

# California State Board of EducationFinal Minutes November 2-3, 2022

## Members Present

* Linda Darling-Hammond, President
* Cynthia Glover Woods, Vice President
* Francisco Escobedo
* Brenda Lewis
* James J. McQuillen
* Sharon Olken
* Gabriela Orozco-Gonzalez
* Kim Pattillo Brownson
* Haydee Rodriguez
* Alison Yoshimoto-Towery
* Naomi Porter, Student Member
* Tony Thurmond, State Superintendent of Public Instruction (SSPI), Secretary and Executive Officer

## Members Absent

* None

## Principal Staff

* Brooks Allen, Executive Director, State Board of Education (SBE)
* Jessica Holmes, Chief Deputy Executive Director, SBE
* Judy Cias, Chief Counsel, SBE
* Lisa Constancio, Senior Deputy Director, SBE
* Rigel Massaro, Deputy Legal Counsel and Deputy Policy Director, SBE
* Janet Weeks, Director of Communications, SBE
* Aileen Allison-Zarea, Education Administrator I, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Laila Fahimuddin, Policy Director, SBE
* Sara Pietrowski, Policy Director, SBE
* Amy Bubbico, Staff Services Manager, SBE
* Lisa Hopkins, Associate Governmental Program Analyst, SBE
* Haley Gordon, Associate Governmental Program Analyst, SBE
* Mary Nicely, Chief Deputy Superintendent, CDE
* Cheryl Cotton, Deputy Superintendent, CDE
* Amy Holloway, General Counsel, CDE
* Todd Smith, Chief Counsel II, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the November 2-3, 2022 State Board of Education meeting, including closed-captioning, are available online at:** <http://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp>

## California State Board of EducationPublic Session November 2, 2022

**Wednesday, November 2, 2022 – 8:30 a.m. Pacific Time ±**California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

* Call to Order
* Salute to the Flag
* Communications
* Announcements
* Special Presentations
	+ *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Day’s Adjournment

**President Darling-Hammond called the meeting to order at approximately 8:37 a.m.**

### AGENDA ITEMS DAY 1

#### Item 01

**Subject:** STATE BOARD PROJECTS AND PRIORITIES.

Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board appointments and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; State Superintendent of Public Instruction Report; State Board of Education President’s Report; and other matters of interest.

**Summary of the Issue:**

1. State Superintendent of Public Instruction’s Report
2. State Board of Education President’s Report

**Type of Action:** Action, Information

**ACTION:** No Action Taken.

#### Item 02

**Subject:** 2023-2024 State Board of Education Student Member: Recommendation of Three Finalists for Submission to the Governor for Consideration and Appointment.

**Type of Action:** Action, Information

**Recommendation:** The SBE Screening Committee recommends that the SBE approve the three finalists for the position of 2023-2024 SBE Student Member, as identified in the Item Addendum. The approved finalists will be forwarded to the Governor for his consideration and appointment as the 2023-24 SBE Student Member.

**ACTION:** Member Glover Woods moved to approve the SBE Screening Committee recommendations for appointment to the 2023-24 SBE Student Member, as identified in the Item Addendum:

Students who are being recommended as the three finalists to the SBE by the Screening Committee of the SBE are provided in alphabetical order by last name below:

* **Anya Ayyappan,** Dougherty Valley High School, within the San Ramon Valley Unified School District, Contra Costa County
* **Eduardo Corona,** Canyon Springs High School, within the Moreno Valley Unified School District, Riverside County
* **Kristie To,** Northwood High School, within the Irvine Unified School District, Orange County

In addition to the finalists named above, the following students were identified as candidates for the 2023-2024 Student Member of the Board:

* **Selah Han,** Torrance High School, within the Torrance Unified School District, Los Angeles County
* **Sue Oh,** Sunny Hills High School, within the Fullerton Joint Union High School District, Orange County
* **Katie Xin,** Palm Desert High School, within the Desert Sands Unified School District, Riverside County

The following students were also identified as semi-finalists for the 2023-2024 Student Member of the Board:

* **Alexa Aguilar,** Granite Hills High School, within the Grossmont Union High School District, San Diego County
* **Ann Al Bomalallah,** El Camino Fundamental High School, within the San Juan Unified School District, Sacramento County
* **Keira Bird,** Fred C. Beyer High School, within Modesto City Schools, Stanislaus County
* **Nethra Dhamodaran,** Dougherty Valley High School, within the San Ramon Valley Unified School District, Contra Costa County
* **Lavani Madadi,** Angelo Rodriguez High School, within the Fairfield Suisun Unified School District, Solano County
* **Issei Nagata,** Anaheim High School, within the Anaheim Union High School District, Orange County

Member Porter seconded the motion.

**Yes votes:** Members Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Porter, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 03

**Subject:** Reports from the 2022 Student Advisory Board on Education.

**Type of Action:** Information

**Recommendation:** Listen to student proposals from the 2022 SABE Conference

**ACTION:** No Action Taken.

#### Item 04

**Subject:** California Community Schools Partnership Program: Approval of Regional Technical Assistance Centers Contract Awardees and the 2022-23 CCSPP Administrative Plan. Presentations by the CCSPP State Transformative Assistance Center, Anaheim Union High School District and California Health and Human Services.

**Type of Action:** Action, Information

**Recommendation:** This item has two recommendations for SBE approval:

* The CDE recommends that the SBE approve the California Community Schools Partnership Program (CCSPP) Regional Technical Assistance Centers (R-TAC) awards.
* The CDE recommends that the SBE approve the 2022-23 CCSPP Administrative Plan.

**ACTION:** Member Escobedo moved to approve the California Community Schools Partnership Program (CCSPP) updated administration plan, and delegated to CDE, in consultation with and subject to the approval of the Executive Director of the SBE, to develop a final list of 2022-23 COE Coordination Grant Allocations consistent with the administration plan.

Member Orozco-Gonzalez seconded the motion.

**Yes votes:** Members Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Porter, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### REGULAR CONSENT ITEMS(Item 05 through Item 09)

#### Item 05

**Subject:** Approval of 2022–23 Consolidated Applications.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the SBE approve the 2022–23 ConApps submitted by LEAs in Attachment 1.

#### Item 06

**Subject:** California Assessment of Student Performance and Progress and English Language Proficiency Assessments for California: Determination of the Release of the 10 Percent Withheld from the Educational Testing Service Contract for Fiscal Year 2021–22.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends releasing $10,010,833.60 to ETS from funds withheld during FY 2021–22 for the successful completion of component tasks as stated within the contract scope of work (SOW). The details of the amount per task, by administration, for FY 2021–22 are listed in Attachment 2.

#### Item 07

**Subject:** California Assessment of Student Performance and Progress and English Language Proficiency Assessments for California: Determination of the Release of Up to 10 Percent Withheld for the 2021–22 Regents of the University of California, Santa Cruz Contract.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends the release of the full amount of $71,104.98, representing the 10 percent withheld from the UCSC contract for activities to develop the California Educator Reporting System (CERS) for the CAASPP and the ELPAC. These funds were withheld during fiscal year (FY) 2021–22 from invoices paid with existing CAASPP and ELPAC System contract funding. The amounts per task are listed in Attachment 1.

#### Item 08

**Subject:** Physical Fitness Test: Adopt the Final Statement of Reasons and the Proposed Amendments to the California Code of Regulations, Title 5, Sections 1040, 1043, 1043.4, 1043.6, 1043.8, and 1044.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the California State Board of Education (SBE) take the following actions:

* Approve the Final Statement of Reasons.
* Approve the regulations.
* Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the Office of Administrative Law during its review of the Final Statement of Reasons.

#### Item 09

**Subject:** Approval of Charter School Numbers Assigned to Newly Established Charter Schools.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the SBE assign charter numbers to the charter schools identified in Attachment 1.

**ACTION:** Member Glover Woods moved to approve the CDE staff recommendations for each regular item on consent (Item 05 through Item 09).

Member Rodriguez seconded the motion.

**Yes votes:** Members Darling-Hammond, Glover Woods, Lewis, McQuillen, Orozco-Gonzalez, Pattillo Brownson, Porter, and Rodriguez.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** Members Escobedo, Olken, and Yoshimoto-Towery

The motion passed with 8 votes.

#### *END OF REGULAR CONSENT ITEMS*

### REGULAR ITEMS CONTINUED – DAY 1

### PUBLIC HEARING

The following Public Hearing will commence no earlier than 12:00 p.m. on Wednesday, November 2, 2022. The Public Hearing listed below will be held as close to 12:00 p.m. as the business of the State Board permits.

#### Item 10

**Subject:** Appeal from an Action of the Orange County Committee on School District Organization to Approve a Petition to Transfer Territory from the Orange Unified School District to the Tustin Unified School District.

**Type of Action:** Action, Information, Hearing

**Recommendation:** The CDE recommends that the SBE affirm the decision of the County Committee to approve the proposal to transfer territory from the Orange USD to the Tustin USD. Regarding the election required to finalize the transfer, the CDE further recommends that the SBE not expand the area for the election beyond the territory proposed for transfer.

**President Darling-Hammond opened the public hearing at 3:34 p.m.**

**President Darling-Hammond closed the public hearing at 4:50 p.m.**

**ACTION:** Member Escobedo moved to reverse the actions of the County Committee to approve the proposal to transfer territory from Orange USD to Tustin USD.

Member Rodriguez seconded the motion.

**Yes votes:** Members Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Porter, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### END OF PUBLIC HEARING

#### Item 11

**Subject:** GENERAL 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.

**Type of Action:** Information

**ACTION:** No Action Taken.

### CONTINUANCE OF MEETING

At approximately 5:34 p.m., President Darling-Hammond announced that the meeting would continue at 8:30 on Thursday morning and that the board would be meeting in closed session at that time to discuss and/or take action on the following case:

* *Emma C. vs. State*

## California State Board of EducationPublic Session November 3, 2022

**Thursday, November 3, 2022 – 8:30 a.m. Pacific Time +**

California Department of Education

1430 N Street, Room 1101

Sacramento, California 95814

* Call to Order
* Communications
* Announcements
* Special Presentations
*Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Adjournment

### REPORT OUT OF CLOSED SESSION

At approximately 8:50 a.m., President Darling-Hammond announced that in Closed Session the Board discussed and/or took action on the following case:

* *Emma C. vs. State*

### AGENDA ITEMS – DAY 2

### WAIVERS/ACTION AND CONSENT

### (W-01 through W-06)

The following agenda items include waivers that are proposed for consent and those waivers scheduled for separate action because CDE staff may have recommended denial or determined that they may present new or unusual issues. Waivers proposed for consent are so indicated on each waiver’s agenda item; however, any board member may remove a waiver from proposed consent and the item may be heard individually. Action different from that recommended by CDE staff may be taken.

Other Waivers (Employment - Retirement System)

#### Item W-01

**Subject:** Request by **Los Angeles Unified School District** to waive California *Education Code* Section 45134(c), in which no person shall be employed in a school employment while he or she is receiving a retirement allowance under any retirement system by reason of prior school employment, to allow a retired individual, Sharon Robinson, to continue to be employed as a staff assistant to a board member.

Waiver Number: 9-6-2022

(Recommended for APPROVAL)

Physical Education Program (Block Schedules)

#### Item W-02

**Subject:** Request by **Roseville Joint Union High School District** to waive portions of California *Education Code* Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each 10 school days for students in grades nine through twelve in order to implement block schedules at the following high schools:

* Antelope High School
* Granite Bay High School
* Oakmont High School
* Roseville High School
* West Park High School
* Woodcreek High School

Waiver Number: 1-8-2022

(Recommended for APPROVAL WITH CONDITIONS)

Sale or Lease of Surplus Property (Sale of Surplus Property)

#### Item W-03

**Subject:** Request by **two local educational agencies** to waive California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.

* Charter Oak Unified School District 7-6-2022
* Fremont Unified School District 4-7-2022

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Algebra I Requirement for Graduation)

#### Item W-04

**Subject:** Request by the **Center Joint Unified School District** to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2021–22 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation. The waiver applies to five students with disabilities based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number: 12-5-2022

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Child Specific/ NPA or NPS Certification)

#### Item W-05

**Subject:** Request by the **Morongo Unified School District** to waive California *Education Code* Section 56366(d), the requirement for state certification, to allow the use of federal and state special education funds for the placement of one high school student with disabilities at the Sandy Pines Residential Treatment Center, an uncertified nonpublic school for students with disabilities with a residential treatment center, in Jupiter, Florida.

Waiver Number: 14-4-2022

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Extended School Year (Summer School))

#### Item W-06

**Subject:** Request by **Gonzales Unified School District** to waive *California Code of Regulations,* Title 5, Section 3043(d), which requires a minimum of 20 school days for an extended school year (summer school) for students with disabilities.

Waiver Number: 5-7-2022

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Olken moved to approve the CDE staff recommendations for each waiver item on consent (Item W-01 through Item W-06).

Member Rodriguez seconded the motion.

**Yes votes:** Members Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Porter, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### *END OF WAIVER CONSENT ITEMS*

#### *REGULAR ITEMS CONTINUED – DAY 2*

#### Item 12

**Subject:** The California Assessment of Student Performance and Progress System and the English Language Proficiency Assessments for California: Request for Approval of the Proposed Addendum to the High-Level Test Design for the California Spanish Assessment, Proposed California Spanish Assessment Revised Blueprint, Proposed Revised California Spanish Assessment General Achievement Level Descriptors, and Proposed Score Reporting Structure; 2021–22 Results for the California Assessment of Student Performance and Progress System and the English Language Proficiency Assessments for California; and an Update on Assessment Program Activities.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the following:

* Proposed Addendum to the High-Level Test Design (HLTD) for the California Spanish Assessment (CSA), including the proposed revised CSA general achievement level descriptors (ALDs) (Attachment 2)
* Proposed CSA Revised Blueprint (Attachment 3)
* Proposed CSA Score Reporting Structure

**ACTION:** Member Rodriguez moved to approve the following CDE recommendation:

* Proposed addendum to the High-Level Test Design for the California Spanish Assessment, including the proposed revised California Spanish Assessment general achievement level descriptors in Attachment 2
* Proposed California Spanish Assessment Revised Blueprint in Attachment 3
* Proposed California Spanish Assessment score reporting structure

Member Orozco-Gonzalez seconded the motion.

**Yes votes:** Members Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Porter, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 13

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Approval of the California School Dashboard Principles, Review of the Local Control and Accountability Plan requirements for the English Learner Student Group, and Dashboard Outreach Activities.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends approval of the California School Dashboard principles.

**ACTION:** Member Glover Woods moved that the board adopt the revised Dashboard principles with the following amendments:

1. Replace the words “Accountability System” and “the system” with the word “Dashboard” in any of the principles where that language still exists and;
2. Remove the word “equally” from Dashboard principle #4, so that it reads “values each indicator.”

Member Olken seconded the motion.

**Yes votes:** Members Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Porter, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Re-Open Item 01

**Subject:** STATE BOARD PROJECTS AND PRIORITIES.

Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board appointments and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; State Superintendent of Public Instruction Report; State Board of Education President’s Report; and other matters of interest.

**Type of Action:** Action, Information

1. SBE Draft Preliminary Report of Actions/Minutes for the September 13-14, 2022 meeting
2. SBE Screening Committee recommendations regarding appointments to the Advisory Commission on Charter Schools, California Practitioners Advisory Group, and the Instructional Quality Commission
3. Board member liaison reports

**Recommendation:** The SBE staff recommends that the SBE:

1. Approve the Preliminary Report of Actions/Minutes for the September 13-14, 2022 meeting. (Attachment 1)

**ACTION 1:** Member Glover Woods moved to approve the SBE staff recommendation to approve the Preliminary Report of Actions/Draft Minutes for the September 13-14, 2022 meeting.

Member Rodriguez seconded the motion.

**Yes votes:** Members Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Porter, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**ACTION 2:** Member Glover Woods moved to approve the SBE Screening Committee recommendations for appointments to the Advisory Commission on Charter Schools, California Practitioners Advisory Group, and the Instructional Quality Commission, as found in the addendum.

Member Lewis seconded the motion.

**Yes votes:** Members Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Porter, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

*ADJOURNMENT OF THE MEETING*

**President Darling-Hammond adjourned the meeting at approximately 1:10 p.m.**