

CALIFORNIA STATE BOARD OF EDUCATION

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Executive Director
John B. Mockler

AGENDA

JUNE 7-8, 2000

SCHEDULE OF MEETINGS

LOCATION

Wednesday, June 7, 2000

9:00 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

[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, 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) 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

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

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
- *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, No. 99-CV-2644K(LSP)
- *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.
- *Williams, et al. v. State of California, et al.; San Francisco Superior Court, Case No. 312236.*

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California State Board of Education

AGENDA June 7-8, 2000

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 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, June 7, 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, June 8, 2000

9:00 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, June 8, 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.

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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 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

June 7-8, 2000

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

WEDNESDAY, JUNE 7, 2000 – 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 (May 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 this session.

ITEM 1	STATE BOARD PROJECTS. Subjects include: direction for future agenda items; State Board office budget, staffing and direction to staff; appointments; 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	Approve Providers of Mathematics Professional Development (AB 1331).	INFORMATION ACTION
ITEM 4	State Board of Education Conflict of Interest Code, Revision of Title 5 Regulations Section 18600.	ACTION
ITEM 5	Assignment of numbers for charter school petitions.	ACTION
ITEM 6	Digital High School Project Applications – Contested Applications	ACTION
ITEM 7	Immediate Intervention/Underperforming Schools Program (II/USP) Implementation Grant Awards	INFORMATION ACTION
ITEM 8	Territory Transfer Appeal: “First Impressions” Area from Alvard Unified School District (AUSD) to Corona-Norco Unified School District (CNUSD), Riverside County.	ACTION
ITEM 9	Public Schools Accountability Act (PSAA): Overview of the API	INFORMATION
ITEM 10	Standardized Testing and Reporting Program 1. STAR 2000 update 2. STAR 2001 planning	INFORMATION ACTION
ITEM 11	High School Exit Examination Implementation Update	INFORMATION ACTION
ITEM 12	Approve NEW State Board of Education Waiver Policies/Guideline: Guidelines for Evaluation Requests for Waivers of the Percentage of Students Under the age of 16 Enrolled in Regional Occupational Centers/Programs (ROCPs).	INFORMATION ACTION
ITEM 13	Approve NEW State Board of Education Waiver Policies/Guideline: Guidelines for Evaluation Requests for Waivers of Charter School Average Daily Attendance – Alternative Calculation Method.	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.

INSTRUCTIONAL TIME PENALTY

ITEM WC-1	Request by Lindsay Unified School District to waive the full longer day instructional time penalty and the full penalty that is based on falling below their 1982-83 instructional minute baseline for the 1998-99 fiscal year. CDSIS-20-2-2000 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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NONPUBLIC SCHOOL/AGENCY (NEW APPLICATION DEADLINE)

ITEM WC-2	Request by Merced SELPA for a waiver of the requirement in E.C section 56366.1(b), the requirement for a Non Public School or Agency (Creative Alternatives) to apply for certification between January 1 and June 30 each year. CDSIS-19-5-2000 (Recommended for APPROVAL)	ACTION
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RESOURCE SPECIALIST

ITEM WC-3	Request by Bassett Unified School District to waive Education Code Section 56262(c) which allows the districts to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher. CDSIS-14-4-2000 (Recommended for APPROVAL)	ACTION
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ITEM WC-4	Request by Travis Unified 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. CDSIS-54-4-2000 (Recommended for APPROVAL)	ACTION
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ITEM WC-5	Request by West Contra Costa Unified 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.	ACTION
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	CDSIS-91-4-2000 (Recommended for APPROVAL)	
ITEM WC-6	Request by North Sacramento 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. CDSIS-53-4-2000 (Recommended for APPROVAL)	ACTION

SCHOOL SITE COUNCIL

ITEM WC-7	Request by Golden Feather Union School District to waive Education Code Section 52852 under the authority of ECS 52863 relating to the establishment of a school site council as required for each school participating in the School-based Coordination Act (one school site council for two schools). CDSIS-25-4-2000 (Recommended for APPROVAL)	ACTION
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STATE MEAL MANDATE (SATURDAY SCHOOL SESSION)

ITEM WC-8	Request by Dunsmuir Joint Union High School District for a renewal to waive the State Meal Mandate during the Saturday school session. CDSIS-72-4-2000 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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STATE MEAL MANDATE (SUMMER SCHOOL SESSION) Original request

ITEM WC-9	Request by <u>nine</u> districts to waive the State Meal Mandate during the Summer School Session. (Recommended for APPROVAL)	ACTION
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STATE MEAL MANDATE (SUMMER SCHOOL SESSION) Renewal request

ITEM WC-10	Request by <u>71</u> districts for a <u>renewal</u> to waive the State Meal Mandate during the Summer School Session. (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 (API)

ITEM W-1	Request by two districts to waive E.C. 52056(c), which requires a <u>specific date</u> (July of each fiscal year at a regularly scheduled meeting) for local School Boards to <u>discuss the district results on the Academic Performance Index (API)</u> . CDSIS-33-4-2000 Bennett Valley Union School District CDSIS-20-5-2000 Mark West Union School District (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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BONDED INDEBTEDNESS

ITEM W-2	Request by Oxnard School District to waive Education Code section 15102 regarding Bonded Indebtedness to allow the district to exceed its bonding limit of 1.25 percent to 1.59 percent of the taxable property of the district/limitation indebtedness. CDSIS-103-4-2000 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998

ITEM W-3	Request by Firebaugh-Las Deltas Unified School District to renew waiver of P.L. 105-332-Section 131(d)(2) of the Carl D. Perkins Vocational and Technical Education Act of 1998. CDSIS-78-4-2000 (Recommended for APPROVAL)	ACTION
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CHARTER SCHOOLS

ITEM W-4	Request by the Victor Valley Union High School District to waive Title 5 CCR, Section 11704, related to charter school independent study pupil-teacher ratios, for the Excelsior Education Center Charter School. CDSIS-9-4-2000 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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ITEM W-5	Request by the Orange County Office of Education to waive Title 5 CCR Section 11704, related to charter school independent study pupil-to-teacher ratios, for the Orange County Charter School. CDSIS-56-3-2000 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Item W-6 (Request by Los Angeles Unified School District) will be heard later in the agenda.

COMMUNITY DAY

ITEM W-7	Request by Lindsay School District for a waiver of Education Code Section 48661(b) relating to the placement of a district community day school on the same site as a continuation school. CDSIS-8-4-2000 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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ELECTION OF NEW GOVERNING BOARD/DISTRICT MERGE TRANSITION

ITEM W-8	Request by the Mountain View Elementary School District to waive Education Code Sections 5017, 35106 and 35737. CDSIS-34-4-2000, CDSIS-35-4-2000, and CDSIS-36-4-2000 (Recommended for APPROVAL) conditional on SBE approval of Item W-9	ACTION
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ITEM W-9	Request by the Whisman Elementary School District to waive Education Code Sections 35106 and 35737. CDSIS-74-3-2000 and CDSIS-75-3-2000 (Recommended for APPROVAL) conditional on SBE approval of Item W-8	ACTION
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EQUITY LENGTH OF TIME

ITEM W-10	Request by Lindsay Unified School District to waive the equity length of time requirement for Washington, Jefferson and Lincoln Elementary schools. CDSIS-80-4-2000 (Recommended for APPROVAL)	ACTION
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IMMEDIATE INTERVENTION/UNDERPERFORMING SCHOOL PROGRAM

ITEM W-11	Request by Gonzales Unified School District for a <u>60-day delay waiver</u> of the timelines as specified in Education Code (E.C.) Section 52054, subdivision (d) (h) and (i) of the Public Schools Accountability Act of 1999 (PSAA) which established the Immediate Intervention/Underperforming School Program (II/USP). CDSIS-13-4-2000 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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LONGER-DAY FUNDING PENALTY

ITEM W-12	Request by Klamath-Trinity Joint Unified School District to reduce the longer-day funding penalty down to that for affected students only	ACTION
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	<p>and is requesting to waive all of the penalty for falling below the base-year instructional minutes requirements, for kindergarten in the 1997-98 and 1998-99 school years. Repayment penalty \$10,925. CDSIS-3-3-2000 (Recommended for APPROVAL WITH CONDITIONS)</p>	
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MIGRANT EDUCATION PROGRAM

ITEM W-13	<p>Request by Fresno Unified School District to waive the maximum migrant population specified in Education Code Section 54444.1(c) under the Migrant Education Program to <u>enable the district to apply to be direct funded</u> as a migrant operating agency. CDSIS-68-3-2000 (Joint waiver- State Superintendent has recommended approval) (Recommended for SBE approval)</p>	ACTION
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NON-PUBLIC SCHOOL/AGENCY (CHILD SPECIFIC)

ITEM W-14	<p>Request by Marysville Joint Unified School District to use special education funds to place one special education student Bradley L., in an uncertified nonpublic agency (Southside Art Center) to provide behavior intervention services. CDSIS-39-4-2000 (Recommended for APPROVAL)</p>	ACTION
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ITEM W-15	<p>Request by Cajon Valley Union School District to waive certification requirements for an uncertified nonpublic school (Springall Academy East, located in Lakeside, California) to provide services to one special education student Rey D. CDSIS-19-8-99 (Recommended for APPROVAL)</p>	ACTION
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ITEM W-16	<p>Request by Marin County Office of Education to waive certification requirements for an uncertified school (Community Homes and Services (CH & S) Estrada School to provide educational services to one special education student Endre D. CDSIS-3-2-2000 (Recommended for APPROVAL)</p>	ACTION
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NONPUBLIC SCHOOL/AGENCY (OUT-OF-STATE)

ITEM W-17	<p>Request by Irvine Unified School District to waive certification requirements for an out-of-state uncertified nonpublic school</p>	ACTION
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	(Daystar/Shiloh Treatment Center, located in Manvel, Texas) to provide services to one special education student David B. CDSIS-29-12-99 (Recommended for APPROVAL)	
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NINTH GRADE CLASS SIZE REDUCTION

ITEM W-18	Request by Irvine Unified School District for University High School to renew a waiver of Education Code Sections 52084(a), (c) and 52086 (a). CDSIS-81-4-2000 (Recommended for DENIAL) If approved E.C. 33051(c) will apply	ACTION
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REGIONAL OCCUPATIONAL CENTERS

ITEM W-19	Request by the Marin County Office of Education to waive Education Code Section 52314.6(a) regarding an increase in the Regional Occupational Program (ROP) enrollment of students under the age of 16. CDSIS-22-2-2000 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply	ACTION
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RESOURCE SPECIALIST

ITEM W-20	Request by Bassett Unified 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. CDSIS-19-4-2000 (Recommended for DENIAL)	ACTION
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SALE/LEASE OF SURPLUS PROPERTY

ITEM W-21	Request by Petaluma Joint High School District to waive E.C. 17455 thru 17478 (with exceptions) Sale/Lease of Surplus Property (Kenilworth Jr. High School Site) regarding offer and bid procedures. CDSIS-79-4-2000 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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ITEM W-22	Request by Moorpark Unified School District to waive E.C. 17455 thru 17478 (with exceptions) Sale/Lease of Surplus Property (2 acre site on Highway 118) regarding offer and bid procedures. CDSIS-89-4-2000 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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STAFF DEVELOPMENT DAYS (buy-back program)

ITEM W-23	Sacramento City Unified School District requests a waiver of E.C. 44579.1(c)(1) to provide six staff development days over a two-year period. Additional information will be forthcoming in the supplemental agenda. CDSIS: 54-5-2000 (Recommendation to be determine)	ACTION
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THURSDAY, June 8, 2000 – 9:00 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 will also consider and take action as appropriate on the following agenda items.

CLASS SIZE REDUCTION FUNDING (Option 1)

ITEM W-6 Postponed from May, 2000 SBE Meeting.	Request by Los Angeles Unified School District for a waiver renewal of E.C. 52122(b)(2)(A) and 52123(c) allowing school sites with 200 or more students per acre to receive Option 1 Class Size Reduction funding. (101 total schools, 78 with third year waivers, 23 with second year waivers). CDSIS-2-11-99 (Recommended for APPROVAL with schools listed in Attachment A)	ACTION
ITEM 14	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
ITEM 15	Extension of Foreign Language Adopted Materials List to June 30, 2003.	ACTION
ITEM 16	Extension of Instructional Materials Fund (IMF) Expenditure Policy (K-8) to June 30, 2001 (100% flexibility for materials used for implementation of Proposition 227).	INFORMATION ACTION
ITEM 17	Legislative Committee Report, including, but not limited to, update on previous meetings, action on the Committee’s recommendations, and discussion and action on the Governor’s budget revisions.	INFORMATION ACTION
ITEM 18	Consolidated Application Review Process.	INFORMATION
ITEM 19	Presentation on School District Reorganizations.	INFORMATION

*** PUBLIC HEARING ***

BEGINS AT 11:00 A.M., OR THEREAFTER, AS THE BUSINESS OF THE STATE BOARD PERMITS

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ITEM 20	Revision of CCR Title 5, Sections 4413, 4423, 4500, and 4501 dealing with State Compensatory Education (SCE).	ACTION PUBLIC HEARING
ITEM 21	Revision of CCR Title 5, Sections 3930 and 3932 dealing with single, comprehensive school plans.	ACTION PUBLIC HEARING
ITEM 22	Amendments to Title 5 of the California Code of Regulations, sections 14001 to 14037, regarding school facilities planning and construction, as proposed by the School Facilities Planning Division.	ACTION PUBLIC HEARING
ITEM 23	Revisions of Title 5, California Code of Regulations Sections 4900, 4902, 4910, 4920, 4921, 4930, 4931, 4940, and 4960 relating to nondiscrimination. [Implementing AB 537 (Kuehl)]	ACTION PUBLIC HEARING

*** END OF PUBLIC HEARING ***