

# CALIFORNIA STATE BOARD OF EDUCATION

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Interim Executive Director  
Greg Geeting

# AGENDA

October 11-12, 2000

## SCHEDULE OF MEETINGS

## LOCATION

Wednesday, October 11, 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, 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
- *CTA, et al. v. Wilson*, United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal

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- *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, October 11, 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, October 12, 2000

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, October 12, 2000

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

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

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

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WEDNESDAY, October 11, 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 (September 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, 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; and other matters of interest.	INFORMATION ACTION
ITEM 2	<b>PUBLIC COMMENT.</b> 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	Gifted and Talented Education Applications recommended for funding.	ACTION
ITEM 4	Gifted and Talented Education Budgets.	ACTION
ITEM 5	Approval of Additional Digital High School Applications for FY 2000-2001.	ACTION
ITEM 6	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 7	Providers of Professional Development in Mathematics (AB 1331)	ACTION
ITEM 8	Funding Approval to Provide: 1) Instruction on the School Meals Initiative Menu Planning Systems; 2) Professional Development Courses in Nutrition and Food Service Management for Child	INFORMATION ACTION

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	Nutrition Personnel Employed in Schools and Child Care Centers; and 3) School Garden Resource Centers Using Fiscal Year 2000-2001 State Nutrition Education and Training Funds.	
ITEM 9	Request by Island Union School District to Become and All-Charter District.	ACTION
ITEM 10	Revision to California State Plan for the Title 2: Workforce Investment Act, Adult Education and Family Literacy Act, Chapter 6, Section 6.4 Process.	ACTION
ITEM 11	Approval of 2000-2001 Consolidated Applications.	ACTION
ITEM 12	Title 5 Emergency Regulations for API-Based Award Program.	ACTION
ITEM 13	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
ITEM 14	Dissemination of Free Curriculum Frameworks in Mathematics and Reading/Language Arts in Fiscal Year 1999-2000, 2000-2001.	INFORMATION ACTION
ITEM 15	Updated History-Social Science Framework.	ACTION
ITEM 16	California Learning Resource Network (CLRN) Supplemental Electronic Review Criteria.	INFORMATION ACTION
ITEM 17	Proposals for the 2001-02 State Budget.	INFORMATION ACTION
ITEM 18	High School Exit Examination, including, but not limited to, Testing Accommodations.	INFORMATION ACTION
ITEM 19	Statewide Testing and Reporting (STAR) Program: Certification of the 2001 California Reading List Process.	ACTION

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ITEM 20	Statewide Testing and Reporting (STAR) Program: Reporting Grade 4 and 7 STAR Writing Assessment Results.	ACTION
ITEM 21	Statewide Testing and Reporting (STAR) Program, including but not limited to, approval of 2001 STAR Harcourt Educational Measurement and CTB/McGraw-Hill Scope of Work and Contracts.	ACTION

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THURSDAY, October 12, 2000 – 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.

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.

CHARTER SCHOOL (School Attendance Accounting)

ITEM WC-1	Request by the Vista Unified School District to waive Title 5 CCR Section 11960, related to charter school attendance, for the Guajome Park Academy Charter School. CDSIS-25-8-2000 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply	ACTION
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ITEM WC-2	Request by the Escondido Union High School District to waive Title 5 CCR Section 11960, related to charter school attendance, for the Escondido Charter High School. CDSIS-26-8-2000 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply	ACTION
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NONPUBLIC SCHOOL/AGENCY (NEW APPLICATION DEADLINE)

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ITEM WC-3	<p>Request by several Local Education Agencies to waive Education Code Section 56366.1(b), the requirement for a Non Public School or Agency (NPS/A) to apply for certification <u>only between</u> January 1 and June 30 each year.</p> <p>CDSIS-34-8-2000 East Valley SELPA requests a timeline waiver for the NPS, Advocate School – The Hope School.</p> <p>CDSIS-1-9-2000 San Bernardino City Unified School District requests a timeline waiver for the NPA, Samaritan Academy. (Recommended for APPROVAL)</p>	ACTION
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**RESOURCE SPECIALIST**

ITEM WC-4	<p>Request by Clovis 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.</p> <p>CDSIS-43-7-2000 (Recommended for APPROVAL)</p>	ACTION
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ITEM WC-5	<p>Request by Rio Linda Union 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.</p> <p>CDSIS-62-6-2000 (Recommended for APPROVAL)</p>	ACTION
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ITEM WC-6	<p>Request by Temecula Valley 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.</p> <p>CDSIS-42-7-2000 (Recommended for APPROVAL)</p>	ACTION
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**SCHOOL SITE COUNCIL**

ITEM WC-7	Request by Tulelake Basic Joint Unified School District for a <u>renewal</u>	ACTION
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	to waive Education Code Section 52852 under the authority of ECS 52863 relating to the <u>establishment</u> of a school site council as required for each school participating in the School-based Coordination Act, (one school site council for three schools: Newell, Tulelake High, and Tulelake Elementary). CDSIS-22-7-2000 (Recommended for APPROVAL)	
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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.

CALIFORNIA PEER ASSISTANCE AND REVIEW (PAR)

ITEM W-1	Request by the Cotati-Rohnert Park Unified School District to waive Education Code Section 44505(b), relating to the July 1, 2000, implementation date for California Peer Assistance and Review (PAR) Programs for Teachers. CDSIS-32-7-2000 (Recommended for DENIAL)	ACTION
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COMMUNITY DAY

ITEM W-2	Request by Sonoma Valley Unified School District for a waiver of Education Code Section 48661(a) relating to the placement of a community day school on an existing middle school campus site (Altamira Middle School). CDSIS-17-7-2000 (Recommended for APPROVAL for one year only)	ACTION
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EVALUATION OF PERFORMANCE OF CERTIFICATED EMPLOYEES

ITEM W-3	Request by San Lorenzo Unified School District to waive Education Code Section 44664(a), to allow permanent teachers to be evaluated	ACTION
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	<p>every four years instead of every other year (only those teachers with seven years with the district, and have had two satisfactory evaluations in all areas).                  CDSIS-18-8-2000                  (Recommended for APPROVAL WITH CONDITIONS)</p>	
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LANGUAGE, SPEECH AND HEARING SPECIALIST

ITEM W-4	<p>Request from San Marino Unified School District to waive Education Code Section 56363.3 which limits the average caseload in Speech, Language, and hearing (SHL) specialist in districts, county offices or SELPAs to 55 students unless the SELPA plan specifies a higher average caseload and reasons for the greater caseload.                  CDSIS-40-7-2000                  (Recommended for DENIAL)</p>	ACTION
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NONPUBLIC SCHOOL/AGENCY (OUT-OF-STATE)

ITEM W-5	<p>Request by Santa Ana Unified School District to waive Education Code Section 56366.1(a) certification requirements for an out-of-state uncertified nonpublic school, (Shiloh Treatment Center, located in Manvel, Texas) <u>allowing for partial state reimbursement</u> for providing services to one special education student Sergio G.                  CDSIS-9-8-2000                  (Recommended for APPROVAL)</p>	ACTION
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ITEM W-6	<p>Request by Sacramento City Unified School District to waive Education Code Section 56366.1(a) certification requirements for an out-of-state uncertified nonpublic school (Cinnamon Hills located in St. George, Utah) <u>allowing for partial state reimbursement</u> for providing services to one special education student Damian N.                  CDSIS-117-4-2000                  (Recommended for APPROVAL)</p>	ACTION
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OUT-OF-STATE TRAVEL

ITEM W-7	<p>Request by Butte Valley Unified School District to waive a portion of Education Code Section 35330(d) to allow expenditure of funds and transportation allowances out-of-state for students engaged in out-of-state excursions and field trips.                  CDSIS-5-9-2000                  (Recommended for APPROVAL) E.C. 33051(c) will apply</p>	ACTION
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PETITION--USING INSTRUCTIONAL MATERIALS FUNDS

ITEM W-8	Request by Buckeye Union School District to purchase non-adopted Instructional Resources using Instructional Materials Fund (IMF) monies, (Trade Books for Literature, Maps and Globes). CDSIS-75-5-2000 (Recommended for APPROVAL)	ACTION
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PROGRAM QUALITY REVIEW

ITEM W-9	Request by Yucaipa-Calimesa Unified School District to waive Education Code Section 64001(c) to use <u>one internal consultant</u> and <u>one external consultant</u> in the Program Quality Review. CDSIS-18-5-2000 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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ITEM W-10	Request by Los Angeles Unified School District to waive Education Code Section 64001(c) to use <u>internal consultants</u> in the Program Quality Review. CDSIS-2-6-2000 (Recommended for APPROVAL WITH CONDITIONS)	
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ITEM W-11	Request by San Diego Unified School District to waive Education Code Section 64001(c) to use internal consultants in the Program Quality Review. CDSIS-118-4-2000 (Recommended for APPROVAL WITH CONDITIONS)	
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RESOURCE SPECIALIST

ITEM W-12	Request by Temecula Valley 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-22-8-2000 (Recommended for DENIAL)	ACTION
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SALE/LEASE OF SURPLUS PROPERTY

ITEM W-13	Request by Laguna Salada School District to waive E.C. 17455 thru 17478 (with exceptions) Sale/Lease of 3 sites of Surplus Property (West View Elementary, Fairmont Elementary, and Pacific Heights Middle Schools) regarding offer and bid procedures, for these sites	ACTION
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	only. CDSIS-93-5-2000 (Recommended for APPROVAL) E.C. 33051(c) will apply	
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ITEM W-14	Request by Livermore Valley Joint Unified School District to waive E.C. 17455 thru 17478 (with exceptions) Sale/Lease of Surplus Real Property (Summit School .5 acre site) regarding offer and bid procedures, for this site only. CDSIS-35-6-2000 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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SB 1882 FUNDS/ SCHOOL IMPROVEMENT DEVELOPMENT FUNDS

ITEM W-15	Request by Alvord Unified School District for a <u>renewal</u> waiver to allocate SB 1882 Professional Development Funds and School Improvement Funds to La Sierra High School and Alvord Continuation High School. CDSIS-10-8-2000 (Recommended for APPROVAL)	ACTION
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SCHIFF-BUSTAMANTE INSTRUCTIONAL MATERIALS FUNDS

ITEM W-16	Request by Los Angeles Unified School District to waive Education Code Section 60451 to purchase non-adopted instructional resources (Open Court Reading for Grades 4 & 5) using Schiff-Bustamante monies. CDSIS-29-8-2000 (Recommended for DENIAL)	ACTION
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SCHOOL IMPROVEMENT

ITEM W-17	Request by Whisman School District to waive Education Code Section 52046(b)(2) and Education Code Section 62002 pertaining to the distribution of School Improvement (SI) funds, (equalization of funding).	ACTION
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	CDSIS-100-6-2000 (Recommended for APPROVAL)	
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SCHOOL SITE COUNCIL (establishment)

ITEM W-18	Request by Alveiw-Dairyland Union School District to waive Education Code Section 52176(b) relating to the <u>establishment</u> of a School Bilingual Advisory Committee, (one committee for two school sites in the district). CDSIS-6-6-2000 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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SCHOOL SITE COUNCIL (composition)

ITEM W-19	Request by Tulelake Basin Joint Unified School District for a <u>renewal</u> to waive Education Code Section 52752 under the authority ECS 52863 relating to the <u>composition of council; 2 students instead of 4</u> as required for each school participating in the School-based Coordination Act. CDSIS-2-8-2000 (Recommended for APPROVAL)	ACTION
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END OF WAIVERS

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ITEM 22	Legislative Item: Update on Recently Enacted Legislation, Report on the Outcomes of Legislation Supported by or of Interest to the State Board, and Discussion and/or Development of Legislative Proposals and Priorities.	INFORMATION ACTION
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ITEM 23	Update on Issues Related to a Proposed State Board of Education (SBE) Policy Related to the Approval and Oversight of Charter Petitions Submitted to the SBE After Denial by a Local Education Agency	INFORMATION ACTION
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ITEM 24	Update on the Ridgecrest Charter School (RCS) Petitioner’s Request to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education (SBE).	INFORMATION ACTION
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\*\*\* PUBLIC HEARING \*\*\*

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

ITEM 25	Request by the Blue Mountain Wilderness Program Charter School Petitioners to Approve a Petition to Establish a Charter School Under the Oversight of the State Board of Education.	PUBLIC HEARING ACTION
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\*\*\* END OF PUBLIC HEARING \*\*\*

ITEM 26	Presidential Awards for Excellence in Mathematics and Science Teaching.	INFORMATION
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ITEM 27	Summary of Changes to the Application for English Language and Intensive Literacy Program Funds SB 1667 (Alpert).	INFORMATION
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ITEM 28	Overview of the School District Reorganization Process.	INFORMATION
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ITEM 29	Special Education Update: Quality Assurance Process.	INFORMATION
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ITEM 30	Information on the Commission on Technology in Learning.	INFORMATION
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ITEM 31	Revisions to the California School Accounting Manual.	INFORMATION
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