

# **CALIFORNIA STATE BOARD OF EDUCATION Final Minutes January 18-19, 2018**

## MEMBERS PRESENT:

* Michael W. Kirst, President
* Ilene W. Straus, Vice President
* Sue Burr
* Bruce Holaday
* Feliza I. Ortiz-Licon
* Patricia A. Rucker
* Niki Sandoval
* Ting L. Sun
* Karen Valdes
* Trish Williams
* Jaden Gray, Student Member
* Tom Torlakson, SSPI

## MEMBERS 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
* David Sapp, Deputy Policy Director and Assistant Legal Counsel, SBE
* Janet Weeks, Director of Communications, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Sara Pietrowski, Policy Consultant, SBE
* Pamela Castleman, Education Programs Consultant, SBE
* Amy Bubbico, Staff Services Manager I
* Glen Price, Chief Deputy Superintendent, California Department of Education (CDE)
* Stephanie Papas, Education Policy Administrator I, CDE
* Tom Adams, Deputy Superintendent, CDE
* Nick Schweizer, Deputy Superintendent, CDE
* Keric Ashley, Deputy Superintendent, CDE
* Amy Holloway, General Counsel, CDE
* Edmundo Aguilar, Chief Counsel II, CDE

**Please note that the complete proceedings of the January 18-19, 2018, State Board of Education meeting, including closed-captioning, are available online at:** [**http://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp**](http://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp)

**CALIFORNIA STATE BOARD OF EDUCATION**

## Public Session January 18, 2018

**Thursday, January 18, 2018 – 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
* 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
* Adjournment

**President Kirst called the meeting to order at approximately 8:30 a.m.**

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

### AGENDA ITEMS

#### Item 19

**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

**SBE Recommendation**:

**ACTION 1, Election of President:** Member Straus moved to nominate Michael Kirst to the office of president for 2018, by acclamation.

Member Holaday seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** Member Kirst

**Recusals:** None

The motion passed with 10 votes.

**ACTION 2, Election of Vice President:** Member Sandoval moved to nominate Ilene Straus to the office of vice president for 2018, by acclamation.

Member Rucker seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** Member Straus

**Recusals:** None

The motion passed with 10 votes.

#### Item 01

**Subject:** Developing an Integrated Local, State, and Federal Accountability and Continuous Improvement System: Update on the California School Dashboard.

**Type of Action:** Action, Information

**CDE Recommendation:** No action is recommended at this time. The CDE also recommends that the SBE take additional action as deemed necessary and appropriate.

**ACTION:** No Action Taken.

#### Item 02

**Subject:** State Performance Plan and Annual Performance Report for Part B of the Individuals with Disabilities Education Act of 2004 covering program year 2016–17.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends the SBE review and approve the Executive Summary of the FFY 2016 APR for Part B of the IDEA covering program year 2016–17 as prepared by the SED.

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

Member Ortiz-Licon seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 03

**Subject:** Update on the Development of California’s System of Support for Local Educational Agencies and Schools.

**Type of Action:** Action,Information

**CDE Recommendation:** No action is recommended at this time. However, the CDE recommends that the SBE provide feedback on the system of support update.

The CDE also recommends that the SBE take additional action as deemed necessary and appropriate.

**ACTION:** No Action Taken.

#### Item 04

**Subject:** 2018 United States Senate Youth Program Presentation.

**Type of Action:** Information

**CDE Recommendation:** The CDE recommends that the State Board of Education (SBE) President and the SSPI present the 2018 USSYP awards to the 2018 delegates and alternates. **Mackenzie Hawkins** of Pleasanton (Alameda County), a senior at Amador Valley High School in the Pleasanton Unified School District, and **Cole McCann-Phillips** of Berkeley (Alameda County), a senior at Berkeley High School in the Berkeley Unified School District, were selected for their outstanding leadership qualities, scholastic achievement, and contributions to their schools and communities.

The first alternate is **Olivia Fu** of El Dorado Hills (El Dorado County), a senior at St. Francis Catholic School in Sacramento. The second alternate is **Steven Pineda** of Los Angeles (Los Angeles County), a senior at University High School in the Los Angeles Unified School District.

**ACTION:** No Action Taken.

#### Item 05

**Subject:** Update on the Development of the California State Plan for the Every Student Succeeds Act: Approval of the Revisions to the State Plan for Resubmission to the U.S. Department of Education and Update on the Eligibility Criteria for the Identification of the Lowest Performing Title I Schools.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the revised State Plan for submission to the ED, pending the SBE Executive Director approval of final revisions requested by the SBE and correction of any typographical errors.

The CDE also recommends that the SBE discuss the methodology used to identify the lowest-performing five percent of Title I schools. Based on guidance provided by the SBE the CDE will conduct further analyses, obtain feedback from educational stakeholders, and will bring final recommendations to the SBE.

**ACTION:** Member Sun moved to approve the CDE staff recommendation related to approval of the revised State Plan for submission to the ED, with the following additional revision.

**Proposed Amendment to Section A. 4. vi. a. Comprehensive Support and** **Improvement Schools**

Attachment 2 – page 64-65

Attachment 3 – page 62

***Strike final two paragraphs of the section that would read as revised:***

Based on the most current data, the baseline methodology does not result in the identification of at least 5 percent of the lowest performing Title I schools. Consistent with the system of meaningful differentiation described in sections A.4.v.a and A.4.v.b above, California can add color combinations beyond the color combinations included in the current simulations for the “baseline methodology” (i.e., all Red indicators + All Red indicators except for one Orange indicator) to identify additional low performing Title I schools . For example, schools with all Red indicators except one Yellow indicator *and* schools with all Red indicators except two Orange indicators are slightly higher performing than the schools included in the baseline (i.e., schools with all Red indicators except one Orange indicator). Additional color combinations that are slightly higher performing can be successively added, as necessary, until at least 5 percent of Title I schools statewide are identified.

The SBE considered additional data simulations based on the most current data available at its January 2018 meeting and will finalize the additional color combinations to be used for identifying the lowest performing Title I schools prior to initial identification of schools in 2018–19. To the extent that the approach to identification differs from what is described above, the SBE will submit a plan supplement reflecting the updated methodology.

***Replace with the following:***

The SBE will consider a proposed plan supplement at its March 2018 meeting for submission to the federal Department of Education that further describes the approach for identifying the lowest performing Title I schools.

Member Rucker seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Straus, Burr, Valdes, and Rucker.

**No votes:** Member Ortiz-Licon

Member Absent: None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 06

**Subject:** California Assessment of Student Performance and Progress: Approval of California Alternate Assessment for Science Test Blueprint, General Achievement Level Descriptors, and Score Reporting Structure, and Approval of the 2018 Local Educational Agency Apportionment Rates.

**Type of Action:** Action, Information

**CDE Recommendation:**

**California Alternate Assessment for Science**

The CDE recommends that the SBE approve and authorize CDE staff to make technical edits, as necessary, to the following draft CAA for Science-related test development documents:

* Blueprint (Attachment 1)
* General ALDs (Attachment 2)
* Score Reporting Structure

**2018 Local Educational Agency Apportionment Rates**

The CDE recommends that the SBE approve the following LEA apportionment rates for tests administered, as part of the CAASPP System, during the 2017–18 school year:

* $4.00 per pupil administered any portion of the Smarter Balanced Summative Assessments and/or California Science Test (CAST)
* $5.00 per pupil administered any portion of the CAAs and/or CAA for Science
* $5.00 per pupil administered any portion of the California Spanish Assessment (CSA)
* $2.52 per eligible English learner (EL) pupil administered, at the option of the LEA, the Standards-based Tests in Spanish (STS)
* $1.00 for preparing and providing required electronic test registration information to the contractor prior to the beginning of the LEA’s testing window for pupils mandated to be tested who were then not tested, for any reason (e.g., due to parent exemption, being absent the entire testing window, etc.)
* $2.52 per-pupil LEA apportionment reimbursement rate for CDE-certified grade two diagnostic tests administered during the 2017–18 school year, at the option and cost of the LEA per *EC* Section 60644.

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

Member Burr seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Straus, Burr, Valdes, and Rucker.

**No votes:** None

**Member Absent:** Member Ortiz-Licon

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 07

**Subject:** California Assessment of Student Performance and Progress: Approval of the Proposed Contract Renewal with Educational Testing Service for the California Assessment of Student Performance and Progress.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the proposed CAASPP contract renewal (CN150012 Amendment 5), and authorize the CDE to make technical edits as needed.

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

Member Burr seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### *Item 08 was withdrawn by the California Department of Education on December 22, 2017*

**Item 08**

**Subject:** ~~California Education for a Global Economy (CA Ed.G.E.) Initiative: Adoption of Amendments to Title 5 of the California Code of Regulations Sections 11300, 11301, 11309, 11310, and 11316 and Adoption of Proposed Sections 10200, 11311 and 11312.~~

**Type of Action:** Action, Information

### WAIVERS ON CONSENT

#### (W-01, W-03 through W-05, and W-07 through W-19)

**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 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.

Administrator/Teacher Ratio (Administrator/Teacher Ratio in Unified School Dist)

#### Item W-01

**Subject:** Request by **Surprise Valley Joint Unified School District** to waive California *Education Code* Section 41402(b), the requirement which sets the ratio of administrators to teachers for unified school districts at eight for every 100 teachers.   
Waiver Number: 8-10-2017

(Recommended for APPROVAL WITH CONDITIONS)

Federal Program Waiver (Carl D. Perkins Voc and Tech Ed Act)

#### Item W-03

**Subject:** Request by two school districts for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).

Waiver Numbers:

Cloverdale Unified – Fed-17-2017

Muroc Joint Unified School District – Fed-18-2017

(Recommended for APPROVAL)

Instructional Time Requirement Audit Penalty (Below 1982-83 Base Minimum Minutes)

#### Item W-04

**Subject:** Request by **Southern Kern Unified School District** under the authority of the California *Education Code* Section 46206(a), to waive *Education Code* Section 46201(a), the audit penalty for offering less instructional time in the 2015–16 school year for students in grades nine through twelve (shortfall of 725 minutes) at one district school.

Waiver Number: 56-6-2017

(Recommended for APPROVAL)

Out-of-State Use of Funds and Transportation Allowances (Out-of-State Use of Funds and Transportation Allowances)

#### Item W-05

**Subject:** Request by two school districts to waive a portion of California *Education Code* Section 35330(b)(3), to authorize expenditures of school district funds for students to travel out of state.  
Waiver Numbers:

Elk Grove Unified School District 16-10-2017

Ontario-Montclair Unified School District 6-9-2017  
(Recommended for APPROVAL)

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

#### Item W-07

**Subject:** Request by three school districts to waive all or portions of California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.   
Waiver Numbers:

Brea-Olinda Unified School District 20-9-2017

Claremont Unified School District 17-10-2017

Sacramento City Unified School District 14-10-2017

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-08

**Subject:** Request by **Mendota Unified School District** to waive California *Education Code* Section 15106 to allow the district to exceed its bonded indebtedness limit. Total bonded indebtedness may not exceed 2.5 percent of the taxable assessed valuation of property for unified school districts. Depending on the type of bond, a tax rate levy limit to $60 per $100,000 of assessed value for unified school districts may also apply.  
Waiver Number: 10-10-2017

(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Citizens Oversight Comittee - Term Limits)

#### Item W-09

**Subject:** Request by **Oxnard Unified School District** to waive California *Education Code* Section 15282(a), relating to term limits for members of a Citizens’ Oversight Committee for all construction bonds in the district.

Waiver Number: 1-11-2017

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-10

**Subject:** Request by **Laytonville Unified School District** to waive portions of California *Education Code* Section 5091, which will allow the board of trustees to make a provisional appointment to a vacant board position past the 60-day statutory deadline.

Waiver Number: 6-11-2017

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

#### Item W-11

**Subject:** Request by two 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 Number:

Dublin Unified School District 11-10-2017

San Marcos Unified School District 4-10-2017

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

#### Item W-12

**Subject:** Request by **Dunsmuir Elementary School District** to waive California *Education Code* Section 5020 that requires a districtwide election to reduce the number of governing board members from five to three.

Waiver Number: 11-9-2017

(Recommended for APPROVAL)

Schoolsite Council Statute (Number and Composition of Members)

#### Item W-13

**Subject:** Request by 10 local educational agencies under the authority of California *Education Code* Section 52863 for waivers of *Education Code* Section 52852, relating to schoolsite councils regarding changes in shared, composition, or shared and composition members.

Waiver Numbers:

Delano Joint Union High School 5-9-2017

Hanford Elementary School District 21-9-2017  
 Hanford Joint Union High School District 18-9-2017  
 Hilmar Unified School District 9-10-2017  
 Konocti Unified School District 7-9-2017  
 Los Angeles County Office of Education 10-9-2017  
 North Cow Creek Elementary School District 13-10-2017  
 Placer County Office of Education 15-10-2017  
 Valley Center-Pauma Unified School District 9-9-2017  
 Waugh Elementary School District 13-9-2017

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-14

**Subject:** Request by **Ventura Unified School District** to waive California *Education Code* Section 56366(d), the requirement for state certification to allow an uncertified out-of-state nonpublic school, American School for the Deaf/Positive Attitudes Concerning Education and Socialization Program, located in Hartford, Connecticut, to provide services to a California student with disabilities.

Waiver Number: 18-10-2017

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Educational Interpreter for Deaf and Hard of Hearing)

#### Item W-15

**Subject:** Requests by **Fresno County Office of Education, San Luis Coastal Unified School District, and Sutter County Office of Education** 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 Hannah DeVous, Jessica Vasquez, Kathryn Robasciotti and David O’ Campo to continue to provide services to students until June 30, 2018, under a remediation plan to complete those minimum requirements.

Waiver Numbers:

Fresno County Office of Education 14-9-2017  
 San Luis Coastal Unified School District 36-6-2017  
 Sutter County Office of Education 12-9-2017  
(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-16

**Subject:** Request by **Red Bluff Union Elementary** 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 Number: 12-10-2017

(Recommended for APPROVAL WITH CONDITIONS)

State Testing Apportionment Report (CAASPP)

#### Item W-17

**Subject:** Request by three local educational agencies to waive the State Testing Apportionment Information Report deadline as stipulated in the *California Code of Regulations*, Title 5, Section 11517.5(b)(1)(A), regarding the California English Language Development Test; or Title 5, Section 862(b)(2)(A), regarding the California Assessment of Student Performance and Progress System.

Waiver Number:

Claremont Unified School District 16-9-2017  
 Lincoln Unified School District 2-10-2017  
 Pleasant Ridge Union Elementary School District 7-10-2017

(Recommended for APPROVAL)

Community Day Schools (CDS) (Colocate Facilities)

#### Item W-18

**Subject:** Request by **Folsom-Cordova Unified School District** for a waiver of portions of California *Education Code* Section 48661(a) to permit collocation of Prospect Community Day School, a community day school, on the same site as Kinney Continuation High School, a continuation high school.  
Waiver Number: 6-10-2017

(Recommended for APPROVAL WITH CONDITIONS)

Community Day Schools (CDS) (Minimum School Day)

#### Item W-19

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

Waiver Number: 1-10-2017

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Holaday moved to approve the CDE staff recommendations for each waiver item (W-01, W-03 through W-05, and W-07 through W-19) on consent.

Member Rucker seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Straus, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### 2nd WAIVER CONSENT VOTE(W-02)

Class Size Penalties (Over Limit on Grades 1-3)

#### Item W-02

**Subject:** Request by **Calaveras Unified School District** under the authority of California *Education Code* Section 41382, to waive portions of California *Education* *Code* Section 41376(a), (c), and (d), relating to class size penalties for grades one through three. Allowable class size average is 30 to one with no class larger than 32 for grades one through three.

Waiver Number: 19-9-2017

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Sandoval moved to approve the CDE staff recommendation for waiver item W-02.

Member Straus seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Straus, Ortiz-Licon, and Valdes.

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** Member Rucker

The motion passed with 9 votes.

#### REGULAR WAIVER ITEM: INDIVIDUAL ACTION NEEDED(W-06)

Physical Education Program (Block Schedules)

#### Item W-06

**Subject:** Request by **Los Angeles Unified 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 ten school days for students in grades nine through twelve in order to implement a block schedule at East Valley High School, John H. Francis Polytechnic High School, Reseda High School, and Verdugo Hills High School.

Waiver Numbers:

East Valley High School 41-6-2017

John H. Francis Polytechnic High School 42-6-2017

Reseda High School 43-6-2017

Verdugo Hills High School 44-6-2017

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Holaday moved to approve the CDE recommendation for waiver item W-06.

Member Sun seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, and Valdes.

**No votes:** Member Rucker

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

**END OF WAIVERS**

### **REGULAR CONSENT ITEMS**

**(Item 09 through Item 17)**

#### Item 09

**Subject:** English Language Proficiency Assessments for California: Approval of the General Performance Level Descriptors for the Initial Assessment.

**Type of Action:** Action, Information

**CDE Recommendation:** The California Department of Education (CDE) recommends that the SBE approve the proposed Initial ELPAC general PLDs (Attachment 1).

#### Item 10

**Subject:** California High School Proficiency Examination: Readoption of the Finding of Emergency and Proposed Emergency Regulations for Amendments to the California Code of Regulations, Title 5, Sections 11520, 11524, 11525, and 11526.

**Type of Action:** Action, Information

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

* Approve the Finding of Emergency.
* Approve the proposed emergency regulations.
* Direct the CDE to circulate the required Notice of Proposed Emergency Action, and then submit to the OAL for readoption.
* Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the OAL during its review of the revised Finding of Emergency and readoption of the proposed emergency regulations.

#### Item 11

**Subject:** California High School Proficiency Examination: Adoption of the Amendments to the California Code of Regulations, Title 5, Sections 11520, 11524, 11525, and 11526.

**Type of Action:** Action, Information

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

* Approve the Final Statement of Reasons.
* Adopt the proposed regulations.
* Direct the CDE to submit the rulemaking file to the Office of Administrative Law (OAL) for approval.
* Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

#### Item 12

**Subject:** Approval of 2017–18 Consolidated Applications.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the 2017–18 ConApps submitted by LEAs in Attachment 1.

#### Item 13

**Subject:** 2018 Science Instructional Materials Adoption: Requests for Reduction of the Publisher Participation Fee.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the fee reductions for each publisher as listed in the 2018 Science Instructional Materials Adoption Publisher Fee Reduction Requests (Attachment 1).

#### Item 14

**Subject:** 2018 Science Instructional Materials Adoption: Approval of Evaluation Criteria and Standards Maps.

**Type of Action:** Action, Information

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

1. Approve the evaluation criteria maps and content standards maps as recommended by the Instructional Quality Commission (IQC).

#### Item 15

**Subject:** 2019 Visual and Performing Arts Standards Revision: Approval of Guidelines for the Revision of the Visual and Performing Arts Standards for California Public Schools, Prekindergarten through Grade Twelve and Appointment of Members of the Visual and Performing Arts Standards Advisory Committee.

**Type of Action:** Action,Information

**CDE Recommendation:** The California Department of Education (CDE) recommends that the SBE take the following actions:

1. Approve the *VAPA Guidelines* as recommended by the IQC.
2. Ratify recommended members to the VAPA SAC, including Armalyn De La O as Chair of the VAPA SAC, as recommended by the IQC.

#### Item 16

**Subject:** 2019 World Language Standards Revision: Approval of the Guidelines for the Revision of the World Language Standards for California Public Schools, Prekindergarten Through Grade Twelve and Appointment of Members of the World Language Standards Advisory Committee.

**Type of Action:** Action,Information

**CDE Recommendation:** The California Department of Education (CDE) recommends that the SBE take the following actions:

1. Approve the *WL Guidelines* as recommended by the IQC.
2. Ratify recommended members to the WL SAC, including applicant numbers Sarah Fox and Christine Lanphere as Co-Chairs of the WL SAC, as recommended by the IQC.

#### Item 17

**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 each charter school identified in Attachment 1.

**ACTION:** Member Straus moved to approve the CDE staff recommendations for each regular waiver item on consent (Item 09 through Item 17).

Member Rucker seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**END OF REGULAR CONSENT ITEMS**

#### *Item 18 was withdrawn by the California Department of Education on January 5, 2018.*

**~~Item 18~~**

**~~Subject:~~** ~~Superintendent Projects and Priorities: Including, but not limited to, updates on the Superintendent’s Initiatives; Continuous Improvement efforts of the California Department of Education; special presentations; and other matters of interest.~~

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

*[Note: The preceding information about Item 18, such as the Subject and Type of Action contains strikethroughs]*

**President Kirst Re-opened Item 19.**

#### Item 19

**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

**SBE Recommendation:** Approve the Preliminary Report of Actions/Minutes for the November 8-9, 2017 meeting. (Attachment 1)

**ACTION 1:** Member Burr moved to approve the Preliminary Report of Actions/Draft Minutes from the November 8-9, 2017 SBE meeting.

Member Holaday seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**ACTION 2:** Member Burr moved to approve the SBE Screening Committee recommendations for the Advisory Committee on Charter Schools (ACCS).

Member Williams seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 20

**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.

## MEETING CONTINUED

At 4:00 p.m., President Kirst continued the meeting until 8:30 am tomorrow.

President Kirst announced that tomorrow morning the SBE will be going into closed session to discuss and/or take action on the following litigation:

*Ella T. v. STATE, ET. AL.*

**CALIFORNIA STATE BOARD OF EDUCATION**

## Public Session January 19, 2018

**President Kirst called the meeting to order at approximately 8:30 a.m.**

**Friday, January 19, 2018 – 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
* 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
* Adjournment

## CLOSED SESSION

President Kirst announced that during closed session the State Board discussed and/or took action on the following case:

* *ELLA T. v. STATE, ET AL.*

## *AGENDA ITEMS*

### **PUBLIC HEARINGS**

**President Kirst opened the public hearing at 9:32 a.m.**

**President Kirst closed the public hearing at 10:23 a.m.**

#### Item 21

**Subject:** Proposed Formation of a New Alpine Unified School District from the Alpine Union Elementary School District and Corresponding Portion of the Grossmont Union High School District in San Diego County.

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

**CDE Recommendation:** The CDE recommends the SBE disapprove the proposal to create a new Alpine unified school district from the Alpine UESD and corresponding portion of the Grossmont UHSD.

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

Member Burr seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Kirst, Straus, Burr, Ortiz-Licon, Valdes, and Rucker.

**No votes:** Member Sun

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 22 was withdrawn by the petitioner on January 11, 2018

**Item 22**

**Subject:** ~~Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Pacific Valley Charter Academy, which was denied by the Vacaville Unified School District and the Solano County Office of Education.~~

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

**President Kirst opened the public hearing at 11:30 a.m.**

**President Kirst closed the public hearing at 12:37 p.m.**

#### Item 23

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Perseverance Preparatory School, which was denied by the San Jose Unified School District and the Santa Clara County Board of Education.

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

**CDE Recommendation:** The California Department of Education (CDE) proposes to recommend that the SBE hold a public hearing to approve the request to establish PPS, a grade five through grade eight charter school, for a five-year term effective July 1, 2018, through June 30, 2023. Upon fulfilling all specified conditions within the established timelines, PPS shall be considered a charter authorized under the oversight of the SBE based on the CDE’s findings pursuant to *EC* sections47605(b)(1), 47605(b)(2), 47605(b)(3), 47605(b)(4), 47605(b)(5), 47605(b)(6), and *California Code of Regulations*, Title 5 Section 11967.5.1. The meeting notice for the December 7, 2017, Advisory Commission on Charter Schools (ACCS) meeting is located on the SBE ACCS Web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice120717.asp>.

The CDE recommends the following conditions to be met as outlined and prior to PPS opening for operation in 2018–19:

* **By January 30, 2018,** provide evidence that the PPS Board has accepted the SBE conditions of authorization.
* **By February 15, 2018,** the PPS Board will provide the CDE with a revised charter petition containing the necessary changes needed to reflect the SBE as the authorizing entity.
* **By May 15, 2018,** the PPS Board will provide the CDE with verifiable and substantive evidence that PPS has received the funding anticipated from Silicon Schools Fund.
* **By May 15, 2018,** the PPS Board will provide the CDE with a fully executed facility lease agreement.
* **By June 15, 2018,** the PPS Board will provide the CDE with a revised 2018–19 budget, with complete narrative and assumptions.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the PPS petition for establishment at its December 7, 2017, meeting. The ACCS moved staff recommendation to approve the PPS petition for establishment with conditions. The motion passed unanimously.

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

Member Williams seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Straus, Burr, and Valdes.

**No votes:** None

**Member Absent:** Member Rucker

**Abstentions:** Member Ortiz-Licon

**Recusals:** None

The motion passed with 9 votes.

**President Kirst opened the public hearing at 1:21 p.m.**

**President Kirst closed the public hearing at 2:23 p.m.**

#### Item 24

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Promise Academy, which was denied by the San Jose Unified School District and the Santa Clara County Board of Education.

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

**CDE Recommendation:** The California Department of Education (CDE) proposes to recommend that the SBE hold a public hearing to deny the request to establish Promise Academy (PA). The meeting notice for the December 7, 2017, Advisory Commission on Charter Schools (ACCS) meeting is located on the SBE ACCS Web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice120717.asp>.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the PA petition for establishment at its December 7, 2017, meeting. The ACCS moved CDE staff recommendation to deny the PA petition. The motion did not pass by a vote of three to two. Five votes are required to move an ACCS motion forward to the SBE; therefore, no recommendation moved.

**ACTION:** Member Williams moved to approve Promise Academy (PA) as a grade TK through grade eight school for a five-year term effective July 1, 2018 through June 30, 2023 upon fulfillment of the following:

The Promise Academy Board will provide the CDE with a revised budget with positive three-year ending funding balances, a revised petition that reflects the SBE as authorizer, and a fully executed facilities lease agreement by June 15, 2018.

Member Holaday seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Williams, Sun, Kirst, Straus, Burr, Ortiz-Licon, and Valdes.

**No votes:** None

**Member Absent:** Member Rucker

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

**President Kirst opened the public hearing at 3:14 p.m.**

**President Kirst closed the public hearing at 3:50 p.m.**

#### Item 25

**Subject:** Beacon Classical Academy: Take Action to Uphold the National School District Revocation of Beacon Classical Academy Pursuant to California Education Code Section 47607(f)(4).

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to consider the CDE’s recommendation to uphold the National School District (NSD) revocation of Beacon Classical Academy (BCA). The Meeting Notice for the December 8, 2017, ACCS meeting is posted on the SBE ACCS Web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice120717.asp>.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the BCA revocation appeal at its December 7, 2017, meeting. Due to a lack of quorum, there was no motion made and no recommendation moved to the SBE.

**ACTION:** Member Holaday moved to approve the CDE staff recommendation to uphold the NSD revocation of BCA.

Member Sandoval seconded the motion.

**Yes votes:** Members Holaday, Gray, Sandoval, Sun, Kirst, Straus, Burr, Ortiz-Licon, and Valdes.

**No votes:** None

**Members Absent:** Members Rucker and Williams

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

## END OF HEARINGS

## ADJOURNMENT OF MEETING

President Kirst adjourned the meeting at approximately 4:00 p.m.