

# California State Board of Education Final Minutes November 8-9, 2018

## Members Present

* Michael W. Kirst, President
* Ilene W. Straus, Vice President
* Sue Burr
* Bruce Holaday
* Feliza I. Ortiz-Licon
* Patricia A. Rucker
* Niki Sandoval
* Ting L. Sun
* Karen Valdes
* Trish Williams
* Gema Q. Cardenas, Student Member
* Tom Torlakson, 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
* David Sapp, Deputy Policy Director and Assistant Legal Counsel, SBE
* Teri Burns, Director of Policy and Legislation, SBE
* Janet Weeks, Director of Communications, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Laila Fahimuddin, Policy Consultant, SBE
* Sara Pietrowski, Policy Consultant, SBE
* Pamela Castleman, Education Programs Consultant, SBE
* Amy Bubbico, Staff Services Manager I, SBE
* Glen Price, Chief Deputy Superintendent, California Department of Education (CDE)
* Stephanie Papas, Education Policy Administrator I, CDE
* Tom Adams, Deputy Superintendent, CDE
* Keric Ashley, Deputy Superintendent, CDE
* Nick Schweizer, Deputy Superintendent, CDE
* Edmundo Aguilar, Chief Counsel II, CDE
* Todd Smith, Chief Counsel II, CDE

**Please note that the complete proceedings of the November 8-9, 2018 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 November 8, 2018

**Thursday – November 8, 2018 Pacific Time ±**California Department of Education  
1430 N Street, Room 1101  
Sacramento, California 95814

* Call to Order
* Salute to the Flag
* Communications
* Announcements
* Report of the State Superintendent of Public Instruction
* Special Presentations
  + *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Continuance

**President Kirst called the meeting to order at approximately 8:30 a.m.**

### AGENDA ITEMS DAY 1

#### Item 01

**Subject:** 2019-2020 State Board of Education Student Member: Recommendation of Three Finalists for Submission to the Governor for Consideration and Appointment.

**Type of Action:** Action, Information

**Recommendation:** The SBE Screening Committee recommends that the SBE approve the three finalists for the position of 2019-2020 SBE Student Member, as identified in the Item Addendum. The approved finalists will be forwarded to the Governor for his consideration and appointment as the 2019-20 SBE Student Member.

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

Member Holaday seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 02

**Subject:** Reports from the 2018 Student Advisory Board on Education.

**Type of Action:** Information

**Recommendation:** Listen to student proposals from the 2018 Student Advisory Board on Education (SABE) Conference.

**ACTION:** No Action Taken.

#### Item 03

**Subject:** Update on the Development of California's System of Support for Local Educational Agencies and Schools.

**Type of Action:** Action, Information

**Recommendation:** No action is recommended at this time. However, the CDE requests that the SBE provide feedback on the system of support update.

The CDE also recommends that the SBE take additional action as deemed necessary and appropriate.

**ACTION:** No Action Taken.

***President Kirst called for a break of the meeting in order to allow the board and audience to recognize the achievements of SSPI Torlakson who was attending his last meeting as SSPI.***

#### Item 04

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Action to Finalize the State and Local Indicators, Performance Standards, and Eligibility Criteria for Differentiated Assistance for Local Educational Agencies for the 2018 California School Dashboard.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve: (1) Status and Change cut scores and the five-by-five grid for the Chronic Absenteeism Indicator and the application of the three-by-five grid for LEAs, schools, and student groups with fewer than 150 students, (2) revised Status cut scores for the Graduation Rate Indicator, (3) modification of the criteria to count students earning the special education certificate of completion as graduates for purposes of the alternative school graduation rate, (4) Change cut scores and the five-by-five grid for the College/Career Indicator (CCI), (5) Status and Change cut scores and five-by-five grid for the high school Academic Indicator, (6) updating of the criteria for identifying local educational agencies for differentiated assistance under the Local Control Funding Formula to incorporate the new local indicator for Access to a Broad Course of Study, and (7) technical revisions to the local indicator self-reflection tool for Implementation of Academic Standards.

**ACTION:** Member Burr moved to approve the CDE staff recommendations.

Member Straus seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 05

**Subject:** Update on the Development of the California State Plan for the Every Student Succeeds Act: Approval of the Revisions to the State Plan for Resubmission to the U.S. Department of Education.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the amendments to California’s Every Student Succeeds Act (ESSA) State Plan for submission to the U.S. Department of Education (ED), 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 Sun moved to approve the CDE staff recommendation.

Member Rucker seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### PUBLIC HEARING

#### Item 06

**Subject:** 2018 Science Adoption of K–8 Instructional Materials: Instructional Quality Commission Recommendations.

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

**CDE Recommendation:** The CDE recommends that the SBE act on the following two recommendations: (1) adopt the 29 instructional materials programs recommended by the Instructional Quality Commission (IQC), and (2) direct CDE staff, in conjunction with members of the IQC and/or Content Review Experts (CREs), as needed, to work with publishers to ensure that the edits and corrections and other publisher errata and administrative updates adopted by the SBE have been made to their revised instructional materials.

**President Kirst opened the public hearing at 2:51 p.m.**

**President Kirst closed the public hearing at 2:57 p.m.**

**ACTION**: Member Straus moved to approve the CDE staff recommendations.

Member Rucker seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

*END OF PUBLIC HEARING*

### AGENDA ITEMS DAY 1 Continued

#### Item 07

**Subject:** Update on the Implementation of the California Next Generation Science Standards.

**Type of Action:** Information

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

**ACTION:** No Action Taken.

### CONTINUATION OF MEETING

**At approximately 4:35 p.m., President Kirst announced the continuation of the meeting at 8:30 a.m. on Friday.**

President Kirst announced that tomorrow morning the SBE will be going into Closed Session to discuss and/or take action on the following litigation:

* *Emma C* ., et al. v. Delaine Eastin, et al., United States District Court (No.Dist.CA)
* *Ella T et.al. v. State* of California, State Board of Education, State Department of Education, Tom Torlakson et al., Los Angeles County Superior Court

## California State Board of Education Public Session November 9, 2018

**President Kirst called the meeting to order at approximately 8:30 a.m.**

**Friday, November 9, 2018 – 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
* Report of the State Superintendent of Public Instruction
* Special Presentations  
  *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Adjournment

### CLOSED SESSION

After Closed Session, President Kirst announced that during Closed Session, the State Board discussed and/or took action on the following cases:

* *Emma C*., et al. v. Delaine Eastin, et al., United States District Court (No.Dist.CA)
* *Ella T et.al. v. State* of California, State Board of Education, State Department of Education, Tom Torlakson et al., Los Angeles County Superior Court

### AGENDA ITEMS DAY 2

#### Item 08

**Subject:** California Assessment of Student Performance and Progress: Approval of the Proposed Contract Amendment with Educational Testing Service’s California Assessment of Student Performance and Progress Contract to Include the Integration of the English Language Proficiency Assessments for California, and Approval of the Proposed Contract Amendment with the University of California, Santa Cruz Interagency Agreement to Provide an Educator Reporting System, and Update on Program Activities.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve an amendment to the current California Assessment of Student Performance and Progress (CAASPP) contract (CN150012, Amendment 6) with Educational Testing Service (ETS); an amendment, which includes the work related to the administration of the English Language Proficiency Assessments for California (ELPAC) (including the transition to a computer-based assessment), development and administration of an Alternate ELPAC and the continued development and administration of the CAASPP assessments. The term of Amendment 6 begins July 1, 2018, and extends the term of the current contract through December 31, 2022. Additionally, the CDE recommends that the SBE authorize the CDE to make technical edits to the amendment as needed prior to its execution.

The CDE also recommends that the SBE approve an amendment to the current interagency agreement (CN170202, Amendment 1) with the University of California, Santa Cruz (UCSC), which includes the customization, configuration, and implementation of the California Educator Reporting System (currently used for Smarter Balanced Interim Assessments) for CAASPP non-Smarter Balanced and ELPAC assessments. The amendment to the interagency agreement includes the contract term from July 1, 2018, through June 30, 2022. Additionally, the CDE recommends that the SBE authorize the CDE to make technical edits (including, but not limited to compiling the schedule of deliverables consistent with the SBE-approved contract) to the interagency agreement as needed prior to its execution.

**ACTION:** Member Burr moved to approve the CDE staff recommendations.

Member Ortiz-Licon seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 09

**Subject:** English Language Proficiency Assessments for California: Approval of the Recommended Summative English Language Proficiency Assessments for California Threshold Scores.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the State Superintendent of Public Instruction’s (State Superintendent) Proposed Overall and Composite Threshold Scores beginning with the 2018–19 Summative ELPAC (Attachment 1).

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

Member Rucker seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### WAIVERS ON CONSENT (W-01 through W-09)

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:** Request by Castaic Union School District under the authority of California *Education Code* Section 41382, to waive portions of *Education* *Code* Section 41376(a), (c), and (d), relating to class size penalties for grades one through three. Allowable class size average is 30 to one with no class larger than 32 for grades one to three. The district wishes to increase its average class size to 31 to one with no individual class larger than 33 for grades one to three.

Waiver Number: 9-5-2018

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Ortiz-Licon moved to approve the CDE staff recommendation for waiver item W-01 on consent.

Member Sandoval seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, and Valdes.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** Member Rucker

The motion passed with 10 votes.

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

#### Item W-02

**Subject:** Request by Sierra Unified School District for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).

Waiver Number: Fed-11-2018

(Recommended for APPROVAL)

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

#### Item W-03

**Subject:** Requests by two local educational agenciesunder the authority of the California *Education Code (EC)* sections 46206(a) and 47612.6(a), to waive *EC* sections 46201(a) and 47612.5, the audit penalty for offering insufficient instructional minutes during the 2016–17 school year.

Waiver Numbers:

Escuela Popular Accelerated Family Learning Center 4-8-2018

Klamath-Trinity Joint Unified School District 8-5-2018

(Recommended for APPROVAL WITH CONDITIONS)

Instructional Time Requirement Audit Penalty (Charter - Minimum Instructional Time)

#### Item W-04

**Subject:** Request by Sacramento City Unified School Districtunder the authority of the California *Education Code (EC)* Section 47612.6(a), to waive *EC* Section 47612.5, the audit penalty for offering insufficient instructional minutes during the 2016–17 school year for students in grades nine and ten (shortfall of 2,680 minutes) at Sacramento Charter High School.

Waiver Number: 12-6-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### **Item W-05**

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

Waiver Numbers:

Ojai Unified School District 2-7-2018

Pomona Unifued School District 3-8-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-06

**Subject:** Request by five local educational agenciesto waive California *Education Code* sections 15102 and 15268 (for elementary and high school districts), and 15106 and 15270(a) (for unified school districts), 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 and highschool districts, and 2.50 percent of the taxable assessed valuation of property for unified school districts.

Waiver Numbers:

Central Unified School District 10-9-2018

Earlimart Elementary School District 10-8-2018

Hawthorne School District 7-8-2018

Lynwood Unified School District 4-9-2018

Roseville Joint Union High School District 1-8-2018

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Elimination of Election Requirement)

#### **Item W-07**

**Subject:** Request by Igo, Ono, Platina Union Elementary School Districtto waive California *Education Code* Section 5020 that requires a districtwide election to reduce the number of governing board members from five to three.

Waiver Number: 9-8-2018

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

#### **Item W-08**

**Subject:** Request by Whittier City 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: 8-9-2018

(Recommended for APPROVAL)

Schoolsite Council Statute (Shared Schoolsite Council)

#### Item W-09

**Subject:** Request by four local educational agencies under the authority of California *Education Code* Section 52863 for waivers of *Education Code* Section 52852, relating to schoolsite councils regarding changes in shared, composition, or shared and composition members.

Waiver numbers:

Garden Grove Unified School District 3-7-2018

Plumas Unified School District 1-9-2018

Pomona Unified School District 11-8-2018

Stony Creek Joint Unified School District 22-6-2018

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Burr moved to approve the CDE staff recommendations for W-02- through W-09 on consent.

Member Sandoval seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**END OF WAIVERS**

### REGULAR CONSENT ITEMS (Item 10 and Item 13 through Item 18)

#### Item 10

**Subject:** Approval of 2018–19 Consolidated Applications.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the 2018–19 ConApps submitted by LEAs in Attachment 1.

**ACTION 1:** Member Holaday moved to approve the CDE staff recommendations for regular waiver Item 10 ConApp #33 only, listed in Attachment 1.

Member Straus seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** Member Burr

The motion passed with 10 votes.

**ACTION 2:** Member Rucker moved to approve the CDE staff recommendations for Item 10 and the rest of all other ConApps, listed in Attachment 1.

Member Straus seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Valdes, and Rucker.

**No votes:** None

**Members Absent:** Member Burr

**Abstentions:** None

**Recusals:** Member Ortiz-Licon

The motion passed with 9 votes.

***Item 11 was withdrawn by the California Department of Education on November 5, 2018***

#### Item 11

**Subject:** ~~California Assessment of Student Performance and Progress: Approve Commencement of the Emergency Rulemaking Process for Amendments to the California Code of Regulations, Title 5, Sections 850, 854.1, 854.2, 854.3, 854.4, 859, 862, and 863.~~

**Type of Action:** Action, Information

[Note: the preceding information about Item 11 contains strikethroughs which indicate the item has been withdrawn.]

***Item 12 was withdrawn by the California Department of Education on November 5, 2018***

#### Item 12

**Subject:** ~~California Assessment of Student Performance and Progress: Approve Commencement of Rulemaking for Amendments to the California Code of Regulations, Title 5, Sections 850, 854.1, 854.2, 854.3, 854.4, 859, 862, and 863.~~

**Type of Action:** Action, Information

[Note: the preceding information about Item 11 contains strikethroughs which indicate the item has been withdrawn.]

#### Item 13

**Subject:** English Language Proficiency Assessments for California: Approval of the Readoption of the Proposed Emergency Regulations for Amendments to the California Code of Regulations, Title 5, Sections 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, and 11519.5.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE is recommending that the SBE take the following actions:

* Approve the Finding of Emergency.
* Readopt the proposed amended emergency regulations.
* Direct the CDE to circulate the required Notice of Proposed Emergency Action and then submit the emergency regulations to the OAL for readoption.
* 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 readoption of the proposed emergency regulations.

#### Item 14

**Subject:** English Language Proficiency Assessments for California: Adoption of Amendments to the California Code of Regulations, Title 5, Sections 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, and 11519.5.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE is recommending that the SBE take the following actions:

* Approve the Final Statement of Reasons.
* Adopt the proposed amended regulations.
* Direct the CDE to submit the rulemaking file to the Office of Administrative Law (OAL) for approval.
* 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 15

**Subject:** California Assessment of Student Performance and Progress: Determination of the Release of Up to 10 Percent Withheld for the 2017–18 Educational Testing Service Contract.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends releasing a total of $6,874,145 from funds withheld during the 2017–18 test administration. The CDE further recommends not releasing $21,587 to the contractor specific to component tasks 3 and 7. The amounts per task are listed in Attachment 2.

#### Item 16

**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

**CDE Recommendation:** The CDE recommends that the SBE approve Ernest Kimme Charter Academy for Independent Learning’s (EKCAIL’s) determination of funding request at 100 percent funding for the time period specified in Attachment 1.

#### Item 17

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

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the determination of funding for the time periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

#### Item 18

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

**Type of Action:** Action, Information

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

**ACTION:** Member Sun moved to approve the CDE staff recommendations for each regular item on consent (Item 13 through Item 18).

Member Rucker seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Valdes, and Rucker.

**No votes:** None

**Members Absent:** Members Burr and Ortiz-Licon

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

*END OF REGULAR CONSENT ITEMS*

### PUBLIC HEARING

#### Item 19

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Mary L. Booker Leadership Academy, which was denied by the San Francisco Unified School District and the San Francisco County Office of Education.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to approve the request to establish Mary L. Booker Leadership Academy (MLBLA), a grade six through grade twelve charter school, for a five-year term beginning July 1, 2019 through June 30, 2024, under the oversight of the SBE, based on the CDE’s findings pursuant to *Education Code* (*EC*)sections47605(b)(1)*,* 47605(b)(2), 47605(b)(3), 47605(b)(4), 47605(b)(5), and 47605(b)(6), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1.

The CDE finds that the MLBLA petition is consistent with sound educational practice and that the petitioner is demonstrably likely to implement the program set forth in the petition, provided they secure funding as stated in the petition.

The CDE recommends the following conditions to be met as outlined and prior to MLBLA opening for operation in 2019–2020:

* The MLBLA Board will provide the CDE with verifiable and substantive evidence that MLBLA has received funding anticipated from each of the commitment letters identified in the petition and updated financial projections.
* The MLBLA Board will provide the CDE with a revised 2019–2020 budget.

Additionally, the CDE finds that the MLBLA petition does provide reasonably comprehensive descriptions of most of the required elements. If approved by the SBE, and as a condition of approval, MLBLA will be required to revise the petition in order to reflect the SBE as authorizer and include the necessary language for the following required charter elements: measureable pupil outcomes (MPOs), annual independent financial audits, and suspension and expulsion procedures.

**Advisory Commission on Charter Schools (ACCS) Recommendation**

The ACCS considered the MLBLA petition for establishment at its October 9, 2018, meeting. The ACCS moved CDE staff recommendation to approve the MLBLA petition. The motion passed unanimously.

**President Kirst opened the public hearing at 10:34 a.m.**

**President Kirst closed the public hearing at 10:58 a.m.**

**ACTION:** Member Williams moved to approve the CDE staff recommendation

Member Holaday seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

*END OF PUBLIC HEARING*

### AGENDA ITEMS DAY 2 Continued

#### Item 20

**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; and other matters of interest.

**Type of Action:** Action, Information

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

1. Approve the Preliminary Report of Actions/Minutes for the September 6-7, 2018 meeting. (Attachment 1)
2. Consider the SBE Screening Committee recommendations for appointments to the Advisory Commission on Charter Schools, California Practitioners Advisory Group, and the Instructional Quality Commission. (Attachment 2)

**ACTION 1:** Member Rucker moved to approve the Preliminary Report of Actions/Minutes for the September 6-7, 2018 meeting.

Member Burr seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** Member Williams

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**ACTION 2:** Member Burr moved to approve the SBE Screening Committee recommendations for appointments to the Advisory Commission on Charters, California Practitioners Advisory Group, and the Instructional Quality Commission, as specified in Attachment 2.

Member Sun seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

***Report of the State Superintendent of Public Instruction (SSPI)***

#### Item 21

**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

**President Kirst adjourned the meeting at approximately 1:25 p.m.**