

CALIFORNIA STATE BOARD OF EDUCATION

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Executive Director
John Mockler

AGENDA

DECEMBER 8-9, 1999

SCHEDULE OF MEETINGS

LOCATION

Wednesday, December 8, 1999

12:45 p.m. ±

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

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

[Closed session may be postponed to a later time on this day, or may begin at this time, then be recessed and reconvened later on this day.]

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:

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

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 657-5478; fax (916) 653-7016.

California State Board of Education

AGENDA December 8-9, 1999

- *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)
- *Daniel, et al v. State of California, et al.*, Los Angeles Superior Court, Case No. B C214156.
- *Donald Urista, et al. v. Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Emma C. et al. v. Delaine Eastin et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *Laguna v. State Board of Education*, San Diego Superior Court, Case No. 78926
- *Larry P. v. Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al. v. State Board of Education, et al.*, Sacramento County Superior Court, No. 97CS01793 and related appeal
- *Maureen Burch, et al. v. California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McLaughlin, et. al., v. California State Board of Education, et al.*, Alameda Superior Court, Case No. 800810-5 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)
- *Richard Wilson et al. V. State Board of Education*, San Francisco Superior Court, Case No. 995602 and related appeal
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los Angles County Superior Court, Case No. BC174282
- *San Francisco NAACP v. San Francisco Unified School District, et al.*, United States District Court, Northern district of California, No. 78-1445 WHO
- *San Mateo-Foster City School District, et al., v. State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District v. State Board of Education, et. al.*, Sacramento Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al. V. Wilson, et al.*, United States District Court, Northern District of California, Case No. C-98-2252-CAL.

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)], including litigation regarding the Standardized Testing and Reporting (STAR) Program, Proposition 227 and consolidated applications.

Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests that have been submitted for State Board approval and/or approved by the State Board.

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

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 657-5478; fax (916) 653-7016.

California State Board of Education

AGENDADecember 8-9, 1999

Wednesday, December 8, 1999

1:00 p.m.± (upon adjournment of closed session, if held)
STATE BOARD OF EDUCATION
Public Session

Department of Education
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 9, 1999

7:45 a.m.±
STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

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

[Closed session may be postponed to a later time on this day, or may begin at this time, then be recessed and reconvened later on this day.]

Thursday, December 9, 1999

8:00 a.m.± (upon adjournment of closed session, if held)
STATE BOARD OF EDUCATION
Public Session

Department of Education
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.]

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

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

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

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CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD Public Session AGENDA DECEMBER 8-9, 1999

WEDNESDAY, December 8, 1999 – 1:00 p.m.± (upon adjournment of closed session, if held)
California Department of Education Building, Room 166

Call to Order

Salute to the Flag

Welcoming Remarks

Approval of Minutes of the November 1999 Meeting

Announcements

Communications

REPORT OF THE SUPERINTENDENT (May be held over to a subsequent day's 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. Subjects include: direction for future agenda items; State Board office budget, staffing and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; and other matters of interest.	INFORMATION ACTION
ITEM 2	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	English Learner Advisory Committee, including, but not limited to, establishment, approval of general charge, and appointment of members.	ACTION
ITEM 4	Implementation of AB 1114 (Steinberg), Chapter 52, Statutes of 1999, Certificated Staff Performance Incentive Act.	INFORMATION ACTION
ITEM 5	Assignment of numbers for charter school petitions.	ACTION
ITEM 6	Approval of 1999-2000 Consolidated Applications.	ACTION
ITEM 7	Statewide Education Technology Services (SETS) pursuant to AB 1761 (Sweeney), Chapter 801, Statutes of 1998.	ACTION
ITEM 8	Recommendation to Fund SB 1882 Article 2 Professional Development Consortia for 2000-2004 (E.C. Sections 44680-44680.8).	ACTION
ITEM 9	Revisions to the California School Accounting Manual.	INFORMATION ACTION
ITEM 10	1998 Child Nutrition Advisory Council Report.	ACTION
ITEM 11	Providers of Professional Development in Mathematics (AB 1331).	ACTION
ITEM 12	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION

***PUBLIC HEARING ***

BEGINS AT 1:30 P.M. OR THEREAFTER AS THE BUSINESS OF THE STATE BOARD PERMITS.

ITEM 13	Recommended Criteria for the 2002 Reading/English-Language Arts/English Language Development Adoption.	INFORMATION PUBLIC HEARING ACTION
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END OF PUBLIC HEARING

ITEM 14	New Criteria and Process for Special Education Local Plans.	ACTION
ITEM 15	Approve Amendments to the Local Plan for Special Education Local Plan Area (SELPA) in Cycle A.	ACTION
ITEM 16	Approve the Local Plan for Special Education Local Plan Area (SELPA) in Cycle B.	ACTION
ITEM 17	Oversight of State Board of Education Approved Charter Schools.	INFORMATION

ITEM 18	Charter School Independent Study Regulations; Title 5, California Code of Regulations.	ACTION
ITEM 19	School Facilities Construction and Modernization Needs.	INFORMATION
ITEM 20	Amendments to Title 5 of the California Code of Regulations, sections 14001 to 14037, regarding school facilities planning and construction, as proposed by the School Facilities Planning Division.	ACTION
ITEM 21	AB 1665, Chapter 864, September 26, 1998; Parents' Rights Brochure.	INFORMATION ACTION
ITEM 22	Emergency Regulations for Child Care Data Collection.	INFORMATION
ITEM 23	Legislative Item.	INFORMATION ACTION
ITEM 24	Proposition 26. School Facilities. Bonds. Local Majority Vote. Initiative Constitutional Amendment and Statute.	INFORMATION ACTION

THURSDAY, December 9, 1999 – 8:00 a.m.± (upon adjournment of closed session, if held)
Department of Education, 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 will also consider and take action on the following agenda items.

WAIVER REQUESTS

CONSENT MATTERS

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

MILLER—UNRUH READING SPECIALIST

ITEM WC-1	Request by Redwood City School District to waive Education Code Section (ECS) 52859(b) using ECS 52863. This request relates to the prohibition of using funds coordinated under the School-based Coordinated Program (SBCP), to pay for the local share of costs associated with the employment of a reading specialist. CDSIS-23-10-99 (Recommended for APPROVAL)	ACTION
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MENTOR TEACHER

ITEM WC-2	Request by Castro Valley Unified School District to waive Education Code section 44491(b)(1) pertaining to mentor teacher (experience requirement). CDSIS-22-10-99 (Recommended for APPROVAL)	ACTION
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ITEM WC-3	Request by Howell Mountain School District to waive Education Code section 44491(b)(1) pertaining to mentor teacher (experience requirement). CDSIS-7-10-99 (Recommended for APPROVAL)	ACTION
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RESOURCE CASELOAD SPECIALIST

ITEM WC-4	Request by Mammoth Unified School District to waive Education Code section 56362(c) which allows the districts to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher, Linda Oldham assigned at Mammoth High School. CDSIS-13-10-99 (Recommended for APPROVAL)	ACTION
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SCHOOL SITE COUNCIL

ITEM WC-5	Request by Upper Lake Unified School District to waive Education Code Section 52852 under the authority of Education Code Section 52863 relating to the establishment of a school site council as required for each school participating in the School-based Coordinated Act, (one council for two schools). CDSIS-6-10-99 (Recommended for APPROVAL)	ACTION
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NON-CONSENT (ACTION)

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

BOND INDEBTEDNESS

ITEM W-1	Request by Alisal Union Elementary School District to waive Education Code Section 15102, to increase its bonding limit from 1.25% to 1.87% of assessed valuation. CDSIS-1-11-99 (Recommended for APPROVAL)	ACTION
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CHARTER SCHOOL BLOCK GRANT FUNDING

ITEM W-2	Request by the Shasta Union High School District to waive Education Code Section 47630.5(b), related to the charter school block grant funding model, for Redding School of the Arts (to not be funded using the model for 1999-2000 school year). CDSIS-16-10-99 (Recommended for APPROVAL) for one year only	ACTION
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CHARTER SCHOOL ATTENDANCE-CALCULATION OF ADA LIKE REGULAR SCHOOLS

ITEM W-3	Request by the Natomas Unified School District to waive Title 5 CCR Section 11960, related to charter school attendance, for Natomas Charter School. CDSIS-33-10-99 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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CLASS SIZE REDUCTION (Option One Funding)

ITEM W-4	Request by Santa Ana Unified School District renew a waiver of E.C. 52122(b)(2)(A) and 52123(c) allowing school sites with 200 or more students per acre to receive Option One Class Size Reduction funding, for (six elementary schools). CDSIS-11-10-99 (Recommended for APPROVAL)	ACTION
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COMMUNITY—DAY COMMINGLE GRADES K-6 WITH 7-12

ITEM W-5	Request by Tulare City Elementary School District for a waiver of Education Code section 48916.1(d) relating to district community day schools serving K-6 students with 7-12 students in a combined program (Grades 6-8 only; k-8 district). CDSIS-1-10-99 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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COMMUNITY DAY - EXPENDITURE FUNDS

ITEM W-6 Postponed From November	Request by the Grenada Elementary School District to waive portions of Education Code Section 48660.2 related to Community Day Schools, to allow expenditure of funds for lease-purchase agreements for facilities. CDSIS-34-8-99 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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COMMUNITY DAY – CO-LOCATION ON A REGULAR SCHOOL SITE

ITEM W-7	Request by Shasta Union High School District for a waiver of Education Code Section 48661(b) relating to the placement of a district community day school on the same site as an elementary or high school. CDSIS-17-10-99 (Recommended for APPROVAL) for one year only	ACTION
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ITEM W-8	Request by Hesperia Unified School District for a waiver of Education Code Section 48661(b) relating to the placement of a district community day school on the same site as an elementary, high school, opportunity, or continuation school. CDSIS-5-11-99 (Recommended for APPROVAL) for one year only	ACTION
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FUNDS FOR OUT-OF-STATE FIELD TRIPS

ITEM W-9	Request by Tulelake Joint Unified School District to waive a portion of Education Code section 35330(d) to authorize expenditure of funds (out-of-state) for student expenses of field trips. CDSIS-34-10-99 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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ITEM W-10	Request by Modoc County Office of Education to waive a portion of Education Code section 35330(d) to authorize expenditure of funds (out-of-state) for student expenses of field trips. CDSIS-7-11-99 (Recommended for APPROVAL)	ACTION
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INSTRUCTIONAL TIME AND STAFF DEVELOPMENT REFORM PROGRAM (SB 1193)

ITEM W-11	Request from nine (9) School Districts and County Offices of Education (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. (LISTING OF DISTRICTS IS ATTACHED) (Recommended for APPROVAL for one year only).	ACTION
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INSTRUCTIONAL TIME AND STAFF DEVELOPMENT REFORM PROGRAM (SB 1193)

ITEM W-12	Request from two (2) County Office of Education under the general authority of E.C. 33050 to allow the one time waiver for 1998-99 only, 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. (Equivalent to waiver under the authority of E.C. 44579.4 from the recently implemented SB 1193, School Finance Staff Development as applies to districts only). (LISTING OF COUNTY OFFICES OF EDUCATION ATTACHED) (Recommended for APPROVAL for one year only)	ACTION
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NON-PUBLIC SCHOOL/AGENCY (application date waiver)

ITEM W-13	Request by Contra Costa SELPA a waiver of the requirement in E.C. section 56366.1(b), the requirement for a Non Public School or Agency to apply for certification between January 1 and June 30 each year. CDSIS-27-10-99 Contra Costa SELPA for (Spectrum Center) (NPS) (Recommended for Approval)	ACTION
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NON-PUBLIC SCHOOL/AGENCY—SINGLE CHILD

ITEM W-14	Request by Anaheim Union High School District to waive Education Code Section 56366.1(a) relating to Nonpublic School/Agency Certification for Shiloh Treatment Center/Daystar Residential to provide services for one special education student Everette D. CDSIS-11-8-99 (Recommended for APPROVAL)	ACTION
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ITEM W-15	Request by Marin County Superintendent of Schools to waive certification requirements for an NPS (Jane Piel) to provide speech and language services for one special education student Emily H. CDSIS-15-10-99 (Recommended for APPROVAL)	ACTION
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ITEM W-16	Request by Portola Valley School District to waive certification requirements for NPS/A Foundation for Autistic Childhood Education and Support (FACES) to provide behavior intervention services for one special education student Connor M. CDSIS-64-4-98 (Recommended for APPROVAL)	ACTION
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ITEM W-17	Request by Contra Costa SELPA to waive Education Code Section 56366.1(a) for an uncertified Nonpublic School/Agency (Spectrum Center) to provide services to fifteen (15) special education students. CDSIS-36-10-99 (Recommended for APPROVAL)	ACTION
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PROGRAM QUALITY REVIEW

ITEM W-18	Request by Burbank Unified School District to waive Education Code section 64001(c) to postpone Program Quality Review for one year. CDSIS-35-9-99 (Recommended for APPROVAL)	ACTION
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SALE/LEASE OF SURPLUS PROPERTY

ITEM W-19	Request by Riverside Unified School District to waive Property Bid and Offer Procedures for Surplus Property Office on Industrial Avenue, owned by Riverside Unified School District. CDSIS-31-9-99 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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STAFF DEVELOPMENT FUNDS

ITEM W-20	Request by Anaheim Union High School District to renew a waiver of E.C. Section 44670.7 SB 1882 Funding for School Development Plans for three high schools (Loara, Savanna, and Western), (equalization of funds). CDSIS-8-11-99 (Recommended for APPROVAL)	ACTION
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END OF WAIVERS

ITEM 25	English Language Development (ELD) Assessment, including, but not limited to, approval of the contract with publisher for modification of an existing test.	ACTION
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ITEM 26	Standardized Testing and Reporting (STAR) Program, including, but not limited to, implementation update, discussion and approval of any additional item development, and district participation analysis of STAR 1999.	INFORMATION ACTION
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ITEM 27	Standardized Testing and Reporting (STAR) Program Permanent Regulations for Designated Test and Primary Language Test.	INFORMATION ACTION
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ITEM 28	High School Exit Examination.	INFORMATION
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PUBLIC HEARING

BEGINS AT 1:00 P.M. OR THEREAFTER AS THE BUSINESS OF THE STATE BOARD PERMITS.

ITEM 29	Proposed Unification of the Happy Camp Elementary School District, Junction Elementary School District, and Seiad Elementary School District, and that corresponding portion of the Siskiyou Union High School District in Siskiyou County.	PUBLIC HEARING ACTION
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END OF PUBLIC HEARING

ADJOURNMENT