



SEPTEMBER 2003 AGENDA

<b>SUBJECT:</b> Legislative Update: Including, but not limited to, information of legislation and approval of legislative priorities.	<input checked="" type="checkbox"/> ACTION
	<input checked="" type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

**RECOMMENDATION:**

Discuss highlighted legislation and take action on specific legislation as deemed appropriate.  
Adopt legislative priorities to guide Department staff.

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

At the July 2003 meeting the Board adopted new bylaws establishing two legislative liaisons for the purpose of considering positions on pending legislation and proposing legislation for the following year. In September 2001, the Board had a policy retreat to discuss and establish Board priorities. At that retreat, the following topics were identified as areas of special importance to the Board: Testing, Accountability, Curriculum and Instruction, Professional Development, and Communication.

President Hastings has appointed Mr. Fisher and Mr. Rodriguez to serve as legislative liaisons. On August 21, 2003, the liaisons met with Board and Department staff to consider pending legislation and propose legislative priorities. The priorities would guide and direct Board and Department staff in their communications and actions in regard to legislative proposals in 2004. The policy directions could not realistically be applied to the current year's Legislative session, since the Legislature is scheduled to adjourn September 12<sup>th</sup>.

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

Not Applicable.

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**Fiscal Analysis (as appropriate).**

Not Applicable.

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

Recommendations from the legislative liaisons and a legislative update memorandum are attached.

Legislative Policy Recommendations:

- 1) Preserve the existing assessment system (including STAR, CAHSEE, CELDT).
- 2) Maintain the accountability system making only those minor conforming changes necessary to comply with the No Child Left Behind (NCLB) Act.
- 3) Encourage more submissions of instructional materials by publishers that will meet California's rigorous requirements.
- 4) Safeguard the academic content standards as the foundation of California's K-12 educational system.

**DATE:** August 21, 2003

**TO:** Members, State Board of Education

**FROM:** B. Teri Burns, Deputy Superintendent, CDE Government Affairs

**SUBJECT: Legislative Update** on AB 356 (Hancock), AB 1485 (Firebaugh), AB 921 (Firebaugh), and AB 1548 (Pavley), as the measures relate to the recently proposed **SBE Legislative Policy Recommendations.**

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**1) Preserve the existing assessment system (including STAR, CAHSEE, CELDT).**

**AB 356 (Hancock)** As amended, August 18, 2003, this bill revises the state testing program to repeal school and staff rewards programs; provide for diagnostic assessment but not standardized testing in grade 2 and delay the requirement to pass the exit exam for high school graduation. Specifically, AB 356:

- Repeals the requirement for STAR Testing in grade 2 as of July 1, 2004.
- Delays the requirement to pass the exit exam in order to graduate high school by two years so that the initial class required to pass the exam will be the class of 2005-06.
- Repeals the Certificated Staff Performance Incentive Reward Program and the Governor's Performance Award Program.

**Issues:**

- Elimination of benefits gained by grade 2 testing.
- Elimination of incentives, some form of which are required by NCLB.

**2) Maintain the accountability system making only those minor conforming changes necessary to comply with the No Child Left Behind (NCLB) Act.**

**AB 1485 (Firebaugh)** As amended, August 19, 2003, this bill makes modifications to the Reading First Program in regard to English learners and existing law regarding primary language assessment. Reading First, a competitive grant for early intervention reading program was established as part of the No Child Left Behind Act (NCLB) under Title I. Specifically, the bill would:

- Require the Reading First Grants be provided to Proposition 227 waived classrooms (bilingual programs) if the classrooms use the adopted alternative formats (currently Open Court or Houghton/Mifflin have alternative formats in Spanish).
- Restrict the increase in federal funding (approximately \$13 million) from being distributed prior to revising (and obtaining federal approval) a revised State Reading First Plan.
- Require professional development tailored to the Spanish adopted alternate format materials for teachers in Proposition 227 waived classrooms.
- Require the Board to determine if there is a sufficient need to have other alternative formats of the adopted programs in other languages.

**Issue:**

- Amendment and approval of Reading First Plan would make changes in the current assessment system

**3) Encourage more submissions of instructional materials by publishers that will meet California's rigorous requirements.**

**AB 921 (Firebaugh)** As amended, August 15, 2003, this bill requires the State Department of Education to collect fees from textbook publishers in support of the adoption process. Specifically, it:

- Requires the department to collect a fee, up to \$50 per text book or other item, from each instructional material publisher before submitting instructional materials for review and adoption by the SBE. Publishers would be required to pay a fee **before** the publisher knew whether the instructional materials would be adopted by the SBE.
- Creates the Publishers and Manufacturers Submission Fee Fund to which fees are deposited for subsequent appropriation to the CDE to fund the Curriculum Development and Supplemental Materials Commission.

## Issue:

- During the last adoption cycle there were very few publishers who submitted materials. Requiring a fee would further dilute and pool of eligible materials to review for adoption.

### **4) Safe guard the academic content standards as the foundation of California's k-12 educational system.**

**AB 1548 Pavley** As amended, August 18, 2003, this bill establishes the Office of Education and the Environment (OEE) within the California Environmental Protection Agency and requires it to develop environmental education principles and a model curriculum. Specifically, it:

- Requires the OEE, in cooperation with the CDE, State Board of Education (SBE) and Secretary for Education, to develop and implement a unified education strategy on the environment to do all of the following: a) Coordinate instructional resources and strategies for providing student participation with onsite conservation efforts. b) Promote service-learning opportunities. c) Assess the impact on students of the unified education strategy on student achievement and resource conservation. d) By June 30, 2006 report to the Legislature and Governor on its progress on implementing the unified education strategy.
- Requires the CDE, SBE, and Secretary for Education, in cooperation with the Board, to develop and implement a teacher training and implementation plan to guide the implementation of the unified education strategy.
- Requires the IWMB, SDE, SBE, and Secretary for Education to develop education principles for the environment for elementary and secondary school students by July 1, 2004. The principles may be updated every four years thereafter. The principles shall be aligned to content standards for elementary and secondary education developed pursuant to Section 60605 of the Education Code. The principles shall be used for the following: a) To direct state agencies that include environmental education in regulatory decisions, or enforcement actions. b) To align state agency environmental education programs and materials.
- Requires the education principles to be aligned by grade level to state adopted content standards in core areas.
- Requires that the education principles be incorporated in criteria developed for textbook adoption.
- Requires that, if the state adopted content standards are revised, the education principles for the environment be appropriately integrated into the standards.
- Requires the OEE to develop, in consultation with various agencies, a model curriculum to incorporate those principles, and submit the curriculum to the

Curriculum Development and Supplemental Materials Commission of the CDE for review and approval by July 1, 2005.

- Upon review and approval by the Supplemental Materials Commission, requires that the curriculum be submitted to the Secretary of the Environmental Protection Agency and the Secretary of the Resources Agency for review and comment. The curriculum is then to be sent to the State Board of Education (SBE) for its approval and then considered by the Superintendent of Public Instruction (SPI) in the model curriculum process.
- Requires that the model curriculum be made available to elementary and secondary schools students as soon as funding is provided to do so. Requires the CDE to make the curriculum available electronically.
- Requires the CDE to incorporate the education principles for the environment into the curriculum frameworks and instructional materials.
- Establishes the Environmental Education Account within the State Treasury. Moneys in the account may, upon appropriation by the Legislature, be expended by the California Environmental Protection Agency, in consultation with the board. Requires the funds in the account be used for the purposes of this act. Allows the fund to receive funds from federal, state, local, private and public organizations, and individuals. Also allows the fund to receive proceeds from judgment in state and federal court when the judgment specifies that the proceeds are to be used for the purposes of this part. Private contributors may not have the authority to influence or direct the use of their contributions.
- Requires the Office of Education and the Environment to coordinate with other agencies and groups with expertise in education and the environment, including, but limited to, the California Environmental Interagency Network.
- Requires the model curriculum to meet the requirements prescribed in Section 60200 of the Education Code.
- Makes implementation of most provisions contingent on appropriation of funds in future budgets.

### **Issues:**

- Re-opening frameworks and instructional materials approval for environmental education emphasis.
- Development of model curriculum and teacher training relative to environmental education.