

# California State Board of Education Final Minutes May 7, 2020

## Members Present

* Linda Darling-Hammond, President
* Ilene W. Straus, Vice President
* Sue Burr
* Matt Navo
* Kim Pattillo Brownson
* Patricia A. Rucker
* Ting L. Sun
* Brenna Pangelinan, Student Member
* *Vacancy*
* *Vacancy*
* *Vacancy*
* Tony Thurmond, 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
* Debra Brown, Senior Policy Advisor, 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
* Stephanie Gregson, Chief Deputy Superintendent, California Department of Education (CDE)
* Chad Owes, Education Policy Administrator I, CDE
* Lisa Constancio, Deputy Superintendent, CDE
* Amy Holloway, Chief Counsel II, CDE

**Please note that the complete proceedings of the May 7, 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 Education Public Session May 7, 2020

**Thursday – May 7, 2020 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 Darling-Hammond called the meeting to order at approximately 8:35 a.m.**

**Report of the State Superintendent of Public Instruction**

**Report of the SBE President**

### AGENDA ITEMS DAY 1

#### Item 01

**Subject:** The California Assessment of Student Performance and Progress System and the English Language Proficiency Assessments for California: Approval of the Proposed Alternate English Language Proficiency Assessments for California Test Blueprint and Update of Program Activities.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the proposed Alternate ELPAC test blueprint, as found in Attachment 2.

The CDE further recommends that the SBE authorize CDE staff to make technical edits, as necessary, to the proposed Alternate ELPAC test blueprint.

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

Member Straus seconded the motion.

**Yes votes:** Members Sun, Straus, Rucker, Pangelinan, Navo, Darling-Hammond, Burr, and Pattillo Brownson.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 8 votes.

#### Item 02

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Recommended Action on the New Color Schemes for Select Five-by-Five Color Grids and Updates on the Revisions Under Consideration for the College/Career Indicator for the California School Dashboard.

**Type of Action:** Action, Information

**Revised Recommendation:** The CDE recommends that the SBE:

* Provide guidance on the updated workplan, as needed.
* Provide guidance on work to expand the CCI with new career measures.

**ACTION:** No Action Taken.

#### Item 03

**Subject:** Request to Ratify a Waiver of Assessment, Accountability, and School Identification and Federal Funding Flexibility Requirements Pursuant to the Elementary and Secondary Education Act.

**Type of Action:** Action, Information

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

1. Ratify the Assessment and Accountability Waiver for the 2019–20 school year of the following sections under ESEA Section 8401(b)

* Assessment requirements in section 1111(b)(2);
* Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D); and
* Reporting requirements related to assessments and accountability in section 1111(h).

1. Ratify the Federal Funding Flexibility Waiver of the following provisions for the 2019–20 school year under ESEA Section 8401(b):

* Section 1127(b) of Title I, Part A of the ESEA so that the CDE may waive, more than once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for FY 2019 Title I, Part A funds.
* Section 421(b) of the GEPA to extend the period of availability of FY 2018 funds for programs in which the CDE participates under its approved consolidated State plan until September 30, 2021.
* Section 4106(d) of Title IV, Part A of the ESEA related to local educational agency (LEA) needs assessments for the 2019–2020 school year.
* Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA with respect to content-area spending requirements for FYs 2018 and 2019 Title IV, Part A funds.
* Section 4109(b) of Title IV, Part A of the ESEA with respect to the spending limitation for technology infrastructure for FYs 2018 and 2019 Title IV, Part A funds.
* Section 8101(42) of the ESEA, which defines “professional development,” for activities funded for the 2019–20 school year.

**ACTION:** Member Burr moved to approve both parts of the CDE recommendations.

Member Straus seconded the motion.

**Yes votes:** Members Burr, Darling-Hammond, Navo, Pangelinan, Pattillo Brownson, Rucker, Straus, and Sun.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 8 votes.

#### Item 04

**Subject:** Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve, 2021 Revision: Approval of the Revision of the Schedule of Significant Events.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the revised Schedule of Significant Events for the 2021 Revision of the *Mathematics Framework for California Public Schools, Kindergarten Through Grade Twelve* (Timeline).

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

Member Straus seconded the motion.

**Yes votes:** Members Sun, Straus, Rucker, Pattillo Brownson, Pangelinan, Navo, Darling-Hammond, and Burr.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 8 votes.

### WAIVERS ON CONSENT

*(W-01 through W-12)*

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.

Charter School Program (Nonclassroom-Based Funding)

#### Item W-01

**Subject:** Requests by **five local educational agencies** to waive portions of California Code of Regulations, Title 5 Section 11963.6, relating to the submission and action on determination of funding requests regarding nonclassroom-based instruction.

Waiver Numbers:

* Fort Sage Unified School District 26-1-2020
* Hart-Ransom Union Elementary School District 17-2-2020
* Liberty Elementary School District 19-1-2020
* Susanville Elementary School District 18-1-2020
* Turlock Unified School District 4-3-2020

(Recommended for APPROVAL)

Community Day Schools (CDS) (Colocate Facilities)

#### Item W-02

**Subject:** Requests by the **Santa Ana Unified School District** for a renewal waiver of California *Education Code* Section 48916.1(d), and portions of California *Education Code* Section 48660 to permit the REACH Academy Community Day School to serve students in grade six with students in grades seven through twelve, but no grade lower than grade six. The Santa Ana Unified School District is also requesting a waiver of portions of California *Education Code* Section 48661 to permit the Community Day School to be collocated on the same site as the REACH Academy Night Program, an alternative program of choice serving students enrolled in the district’s continuation and traditional high schools.

**Waiver Numbers:**

* Santa Ana Unified School District 28-1-2020
* Santa Ana Unified School District 29-1-2020

(Recommended for APPROVAL WITH CONDITONS)

Special Education Program (Algebra I Requirement for Graduation)

#### Item W-03

**Subject:** Request by **Pajaro Valley Unified School District** to waive California Education Code Section 51224.5(b), the requirement that all students graduating in the 2019–20 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one student with disabilities based on Education Code Section 56101, the special education waiver authority.

Waiver Number: 2-3-2020

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-04

**Subject:** Request by **Redlands Unified School District** to waive California Education Code Section 56366(d), the requirement for nonpublic, nonsectarian schools or agencies to be California-certified, to allow the use of state and federal special education funds for the placement of one high school student with disabilities at an out-of-state school that is not California-certified located in Mountain Home, Idaho.

Waiver Number: 19-2-2020

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Extended School Year)

#### Item W-05

**Subject:** Requests by **sixteen local educational 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:**

* Butte County Office of Education 21-1-2020
* Chico Unified School District 8-2-2020
* El Centro Elementary School District 10-2-2020
* Fall River Unified School District 2-1-2020
* Fremont Union High School District 22-1-2020
* Hanford Elementary School District 9-2-2020
* Kings County Office of Education 15-2-2020
* Lake County Office of Education 2-2-2020
* Monterey Peninsula Unified School District 13-1-2020
* Mountain Empire Unified School District 14-1-2020
* Oroville City Elementary School District 6-1-2020
* Paradise Unified School District 24-1-2020
* Red Bluff Unified School District 5-1-2020
* San Diego County Office of Education 12-1-2020
* Tulare County Office of Education 3-1-2020
* Visalia Unified School District 1-1-2020

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

#### Item W-06

**Subject:** Request by **Moreland School District** to waive Education Code Section 56362(c), allowing the caseloads of resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Number: 27-1-2020

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Elimination of Election Requirement)

#### Item W-07

**Subject:** Requests by **sixteen local educational agencies** 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 Numbers:**

* Arcata Elementary School District 6-2-2020
* Brea-Olinda Unified School District 23-1-2020
* Cabrillo Unified School District 18-3-2020
* Cotati-Rohnert Park Unified School District 20-1-2020
* El Tejon Unified School District 4-4-2020
* Folsom-Cordova Unified School District 20-3-2020
* Gilroy Unified School District 17-3-2020
* Glendora Unified School District 3-2-2020
* Hacienda la Puente Unified School District 12-2-2020
* Napa Valley Unified School District 23-2-2020
* Rosedale Union Elementary School District 5-4-2020
* Rowland Unified School District 8-3-2020
* San Juan Unified School District 15-3-2020
* Solana Beach Elementary School District 1-4-2020
* Sonoma Valley Unified School District 4-2-2020
* South San Francisco Unified School District 3-3-2020

(Recommended for APPROVAL)

School District Reorganization (Governing Board)

#### Item W-08

**Subject:** Request by **River Delta Joint Unified School District** to waive California *Education Code* Section 5020, which requires an election to adopt one of the alternative methods of electing governing board members in Section 5030.

Waiver Number 25-2-2020

(Recommended for APPROVAL)

Other Waivers (Employment - Retirement System)

#### Item W-09

**Subject:** Request by **San Luis Obispo County Office of Education** to waive California *Education Code* Section 45134(c), to allow the employment of a State Teachers’ Retirement System retiree as a classified Instructional Specialist for the Visually Impaired.

Waiver Number: 11-2-2020

(Recommended for APPROVAL)

State Meal Mandate (Summer School Session)

#### Item W-10

**Subject:**  Request from **Liberty Elementary** under the authority of *EC* Section 49548 to waive *EC* Section 49550, the State Meal Mandate for public schools, during the summer school session.

Waiver Number: Liberty Elementary 22-2-2020

(Recommended for APPROVAL WITH CONDITIONS)

State Meal Mandate (Summer School Session)

#### Item W-11

**Subject:** Request from **Wiseburn Unified School District** under the authority of California *Education Code* (*EC*)Section 49548 to waive *EC* Section 49550, the State Meal Mandate for public schools during the summer school session.

Waiver Number: Wiseburn Unified School District 5-2-2020

(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION (Educational Interpreter)

#### Item W-12

**Subject:** Requests by **Santa Clara County Office of Education and Kern High School District** to waive California Code of Regulations, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Rebecca Alcantara, Michelle Evans, Brittany Verbeckmoes, Yolanda Cortes, Marcela Padilla, Angie Dennis, and Kirsten Watkins to continue to provide services to students until June 30, 2021, under a remediation plan to complete those minimum requirements.

**Waiver Numbers:**

* Santa Clara County Office of Education 7-1-2020
* Santa Clara County Office of Education 8-1-2020
* Santa Clara County Office of Education 9-1-2020
* Santa Clara County Office of Education 11-1-2020
* Kern High School District 15-1-2020
* Kern High School District 16-1-2020
* Kern High School District 17-1-2020

(Recommended for APPROVAL WITH CONDITIONS)

*ACTION ON WAIVER CONSENT ITEMS W-01 THROUGH W-12*

**ACTION:** Member Burr moved to approve the CDE recommendations for each Waiver Item (W-01 through W-12) on consent.

Member Navo seconded the motion.

**Yes votes:** Members Sun, Straus, Rucker, Pattillo Brownson, Pangelinan, Navo, Darling-Hammond, and Burr.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 8 votes.

### END OF WAIVERS

### REGULAR AGENDA ITEMS CONTINUED

#### Item 05

**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

**CDE Recommendation:** The CDE recommends that the SBE approve the mitigating circumstances requests and approve the determination of funding requests at the percentages and for the time periods specified for the charter schools as provided in Attachment 1.

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

At the April 7, 2020, meeting, the ACCS voted unanimously to approve the CDE recommendation that the SBE approve the mitigating circumstances requests and approve the determination of funding requests at the percentages and for the time periods specified for the charter schools as provided in Attachment 1.

The meeting notice for the April 7, 2020, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice040720.asp>.

**ACTION 1:** Member Burr moved to approve the CDE recommendation for all schools except Kairos Public Schools Vacaville Academy #1635, as provided in Attachment 1.

Member Sun seconded the motion.

**Yes votes:** Members Burr, Darling-Hammond, Navo, Pangelinan, Pattillo Brownson, Rucker, Straus, and Sun.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 8 votes.

**ACTION 2:** Member Burr moved to approve the CDE recommendation for Kairos Public School Vacaville Academy #1635, as provided in Attachment 1.

Member Straus seconded the motion.

**Yes votes:** Members Straus, Rucker, Pattillo Brownson, Pangelinan, Navo, Darling-Hammond, and Burr.

**No votes:** None

**Member Absent:** None

**Abstentions:** Member Sun

**Recusals:** None

The motion passed with 7 votes.

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

#### Item 06

**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

**CDE Recommendation:** The CDE recommends that the SBE approve the determination of funding requests at the percentages and for the time periods specified for the NCB charter schools listed on Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At the April 7, 2020, meeting, the ACCS voted unanimously to approve the CDE recommendation that the SBE approve the determination of funding requests at the percentages and for the time periods specified for the NCB charter schools listed on Attachment 1.

The meeting notice for the April 7, 2020, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice040720.asp>.

#### Item 07

**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 the charter schools identified in Attachment 1.

#### Item 08

**Subject:** Approval of 2019–20 Consolidated Applications.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the 2019–20 ConApps submitted by LEAs in Attachment 1.

#### Item 09

**Subject:** World Languages Framework for California Public Schools, Kindergarten Through Grade Twelve, 2020 Revision: Approval of the Revision of the Schedule of Significant Events.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the revised Schedule of Significant Events in Attachment 1*.*

#### Item 10

**Subject:** 2020 Arts Education Framework for California Public Schools, Transitional Kindergarten Through Grade Twelve: Approval of the Revision of the Schedule of Significant Events.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the revised Schedule of Significant Events in Attachment 1*.*

#### Item 11

**Subject:** Cancellation of the 2020 California Health Instructional Materials Adoption.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE cancel the scheduled 2020 Health Instructional Materials Adoption due to a lack of publisher participation.

### ACTION ON REGULAR CONSENT ITEM 06 THROUGH ITEM 11)

**ACTION:** Member Burr moved to approve the CDE recommendations for each regular Item (Item 06 through Item 11) on consent.

Member Navo seconded the motion.

**Yes votes:** Members Sun, Straus, Rucker, Pattillo Brownson, Pangelinan, Navo, Darling-Hammond, and Burr.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 8 votes.

### END OF REGULAR CONSENT ITEMS

### REGULAR AGENDA ITEMS CONTINUED

#### Item 12

**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

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

1. Approve the Preliminary Report of Actions/Minutes for the March 7-8, 2020 meeting. (Attachment 1)

**ACTION:** Member Rucker moved to approve the SBE staff recommendation to approve the Preliminary Report of Actions/Draft Minutes from the March 7-8, 2020 SBE meeting.

Member Burr seconded the motion.

**Yes votes:** Members Burr, Darling-Hammond, Navo, Pangelinan, Rucker, Straus, and Sun.

**No votes:** None

**Member Absent:** None

**Abstentions:** Member Pattillo Brownson

**Recusals:** None

The motion passed with 7 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 1:52 p.m., President Darling-Hammond adjourned the meeting.**