

# California State Board of Education Final Minutes January 12, 2022

## Members Present

* Linda Darling-Hammond, President
* Cynthia Glover-Woods, Vice President
* Sue Burr
* Francisco Escobedo
* James J. McQuillen
* Kim Pattillo Brownson
* Haydee Rodriguez
* Patricia A. Rucker
* Ilene W. Straus
* Ting L. Sun
* 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
* Patricia de Cos, Deputy Executive Director, SBE
* Rigel Massaro, Deputy Legal Counsel and Deputy Policy Director, SBE
* Janet Weeks, Director of Communications, 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 January 12, 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 Education Public Session January 12, 2022

**Wednesday, January 12, 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 8:31 a.m.**

**President Darling-Hammond announced that the Board would be going into Closed Session at approximately 8:35 a.m. to discuss and/or take action on the following cases:**

* *E.E. et al., Disability Rights Education & Defense Fund v. State and related U.S. Department of Justice complaint and Office of Administrative Hearings complaints*
* *Californians for Equal Rights Foundation et al. v. State*

*REPORT OUT OF CLOSED SESSION*

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

* *E.E. et al., Disability Rights Education & Defense Fund v. State and related U.S. Department of Justice complaint and Office of Administrative Hearings complaints*
* *Californians for Equal Rights Foundation et al. v. State*

### 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

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

1. Election of Officers
2. Listen to the SBE President’s Report
3. Listen to the Superintendent’s Report

**ACTION 1, Election of President:** Member Cynthia Glover-Woods moved to nominate Linda Darling-Hammond to the office of president for 2022.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**ACTION 2, Election of Vice President:** Member Straus moved to nominate Cynthia Glover-Woods to the office of vice-president for 2022.

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 02

**Subject:** Approval of The Proposed California Community Schools Partnership Program Framework; Approval of the Amendment to the Administrative Plan; and an Update of the California Community Schools Partnership Program Activities.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the California State Board of Education (SBE) approve the proposed California Community Schools Partnership Program (CCSPP) Framework and the amendment to the administrative plan.

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

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 03

**Subject:** The California Assessment of Student Performance and Progress and the English Language Proficiency Assessments for California: Approval of the Proposed Contract Amendment Extension with the University of California, Santa Cruz for the California Educator Reporting System; Approval of Revisions to the Student Score Reports for the California Assessment of Student Performance and Progress and the English Language Proficiency Assessments for California; and an Update on Program Activities.

**Type of Action:** Action, Information

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

1. An amendment extending the contract (CN170202, Amendment 3) that includes the current CDE-UCSC interagency agreement as well as the customization, configuration, and implementation of the California Educator Reporting System (CERS). In addition, the CDE recommends that the SBE authorize the CDE to make technical edits to the amendment as needed prior to its execution.
2. Minor but necessary revisions to the 2021–22 Student Score Reports (SSRs) for the California Assessment of Student Performance and Progress (CAASPP) and the English Language Proficiency Assessments for California (ELPAC)

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

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 04

**Subject:** State Annual Performance Report for Part B of the Individuals with Disabilities Education Act of 2004 covering program year 2020–21.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends the SBE review and approve the Executive Summary of the Federal Fiscal Year (FFY) 2020 Annual Performance Report (APR) for Part B of the Individuals with Disabilities Education Act (IDEA) covering program year 2020–21 as prepared by the Special Education Division (SED).

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

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### WAIVERS ON CONSENT

### (W-01 through W-10)

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.

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

#### Item W-01

**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: Cloverdale Unified School District Fed-7-2021

Templeton Unified School District Fed-8-2021

(Recommended for APPROVAL)

Physical Education Program (Block Schedules)

#### Item W-02

**Subject:** Request by **Washington 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 River City High School.

Waiver Number: 2-9-2021

(Recommended for APPROVAL WITH CONDITIONS)

Instructional Time Requirement Audit Penalty (Below 1982-83 Base Minimum Minutes)

#### Item W-03

**Subject:** Request by **National Elementary School District (NESD)** a district under the authority of the California *Education Code* Section 46206(a), to waive *Education Code* Section 46201(a), the audit penalty for offering insufficient instructional minutes during the 2019–20 school year.

Waiver Number: 1-8-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-04

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

Waiver Numbers: Beverly Hills Unified School District 1-10-2021

Beverly Hills Unified School District 8-9-2021

North Monterey County Unified School District 5-9-2021

Oceanside Unified School District 9-9-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-05

**Subject:** Request by **three local educational agencies** to waive California *Education Code* 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 Numbers: Calexico Unified School District 5-10-2021

El Monte City School District 1-11-2021

Rio Elementary School District 7-10-2021

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (60 day Requirement to Fill Board Vacancy)

#### Item W-06

**Subject:** Request by **Vallecitos Elementary School District** to waive portions of California *Education Code* Section 5091, which will allow the board of trustees to make a provisional appointment to a vacant board position past the 60-day statutory deadline.

Waiver Number: 7-9-2021

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

#### Item W-07

**Subject:** Request by **Jurupa Unified 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: 4-9-2021

(Recommended for APPROVAL)

School District Reorganization (Size of Governing Board)

#### Item W-08

**Subject:** Request by **San Juan Unified School District** to waive California *Education Code* sections 5020 and 5022, and portions of sections 5018 and 5019, which will allow the district governing board to increase the number of board members from five to seven and fill the two additional board seats through an election.

Waiver Number: 3-10-2021

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Lapsation of a Small District)

#### Item W-09

**Subject:** Request by **Big Sur Unified School District** to waive portions of California *Education Code* Section 35780, which require lapsation of a district with an average daily attendance of less than 11 in ninth through twelfth grades.

Waiver Number: 3-9-2021

(Recommended for APPROVAL)

Schoolsite Council Statute (Number and Composition of Members)

#### Item W-10

**Subject:** Request by **Hilmar Unified School District** under the authority of California *Education Code* (*EC*) Section 65001(e) for waivers of *EC* sections 65000 and 65001, relating to Schoolsite Councils regarding changes in shared, composition, or shared and composition members.

Waiver Number: 2-10-2021

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION on Waiver Items on Consent:** Member Glover-Woods moved to approve the CDE recommendations for each waiver item on consent (W-01 through W-10).

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** Member Escobedo

The motion passed with 10 votes.

### END OF WAIVERS

### REGULAR CONSENT ITEMS

### (Item 05 through Item 10)

#### Item 05

**Subject:** State Educational Agency Approval of the 2021–22 Local Educational Agency Comprehensive Support and Improvement Plans Authorized Under the Every Student Succeeds Act Section 1111(d).

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE take action to approve the Comprehensive Support and Improvement (CSI) plans for the 2021–22 school year (SY) for the LEAs listed in Attachment 01.

#### Item 06

**Subject:** California Assessment of Student Performance and Progress and English Language Proficiency Assessments for California Regulations—Approve Commencement of a 45-Day Public Comment Period for Proposed Amendments to California Code of Regulations, Title 5 (5 CCR), 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 Education Code Section 60640 and for Proposed Amendments 5 CCR 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

**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 (OAL) during its review of the Notice, ISOR, and proposed regulations

#### Item 07

**Subject:** Physical Fitness Test – Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the California Code of Regulations, Title 5, Section 1040.

**Type of Action:** Action, Information

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

* Approve the Finding of Emergency
* Adopt the proposed Emergency Regulations
* Direct the CDE to circulate the required Notice of Proposed Emergency Action, and then submit the Emergency Regulations to the Office of Administrative Law (OAL) for approval
* Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the OAL during its review of the Finding of Emergency and proposed emergency regulations

#### Item 08

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

**Type of Action:** Action, Information

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

#### Item 09

**Subject:** Approval of a Charter School Number Assigned to a Newly Established Charter School.

**Type of Action:** Action, Information

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

#### Item 10

**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

**Recommendation:** The CDE recommends that the SBE approve the determination of funding request at the percentage and for the time period specified for three charter schools as provided in Attachment 1.

**ACTION:** Member Rucker moved to approve the CDE recommendations for each regular item on consent (Item 05 through Item 10).

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### END OF CONSENT ITEMS

### REGULAR ITEMS CONTINUED

#### Item 11

**Subject:** 2022 United States Senate Youth Program: Recognition of California’s Selected Student Delegates and Alternates.

**Type of Action:** Information

**Recommendation:** The CDE recommends that the SBE President and the SSPI present the 2022 United States Senate Youth Program (USSYP) and recognize the 2022 delegates and alternates.

**ACTION:** No Action Taken.

#### Item 12

**Subject:** Eagle Collegiate Academy: 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 authorize issuing a Notice of Violation to Eagle Collegiate Academy (ECA) (Attachment 1), pursuant to *Education Code (EC)* Section 47607(g). ECA has committed the following:

* Fiscal mismanagement (*EC* Section 47607[f][3]),
* Violation of several conditions, standards, or procedures set forth in the charter petition (*EC* Section 47607[f][1]), and
* Violation of provisions of law (*EC* Section 47607[f][4]).

**ACTION:** Member Burr moved to approve the CDE recommendation that the Board issue a Notice of Violation to Eagle Collegiate Academy (ECA).

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Reopen 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

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

1. Consider the SBE Screening recommendations for appointments to the Advisory Commission on Special Education (ACSE) and the Instructional Quality Commission (IQC). (Attachment 2)
2. Approve the Preliminary Report of Actions/Minutes for the November 3-4, 2021 meeting. (Attachment 1)
3. Board Member Liaison Reports

**ACTION 3:** Member Straus moved to approve the SBE Screening Committee’s recommendations for appointment to the Advisory Commission on Special Education (ACSE) and the Instructional Quality Commission (IQC).

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**ACTION 4:** Member Rucker moved to approve the SBE recommendation to approve the Preliminary Report of Actions/Minutes for the November 3-4, 2021 meeting.

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 13

**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 5:53 p.m., President Darling-Hammond adjourned the meeting.**