools by enabling teachers, instructional aides, and paraprofessionals to participate in high-quality professional development activities in mathematics and reading/language arts over an extended time period.

In addition to addressing the items specifically required by *Education Code* Section 99236, the proposed regulations clarify the intent of the legislation and limit program funding reimbursement to providing professional development to teachers eligible to receive instruction via the Mathematics and Reading Professional Development Program as set forth in *Education Code* Section 99233 and Title 5, *California Code of Regulations*, Section 11981, to one training per subject area (reading/language arts and mathematics). Such professional development shall consist of one 120-hour sequence divided into 40 hours of initial training and 80 hours of follow-up professional development per subject area.

Beginning in the 2004-05 fiscal year, such funding shall be limited to providing professional development to paraprofessionals and instructional aides eligible to receive instruction via the Mathematics and Reading Professional Development Program as set forth in *Education Code* Section 99233, to one training per subject area (reading/language arts and mathematics).

The regulations will ensure that program funding is allocated to participating local educational agencies on an equal basis. These regulations will also assist efforts to increase the number of California teachers, paraprofessionals, and instructional aides who may receive high-quality professional development in reading/language arts and mathematics.

INITIAL STATEMENT OF REASONS

Section 11981. ADDITION OF CLARIFYING LANGUAGE REGARDING TEACHER ELIGIBILITY

SPECIFIC PURPOSE OF THE REGULATION

This language is added for the purpose of clarifying that Education Code Section 99233 already specifies a number of classes of eligible teachers in addition to that added in this section.

NECESSITY/RATIONALE

This addition is necessary in order to clarify that Section 11981 does not describe the only set of criteria used to determine teacher eligibility.

Section 11985 (b) and (c). REIMBURSEMENT FOR PROFESSIONAL DEVELOPMENT LIMITED TO ONE TRAINING PER SUBJECT AREA

SPECIFIC PURPOSE OF THE REGULATION

These proposed regulations limit Mathematics and Reading Professional Development Program (program) funding to providing professional development to teachers eligible to receive instruction as set forth in *Education Code* Section 99233 and Title 5, *California Code of Regulations*, Section 11981, in one training per subject area (reading/language arts and mathematics). Such professional development shall consist of one 120 hour sequence divided into 40 hours of initial training and 80 hours of follow-up professional development per subject area.

Beginning in the 2004-05 fiscal year, program funding shall be limited to providing professional development to paraprofessionals and instructional aides eligible to receive instruction via the Mathematics and Reading Professional Development Program as set forth in *Education Code* section 99233, to one training per subject area (reading/language arts and mathematics).

These proposed regulations will help ensure that program funding is allocated to participating local educational agencies (LEAs) on an equal basis. These regulations will also assist efforts to increase the number of California teachers, paraprofessionals, and instructional aides, who may receive high-quality professional development in reading/language arts and mathematics.

NECESSITY/RATIONALE

Assembly Bill 466 (Chapter 737, Statutes of 2001) established the Mathematics and Reading Professional Development Program. *Education Code* Section 99236 authorizes the Superintendent of Public Instruction to design, and the State Board of Education to approve, regulations for the implementation and monitoring of the program.

Subsequent to passage of Chapter 737, President Bush signed into law No Child Left Behind legislation that established the Reading First Program, a kindergarten through third grade (K-3) reading/language arts program. Mathematics and Reading Professional Development Program professional development is included as part of the requirements for LEAs receiving a Reading First grant. However, the Reading First grantees receive professional development beyond the basic Mathematics and Reading Professional Development Program training available to K-3 teachers in non-Reading First schools.

Chapter 737 is unclear as to the number of hours of professional development a teacher may receive per instructional materials program. Currently, LEAs receiving a Reading First grant are allocated funding to provide professional development to K-3 teachers in Reading First schools each year for three years on the LEA's State Board of Education adopted reading/language arts instructional materials program. There is confusion about whether AB 466 program reimbursements also extend to cover three years of professional development or to cover multiple trainings in several different sets of instructional materials.

The proposed regulations are necessary to clarify the intent of the legislation and limit program funding reimbursements to providing professional development to teachers eligible to receive instruction to one training per subject area (reading/language arts and mathematics). These proposed regulations would ensure that program funding is allocated to participating LEAs on an equitable basis and will maximize the number of teachers, paraprofessionals, and instructional aides trained.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The State Board did not rely upon any technical, theoretical or empirical studies, reports, or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

Only one alternative was submitted to the State Board because it is most consistent with a goal of allocating program funding to participating local educational agencies on an equitable basis.

**REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION
THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The State Board has not identified any adverse impact on small business that would necessitate developing alternatives to the proposed regulatory action.

**EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC
IMPACT ON ANY BUSINESS**

The proposed regulations would not have a significant adverse economic impact on any business because they relate only to local school districts. No requirements are placed on small businesses.

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street; Room 5111
Sacramento, CA 95814



STATE OF CALIFORNIA
Governor

ARNOLD SCHWARZENEGGER,

TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Math and Reading Professional Development Program

[Notice published May 21, 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

Program staff will hold a public hearing beginning at **10:00 a.m. on July 6, 2004**, at 1430 N Street, Room 4101, 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 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 Coordinator. The written comment period ends at **5:00 p.m. on July 5, 2004**. The Board will consider only written comments received by the Regulations 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 Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 95814
Email: dstrain@cde.ca.gov
Telephone: (916) 319-0860
FAX: (916) 319-0155

AUTHORITY AND REFERENCE

Authority: Section 33031 and 99326, *Education Code*.

Reference: Sections 99233, 99234(g), and 99237(b), *Education Code*.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 466 (Chapter 737, Statutes of 2001) established the Mathematics and Reading Professional Development Program. The Program greatly assists efforts to increase academic performance in California schools by enabling teachers, instructional aides, and paraprofessionals to participate in high-quality professional development activities in mathematics and reading/language arts over an extended time period.

In addition to addressing the items specifically required by *Education Code* Section 99236, the proposed regulations clarify the intent of the legislation and limit program funding reimbursement to providing professional development to teachers eligible to receive instruction via the Mathematics and Reading Professional Development Program as set forth in *Education Code* Section 99233 and Title 5, *California Code of Regulations*, Section 11981, to one training (i.e., one 120 hour sequence of professional development divided into 40 hours of initial training and 80 hours of follow-up professional development) per subject area (reading/language arts and mathematics).

Beginning in the 2004-05 fiscal year, such funding shall be limited to providing professional development to paraprofessionals and instructional aides eligible to receive instruction via the Mathematics and Reading Professional Development Program as set forth in *Education Code* Section 99233, to one training (i.e., one 120 hour sequence divided into 40 hours of initial training and 80 hours of follow-up professional development) per subject area (reading/language arts and mathematics).

The regulations will ensure that program funding is allocated to participating local educational agencies on an equal basis. These regulations will also assist efforts to increase the number of California teachers, paraprofessionals, and instructional aides who may receive high-quality professional development in reading/language arts and mathematics.

Notice of Proposed Rulemaking
Attachment 4
Page 3 of 5

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: TBD

Cost or savings to any state agency: TBD

Costs to any local agency or school district that must be reimbursed in accordance with Government Code Section 17561: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD.

Cost impacts on a representative private person or businesses: TBD

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: TBD.

Effect on small businesses: There is no effect on small businesses because the proposal pertains only to schools. No requirements are placed on small businesses.

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:

Kathie Scott, Education Program Consultant
California Department of Education
Professional Development and Curriculum Support Division
1430 N Street, 4th Floor
Sacramento, CA 95814
Telephone: (916) 323-6440
E-mail: kscott@cde.ca.gov

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 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 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 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 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 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*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Kathie Scott, Professional Development and Curriculum Support Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 323-6440; fax, (916) 323-2806. It is recommended that assistance be requested at least two weeks prior to the hearing.