

# California State Board of EducationFinal Minutes November 5-6, 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

* Brooks Allen, Executive Director, State Board of Education (SBE)
* Judy Cias, Chief Counsel, SBE
* Patricia de Cos, Deputy Executive Director, SBE
* Rigel Massaro, Deputy Chief Counsel, 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
* 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
* Amy Holloway, Chief Counsel II, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the November 5-6, 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 November 5, 2020

**Thursday, November 5, 2020 – 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 8:34 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

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

1. Consider the SBE Screening recommendations for appointments to the Advisory Commission on Charter Schools, Advisory Commission on Special Education, California Practitioners Advisory Group, and the Instructional Quality Commission. (Attachment 2)
2. Approve the Preliminary Report of Actions/Minutes for the September 11, 2020 meeting. (Attachment 1)

**ACTION 1:** Member Straus moved to SBE Screening recommendations for appointments to the Advisory Commission on Charter Schools, Advisory Commission on Special Education, California Practitioners Advisory Group, and the Instructional Quality Commission. (Attachment 2).

Member Sun seconded the motion.

**Yes votes:** Members Burr, Darling-Hammond, 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.

**ACTION 2:** Member Rucker moved to approve the Preliminary Report of Actions/Draft Minutes from the September 11, 2020 meeting. (Attachment 1).

Member Rodriguez seconded the motion.

**Yes votes:** Members Burr, Darling-Hammond, 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 02

**Subject:** 2021-2022 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 State Board of Education’s (SBE) Screening Committee (consisting of Members Straus (Chair), McQuillen, Sun and Student Board Member Fattah) recommends that the SBE approve the following three finalists for the position of 2021-2022 SBE Student Member, as identified in the Item Addendum:

* **Rana Banankhah,** Modesto High School, within the Modesto City Schools District, Stanislaus County
* **Zachary Patterson,** University City High School, within the San Diego Unified School District, San Diego County
* **Jaden Stewart,** North Hollywood High School for Highly Gifted Magnet, within the Los Angeles County Office of Education, Los Angeles County

The approved finalists will be forwarded to the Governor for his consideration and appointment as the 2021-22 SBE Student Member

In addition to the finalists named above, the following students were identified as candidates for the 2021-2022 Student Member of the Board:

* **Stephanie Hu,** Tesoro High School, within the Capistrano Unified School District, Orange County
* **Jeffrey Oh,** South Pasadena High School, within the South Pasadena Unified School District, Los Angeles County
* **Catherine Xu,** Westlake High School, within the Conejo Valley Unified School District, Ventura County

The following students were also identified as semi-finalists for the 2021-2022 Student Member of the Board:

* **Michael Balerite,** James C. Enochs High School, within the Modesto City Schools District, Stanislaus County
* **Paula Escobar,** Evergreen Valley High School, within the East Side Union High School District, Santa Clara County
* **Alexander Fan,** Centennial High School, within the Kern High School District, Kern County
* **Emma Jacquay,** Turlock High School, within the Turlock Unified School District, Stanislaus County
* **Benjamin Salop,** Oakland Technical High School, within the Oakland Unified School District, Alameda County
* **Jennifer Tran,** Bolsa Grande High School, within the Garden Unified School District, Orange County

**ACTION:** Member Straus moved to approve the SBE Screening Committee’s recommendations.

Member Fattah 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:** Reports from the 2020 Student Advisory Board on Education.

**Type of Action:** Information

**Recommendation:** Listen to student proposals from the 2020 Student Advisory Board on Education (SABE) Conference Report.

**ACTION:** No Action Taken.

#### Item 04

**Subject:** California Assessment of Student Performance and Progress System, English Language Proficiency Assessments for California, California High School Proficiency Examination, and Physical Fitness Test: Approval of Proposed Revisions to the Smarter Balanced Summative Assessments for English Language Arts/Literacy and Mathematics Blueprints, Approval of the Proposed Initial and Summative Alternate English Language Proficiency Assessments for California Student Score Reports, and an Update on Program Activities.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the California State Board of Education (SBE) approve the following:

1. Proposed revisions to the Smarter Balanced Summative Assessments for ELA and mathematics blueprints as described in tables 2 and 4 in order to allow for a short test form.
2. Proposed SSRs for the Initial and Summative Alternate ELPAC as described in Attachment 2.

The CDE further recommends that the SBE authorize CDE staff to make technical edits, as necessary, in the documents associated with the recommendations above.

**ACTION:** Member Navo moved to approve the CDE recommendations.

Member Rucker 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 05**

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Recommended Action on Revisions to the Student Growth Model, and Report and Recommendations of the California Advisory Task Force on Alternative Schools

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE (1) confirm that the EBLP model will only use the same subject area when modeling student growth (i.e., only prior ELA results will be used for ELA growth scores), and (2) maintain the current student-level methodology, which holds the same expectations for growth for all student groups and allows comparisons of student group data.

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

Vice President 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.

### WAIVERS ON CONSENT

### (W-01 through W-06 and 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: 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:**

* Colusa Unified School District Fed-9-2020
* Maxwell Unified School District Fed-10-2020

(Recommended for APPROVAL)

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

#### Item W-02

**Subject:** Requests by **two school districts** under the authority of the California *Education Code* Sections 46206(a) and 47612.6, to waive *Education Code* sections 46201(a) and 47612.5, the audit penalty for offering insufficient instructional minutes during the 2018–19 school year.

**Waiver Numbers:**

* Tulare Joint Union High School District 7-3-2020
* Oakland Unified School District 15-6-2020

(Recommended for APPROVAL WITH CONDITIONS)

Other Waivers (Employment - Retirement System)

#### Item W-03

**Subject:** Request by **Los Angeles Unified School District** to waive California *Education Code* Section 45134(c), to allow the employment of a State Teachers’ Retirement System retiree as a staff assistant to a Board Member.

**Waiver Number:** 1-9-2020

(Recommended for APPROVAL)

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

#### **Item W-04**

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

**Waiver Numbers:**

* Alameda Unified School District 1-10-2020
* Roseville Joint Union High School District 1-28-2020

(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness Limit - Unified S.D.)

#### Item W-05

**Subject:** Request by **three local educational agencies** to waive California *Education Code* sections 15106 and 15270(a) to allow the districts to exceed their bonded indebtedness limits. Total bonded indebtedness may not exceed 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 $60 per $100,000 of assessed value for unified school districts may also apply.

**Waiver Numbers:**

* Fresno Unified School District 1-26-2020
* Paramount Unified School District 1-29-2020
* Santa Paula Unified School District 1-27-2020

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Elimination of Election Requirement)

#### Item W-06

**Subject:** Request by **Ramona City 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**: 9-9-2020

(Recommended for APPROVAL)

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

#### Item W-08

**Subject:** Request by **Hanford Joint Union High School District and the Kings County Special Education Local Plan Area** request 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 by California, out-of-state school for students with disabilities located in Canton, Massachusetts.

**Waiver Number**: 10-6-2020

(Recommended for APPROVAL WITH CONDITIONS)

### ACTION ON WAIVER CONSENT ITEMS (W-01 through W-06 and W-08)

**ACTION:** Member Sun moved to approve the CDE recommendations for each waiver item on consent (W-01 through W-06 and W-08).

Member Rucker seconded the motion.

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

**No votes:** None

**Members Absent:** Member Pattillo Brownson

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### REGULAR CONSENT ITEMS(Item 06 through 8 and Item 11)

#### Item 06

**Subject:** California Assessment of Student Performance and Progress System and English Language Proficiency Assessments for California: Determination of the Release of Up to 10 Percent Withheld for the 2019–2020 Educational Testing Service Contract.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends releasing an amount of $10,200,553.50 from the California Assessment System funds withheld during the 2019–2020 test administration for the successful completion of component tasks as stated within the contract Scope of Work (SOW). The CDE recommends not releasing $119,807.41 to the contractor specific to component *Task 8: Scoring and Analysis* and *Task 9: Reporting,* as described in this item. The amount details per task are listed in Attachment 2.

#### Item 07

**Subject:** California Assessment of Student Performance and Progress and English Language Proficiency Assessments for California: Determination of the Release of Up to 10 Percent Withheld for the 2019–2020 Regents of the University of California, Santa Cruz Contract.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends releasing the full amount of $72,216.51 of funds withheld from the UCSC contract for activities to develop the California Educator Reporting System (CERS) for the CAASPP and the ELPAC. These funds were withheld during fiscal year (FY) 2019–2020 from invoices paid with existing CAASPP and ELPAC System contract funding. The amounts per task are listed in Attachment 1.

#### Item 08

**Subject:** Approval of 2020–21 Consolidated Applications.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the 2020–21 ConApps submitted by LEAs in Attachment 1.

#### Item 11

**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 school identified in Attachment 1

### ACTION ON REGULAR CONSENT ITEMS (ITEM 06 through 8 and ITEM 11)

**ACTION:** Member Navo moved to approve the CDE staff recommendations for each regular item on consent (Item 06 through 08 and Item 11).

Member Rucker seconded the motion.

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

**No votes:** None

**Members Absent:** Member Pattillo Brownson

**Abstentions:** None

**Recusals:** Member Glover-Woods and Vice President Straus

The motion passed with 8 votes.

### END OF REGULAR CONSENT ITEMS

### REGULAR WAIVER ITEM 07

#### Item W-07

**Subject:** Request by the **Torrance Unified School District** to waive California *Education Code* sections governing the process for selling or leasing surplus property.

**Waiver Number:** 1-11-2020

(Recommended for APPROVAL WITH CONDITIONS)

**Recommendation:** The CDE recommends approval with the following conditions: (1) that the proposal a district’s governing board determines to be the most desirable shall be selected within 30 to 60 days of the public meeting where the proposal was received, and that the reasons for that determination be discussed in public session and included in the minutes of the meeting; (2) that prior to entering into negotiations, the governing board shall hold a public hearing where members of the public, including labor organizations, can discuss possible uses of the surplus property and share concerns regarding any impact on the community, including the potential relocation of the programs currently operating at the property; and (3) given the governing board’s authorization to pursue a waiver for the lease of the property, the waiver shall be granted for the lease of the property only. If the district decides to pursue the sale of the property, another waiver request would be needed.

**ACTION:** Member Rucker moved to approve the CDE recommendations for waiver item W-07 with specified conditions.

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

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### END OF WAIVERS

### REGULAR AGENDA ITEMS CONTINUED

#### Item 09

**Subject:** Consideration of Retroactive 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 charter schools’ determination of funding requests at the percentages and for the time periods specified in Attachment 1.

**ACTION:** Member Burr moved to approve the CDE staff recommendations for each charter school’s determination of funding, as specified in Attachment 1.

Member Sun seconded the motion.

**Yes votes:** Members Burr, Fattah, Glover-Woods, McQuillen, Navo, Straus, and Sun.

**No votes:** Members Rucker and Rodriguez

**Members Absent:** President Darling-Hammond and Member Pattillo Brownson

**Abstentions:** None

**Recusals:** None

The motion passed with 7 votes.

#### Item 10

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

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the charter school’s mitigating circumstances request and determination of funding request at the percentage and for the time period specified in Attachment 1.

**ACTION:** No Action Taken.

This item will be brought back to the December 2020 Advisory Commission on Charter Schools meeting, and then presented at the January 2021 State Board of Education meeting.

#### Item 12

**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.

### CONTINUATION OF DAY’S MEETING

**At approximately 3:52 p.m., Vice President Straus continued the day’s meeting until Friday morning to go directly into Closed Session.**

## California State Board of EducationPublic Session November 6, 2020

**Friday, November 6, 2020 – 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
* Adjournment

### CLOSED SESSION

### REPORT OUT OF CLOSED SESSION

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

* *Martinez* v. *Newsom*
* *Today’s Fresh Start v. Inglewood USD, LACOE, CDE, SBE*

### AGENDA ITEMS DAY 2

#### Item 13

**Subject:** Information Overview on the California Department of Education’s Implementation of Assembly Bills 1505 and 1507, Specifically as it Pertains to the New Review Standard and Process of the State Board of Education and the Advisory Commission on Charter Schools in the Hearing of Appeals for the Establishment and Renewal of Charter Schools.

**Type of Action:** Information

**ACTION:** No Action Taken.

#### Item 14

**Subject:** Approval of the Criteria to Define Verified Data and the List of Valid and Reliable Assessments and Measures of Postsecondary Outcomes as Required by California *Education Code* Section 47607.2.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the recommendations contained in Attachment 1: (1) the criteria to define verified data, (2) the data use procedures related to verified data, (3) the academic progress indicators for inclusion within the approved verified data list, and (4) the postsecondary indicators for inclusion within the approved verified data list.

**ACTION:** Member Burr moved to adopt the CDE’s revised recommendations as outlined in Attachment 1 of the Addendum for Item 14.

Member Rucker 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:**

**Abstentions:** **Recusals:** None

The motion passed with 11 votes.

### ADJOURNMENT OF MEETING

**At approximately 12:36 p.m., President Darling-Hammond adjourned the meeting.**