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Responses to Senate Rules Committee Questions

Goals and Governance

SBE is responsible for setting policy and adopting rules and regulations for governing standards, curriculum, instructional materials, assessment, and accountability. The board is also responsible for approving waivers of certain provisions of the Education Code, reviewing district reorganization plans, implementing federal programs, and adopting regulations to implement legislation. Some of these duties overlap with those of the Superintendent of Public Instruction.

1. What do you hope to accomplish as a member of SBE? How will you measure your success?

There are three areas that are foundational to improve the system for children. First, California must be able to accurately measure school and district performance. We need to see both the academic achievement of students, schools and districts, but also to measure the rate of change. There are many schools that though they currently have low academic achievement have instituted the necessary changes and are moving quickly to improve student performance. Right now California can not see this level of detail through the current Academic Performance Index (API). Why is it important? The information is critical to target intervention activities and allocate scarce resources to those schools and districts that need it most.

Next, schools and districts need to have the flexibility and decision-making power over “how” they accomplish their work. But the State policy makers need to be clear in setting the “what” that schools and districts are held accountable to accomplish. Educators must be treated as professionals and empowered to do their work. And as professionals, they must be held accountable for their success and their failure. Real accountability includes mandatory change for persistently failing to deliver the “what” required by the California policy makers.

That leads to the final area of focus, mandatory change for persistent school/district failure. My premise is that all children can learn given good instruction. Certainly as a pragmatist I understand that schools and districts face obstacles with poverty, special needs, and English learners. Nonetheless, it can be done and is being done across the State. We need to focus on best practices, mentoring, and data driven improvement. If a school is not getting the achievement the children need, the school needs to change.

Recently I visited Coachella Valley Unified School District. This district has struggled for decades. But change is underway there that is making a difference for some of this state's poorest children. It isn't rocket science. It is high expectations, strong leadership and basic, well-researched, good instruction driven by data. Is the district where it needs to be? Absolutely not but are they headed in the right direction? Yes. The educators in the district have gotten together on the "how" and they are committed to reaching the goals set by the state (e.g. the "what").

It would be reasonable to measure my success through achievement of the three items I have listed, an improved system of measurement, increased flexibility to educators, and actually accomplishing mandatory change/intervention when educators are not successful in improving student achievement.

2. *In your opinion, what should be the board's top priority for the coming year?*

Often what takes priority is the most urgent not always the most important. But this year, the urgent will also be the important. The Board will need to focus on the upcoming standards adoption, intervention in the lowest performing schools/districts, and implementing a new growth model.

3. *The board has been perceived as "favoring" charter schools, given that the majority of its members are either directly or indirectly involved with charters. How do you respond? Is the board sufficiently attuned and responsive to the needs of traditional public schools and districts?*

It is perplexing to me as a former General Counsel to the Sacramento County Office of Education and Associate General Counsel to the Los Angeles Unified School District, what it means to be "indirectly" involved with charters or perceived as favoring charters. By my count, there are four members of the State Board who are involved with charters and six who are not involved with charters, with one vacancy. Do I support public charter schools? Yes, if they do a good job in educating children. I would state the same response to traditional public schools. Be clear, I support quality instruction for children in public schools. Period.

Nonetheless, I am aware that others assert my support for high quality charters as a bias. Interestingly, outside of serving as the parent member of the State's Advisory Commission on Charter Schools (ACCS), my career has been spent as a district, county, or state employee. In deed during my time at the Sacramento County Office of Education, I recommended denial of all the charters that came to the County Board during my tenure.

As counsel to a county office of education and the largest school district in the state, I certainly have a great deal of understanding regarding the issues that face public

schools and districts. It is that level of knowledge and intimate understanding of the system that is needed at the State Board.

4. *As a board member, what training have you received regarding conflicts of interest? From whom do you seek advice on potential conflicts?*

Over the 25 years of State service I have taken all of the required conflicts training as well as provided it. If potential conflicts arise, I would seek advice from the board's legal counsel or the California Department of Education (CDE) legal counsel. I also have been a member of the State Bar of California in good standing since 1984 taking all of the required MCLE courses.

Process

5. *At some of the most recent board meetings, agenda items have been rescheduled, rushed through, or changed with little or no notice, making it difficult for members of the public to participate. For example, at the November 2009 hearing, eight items were pulled or postponed by the board. How do you respond to the concern that the board does not make public input a priority? How should this problem be addressed?*

Pulling or postponing agenda items does not equate to a lack of concern for public input. Instead, let me point to several items on the November 2009 agenda that were postponed or pulled because the CDE had distributed the information at the last minute and board members believed that the public needed more time to review the materials. The response to the Title III audit findings by the US Department of Education and the consolidated application of Tahoe-Truckee Unified School District are examples.

It is important to have public input and involvement at all Board meetings. Parent involvement is important to me and has been a priority this past year.

Transparency

A January 2009 article by Tom Chorneau of School Innovations and Advocacy on the role played by EdVoice in shaping California education policy states, "They (EdVoice) are not only shaping policy before the state board and successfully lobbying the Legislature on spending and policy, but their collective deep-pockets are playing an increasingly dominant role in statewide politics." EdVoice also has three lobbying firms representing their interests in education policy. One firm even lists SBE as an agency to be lobbied.

6. *As the president and CEO, how do you separate your role at EdVoice from your role on the board? Please provide examples. When would it be appropriate to recuse yourself?*

The issues that EdVoice deals with are typically at a less granular level than the issues before the State Board. Nonetheless, it is possible that there would be areas of common interest although it is notable that in the past year EdVoice has not had any item come before the State Board. EdVoice historically has focused its efforts in the Legislature. Nonetheless, while I am CEO, if EdVoice has some reason to lobby the Board I will recuse myself even though the law may not require recusal.

Student Success

7. *What steps should the board take to address the achievement gap? Where does this fall within the board's priorities and your own?*

The achievement gap is a complicated problem. Nonetheless, the steps to reduce it are clear even if difficult. In essence the children need good instruction. They need to attend schools with strong leadership, effective teachers with research-based curriculum and instruction informed by data, and more time on task. Overlaying this the leaders and teachers must believe that it is possible to teach the kids. There must be high expectations.

Certainly, the poor and minority children may have challenges to overcome that their affluent peers do not face. But those challenges must not be used by adults as excuses for not teaching the children. To put it bluntly, poor is not stupid.

I was poor and for much of my elementary and secondary education experience, that was exactly the message that I took away from school. But, eventually through a very circuitous route I graduated with a degree in economics, and subsequently graduated in the top 10 percent of my law school class, served on the law journal, and as captain of the trial advocacy team.

Sadly I could have performed at that level during my public school career but I was never given the opportunity. No one expected me to be anything. I was actually told by my high school counselor that I would be a "welfare mother." Now that is a high expectation indeed considering I went to school during the "golden age" of California education. Believe me, it was not "golden" for poor children especially poor girls.

This work is a passion for me. I care about children, especially poor children. How many bright but poor children are languishing in schools right now just waiting for someone to step alongside them and give them an opportunity to succeed?

It is clear that some in the education establishment oppose my confirmation. It should also be clear why they oppose me. They oppose me because I wanted paraprofessionals to have too much education. They oppose me because I think poor children can learn Algebra I (many if not most affluent children have algebra in 7th grade). They oppose me because I advised the State Board that it did not have the authority to waive Proposition 227, a legal opinion upheld by the First District Court of Appeal and the Legislative Counsel.

The achievement gap is as old as poverty itself and in my opinion it is the result of poor decision-making and a lack of commitment by adults. Eliminating it is a priority for the State Board and it is for me as well.

8. Under board policy, schools may show adequate yearly progress by simply raising their graduation rates by just 0.1 percentage points annually, so a school with a 50 percent graduation rate can take 350 years to reach the target. By placing high expectations on test scores and low expectations on graduation rates, is the board creating a perverse incentive for schools to allow struggling students to drop out?

The board has just changed that result with its action in January 2010. I have attached that item for your information. We are looking to the data generated in the next two years to help fine tune the graduation requirements. The state data system has not been able to support the types of graduation rates in the past. But with the student identifier and the new growth model on the horizon, this will change.

9. New student-level data indicates that the statewide dropout rate is 19 percent, but is much higher for African American (32 percent) and Latino (24 percent) students. Should the board implement additional policies for districts with high dropout rates? If so, which ones?

The focus for drop out prevention has to start in upper elementary school. Looking to high school, which is often the case, is too late. Programs, including AVID and College Track are a start but they have to be pushed down into lower grades. My response includes the “achievement gap” discussion in Question 7. If children are competent in school, it builds their confidence and keeps them in school. Waiting until high school to do something about dropout prevention is like trying to prevent cancer once you have it, too late.

Beyond good instruction for the kids, the state needs to be better grounded in the approach to college and career. California has a system designed to accommodate 30 percent of students going on to college. But unlike the job market in the 1960s where graduates could get a good factory job right out of high school, today “career” is more

than proficiency in high school English and basic arithmetic with a “passing” school in an Algebra I course. We have deluded ourselves into thinking we have prepared high school students for the job market.

Interestingly, the children know this too. They know they are not getting what they need to get a job right from high school. From their limited perspective, the kids act as rational economic agents by dropping out. We have to make changes to accommodate “career ready” education that allows high school graduates or community college graduates to have the skills that let them earn a family supporting wage.

But there is a warning here as well, one would not expect to find these high quality career technical education courses only in low socio-economic areas or high minority schools. If that is the only place we see these CTE courses, I question whether they are actually the type of CTE the children need. If the courses are high quality, one would expect to see even affluent communities embrace them. CTE is not a mechanism for tracking. It should be an attractive and viable alternative to college. Small business is the backbone of this country and CTE could be a tool in growing a new generation of small business entrepreneurs.

10. In 2007 the Governor signed SB 219 (Steinberg), Chapter 731, Statutes of 2007, which asks the Superintendent of Public Instruction and SBE to revise the Academic Performance Index (API) to include 8th and 9th grade dropout rates and hold high schools of origin accountable for the scores and dropout rates of students transferred to “alternative education.” What is the status of implementation?

The State Board made some modifications to the Academic Performance Index (API) at the January 2010 board meeting. In that item the Department noted that over the next four API reporting cycles, there would be changes in the index to:

- Continue implementation of the California Modified Assessment (CMA).
- Implement SB 219 including the addition of grade eight and grade nine dropouts.
- Assign test results of students in alternative education programs back to their school or school district of residence;
- Add four, five, and six-year graduation rates.

A chart was provided with the item setting out the timeframe for implementation, which is included as an attachment with this document.

11. How large a factor should the dropout rate play in the API?

I don't know but it should play a role. This is an issue that needs to have discussion and I would want to see the impact data on different levels of inclusion before venturing an opinion.

12. Beyond the adoption of standards for career technical education, are there additional steps the board should take to ensure that more students are able to pursue career technical education?

The Board needs to encourage quality CTE. A step in this direction was made with the Race to the Top (RTTT) application. That application includes a matching grant for quality CTE programs. There is also a new CTE alternative credentialing path created by the Legislature and the Governor that needs to be implemented. Also refer to the response to Question 9. The board can work with other education groups to help promote career technical education that brings together the standards, especially math, with hands-on career training. Building trades, health care, and technology are just a few of the areas that seem a natural fit for this type of work.

No Child Left Behind Act

The federal No Child Left Behind Act (NCLB) requires the state to define student proficiency according to standards-aligned assessments, ensure that all schools make adequate yearly progress toward defined proficiency levels, and intervene in or sanction schools that do not make adequate yearly progress. This is in contrast to California's academic accountability system that annually calculates an API for all California public schools, including charter schools, and publishes school rankings based on their API.

Under NCLB, schools and districts that do not make their growth targets for two consecutive years are designated for program improvement. If districts are unable to exit program improvement, they face corrective action. Approximately 300 districts in California are under corrective action.

13. What is your assessment of the effectiveness of the District Assistance and Intervention Teams (DAIT) in addressing the needs of schools in "corrective action?" Do you believe this approach is sufficient or are other actions needed to assist these districts?

The DAIT approach appears to be an effective element for technical assistance although it is still not sufficient for severely troubled systems. In the past few years DAITS have been used as technical assistance for districts in corrective action. In going back to review the progress of districts with the most intensive interventions, the DAITS appear to be helping at the district level. Nonetheless, DAITS are not the sole answer to turning around low-performing schools.

Just recently I visited Coachella Valley Unified School District one of the districts assigned the most intensive intervention under NCLB. The Riverside County Office served in a Trustee/DAIT capacity and that district has made good improvement.

Right now the Board is reviewing up to 8 of the districts for other additional interventions. Some of the districts in their presentations to the Board were very direct in their need for greater intervention. The Board will be working with these districts to fashion interventions that will be most constructive in improving student achievement. One simple fix is the consistent coordination between all the systems at the state and federal level. The consolidated application should be tightly connected to the LEA plans. The single LEA plans for schools should be reviewed as part of the district interventions. After all, it is the school performance that is causing the district to be identified for corrective action. These connections are being made and highlighted at the Board meetings.

14. As you make decisions that affect school districts, how do you factor in the challenges that districts face in a difficult budget year?

The budget is a factor, but it isn't an excuse. Children do not have a "shelf-life." These difficult fiscal times mean that the State needs to give districts more flexibility on the "how" but continue to keep in place the accountability for the "what." Districts and schools have to look for efficiencies. The State needs to help connect up struggling districts with those districts that achieved a great return on investment. Meaning, we all need to look at those schools and districts that have been able to do great work with kids with restricted budgets. WestEd and AIR have research underway right now identifying schools that are performing well with below average funding. Just for the Kids, CBEE and PIR have research studies and tools that identify schools out performing their peers with less public investment. These research projects are not focused on charter schools, they look at all schools. This work needs to be highlighted for districts. During times of budget crisis, everyone has to become more efficient and the core instructional mission is what has to be protected.

AB 312 (Strom-Martin), Chapter 1020, Statutes of 2002, created a 15-member liaison team, appointed as specified, to advise the Superintendent of Public Instruction and SBE on all appropriate matters related to the implementation of NCLB. The team met between November 2002 and December 2003.

15. During this time, the board wrestled with how to define "qualified" for the state's paraprofessionals, as required by NCLB. Advocates claim that, as the board's appointee to the AB 312 NCLB Liaison Team, you promoted a definition of "qualified" that was higher than the required training levels at that time, even though NCLB was silent on the issue. Please explain your position.

At that time I was legal counsel in LAUSD and I do not recall taking this position although I certainly understand that others may have a different view. My recollection is that NCLB required paraprofessional to have a high school diploma and I support that requirement. It is also my recollection of the federal law that the USDOE and the research concluded that paraprofessionals did not seem to improve student achievement. Certainly as a parent that result is counterintuitive but the data seems clear. I do not recall that NCLB was “silent” on the issue and there is guidance issued by the USDOE on the level of education required.

16. Please also explain why, in that same capacity, you did not support the option provided by NCLB to allow students to be tested in their native language if they have resided in the United States for less than one year.

At that time there was no state primary language assessment. My position has consistently been to follow state law. There were some at the time that wanted to change state law and I did not believe that the venue for those changes was at the State Board. Those matters are appropriately within the preview of the Legislature and the Governor. Subsequently, the primary language tests were developed and are now available. I have been part of the implementation of those assessments.

Charter Schools

There are approximately 750 charter schools in California serving an estimated 255,000 students.

While the majority of charter schools are authorized at the local level, SBE has an important role in the oversight of all charters, the consideration of appeals when a charter is denied at the local level, and approval of charters under direct SBE authority, including statewide benefit charters that may operate at multiple sites throughout the state.

SBE has approved three statewide benefit charter schools. Two of these schools began operating in fall 2007. According to SBE guidelines, each statewide benefit charter school may then open additional school sites, but no more than two additional sites per year provided that academic achievement during the first two years of operation meets a specified minimum threshold. In March 2009, the board approved the expansion of one statewide benefit, High Tech High, from serving grades 9–12 to serving grades K–12, as well as an additional statewide benefit charter, Pacific Technology School. In January 2010, SBE approved the expansion of another statewide benefit charter, Aspire Public Schools, from serving grades K–8 to serving grades K–12.

According to current law, SBE may not approve the petition for a statewide benefit charter school unless it finds that the charter school will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district or only one county.

17. What was the unique statewide benefit that warranted approval of the Pacific Technology School and expansion of High Tech High from grades 9–12 to grades K–12? What evidence was provided to inform the board's decision?

The board is currently in litigation at the appellate level on this issue relative to the Aspire Charter school, having been successful at the trial court level. Thus, my comments are general in nature.

In my opinion, it seemed persuasive that these schools are being placed into areas in which the surrounding school performance, especially in math and science is poor. The schools are replicable and have a teacher training component to ensure that replicability. There are communities across the state that need to have a model of success especially in math and science. The thoughtful placement from a state perspective provides children an opportunity to see what they can accomplish. It raises the entire community. The few statewide benefit charters that exist have been placed in areas of need, especially in math and science, and represent some of the best schools in the state.

18. At the March 2009 board meeting, the board initially denied a charter petition to establish Western Sierra Collegiate Academy, based on merit. The next day, despite concerns raised over the charter's service to students with special needs, English learners, and students on free or reduced lunch, members voted to reopen and approve the charter when informed that, due to time constraints, the school would lose facility funds if not immediately approved. Why was the board's action appropriate?

This matter is currently in litigation. I was not able to attend the meeting late that first evening because I had an event to attend with my daughter that was planned months before I was appointed to the board. The next day the item came up and was opened and reconsidered. I saw nothing inappropriate and based on that I participated in the decision.

The school is high performing and as you may know I have lived in the Sacramento area my entire life (five generations with my children) with a lot of family in the Rocklin community. Based on my understanding of the issues of that community and this particular high performing charter, I voted to grant the charter. State law is clear on what the State Board can consider in reviewing a charter appeal. In my opinion, the Board followed those laws.

19. Representatives of Rocklin Unified School District, the district where, if approved, the Western Sierra charter would be allowed to locate, testified in opposition during the initial hearing. The district left the hearing with the understanding the charter had been denied. What notice of reconsideration was given to the school district?

My understanding was that they were called. A board member spoke at the meeting.

20. Under current law, there is no specific requirement for charter school governing board conflict-of-interest policies. Should charter schools adopt and comply with a conflict-of-interest policy that requires its governing board members to abide by the same conflict-of-interest requirement as local education agency governing board members? What is your opinion?

Charters are generally organized as nonprofit corporations. In fact that format for organization is promoted by the Education Code. With that form of organization, it is my opinion that the nonprofit law created by the Legislature and Governor provides sufficient conflict of interest protection. The issue with the recent “problems” with charter conflict of interest is not that more laws are needed but existing laws need to be enforced. In my opinion, it would be very difficult to merge another disconnected layer of conflict rules on top of the current nonprofit requirements. The board has tried to provide guidance in this area but there has been a lot of disagreement between the varying groups.

Sometime ago the Board attempted to harmonize the nonprofit conflict of interest requirements with some additional regulatory guidance but the authorizers did not support that effort and it was stopped.

Unlike traditional public schools, charter petitioners are often required to provide the initial start up funding to bring the school into operation. This type of self-funding would not be possible under traditional public school conflict rules. Under those rules, there can not be any financial agreement between the petitioners and the charter no matter how favorable to the school. Without completely funding charters as traditional public schools, charter schools need the flexibility of the nonprofit laws to operate.

English Learners

The California Department of Education reports that approximately 25 percent of California’s K–12 students—about 1.6 million—are English learners. They perform at substantially lower levels on California standardized tests than English-proficient students. For example, of the students in the class of 2011 taking the California High School Exit Exam for the first time, the overall passage rate is 79 percent, versus 40 percent for English Learners.

21. Concerns have been raised that the state's Reading/Language Arts instructional materials approved by the board are not designed to ensure that a student will achieve sufficient proficiency in English to meet academic standards and pass the exit exam. How do you respond to this criticism? How are you tracking progress and what changes, if any, would you recommend in these materials?

There is a lot of difference of opinion about the Reading/Language Arts materials. I was not part of the adoption process and have not gone through all of the options currently available. I have seen several programs that seemed to be well researched and had a lot of helpful components specifically designed for English learners. The board does not adopt materials for high school. Many districts are using the materials effectively and seeing results. Other districts appear to be struggling. That is one of the reasons for the State Board's English Learner Advisory Commission (ELAC) to provide guidance on best practices for English learners. As you know, the Legislature and the Governor through the budget have provided districts with complete flexibility in the instructional materials used for all children.

The board views all of the testing data on English learner performance carefully. The next group of data coming up is the release of the Humrro report on the CAHSEE this month. Certainly, English learners coming into California schools need more time to become proficient. But, one piece of data that is very troubling is that English learners taking the CAHSEE appear to have been EL since kindergarten when they take the CAHSEE for the first time in 10th grade. That is a tragedy.

22. Is the board taking steps to improve the quality and accessibility of professional development for teachers of English learners? Should it do so?

The ELAC has been considering these issues and I look forward to their recommendations.

23. In 1999, while you were chief counsel, the board adopted regulations implementing prop 227 that were viewed by EL advocates, and the CDE's legal counsel, as inconsistent with state and federal law and as exceeding the scope of the initiative. In retrospect, do you think the decision was the right one?

The only decision that I can think of was the decision that the State Board did not have the authority to waive Proposition 227. That decision was upheld by the First District Court of Appeal. Moreover, in taking the position, the State Board also had an opinion from the Legislative Counsel on the matter supporting the Board's action. All decisions made in implementing Proposition 227 were upheld by the courts.

24. In 2003, when you were chief counsel, the board imposed eligibility requirements that excluded dual language programs from the federally funded Reading First Program. In retrospect, do you believe it was the right decision?

First, I was NOT Chief Counsel at the State Board in 2003. There is a lot of misinformation contained in the letters of opposition. It appears that I am being held to account for whatever decision the State Board has made no matter my role or even if I did not work for the Board. That is unfortunate.

I did not participate in making any decision in the Reading First Program. In 2003 I worked as legal counsel for LAUSD. When I came back to the Board in April 2003 I was the Executive Director and it was under my direction that the previously imposed eligibility exclusions were removed. I agreed with the advocates and Senator Vasconcellos that the exclusions exceeded the Board's authority. As a point of information, I also left the employ of the State Board in September 2004. I've actually seen opposition noting that I served as Chief Counsel to the State Board as late as 2006 when in truth I was undergoing chemotherapy in my fight against breast cancer.

25. Your record on policies related to English learners, such as textbook adoptions, statewide testing policies, and professional development for teachers and administrators has been described as a "one size fits all" approach that does not take into account the specific learning needs of certain groups of students. How do you respond?

The Legislature and the Governor have enacted laws dealing with statewide testing and textbook adoptions. My record is not "one size fits all." My view is that districts and educators be given the flexibility to teach children. The "what" is the academic content and performance standards and those are one-size fits all. All the children MUST be taught the standards, including English learners. The "how" is the pervuew of educators. But even with flexibility there must be accountability—mandartory change for persistent failure.

The testing and measurement system must include English learners. What gets measured gets taught. English learners cannot be left out. English is the language of college and career. That means that English must be "what" the children learn in school. That doesn't mean that they cannot have primary language instruction or be part of a dual immersion program if that is what the parents choose withint the guidelines of the law. Parents must be heard in these decisions.

Algebra 1

A 2008 decision by the board makes the Algebra 1 California Standardized Test the sole assessment test of record for federal purposes under NCLB for all 8th graders. The decision creates a de facto requirement that districts enroll all 8th graders in Algebra 1 or

face a penalty for not meeting the 95 percent participation rate target required under NCLB. The Superintendent of Public Instruction has estimated the cost to implement the board's action at approximately \$3 billion. A preliminary injunction was issued, preventing the state board from proceeding with implementation.

26. The board's decision to make the Algebra 1 California Standardized Test the sole assessment test for 8th grade in essence mandates Algebra 1 for all 8th graders, despite the fact it is not mandated in state law. Where does this authority fall within the board's roles and responsibilities? Why do you believe the board's action was appropriate?

The premises of the question is that testing algebra in 8th grade mandates that all children take Algebra I in 8th grade. That is not the case just as all 7th grade students do not take seventh grade math even though they all take the 7th grade math assessment.

Children should receive the instruction they NEED to be successful. If they are behind, there are interventions that schools can use to accelerate and catch them up. The STAR tests are about school/district accountability. There is no consequence to the child related to the STAR test.

Interestingly for the African American community Algebra I at 8th grade is one of the bright spots in California. Poor children are being given the opportunity and they are rising to the challenge. Yes, it is 40 percent proficient for Algebra in 8th grade, similar to the proficiency rate in other grades. But think of this, there are hundreds of thousands of students now added to Algebra I in 8th grade and the percent proficient and above is staying stable at 40 percent. That is a huge success. More poor and minority children are taking Algebra I and they are succeeding.

These children CAN learn, that is the take away. We need to provide the supports to districts, which we have with great algebra readiness curriculum. Why is it that affluent districts have all their 8th graders in algebra I but poor and minority children can not be expected to learn at the same level?

There were even some advocates who stated that Algebra I was not developmentally appropriate for poor and minority children. I reject this view. There is no data to support it and to me it boils down to one thing, LOW EXPECTATIONS. These children are just as smart as their affluent counterparts. In fact at some level I actually think poor children have the broader perspective on life and are able to bring more to the workforce. They are the ones who will grow up to be great leaders if we will just give them the opportunity. We don't have to coddle them. Give them good teachers, great research-based curriculum and more time on task. They will rise to our expectations.

As a point of information, remember that the standards for math were done for a span of grades starting in 8th grade and continuing through 12th grade. Under the California

system, children in this span of grades (e.g. 8 to 12) would take an end of course exam in math based on the course they took. This allowed schools to continue to use integrated mathematics, which in 1997 was a topic of significant and heated debate.

Subsequently with the creation of the API districts were encouraged to have students take more advanced mathematics starting with Algebra I in 8th grade by giving less points on the index for students enrolled in math courses lower than Algebra I in 8th grade.

27. The “Algebra I” decision by the Board was simply the designation of the Algebra I test at 8th grade for NCLB accountability. It is important to note that as part of the motion, the board was seeking a waiver from USDOE to allow greater flexibility in the use of end of course exams in mathematics consistent with the board’s original action in adopting the standards in 1997. *Does the board have a plan to assist districts in meeting the mandate if ultimately allowed?*

Since I have been on the Board, there hasn’t been much discussion because of the litigation. But there was a math policy group formed at my request to address the issue of math achievement. The state has a math achievement problem not an Algebra I problem. Look at the data starting in 4th grade. What we need to do is focus on upper elementary school where the children are not learning fractions, percentages, and decimals. That is the problem. Districts are already required to teach this fundamental math. Children with a strong background in the fundamentals of math do fine in Algebra I.