

# California State Board of Education Final Minutes May 18, 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
* 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 May 18, 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 May 18, 2022

**Wednesday, May 18, 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.**

**President Darling-Hammond announced that the Board would be going into Closed Session at approximately 8:39 a.m. to discuss and/or take action on the following case:**

* *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*

*REPORT OUT OF CLOSED SESSION*

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

* *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*

### 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:** California Community Schools Partnership Program: Approval of Cohort 1 Planning and Implementation Grantees, and Lead Technical Assistance Center Contract Awardee.

**Type of Action:** Action, Information

**Recommendation:** This item has three recommendations for SBE approval:

* The CDE recommends that the SBE approve the California Community Schools Partnership Program (CCSPP) Round One Planning Grant Awards (see list of approved applicants attached to the agenda).
* The CDE further recommends that the SBE confirm the CCSPP Round One Implementation Grant Awards (see attached list of approved applicants and individual school sites recommended for funding). In approving this Implementation Grant Award recommendation, CDE requests the SBE authorize the CDE to fund the first-round implementation grant awards to meet the statutory priority of funding schools with over 80 percent unduplicated students enrolled.
* Finally, CDE recommends that the SBE confirm CDE’s lead Technical Assistance Center (TAC) contract award recommendation.

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

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** Student Member Banankhah

**Recusals:** None

The motion passed with 9 votes.

#### Item 03

**Subject:** The California Assessment of Student Performance and Progress System and English Language Proficiency Assessments for California: Approval of the 2021–22 Apportionment Rates, Approval of the Proposed Alternate English Language Proficiency Assessments for California Threshold Scores, and Updates on Assessment Program Activities.

**Type of Action:** Action, Information

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

1. Per-pupil apportionment rates for the 2021–22 school year (contingent on the availability of an appropriation for this purpose) for the California Assessment of Student Performance and Progress (CAASPP) tests administered as part of the CAASPP System, as provided in table 1 of Attachment 2.
2. Per-pupil apportionment rates for the 2021–22 school year (contingent on the availability of an appropriation for this purpose) for the English Language Proficiency Assessments for California (ELPAC) tests administered, as provided in table 2 of Attachment 2.
3. The State Superintendent of Public Instruction’s proposed Initial and Summative Alternate ELPAC threshold scores, to be effective beginning with the 2021–22 administration. The proposed threshold scores are shown in tables 1 and 2 of Attachment 4.

**ACTION:** Member Orozco-Gonzalez moved to approve the CDE recommendation.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### WAIVERS / ACTION AND CONSENT ITEMS

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.

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

#### Item W-01

**Subject:** Request by the **Turlock Unified School District** to waive California *Education Code* sections specific to statutory provisions for the commissioning of an advisory committee and for the sale or lease of surplus property.

Waiver Number: 16-12-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-02

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

Waiver Numbers:

Long Beach Unified School District 5-2-2022

Napa Valley Unified School District 8-1-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-03

**Subject:** Request by **four local education 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 Numbers:

Fremont Union High School District 6-1-2022

Hemet Unified School District 11-12-2021

Oroville City Elementary School District 5-1-2022

San Ysidro Elementary School District 4-2-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-04

**Subject:** Request by **Moreno Valley Unified School District** **(MVUSD)** and the **Moreno Valley Special Education Local Plan Area (MVSELPA)** to waive California *Education Code* 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 student with disabilities at Devereux Texas Treatment Network (DTTN), an uncertified out-of-state school for students with disabilities located in League City, Texas.

Waiver Number: 14-12-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-05

**Subject:** Request by **Rialto Unified School District (RUSD)** and the **East Vallley Special Education Local Plan Area (EVSELPA)** to waive California *Education Code* 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 Devereux Texas Treatment Network (DTTN), an uncertified out-of-state school for students with disabilities located in League City, Texas.

Waiver Number: 5-11-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-06

**Subject:** Request by **Scotts Valley Unified School District** **(SVUSD)** and the **North Santa Cruz Special Education Local Plan area (NSCELPA)** to waive California *Education Code* 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 school student with disabilities at Melmark School, an uncertified out-of-state school for students with disabilities located in Berwyn, Pennsylvania.

Waiver Number: 1-1-2022

(Recommended for APPROVAL WITH CONDITIONS)

Physical Education Program (Block Schedules)

#### Item W-07

**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 Del Oro High School.

Waiver Number: 1-12-2021

(Recommended for APPROVAL WITH CONDITION)

Physical Education Program (Block Schedules)

#### Item W-08

**Subject:** Request by **Los Angeles Unified School District** to waive portions of California *Education Code* Section 51222(a), the statutory minimum of 400 minutes of physical education required each 10 school days for students in grades nine through twelve in order to implement a block schedule at: Theodore Roosevelt Senior High; Verdugo Hills Senior High; Nathaniel Narbonne Senior High; Math, Science, and Technology Magnet Academy at Roosevelt High; Arleta High; Edward R. Roybal Learning Center; Gardena Senior High; and John H. Francis Polytechnic High.

Waiver Number: 7-2-2022

(Recommended for APPROVAL WITH CONDITIONS)

Physical Education Program (Block Schedules)

#### Item W-09

**Subject:** Request by **Los Angeles Unified School District** to waive portions of California *Education Code* Section 51222(a), the statutory minimum of 400 minutes of physical education required each 10 school days for students in grades nine through twelve in order to implement a block schedule at The Academy of Scientific Exploration at Cesar Chavez Learning Center Academies.

Waiver Number: 7-2-2022 (same as above)

(Recommended for APPROVAL WITH CONDITIONS)

Physical Education Program (Block Schedules)

#### Item W-10

**Subject:** Request by **Placer Union High School District** to waive portions of California *Education Code* Section 51222(a), related to the statutory minimum of 400 minutes of physical education required each 10 school days for students in grades nine through twelve in order to implement a block schedule at Colfax High School.

Waiver Number: 8-2-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

Member Glover Woods seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### *END OF WAIVERS*

### REGULAR ITEMS CONTINUED

#### Item 04

**Subject:** Consideration of a 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 deny Sierra Foothill Charter’s mitigating circumstances request and approve the determination of funding request at 70 percent funding for two years, as provided in Attachment 1.

**ACTION:** Member Pattillo Brownson moved to approve the CDE recommendation to deny Sierra Foothill Charter’s mitigating circumstances request and approve the determination of funding request at 70 percent funding for two years.

Member Lewis seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### REGULAR CONSENT ITEMS

### (Item 05 through Item 11)

#### Item 05

**Subject:** Approval of the Fiscal Year 2021–22 Career Technical Education Incentive Grant Allocations Round 7B.

**Type of Action:** Action, Information

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

* Specific Proposed Funding Amounts and Number of Grant Awards for Round 7B (Attachment 1)

#### Item 06

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

**Type of Action:** Action, Information

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

* Approve the Finding of Emergency.
* Readopt 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 07

**Subject:** Physical Fitness Test: Approve Commencement of a 45-Day Public Comment Period for Proposed Amendments to *California Code of Regulations*, Title 5, Sections 1040, 1043, 1043.4, 1043.6, 1043.8 and 1044.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that 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 during its review of the Notice, ISOR, and proposed regulations.

#### Item 08

**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 requests at the percentages and for the time periods specified for five charter schools as provided in Attachment 1.

#### Item 09

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

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE assign charter numbers to the charter schools identified in Attachment 1.

#### Item 10

**Subject:**  State Educational Agency Approval of the Remaining 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 remaining Comprehensive Support and Improvement (CSI) plans for the 2021–22 SY for the LEAs listed in Attachment 1.

#### Item 11

**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.

**ACTION:** Member Lewis moved to approve the CDE recommendations for each regular item on consent (Item 05 through Item 11).

Member Rodriguez seconded the motion.

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

**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 March 9-10, 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 March 9-10, 2022 meeting. (Attachment 1)

**ACTION:** Member Glover Woods moved to approve the Preliminary Report of Actions/Minutes for the March 9-10, 2022 meeting.

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** Member Olken

**Recusals:** None

The motion passed with 9 votes

#### 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

*ADJOURNMENT OF THE MEETING*

**President Darling-Hammond adjourned the meeting at approximately 2:20 p.m.**