

CALIFORNIA STATE BOARD OF EDUCATION

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Executive Director
Richard W. Brandsma

AGENDA

December 11-12, 2002

SCHEDULE OF MEETINGS

LOCATION

Wednesday, December 11, 2002

9:00 a.m. ±

STATE BOARD OF EDUCATION

Closed Session – IF NECESSARY

(The public may not attend.)

California Department of Education

1430 N Street, Room 1101

Sacramento, California

(916) 319-0827

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 a.m.

CLOSED SESSION AGENDA

Under *Government Code* section 11126(e)(1), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon, as necessary and appropriate, in closed session:

- *Amy v. California Dept. of Education, et al.*, Los Angeles County Superior Court, Case No. 99CV2644LSP
- *Boyd, et al. v. State of California, et al.*, Sacramento County Superior Court, Case No. 01CS00136
- *Brian Ho, et al. v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. C-94-2418 WHO
- *California Association of Private Special Education Schools, et al., v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC272983
- *California Department of Education, et al., v. San Francisco Unified School District, et al.*, San Francisco Superior Court, Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- *California State Board of Education v. Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- *Campbell Union High School District, et al., v. State Board of Education et al.*, Sacramento Superior Court, Case No. 99CS00570
- *Chapman, et al., v. California Department of Education, et al.*, United States District Court, Northern District of California, Case No. C-01-1780 BZ
- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court,

For more information concerning this agenda, please contact Richard W. Brandsma, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0176. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board.**

Case No. 96-CS00939

- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford v. Honig*, United States District Court, Northern District of California, C-89-0014 DLJ
- *CTA, et al. v. Wilson*, United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al v. State of California, et al.*, Los Angeles Superior Court, Case No. B C214156.
- *Donald Urista, et al. v. Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Educational Ideas, Inc. v. State of California, et al.*, Sacramento Superior Court, Case No. 00CS00798
- *Emma C. et al. v. Delaine Eastin et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *Ephorm, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC013485
- *Larry P. v. Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al. v. State Board of Education, et al.*, Sacramento County Superior Court, Case No. 97CS01793 and related appeal
- *Maureen Burch, et al. v. California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeil v. State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen et al. v. Grossmont Unified School District et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Ocean View School District, et al. v SBE, et al.*, Superior Court of San Francisco, Case No. CGC-02-406738
- *Porter, et al., v. Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402.
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los Angeles County Superior Court, Case No. BC174282
- *San Francisco NAACP v. San Francisco Unified School District, et al.*, United States District Court, Northern district of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al., v. State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District v. State Board of Education, et. al.*, Sacramento Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al. v. Wilson, et al.*, United States District Court, Northern District of California, Case No. C-98-2252-CAL; *Angel V. v. Davis*, Ninth Circuit No. 01-15219
- *Wilkins, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC014071
- *Williams, et al. v. State of California, et al.*; San Francisco Superior Court, Case No. 312236.
- *Wilson, et al. v. State Board of Education, et al.*; Los Angeles Superior Court, Case No. BC254081

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(i)]; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)].

Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

For more information concerning this agenda, please contact Richard W. Brandsma, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA 95814; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0176. To be added to the speaker’s list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education’s website: www.cde.ca.gov/board.**

Wednesday, December 11, 2002

9:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION
Public Session

California Department of Education

1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

Thursday, December 12, 2002

8:00 a.m. ±

STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

California Department of Education

1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

Please see Closed Session Agenda above. The Closed Session (1) may commence earlier than 8:00 a.m.; (2) may begin at or before 8:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:00 a.m.

Thursday, December 12, 2002

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STATE BOARD OF EDUCATION
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ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY
ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON ANY DAY OF THE NOTICED MEETING
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked to notify the State Board of Education Office (see telephone/fax numbers below) by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic NOT otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

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 the SBE Office, 1430 N Street, Room 5111, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 319-0827; fax, (916) 319-0176.

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CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD
Public Session
AGENDA

December 11-12, 2002

Wednesday, December 11, 2002 – 9:00 a.m.± (Upon adjournment of Closed Session if held)

California Department of Education, 1430 N Street, Room 1101, Sacramento, California

Call to Order

Salute to the Flag

Approval of Minutes (November 2002 Meetings)

Announcements

Communications

REPORT OF THE SUPERINTENDENT (May be held over to the Thursday session)

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEM 1	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; nomination of State Board officers; 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.	INFORMATION ACTION
ITEM 2	PUBLIC COMMENT. Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
ITEM 3	No Child Left Behind (NCLB) Accountability Plan.	INFORMATION ACTION
ITEM 4	Testing Policies for English Learners.	INFORMATION ACTION

For more information concerning this agenda, please contact Richard W. Brandsma, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95184; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0176. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board.**

ITEM 5	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, 2003 STAR California Report for Teachers.	INFORMATION ACTION
ITEM 6	Standardized Testing and Reporting (STAR) Program: Approval for Release of Final 10 Percent of 2002 Contract Costs for Harcourt Educational Measurement (HEM) and CTB/McGraw-Hill.	INFORMATION ACTION
ITEM 7	California High School Exit Examination (CAHSEE): Including, but not limited to, Update on Study Required by Assembly Bill (AB) 1609.	INFORMATION ACTION
ITEM 8	California High School Exit Examination (CAHSEE): Proposed Amendments to Title 5 Regulations on the CAHSEE.	INFORMATION ACTION
ITEM 9	California English Language Development Test (CELDT): Including, but not Limited to, CELDT Program Update.	INFORMATION ACTION
ITEM 10	California High School Proficiency Examination (CHSPE): Revising the Content Standards and Passing Scores.	INFORMATION ACTION
ITEM 11	Appointment to the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
ITEM 12	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
ITEM 13	Instructional Materials Advisory Panel (IMAP) and Language Expert (LE) Applications for the 2003 K-8 Primary Foreign Language Adoption of Instructional Materials.	INFORMATION ACTION
ITEM 14	Emergency Regulations for the Implementation of AB 1781 (Hertzberg), Chapter 802 (Statutes of 2002): K-12 Instructional Materials Funding Realignment Program (IMFRP).	INFORMATION ACTION
ITEM 15	Implementation of the AB 466 Mathematics and Reading Professional Development Program (Chapter 737, Statutes of 2001): Including, but not Limited to, Approval of Training Providers and Training Curricula.	INFORMATION ACTION

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ITEM 16	Approval of Training Providers for AB 75, The Principal Training Program.	ACTION
ITEM 17	Approval of Local Educational Agencies (LEAs) and Consortia applications for funding under AB 75, The Principal Training Program.	ACTION

ADJOURNMENT OF DAY’S SESSION

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Thursday, December 12, 2002 – 8:00 a.m. ± (Upon Adjournment of Closed Session, if held)

California Department of Education, 1430 N Street, Room 1101, Sacramento, California

REPORT OF THE SUPERINTENDENT (unless presented on the preceding day)

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEMS DEFERRED FROM PRECEDING DAY

Any matters deferred from the previous day’s session may be considered.

The State Board of Education will also consider and take action as appropriate on the following agenda items:

ITEM 18	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 19	Gifted and Talented Education Funding.	ACTION
ITEM 20	California School Information Services (CSIS) Data Dictionary Version 4.1.	ACTION
ITEM 21	Approval of 2002-2003 Consolidated Applications.	ACTION
ITEM 22	Legislative Update: Including, but not limited, information on committee appointments and legislation.	INFORMATION
ITEM 23	No Child Left Behind (NCLB) Act, Including, but not limited to, Update on NCLB and Reading First Implementation.	INFORMATION ACTION
ITEM 24	Reading First Implementation--Technical Assistance Centers.	INFORMATION ACTION
ITEM 25	No Child Left Behind (NCLB): Title IX, Persistently Dangerous Schools.	INFORMATION ACTION

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ITEM 26	Monitoring and Evaluation of Supplemental Educational Services Providers for No Child Left Behind Act of 2001.	INFORMATION ACTION
ITEM 27	No Child Left Behind Act of 2001-Local Educational Agency Plan.	INFORMATION

WAIVER REQUESTS

CONSENT MATTERS

The following agenda items include waivers and other administrative matters that California Department of Education (CDE) staff have identified as having no opposition and presenting no new or unusual issues requiring the State Board’s attention.

CARL PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998

ITEM WC-1	Request by Borrego Springs Unified School District to waive <i>Section 131(d)(1)</i> of the Carl D. Perkins Vocational and Applied Technology Education Act of 1998 (P.L. 105-332). CDSIS-7-10-2002 (Recommended for APPROVAL)	ACTION
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HIGH SCHOOL EXIT EXAMINATION (special education students)

ITEM WC-2	Request by Garden Grove Unified School District to waive <i>Education Code Section 60851 (a)</i> , “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for three special education students. #046, #047 and #049 CDSIS-4-10-2002 (Recommended for APPROVAL)	ACTION
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ITEM WC-3	Request by Carmel Unified School District to waive <i>Education Code Section 60851 (a)</i> , “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for three special education students. #055, #056 and #057 CDSIS-6-10-2002 (Recommended for APPROVAL)	ACTION
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ITEM WC-4	Request by Morongo Unified School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student. #058 CDSIS-8-10-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-5	Request by Dublin Unified School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student. #059 CDSIS-9-10-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-6	Request by San Ramon Valley Unified School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student. #060 CDSIS-11-10-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-7	Request by Placer Union School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education students. #061 CDSIS-10-10-2002 (Recommended for APPROVAL)	ACTION

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MILLER UNRUH READING SPECIALIST

ITEM WC-8	Request by Hanford Elementary School District is to waive <i>Education Code</i> Section 52859(b). This request is related to the prohibition of using funds coordinated under the School-Based Coordinated Program (SBCP) to pay for the local share of costs associated with the employment of a Miller-Unruh Reading Specialist. CDSIS-18-10-2002 (Recommended for APPROVAL)	ACTION
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NON-CONSENT (ACTION)

The following agenda items include waivers and other administrative matters that CDE staff have identified as having opposition, being recommended for denial, or presenting new or unusual issues that should be considered by the State Board. On a case by case basis public testimony may be considered regarding the item, subject to the limits set by the Board President or the President’s designee; and action different from that recommended by CDE staff may be taken.

EQUITY LENGTH OF TIME

ITEM W-1	Request by Pioneer Union School District to waive <i>Education Code</i> (EC) Section 37202, the equity length of time requirement for kindergarten students at Grizzly Pines School to allow full for extended day kindergarten. CDSIS-5-10-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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ITEM W-2	Request by Mountain View School District to waive <i>Education Code</i> Section 37202, the equity length of time requirement for kindergarten classes at Twin Lakes Elementary and Parkview Elementary Schools for a pilot program to extend the instructional day by thirty minutes. (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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ITEM W-3	Request by Dublin Unified School District to waive <i>Education Code</i> (EC) Section 37202, the equity length of time requirement for third students at Dougherty and Dublin Elementary Schools, to unstage their third grade classes in order that all students in their classes can attend a longer school day (45 minutes per day). CDSIS-14-10-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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HIGH SCHOOL EXIT EXAMINATION (special education students)

ITEM W-4	Request by Acalanes Union High School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student. #045 CDSIS-18-9-2002 (Recommended for APPROVAL)	ACTION
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INSTRUCTIONAL TIME PENALTY

ITEM W-5	Request by Los Molinos Unified School District to waive <i>Education Code</i> Section 46201(c), the full longer day instructional time penalty for the 2000-2001 school year. CDSIS-3-11-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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END OF WAIVER REQUESTS

* * * PUBLIC HEARINGS * * *

Public Hearings on each of the following items will be held at or after 11:00 a.m. as the business of the State Board of Education permits.

ITEM 28	Environmental Effect of Proposed Formation of Dixie-Terra Linda Unified School District from Dixie School District and a Portion of San Rafael City High School District in Marin County.	ACTION PUBLIC HEARING
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ITEM 29	Proposed Formation of Dixie-Terra Linda Unified School District from Dixie School District and a Portion of San Rafael City High School District in Marin County.	ACTION PUBLIC HEARING
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ITEM 30	Proposed Additions and Amendments to Title 5, CCR, Regulations Relating to Special Education.	ACTION PUBLIC HEARING
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* * * END OF PUBLIC HEARINGS * * *

ITEM 31	For action: Recommendations from the Superintendent’s Advisory Committee for the Public Schools Accountability Act (PSAA) pursuant to the review and approval process for locally adopted pre-proposed tests of achievement to serve as additional indicators in the Alternative Schools Accountability Model (ASAM).	ACTION
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ITEM 32	For information: Progress report on goal setting for indicators in the Alternative Schools Accountability Model (ASAM).	INFORMATION
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ITEM 33	2002-03 (and beyond) determination of funding requests from charter schools pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2.	ACTION
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ITEM 34	Permanent Regulations Relating to Disputes Between School Districts and Charter Schools Regarding Facilities for Charter Schools.	INFORMATION ACTION
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ITEM 35	Permanent Regulations Regarding Claims for Average Daily Attendance for Pupils Over the Age of 19 by Charter Schools and Charter Granting Entities.	INFORMATION ACTION
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ADJOURNMENT OF MEETING

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