

CALIFORNIA STATE BOARD OF EDUCATION

State Board Members

Reed Hastings, President
Susan Hammer, Vice President

Robert J. Abernethy
Don Fisher
Nancy Ichinaga
Carlton J. Jenkins
Marion Joseph
Vicki Reynolds
Suzanne Tacheny
*Vacancy
*Vacancy

Secretary & Executive Officer
Hon. Delaine Eastin

Executive Director
John B. Mockler

AGENDA

September 5-6, 2001

PLEASE NOTE:

**The September 2001 Board meeting will be held in its usual location,
721 Capitol Mall, Room 166, Sacramento, California.**

SCHEDULE OF MEETINGS

Wednesday, September 5, 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
- ***Campbell Union High School District. et al., v. State Board of Education et al.***, Sacramento Superior Court, Case No. 99CS00570

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.

- **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)].

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

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

California State Board of Education

AGENDASeptember 5-6, 2001

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, September 5, 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, September 6, 2001

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

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

Please see the Closed Session Agenda above.

Thursday, September 6, 2001

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

Department of Education Building
721 Capitol Mall, Room 166
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, 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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

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.

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD
Public Session
AGENDA

September 5-6, 2001

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

WEDNESDAY, SEPTEMBER 5, 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 (July 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
--------	---	-----------------------

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.

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	Appointment to the Child Nutrition Advisory Council.	ACTION
ITEM 5	Fiscal Year 2001-02, K-8 Instructional Materials Fund Budget.	INFORMATION ACTION
ITEM 6	Funding approval for the California Healthy Kids Resources Center (CHKRC) for fiscal year 2001-2002.	INFORMATION ACTION
ITEM 7	Funding approval to provide (1) instruction on the School Meals Initiative menu planning systems, and (2) professional development courses in nutrition and food service management for child nutrition personnel employed in schools and child care centers using fiscal year 2001-2002 state nutrition education and training funds.	INFORMATION ACTION
ITEM 8	Request for deletion of School-Age Parenting and Infant Development (SAPID) Regulations.	INFORMATION ACTION
ITEM 9	Funding approval for the School Garden Centers for fiscal year 2002.	INFORMATION ACTION
ITEM 10	Proposed Amendment of Title 5, CCR, Regulations Relating to Educational Interpreter Standards.	ACTION
ITEM 11	Immediate Intervention/Underperforming Schools Program (II/USP) Implementation Grant Awards.	INFORMATION ACTION
ITEM 12	Gifted and Talented Education Funding.	ACTION
ITEM 13	Gifted and Talented Education Funding – One Year Approval.	ACTION
ITEM 14	Gifted and Talented Education Funding – Two Year Approval.	ACTION

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

ITEM 15	Gifted and Talented Education Funding – Three Year Approval	ACTION
ITEM 16	Seminar Session on California’s Assessment System.	INFORMATION
ITEM 17	Academic Performance Index (API): Including, but not limited to, Integrating the California Standards Test for English-Language Arts in the 2001 Base API and Discussion of District Accountability.	INFORMATION ACTION
ITEM 18	Proposed Regulations on the Award Programs Linked to Academic Performance Index Regulations, Section 1032(i).	ACTION
ITEM 19	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
ITEM 20	Proposed revisions to the State Board of Education Policy <i>Guidelines for Piloting Textbooks and Instructional Materials</i> (1995).	INFORMATION ACTION
ITEM 21	Resolve two separate cases of publisher violations as it relates to the unauthorized distribution of 2001 Mathematics Adoption IMAP and CRP reports (CCR, Title 5, Section 9517(i))	INFORMATION ACTION
ITEM 22	Principal Training Program (AB 75, Steinberg).	ACTION
ITEM 23	Approval of 2001-2002 Consolidated Applications.	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.

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 speakers’ list, please fax or mail your written request to the above-referenced address/fax number.

CHARTER SCHOOL ATTENDANCE

ITEM WC-1	Request by Nevada County Office of Education for a <u>renewal</u> to waive Title 5 CCR Section 11960, related to charter school attendance, for the Muir Charter School. CDSIS-26-6-2001 (Recommended for APPROVAL WITH CONDITIONS) <i>Education Code</i> Section 33051(c) will apply	ACTION
-----------	--	--------

ITEM WC-2	Request by Julian Union High School District for a <u>renewal</u> to waive Title 5 CCR Section 11960, related to charter school attendance, for Eagles Peak Charter School. CDSIS-142-5-2001 (Recommended for APPROVAL WITH CONDITIONS) <i>Education Code</i> Section 33051(c) will apply	ACTION
-----------	--	--------

INSTRUCTIONAL TIME PENALTY

ITEM WC-3	Request by Dublin Unified School District to waive the full longer-day instructional time penalty for the 1999-00 fiscal year. CDSIS-18-6-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
-----------	---	--------

ITEM WC-4	Request by Westwood Unified School District to waive the full longer-day instructional time penalty for the 2000-01 fiscal year. CDSIS-17-6-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
-----------	---	--------

MILLER-UNRUH READING SPECIALIST

ITEM WC-5	Request by Orange Center Elementary School District for a <u>renewal</u> to waive <i>Education Code</i> Section 52859(b). This request relates to the prohibition of using funds coordinated under the School-Based Coordinated Program to pay for the local share of costs associated with the employment of a Miller-Unruh Reading Specialist. CDSIS-16-7-2001 (Recommended for APPROVAL)	ACTION
-----------	---	--------

ITEM WC-6	Request by Santa Rosa City Schools to waive <i>Education Code</i> Section	ACTION
-----------	---	--------

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

	52859(b). This request relates to the prohibition of using funds coordinated under the School-Based Coordinated Program to pay for the local share of costs associated with the employment of a Miller-Unruh Reading Specialist. CDSIS-42-6-2001 (Recommended for APPROVAL)	
--	---	--

ITEM WC-7	Request by Woodville Union School District for a <u>renewal</u> to waive <i>Education Code</i> Section 52859(b). This request relates to the prohibition of using funds coordinated under the School-Based Coordinated Program to pay for the local share of costs associated with the employment of a Miller-Unruh Reading Specialist. CDSIS-30-6-2001 (Recommended for APPROVAL)	ACTION
-----------	--	--------

ITEM WC-8	Request by Galt Joint Unified School District to waive <i>Education Code</i> Section 52859(b). This request relates to the prohibition of using funds coordinated under the School-Based Coordinated Program to pay for the local share of costs associated with the employment of a Miller-Unruh Reading Specialist. CDSIS-48-7-2001 (Recommended for APPROVAL)	ACTION
-----------	--	--------

NONPUBLIC SCHOOL/AGENCIES (New application)

ITEM WC-9	Request by the East San Diego County SELPA to waive <i>Education Code</i> Section 56366.1(b), the requirement for nonpublic schools/agencies to file an application for certification between January 1 and June 30, for Sam and Rose Stein Education Center. CDSIS-37-7-2001 (Recommended for APPROVAL)	ACTION
-----------	--	--------

PHYSICAL EDUCATION

ITEM WC-10	Request by Farmersville Unified School District for a <u>renewal</u> to	ACTION
------------	---	--------

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

	waive <i>Education Code</i> Section 51222(a), to allow <u>Farmersville High School</u> to continue incorporating physical education into a <u>block schedule</u> . CDSIS-6-6-2001 (Recommended for APPROVAL) <i>Education Code</i> Section 33051(c) will apply	
--	---	--

ITEM WC-11	Request by San Leandro Unified School District for a <u>renewal</u> to waive <i>Education Code</i> Section 51222(a), to allow <u>San Leandro High School</u> to continue incorporating physical education into a <u>block schedule</u> . CDSIS-4-7-2001 (Recommended for APPROVAL) If approved <i>Education Code</i> Section 33051(c) will apply	ACTION
------------	---	--------

RESOURCE SPECIALIST CASELOAD

ITEM WC-12	Request by Pioneer Union School District to waive <i>Education Code</i> Section 56362(c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher: Susan Gannon assigned at Berry Creek Elementary School. CDSIS-8-7-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
------------	---	--------

ITEM WC-13	Request by West Contra Costa School District to waive <i>Education Code</i> Section 56362(c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher: Gabriel Kramer assigned at Wilson Elementary School. CDSIS-52-6-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
------------	---	--------

SCHOOL SITE COUNCIL

ITEM WC-14	Request by Igo-Ono Platina Union Elementary School District for a <u>renewal</u> to waive <i>Education Code</i> Section 52852, relating to the	ACTION
------------	--	--------

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

	establishment of a school site council as required for each school participating in the School-Based Coordination Act. <u>One</u> council for <u>two</u> schools. CDSIS-47-6-2001 (Recommended for APPROVAL)	
--	--	--

ITEM WC-15	Request by Upper Lake Unified School District for a <u>renewal</u> to waive <i>Education Code</i> Section 52852, relating to the establishment of a school site council as required for each school participating on the School-Based Coordination Act. <u>One</u> council for <u>two</u> schools. CDSIS-51-6-2001 (Recommended for APPROVAL)	ACTION
------------	---	--------

ITEM WC-16	Request by Black Butte Union School District for a <u>renewal</u> to waive <i>Education Code</i> Section 52852, relating to the establishment of a school site council as required for each school participating in the School-Based Coordination Act. <u>One</u> council for <u>two</u> schools. CDSIS-39-7-2001 (Recommended for APPROVAL)	ACTION
------------	--	--------

SUMMER SCHOOL SESSION STATE MEAL MANDATE (Original request)

ITEM WC-17	Request by <u>four</u> districts to waive the State Meal Mandate during the Summer School Session. CDSIS-3-7-2001 Lagunitas Elementary School District CDSIS-27-7-2001 Stony Creek Joint Unified School District CDSIS- 7-6-2001 Oak Park Unified School District CDSIS-40-6-2001 Gorman School District (Recommended for APPROVAL)	ACTION
------------	--	--------

SUMMER SCHOOL SESSION STATE MEAL MANDATE (Renewal request)

ITEM WC-18	Request by <u>seven</u> districts to waive the State Meal Mandate during the Summer School Session. CDSIS-38-6-2001 Alpine County Unified School District CDSIS-39-6-2001 Cinnabar School District	ACTION
------------	--	--------

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

	CDSIS-13-6-2001 Ojai Unified School District CDSIS-29-6-2001 Elk Hills School District CDSIS-34-6-2001 Loleta Union Elementary School District CDSIS-49-6-2001 Rohnerville School District CDSIS-38-7-2001 Gold Trail Union School District (Recommended for APPROVAL)	
--	---	--

NON-CONSENT (ACTION)

The following agenda items include waivers and other administrative matters that CDE staff have identified as having opposition, being recommended for denial, or presenting new or unusual issues that should be considered by the State Board. On a case by case basis public testimony may be considered regarding the item, subject to the limits set by the Board President or the President’s designee; and action different from that recommended by CDE staff may be taken.

ACADEMIC PERFORMANCE INDEX- Award Credit for “overflow sites”

ITEM W-1	Palos Verdes Peninsula Unified School District (PVPUSD) Academic Performance Index (API) Waiver. Specifically, the PVPUSD requests a waiver of Title 5 CCR Section 1033(a)(3), which would in effect allow <u>two</u> elementary schools (Silver Spur Elementary and Mira Catalina Elementary) to “take credit for” (and be given award money for) "students at overflow sites” (respectively Valmonte Satellite and Miraleste) which were reported under different County-District-School (CDS) codes. CDSIS-4-6-2001 (Recommended for DENIAL) per <i>Education Code</i> Section 33051(a)(1)	ACTION
----------	---	--------

ACADEMIC PERFORMANCE INDEX- Decile Rank Waiver

ITEM W-2	Fremont Unified School District (FUSD) 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	ACTION
----------	---	--------

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 speakers’ list, please fax or mail your written request to the above-referenced address/fax number.

	<p>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>	
--	---	--

ACADEMIC PERFORMANCE INDEX (Adult Irregularities)

ITEM W-3	<p>Clovis Unified School District (CUSD) Academic Performance Index (API) waiver. Specifically, the CUSD requests a waiver for <u>Lincoln Elementary School</u>, of Title 5 CCR Section 1032(d)(1) and (5) to allow the school to be included in the API for the current year (2000), or at least in the subsequent year (2001), due to the limited nature of "<u>adult testing irregularities.</u>" CDSIS-35-7-2001 (Recommended for APPROVAL WITH CONDITIONS)</p>	ACTION
----------	---	--------

ITEM W-4	<p>Clovis Unified School District (CUSD) Academic Performance Index (API) waiver. Specifically, the CUSD requests a waiver of a portion of Title 5 CCR Section 1032(c), to allow <u>Tarpey Elementary School</u> to be included in the API for the current year (2000), or at least in the subsequent year (2001), due to the limited nature of "<u>adult testing irregularities.</u>" CDSIS-34-7-2001 (Recommended for APPROVAL WITH CONDITIONS)</p>	ACTION
----------	---	--------

ITEM W-5	<p>Fullerton Elementary School District (FESD) Academic Performance Index (API) waiver. Specifically, the FESD requests a waiver of a portion of Title 5 CCR Section 1032(c), to allow <u>Commonwealth Elementary School</u> to be included in the API for the current year (2000), or at least in the subsequent year (2001), due to the limited nature of "<u>adult testing irregularities.</u>" CDSIS-13-7-2001 (Recommended for APPROVAL WITH CONDITIONS)</p>	ACTION
----------	---	--------

ITEM W-6	<p>San Diego Unified School District (SDUSD) Academic Performance Index (API) waiver. Specifically, the SDUSD requests a waiver for <u>Kennedy Elementary, Pacific Beach Middle, Scripps Ranch High Schools</u> of Title 5 CCR Section 1032(d)(1) and (5) to allow the schools to be included in the API for the current year (2000), or at</p>	ACTION
----------	---	--------

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 speakers’ list, please fax or mail your written request to the above-referenced address/fax number.

	<p>least in the subsequent year (2001). The district had "<u>adult testing irregularities</u>" at Kennedy, Pacific Beach, and Scripps Ranch Schools. CDSIS-97-5-2001 (Recommended for APPROVAL: <u>Kennedy Elementary and Pacific Beach</u>) (Recommended for DENIAL: <u>Scripps Ranch</u>) per <i>Education Code</i> Section 33051(a)(1)</p>	
--	--	--

CALIFORNIA ENGLISH LANGUAGE DEVELOPMENT TESTING (CLEDT) WINDOW

ITEM W-7	<p>Request by Chaffey Joint Union School District to waive <i>Education Code</i> Section 313(c) "...during a period of time determined by the Superintendent of Public Instruction and the State Board of Education"...and thereby waive the October date to December 21, 2001. CDSIS-28-7-2001 (Recommended for DENIAL) per <i>Education Code</i> Section 33051(a)(1) and (6)</p>	ACTION
----------	--	--------

CHARTER SCHOOL ATTENDANCE –Funding based on “prior year”

ITEM W-8	<p>Request by Island Union All-Charter District to waive <i>Education Code</i> Sections 47661 and 47613.1(a) regarding ADA calculation methods for charter schools. (A conversion district with declining enrollment) CDSIS-3-8-2001 (Recommended for APPROVAL WITH CONDITIONS)</p>	ACTION
----------	---	--------

COMMUNITY DAY SCHOOL

ITEM W-9	<p>Request by the Claremont Unified School District for a waiver of <i>Education Code</i> Section 48661(a) relating to the <u>temporary placement</u> of a district community day school on the same site as San Antonio (Continuation) High School. CDSIS-41-7-2001 (Recommended for APPROVAL)</p>	ACTION
----------	---	--------

EQUITY LENGTH OF TIME

ITEM W-10	<p>Request by Chico Unified School District to waive <i>Education Code</i> Section 37202, the equity length of time requirement for 7th and 8th grade students at Bidwell Junior High School. CDSIS-50-6-2001 (Recommended for APPROVAL)</p>	ACTION
-----------	--	--------

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 speakers’ list, please fax or mail your written request to the above-referenced address/fax number.

LANGUAGE, SPEECH, AND HEARING (LSH) SPECIALIST

ITEM W-11	Request by Fresno Unified School District to waive <i>Education Code</i> Section 56363.3 and Title 5 CCR 3051.1(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 DENIAL)	ACTION
-----------	--	--------

MATHEMATICS PROFESSIONAL DEVELOPMENT GRANT

ITEM W-12	Request by <u>nine</u> districts and <u>one</u> county office of education 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
-----------	--	--------

NONPUBLIC SCHOOL/AGENCY (Annual renewal of certification)

ITEM W-13	Request by the Irvine Unified School District to waive <i>Education Code</i> Section 56366.1(h), the requirement for Autism Comprehensive Educational Services (<u>ACES</u>), a nonpublic agency, to submit for <u>annual renewal</u> application for certification between August 1 and October 31 each year. (Seven months late) CDSIS-81-5-2001 (Recommended for DENIAL)	ACTION
-----------	---	--------

ITEM W-14	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 DENIAL)	ACTION
-----------	--	--------

NONPUBLIC SCHOOL/AGENCIES (Child specific)

ITEM W-15	Request by the San Joaquin County Office of Education to waive <i>Education Code</i> Section 56366.1(a), the certification requirement for an uncertified nonpublic agency, to allow Central Valley Training Center to provide special education services to Daniel L. CDSIS-100-5-2001	ACTION
-----------	--	--------

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

	(Recommended for DENIAL)	
ITEM W-16	Request by Santa Rosa School District to waive <i>Education Code</i> Section 56366.1(a), the certification requirement for an uncertified nonpublic agency, to allow Desert Hills Comprehensive Behavioral Treatment Center for Adolescents & their Families, located in Albuquerque, New Mexico, to provide special education services to student Jeff H. CDSIS-45-6-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

OCCUPATIONAL THERAPIST

ITEM W-17	Request by Marin County Office of Education to waive <i>Education Code</i> Section 56366.1(a), to utilize <u>nine</u> independent contractor occupational therapists in lieu of certified nonpublic agency occupational therapists in the provision of Occupational Therapy (OT) services to 133 special needs students. CDSIS-9-11-2000 (Recommended for APPROVAL)	ACTION
-----------	---	--------

9th GRADE CLASS SIZE REDUCTION

ITEM W-18	Request by San Mateo Union High School District to waive <i>Education Code</i> Section 52084(a), under the Grade 9 Class Size Reduction Act to receive funding for Capuchino, Hillsdale, and Aragon High Schools to reduce class size in three Grade 9 courses—English, Mathematics, and Modern World History. CDSIS-91-3-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
-----------	---	--------

PEER ASSISTANCE AND REVIEW (PAR) PROGRAM

ITEM W-19	Request by Berkeley Unified School District for a waiver of <i>Education Code</i> Section 44502(b), pertaining to the district’s Peer Assistance and Review (PAR) Panel (requesting equal number of Teachers and Administrators on the panel). CDSIS-5-7-2001 (Recommended for APPROVAL) <i>Education Code</i> Section 33051(c) will apply	ACTION
-----------	---	--------

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 speakers’ list, please fax or mail your written request to the above-referenced address/fax number.

PETITION

ITEM W-20	Petition request under <i>Education Code</i> Section 60200(g) by Lamont School District to purchase nonadopted Instructional Resources (<i>Houghton Mifflin Mathematics</i> , Grade 6) using Instructional Materials Fund (IMF) monies. CDSIS-36-7-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-21	Petition request under <i>Education Code</i> Section 60200(g) by Mountain Valley Unified School District to purchase nonadopted Instructional Resources (<i>Houghton Mifflin Mathematics</i> , Grade 6) using Instructional Materials Fund (IMF) monies. CDSIS-44-6-2001 (Recommended for APPROVAL)	ACTION
ITEM W-22	Petition request under <i>Education Code</i> Section 60200(g) by Petaluma City School District to purchase nonadopted Instructional Resources (<i>Houghton Mifflin Mathematics</i> , Grade 6) using Instructional Materials Fund (IMF) monies. CDSIS-19-7-2001 (Recommended for APPROVAL)	ACTION

RESOURCE SPECIALIST CASELOAD

ITEM W-23	Request by Bonita Unified School District to waive <i>Education Code</i> Section 56362(c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher: Donna Littlejohn, assigned at Grace Miller Elementary School. CDSIS-68-5-2001 (Recommended for DENIAL)	ACTION
ITEM W-24	Request by Bonita Unified School District to waive <i>Education Code</i> Section 56362(c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource specialist teacher; Krista Handley assigned at Roynon Elementary School. CDSIS-80-5-2001 (Recommended for DENIAL)	ACTION
ITEM W-25	Request by Humboldt County Office of Education to waive <i>Education</i>	ACTION

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

	<p><i>Code</i> Section 56362(c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource specialist teacher; Laura Madjedi assigned at Eureka and Arcata Community School, and Jennifer Poche assigned at Myers Flat and Eel River Community Schools. CDSIS-150-5-2001 (Recommended for DENIAL)</p>	
--	--	--

ITEM W-26	<p>Request by Humboldt County Office of Education to waive <i>Education Code</i> Section 56362(c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource specialist teacher; Debbie Holton assigned at Court/Community Schools. CDSIS-14-7-2001 (Recommended for DENIAL)</p>	ACTION
-----------	---	--------

ITEM W-27	<p>Request by Newport-Mesa Unified School District to waive <i>Education Code</i> Section 56362(c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource specialist teacher; Karen Guthrie assigned at California/Wilson, Lee Kraft assigned at Newport Heights, Carrie Shields assigned at Sonora/Mariners, Sita Jones assigned at Whittier/Newport Heights, and Ginny McEvoy assigned at Pomona Elementary School. CDSIS-10-7-2001 (Recommended for DENIAL)</p>	ACTION
-----------	---	--------

ITEM W-28	<p>Request by Newport-Mesa Unified School District to waive <i>Education Code</i> Section 56362(c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource specialist teacher; Barbara McLaughlin assigned at California School. CDSIS-11-7-2001 (Recommended for DENIAL)</p>	ACTION
-----------	---	--------

ITEM W-29	Request by Newport-Mesa Unified School District to waive	ACTION
-----------	--	--------

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

	<p><i>Education Code</i> Section 56362(c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource specialist teacher; Mary Lee Schwalbe assigned at Mariners School. CDSIS-32-7-2001 (Recommended for DENIAL)</p>	
--	---	--

SCHIFF-BUSTAMANTE STANDARDS-BASED INSTRUCTIONAL MATERIALS--
MATHEMATICS

ITEM W-30	<p>General waiver request of <i>Education Code</i> Sections 60450(b) and 60451(b), Schiff-Bustamante Standards-Based Instructional Materials Program by Del Mar Union School District to purchase nonadopted Instructional Resources (<i>Everyday Mathematics , Grades K-4: K-3, 2nd Edition; 4th, 1st Edition</i>) using Schiff-Bustamante Funds. CDSIS-26-7-2001 (Recommended for APPROVAL)</p>	ACTION
-----------	--	--------

ITEM W-31	<p>General waiver request of <i>Education Code</i> Sections 60450(b) and 60451(b), Schiff-Bustamante Standards-Based Instructional Materials Program by Poway Unified School District to purchase nonadopted Instructional Resources (<i>Everyday Mathematics, Grades K-4: K-3, 2nd Edition; 4 - 5, 1st Edition</i>) using Schiff-Bustamante Funds. CDSIS-19-6-2001 (Recommended for APPROVAL WITH CONDITIONS)</p>	ACTION
-----------	--	--------

ITEM W-32	<p>General waiver request of <i>Education Code</i> Sections 60450(b) and 60451(b), Schiff-Bustamante Standards-Based Instructional Materials Program by Woodside Elementary School District to purchase nonadopted Instructional Resources (<i>Everyday Mathematics, Grades K-6: K - 3, 2nd Edition; 4 - 6, 2nd Edition</i>) using Schiff-Bustamante Funds. CDSIS-46-6-2001 (Recommended for APPROVAL WITH CONDITIONS)</p>	ACTION
-----------	--	--------

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

ITEM W-33	General waiver request of <i>Education Code</i> Sections 60450(b) and 60451(b), Schiff-Bustamante Standards-Based Instructional Materials Program by Lakeport Unified School District to purchase nonadopted Instructional Resources (<i>Houghton Mifflin Mathematics, Grade 6</i>) using Schiff-Bustamante Funds. CDSIS-36-6-2001 (Recommended for APPROVAL)	ACTION
-----------	---	--------

ITEM W-34	General waiver request of <i>Education Code</i> Sections 60450(b) and 60451(b), Schiff-Bustamante Standards-Based Instructional Materials Program by Los Alamitos Unified School District to purchase nonadopted Instructional Resources (<i>Houghton Mifflin Mathematics, Grade 6</i>) using Schiff-Bustamante Funds. CDSIS-35-6-2001 (Recommended for APPROVAL)	ACTION
-----------	---	--------

ITEM W-35	General waiver request of <i>Education Code</i> Sections 60450(b) and 60451(b), Schiff-Bustamante Standards-Based Instructional Materials Program by Milpitas Unified School District to purchase nonadopted Instructional Resources (<i>Houghton Mifflin Mathematics, Grade 6</i>) using Schiff-Bustamante Funds. CDSIS-18-7-2001 (Recommended for APPROVAL)	ACTION
-----------	---	--------

ITEM W-36	General waiver request of <i>Education Code</i> Sections 60450(b) and 60451(b), Schiff-Bustamante Standards-Based Instructional Materials Program by Rim of the World Unified School District to purchase nonadopted Instructional Resources (<i>Houghton Mifflin Mathematics, Grade 6</i>) using Schiff-Bustamante Funds. CDSIS-15-7-2001 (Recommended for APPROVAL)	ACTION
-----------	---	--------

ITEM W-37	General waiver request of <i>Education Code</i> Sections 60450(b) and 60451(b), Schiff-Bustamante Standards-Based Instructional Materials	ACTION
-----------	---	--------

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

	Program, by Vacaville Unified School District to purchase nonadopted Instructional Resources (<i>Houghton Mifflin Mathematics, Grade 6</i>) using Schiff-Bustamante Funds. CDSIS-7-7-2001 (Recommended for APPROVAL)	
--	--	--

END OF WAIVER ITEMS

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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.

THURSDAY, SEPTEMBER 6, 2001 – 8:00 a.m. (Upon Adjournment of Closed Session, if held)

California Department of Education Building, Room 166

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 24	Legislative Item: Update and discussion on current year legislation and education funding in the 2001-02 budget.	INFORMATION ACTION
ITEM 25	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Report on 2001 STAR Statewide Test Results.	INFORMATION ACTION
ITEM 26	Standardized Testing and Reporting (STAR) Program: Approval of the California General Mathematics Standards Test Blueprint.	INFORMATION ACTION
ITEM 27	Standardized Testing and Reporting (STAR) Program: Approval of 2002 District Apportionments for Stanford 9 and Spanish Assessment of Basic English (SABE/2)	INFORMATION ACTION
ITEM 28	Standardized Testing and Reporting (STAR) Program: Approval of 2002 Contract with Harcourt Educational Measurement.	INFORMATION ACTION
ITEM 29	Standardized Testing and Reporting (STAR) Program: Approval of the 2002 Contract with CTB/McGraw-Hill.	INFORMATION ACTION
ITEM 30	Standardized Testing and Reporting (STAR) Program: Proposal to use U.S. Department of Education set-aside dollars for our Independent Evaluation Contractor.	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, 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 speakers’ list, please fax or mail your written request to the above-referenced address/fax number.

ITEM 31	California High School Exit Examination (CAHSEE): Including, but not limited to, the Approval of Test Constructs for the CAHSEE.	INFORMATION ACTION
ITEM 32	California High School Exit Examination (CAHSEE): Approval of Regulations on Accommodations to go out for a 15-day Public Comment Period.	INFORMATION ACTION
ITEM 33	Proposed Rulemaking for English Learner Regulations.	ACTION
ITEM 34	California English Language Development Test (CELDT): Including, but not limited to, Reclassification Guidelines.	INFORMATION ACTION
ITEM 35	Intersegmental Alignment of Testing and Assessment.	INFORMATION
ITEM 36	2002-2003 Policy Budget Change Proposals.	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, 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 speakers' list, please fax or mail your written request to the above-referenced address/fax number.
