

# California State Board of Education Final Minutes July 12-13, 2023

## Members Present

* Linda Darling-Hammond, President
* Cynthia Glover Woods, Vice President
* Francisco Escobedo
* Brenda Lewis
* James J. McQuillen
* Sharon Olken
* Gabriela Orozco-Gonzalez
* Kimberly 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
* Lisa Constancio, Senior Deputy Director, SBE
* Kirin Gill, Chief Counsel, SBE
* Rigel Massaro, Deputy Legal Counsel and Deputy Policy Director, SBE
* Janet Weeks, Director of Communications, SBE
* Debra Brown, Senior Policy Advisor, SBE
* Laura Rodriguez, Senior Policy Director, SBE
* Aileen Allison-Zarea, Education Administrator I, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Sara Pietrowski, Policy Director, SBE
* Michelle Valdivia, Assistant Policy Director, SBE
* Amy Bubbico, Staff Services Manager, SBE
* Lisa Hopkins, Associate Governmental Program Analyst, SBE
* Haley Gordon, Associate Governmental Program Analyst, SBE
* Abel Guillen, Deputy Superintendent, California Department of Education (CDE)
* Len Garfinkel, General Counsel, CDE
* Cheryl Cotton, Deputy Superintendent, CDE
* Nancy Kim Portillo, Deputy Superintendent, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the July 12-13, 2023 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 Education Public Session July 12, 2023

**Wednesday, July 12, 2023 – 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 8:30 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 President and liaison reports; training of Board members; and other matters of interest.

**Type of Action:** Action, Information

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

* State Superintendent’s Report
* State Board of Education President’s Report

**ACTION:** No Action Taken.

#### Item 02

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Addendum to the Continuing Work and Revisions Under Consideration for the 2023 Dashboard Related to the Chronic Absenteeism Indicator.

**Type of Action:** Information

**Recommendation:** The CDE recommends that the SBE provide guidance and direction for any changes they would like to see explored for the Chronic Absenteeism Indicator as part of the 2023 accountability workplan.

**ACTION:** No Action Taken.

#### Item 03

**Subject:** The California Assessment of Student Performance and Progress and the English Language Proficiency Assessments for California: Update on Program Activities.

**Type of Action:** Information

**Recommendation:** No specific action is recommended at this time.

**ACTION:** No Action Taken.

### REGULAR CONSENT ITEMS (Item 04 through Item 10)

#### Item 04

**Subject:** School Accountability Report Card: Approval of the Template for the 2022–23 School Accountability Report Card.

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

**Recommendation:** The CDE recommends that the SBE approve the SARC template for the 2022–23 school year.

#### Item 05

**Subject:** California High School Proficiency Examination: Approve Commencement of a 45-Day Public Comment Period for Proposed Amendments to California Code of Regulations, Title 5, Section 11520.

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

**Recommendation:** The CDE recommends the SBE take the following actions:

* Approve the Notice of Proposed Rulemaking (Notice)
* Approve the Initial Statement of Reasons (ISOR)
* Approve the proposed regulations
* Direct the CDE to commence with the rulemaking process
* Authorize the CDE to take any necessary action to respond to any direction or concerns expressed by the Office of Administrative Law during its review of the Notice, ISOR, and proposed regulations

#### Item 06

**Subject:** High School Equivalency Program: Approve Commencement of a 45-Day Public Comment Period for Proposed Amendments to California Code of Regulations, Title 5, Article 2 title, sections 11530 and 11531, the deletion of Section 11532, and the addition of Section 11532.5.

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

**Recommendation:** The CDE recommends the SBE take the following actions:

* Approve the Notice of Proposed Rulemaking (Notice)
* Approve the Initial Statement of Reasons (ISOR)
* Approve the proposed regulations
* Direct the CDE to commence the rulemaking process
* 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 Notice, ISOR, and proposed regulations

#### Item 07

**Subject:** Consideration of Requests for Determination of Funding as Required for Nonclassroom-Based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2, and Associated California Code of Regulations, Title 5.

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

**Recommendation:** The CDE recommends that the SBE approve the schools’ determination of funding requests at 100 percent for the time periods specified in Attachment 1.

#### Item 08

**Subject:** Consideration of Requests for Determination of Funding with “Reasonable Basis”/Mitigating Circumstances as Required for Nonclassroom-Based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2, and Associated California Code of Regulations, Title 5.

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

**Recommendation:** The CDE recommends that the SBE approve the schools’ determination of funding requests at 100 percent for two fiscal years (2023–24 through 2024–25), as specified in Attachment 1.

#### Item 09

**Subject:** Approval of Charter School Numbers Assigned to Newly Established Charter Schools, pursuant to California Education Code Section 47602.

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

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

#### Item 10

**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.

**ACTION:** Member Orozco-Gonzalez moved to approve the CDE staff recommendation.

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

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### *END OF REGULAR CONSENT ITEMS*

### PUBLIC HEARING

#### Item 11

**Subject:** Adoption of the 2023 Mathematics Framework for California Public Schools, Kindergarten Through Grade Twelve.

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

**Recommendation:** The CDE recommends that the SBE hold a public hearing and adopt the draft *Mathematics Framework*, including the revisions proposed in response to the public feedback received during the second field review and since posting for this board meeting. The CDE also recommends that the SBE delegate authority to SBE and CDE staff to make any necessary revisions, including any needed for clarity and accuracy, as the document is professionally edited and prepared for publication. The current draft *Mathematics Framework* is available on the CDE Mathematics Curriculum Framework web page at <https://www.cde.ca.gov/ci/ma/cf/>.

**President Darling-Hammond opened the public meeting at approximately 1:06 p.m.**

**President Darling-Hammond closed the public hearing at approximately 4:53 p.m.**

**ACTION:** Member Glover Woods moved to approve the CDE staff recommendation.

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

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### *END OF PUBLIC HEARING*

### CONTINUANCE OF THE MEETING

**At approximately 5:25 p.m., President Darling-Hammond announced that the meeting would continue on the following day with closed session wherethe Board would discuss and/or take action on the following cases:**

* *Napa Valley Unified School District v. California State Board of Education*
* *California School Boards Association’s Education Legal Alliance v. California State Board of Education*

## California State Board of Education Public Session July 13, 2023

**Thursday, July 13, 2023 – 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*

President Darling-Hammond announced that in Closed Session the Board discussed and/or took action on the following cases:

* *Napa Valley Unified School District v. California State Board of Education*
* *California School Boards Association’s Education Legal Alliance v. California State Board of Education*

### AGENDA ITEMS – DAY 2

#### **Item 17 was not heard at the Request of Napa Foundation for Options in Education, who has filed Notices of Appeal in**Napa Valley Unified School District v. California State Board of Education and California School Boards Association's Education Legal Alliance v. California State Board of Education**(Sacramento County Superior Court, Case Nos. 34-2022-80004051 and 34-2023-80004069).**

#### ~~Item 17~~

**~~Subject:~~** ~~Action to Set Aside the State Board of Education’s September 15, 2022 Reversal of the Denials of the Mayacamas Charter Middle School Petition to Comply with a Writ of Mandate To Be Issued in~~ *~~Napa Valley Unified School District v. California State Board of Education~~* ~~and~~ *~~California School Boards Association’s Education Legal Alliance v. California State Board of Education~~* ~~(Sacramento County Superior Court,~~~~Case Nos.~~~~34-2022-80004051 and 34-2023-80004069).~~

**~~Recommendation:~~** ~~CDE staff recommends that the SBE set aside its September 15, 2022 actions to (1) reverse the denial of Mayacamas Charter Middle School petition based upon SBE’s determination that the Napa Valley Unified School District and the Napa County Board of Education abused their discretion in denying the petition; and (2) delegate oversight of the Mayacamas Charter Middle School to the Napa County Board of Education.~~

**~~ACTION:~~** ~~No Action Taken.~~

[Note: the preceding information about Item 17 contains strikethroughs which indicates this item has been withdrawn.]

### WAIVERS/ACTION AND CONSENT ITEMS

*(W-01 through W-14)*

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.

Charter School Program (Nonclassroom-Based Funding)

#### Item W-01 General

**Subject:** Request by **Black Oak Mine Unified School District** to waive portions of *California Code of Regulations*, Title 5 Section 11963.6, relating to the submission of and action on a determination of funding request by a charter school offering nonclassroom-based instruction.

Waiver Number: 5-4-2023

(Recommended for APPROVAL)

Federal Program Waiver (Carl D. Perkins Voc and Tech Ed Act)

#### Item W-02 Federal

**Subject:** Request by **five school districts** for a waiver of Section 131(c)(1) of the Strengthening Career and Technical Education for the 21st Century Act (Public Law 115-224).

Waiver Number:

* Dunsmuir Joint Union High School Fed-23-2023
* El Tejon Unified School District Fed-25-2023
* Julian Union High Fed-21-2023
* Modoc Joint Unified Fed-22-2023
* Summerville Union High Fed-24-2023

(Recommended for APPROVAL)

Physical Education Program (Block Schedules)

#### Item W-03 General

**Subject:** Request by **Los Angeles Unified 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 a block schedule at John C. Fremont and Ulysses S. Grant Senior High Schools.

Waiver Number: 7-2-2023

(Recommended for APPROVAL WITH CONDITIONS)

State Meal Mandate (Summer School Session)

#### Item W-04 Specific

**Subject:** Request from **Wiseburn Unified School District** under the authority of *California Education Code* Section 49548 to waive *Education Code* Section 49501.5, the State Meal Mandate for public schools during the summer school session.

Waiver Number: 11-4-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-05 General

**Subject:** Request by **West Covina Unified School District** to waive California Education Code sections specific to statutory provisions for the sale or lease of surplus property.

Waiver Number: 3-3-2023

(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness Limit - Non-Unified after 2000)

#### Item W-06 General

**Subject:** Request by the **Franklin-McKinley Elementary School District** to waive California *Education Code* sections 15102 and 15268 to allow the district to exceed its bonded indebtedness limit. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for elementary school districts may also apply.

Waiver Number: 8-4-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-07 General

**Subject:** Request by **Bakersfield City 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: 5-3-2023

(Recommended for APPROVAL)

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

#### Item W-08 General

**Subject:** Request by **Brawley Union High 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: 9-4-2023

(Recommended for APPROVAL)

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

#### Item W-09 General

**Subject:** Request by **Fall River Joint 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: 3-2-2023

(Recommended for APPROVAL)

#### *Item W-10 Revision Notes*

* Update [7-Jul-2023]: Revised Waiver Item W-10, posted [6-July-2023], corrects an error on page 3 of the original version posted on June 30, 2023, regarding the reference to the County location of the Fremont Union High School District. Revised Waiver Item W-10 replaces the reference to Contra Costa County with Santa Clara County. The posting on [6-July-2023] regarding Revised Waiver Item W-10 erroneously referred to Fremont Union High School District as "Fremont Unified School District".
* Revised Waiver Item W-10 corrects an error on page 3 of the original version posted on June 30, 2023, regarding the reference to the County location of the Fremont Unified School District. Revised Waiver Item W-10 replaces the reference to Contra Costa County with Santa Clara County.

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

#### Item W-10 General

**Subject:** Request by **Fremont Union High 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: 9-3-2023

(Recommended for APPROVAL)

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

#### Item W-11 General

**Subject:** Request by **Greenfield Union 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: 6-2-2023

(Recommended for APPROVAL)

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

#### Item W-12 General

**Subject:** Request by **National Elementary 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: 2-2-2023

(Recommended for APPROVAL)

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

#### Item W-13 General

**Subject:** Request by **Paradise 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: 8-3-2023

(Recommended for APPROVAL)

Special Education Program (Educational Interpreter for Deaf and Hard of Hearing)

#### Item W-14 General

**Subject:** Request by **Santa Clara County Office of Education** to retroactively waive *California Code of Regulations*, Title 5, Section 3051.16(c), the requirement that educational interpreters for Deaf and Hard of Hearing pupils meet minimum qualifications as of July 1, 2009, to accept Diane Dunphy and Sean O’Brien provision of services to students through June 30, 2023, under a remediation plan that was completed throughout the 2022-2023 school year.

Waiver Number:

* Santa Clara County Office of Education 10-9-2022
* Santa Clara County Office of Education 11-9-2022

(Recommended for APPROVAL WITH CONDITIONS

**ACTION:** Member Rodriguez moved to approve the CDE staff recommendations for each waiver item (W-01 through W-14) on consent.

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

**Members 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:** California's Bipartisan Safer Communities Act Stronger Connections Grant Program Proposal: Approval of the Criteria to Define High-needs.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the criteria for the definition of “high-need LEA” as required in the California’s Bipartisan Safer Communities Act (BSCA) Stronger Connections Grant (SCG) program, pending the SBE Executive Director approval of final revisions requested by the SBE, correction of any typographical errors, and necessary, non-substantive clarifying edits.

**ACTION:** Member Pattillo Brownson moved to approve the CDE staff recommendation with direction to consider, to the extent plausible, gun-violence related metrics available through statewide government data sets.

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

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### PUBLIC HEARING

#### Item 13

**Subject:** Appeal from an Action of the Santa Clara County Committee on School District Organization to Disapprove a Petition to Transfer Territory from the San José Unified School District to the Oak Grove Elementary School District and the East Side Union High School District.

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

**Recommendation:** The CDE recommends that the SBE affirm the decision of the County Committee to disapprove the proposal to transfer territory from the San José USD to the Oak Grove ESD and the East Side UHSD.

**President Darling-Hammond started the public hearing at approximately 10:55 a.m.**

**President Darling-Hammond closed the public hearing at approximately 11:10 a.m.**

**ACTION:** Member Escobedo moved to approve the CDE staff recommendation.

Member Yoshimoto-Towery 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

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### ***END OF PUBLIC HEARING***

### **At the request of the Petitioner New Pacific School - Yuba City, Items 14 and 15 were withdrawn by the SBE on July 3, 2023.**

#### ~~Item 14~~

**~~Subject:~~**~~Appeal of the Denial of a Petition for the Establishment of a Classroom-Based Charter School Pursuant to California Education Code Section 47605(k)(2): Consideration of Evidence to Hear or Summarily Deny the Appeal of New Pacific School - Yuba City, which was denied by the Yuba City Unified School District and the Sutter County Board of Education.~~

**~~Type of Action:~~**~~Action, Information~~

### ~~Public Hearing~~

~~The following Public Hearing will commence no earlier than 8:45 a.m. on Thursday, July 13, 2023. The Public Hearing listed below will be held as close to 8:45 a.m. as the business of the State Board permits.~~

#### ~~Item 15~~

**~~Subject:~~**~~Appeal of the Denial of a Petition for the Establishment of a Classroom-Based Charter School Pursuant to California~~*~~Education Code~~*~~Section 47605(k)(2): Review of the Appeal and Documentary Record, and Decision to Affirm or Reverse the Yuba City Unified School District’s and the Sutter County Board of Education’s Determinations of the New Pacific School - Yuba City Petition.~~

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

* ~~Item 15 Attachment 1~~

#### *~~END OF PUBLIC HEARING~~*

[Note: the preceding information about Item 14 and Item 15 contains strikethroughs which indicate these items have been withdrawn.]

### REGULAR ITEMS CONTINUED – DAY 2

#### 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. **Recommendation:** Approve the Preliminary Report of Actions/Minutes for the May 18-19, 2023 meeting. (Attachment 1)
2. Board member liaison reports

**ACTION:** Member Olken moved to approve the Preliminary Report of Actions/Minutes for the May 18-19, 2023 meeting.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** Members McQuillen and Pattillo Brownson

**Recusals:** None

The motion passed with 9 votes.

#### Item 16

**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.

### ADJOURNMENT OF THE MEETING

**President Darling-Hammond adjourned the meeting at approximately 11:52 a.m.**