

# California State Board of EducationFinal Minutes September 10, 2020

## Members Present

* Linda Darling-Hammond, President
* Ilene W. Straus, Vice President
* Sue Burr
* Cynthia Glover-Woods
* James J. McQuillen
* Matt Navo
* Kim Pattillo Brownson
* Haydee Rodriguez
* Patricia A. Rucker
* Ting L. Sun
* Zaid Fattah, Student Member
* Tony Thurmond, State Superintendent of Public Instruction (SSPI), Secretary and Executive Officer

## Member Absent

* None

## Principal Staff

* Karen Stapf Walters, Executive Director, State Board of Education (SBE)
* Judy Cias, Chief Counsel, SBE
* Patricia de Cos, Deputy Executive Director, SBE
* Debra Brown, Senior Policy Advisor, SBE
* Janet Weeks, Director of Communications, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Laila Fahimuddin, Policy Director, SBE
* Sara Pietrowski, Policy Director, SBE
* Pamela Castleman, Education Programs Consultant, SBE
* Amy Bubbico, Staff Services Manager I, SBE
* Lisa Hopkins, Associate Governmental Program Analyst, SBE
* Haley Gordon, Staff Services Analyst, SBE
* Stephanie Gregson, Chief Deputy Superintendent, California Department of Education (CDE)
* Lisa Constancio, Deputy Superintendent, CDE
* Rachael Maves, Deputy Superintendent, CDE
* Chad Owes, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the September 10, 2020 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 September 10, 2020

**Thursday – September 10, 2020 Pacific Time ±**California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

* Call to Order
* Salute to the Flag
* Swearing-in of new Member: (2020-21 Student Member Zaid Fattah)
* 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 8:46 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’s President’s Report; and other matters of interest.

**Type of Action:** Action, Information

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

1. Hear the State Superintendent’s Report
2. Hear the SBE 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: Recommended Action on the Inclusion of New Career Measures in the College/Career Indicator and Update on the Student Growth Model, and Implementation of California Education Code Section 52064.5.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE adopt the following new career measures for inclusion in the College/Career Indicator (CCI):

* Pre-apprenticeships
* State and Federal Job Programs
* Transition Work-Based Learning Experiences (available only to students with Individualized Education Programs [IEPs])
* Transition Classroom-Based Learning Experiences (available only to students with IEPs)

**ACTION:** Member Burr moved to approve the CDE recommendation.

Member Straus seconded the motion.

**Yes votes:** Members Burr, Darling-Hammond, Fattah, Glover-Woods, McQuillen, Navo, Pattillo Brownson, Rodriguez, Rucker, Straus, and Sun.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 03

**Subject:** Approval of Local Educational Agency Plans as Required by the Every Student Succeeds Act through the Completion of the Local Control and Accountability Plan Federal Addendum.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the Local Educational Agency’s (LEAs’) Addendum list referenced in Attachment 1.

**ACTION:** Member Burr moved to approve the CDE recommendation.

Member Navo seconded the motion.

**Yes votes:** Members Sun, Straus, Rucker, Rodriguez, Navo, McQuillen, Fattah, Darling Hammond, and Burr.

**No votes:** None

**Member Absent:** Member Pattillo Brownson

**Abstentions:** None

**Recusals:** Member Glover-Woods

The motion passed with 9 votes.

### CLOSED SESSION

### REPORT OUT OF CLOSED SESSION

President Darling-Hammond announced that the Board discussed and/or took action on the following case:

* *Emma C.*

President Darling-Hammond also announced that the SBE unanimously ratified the Governor’s nomination of Brooks Allen as Executive Director of the SBE.

#### RE-OPEN Item 01

#### 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’s President’s Report; and other matters of interest.

**Type of Action:** Action, Information

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

1. SBE approve the Draft Preliminary Report of Actions/Minutes for the July 8-9, 2020 meeting.
2. SBE Liaison Reports:

**ACTION:** Member Navo moved to approve the Preliminary Report of Actions/Draft Minutes from the July 8-9, 2020 SBE meeting.

Member Pattillo Brownson seconded the motion.

**Yes votes:** Members Darling-Hammond, Glover-Woods, McQuillen, Navo, Pattillo Brownson, Rodriguez, Rucker, Straus, and Sun.

**No votes:** None

**Member Absent:** None

**Abstentions:** Members Burr and Fattah

**Recusals:** None

The motion passed with 9 votes.

#### Item 04

**Subject:** The California Assessment of Student Performance and Progress System, the English Language Proficiency Assessments for California, and the California Physical Fitness Test: Update of Program Activities.

**Type of Action:** Action, Information

**Recommendation:** The CDE does not recommend any action, as this item is being presented for information only.

**ACTION:** No Action Taken.

#### Item 05

**Subject:** State Seal of Civic Engagement Recommended Criteria

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE adopt the State Seal of Civic Engagement (SSCE) recommended criteria for local use.

**ACTION:** Member Pattillo Brownson moved to approve the CDE recommendation with the following amendment to the second bullet of Criteria 5:

**Criteria 5:**

**Exhibit character traits that reflect civic-mindedness and a commitment to positively impact the classroom, school, community and/or society.**

1. Civic mindedness may encompass:
* Concern for the rights and well-being of all and a desire to contribute to the common good, including members of groups historically disenfranchised by virtue of race, ethnicity, language background, gender, sexual orientation, disability, or social identity;
* A proactive commitment to equity, inclusivity, racial and ethnic diversity, fairness, and dismantling structures and practices that have previously excluded select groups from civic participation (e.g., connecting the 15th Amendment’s suffrage protections to address anti Black racism, racism and; discrimination against other racial minorities and immigrants, including but not limited to Native Americans, Latinx, Asian Americans and other language minorities protected by the Voting Rights Act and the 19th Amendment’s protection of women’s right to vote);
* Appreciating and seeking out a variety of perspectives and valuing differences, including those voices that are underrepresented or marginalized;
* Having a sense of civic duty at local, state, national, and global levels;
* Being aware of the value of their knowledge of their community, and their power to change things for the better as well as respect for contributions of other members of the polity who do not share the same racial, cultural, or economic background.

Member Sun seconded the motion.

**Yes votes:** Members Sun, Straus, Rucker, Rodriguez, Pattillo Brownson, Navo, McQuillen, Glover-Woods, Fattah, Darling Hammond, and Burr.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### PUBLIC HEARING

#### Item 06

**Subject:** Appeal from an Action of the Los Angeles County Committee on School District Organization to Approve a Petition to Transfer Territory from the Lawndale Elementary School District and the Centinela Valley Union High School District to the Wiseburn Unified School District.

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

**Recommendation:** The CDE recommends that the SBE deny the appeal, thus affirming the action of the County Committee to approve the proposal to transfer territory from the Lawndale ESD and the Centinela Valley UHSD to the Wiseburn USD. The CDE further recommends that the SBE (1) establish the territory proposed for transfer as the election area for the required election on the proposal; and (2) provide for no division of the property, funds and obligations of the Lawndale ESD and the Centinela Valley UHSD if the transfer is approved at election.

**President Darling Hammond opened the Public Hearing at approximately 4:25 p.m.**

**President Darling Hammond closed the Public Hearing at approximately 5:04 p.m.**

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

Member Burr seconded the motion.

**Yes votes:** Members Burr, Darling-Hammond, Fattah, Glover-Woods, McQuillen, Navo, Pattillo Brownson, Rodriguez, Rucker, Straus, and Sun.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### END OF PUBLIC HEARING

### REGULAR CONSENT ITEMS(Item 07 through Item 10)

#### Item 07

**Subject:** Request for Waiver Under Every Student Succeeds Act, Code of Federal Regulations Section 200.6(c)(4) to Waive the 1.0 Percent Threshold for the 2020–2021 California Alternate Assessments for English Language Arts/Literacy, Mathematics, and Science.

**Type of Action:** Action, Information

**Recommendation:** The CDE requests approval to submit to the ED a waiver to exceed the 1.0 percent threshold of participation in the California Alternate Assessments for English language arts/literacy, mathematics, and science in the 2020–2021 school year based on alternate achievement standards.

#### Item 08

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

**Type of Action:** Action, Information

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

#### Item 09

**Subject:** Request to ratify the waiver letter submitted to the United States Department of Education for the federal 2016–19 Charter School Program Grant allowing the California Department of Education to fund existing charter schools in need of financial assistance due to COVID-19 distance learning requirements.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE ratify California’s COVID-19 Waiver request to allow unobligated CSP 2016 grant funding to support existing charter schools in need of financial assistance due to COVID-19 distance learning requirements.

#### Item 10

**Subject:** Request to Ratify Waiver to Extend the Period of Availability of Federal Fiscal Year 2018 Individuals with Disabilities Education Act Part B Grant Funds.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE ratify California’s waiver to extend the period of availability for IDEA Part B Funds for FFY 2018.

### ACTION ON REGULAR CONSENT ITEMS (ITEM 07 through ITEM 10)

**ACTION:** Member Navo moved to approve the CDE staff recommendations for each regular item on consent (Item 07 through Item 10).

Member Rucker seconded the motion.

**Yes votes:** Members Sun, Straus, Rucker, Rodriguez, Navo, McQuillen, Glover-Woods, Fattah, and Darling-Hammond.

**No votes:** None

**Members Absent:** Members Burr and Pattillo Brownson

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

*END OF REGULAR CONSENT ITEMS*

### WAIVERS ON CONSENT

### (W-01 through W-03 and W-05 through W-08)

The following agenda items include waivers that are proposed for consent and those waivers scheduled for separate action because CDE staff has identified possible opposition, recommended denial, or determined may present new or unusual issues that should be considered by the State Board. 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. On a case-by-case basis, public testimony may be considered regarding the item, subject to the limits set by the Board President or by the President's designee; and action different from that recommended by CDE staff may be taken.

CLASS SIZE PENALTIES (Over Limit on Grades 1-3)

#### Item W-01

**Subject:** Requests by the **Maple Elementary School District** under the authority of California Education Code (EC) Section 41382, to waive portions of the EC Section 41376(a), (c), and (d) relating to class size penalties for grades one through three. Allowable district class size average is 30 to one with no individual class larger than 32 students for grades one to three. The district is requesting to increase its individual class size for grades one to three to 33 students.

**Waiver Number:** 8-6-2020

(Recommended for APPROVAL WITH CONDITIONS)

COMMUNITY DAY SCHOOLS (CDS) (Grade Spans and Colocate Facilities)

#### Item W-02

**Subject:** Request by the **Exeter Unified School District (EUSD)** to waive portions of California Education Code (EC) Section 48660, relating to the allowable grade spans for community day schools and to waive portions of California EC Section 48661(a), relating to the collocation of a community day school with other types of schools.

**Waiver Number:** Exeter Unified School District 2-5-2020

(Recommended for APPROVAL WITH CONDITIONS)

FEDERAL PROGRAM WAIVER (Carl D. Perkins Voc and Tech Ed Act)

#### Item W-03

**Subject:** Request by **two 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 Numbers:**

* Klamath-Trinity Joint Unified School District Fed-8-2020
* Surprise Valley Joint Unified School District Fed-7-2020

(Recommended for APPROVAL)

SCHOOL CONSTRUCTION BONDS (Bond Indebtedness Limit)

#### Item W-05

**Subject:** Request by **three local educational agencies** to waive California *Education Code* sections 15102, 15106, and 15268 to allow the districts to exceed their bonded indebtedness limits. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary school districts or 2.50 percent of the taxable assessed valuation of property for unified 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 or $60 per $100,000 of assessed value for unified school districts may also apply.

**Waiver Numbers:**

* Burlingame Elementary School District: 11-6-2020
* Palmdale Elementary School District: 16-6-2020
* Parlier Unified School District: 7-6-2020

(Recommended for APPROVAL WITH CONDITIONS)

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)

#### Item W-06

**Subject:** Request by **Wilsona Elementary School District** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.

**Waiver Number:** Wilsona Elementary School District 8-5-2020

(Recommended for APPROVAL)

SPECIAL EDUCATION PROGRAM (Educational interpreter for Deaf and Hard of Hearing)

#### Item W-07

**Subject:** Requests by **Shasta County Office of Education** to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Alex Osborn, Curtis Horner and Kyle Espinoza to continue to provide services to students until June 30, 2021, under a remediation plan to complete those minimum requirements.

**Waiver Numbers:**

* Shasta County Office of Education 5-5-2020
* Shasta County Office of Education 6-5-2020
* Shasta County Office of Education 7-5-2020

(Recommended APPROVAL WITH CONDITIONS)

COMMUNITY DAY SCHOOLS (CDS) (Grade Spans and Colocate Facilities)

#### Item W-08

**Subject:** Request by the **Lindsay Unified School District** to waive portions of California *Education Code* *(EC)* Section 48661(a), relating to the collocation of a community day school with other types of schools.

**Waiver Number:** Lindsay Unified School District 20-2-2020

(Recommended APPROVAL WITH CONDITIONS)

### ACTION ON WAIVER CONSENT ITEMS (W-01 through W-03 and W-05 through W-08)

**ACTION:** Member Sun moved to approve the CDE recommendations for each waiver item on consent (W-01 through W-03 and W-05 through W-08).

Member Rucker seconded the motion.

**Yes votes:** Members Sun, Straus, Rucker, Rodriguez, Navo, McQuillen, Glover-Woods, Fattah, Darling-Hammond.

**No votes:** None

**Members Absent:** Members Burr and Pattillo Brownson

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

### REGULAR WAIVER NOT ON CONSENT (Item W-04)

#### Item W-04

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

**Waiver Number:** 3-6-2020

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Rucker moved to approve the CDE recommendation for waiver item W-04.

Member Sun seconded the motion.

**Yes votes:** Members Darling-Hammond, Fattah, Glover-Woods, McQuillen, Navo, Pattillo Brownson, Rodriguez, Rucker, Straus, and Sun.

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### END OF WAIVERS

### REGULAR AGENDA ITEMS CONTINUED

#### 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.

### ADJOURNMENT OF MEETING

**At approximately 5:51 p.m., President Darling-Hammond adjourned the meeting.**