

CALIFORNIA STATE BOARD OF EDUCATION

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Hon. Delaine Eastin

Executive Director
John B. Mockler

AGENDA

MAY 10-12, 2000

SCHEDULE OF MEETINGS

LOCATION

Wednesday, May 10, 2000

9:00 a.m.

STATE BOARD OF EDUCATION
Board Retreat

Sterling Hotel

1300 H Street
Sacramento, CA 95814

A full-day retreat will be held. Topics will include, but may not be limited to, the discussion of each of the following: (1) Ethics training; (2) State Board Office staffing and direction to staff; (3) State Board Liaisons and Committee assignments; (4) State Board calendar of meetings; (5) Vision, Mission, and Goals Statement (including setting priorities); (6) State Board projects and discussion of future agenda items; and (7) Bylaw review and revision and other matters of interest.

Thursday, May 11, 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

[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.]

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.

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 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.

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California State Board of Education

AGENDA May 10-12, 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.

Thursday, May 11, 2000

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

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

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

Friday, May 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.

Friday, May 12, 2000

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

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

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

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.

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked to notify the State Board of Education Office (see telephone/fax numbers below) by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic NOT otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 657-5478; fax, (916) 653-7016.

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD
Public Session
AGENDA

May 10-12, 2000

Sterling Hotel
1300 H Street
Sacramento, CA 95814

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

WEDNESDAY, MAY 10, 2000 - 9:00 a.m.
Sterling Hotel, 1300 H Street, Sacramento, CA

A full-day retreat will be held. Topics will include, but may not be limited to, the discussion of each of the following: (1) Ethics training; (2) State Board Office staffing and direction to staff; (3) State Board Liaisons and Committee assignments; (4) State Board calendar of meetings; (5) Vision, Mission, and Goals Statement (including setting priorities); (6) State Board projects and discussion of future agenda items; and (7) Bylaw review and revision and other matters of interest.

THURSDAY, MAY 11, 2000 – 8:00 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 (April 2000 Meeting)

Announcements

Communications

REPORT OF THE SUPERINTENDENT (May be held over to the Friday session)

SPECIAL PRESENTATIONS

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.

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
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	Providers of Professional Development in Mathematics (AB 1331)	ACTION
ITEM 4	State Board of Education Conflict of Interest Code	INFORMATION
ITEM 5	Approval Process for Digital High School Applications.	ACTION
ITEM 6	Digital High School Project Applications	ACTION
ITEM 7	Annual Report of Services for the 11 California Technology Assistance Project Regions.	INFORMATION ACTION
ITEM 8	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 9	Review, Approval and Oversight of Charter School Petitions Submitted to the State Board of Education	INFORMATION
ITEM 10	English Language Development Test Update.	INFORMATION ACTION
ITEM 11	High School Exit Examination Implementation Update.	INFORMATION ACTION
ITEM 12	Maximizing the efficiency of testing in California through a coordinated and systematic program of statewide tests.	INFORMATION ACTION
ITEM 13	Standardized Testing and Reporting Program 1. Criteria for 3 rd year review	INFORMATION ACTION

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.

	2. Implementation update 3. STAR 2001 planning 4. Response to BSA STAR audit	
ITEM 14	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
ITEM 15	Additional Appointments to the Content Review Panel (CRP) and the Instructional Materials Advisory Panel (IMAP) for the 2001 Mathematics Adoption.	INFORMATION ACTION
ITEM 16	A Policy on Waivers for K-8 Science Instructional Materials	INFORMATION
ITEM 17	Three New State Board of Education Waiver Policies Relating to Special Education – Nonpublic Schools and Agencies Under the Specific Waiver Authority in E.C. 56101	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.

MILLER-UNRUH READING SPECIALIST

ITEM WC-1	Request by Firebaugh-Las Deltas Unified School District to waive Education Code Section 52859(b) using ECS 52863. This request relates to the prohibition of using funds coordinated under the School-Based Coordinated Program (SBCP) to pay for the local share of costs associated with the employment of a reading specialist. CDSIS-19-3-2000 (Recommended for APPROVAL)	ACTION
ITEM WC-2	Request by Oak Grove Unified School District to waive Education Code Section 52895(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 reading specialist. CDSIS-71-3-2000 (Recommended for APPROVAL)	ACTION

RESOURCE SPECIALIST

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ITEM WC-3	Request from Columbia 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 teacher. CDSIS-27-3-2000 (Recommended for APPROVAL)	ACTION
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ITEM WC-4	Request from 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-28-3-2000 (Recommended for APPROVAL)	ACTION
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ITEM WC-5	Request from Saddleback Valley 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-8-2-2000 (Recommended for APPROVAL)	ACTION
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ITEM WC-6	Request from Newman-Crows Landing 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, Cyndy Tune and Brett Grenz, assigned at Von Renner Elementary, Verna Cheever and Randy Fareira, assigned at Yolo Junior High School. CDSIS-16-3-2000 (Recommended for APPROVAL)	ACTION
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ITEM WC-7	Request from Walnut Valley 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, Mary Ireland, assigned at Chaparral Middle School. CDSIS-11-3-2000 (Recommended for APPROVAL)	ACTION
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STATE MEAL MANDATE (SATURDAY SCHOOL SESSION)

ITEM WC-8	Request by Lemoore Union Elementary School District for a <u>renewal</u> to waive the Sate Meal Mandate during the Saturday school session. CDSIS-31-3-2000 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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STATE MEAL MANDATE (SUMMER SCHOOL SESSION) Original request

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ITEM WC-9	Request by Junction Elementary School District to waive the State Meal Mandate during the Summer school session. CDSIS-65-3-2000 (Recommended for APPROVAL)	ACTION
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STATE MEAL MANDATE (SUMMER SCHOOL SESSION) Renewal request

ITEM WC-10	Request by <u>33</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.

ASSESSMENT OF CERTIFICATED EMPLOYEES

ITEM W-1	Request by San Bernardino Unified School District for a (renewal waiver) of EC 44663,waiver of evaluation dates for non-instructional certificated (management) employees (move from prior date of June 30 to September 1). CDSIS-55-3-2000 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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CHARTER SCHOOLS

ITEM W-2	Request by the Burbank Unified School District to waive Title 5 CCR Section 11960, related to charter school attendance, for Option for Youth Charter School. CDSIS-18-4-2000 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply	ACTION
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ITEM W-3	Request by the Mount Shasta Unified School District to waive Title 5 CCR Section 11960, related to charter school attendance, for Option for Youth Charter School. CDSIS-17-4-2000 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply	ACTION
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ITEM W-4	Request by the Victor Valley Union School District to waive Title 5 CCR Section 11960, related to charter school attendance, for Option for Youth Charter School. CDSIS-45-3-2000 (Recommended for APPROVAL WITH CONDITIONS) for one year only	ACTION
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INDEPENDENT STUDY

ITEM W-5	Request by the Modoc Joint Unified School District for a waiver of Education Code Section 51745.6 requirements for Independent Study affecting apportionment (teacher/student ratio, new limit 1:24). CDSIS-19-2-2000 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply	ACTION
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ITEM W-6	Request by the Snowline Unified School District for a waiver of Education Code Section 51745.6 requirements for Independent Study affection apportionment (teacher/student ratio, new limit 1:29). CDSIS-35-1-2000 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply	ACTION
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ITEM W-7	Request by the Ramona Unified School District for a waiver of Education Code Section 51745.6 requirements for Independent Study affection apportionment (teacher/student ratio, new limit 1:30). CDSIS-6-1-2000 (Recommended for APPROVAL WITH CONDITION) E.C. 33051(c) will apply	ACTION
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LANGUAGE, SPEECH AND HEARING SPECIALIST

ITEM W-8	Request from Fresno Unified School District to waive California Code of Regulations 56363.3 and Title 5 3051.1(b) which allows the districts to exceed the maximum caseload of fifty-five (55) students for Language, Speech and Hearing specialist teacher in the districts, county offices, or special education local plan areas. CDSIS-25-2-2000 (Recommended for APPROVAL)	ACTION
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ITEM W-9	Request from Desert Mountain SELPA to waive California Code of Regulations 56363.3 and Title 5 3051.1(b) which allows the districts to exceed the maximum caseload of fifty-five (55) students for Language, Speech and Hearing specialist teacher in the districts, county offices, or special education local plan areas.	ACTION
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	CDSIS-25-12-99 (Recommended for APPROVAL)	
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MORGAN HART CLASS SIZE REDUCTION

ITEM W-10	Request by Modesto City High School District to waive Education Code Section 52084(a), under the Morgan Hart Class Size Reduction Act to receive funding for two English courses in grade 9. CDSIS-2-3-2000 (Recommended for APPROVAL)	ACTION
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NONPUBLIC SCHOOL /AGENCY (child specific)

ITEM W-11	Request from Newport Unified School District to waive certification for an uncertified nonpublic school (South Coast Priority School) to provide services to six special education student, Andrew G., Edward H., Russell M., Freddie R., John B., and Nicholas S. CDSIS-15-12-99 (Recommended for APPROVAL)	ACTION
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ITEM W-12	Request by Los Angeles Unified School District to waive Education Code 56366.1(a) certification for an uncertified nonpublic school/agency (Day Star-Shiloh Treatment Center located in Manvel Texas) to provide services to one special education student Angela D. CDSIS-3-1-2000 (Recommended for APPROVAL)	ACTION
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ITEM W-13	Request by San Diego Unified School District to waive Education Code 56366.1(a) certification for an uncertified nonpublic school/agency (Shiloh Treatment Center, located in Manvel, Texas), to provide services for one special education student Elijah D. V. CDSIS-1-1-2000 (Recommended for APPROVAL)	ACTION
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ITEM W-14	Request by Grossmont Union High School District to waive Education Code 56366.1(a) certification for an uncertified nonpublic school/agency (Shiloh Treatment Center, located in Manvel, Texas), to provide services to one special education Iris T. CDSIS-19-12-99 (Recommended for APPROVAL)	ACTION
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ITEM W-15	Request by Tustin Unified School District to waive Education Code 56366.1(a) certification for an uncertified nonpublic school/agency (Shiloh Treatment Center, located in Manvel, Texas), to provide services to one special education Matthew L.	ACTION
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	CDSIS-4-3-2000 (Recommended for APPROVAL)	
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ITEM W-16	Request by Fairfield-Suisun Unified School District to waive Education Code 56366.1(a) certification for an uncertified nonpublic school/agency (San Marcos Treatment Center, located in San Marcos, Texas), to provide services to one special education Joe P. CDSIS-33-1-99 (Recommended for APPROVAL)	ACTION
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ITEM W-17	Request by Grossmont Union High School District to waive Education Code 56366.1(a) certification for an uncertified nonpublic school/agency (Copper Hills Youth Center), to provide services to one special education Matthew M. CDSIS-26-12-99 (Recommended for DENIAL)	ACTION
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OPTION ONE CLASS SIZE REDUCTION

ITEM W-18	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)	ACTION
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PETITION--IMF FUNDS

ITEM W-19	Petition request under E.C. 60200(g) by Yucapia-Calimesa Joint Unified School District to purchase non-adopted Instructional Resources (Open Court Reading Program, 2000 Edition) using Instructional Material Fund (IMF) monies. CDSIS-17-3-2000 (Recommended for APPROVAL)	ACTION
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PHYSICAL EDUCATION

ITEM W-20	Request by Santa Rosa Unified School District to reduce the two-year physical education course requirement for high school graduation to three (3) semesters on a districtwide basis. CDSIS-23-11-99 (Recommended for DENIAL)	ACTION
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PROGRAM QUALITY REVIEW

ITEM W-21	Request by Evergreen Unified School District to waive Education Code Selection 64001(c) to use one internal consultant and one external consultant in the Program Quality Review. CDSIS-40-3-2000 (Recommended for APPROVAL)	ACTION
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RESOURCE SPECIALIST CASELOAD

ITEM W-22	Request from San Pasqual Elementary 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, Susan Shooter assigned at San Pasqual Elementary School. CDSIS-15-3-2000 (Recommended for DENIAL)	ACTION
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*** END OF WAIVERS ***

ITEM 18	Los Angeles USD requests 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.	ACTION
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ITEM 19	California School Information Services (CSIS) – Review of the CSIS Program Charter, CSIS Strategic Plan, and Proposed Changes to be included in Data Dictionary, Version 2. Review and comment on the CDE Policy for Documenting the Authorization and Need for Collection of Data.	INFORMATION
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ITEM 20	Revision of Title 5, California Code of Regulations Sections 4900-4962 implementing AB 499 (Kuehl) and Women’s Law Center v. SBE relating to education equity.	ACTION
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FRIDAY, May 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 will also consider and take action as appropriate on the following agenda items.

ITEM 21	Safe Schools Update.	INFORMATION
ITEM 22	Immediate Intervention/Underperforming Schools Program (II/USP) Implementation Grant Awards.	INFORMATION ACTION

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