

# California State Board of EducationFinal Minutes January 18, 2024

## Members Present

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

## Members Participating Remotely

* Gabriela Orozco-Gonzalez

## Members Absent

* None

## Principal Staff

* Jessica Holmes, Chief Deputy Executive Director, State Board of Education (SBE)
* Lisa Constancio, Senior Deputy Director, SBE
* Kirin Gill, Chief Counsel, SBE
* Alex Traverso, Communications Director, SBE
* Rigel Massaro, Deputy Legal Counsel and Deputy Policy Director, SBE
* Laura Rodriguez, Senior Policy Director, SBE
* Debra Brown, Senior Policy Advisor, 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)
* Len Garfinkel, General Counsel, CDE
* Erika Torres, Deputy Superintendent, 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 January 18, 2024 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 EducationPublic Session January 18, 2024

**Thursday, January 18, 2024 – 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
* Swearing-in of Board Members (James J. McQuillen, Kim Pattillo Brownson, and Haydee Rodriguez)
* 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 8:30 a.m.**

**President Darling-Hammond administered the oath of office to Members McQuillen, Pattillo Brownson, and Rodriguez.**

### AGENDA ITEMS

#### 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.

**Summary of the Issue:**

* Election of Officers
* State Superintendent of Public Instruction’s Report
* State Board of Education President’s Report

**ACTION 1:** **Election of President:** Member Glover Woods moved to nominate Linda Darling-Hammond to the office of president for 2024.

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

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**ACTION 2:** **Election of Vice President:** Member Lewis moved to nominate Cynthia Glover-Woods to the office of vice-president for 2024.

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

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

Following the Election of Officers, the SBE listened to the following:

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

#### Item 02

**Subject:** 2024 United States Senate Youth Program (USSYP): Recognition of California’s Selected Student Delegates and Alternates.

**Type of Action:** Information

**Recommendation:** The CDE recommends that the SBE President and the SSPI present the 2024 USSYP and recognize the 2024 delegates Aaron Combs and Emi Sakamoto, and alternates Mahee Haswani and Laila Ali.

**ACTION:** No Action Taken.

### CLOSED SESSION

President Darling-Hammond announced that in Closed Session the Board will discuss and/or take action on the following cases:

* *Mirabelli v. Olson*

### REPORT OUT OF CLOSED SESSION

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

* *Mirabelli v. Olson*

#### Item 03

**Subject:** California Assessment of Student Performance and Progress: Approval of the Receipt of the California Science Test Innovations Concept Paper.

**Type of Action:** Action,Information

**Recommendation:** The CDE recommends that the SBE approve the receipt of the CAST Innovations Concept Paper provided in Attachment 1, pursuant to Task 6.8 of the California Assessment System contract number CN220002.

The CDE also requests feedback about the concepts outlined in the paper and direction from the SBE on next steps.

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

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:** 2025 California Mathematics Instructional Materials Adoption: Approval of the Schedule of Significant Events, Reviewer Application, Adoption Notice, Criteria Map, and Standards Maps.

**Type of Action:** Action, Information

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

1. Draft 2025 California Mathematics Instructional Materials Adoption Notice of Intent
2. Draft 2025 California Mathematics Adoption of Instructional Materials Schedule of Significant Events
3. Draft 2025 California Mathematics Adoption of Instructional Materials Online Application to Serve on the Review Panel
4. Draft 2025 Evaluation Criteria Map for the California Mathematics Adoption of Instructional Materials
5. Draft 2025 Standards Maps Templates for the California Mathematics Adoption of Instructional Materials

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

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

The motion passed with 11 votes.

#### Item 05

**Subject:** State Annual Performance Report for Part B of the Individuals with Disabilities Education Act (IDEA) of 2004 covering program year 2022–23.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends the SBE review and approves the Executive Summary of the FFY 2022 APR for Part B of the IDEA covering program year 2022–23 as prepared by the Special Education Division (SED).

**ACTION:** Member Yoshimoto-Towery 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.

### REGULAR CONSENT ITEMS(Item 06 through Item 15)

#### Item 06

**Subject:** Reading Difficulties Risk Screener Selection Panel (RDRSSP) Governing Policy

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

**Recommendation:** The SBE staff recommends that the SBE approve the proposed RDRSSP Governing Policy included in Attachment 1.

#### Item 07

**Subject:** Request to Ratify a Letter to the U.S. Department of Education Regarding 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 Reading/Language Arts, Mathematics, and Science.

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

**Recommendation:** The CDE recommends that the SBE ratify the response letter submitted to the ED regarding the 1.0 percent cap on the percentage of eligible students with the most significant cognitive disabilities who may be assessed with an AA-AAAS for reading/language arts, mathematics, and science as provided in Attachment 1.

#### Item 08

**Subject:** Developing an Integrated Local, State, and Federal Accountability and Continuous Improvement System: Recommended Action Regarding the Local Indicator Self-Reflection Tool for Priority 6: School Climate.

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

**Recommendation:** The CDE recommends that the SBE approve the proposed revisions to the Local Indicator Self-Reflection Tool for Priority 6: School Climate as outlined in Attachment 2. Additionally, the CDE recommends that the SBE provide further guidance on these recommendations and take additional action as deemed necessary and appropriate.

#### Item 09

**Subject:** California High School Proficiency Examination: Adopt the Final Statement of Reasons and the Proposed Amendments to the *California Code of Regulations,* Title 5, Section 11520.

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

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

* Approve the Final Statement of Reasons
* Adopt the proposed regulations
* Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the Office of Administrative Law during its review of the Final Statement of Reasons.

#### Item 10

**Subject:** High School Equivalency Program: Adopt the Final Statement of Reasons and the Proposed Amendments to the California Code of Regulations, Title 5, Article 2 title, sections 11530 and 11531, the deletion of Section 11532, and the addition of Section 11532.5.

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

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

* Approve the Final Statement of Reasons
* Adopt the proposed regulations
* Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the Office of Administrative Law during its review of the Final Statement of Reasons.

#### Item 11

**Subject:** Consideration of a Retroactive Request for Determination of Funding as Required for a Nonclassroom-Based Charter School Pursuant to California *Education Code* sections 47612.5 and 47634.2, and Associated *California Code of Regulations*, Title 5.

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

**Recommendation:** The CDE recommends that the SBE approve the school’s determination of funding request at 100 percent for the time period specified in Attachment 1.

#### Item 12

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

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

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

#### Item 13

**Subject:** State Educational Agency Approval of the 2023–24 Local Educational Agency Comprehensive Support and Improvement Plans Authorized Under the Every Student Succeeds Act Section 1111(d).

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

**Recommendation:** The CDE recommends that the SBE take action to approve the Comprehensive Support and Improvement (CSI) plans for the 2023–24 SY for the LEAs listed in Attachment 1.

#### Item 14

**Subject:** Approval of the fiscal year 2023–24 Career Technical Education Incentive Grant Allocations, Including the Allocation Formula; Specific Funding Amounts and Number of Grant Awards; Purposes for Grant Fund Use; and Allowable and Non-Allowable Expenditures.

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

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

* Proposed CTEIG Allocation Formula (Attachment 1)
* Specific Proposed Funding Amounts and Number of Grant Awards (Attachment 2)
* Purposes for which grant funds may be used/minimum eligibility standards
* Allowable and non-allowable expenditures

#### Item 15

**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 Rodriguez moved to approve the CDE staff recommendations for each regular item on consent (Item 06 through Item 15).

Member Glover Woods seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** Members Escobedo and Olken

The motion passed with 9 votes.

#### *END OF REGULAR CONSENT ITEMS*

### REGULAR AGENDA ITEMS CONTINUED

#### Item 16

**Subject:** Reading Difficulties Risk Screener Selection Panel: Recommendation of Independent Experts to Serve as Panel Members.

**Type of Action:** Action, Information

**Recommendation:** The SBE Screening committee recommends that the SBE approve the recommended Reading Difficulties Risk Screener Selection Panel (RDRSPP) members as identified in Attachment 1. During their presentation on this item, staff for CDE clarified that recommended panelist Carlin Graveline had left her employment with Mind By Design to transition to a sole proprietorship.

**ACTION:** Member Glover Woods moved to approve the recommended list of members, with the amendment that if any of the members on the list are found to have a conflict of interest during their term they may be removed from the panel.

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 17

**Subject:** Request to approve revisions to the criteria and standards for local educational agency fiscal stability.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE adopt the attached revisions to the criteria and standards for the 2024–25 fiscal year. Once adopted, the revisions will be incorporated into *5* *CCR* as shown in Attachments 2 and 3.

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

Member McQuillen 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:** Member Yoshimoto-Towery

The motion passed with 10 votes.

#### Item 18

**Subject:** Update on the California Department of Education's Artificial Intelligence Guidance and Support for Districts, including a practitioner’s perspective of artificial intelligence in education.

**Type of Action:** Information

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

**ACTION:** No Action Taken.

### WAIVERS/ACTION AND CONSENT ITEMS

*(W-01 through W-05)*

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.

Physical Education Program (Block Schedules)

#### Item W-01 General

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

Waiver Number: 1-8-2023

(Recommended for APPROVAL WITH CONDITIONS)

Physical Fitness Testing (Physical Fitness Testing)

#### Item W-02 General

**Subject:** Request by **Jefferson Union High School District** to waive portions of the California *Education Code* Section 60800(a) Relating to Physical Fitness Testing, Specifically the Testing Window of February 1 through May 31, to be Moved to Fall Semester Physical Education Classes.

Waiver Number: 3-8-2023

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

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

#### Item W-03 General

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

Waiver Number:

* Bear Valley Unified School District 6-8-2023
* Downey Unified School District 3-10-2023
* San Diego Unified School District 1-9-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-04 Specific

**Subject:** Request by the **Curtis Creek Elementary School District and Tuolumne County Special Education Local Plan Area** to retroactively 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 middle school student with disabilities at the Judge Rotenberg Education Center, an uncertified non-public school for students with disabilities with a residential treatment center, in Canton, Massachusetts.

Waiver Number: 5-12-2022

(Recommended for APPROVAL)

Other Waivers (Other Waivers)

#### Item W-05 General

**Subject:** Request by the **Inyo County Office of Education** to waive California *Education Code* Sections 44877, 49422, 49423.5, 49426, 49452, and 49480, relating to the credentialed school nurse requirement.

Waiver Number: 2-8-2023

(Recommended for DENIAL)

**ACTION:** Member Glover Woods moved to approve the CDE staff recommendations for each waiver item on consent (Item W-01 through W-05).

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

The motion passed with 11 votes.

#### *END OF WAIVER CONSENT ITEMS*

### PUBLIC HEARING

#### Item 19

**Subject:** Appeal of an Action of the Los Angeles County Committee on School District Organization to Approve a Petition to Transfer Territory from the Glendale Unified School District to the La Cañada Unified School District.

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

**Recommendation:** The CDE recommends that the SBE deny the appeal, thereby affirming the decision of the County Committee to approve the Petition and allowing the territory transfer to proceed.

**President Darling-Hammond opened the public meeting at approximately 3:58 p.m.**

**President Darling-Hammond closed the public hearing at approximately 5:10 p.m.**

**ACTION 1:** Member Escobedo moved to uphold the CDE decision to deny the appeal by Glendale Unified School District and approve the petition to allow the territory transfer to proceed.

Member Olken seconded the motion.

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

**No votes:** Members Rodriguez and Yoshimoto-Towery

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

**ACTION 2:** Member Escobedo moved to include only the Sagebrush transfer area, the territory proposed for reorganization for elections to take place.

Member Lewis seconded the motion.

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

**No votes:** Members Rodriguez and Yoshimoto-Towery

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

Motion passed with 9 votes.

#### *END OF PUBLIC HEARING*

#### 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:** The SBE staff recommends that the SBE approve the Preliminary Report of Actions/Draft Meeting Minutes for the November 8-9, 2023, SBE meeting.

**ACTION:** Member Glover Woods moved to approve the Preliminary Report of Actions/Draft Meeting Minutes for the November 8-9, 2023, SBE meeting.

Member Escobedo 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 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.

### ADJOURNMENT OF THE MEETING

**President Darling-Hammond adjourned the meeting at approximately 6:00 p.m.**