

# California State Board of Education Final Minutes November 8-9, 2023

## Members Present

* Linda Darling-Hammond, President
* Cynthia Glover Woods, Vice President
* Francisco Escobedo
* Brenda Lewis
* James J. McQuillen
* Sharon Olken
* Gabriela Orozco-Gonzalez
* Kimberly Pattillo Brownson
* Haydee Rodriguez
* Alison Yoshimoto-Towery
* Anya Ayyappan, Student Member
* Tony Thurmond, State Superintendent of Public Instruction (SSPI), Secretary and Executive Officer

## Members Absent

* Haydee Rodriguez (portions of Thursday, November 9 only)

## Principal Staff

* Brooks Allen, Executive Director, State Board of Education (SBE)
* Jessica Holmes, Chief Deputy Executive Director, SBE
* Lisa Constancio, Senior Deputy Director, SBE
* Kirin Gill, Chief Counsel, SBE
* Rigel Massaro, Deputy Legal Counsel and Deputy Policy Director, SBE
* Alexander Traverso, Director of Communications, SBE
* Debra Brown, Senior Policy Advisor, SBE
* Laura Rodriguez, Senior Policy Director, SBE
* Aileen Allison-Zarea, Education Administrator I, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Sara Pietrowski, Policy Director, SBE
* Michelle Valdivia, Assistant 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)
* Nancy Kim Portillo, Chief Deputy Superintendent, CDE
* Len Garfinkel, General Counsel, CDE
* Cheryl Cotton, Deputy Superintendent, CDE
* Sarah Neville-Morgan, Deputy Superintendent, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the November 8-9, 2023 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, 2023

**Wednesday, November 8, 2023 – 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 President and liaison reports; training of Board members; and other matters of interest.

**Type of Action:** Action, Information

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

* State Superintendent’s Report
* State Board of Education President’s Report

**ACTION:** No Action Taken.

#### Item 02

**Subject:** Appointment of Nancy Portillo to Chief Deputy Superintendent of Public Instruction in accordance with Article IX, Section 2.1, of the Constitution of the State of California

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the State Board of Education appoint a new Chief Deputy Superintendent of Public Instruction in accordance with Article IX, Section 2.1, of the Constitution of the State of California.

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

Member Olken seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 03

**Subject:** 2024-2025 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 2024-2025 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 2024-25 SBE Student Member.

**ACTION:** Member Glover Woods moved to approve the SBE Screening Committee recommendations for the 2024-25 Student Board Member, as identified in the Item Addendum:

Students who are being recommended as the three finalists to the SBE by the Screening Committee of the SBE are provided in alphabetical order by last name below:

* **Neil Chandran,** Monte Vista High School, within the San Ramon Valley Unified School District, Contra Costa
* **Julia Clauson,** Bella Vista High School, within the San Juan Unified School District, Sacramento
* **Maulik Dhakal,** Los Altos High School, within the Mountain View Los Altos Union High School, Santa Clara

In addition to the finalists named above, the following students were identified as candidates for the 2024-2025 Student Member of the Board:

* **Hannah Cho,** Northwood High School, within the Irvine Unified School District, Orange
* **Travis Hodges,** Monte Vista High School, within the San Ramon Valley Unified School District, Contra Costa
* **Carter McKinzie,** Laguna Beach High School, within the Laguna Beach Unified School District, Orange

The following students were also identified as semi-finalists for the 2024-2025 Student Member of the Board:

* **Alina Ceja Delgado,** Napa High School, within the Napa Valley Unified School District, Napa
* **Atticus Chan,** Lincoln High School, within the Lincoln Unified School District, San Joaquin
* **Kailia Garfield,** Mark Keppel High School, within the Alhambra Unified School District, Los Angeles
* **Mia Golden,** Rio Americano High School, within the San Juan Unified School District, Sacramento
* **Alejandra Ramirez,** Academy of the Redwoods, within the Fortuna Union High School District, Humboldt
* **Venkata Ramisetty,** Fremont High School, within the Fremont Union High School District, Santa Clara

Member Rodriguez seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 04

**Subject:** Reports from the 2023 Student Advisory Board on Education.

**Type of Action:** Information

**Recommendation:** Listen to student proposals from the 2023 SABE Conference.

**ACTION:** No Action Taken.

#### Item 05

**Subject:**  California Assessment of Student Performance and Progress and English Language Proficiency Assessments for California: 2022–23 Results Release.

**Type of Action:** Information

**Recommendation:** This item is information only, there are no recommendations at this time.

**ACTION:** No Action Taken.

#### Item 06

**Subject:** Update on the 2022–23 Chronic Absenteeism and Absenteeism by Reason DataQuest Report Release.

**Type of Action:** Information

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

**ACTION:** No Action Taken.

#### Item 07

**Subject:** The Local Control and Accountability Plan Template – Adoption of the Revised Local Control and Accountability Plan Template, Consistent with California Education Code Section 52064.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE adopt the proposed revisions to the LCAP template and instructions and allow the CDE, in collaboration with SBE staff, to make any necessary typographical or formatting corrections as the documents are prepared for posting on the CDE website.

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

Member Lewis seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 08

**Subject:** Revision of Performance Standards of Local Indicators within the California School Dashboard and Recommended Action Regarding the Local Indicator Self-Reflection Tool for Priority 1: Basic Services and Conditions.

**Type of Action:** Action, Information

**Recommendation:**

1. The CDE recommends that the SBE revise the second local indicator performance standard to read as follows:

a. Report the results as part of a non-consent item at the same public meeting of the local governing board/body at which the LCAP is adopted.

2. The CDE recommends that the SBE approve the proposed revisions to the Local Indicator Self-Reflection Tool for Priority 1: Basic Services and Conditions (Attachment 2).

Additionally, the CDE recommends that the SBE provide further guidance on these recommendations and take additional action as deemed necessary and appropriate.

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

Member Olken seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 09

**Subject:** Approval of the Recommended Observation Protocol for Teachers of English Learners to Satisfy Criterion 2 (Teacher Evaluation of English Learner Students) and Criterion 3 (Parent Opinion and Consultation) for Reclassification, per the requirements of Education Code Sections 313 and 313.3.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the State Board of Education (SBE) approve the proposed use of the Observation Protocol for Teachers of English Learners (OPTEL) to satisfy the requirements of Criterion 2 (teacher evaluation of EL students) and Criterion 3 (parent opinion and consultation) for reclassification decision-making for students who take the Summative ELPAC, per the requirements of California *EC*Sections 313 and 313.3. Based on the field test and validation study, the CDE also recommends that the SBE approve the thresholds of Level 3 or above on expressive and receptive OPTEL ratings for reclassification. The CDE further recommends that the SBE authorize CDE staff, with approval from the Executive Director of the SBE, to make technical edits, as necessary, to the OPTEL tool.

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

Member Yoshimoto-Towery seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### REGULAR CONSENT ITEMS (Item 10 through Item 14)

#### Item 10

**Subject:** Approval of a Charter School Number Assigned to a Newly Established Charter School.

**Type of Action:** Action, Information, Consent

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

#### Item 11

**Subject:** The Federal Every Student Succeeds Act: Authorization to Pursue a Waiver for the 2023–24 School Year of the 1.0 Percent Cap on the Percentage of Eligible Students with the Most Significant Cognitive Disabilities Who May Be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards for English Language Arts/Literacy, Mathematics, and Science.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the California State Board of Education (SBE) authorize the CDE to submit to the U.S. Department of Education (ED) a request for the waiver of the requirement to assess less than 1.0 percent of eligible students with an alternate assessment for ELA, mathematics, and science for the 2023–24 administration found in Attachment 1.

The CDE also recommends that the SBE authorize the CDE to submit to the ED a request for a waiver of the requirement that a request for a waiver of the 1.0 percent cap be submitted at least 90 days before the beginning of the annual testing window for the CAA for ELA, mathematics, and science.

#### Item 12

**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 2022–23 Regents of the University of California, Santa Cruz Contract.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends the release of the full amount of $70,326.28, representing the 10 percent withheld from the UCSC contract for activities to develop and maintain the California Educator Reporting System (CERS) for the reporting of individual and group results from CAASPP and ELPAC. The 10 percent funds were withheld during fiscal year (FY) 2022–23 from invoices paid with existing CAASPP and ELPAC System contract funding. The amounts per task are listed in Attachment 1.

#### Item 13

**Subject:** California Assessment of Student Performance and Progress and English Language Proficiency Assessments for California: Determination of the Release of the 10 Percent Withheld from the Educational Testing Service Contract for Fiscal Year 2022–23.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends releasing $9,202,319.07 to ETS from funds withheld during FY 2022–23 for the successful completion of component tasks as stated within the contract scopes of work (SOW) under contract CN150012 and CN220002 collectively. The details of the amount per task, by administration, for FY 2022–23 is listed in Attachment 2.

#### Item 14

**Subject:** Approval of 2023–24 Consolidated Applications.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the SBE approve the 2023–24 ConApps submitted by LEAs in Attachment 1.

**ACTION:** Member McQuillen moved to approve the CDE staff recommendations for each regular item on consent (Item 10 through Item 14).

Member Orozco-Gonzalez seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** Members Yoshimoto

**Recusals:** Members Yoshimoto-Towery and Escobedo

The motion passed with 9 votes.

#### 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 President and liaison reports; training of Board members; and other matters of interest.

**Type of Action:** Action, Information

**Recommendation:**

1. Approve the Draft Preliminary Report of Actions/Minutes for the September 13, 2023, meeting.
2. Approve the SBE Screening Committee recommendations regarding appointments to the Advisory Commission on Charter Schools (ACCS), Advisory Commission on Special Education (ACSE), California Practitioners Advisory Group (CPAG), and the Instructional Quality Commission (IQC).
3. Board member liaison reports.

**ACTION 1:** Member Olken moved to approve the Preliminary Report of Actions/Draft Meeting Minutes for the September 13, 2023, meeting.

Member Lewis seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

Motion passed with 11 votes.

**ACTION 2:** Member Ayyappan moved to approve the SBE Screening Committee’s recommendations for appointments to the IQC, CPAG, ACCS, and ACSE.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

Motion passed with 11 votes.

### END OF REGULAR CONSENT ITEMS

### At the request of Petitioner Orange County Board of Education, Item 15 was withdrawn by the SBE on November 6, 2023.

~~Item 15 Revision Notes~~

* ~~Changes in November 2023 SBE Item 15 Attachment 1: Changes made to item tagging and reading order to improve accessibility. Added Orange County Board of Education response to opposition letters, Orange County Board of Education's Chronology of Events, and associated documentation of the Chronology provided by Orange County Board of Education.~~

#### Item 15

**~~Subject:~~**~~Petition pursuant to Education Code Section 4020 from the Orange County Board of Education to transfer the duties and powers of the Orange County Committee on School District Organization to the Orange County Board of Education.~~

**~~Type of Action:~~**~~Action, Information~~

* ~~Revised Item 15 Attachment 1~~
* ~~Item 15 Attachment 1~~

[Note: the preceding information about Item 15 contains strikethroughs which indicate the item has been withdrawn.]

### CONTINUANCE OF MEETING

**At approximately 4:48 p.m., President Darling-Hammond announced that the meeting would continue on the following day with closed session wherethe Board would discuss and/or take action on the following cases:**

* Cayla J. v. State of California
* *Mark S. v. State of California*
* *Vista Charter Public Schools v. SBE*

## California State Board of Education Public Session November 9, 2023

**Thursday, November 9, 2023 – 8:30 a.m. Pacific Time +**

California Department of Education

1430 N Street, Room 1101

Sacramento, California 95814

* Call to Order
* Communications
* Announcements
* Special Presentations  
  *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Adjournment

*REPORT OUT OF CLOSED SESSION*

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

* Cayla J. v. State of California
* *Mark S. v. State of California*
* *Vista Charter Public Schools v. SBE*

*AGENDA ITEMS – DAY 2*

#### Item 16

#### Subject: California's Bipartisan Safer Communities Act Stronger Connections Grant Program Proposal: Approval of the Criteria to Define High-needs.

**Type of Action:** Information

**Recommendation:** California Community Schools Partnership Program Update. Presentations by the CCSPP State Transformative Assistance Center and the Southern Inland Regional Transformative Assistance Center.

**ACTION:** No Action Taken.

### WAIVERS/ACTION AND CONSENT ITEMS

*(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 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.

Community Day Schools (CDS) (Minimum School Day)

#### Item W-01 General

**Subject:** Request by the Madera Unified School District for a renewal waiver of portions of California Education Code Section 48663(a), relating to community day school minimum instructional minutes.

Waiver Number: 7-6-2023

(Recommended for APPROVAL WITH CONDITIONS) *EC* 33051(b) will apply

Physical Education Program (Block Schedules)

#### Item W-02 General

**Subject:** Request by Jefferson 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 Jefferson High School.

Waiver Number: 3-4-2023

(Recommended for APPROVAL WITH CONDITIONS)

Physical Education Program (Block Schedules)

#### Item W-03 General

**Subject:** Request by Washington Unified School District for a renewal 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 River City High School.

Waiver Number: 6-5-2023

(Recommended for APPROVAL) *EC* 33051(b) will apply

Schoolsite Council Statute (Shared Schoolsite Council)

#### Item W-04 Specific

**Subject:** Request by the Northern Humboldt Union High School District under the authority of California *Education Code* Section 65001(e) for waivers of California *Education Code* sections 65000 and 65001, relating to Schoolsite Councils regarding changes in shared, composition, or shared and composition members.

Waiver Number: 2-7-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-05 General

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

Waiver Number: 5-7-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-06 General

**Subject:** Request by Bellevue Union School District to waive California *Education Code* sections 15102 and 15268 to allow the district to exceed its bonded indebtedness limit. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for elementary school districts may also apply.

Waiver Number: 5-6-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-07 General

**Subject:** Request by Guadalupe Union Elementary School District to waive California *Education Code* sections 15102 and 15268 to allow the district to exceed its bonded indebtedness limit. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for elementary school districts may also apply.

Waiver Number: 6-6-2023

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (60 day Requirement to Fill Board Vacancy)

#### Item W-08 General

**Subject:** Request by Needles Unified School District to waive portions of California *Education Code* section 5091, which requires the board of trustees to make an appointment to fill a vacant board position within 60 days of the position becoming vacant.

Waiver Number: 10-6-2023

(Recommended for APPROVAL)

Other Waivers (Employment - Retirement System)

#### Item W-09 General

Subject: Request by Leggett Valley Unified School District to waive California *Education Code* Section 45134(c), in which no person shall be employed in a classified position in school employment while he or she is receiving a retirement allowance under any retirement system by reason of prior school employment, to allow a retired individual, Sherrie Ebyam, to be employed in a classified position to train the new Business Manager.

Waiver Number: 8-6-2023

(Recommended for APPROVAL)

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

#### Item W-10 General

**Subject:** Request by twelve local educational agencies to waive, retroactively, for the Summer 2023 term, *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 Number: 9-5-2023

(Recommended for APPROVAL)

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

#### Item W-11 Specific

**Subject:** Request by the Hanford Joint Union High School District and Kings County Special Educational Local Plan Area to waive California *Education Code* Section 56366(d), the requirement for state certification, to allow the use of federal and state special education funds for the placement of one high school student with disabilities at the Renewed Hope Ranch, an uncertified nonpublic school for students with disabilities in Enoch, Utah.

Waiver Number: 4-7-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-12 Specific

**Subject:** Request by the Scotts Valley Unified School District (SVUSD) and the North Santa Cruz Special Education Local Plan Area (NSCSELPA) to waive California *Education Code* Section 56366(d), the requirement for state certification, to allow the use of federal and state special education funds for the placement of one high school student with disabilities at the Melmark School, an uncertified non-public school for students with disabilities with a residential treatment center, in Berwyn, Pennsylvania.

Waiver Number: 7-4-2023

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Yoshimoto-Towery moved to approve the CDE staff recommendations for each waiver item (W-01 through W-12) on consent.

Member Orozco-Gonzalez seconded the motion.

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

**No votes:** None

**Members Absent:** MemberRodriguez

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### *END OF WAIVER CONSENT ITEMS*

#### *REGULAR ITEMS CONTINUED*

#### Item 17

**Subject:** Appeal of the Denial of a Petition for the Establishment of a Classroom-Based Charter School Pursuant to California Education Code Section 47605(k)(2): Consideration of Evidence to Hear or Summarily Deny the Appeal of New Pacific School - Yuba City, which was denied by the Yuba City Unified School District and the Sutter County Board of Education.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE hear the New Pacific School – Yuba City (NPSYC) appeal. This recommendation is based upon the CDE’s review of NPSYC’s written submission and the documentary record, which set out sufficient evidence to hear the appeal.

**ACTION:** Member Olken moved to approve the CDE staff recommendation to hear the New Pacific School – Yuba City appeal.

Member Glover Woods seconded the motion.

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

**No votes:** None

**Members Absent:** Member Rodriguez

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### *PUBLIC HEARING*

#### Item 18

**Subject:** Appeal of the Denial of a Petition for the Establishment of a Classroom-Based Charter School Pursuant to California Education Code Section 47605(k)(2): Review of the Appeal and Documentary Record, and Decision to Affirm or Reverse the Yuba City Unified School District’s and the Sutter County Board of Education’s Determinations of the New Pacific School - Yuba City Petition.

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

**Recommendation:** The CDE recommends that the SBE affirm the determination of the Yuba City Unified School District (YCUSD) to deny the petition to establish NPSYC, pursuant to EC Section 47605(k)(2)(E), as the District’s findings for denial were made pursuant to EC Section 47605(c) and are supported by evidence in the documentary record, and thus were not an abuse of discretion that would support reversal of the District’s determination to deny the NPSYC petition.

**President Darling-Hammond opened the public meeting at approximately 11:44 a.m.**

**President Darling-Hammond closed the public hearing at approximately 12:15 p.m.**

**ACTION:** Member Glover Woods moved to approve the CDE staff recommendation to affirm the determination of the Yuba City Unified School District to deny the petition to establish New Pacific School – Yuba City petition.

Member Lewis seconded the motion.

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

**No votes:** None

**Members Absent:** Member Rodriguez

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### *END OF PUBLIC HEARING*

#### Item 19

**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

**Recommendation:** Not applicable.

**ACTION:** No Action Taken.

### ADJOURNMENT OF THE MEETING

**President Darling-Hammond adjourned the meeting at approximately 12:34 p.m.**