

CALIFORNIA STATE BOARD OF EDUCATION

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AGENDA

November 7-8, 2001

Secretary & Executive Officer
Hon. Delaine Eastin

Executive Director
John B. Mockler

PLEASE NOTE DIFFERENT LOCATION OF WEDNESDAY SESSION

On Wednesday, November 7, 2001, the State Board of Education will meet in the California Room (Room 4203), California State Capitol, 10th and L Streets, Sacramento, California. On Thursday, November 8, 2001, the State Board will meet in its usual location, 721 Capitol Mall, Room 166, Sacramento, California.

SCHEDULE OF MEETINGS

Wednesday November 7, 2001

9:00 a.m. ±

STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

LOCATION

California State Capitol
California Room (Room 4203)
10th and L Streets
Sacramento, CA 95814
(916) 657-5478

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., recessed, and reconvened later in the day; or (3) may commence later than 9:00 a.m.

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
- *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,

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.

California State Board of Education

AGENDA November 7-8, 2001

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 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.

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

AGENDA November 7-8, 2001

Wednesday, November 7, 2001

9:00 a.m. ± (Upon Adjournment of Closed Session, if held)
STATE BOARD OF EDUCATION
Public Session

California State Capitol
California Room (Room 4203)
10th and L Streets
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, November 8, 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. The Closed Session (1) may commence earlier than 8:00 a.m.; (2) may begin at or before 8:00 a.m., recessed, and reconvened later in the day; or (3) may commence later than 8:00 a.m.

Thursday, November 8, 2001

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

Department of Education Building
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Please see the detailed agenda for more information about the items to be considered and acted upon. 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 disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 721 Capitol Mall, Room 558, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 657-5478; fax, (916) 653-7016.

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CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD
Public Session
AGENDA

November 7-8, 2001

Wednesday, November 7, 2001

California State Capitol
California Room (Room 4203)
10th and L Streets
Sacramento, California 95814
(916) 657-5478

Thursday, November 8, 2001

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

Wednesday, November 7, 2001 - 9:00 a.m.± (Upon Adjournment of Closed Session, if held).

California State Capitol, California Room (Room 4203), 10th and L Streets, Sacramento, CA 95814

Call to Order

[Following the Call to Order, but prior to other meeting activities, the State Board will consider and take action on Item A. It is anticipated that Item A will take approximately one hour. Therefore, the remainder of the meeting activities should commence at approximately 10:00 a.m.]

ITEM A	2002-03 State Board of Education Student Member: Interview of Six Candidates and Selection of Three Finalists.	INFORMATION ACTION
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Salute to the Flag

Approval of Minutes (October 2001 Meeting)

Announcements

Communications

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

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEM 1	STATE BOARD PROJECTS. Including future meeting plans; agenda items; State Board office budget; staffing and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest.	INFORMATION ACTION
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California State Board of Education

AGENDA November 7-8, 2001

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	Approval of Providers of Professional Development in Mathematics (AB 1331).	ACTION
ITEM 4	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 5	School Facilities Planning Division review of the Grant Joint Union High School District's request for the State Board of Education's approval of the joint use agreement pursuant to Education Code Section 17525.	ACTION
ITEM 6	Appointment to the English Learner Advisory Committee (ELAC).	ACTION
ITEM 7	Report of the 2001-02 Student Advisory Board on Education.	INFORMATION
This item is anticipated to be treated as a special order of business. The presentation by this year's SABE representatives should begin at approximately 10:30 a.m. and last 60 to 90 minutes.		
ITEM 8	Appoint Richard Whitmore to the position of Chief Policy Advisor to the State Superintendent of Public Instruction.	INFORMATION ACTION
ITEM 9	Request from the Child Nutrition Advisory Council (CNAC) for the State Board to commission the CNAC to develop specific, detailed recommendations for the State Board's consideration to enhance student life skills in the areas of nutrition and physical activity.	INFORMATION ACTION
ITEM 10	Implementation of Principal Training Program (AB 75, Steinberg).	INFORMATION ACTION
This item is to be taken up only if necessary, based on the October 31, 2001, meeting of the Advisory Group that has been assembled to provide guidance on the program's implementation.		
ITEM 11	Implementation of the Mathematics and Reading Professional Development Program (AB 466, Strom-Martin).	INFORMATION ACTION
This item anticipates the possibility of a need for the consideration of issues or the taking of action related to the implementation of AB 466. It will be taken up only if necessary.		

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ITEM 12	Gifted and Talented Education (GATE) District Budgets for 2001-02 (LATE DISTRICTS)	ACTION
ITEM 13	Report of the Curriculum Development and Supplemental Materials Commission. Report of current status of publisher violations.	INFORMATION ACTION
ITEM 14	Adoption of Permanent Regulations on Charter School Petition Review Criteria.	ACTION
ITEM 15	Proposed Amendment of Title 5, CCR Regulations Relating to Facilities for Charter Schools.	ACTION
ITEM 16	Approval of Replacement School Accountability Report Card (SARC) Committee Members.	ACTION
ITEM 17	15-Day Changes to Proposed Award Programs Linked to Academic Performance Index (API) Regulations.	ACTION
ITEM 18	Implementation of AB 961: Implications for Alignment of II/USP and High Priority Schools Grant Program.	INFORMATION ACTION
ITEM 19	Informational Report of the Awards/Intervention Subcommittee of the PSAA Advisory Committee.	INFORMATION
ITEM 20	Report of the Board on recommendations regarding the Special Education Schools and Centers Model in the Alternative Accountability System.	INFORMATION
ITEM 21	Approval of 2001-2002 Consolidated Applications.	ACTION
ITEM 22	Proposed Waiver Policy for Retroactive Waivers of Education Code 60119 Instructional Materials Sufficiency Public Hearing Requirements – Audit Penalties.	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.

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MILLER-UNRUH READING SPECIALIST

ITEM WC-1	Request by Hart-Ranson Unified 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-11-8-2001 (Recommended for APPROVAL)	ACTION
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STATE MEAL MANDATE (SUMMER SCHOOL SESSION) Original request

ITEM WC-2	Request by Acalanes Union High School District to waive the State Meal Mandate during the Summer School Session. CDSIS-147-5-2001 (Recommend for APPROVAL)	ACTION
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ITEM WC-3	Request by Irvine Unified School District (IUSD) to waive <i>Education Code</i> Section 56366.1(b), the requirement for nonpublic schools/agencies to file a new application for certification between January 1 and June 30. Elizabeth Peterson, Speech-Language Pathologist. CDSIS-3-9-2001 (Recommended for APPROVAL)	ACTION
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NON-CONSENT (ACTION) MATTERS

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.

BONDED INDEBTEDNESS

ITEM W-1	Request by the Union School District to waive <i>Education Code</i> Section 15102, to increase its bonding limit from the statutory limit of 1.25% to 1.69% CDSIS-9-9-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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COMMUNITY DAY

ITEM W-2	Request by Paramount Unified School District (PUSD) for <u>renewal</u> of a waiver of <i>Education Code</i> Section 48661(a) relating to the co-location of the PUSD Community Day School and the Michelson Continuation High School on the Paramount Adult Education Center site. CDSIS-7-9-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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DIGITAL HIGH SCHOOL GRANT FUNDS

ITEM W-3	Request by Windsor Unified School District to waive <i>Education Code</i> Section 52260(b) regarding expenditure of Digital High school (DHS) grant funds prior to grant approval by SBE. CDSIS-11-9-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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EDUCATION CLINICS-AGE REQUIREMENTS

ITEM W-4	Request by Sacramento City Unified School District to waive <i>Education Code</i> Section 58551(d)(2) Educational Clinics. Waiver would allow students age 12 to be referred to this program, current statutory age limits is 13. CDSIS-31-7-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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EXTENDED SCHOOL YEAR

ITEM W-5	Request by the Anaheim City School District to waive Title 5 CCR Section 3043(d), requiring 20 school days (4 hours each) of attendance for extended school year for Special Education Students. CDSIS-4-9-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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LEASE/PURCHASE INTERNET APPLIANCES

ITEM W-6	Request by Lemon Grove School District for a <u>renewal</u> to waive <i>Education Code</i> Sections 17453 and 17545 in order to allow parents to lease/purchase Internet Appliances to access the school district network and the Internet. CDSIS-12-9-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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SCHIFF-BUSTAMANTE STANDARDS-BASED INSTRUCTIONAL MATERIALS--
MATHEMATICS

ITEM W-7	General waiver request of <i>Education Code</i> Sections 60450(b) and	ACTION
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	<p>60451(b)-Schiff-Bustamante Standards-Based Instructional Materials Program by South Bay Union School district to purchase nonadopted Instructional Resources (<i>Houghton Mifflin mathematics, Grade 6</i>) using Schiff-Bustamante Funds. CDSIS-6-9-2001 (Recommended for APPROVAL)</p>	
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SB 1882 STAFF DEVELOPMENT FUNDS/SIP FUNDS

ITEM W-8	<p>Request by San Ramon Valley Unified School District for a renewal to waive <i>Education Code Section 44671(c)</i> to coordinate the use of SB 1882 Staff Development funds and SIP funds among California High School, Monte Vista High School, and San Ramon Valley High School. CDSIS-5-9-2001 (Recommended for APPROVAL)</p>	ACTION
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NONPUBLIC SCHOOL/AGENCY--(child specific)

ITEM W-9	<p>Request by East San Diego County (ESDC) SELPA to waive <i>Education Code Section 5636.1(a)</i>, use an uncertified nonpublic school to provide speech and language, occupational therapy, counseling, guidance and special education instruction to 19 special needs students. (See attached list of names). Sam and Rose Stein Education Center, Lakeside CDSIS-10-8-2001 (Recommended for APPROVAL)</p>	ACTION
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ITEM W-10	<p>Request by Irvine Unified School District to waive <i>Education Code Section 56366.1(a)</i>, to utilize an independent contactor, in lieu of a certified nonpublic agency to provide Speech and Language services to six special needs students. (See attached list of names). Elizabeth Peterson, Speech Pathologist CDSIS-2-9-2001 (Recommended for APPROVAL)</p>	ACTION
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END OF WAIVERS REQUESTS

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ITEM 23	Legislative Item. Update on Governor’s actions on education-related legislation in the 2001 legislative session, including, but not limited to, legislation that requires State Board action. Consideration of legislative initiatives for 2002.	INFORMATION ACTION
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ITEM 24	Revisions to the <i>California School Accounting Manual</i> .	INFORMATION
No oral presentation is planned on this item. The proposed revisions to the <i>California School Accounting Manual</i> can be accessed at http://www.cde.ca.gov/fiscal/sacs/csam . Those who do not have Internet access or who experience any difficulty in accessing the document should contact Cindy Brooks of the California Department of Education’s School Fiscal Services Division, at (916) 327-0189.		

ITEM 25	California School Information Services (CSIS) Data Dictionary Version 3.0.	INFORMATION
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ITEM 26	Screening Committee: Review of Applications and Selection of Applicants to be Interviewed: Curriculum Development and Supplemental Materials Commission and Advisory Commission on Special Education.	INFORMATION ACTION
At the State Board’s discretion, this item may be considered and/or acted upon either by the full Board or by the Board’s Screening Committee. The purpose of this item is to select applicants for appointment to the Curriculum Commission and the Advisory Commission on Special Education who are to be interviewed. Interviews are anticipated to be conducted in conjunction with the State Board’s December 2001 meeting.		

ADJOURNMENT OF DAY’S SESSION

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

California Department of Education, 721 Capitol Mall, Room 166, Sacramento, CA 95814

REPORT OF THE SUPERINTENDENT (unless presented on the preceding day)

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEMS DEFERRED FROM PRECEDING DAY

Any matters deferred from the previous day’s session may be considered.

The State Board of Education will also consider and take action as appropriate on the following agenda items:

ITEM 27	Proposed Rulemaking for English Learner Regulations	ACTION
ITEM 28	General Educational Development (GED): Including, but not Limited to, Regulations.	INFORMATION ACTION
ITEM 29	California High School Exit Examination (CAHSEE): Including, but not Limited to, Adoption of Regulations on Accommodations.	INFORMATION ACTION
ITEM 30	California High School Exit Examination (CAHSEE): Including, but not Limited to, Waiver Guidelines Related to Special Education Students.	INFORMATION ACTION
ITEM 31	Golden State Examination (GSE): Including, but not Limited to, Implementing the Provisions of Senate Bill 233 in Linking the California Standards Test (CST) to the GSE.	INFORMATION ACTION
ITEM 32	The Standardized Testing and Reporting (STAR) Settlement (<i>California Department of Education et al. v. San Francisco Unified School District, et al.</i>): Waiver policy relating to the Public Schools Accountability Act and the impact of the scores of English learners.	INFORMATION ACTION
ITEM 33	Standardized Testing and Reporting (STAR) Program: Review of Revised 2002 Stanford 9 and California Standards Test Score Reports.	INFORMATION ACTION

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ITEM 34	Standardized Testing and Reporting (STAR) Program: Including, but not Limited to, Approval of Release of Final 10 Percent of 2001 Contract Costs for Harcourt Educational Measurement and CTB/McGraw-Hill.	INFORMATION ACTION
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ITEM 35	Standardized Testing and Reporting (STAR) Program: Planning for the 2003 STAR Program.	INFORMATION ACTION
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A PUBLIC HEARING WILL BE HELD ON THE FOLLOWING AGENDA ITEM AT 10:00 A.M., OR THEREAFTER AS THE BUSINESS OF THE STATE BOARD ALLOWS

ITEM 36	Standardized Testing and Reporting (STAR) Program: Regional Public Hearing on Proposed Performance Standards (Levels).	PUBLIC HEARING
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END OF PUBLIC HEARING

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ITEM 37	Standardized Testing and Reporting (STAR) Program: Adoption of Performance Level Cut Scores for Grade 4 and 7 English Language Arts, Mathematics, Science, and History-Social Science.	INFORMATION ACTION
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ADJOURNMENT OF MEETING

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