

CALIFORNIA STATE BOARD OF EDUCATION

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Executive Director
John Mockler

AGENDA

February 8-10, 2000

SCHEDULE OF MEETINGS

LOCATION

Tuesday, February 8, 2000

1:00 p.m.

STATE BOARD OF EDUCATION
English Learner Advisory Committee
Public Session

Department of General Services

1325 J Street, 18th Floor
Sierra Room
Sacramento, California

The English Learner Advisory Committee will discuss and provide guidance to the State Board of Education on a wide range of issues relating to the improvement of curriculum and instruction for the state's 1.4 million English learners. The Advisory Committee may consider all fiscal and policy activities under the State Board's purview as they pertain to English learners.

Wednesday, February 9, 2000

8:45 a.m. ±

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

Department of Education Building

721 Capitol Mall, Room 166
Sacramento, CA 95814
(916) 657-5478

[Closed session may be changed to an earlier time, may begin at this time and recessed to a later time, or delayed to a later time.]

CLOSED SESSION AGENDA

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

California State Board of Education

AGENDA February 8-10, 2000

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:

- *Brian Ho, et al., v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, No. C-94-2418 WHO
- *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, No. 99CS00570
- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, No. 96-CS00954
- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, 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)
- *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
- *Emma C. et al. v. Delaine Eastin et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *Laguna v. State Board of Education*, San Diego Superior Court, Case No. 78926
- *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, 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
- *McLaughlin, et. al., v. California State Board of Education, et al.*, Alameda Superior Court, Case No. 800810-5 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)
- *Richard Wilson et al. V. State Board of Education*, San Francisco Superior Court, Case No. 995602 and related appeal
- *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, 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.

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)], including, but not limited to, litigation regarding adult education programs for English language and citizenship instruction; 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)], including litigation regarding the Standardized Testing and Reporting (STAR) Program.

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 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 John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

Wednesday, February 9, 2000

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

STATE BOARD OF EDUCATION

Public Session

Department of Education Building

721 Capitol Mall, Room 166

Sacramento, CA 95814

(916) 657-5478

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

Thursday, February 10, 2000

7:45 a.m. ±

STATE BOARD OF EDUCATION

Closed Session -- If Necessary

(The public may not attend.)

Department of Education Building

721 Capitol Mall, Room 166

Sacramento, CA 95814

(916) 657-5478

Please see the Closed Session Agenda above.

Thursday, February 10, 2000

8:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION

Public Session

Department of Education Building

721 Capitol Mall, Room 166

Sacramento, CA 95814

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

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY

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, 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 657-5478; fax, (916) 653-7016.

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CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD
Public Session
AGENDA

FEBRUARY 8-10, 2000

<p><u>February 8, 2000</u> Department of General Services Building 1325 J Street, 18th Floor Sierra Room Sacramento, California 95814</p>	<p><u>February 9-10, 2000</u> Department of Education Building 721 Capitol Mall, Room 166 Sacramento, California 95814 (916) 657-5478</p>
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TUESDAY, FEBRUARY 8, 2000 – 1:00 p.m.

Department of General Services Building, Sierra Room

English Learner Advisory Committee. The English Learner Advisory Committee will discuss and provide guidance to the State Board of Education on a wide range of issues relating to the improvement of curriculum and instruction for the state's 1.4 million English learners. The Advisory Committee may consider all fiscal and policy activities under the State Board's purview as they pertain to English learners.

WEDNESDAY, FEBRUARY 9, 2000 – 9:00 a.m.± (Upon Adjournment of Closed Session, if held)

Department of Education Building, Room 166

Call to Order

Salute to the Flag

Approval of Minutes (January 2000 Meeting)

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

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this session.

ITEM 1	State Board Projects. Subjects include: direction for future agenda items; State Board office budget, staffing and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; and other matters of interest.	INFORMATION ACTION
ITEM 2	Public Comment. Public Comment is invited on any matter not 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	Report on the First Meeting of the English Learner Advisory Committee.	INFORMATION
ITEM 4	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 5	Advisory Committee for the Learning Resources Statewide Technology Service.	ACTION
ITEM 6	Digital High School Project Applications.	ACTION
ITEM 7	1999-2000 Gifted and Talented Education (GATE) Funding.	ACTION
ITEM 8	Arts Education Month Resolution.	ACTION
ITEM 9	Application to the United States Department of Education (USDE) for a waiver of the Carl D. Perkins Vocational and Technical Education Act of 1998 (P.L. 105-332) Section 131(b)(1 and 2) and Section 132(a)(2), Distribution of Funds for Postsecondary Vocational and Technical Education Programs as authorized in Section 131(c) and Section 132(b)(1 and 2) of P.L. 105-332.	INFORMATION
ITEM 9a	California State Plan for Vocational and Technical Education	INFORMATION
ITEM 10	Revision of California Code of Regulations, Title 5, Sections 4900 through 4962, Nondiscrimination in Elementary and Secondary Education Programs Receiving State Financial Assistance.	INFORMATION

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*** PUBLIC HEARING ***

BEGINS AT 10:00 A.M., OR THEREAFTER AS THE BUSINESS OF THE STATE BOARD PERMITS.

ITEM 11	California Code of Regulations, Title 5, Charter School Independent Study Regulations.	PUBLIC HEARING ACTION
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*** END OF PUBLIC HEARING ***

ITEM 12	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
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ITEM 13	Content Review Panel for Updating the History-Social Science Framework.	ACTION
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ITEM 14	Appointments to the 2001 Mathematics Adoption Instructional Materials Advisory Panel (IMAP) and Content Review Panel (CRP).	INFORMATION
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ITEM 15	Adjustment to Terms of the Members of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
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*** PUBLIC HEARING ***

BEGINS AT 1:00 P.M., OR THEREAFTER AS THE BUSINESS OF THE STATE BOARD PERMITS.

ITEM 16	2000 Science Instructional Materials Adoption.	INFORMATION PUBLIC HEARING
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*** END OF PUBLIC HEARING ***

ITEM 17	High School Exit Examination Implementation Update.	INFORMATION ACTION
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ITEM 18	English Language Development (ELD) Assessment.	INFORMATION ACTION
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ITEM 19	Proposition 28 – March 2000 Ballot.	INFORMATION ACTION
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THURSDAY, FEBRUARY 10, 2000 – 8:00 a.m. (Upon Adjournment of Closed Session, if held)

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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 meeting may be considered.

The State Board will also consider and take action on the following agenda items.

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.

INSTRUCTIONAL TIME PENALTY

ITEM WC-1	Request by Etna Union High School District to waive the longer day instructional time penalty down to affected students only for the 1998-99 fiscal year (repayment due \$235). CDSIS-22-11-99 (Recommended for APPROVAL)	ACTION
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PROGRAM QUALITY REVIEW

ITEM WC-2	Request by Clovis Unified School District to waive Education Code section 64001(c) to postpone Program Quality Review for one year. CDSIS-23-12-99 (Recommended for APPROVAL)	ACTION
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RESOURCE SPECIALIST

ITEM WC-3	Request by American Union School District to waive Education Code section 56362(c) which allow the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher, Susanne Chuhlantseff assigned at American Union. CDSIS-10-11-99 (Recommended for APPROVAL)	ACTION
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ITEM WC-4	Request by Etna Union High School District to waive Education Code section 56362(c) which allows the districts to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher, Jennifer Kausch assigned at Etna Union High School. CDSIS-6-12-99 (Recommended for APPROVAL)	ACTION
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ITEM WC-5	Request from Orland Unified School District to waive Education Code section 56362(c) which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher, John Seid assigned at Fairview School. CDSIS-13-12-99 (Recommended for APPROVAL)	ACTION
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MILLER-UNRUH READING SPECIALIST

ITEM WC-6	Request from Atwater Elementary School District to waive Education Code Section 52859(b) using ECS 52863. This request relates to the prohibition of using funds coordinated under the School-based Coordinated Program (SBC)P to pay for the local <u>share of costs associated with the employment of a reading specialist.</u> CDSIS-11-12-99 (Recommended for APPROVAL)	ACTION
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ITEM WC-7	Request from Morgan Hill Unified School District to waive Education Code section 52859(b) using ECS 52863. This request relates to the prohibition of using funds coordinated under the School-based Coordinated Program (SBCP) to pay for the local <u>share of costs associated with the employment of a reading specialist.</u> CDSIS-14-12-99 (Recommended for APPROVAL)	ACTION
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PHYSICAL EDUCATION

ITEM WC-8	Request from San Leandro High School to waive Education Code section 51222(a) in order to include physical education in block schedule for high school students CDSIS-12-1-2000 (Recommended for APPROVAL)	ACTION
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STATE MEAL MANDATE (SUMMER SCHOOL SESSION)

ITEM WC-9	Request from Foresthill Union School District for a renewal of a	ACTION
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	waiver for the State Meal Mandate during the (Summer School Session). CDSIS-17-12-99 (Recommended for APPROVAL)	
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NON-CONSENT MATTERS

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.

ASSISTIVE TECHNOLOGY ASSESSMENT

ITEM W-1	Request from East Valley SELPA, Fontana Unified SELPA, and San Bernardino City Unified SELPA to waive Education Code section 56771(d) to allow 10% of state low incidence funds to be utilized for the purchase of assistive technology/materials for <u>assessment and trial use prior</u> to purchasing specific items for specific identified students. CDSIS-21-12-99 (Recommended for APPROVAL)	ACTION
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CHARTER SCHOOL

ITEM W-2	Request by the Long Beach Unified School District to waive Title 5 CCR Section 11960, related to charter school attendance, for Options for Youth Charter School. CDSIS-58-7-99 (Recommended for APPROVAL) with conditions	ACTION
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COOPERATIVE PROGRAM REQUIREMENT

ITEM W-3	Request from Cayucos Elementary School District to withdraw from cooperative membership for Consolidated Application Cooperative for the 1999-2000 fiscal year. CDSIS-15-9-99 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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EQUITY LENGTH OF TIME

ITEM W-4	Request from Lompoc Unified School District to waive the equity length of time requirement for 3 rd grade students at Los Padres	ACTION
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	Elementary School. CDSIS-15-11-99 (Recommended for APPROVAL)	
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MENTOR TEACHER

ITEM W-5	Request by Cajon Valley Union School District to waive Education Code sections 44492 (a,c), 44494(a), and 44496(b) pertaining to mentor teacher, (combine funds for two full-time mentors). CDSIS-7-12-99 (Recommended for APPROVAL)	ACTION
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NON-PUBLIC SCHOOL/AGENCY (CHILD SPECIFIC)

ITEM W-6	Request by Grossmont Union High School District to waive Education Code 56366.1(a) certification for an uncertified nonpublic school/agency (Shiloh Treatment Center and Day Star Residential Inc., located in Manvel, Texas) to provide services for one special education student Matthew M. CDSIS-12-11-99 (Recommended for APPROVAL)	ACTION
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ITEM W-7	Request by the Cajon Valley Union School District to waive Education Code Section 56366.1(a) nonpublic school/agency certification for (Shiloh Treatment Center, located in Manvel, Texas) to provide services for one special education student Jacob N. CDSIS-28-11-99 (Recommended for APPROVAL)	ACTION
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ITEM W-8	Request by East Valley SELPA to waive Education Code 56366.1(a) certification for an uncertified nonpublic school/agency (Kimberly J. Hiddleson) to provide services for one special education student Tyler M. CDSIS27-11-99 (Recommended for APPROVAL)	ACTION
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NONPUBLIC SCHOOL/AGENCY (DATE WAIVER)

ITEM W-9	Request from Ross Valley School District to waive the timeline of (August 1 thru October 31) for submission of an annual renewal application for	ACTION
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	Kathy Fowler, Home Visiting Speech and Language Services (NPA). CDSIS-28-12-99 (Recommended for APPROVAL)	
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OPPORTUNITY SCHOOLS

ITEM W-10	Request from Yuba County Office of Education to waiver of E.C. section 48640 regarding Opportunity Schools (the restrictions on county-run programs based on average daily attendance). CDSIS-20-10-99 (Recommended for APPROVAL) with conditions	ACTION
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ORDER OF ELECTION/TRANSFER OF TERRITORY

ITEM W-11	Request by the San Rafael City Elementary School District and the Dixie Elementary School District to waive Education Code Section 35710.5(c) and 35710.51 to eliminate an election requirement. CDSIS-5-12-99 San Rafael Elementary School District CDSIS-20-12-99 Dixie Elementary School District (Recommended for APPROVAL)	ACTION
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PETITION TO PURCHASE NON-ADOPTED INSTRUCTIONAL MATERIAL MONIES

ITEM W-12	Petition request by Luther Burbank School District to purchase nonadopted Instructional Resources using Instructional Materials Fund (IMF) monies, (Success For All). CDSIS-14-11-99 (Recommended for APPROVAL)	ACTION
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REGIONAL OCCUPATIONAL CENTERS/PROGRAMS

ITEM W-13 Postponed from the January 2000 meeting	Request by the Contra Costa County Office of Education ROP to waive Education Code Section 52314.6, regarding an increase in the ROP enrollment of students under the age of 16. CDSIS-16-11-99 (Recommended for APPROVAL on the condition that the under 16 ADA may not exceed 10% or 250 ADA.) E.C. 33051(c) will apply	ACTION
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RESOURCE SPECIALIST

ITEM W-14	Request from Hemet Unified School District to waive Education Code section 56362(c) which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher, Debra Edingfield assigned at Winchester School.	ACTION
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	CDSIS-2-12-99 (Recommended for DENIAL)	
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ITEM W-15	Request from Bonita Unified School District to waive Education Code section 56362(c) which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher, Debra L. Edisfield assigned at Winchester School, and Olivia Macaulay assigned at Bonita High School. CDSIS-9-1-2000 (Recommended for DENIAL)	ACTION
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SUPPLEMENTAL GRANT FUNDS

ITEM W-16	Request by Central Elementary School District to waive Education Code section 54761.2, related to program designation for deposit of supplemental grant funds. CDSIS-71-7-99 (Recommended for APPROVAL)	ACTION
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UNIFORM DRESS CODE

ITEM W-17	Request from East Side Union High School District to waive Education Code section 35183(7)(d)(e) pertaining to schoolwide uniform dress code. CDSIS-9-11-99 (Recommended for DENIAL)	ACTION
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*** END OF WAIVER REQUESTS ***

ITEM 20	Standardized Testing and Reporting (STAR) Program, including, but not limited to, an update on the implementation of STAR 2000.	INFORMATION ACTION
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ITEM 21	Public Schools Accountability Act (PSAA), including, but not limited to, (1) an oral update on the activities of the PSAA Advisory Committee related to implementation of Assembly Bill 1114, Certificated Staff Performance Incentive Act; and (2) approval of guidelines for a request for proposals for an independent evaluation of Senate Bill 1x.	INFORMATION ACTION
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ITEM 22	Territory Transfer Appeal: Loomis Union Elementary and Placer Union High School Districts to the Eureka Union Elementary and Roseville Joint Union High School Districts in Placer County (Shelborne Community).	ACTION
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ITEM 23	Proposed transfer of territory from the Long Beach Unified School District (Los Angeles County) to the Los Alamitos Unified School District (Orange County), the Island Village territory.	ACTION
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*** PUBLIC HEARING ***

BEGINS AT 2:00 P.M., OR THEREAFTER AS THE BUSINESS OF THE STATE BOARD PERMITS.

ITEM 24	Standardized Testing and Reporting (STAR) Program Regulations: Permanent Regulations for the Designated and Primary Language Tests.	PUBLIC HEARING ACTION
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*** END OF PUBLIC HEARING ***

ADJOURNMENT

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