

CALIFORNIA STATE BOARD OF EDUCATION

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Secretary & Executive Officer
Hon. Delaine Eastin

Executive Director
John B. Mockler

AGENDA

October 10-11, 2001

PLEASE NOTE

On Wednesday, October 10, 2001, the State Board of Education meeting will be held in its usual location, 721 Capitol Mall, Room 166, Sacramento, California.

On Thursday, October 11, 2001, the State Board of Education will be held in the Joe Serna Jr. Building, Central Valley Auditorium, 1001 I Street, Second Floor, Sacramento, California, in order to accommodate a Public Hearing.

SCHEDULE OF MEETINGS

Wednesday October 10, 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
- *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 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

For more information concerning this agenda, please contact John B. Mockler, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, 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.

- **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, 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)
- **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)].

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California State Board of Education

AGENDAOctober 10-11, 2001

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.

Wednesday, October 10, 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, October 11, 2001

8:00 a.m. ±
STATE BOARD OF EDUCATION
Closed Session -- If Necessary
(The public may not attend.)

Joe Serna Jr. Building
Central Valley Auditorium
1001 I Street, Second Floor
Sacramento, CA 95814
(916) 657-5478

Please see the Closed Session Agenda above.

Thursday, October 11, 2001

8:00 a.m. ± (Upon Adjournment of Closed Session, if held)
STATE BOARD OF EDUCATION
Public Session

Joe Serna Jr. Building
Central Valley Auditorium
1001 I Street, Second Floor
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.

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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

October 10-11, 2001

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

Joe Serna Jr. Building
Central Valley Auditorium
1001 I Street, Second Floor
Sacramento, California 95814
(916) 657-5478

WEDNESDAY, October 10, 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 (September 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; 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
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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	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 4	Special Education Local Plan Area (SELPA) Local Plans Extension.	ACTION
ITEM 5	Approval of Providers of Professional Development in Mathematics (AB 1331).	ACTION
ITEM 6	Standards of Quality and Effectiveness for Professional Teacher Induction Programs (SB 2042).	ACTION
ITEM 7	Seminar Session on the Acquisition of Academic English.	INFORMATION
ITEM 8	Proposed Rulemaking for English Learner Regulations.	ACTION
ITEM 9	Advantages and Disadvantages of Including the Mathematics Standards Test Results, Grades 2-7, in the 2001 Baseline Academic Performance Index (API).	INFORMATION ACTION
ITEM 10	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION

PUBLIC HEARINGS

BEGINS AT 1:00 PM, OR THEREAFTER, AS THE BUSINESS OF THE STATE BOARD PERMITS

ITEM 11	Proposed Amendments to the Title 5, California Code of Regulations: Award Programs Linked to the Academic Performance Index (API).	PUBLIC HEARING ACTION
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ITEM 12	Public Hearing and Adoption for Permanent Regulations on Charter School Petition Review Criteria.	PUBLIC HEARING ACTION
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END OF PUBLIC HEARINGS

ITEM 13	Public Charter Schools Grant Program Request for Applications.	ACTION
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ITEM 14	Establishment of the Advisory Commission on Charter Schools and Appointment of Initial Members.	INFORMATION ACTION
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ITEM 15	Recommended Standards for Programs for Gifted and Talented Students (revised).	ACTION
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ITEM 16	Principal Training Program (AB 75, Steinberg), Including, but not limited to, Advisory Group Appointments.	INFORMATION ACTION
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ITEM 17	Revision to the <i>California State Plan (1999-2004) for the Title II: Workforce Investment Act, Adult Education and Family Literacy Act</i> (revised July 2001).	INFORMATION ACTION
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ITEM 18	Approval of 2001-2002 Consolidated Applications.	ACTION
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ITEM 19	Report of General Waiver Activity for Calendar Years 1999 and 2000.	INFORMATION
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ITEM 20	Proposed Waiver Policy for Retroactive Waivers of <i>Education Code 60119</i> Instructional Materials Sufficiency Public Hearing Requirements.	INFORMATION
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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.

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MILLER-UNRUH READING SPECIALIST

ITEM WC-1	Request by Monterey Peninsula Unified School District to waive <i>Education Code</i> Section 52859(b), relating 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-5-8-2001 (Recommended for APPROVAL)	ACTION
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NONPUBLIC SCHOOL/AGENCY (Annual renewal of certification)

ITEM WC-2	Request by the Los Angeles Unified School District to waive <i>Education Code</i> Section 56366.1(h), the requirement for <u>Poseidon School</u> , a nonpublic agency to apply for <u>annual renewal</u> of their certification between August 1 and October 31 of each year. CDSIS-116-4-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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STATE MEAL MANDATE--SUMMER SCHOOL SESSION (renewal request)

ITEM WC-3	Request by Moreland School District for a <u>renewal</u> to waive the State Meal Mandate during the Summer School Session. CDSIS-17-8-2001 (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.

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ACADEMIC PERFORMANCE INDEX- Decile Rank Waiver

ITEM W-1	<p>Fremont Unified School District Academic Performance Index (API) Waiver. Specifically the FUSD requests a waiver of the Title 5 CCR Section 1034 "...to be eligible to receive awards under the Certificated Staff Performance Incentive Acts, school sites must have attained a statewide decile rank of 1-5 in the base year of the current growth API...." which would in effect allow <u>Cabrillo Elementary School</u> to qualify for the 2000 Governor's Performance Award Program. CDSIS-60-4-2001 (Recommended for DENIAL) per <i>Education Code</i> Section 33051(a)(1)</p>	ACTION
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ACADEMIC PERFORMANCE INDEX-ADULT TESTING IRREGULARITIES

ITEM W-2	<p>New Haven Unified School Academic Performance Index (API Waiver). Specifically, the New Haven Unified School District requests a waiver of a portion of Title 5 CCR Section 1032(c), to allow <u>Hillview Crest Elementary School</u> included in the API for the current year (2001) or at least in the subsequent year (2002), due to the limited nature of "adult testing irregularities." CDSIS-42-7-2001 (Recommended for APPROVAL)</p>	ACTION
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CLASSIFIED SENIOR MANAGEMENT EMPLOYEES

ITEM W-3	<p>Request by Los Angeles Unified School District to waive <i>Education Code</i> Section 45108.5(b)(4) to increase permanently the number of Classified Senior Management Employees in the District. CDSIS-33-7-2001 (Recommended for APPROVAL)</p>	ACTION
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LANGUAGE, SPEECH, AND HEARING (LSH) SPECIALIST CASELOAD

ITEM W-4	<p>Request by Fresno Unified School District to waive <i>Education Code</i> Section 56363.3 and Title 5 CCR 3051.1(4)(b), which allows the district to exceed the maximum caseload of fifty-five (55) students for Language, Speech, and Hearing (LSH) specialist teacher in the district, county office, or special education local plan area. CDSIS-10-2-2001 (Recommended for APPROVAL WITH CONDITIONS)</p>	ACTION
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MATHEMATICS PROFESSIONAL DEVELOPMENT GRANT

ITEM W-5	Request by <u>five</u> districts for a waiver of <i>Education Code</i> Section 44721(a) to allow use of AB 1331 Grant funds for per diem and release time for teacher training in mathematics instruction. CDSIS # (See attached list) (Recommended for APPROVAL)	ACTION
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NONPUBLIC SCHOOL/AGENCY--(child specific)

ITEM W-6	Request by Las Virgenes Unified School District to waive <i>Education Code</i> Section 56366.1(a), certification requirements for an out-of-state noncertified nonpublic agency, Mount Bachelor Academy, located in Pineville, Oregon, to provide services to one special education student, Jonathan K. CDSIS-48-3-2001 (Recommended for APPROVAL)	ACTION
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SCHIFF-BUSTAMANTE STANDARDS-BASED INSTRUCTIONAL MATERIALS--
MATHEMATICS

ITEM W-7	General waiver request of <i>Education Code</i> Sections 60450(b) and 60451(b) Schiff-Bustamante Standards-Based Instructional Materials Program by North Cow Creek Elementary School District to purchase nonadopted Instructional Resources (<i>Houghton Mifflin Mathematics, Grade 6</i>) using Schiff-Bustamante Funds. CDSIS-14-8-2001 (Recommended for APPROVAL)	ACTION
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ITEM W-8	General waiver request of <i>Education Code</i> Sections 60450(b) and 60451(b) Schiff-Bustamante Standards-Based Instructional Materials Program by Palos Verdes Peninsula Unified School District to purchase nonadopted Instructional Resources (<i>Everyday Mathematics, Grades K-5, 2nd Edition</i>) using Schiff-Bustamante Funds. CDSIS-2-8-2001 (Recommended for APPROVAL) of Grades K-3, 2 nd Edition <i>Everyday Mathematics</i> . (Recommended for DENIAL) of Grades 4-5, 2 nd Edition <i>Everyday Mathematics</i> .	ACTION
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SCHOOL SITE COUNCIL

ITEM W-9	Request by Lost Hills Union School District to waive <i>Education</i>	ACTION
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	<p><i>Code</i> Section 52176(b) relating to the establishment of a School Bilingual Advisory Committee (one committee for two school sites in the district). CDSIS-29-7-2001 (Recommended for APPROVAL WITH CONDITIONS)</p>	
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TERRITORY TRANSFER

ITEM W-10	<p>Request by Santa Clara Unified, East Side Union High, and Orchard Elementary School District to waive Education Code Section 35534 to expedite the effective date of territory transfer. CDSIS-20-6-2001 Santa Clara Unified School District CDSIS-22-6-2001 East Side Union High School District CDSIS-43-6-2001 Orchard School District (Recommended for APPROVAL) E.C. 33051(c) will apply</p>	ACTION
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END OF WAIVER ITEMS

ITEM 21	<p>Legislative Item: Update and Discussion of Education-Related Legislation in the 2001 Legislative Session, Including, but not limited to, Legislation that Requires State Board Action.</p>	INFORMATION ACTION
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THURSDAY, October 11, 2001 – 8:00 a.m. (Upon Adjournment of Closed Session, if held)

Joe Serna Jr. Building, Central Valley Auditorium, 1001 I Street, Second Floor, Sacramento, CA 95814

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 22	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Planning for the 2003 STAR Program.	INFORMATION ACTION
ITEM 23	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Proposed Criteria for the Review of Norm-Referenced Test (NRT) Submissions.	INFORMATION ACTION
ITEM 24	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Proposal to Use \$3 Million in Federal Funds for an Independent Evaluation Contractor.	INFORMATION ACTION
ITEM 25	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Approval of 2002 Contract with Harcourt Educational Measurement.	INFORMATION ACTION
ITEM 26	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Approval of 2002 CTB/McGraw-Hill Contract for Spanish Assessment of Basic Education (SABE)/2.	INFORMATION ACTION
ITEM 27	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Approval of English-Language Arts, Mathematics, Science and History-Social Science Performance Standards (Levels).	INFORMATION ACTION
ITEM 28	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Approval of the California Standards Tests’ Sub-Score	INFORMATION ACTION

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	Reporting Categories.	
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ITEM 29	California English Language Development Test (CELDT): Including, but not limited to, Reclassification Guidelines.	INFORMATION ACTION
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ITEM 30	California English Language Development Test (CELDT): Regulations.	ACTION
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ITEM 31	California High School Exit Examination (CAHSEE): Including, but not limited to, Approval of Regulations on Accommodations to go out for a 15-day Public Comment Period.	INFORMATION ACTION
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ITEM 32	General Educational Development (GED): Including, but not limited to, Proposed Changes to GED Regulations.	INFORMATION ACTION
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PUBLIC HEARING

BEGINS AT 10:00 AM, OR THEREAFTER, AS THE BUSINESS OF THE STATE BOARD PERMITS

ITEM 33	Formation of Mission San Jose Unified School District from a portion of the Fremont Unified School District in Alameda County	PUBLIC HEARING ACTION
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END OF PUBLIC HEARING

ITEM 34	Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST).	INFORMATION
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