

CALIFORNIA STATE BOARD OF EDUCATION

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*Subject to appointment of replacement member.

Secretary & Executive Officer
Hon. Delaine Eastin

Executive Director
John B. Mockler

AGENDA

February 7-8, 2001

SCHEDULE OF MEETINGS

Wednesday, February 7, 2001

9:00 a.m. ±

STATE BOARD OF EDUCATION

Closed Session – IF NECESSARY

(The public may not attend.)

LOCATION

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

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
- *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 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
- *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, 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

For more information concerning this agenda, please contact John B. Mockler, Executive Director of the California State Board of Education, or Deborah Franklin, Program Analyst, at 721 Capitol Mall, Room 558, P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 657-5478; fax (916) 653-7016. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number.

- *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
- *Fresno Unified School District v. State Board of Education*, Fresno County Superior Court, Case No. 654676 6
- *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, 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)
- *Mitchell v. State Board of Education, et al.*, U.S. District Court, Southern District of California, Case No. 99-CV-2644K(LSP)
- *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.
- *Williams, et al. v. State of California, et al.*; San Francisco Superior Court, Case No. 312236.

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.

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Wednesday, February 7, 2001

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 8, 2001

8:00 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 8, 2001

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
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Please see the detailed agenda for more information about the items to be considered and acted upon.
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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, 721 Capitol Mall, Room 558, 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 7-8, 2001

Department of Education
721 Capitol Mall, Room 166
Sacramento, California 95814
(916) 657-5478

WEDNESDAY, FEBRUARY 7, 2001 - 9:00 a.m. (Upon Adjournment of Closed Session, if held)
California Department of Education Building, Room 166

Call to Order

Salute to the Flag

Approval of Minutes (January 2001 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 this session.

ITEM 1	STATE BOARD PROJECTS. Including future meeting plans; agenda items; State Board office budget; staffing and direction to staff; designation of chief counsel; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; and other matters of interest.	INFORMATION ACTION
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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	Appoint Joanne Mendoza to the position of Deputy Superintendent for the Curriculum & Instructional Leadership Branch (Article IX, Section 2.1 of the Constitution of the State of California).	ACTION
ITEM 4	Digital High School Program Revision Request – Bakersfield High School.	ACTION
ITEM 5	Providers of Professional Development in Mathematics (AB 1331).	ACTION
ITEM 6	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 7	Revision to the Revised California State Plan 1999-2004 for the Title II: Workforce Investment Act, Adult Education and Family Literacy Act.	ACTION
ITEM 8	Approval of the 2000-01 Consolidated Applications for Ravenswood Elementary, Inglewood Unified, and Compton Unified School Districts.	ACTION
ITEM 9	Implementation of SB 1632 – School Accountability Report Card (SARC).	INFORMATION ACTION
ITEM 10	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Approval of Scoring Rubrics for the California Writing Standards Tests.	INFORMATION ACTION
ITEM 11	Standardized Testing and Reporting (STAR) Program Adoption of Permanent STAR Title 5 Regulations.	INFORMATION ACTION
ITEM 12	High School Exit Examination (HSEE) Student Report for the HSEE Spring 2001 Administration.	INFORMATION ACTION

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ITEM 13	High School Exit Examination (HSEE): Including, but not limited to, Apportionment.	INFORMATION ACTION
ITEM 14	High School Exit Examination (HSEE): Regulations. [15-Day Notice of Changes.]	INFORMATION ACTION
ITEM 15	Educational Equity Regulations. [Second 15-Day Notice of Changes.]	ACTION
ITEM 16	Title 5, California Code of Regulations Division 1, Chapter 2, Subchapter 4: Award Programs Linked to Academic Performance Index (API). [15-Day Notice of Changes.]	ACTION
ITEM 17	Academic Performance Index (API) Policy Issues Regarding the Spring 2001 Administration of Standardized Testing and Reporting (STAR) Program.	INFORMATION ACTION
ITEM 18	Proposed Indicators for the Alternative Schools Accountability Model in the Alternative Accountability System.	INFORMATION

*** REGIONAL PUBLIC HEARING ***

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

ITEM 19	Standardized Testing and Reporting (STAR) Program: Regional Public Hearings and Adoption of English-Language Arts Performance Standards (Levels) for STAR 2001.	REGIONAL PUBLIC HEARING ACTION
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*** END OF PUBLIC HEARING ***

ITEM 20	Progress Report of the Awards/Intervention Subcommittee of the Public Schools Accountability Act (PSAA) Advisory Committee.	INFORMATION
ITEM 21	Presentation of the Child Nutrition Advisory Council's Annual Reports for 1999 and 2000.	ACTION

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ITEM 22	California State Board of Education Policy for School Safety, Discipline and Attendance.	INFORMATION
ITEM 23	Update to California’s State Policies and Procedures for Special Education.	INFORMATION
ITEM 24	Update on Oversight Issues Related to State Board of Education Approved Charters.	INFORMATION
ITEM 25	California School Information System.	INFORMATION

THURSDAY, February 8, 2001 – 8:00 a.m. (Upon Adjournment of Closed Session, if held)

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

ITEM 26	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
ITEM 27	Legislative Item: Discussion and/or Development of Legislative Proposals and Priorities and Update on the Governor’s 2001-02 Budget for Education.	INFORMATION ACTION
ITEM 28	Approve State Board of Education Waiver Policy/Guideline: Carl D. Perkins Vocational and Applied Technology Education Act of 1998: Waivers of the Consortium Requirement for Minimum Allocation.	ACTION

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ITEM 29	Modification of State Board Waiver Policy 99-05, Retroactive Waivers: Apportionment Significant Audits and Audit Exceptions.	INFORMATION ACTION
ITEM 30	Modification of State Board Waiver Policy 99-06, Schiff-Bustamante Standards-Based Instructional Materials Program.	INFORMATION ACTION

*****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 Cuddenback Union Elementary School District to reduce the full longer day instructional time penalty for instructional minutes shortages in Grades 3-7 for the 1998-99 fiscal year under the authority of EC 46206. Repayment due \$51,305. CDSIS-7-10-2000 (Recommended for APPROVAL)	ACTION
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MILLER-UNRUH READING SPECIALIST

ITEM WC-2	Request by Morgan Hill Unified School District for a renewal to waive ECS 52859(b), using the authority of ECS 52863. This request relates 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-28-12-2000 (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.

ACADEMIC PERFORMANCE INDEX—ADULT IRREGULARITIES

ITEM W-1	San Bernardino City School District (SBCSD) Academic Performance Index (API Waiver). Specifically, the SBCSD requests a waiver for Lytle Creek School of a portion of 5 CCR 1032(d)(1) which would in effect allow Lytle Creek to be excluded from the API for the current year (2000), but be allowed to participate in the subsequent year (2001), due to the limited nature of the “adult irregularities” self reported for the 2000 STAR test. CDSIS-41-12-2000 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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ACADEMIC PERFORMANCE INDEX—LESS THAN 100 VALID TEST SCORES

ITEM W-2	Happy Valley Elementary School District Academic Performance Index (API Waiver). Specifically, the Happy Valley ESD requests a waiver of a portion of 5 CCR 1031(b) which would in effect allow this district to be given an API score for the 2000 school year, with 99 valid tests scores rather than 100 valid test scores. CDSIS-22-10-2000 (Recommended for DENIAL) per E.C. 33051(a)(1)	ACTION
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ACADEMIC PERFORMANCE INDEX—SUB GROUP IMPROVEMENTS

ITEM W-3	Piner-Olivet Union School District Academic Performance Index (API Waiver), the Piner-Olivet Union S.D., requests a waiver of a portion of 5 CCR 1032(g) which would in effect allow this district to have less than 80% of the school wide API improvement goals in order to show “comparable improvement” in the “socioeconomically disadvantaged sub-group.” (50% is requests as a condition of the waiver.) CDSIS-34-11-2000 (Recommended for DENIAL) per E.C. 33051(a)(1)	ACTION
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DISTRICT REORGANIZATION

ITEM W-4	Request by the Orland Joint Unified School District to waive part or all of Education Code sections 5019 (a)(c)(d), 5020, and 5091 regarding governing board size, elections, and appointments to fill vacancies. CDSIS-26-12-2000 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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IMMEDIATE INTERVENTION/UNDERPERFORMING SCHOOL PROGRAM (second round funding)

ITEM W-5	Request by “listed” School Districts in the “second round” of IIUSP funding, for a waiver delaying the timelines specified in E.C. Section 52054a), the requirement of November 15, (2000) (for contracting with an external evaluator, and appointment of the required schoolsite and community team. NOTE: A complete list of schools/districts, waiver numbers and requested “replacement date” will be provided to the Board with the supplemental materials before the meeting starts. (Recommended for APPROVAL)	ACTION
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NON-PUBLIC SCHOOL/AGENCY (CHILD SPECIFIC)

ITEM W-6	Request by Covina Valley Unified School District to waive Education Code section 56366.1(a) certification for an uncertified nonpublic school Cathedral Home for Children, located in Laramie, Wyoming to provide services to one special education student Keith D.M. CDSIS-87-5-2000 (Recommended for APPROVAL)	ACTION
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ITEM W-7	Request by Shasta County Office of Education to waive certification for an uncertified school, North Valley Schools “Lake Campus Facility” for 14 special needs students (see list of students on second page of waiver document). CDSIS-123-4-2000 (Recommended for APPROVAL)	ACTION
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PROGRAM QUALITY REVIEW (delay)

ITEM W-8	Request by Lompoc Unified School District to waive Education Code	ACTION
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	section 64001(c) to delay the Program Quality Review process for one year (to the seventh year). CDSIS-23-11-2000 (Recommended for APPROVAL)	
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SB 1882 FUNDS/SCHOOL IMPROVEMENT DEVELOPMENT FUNDS

ITEM W-9	Request by Lodi Unified School District to allocate SBE 1882 Professional Development Funds and School Improvement Funds equally to its three comprehensive and two continuation high schools. CDSIS-45-11-2000 (Recommended for APPROVAL)	ACTION
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*****END OF WAIVER REQUESTS*****

ITEM 31	Proposed Formation of a Unified School District in the City of Lakewood From Territory in ABC Unified, Bellflower Unified, Long Beach Unified, and Paramount Unified School Districts in Los Angeles County.	ACTION
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***** PUBLIC HEARING *****

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

ITEM 32	Formation of a Carson Unified School District from Territory in the Los Angeles and Compton Unified School Districts.	PUBLIC HEARING ACTION
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***** END OF PUBLIC HEARING *****

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