

CALIFORNIA STATE BOARD OF EDUCATION

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Hon. Delaine Eastin

Interim Executive Director
Greg Geeting

AGENDA

December 6-7, 2000

SCHEDULE OF MEETINGS

Wednesday, December 6, 2000

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
- *Brian Ho, et al., v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. C-94-2418 WHO
- *California Department of Education, et al., v. San Francisco Unified School District, et al.*, San Francisco Superior Court, Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- *California State Board of Education v. Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- *Campbell Union High School District, et al., v. State Board of Education et al.*, Sacramento Superior Court, Case No. 99CS00570
- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford v. Honig*, United States District Court, Northern District of California, C-89-0014 DLJ

For more information concerning this agenda, please contact Greg Geeting, Interim Executive Director of the California State Board of Education, or Deborah Franklin, Program Analyst, 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.

- *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
- *Fresno Unified School District v. State Board of Education*, Fresno County Superior Court, Case No. 654676 6
- *Laguna v. State Board of Education*, San Diego Superior Court, Case No. 78926
- *Larry P. v. Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al. v. State Board of Education, et al.*, Sacramento County Superior Court, Case No. 97CS01793 and related appeal
- *Maureen Burch, et al. v. California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeil v. State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen et al. v. Grossmont Unified School District et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Mitchell v. State Board of Education, et al.*, U.S. District Court, Southern District of California, Case No. 99-CV-2644K(LSP)
- *Porter, et al., v. Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402.
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los Angeles County Superior Court, Case No. BC174282
- *San Francisco NAACP v. San Francisco Unified School District, et al.*, United States District Court, Northern district of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al., v. State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District v. State Board of Education, et. al.*, Sacramento Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al. v. Wilson, et al.*, United States District Court, Northern District of California, Case No. C-98-2252-CAL.
- *Williams, et al. v. State of California, et al.*; San Francisco Superior Court, Case No. 312236.

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(I)]; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)].

Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

For more information concerning this agenda, please contact Greg Geeting, Interim Executive Director of the California State Board of Education, or Deborah Franklin, Program Analyst, 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.

Wednesday, December 6, 2000

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

Department of Education Building

721 Capitol Mall, Room 166
Sacramento, CA 95814
(916) 657-5478

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

Thursday, December 7, 2000

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

Department of Education Building

721 Capitol Mall, Room 166
Sacramento, CA 95814
(916) 657-5478

Please see the Closed Session Agenda above.

Thursday, December 7, 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.

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ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY
ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON ANY DAY OF THE NOTICED MEETING
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 721 Capitol Mall, Room 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

WEDNESDAY, DECEMBER 6, 2000 – SCREENING COMMITTEE

Department of Education
Executive Conference Room
721 Capitol Mall, Room 524
Sacramento, California 95814
(916) 657-5478

Screening Committee Meeting
to be convened during the lunch break at the call of the presiding officer

Screening Committee Members

Susan Hammer
Nancy Ichinaga
Carlton Jenkins
Marion Joseph
Vicki Reynolds

Screening Committee interviews of four candidates for appointment to the Curriculum Development and Supplemental Materials Commission and selection of one individual to recommend to the full State Board of Education.	INFORMATION ACTION
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CALIFORNIA STATE BOARD OF EDUCATION

**FULL BOARD
Public Session
AGENDA**

December 6-7, 2000

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

WEDNESDAY, DECEMBER 6, 2000 - 9:00 a.m. (Upon Adjournment of Closed Session, if held)
California Department of Education Building, Room 166

Call to Order

Salute to the Flag

Approval of Minutes (November 2000 Meeting)

Announcements

Communications

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

SPECIAL PRESENTATIONS

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

ITEM 1	STATE BOARD PROJECTS. Including future meeting plans; agenda items; State Board office budget, staffing and direction to staff; designation of chief counsel; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; and other matters of interest.	INFORMATION ACTION
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ITEM 2	PUBLIC COMMENT. Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
ITEM 3	Gifted and Talented Education-November Application One Year Approval.	ACTION
ITEM 4	Gifted and Talented Education-November Applications Two Year Approval.	ACTION
ITEM 5	Gifted and Talented Education-November Objectives-Based Budgets	ACTION
ITEM 6	Providers of Professional Development in Mathematics (AB 1331).	ACTION
ITEM 7	Approval of Additional Digital High School Applications for FY 2000-2001.	ACTION
ITEM 8	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 9	Proposed Revisions to the Criteria and Standards for School District and County Office of Education Budgets and Interim Reports.	ACTION
ITEM 10	Revisions to the California School Accounting Manual.	ACTION
ITEM 11	Memorandum of Understanding Between the State Board of Education and the Board of Governors of the California Community Colleges.	ACTION
ITEM 12	Visual and Performing Arts Proclamation.	ACTION

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*** PUBLIC HEARING ***

BEGINS AT 9:30 A.M., OR THEREAFTER, AS THE BUSINESS OF THE STATE BOARD PERMITS

ITEM 13	Request by the Oakland Military Institute Charter School Petitioners to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education.	PUBLIC HEARING ACTION
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*** END OF PUBLIC HEARING ***

ITEM 14	Update on the Ridgecrest Charter School Petitioners Request to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education.	INFORMATION ACTION
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ITEM 15	Regular Approval of 2000-2001 Consolidated Applications.	ACTION
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ITEM 16	Conditional Approval of 2000-2001 Consolidated Application from Pittsburg Unified School District.	ACTION
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ITEM 17	San Diego Consolidated Application.	INFORMATION
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ITEM 18	Digital High School Project Applications – Contested Applications.	ACTION
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ITEM 19	Appointment to the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
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ITEM 20	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
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ITEM 21	Report of the Mathematic Program Recommendations by the Curriculum Development and Supplemental Materials Commission Submitted for the 2001 Mathematics Adoption.	INFORMATION
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ITEM 22	Schiff-Bustamante Standards-Based Instructional Materials Program Waiver Policy: Proposed Revisions.	INFORMATION ACTION
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*****WAIVER REQUESTS*****

CONSENT MATTERS

The following agenda items include waivers and other administrative matters that California Department of Education (CDE) staff have identified as having no opposition and presenting no new or unusual issues requiring the State Board’s attention.

CHARTER SCHOOL (School Attendance Accounting)

ITEM WC-1	Request by the Jamul-Dulzura Unified School District to waive Title 5 CCR Section 11960, related to charter school attendance, for the Greater San Diego Academy Charter School. CDSIS-2-10-2000 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply	ACTION
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INSTRUCTIONAL TIME PENALTY

ITEM WC-2	Request by Kit Carson Union Elementary School District to waive the full longer day instructional time for the 1996-97 fiscal year. CDSIS-21-10-2000 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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NONPUBLIC SCHOOL/AGENCY (NEW APPLICATION DEADLINE)

ITEM WC-3	Request by local educational agencies for a waiver of the requirement in E.C. section 56366.1(b), for a Non Public School or Agency (Dahlia Thompson, Occupation Therapist) to apply for certification <u>only between</u> January 1 and June 30 each year. CDSIS-19-10-2000 Bonita Unified School District requests a timeline waiver for the NPA, Dahlia Thompson, OTR CDSIS-7-11-2000 Shasta County Office of Education requests a timeline waiver for the NPA, Wright Education Services CDSIS-8-11-2000 Shasta County Office of Education requests a timeline waiver for the NPA, Marcella Thompson, LCSW (Recommended for APPROVAL)	ACTION
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STATE MEAL MANDATE (Saturday Session)

ITEM WC-4	Original request(s) by <u>two</u> district(s) to waive the State Meal Mandate during the Saturday school session. CDSIS-17-9-2000 Bishop Joint Union High School District CDSIS-11-10-2000 Summerville Union High School District (Recommended for APPROVAL) E.C. 33051(c) will apply	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.

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998

ITEM W-1	Request by Sherman Indian High School for a first time waiver of P.L. 105-332, Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (consortium requirement). CDSIS-18-10-2000 (Recommended for APPROVAL)	ACTION
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CHARTER SCHOOL (School Attendance Accounting)

ITEM W-2	Request by the South Bay Union School District for a <u>retroactive waiver</u> to waive Title 5, CCR Section 11960, related to charter school attendance, for the South Bay Charter School. CDSIS-10-10-2000 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply	ACTION
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COMMUNITY DAY SCHOOL (CO-LOCATION)

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ITEM W-3	Request by Paramount Unified School District (PUSD) for a waiver of Education code 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-8-9-2000 (Recommended for APPROVAL FOR ONE YEAR ONLY)	ACTION
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ITEM W-4	Request by Santa Barbara High School District for a waiver of Education Code section 48661(a) relating to the placement of a district community day school on the same site as La Colina Junior High School, Las Alturas Continuation High School, and Open Alternative School. CDSIS-16-9-2000 (Recommended for APPROVAL FOR ONE YEAR ONLY)	ACTION
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EVALUATION OF PERFORMANCE OF CERTIFICATED EMPLOYEES

ITEM W-5	Request by Oxnard Union High School District to renew waiver a portion of 44664(a) to allow permanent teachers with highly satisfactory evaluations to be evaluated on a three-year cycle (instead of a two-year cycle). CDSIS-14-10-2000 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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EMPLOYMENT OF PRINCIPAL (no credential)

ITEM W-6	Request by Wiseburn School District to waive E.C. section 44860 regarding <u>employment</u> of a principal without an administrative credential for the remainder of the 2000-2001 school year (2/1/01 – 6/30/01). CDSIS-16-10-2000 (Recommended for APPROVAL CONDITIONAL)	ACTION
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EMPLOYMENT OF PRINCIPAL (need to postpone evaluation)

ITEM W-7	Request by Wiseburn School District to waive E.C. section 44664(a)	ACTION
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	regarding postponement of staff evaluation of tenured certificated employee for the 2001-2001 school year. CDSIS-15-10-2000 (Recommended for APPROVAL CONDITIONAL)	
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EMPLOYMENT OF PERSON RECEIVING RETIREMENT ALLOWANCES UNDER PRIOR SCHOOL EMPLOYMENT

ITEM W-8	Request by Kings Canyon Unified School District to waive Education Code Section 45134, and employ (one) STRS retired teacher as a school bus driver. CDSIS-9-9-2000 (Recommended for APPROVAL CONDITIONAL)	ACTION
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IMMEDIATE INTERVENTION/UNDERPERFORMING SCHOOL PROGRAM (second round funding)

ITEM W-9	Request by “listed” School Districts in the “second round” of II/USP funding, for a waiver delaying the timelines specified in E.C. section 52054(a), the requirement of November 15, (2000) (for contracting with an external evaluator, and appointment of the required schoolsite and community team). NOTE: A complete list of schools/districts, waiver numbers and requested “replacement date” will be provided to the Board with the supplemental materials before the meeting starts. (Recommended for APPROVAL)	ACTION
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INSTRUCTIONAL MATERIALS PROGRAM (AVAILABILITY HEARING)

ITEM W-10	Request by Mesa Union School District for a <u>retroactive</u> waiver of Education Code Section 60119 regarding Annual Public Hearing on availability of textbooks or instructional materials. CDSIS-27-10-2000 (No Recommendation see summary)	ACTION
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INSTRUCTIONAL MATERIALS PROGRAM (AVAILABILITY HEARING)

ITEM W-11	Request by Sacramento County Office of Education for a <u>retroactive</u> waiver of Education Code Section 60119 regarding Annual Public	ACTION
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	Hearing on availability of textbooks or instructional materials. CDSIS-11-11-2000 (No Recommendation see summary)	
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INSTRUCTIONAL MATERIALS PROGRAM (AVAILABILITY HEARING)

ITEM W-12	Request by South Bay for a <u>retroactive</u> waiver of Education Code Section 60119 regarding Annual Public Hearing on availability of textbooks or instructional materials. CDSIS-13-11-2000 (No Recommendation see summary)	ACTION
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INSTRUCTIONAL TIME AND STAFF DEVELOPMENT (GENERAL -DATE WAIVER)

ITEM W-13	Request by Berkeley Unified School District for a waiver of Education Code Section 44579.4 to waive “October 31, 1999 date and to extend the date to December 31, 1999. CDSIS-12-11-2000 (RECOMMENDED FOR APPROVAL)	ACTION
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INSTRUCTIONAL TIME AND STAFF DEVELOPMENT (SPECIFIC – INSTRUCTIONAL TIME WAIVER)

ITEM W-14	Request by Berkeley Unified School District (for county-run community school programs only pursuant to E.C. 44579.4 from the recently implemented SB 1193, School Finance: Staff Development. The Waiver Allows the one time waiver for 1998-98 only, of portions of the instructional time requirements set forth in Article 8 (commencing with section 46200) of chapter 2 of Part 26 so that these agencies may count and claim the waived number of Staff Development days as instructional time. CDSIS- 12-12-99 (No Recommendation see summary)	ACTION
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NON-PUBLIC SCHOOL/AGENCY (CHILD SPECIFIC)

ITEM W-15	Request by Contra Costa SELPA to waive Education Code Section 56366.1(a) for an uncertified Nonpublic School/Agency (Spectrum Center)	ACTION
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	to provide services to <u>nine</u> special education students. CDSIS-67-3-2000 (Recommended for APPROVAL)	
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OPTION ONE CLASS SIZE REDUCTION

ITEM W-16	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. This is the fourth year of waiver for 78 school sites, third year of waiver for 23 sites in the district. CDSIS-9-10-2000 (Recommended for APPROVAL FOR ONE YEAR ONLY)	ACTION
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*****END OF WAIVERS*****

ITEM 23	Aligning Academic and Categorical Program Accountability.	INFORMATION
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ITEM 24	Pilot Project for Categorical Education Program Flexibility (AB 615/Runner).	INFORMATION
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ITEM 25	Legislative Item: Discussion and/or Development of Legislative Proposals and Priorities.	INFORMATION ACTION
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THURSDAY, December 7, 2000 – 8:00 a.m. (Upon Adjournment of Closed Session, if held)

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

SPECIAL PRESENTATIONS

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

ITEMS DEFERRED FROM PRECEDING DAY

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

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

ITEM 26	High School Exit Examination: AIR Report on Fall Field Test.	INFORMATION ACTION
ITEM 27	High School Exit Examination: HumRRO Report on Statewide District Baseline Survey.	INFORMATION ACTION
ITEM 28	High School Exit Examination: Including, But Not Limited to, the Consideration of the Apportionment for the HSEE and Review of the Proposed Test Forms.	INFORMATION ACTION
ITEM 29	Update on English Language Development (ELD) Assessment and Process.	INFORMATION ACTION
ITEM 30	Standardized Testing and Reporting (STAR) Program Amendments to Harcourt Educational Measurement Contract.	INFORMATION ACTION
ITEM 31	Standardized Testing and Reporting (STAR) Program Amendments to the 2001 Harcourt Educational Measurement Contract and Scope of Work for a Study Related to Changing the Grades 4 and 7 Writing Assessment Scoring Rubrics from Six-points to Four-points.	INFORMATION ACTION
ITEM 32	Standardized Testing and Reporting (STAR) Program English Language Arts Performance Levels	INFORMATION ACTION
ITEM 33	Standardized Testing and Reporting (STAR) Program: Including, But	INFORMATION

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	Not Limited To, Modification of California Code of Regulations, Title 5, Section 852.	ACTION
ITEM 34	Visual and Performing Arts Content Standards	INFORMATION
ITEM 35	Increase in the Amount Grantees Receive for Mathematics Professional Development Program (AB 1331) from \$500 per Training to \$250 Per Day, Not to Exceed 8 Days.	INFORMATION

For more information concerning this agenda, please contact Greg Geeting, Interim Executive Director of the California State Board of Education, or Deborah Franklin, Program Analyst, 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.
