

# California State Board of EducationFinal Minutes July 13-14, 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
* Rana Banankhah, Student Member

## 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, California Department of Education (CDE)
* Cheryl Cotton, Deputy Superintendent, CDE
* Sarah Neville Morgan, Deputy Superintendent, CDE
* Steve Zimmer, Deputy Superintendent, CDE
* Amy Holloway, General Counsel, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the July 13-14, 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 July 13, 2022

**Wednesday, July 13, 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.

**Type of Action:** Action, Information

**Summary of the Issue:**

1. State Superintendent of Public Instruction’s Report
2. 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: Study Session on the Development History, Implementation, and Indicators in the Accountability System.

**Type of Action:** Information

**Recommendation:** This item is for information only and no specific action is recommended at this time.

**ACTION:** No Action Taken.

#### Item 03

**Subject:** School Accountability Report Card: Approval of the Template for the 2021–22 School Accountability Report Card.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the School Accountability Report Card (SARC) template for the 2021–22 school year.

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

Member Escobedo seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 04

**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:** This item is for information only and no specific action is recommended at this time.

**ACTION:** No Action Taken.

### PUBLIC HEARING

The following Public Hearing will commence no earlier than 12:00 p.m. on Wednesday, July 13, 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 05

**Subject:** Proposed Formation of a New Unified School District from the Northgate Portion of the Mt. Diablo Unified School District in Contra Costa County.

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

**Recommendation:** The CDE recommends that the SBE disapprove the petition to form a new unified school district from the Northgate portion of the Mt. Diablo USD.

**President Darling-Hammond opened the public hearing at 1:20 p.m.**

**President Darling-Hammond closed the public hearing at 2:11 p.m.**

**ACTION:** Member Escobedo moved to approve the CDE recommendation to disapprove the proposal to create a new unified school district from a portion of the existing Mt. Diablo Unified School District, because:

1. The proposal does not substantially meet two of the nine minimum threshold standards (*EC* Section 35753); and
2. The CDE finds no compelling reason for the reorganization; and
3. The CDE finds that there are compelling reasons to disapprove.

Member Glover Woods seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### *END OF PUBLIC HEARING*

### REGULAR CONSENT ITEMS

### (Item 06 through Item 11)

#### Item 06

**Subject:** The Federal Every Student Succeeds Act: Authorization to Pursue a Waiver for the 2022–23 School Year of the 1.0 Percent Cap on the Percentage of Eligible Students with the Most Significant Cognitive Disabilities Who May Be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards for English Language Arts/Literacy, Mathematics, and Science.

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

**Recommendation:** The CDE recommends that the SBE authorize the CDE to submit to the U.S. Education Department (ED) a request for the waiver of the requirement to assess less than 1.0 percent of eligible students with an alternate assessment for English Language Arts (ELA), mathematics, and science for the 2022–23 administration as found in Attachment 1.

The CDE also recommends that the SBE authorize the CDE to submit to the ED a request for a waiver of the requirement that a request for a waiver of the 1.0 percent cap be submitted at least 90 days before the beginning of the annual testing window for the California Alternate Assessments (CAA) for Science.

#### Item 07

**Subject:** Additional Proposed Revisions to the California Assessment of Student Performance and Progress and English Language Proficiency Assessments for California Regulations: Approve Commencement of a 15‑Day Public Comment Period for Proposed Amendments to California Code of Regulations, Title 5, Sections 850, 851.5, 853, 854.5, 854.9, 855, 857, 859, and 863 and the Proposed Deletions of Sections 854.1, 854.2, 854.3 and 854.4 to Implement California Education Code Section 60640 and for Proposed Amendments to California Code of Regulations, Title 5, Sections 11518, 11518.5, 11518.15, 11518.20, 11518.25, 11518.35, 11518.37, 11518.40, 11518.50, and 11518.65 and the Addition of Section 11518.16 to Implement Education Code Sections 313 and 60810.

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

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

* Approve the proposed changes to the proposed regulations
* Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act
* If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed regulations with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval
* If any relevant comments to the proposed changes are received during the 15‑day public comment period, the CDE is directed to place the proposed regulations on the SBE’s November 2022 agenda for action
* Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file

#### Item 08

**Subject:** Revision of the Mathematics Framework for California Public Schools, Kindergarten Through Grade Twelve: Approval of Updates to the Schedule of Significant Events.

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

**Recommendation:** The CDE recommends that the SBE approve the updated Schedule of Significant Events for the Revision of the *Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve* (Timeline).

#### Item 09

**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, Consent

**Recommendation:** The CDE recommends that the SBE approve the LEAs’ Addendum list for 2021–22 referenced in Attachment 1.

#### Item 10

**Subject:**  Updated 2021–22 Addendum Template for the Elementary and Secondary Education Act Consolidated State Plan.

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

**Recommendation:** The CDE recommends that the SBE approve California’s submission of the Updated 2021–22 Addendum for the Consolidated State Plan due to COVID-19 to ED.

#### Item 11

**Subject:** Approval of 2021–22 Consolidated Applications.

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

**Recommendation:** The CDE recommends that the SBE approve the 2021–22 Consolidated Applications (ConApps) submitted by LEAs in Attachment 1.

#### Item 12

**Subject:**  Consideration of a Request 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 determination of funding request at 100 percent for the period of FY 2021‒22 through FY 2022‒23, as specified in Attachment 1.

#### Item 13

**Subject:**  Reconsideration of a Request for Determination of Funding as Required for Nonclassroom-Based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2, California Code of Regulations, Title 5 Section 11963.6(g), and Associated California Code of Regulations, Title 5.

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

**Recommendation:** The CDE recommends that the SBE approve the funding determination reconsideration request for Peak Prep Pleasant Valley, so that the school receives 100 percent funding for the period of FY 2020–21 through FY 2022–23, replacing its funding determinations covering the same period for 70 percent funding, as specified in Attachment 1.

#### Item 14

**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 Pattillo Brownson moved to approve the CDE recommendations for each regular item on consent (Item 06 through Item 14).

Member Orozco-Gonzalez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### *END OF REGULAR CONSENT ITEMS*

### REGULAR ITEMS CONTINUED

#### 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 May 18, 2022 meeting
2. Board member liaison reports

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

1. Approve the Preliminary Report of Actions/Minutes for the May 18, 2022 meeting. (Attachment 1)

**ACTION:** Member Pattillo Brownson moved to approve the Preliminary Report of Actions/Minutes for the May 18, 2022 meeting.

Member Olken seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes

#### Item 15

**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 3:43 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:*

* *Mark S. v. State*

## California State Board of EducationPublic Session July 14, 2022

**Thursday, July 14, 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 8:58 a.m., President Darling-Hammond announced that in Closed Session the Board discussed and/or took action on the following case:

* *Mark S. v. State*

### AGENDA ITEMS – DAY 2

### WAIVERS/ACTION AND CONSENT

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.

Community Day Schools (CDS) (Collocate Facilities)

#### Item W-01

**Subject:** Request by the **Hanford Joint Union High School District** for arenewalwaiver of portions of California *Education Code* Section 48661(a), to permit the collocation of the Hanford Community Day School on the same site as the Earl F. Johnson Continuation High School.

Waiver Number: 21-3-2022

(Recommended for APPROVAL WITH CONDITIONS)

Community Day Schools (CDS) (Collocate Facilities)

#### Item W-02

**Subject:** Request by the **Santa Ana Unified School District** for a waiver of portions of California *Education Code* Section 48660 to permit the REACH Academy Community Day School to serve students in grade six with students in grades seven through twelve, but no grade lower than grade six. The **Santa Ana Unified School District** is also requesting a waiver of portions of California *Education Code* Section 48661(a) to permit the REACH Academy Community Day School to be collocated on the same site as the REACH Academy Night Program, an alternative program of choice serving students enrolled in the district’s continuation and traditional high schools.

Waiver Number:

* 22-3-2022 (Collocation)
* 23-3-2022 (Grade Span

(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 Number:

* Butte Valley Unified: Fed-2-2022
* Sierra-Plumas Joint Unified: Fed-1-2022

(Recommended for APPROVAL)

Physical Education Program (Block Schedules)

#### Item W-04

**Subject:** Request by **Placer 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 a block schedule at Foresthill High School.

Waiver Number: 3-4-2022

(Recommended for APPROVAL WITH CONDITIONS)

Equity Length of Time (Equity Length of Time)

#### Item W-05

**Subject:** Request by **La Mesa-Spring Valley Elementary School District** to waive California *Education Code* Section 37202, the equity length of time requirement, so that the La Mesa Arts Academy in the La Mesa-Spring Valley Elementary School District may offer its seventh and eighth graders an optional period to be used as an extra elective as well as time to provide additional academic support.

Waiver Number: 2-4-2022

(Recommended for APPROVAL)

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

#### Item W-06

**Subject:** Request by **19 local educational agencies** 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:

* Alpine Union Elementary 17-3-2022
* Bakersfield City 1-2-2022
* Bella Vista Elementary 14-3-2022
* Chico Unified School District 2-2-2022
* Chula Vista Elementary 15-12-2021
* Fall River Joint Unified School District 3-2-2022
* Greenfield Union School District 9-1-2022
* Gridley Unified School District 15-3-2022
* Lake County Office of Education 5-3-2022
* Madera County Superintendent of Schools 13-12-2021
* Mt. Diablo Unified School District 4-3-2022
* Pioneer Union Elementary 24-3-2022
* San Pasqual Valley Unified School District 16-3-2022
* Shasta County Office of Education 4-4-2022
* South Bay Union 19-3-2022
* Sweetwater Union 2-3-2022
* Tulare County Office of Education 12-12-2021
* Visalia Unified School District 7-1-2022
* Westmorland Union Elementary 8-4-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-07

**Subject:** Request by **San Diego Unified School District (SDUSD)** and the **San Diego Unified School District Special Education Local Plan Area (SDUSD SELPA)** to waive California *Education Code* (*EC*) Section 56366(d), the requirement for nonpublic, nonsectarian schools (NPSs) or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of one high school student with disabilities at an uncertified out-of-state school for students with disabilities located in League City, Texas.

Waiver Number: 3-1-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-08

**Subject:** Request by **San Diego Unified School District (SDUSD)** and the **San Diego Unified School District Special Education Local Plan Area (SDUSD SELPA)** to waive California *Education Code* (*EC*) Section 56366(d), the requirement for nonpublic, nonsectarian schools or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of one middle/junior high school student with disabilities at an uncertified out-of-state school for students with disabilities located in League City, Texas.

Waiver Number: 4-1-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-09

**Subject:** Request by **San Diego Unified School District (SDUSD)** and the **San Diego Unified School District Special Education Local Plan Area (SELPA)** to waive California *Education Code* (*EC*) Section 56366(d), the requirement for nonpublic, nonsectarian schools (NPSs) or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of one middle/junior high school student with disabilities at an uncertified out-of-state school for students with disabilities located in League City, Texas.

Waiver Number: 17-12-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-10

**Subject:** Request by the **Antelope Valley Union High School District (AVUHSD)** and the **Antelope Valley Special Education Local Plan Area (SELPA)** to waive California *Education Code* (*EC*)Section 56366(d), the requirement for nonpublic, nonsectarian schools or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of one high school student with disabilities at an uncertified out-of-state school for students with disabilities located in League City, Texas.

Waiver Number: 11-3-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-11

**Subject:** Request by **Antelope Valley Union High School District (AVUHSD)** and the **Antelope Valley Special Education Local Plan Area (SELPA)** to waive California *Education Code* (*EC*) Section 56366(d), the requirement for nonpublic, nonsectarian schools or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of one high school student with disabilities at an uncertified out-of-state school for students with disabilities located in Canton, Massachusetts.

Waiver Number: 9-3-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-12

**Subject:** Request by **Paso Robles Joint Union High School District (PRJUHSD)** and the **San Luis Obispo County Special Education Local Plan Area (SELPA)** to waive California *Education Code* (*EC*) Section 56366(d), the requirement for nonpublic, nonsectarian schools or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of one high school student with disabilities at an uncertified school for students with disabilities located in Canton, Massachusetts**.**

Waiver Number: 2-1-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-13

**Subject:** Request by **Oceanside Unified School District (OUSD)** and the **North Coastal Consortium for Special Education (NCCSE)** to waive California *Education Code (EC)* Section 56366(d), the requirement for nonpublic, nonsectarian schools or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of one high school student with disabilities at an uncertified out-of-state school for students with disabilities located in League City, Texas.

Waiver Number: 6-2-2022

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

#### Item W-14

**Subject:** Request by **Soquel Union Elementary (SUE)** to waive *Education Code* Section 56362(c), allowing the caseloads of resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Number: 18-3-2022

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Algebra I Requirement for Graduation)

#### Item W-15

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

Waiver Number: 9-2-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-16

**Subject:** Request by **three local education agencies** to waive California *Education Code (EC)* sections 15102, 15268, 15106, and 15270(a) 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 or high school districts and 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 or high school districts and $60 per $100,000 of assessed value for unified school districts may also apply.

Waiver Number:

* Cascade Union Elementary School District 9-4-2022
* Guadalupe Union Elementary School District 7-4-2022
* McFarland Unified School District 5-4-2022

(Recommended for APPROVAL WITH CONDITIONS)

Sale or Lease of Surplus Property

#### Item W-17

**Subject:** Request by **Twin Rivers Unified School District** to waive California *Education Code (EC)* sections specific to statutory provisions for the sale or lease of surplus property.

Waiver Number: 6-4-2022

 (Recommended for APPROVAL WITH CONDITIONS)

Physical Fitness Testing (Physical Fitness Testing)

#### Item W-18

**Subject:** Request by **San Dieguito Union High School District** to waive portions of California *Education Code* Section 60800(a) related to Physical Fitness Testing, specifically the testing window of February 1 through May 31 to be moved to the fall semester physical education classes, due to their 4x4 block schedule.

Waiver Number: 1-3-2022

(Recommended for APPROVAL)

Physical Fitness Testing (Physical Fitness Testing)

#### Item W-19

**Subject:** Request by **Vista Unified School District** to waive portions of California *Education Code* Section 60800(a) related to Physical Fitness Testing, specifically the testing window of February 1 through May 31 to be moved to the fall semester physical education classes, due to their 4x4 block schedule.

Waiver Number: 10-4-2022

(Recommended for APPROVAL)

**ACTION:** Member Rodriguez moved to approve the CDE recommendations for each waiver item on consent (W-01 through W-19).

Member Olken seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### *END OF WAIVER CONSENT ITEMS*

#### *REGULAR ITEMS CONTINUED*

#### Item 16

**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 Samoa Beach Academy, which was denied by the Northern Humboldt Union High School District and the Humboldt County Board of Education.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE hear the Samoa Beach Academy (SBA) appeal. This recommendation is based upon the CDE’s review of SBA’s appeal and the documentary record. SBA has submitted sufficient evidence to hear the appeal, and there are no grounds to summarily deny.

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

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### *PUBLIC HEARING*

The following Public Hearing will commence no earlier than 8:30 a.m. on Thursday, July 14, 2022. The Public Hearing listed below will be held as close to 8:30 a.m. as the business of the State Board permits.

#### Item 17

**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 the Allegations of Abuse of Discretion made by Samoa Beach Academy, which was denied by the Northern Humboldt Union High School District and the Humboldt County Board of Education.

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

**Recommendation:** The CDE recommends that the SBE affirm the Northern Humboldt Union High School District (NHUHSD) and Humboldt County Board of Education (HCBOE) decisions to deny the petition to establish Samoa Beach Academy (SBA), pursuant to *EC* Section 47605(k)(2)(D), based on the CDE’s determination that the documentary record indicates that neither NHUHSD nor HCBOE abused its discretion in denying SBA’s petition.

**President Darling-Hammond opened the public hearing at 9:55 p.m.**

**President Darling-Hammond closed the public hearing at 10:55 p.m.**

**ACTION:** Member Glover Woods moved to approve the CDE recommendation to affirm the NHUHSD and HCBOE decisions to deny the petition to establish SBA.

Member Orozco-Gonzalez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### *END OF PUBLIC HEARING*

#### *REGULAR ITEMS CONTINUED*

#### Item 18

**Subject:** T.I.M.E. Community School: Consider Issuing a Notice of Violation Pursuant to California Education Code Section 47607(g).

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE consider issuing a Notice of Violation to T.I.M.E. Community School (TCS) (Attachment 1), pursuant to *EC* Section 47607(g). TCS has committed the following:

* Fiscal mismanagement (*EC* Section 47607[f][3]),
* Failure to meet or pursue any of the pupil outcomes identified in the charter petition (*EC* Section 47607[f][2]), and
* Violation of several conditions, standards, or procedures set forth in the charter petition (*EC* Section 47607[f][1]).

Pursuant to *EC* Section 47607(g) and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11968.5.2, TCS shall have the opportunity to present evidence that refutes, remedies, or proposes to remedy the alleged violations at the August 11, 2022, Advisory Commission on Charter Schools (ACCS) meeting. At that meeting, the ACCS will take action on a recommendation to the SBE regarding whether, at its September 14–15, 2022, meeting, the SBE should issue a Notice of Intent to Revoke with Notice of Facts, pursuant to *EC* Section 47607(h), and take action to revoke the TCS charter petition.

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

Member Orozco-Gonzalez seconded the motion.

**Yes votes:** Members Banankhah, Glover Woods, Lewis, Orozco-Gonzalez, and Pattillo Brownson.

**No votes:** MembersEscobedo, Darling-Hammond, McQuillen, and Olken.

**Member Absent:** Member Rodriguez

**Abstentions:** None

**Recusals:** None

The motion failed by a vote of 5-4. Because six votes are required for an action to carry, no action was taken.

*ADJOURNMENT OF THE MEETING*

**President Darling-Hammond adjourned the meeting at approximately 12:49 p.m.**