

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

sbe-jan21item01

# California State Board of EducationJanuary 2021 AgendaItem #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; and other matters of interest.

## Type of Action

Action, Information

## Summary of the Issue(s)

1. Officer Elections
2. SBE Draft Preliminary Report of Actions/Minutes for the November 5-6, 2020 meeting
3. SBE Screening Committee recommendations regarding appointments to the Advisory Commission on Charter Schools (ACCS)
4. Board member liaison reports
5. Revised SBE ACCS Policy

## Recommendation

The SBE staff recommends that the SBE:

1. Take up annual election of officers
2. Approve the Preliminary Report of Actions/Minutes for the November 5-6, 2020 meeting. (Attachment 1)
3. Consider the SBE Screening recommendations for appointments to the Advisory Commission on Charter Schools. (Attachment 2)
4. Approve the revised ACCS Policy (Attachment 3)

## Brief History of Key Issues

**Revised ACCS Policy**

The Advisory Commission on Charter Schools (ACCS) is governed by State Board of Education (SBE) Policy #01-04, which was last revised by the SBE in April 2002. This policy governs the operations of the ACCS, including the duties of the ACCS as delegated to it by statute and the SBE, quorum and voting requirements, and the role of the Chair. The ACCS does not adopt bylaws.

AB 1505 (Chapter 486, Statutes of 2019) amended *Education Code (EC)* section 47605 to change the standard under which the SBE reviews an appeal of a denial by a district governing board or county board of education to establish a new charter school or deny renewal of an existing charter school. Pursuant to *EC* 47605(k)(2)(E), the SBE shall either hear an appeal or summarily deny review of the appeal based on the documentary record. If the SBE hears the appeal, the SBE may affirm the determination of either the district governing board or county board or may reverse only upon a determination that there has been an abuse of discretion.

While prior to AB 1505 the ACCS heard appeals and made a recommendation to the SBE regarding those appeals, this role was not required by statute, but was instead authorized by the terms of this SBE policy. AB 1505 has now added a statutory role for the ACCS in the reviewing of appeals which necessitates action by the SBE to update the policy.

Specific changes to the policy include:

1. In the “Membership” section:

* Deleting an outdated section related to initial appointments to the ACCS

2. In the “Background Statement” section:

* Updating the first paragraph to fully state the legislative intent of the Charter Schools Act
* Updating the “Role of the SBE” to incorporate changes made by AB 1505

3. In the “Duties” section:

* Updating to reflect AB 1505, including the requirement that the ACCS make a recommendation to the SBE whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record
* Adding language to maintain the discretion of the SBE to allow the ACCS to perform other duties as assigned by the SBE President

4. Adding a new section entitled “Public Hearings” to specify that the ACCS shall conduct public hearings pursuant to SBE bylaws, which is consistent with the current ACCS practice.

5. In the “Chair and Rules of Governance” section, adding a provision to allow the SBE to appoint a vice-chair to the ACCS

6. In the “Frequency of Meetings” section, revising to reflect current practice that ACCS meetings are scheduled as necessary when items are received

## Summary of Previous State Board of Education Discussion and Action

At each regular meeting, the State Board has traditionally had an agenda item under which to address “housekeeping” matters, such as agenda planning, non-closed session litigation updates, non-controversial proclamations and resolutions, bylaw

review and revision, Board policy; Board minutes; Board liaison reports; and other matters of interest. The State Board has asked that this item be placed appropriately on each agenda.

## Fiscal Analysis (as appropriate)

Not applicable.

## Attachment(s)

Attachment 1: State Board of Education Draft Preliminary Report of Actions/Minutes for the November 5-6, 2019 meeting (15 Pages) may be viewed at the following link: <http://www.cde.ca.gov/be/mt/ms/>.

Attachment 2: State Board of Education Screening Committee Recommendations for Appointments to the Advisory Commission on Charter Schools. This attachment will be provided as an Item Addendum.

Attachment 3: Proposed Revision to the State Board of Education Policy on the Advisory Commission on Charter Schools (3 Pages)

Attachment 4: Current State Board of Education Policy on the Advisory Commission on Charter Schools (2 Pages)