

# California State Board of Education Final Minutes September 6-7, 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
* Gema Q. Cardenas, Student Member
* Tom Torlakson, State Superintendent of Public Instruction (SSPI)

## Member Absent

Tom Torlakson, State Superintendent of Public Instruction (Thursday Only)

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

**Please note that the complete proceedings of the September 6-7, 2018 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 September 6, 2018

**Thursday – September 6, 2018 Pacific Time ±**California Department of Education  
1430 N Street, Room 1101  
Sacramento, California 95814

* Call to Order
* Salute to the Flag
* Communications
* Announcements
* Report of the State Superintendent of Public Instruction
* Special Presentations
  + *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Continuance

**President Kirst called the meeting to order at approximately 8:30 a.m., and then administered the Oath to Student Board Member Cardenas.**

**Report of the State Superintendent of Public Instruction (SSPI)**

### AGENDA ITEMS DAY 1

#### Item 01

**Subject:** Developing an Integrated Local, State, and Federal Accountability and Continuous Improvement System: Approval of the New Measures for the College/Career Indicator, Methodology for the Chronic Absenteeism Indicator, Cut Scores for the Dashboard Alternative Schools Status One-Year Graduation Rate, Reporting of the Five-Year Graduation Rate, and an Update on the California School Dashboard.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve: (1) the inclusion of the State Seal of Biliteracy, Golden State Seal Merit Diploma, and Leadership/Military Science: Reserve Officer Training Corps (ROTC) as additional measures in the College/Career Indicator, (2) the methodology for the Chronic Absenteeism Indicator, (3) the proposed cut scores for the Dashboard Alternative School Status one-year graduation, and (4) the reporting of the five-year graduation rate in the California School Dashboard.

**ACTION:**

Member Straus moved approval of the CDE staff recommendations with the exception of including the California Assessment of Student Performance and Progress (CAASPP) Mathematics assessment requirement as part of the State Seal of Biliteracy for the purposes of the College/Career Indicator.

Member Burr seconded the motion.

Member Straus then accepted Member Sun’s amendment to the motion to remove the Golden State Seal Merit Diploma from the College/Career indicator.

Member Straus then accepted member Holiday’s amendment to remove reference to the Reserve Officer Training Corps (ROTC) in the College/Career indicator.

Member Burr accepted the amended motion

The final motion is as follows:

Member Straus moved approval of: (1) the inclusion of the State Seal of Biliteracy without the CAASPP Mathematics requirement, and Leadership/Military Science as additional measures in the College/Career Indicator, (2) the methodology for the Chronic Absenteeism Indicator, (3) the proposed cut scores for the Dashboard Alternative School Status one-year graduation, and (4) the reporting of the five-year graduation rate in the California School Dashboard.

**Yes votes:** Members Holaday, Cardenas, 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 02

**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 requests 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 03

**Subject:** California Assessment of Student Performance and Progress: Update on Program Activities Related to the California Assessment of Student Performance and Progress System, Including But not Limited to, a Presentation on the Electronic Reporting Pilot.

**Type of Action:** Information

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

**ACTION:** No Action Taken.

### PUBLIC HEARINGS

#### Item 04

**Subject:** Chief Petitioner Appeal from an Action of the San Mateo County Committee on School District Organization to Disapprove a Petition to Transfer Territory from the Ravenswood City Elementary School District to the Menlo Park City Elementary School District in San Mateo County.

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

**CDE Recommendation:** The CDE recommends that the SBE affirm the unanimous action of the County Committee to disapprove the proposal to transfer territory from the Ravenswood CESD to the Menlo Park CESD.

**President Kirst opened the public hearing at 3:34 p.m.**

**President Kirst closed the public hearing at 4:13 p.m.**

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

Member Ortiz-Licon seconded the motion.

**Yes votes:** Members Holaday, Cardenas, 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.

*Items 5 and 6 were heard together.*

#### Item 05

**Subject:** La Honda-Pescadero Unified School District Appeal from an Action of the San Mateo County Committee on School District Organization to Approve a Petition to Transfer Territory from the La Honda-Pescadero Unified School District to the Portola Valley Elementary School District and the Sequoia Union High School District in San Mateo County.

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

**CDE Recommendation:** The CDE recommends that the SBE affirm the action of the County Committee to approve the proposal to transfer territory from the La Honda-Pescadero USD to the Portola Valley ESD and the Sequoia UHSD. The CDE further recommends that the SBE establish the area proposed for transfer as the election area.

#### Item 06

**Subject:** Chief Petitioner Appeal from an Action of the San Mateo County Committee on School District Organization to Approve a Petition to Transfer Territory from the La Honda-Pescadero Unified School District to the Portola Valley Elementary School District and the Sequoia Union High School District in San Mateo County.

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

**CDE Recommendation:** The CDE recommends that the SBE summarily deny review of the appeal (an option allowed under *Education Code* Section 35710.5).

**President Kirst opened the public hearing for Items 5 and 6 at 4:37 p.m.**

**President Kirst closed the public hearing at 4:59 p.m.**

**ACTION 1:** Member Holaday moved to approve the CDE staff recommendation for Item 5.

Member Rucker seconded the motion.

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

**No votes:** Members Burr and Ortiz-Licon

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

**ACTION 2:** Member Holaday moved to approve the CDE staff recommendation for Item 6.

Member Williams seconded the motion.

**Yes votes:** Members Holaday, Cardenas, Sandoval, Williams, Kirst, Straus, Valdes, and Rucker.

**No votes:** Members Burr, Ortiz-Licon, and Sun

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 8 votes.

*END OF PUBLIC HEARINGS*

### AGENDA ITEMS DAY 1 Continued

#### Item 07

**Subject:** Computer Science Standards for California Public Schools, Kindergarten Through Grade Twelve, 2018: Adoption.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE and the Instructional Quality Commission (IQC) recommend that the SBE adopt the draft *CA Computer Science Standards.*

**ACTION:** Member Williams moved to approval of the *CA Computer Science Standards*.

Member Sun seconded the motion.

**Yes votes:** Members Holaday, Cardenas, 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

**Subject:** Recommendations of the California Computer Science Strategic Implementation Plan Panel.

**Type of Action:** Information

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

**ACTION:** No Action Taken.

### CONTINUATION OF MEETING

**At approximately 6:30 p.m., President Kirst announced the continuation of the meeting at 8:30 a.m. on Friday.**

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

* *CAPEEEM v. State*
* *Options for Youth – Burbank v. Education Audits Appeal Panel, CDE, SBE, State of California*

## California State Board of Education Public Session September 7, 2018

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

**Friday, September 7, 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 cases:

* *CAPEEEM v. State*
* *Options for Youth – Burbank v. Education Audits Appeal Panel, CDE, SBE, State of California*

### AGENDA ITEMS DAY 2

#### Item 10

**Subject:** Career Technical Education in California: Overview of the Purview of the California Workforce Pathways Joint Advisory Committee; Review of K–12 Career Technical Education Funding; and Brief Summary of the Federal Strengthening Career Technical Education for the 21st Century Act.

**Type of Action:** Information

**CDE Recommendation:** There is no recommendation, as this item is provided for information only.

**ACTION:** No Action Taken.

### WAIVERS ON CONSENT (W-01 through W-17)

The following agenda items include waivers that are proposed for consent and those waivers scheduled for separate action because CDE staff has identified possible opposition, recommended denial, or determined may present new or unusual issues that should be considered by the State Board. Waivers proposed for consent are so indicated on each waiver’s agenda item; however, any board member may remove a waiver from proposed consent and the item may be heard individually. On a case-by-case basis, public testimony may be considered regarding the item, subject to the limits set by the Board President or by the President's designee; and action different from that recommended by CDE staff may be taken.

Charter School Program (Nonclassroom-Based Funding)

#### Item W-01

**Subject:** Request by local four educational agencies to waive portions of *California Code of Regulations*, Title 5, Section 11963.6(c), relating to the submission and action on determination of funding requests regarding nonclassroom-based instruction.  
Waiver Numbers: Adelanto Elementary School District 3-5-2018

* Butte County Office of Education 11-5-2018
* Imperial County Office of Education 1-7-2018
* Vacaville Unified School District 4-5-2018

(Recommended for APPROVAL)

Community Day Schools (CDS) (Commingle Grade Levels)

#### Item W-02

**Subject:** Request by Chawanakee Unified School Districtfor a renewal waiver of California *Education Code* Section 48916.1(d), and portions of California *Education Code* Section 48660 to permit a community day school to serve students in grades four through twelve.  
Waiver Number: 15-6-2018

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

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

#### Item W-03

**Subject:** Request by eight 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: Butte Valley Unified School District Fed-6-2018  
Health Sciences High Fed-9-2018

* Lucerne Valley Unified School District Fed-3-2018
* Sierra-Plumas Joint Unified School District Fed-8-2018
* Sutter Union High School District Fed-2-2018
* Warner Unified School District Fed-4-2018
* Westwood Unified School District Fed-5-2018
* Wheatland Union High School District Fed7-2018

(Recommended for APPROVAL)

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

#### Item W-04

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

* Fountain Valley Elementary School District 18-5-2018
* Lake Elsinore Unified School District 24-5-2018
* Orcutt Union Elementary School District 3-6-2018
* San Bruno Park Elementary School District 16-5-2018

(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness Limit - Non-Unified after 2000)

#### Item W-05

**Subject:** Request by the Lakeside Union Elementary School District to waive California *Education Code* (*EC*) 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. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value may also apply.

Waiver Number: 16-6-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-06

**Subject:** Request by Stockton Unified School District to waive a portion of California *Education Code* section15270(a) to allow the District to exceed its bonded indebtedness limit. Total bonded indebtedness may not exceed 3.170 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 Numbers:

* 4-6-2018
* 5-6-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-07

**Subject:** Request by Igo, Ono, Platina Union Elementary 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: 30-6-2018

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

#### Item W-08

**Subject:** Request by Palo Verde Union Elementary School 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: 9-6-2018

(Recommended for APPROVAL)

Schoolsite Council Statute (Number and Composition of Members)

#### Item W-09

**Subject:** Request by eight 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:

* Butte County Office of Education 27-6-2018
* Butte County Office of Education 28-6-2018
* Butte County Office of Education 29-6-2018
* Chawanakee Unified School District 30-5-2018
* Del Norte County Office of Education 26-5-2018
* Fowler Unified School District 13-5-2018
* Hanford Joint Union High School 7-6-2018
* Igo, Ono, Platina Union Elementary School District 6-5-2018
* Redding Elementary School District 13-6-2018
* San Marcos Unified School District 2-6-2018

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Algebra I Requirement for Graduation)

#### Item W-10

**Subject:** Request by two local education agencies to waive, for two students with disabilities, California *Education Code* Section 51224.5(b), the requirement that all students complete a course in Algebra I (or equivalent) to be given a diploma of graduation, consistent with *Education Code* Section 56101.  
Waiver Numbers:

* Capistrano Unified School District 31-6-2018
* Natomas Unified School District 7-5-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-11

**Subject:** Request by Chico Unified School District to waive California *Education Code* Section 56366.1(a), the requirement for state certification to allow the uncertified out-of-state nonpublic school, White River Academy located in Delta, Utah, to provide services to one student with disabilities.

Waiver Number: 20-5-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-12

**Subject:** Requests by two County Offices of Educationto 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 Christina Corley Cradduck, Crystal Snow and Courtney Fair to continue to provide services to students until June 30, 2019, under a remediation plan to complete those minimum requirements.

Waiver Numbers:

* Santa Barbara County Office of Education 28-5-2018
* Santa Barbara County Office of Education 29-5-2018
* Shasta County Office of Education 5-5-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-13

**Subject:** Request by five local educational agencies to waive *California Code of Regulations,* Title 5, Section 3043(d), which requires a minimum of 20 school days for an extended school year (summer school) for students with disabilities.

Waiver Numbers:

* Bakersfield City Schools 25-5-2018
* Imperial County Office of Education 14-5-2018
* Meadows Union Elementary 23-5-2018
* Rialto Unified School District 21-5-2018
* Westmorland Union Elementary School District 1-6-2018

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

#### Item W-14

**Subject:** Request by two local educational agencies to waive *Education Code* Section 56362(c), allowing the caseloads of resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).  
Waiver Numbers:

* Tehama County Office of Education 2-5-2018
* Waterford Unified School District 12-5-2018

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

#### Item W-15

**Subject:** Request by Turlock Unified School District to waive *Education Code* Section 56362(c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). Gina Habit assigned at Brown Elementary

Waiver Number: 6-6-2018

(Recommended for APPROVAL WITH CONDITIONS)

Charter School Program (Geographic Limitations - Non-classroom Based)

#### Item W-16

**Subject:** Request by Dehesa Elementary School District, located in San Diego County, as chartering authority on behalf of Dehesa Charter School, a solely nonclassroom-based charter school, to waive *Education Code* Section 47605.1(c)(2), to permit Dehesa Charter School to operate three otherwise nonconforming resource centers in Riverside County.   
Waiver Number: 17-6-2018

(Recommended for DENIED)

School District Reorganization (Lapsation of a Small District)

#### Item W-17

**Subject:** Request by Desert Center Unified School District to waive California *Education Code* Section 35780(a), which requires lapsation of a district with an average daily attendance of less than 11 in ninth through twelfth grades.  
Waiver Number: 10-6-2018

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Rucker moved to approve the CDE staff recommendations for each waiver item on consent (Item W-01 through Item W-17).

Member Sandoval seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** Member Sun

The motion passed with 10 votes.

**END OF WAIVERS**

### REGULAR CONSENT ITEMS (Item 11 through Item 14)

#### Item 11

**Subject:** Approval of 2018–19 Consolidated Applications.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the 2018–19 ConApps submitted by LEAs in Attachment 1.

#### Item 12

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

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE proposes to recommend that the SBE approve the determination of funding for the periods specified for the nonclassroom-based charter schools as provided in Attachments 1 and 2.

#### Item 13

**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.

#### Item 14

**Subject:** Nutrition Guidelines for School Breakfast and Lunch: Approve Commencement of the Rulemaking Process for Amendments to the California Code of Regulations, Title 5 (5 CCR), Division 1, Chapter 15, Subchapter 1, Article 4 Sections 15551, 15558, 15559, and 15560.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE is recommending that the State Board of Education (SBE) take the following actions:

* Approve the Notice of Proposed Rulemaking (Notice).
* Approve the Initial Statement of Reasons (ISOR).
* Approve the proposed amended regulations.
* Direct the CDE to commence the rulemaking process.
* Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the Office of Administrative Law during its review of the Notice, ISOR, and proposed regulations.

**ACTION 1 (Regular Consent Item 11 for two schools on the Consolidated Applications list in Attachment 1, numbered 653 (Hemet Unified) and 1030(Natomas Unified)):** Member Rucker moved to approve the CDE staff recommendation for regular consent Item 11 for two schools on the Consolidated Applications list in Attachment 1, numbered 653 and 1030.

Member Holaday seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** Members Valdes and Sun

The motion passed with 9 votes.

**ACTION 2 (Regular Consent Item 11 for the rest of the schools on the Consolidated Applications list in Attachment 1):** Member Rucker moved to approve the CDE staff recommendations for regular consent Item 11 for the rest of the schools on the Consolidated Applications list in Attachment 1.

Member Holaday seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** Members Straus and Ortiz-Licon

The motion passed with 9 votes.

**Action 3 (Regular Consent Item 12 through Item 14):** Member Rucker moved to approve the CDE staff recommendations for each regular item on consent (Item 12 through Item 14).

Member Holaday seconded the motion.

**Yes votes:** Members Holaday, Cardenas, 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.

*END OF REGULAR CONSENT ITEMS*

### PUBLIC HEARINGS

#### Item 15

**Subject:** Perseverance Preparatory School: Consider a Material Revision of the Charter to Change from Opening 2018–19 to 2019–20.

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

**CDE Recommendation:** The CDE proposes to recommend that the SBE hold a public hearing to approve the request for the material revision of the Perseverance Preparatory School (PPS) petition to change from opening 2018–19 to 2019–2020, for a five-year term, of July 1, 2018, through June 30, 2023, under the oversight of the SBE, based on the CDE’s findings pursuant to *Education Code* (*EC*) sections 47605(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 CDE finds that the PPS petition is consistent with sound educational practice and the petitioners are demonstrably likely to successfully implement the intended program.

The CDE finds that that the PPS petition does provide a reasonably comprehensive description of most of the required elements. If approved by the SBE, as a condition for approval, the PPS petitioner will be required to revise the petition and include the necessary language for the following required charter elements: measurable pupil outcomes (MPOs) and suspension and expulsion procedures.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the request for a material revision of the PPS charter petition at its August 14, 2018, meeting. The ACCS moved CDE staff recommendation to approve the request for a material revision of the PPS charter petition. The motion passed unanimously.

**President Kirst opened the public hearing at 10:20 a.m.**

**President Kirst closed the public hearing at 10:26 a.m.**

**ACTION:** Member Holaday moved to approve the CDE staff recommendation to approve the request for a material revision of the Perseverance Preparatory School charter petition.

Member Williams seconded the motion.

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

**No votes:** Members Valdes and Rucker

**Member Absent:** None

**Abstentions:** Members Ortiz-Licon and Cardenas

**Recusals:** None

The motion passed with 7 votes.

#### Item 16

**Subject:** Promise Academy: Consider a Material Revision of the Charter to Change from Opening 2018–19 to 2019–20.

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

**CDE Recommendation:** The CDE proposes to recommend that the SBE hold a public hearing to approve the request for a material revision of the Promise Academy (PA) charter petition to change from opening 2018–19 to 2019–2020, under the oversight of the SBE, based on the CDE’s findings pursuant to *Education Code* (*EC*) sections47605(b)(5), and Title 5, *California Code of Regulations* (5 *CCR*) Section 11967.5.1.

The CDE finds that the PA petition is consistent with sound educational practice and the petitioners are demonstrably likely to successfully implement the intended program set forth in the petition provided they secure funding as stated in the petition.

The CDE finds that the PA petition does provide a reasonably comprehensive description of most of the required elements. If approved by the SBE, as a condition for approval, the PA petitioner will be required to revise the petition and include the necessary language for the following required charter elements: description of educational program, measurable pupil outcomes (MPOs), governance structure, and suspension and expulsion procedures.

The meeting notice for the August 14, 2018, Advisory Commission on Charter Schools (ACCS) meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice081218.asp>.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the request for a material revision to the PA charter petition at its August 14, 2018, meeting. The ACCS moved CDE staff recommendation to approve the request for a material revision to the PA charter petition. The motion passed unanimously.

**President Kirst opened the public hearing at 10:57 a.m.**

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

**ACTION:** Member Holaday moved to approve the CDE staff recommendation to approve the request for a material revision of Promise Academy.

Member Williams seconded the motion.

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

**No votes:** Members Rucker and Valdes

**Member Absent:** None

**Abstentions:** Member Cardenas

**Recusals:** None

The motion passed with 8 votes.

#### Item 17

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Rocketship San Pablo Elementary, which was denied by the West Contra Costa Unified School District and the Contra Costa County Board of Education.

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

**CDE Recommendation:** The CDE proposes to recommend that the SBE hold a public hearing to deny the request to establish Rocketship San Pablo Elementary (RSPE), a TK/K through grade five charter school, under the oversight of the SBE, based on the CDE’s findings pursuant to *Education Code* (*EC*)sections47605(b)(2) and 47605(b)(5), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1.

The RSPE petitioners are unable to successfully implement the intended program as the petitioner has presented an unrealistic financial and operational plan for the proposed charter school.

Additionally, the CDE finds that the RSPE petition does not provide a reasonably comprehensive description of the educational program, measurable pupil outcomes (MPOs), employee qualifications, health and safety procedures, and suspension and expulsion procedures.

If approved by the SBE, as a condition for approval, the RSPE petitioner will be required to revise the petition in order to reflect the SBE as authorizer and include the necessary language for the required charter elements.

The meeting notice for the August 14, 2018, Advisory Commission on Charter Schools (ACCS) meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice081218.asp>.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the RSPE petition for establishment at its August 14, 2018, meeting. The ACCS moved for recommendation to SBE to approve the petition on appeal. The motion passed by a vote of seven to two.

**President Kirst opened the public hearing at 11:48 a.m.**

**President Kirst closed the public hearing at 12:10 p.m.**

**ACTION:** Member Williams moved to approve the CDE staff recommendation to deny the request to establish Rocketship San Pablo Elementary, a TK/K through grade five charter school, under the oversight of the SBE.

Member Holaday seconded the motion.

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

**No votes:** Member Kirst

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### ****Item 18 was withdrawn by the petitioner on September 6, 2018****

#### Item 18

**~~Subject:~~** ~~Renewal Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Imagine School at Imperial Valley, which was denied by the El Centro Elementary School District and the Imperial County Office of Education.~~

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

**~~CDE Recommendation:~~** ~~The California Department of Education (CDE) proposes to recommend that the SBE hold a public hearing to deny the request to renew Imagine School at Imperial Valley (ISIV), a TK/K through grade eight charter school, under the oversight of the SBE, based on the CDE’s findings pursuant to~~ *~~Education Code~~* ~~(~~*~~EC~~*~~)~~~~sections 47605(b)(1),~~~~47605(b)(2), and 47605(b)(5), and~~ *~~California Code of Regulations~~*~~, Title 5 (5~~ *~~CCR~~*~~) Section 11967.5.1.~~

~~The ISIV does not meet the renewal criteria as they do not perform, overall, at least equal to its comparable district schools where the majority of ISIV pupils would otherwise attend.~~

~~Additionally, the ISIV petition does not provide a reasonably comprehensive description of the educational program, measurable pupil outcomes, governance structure, and suspension and expulsion procedures.~~

**~~Advisory Commission on Charter Schools Recommendation~~**

~~The Advisory Commission on Charter School (ACCS) considered the ISIV petition for establishment at its August 2018 meeting. The ACCS moved for recommendation to the SBE by a vote to five to four to approve the petition on appeal with the following conditions:~~

1. ~~Request for additional clarity on the role and relationship between Imagine Schools Non-Profit (ISNP) and ISIV.~~
2. ~~The means in which ISNP can support ISIV in regards to supporting the academic achievement of all subgroups.~~
3. ~~All Fiscal Crisis and Management Assistance Team (FCMAT) conditions and recommendations are to be fully implemented.~~

~~After the ACCS meeting, the CDE requested that El Centro Elementary School District (ECESD) outline the district’s plan to accommodate the ISIV pupils if the SBE does not approve the ISIV petition. The ECESD response stated that the district has enough space to accommodate 900 additional pupils in TK/K through grade eight. Additionally, ECESD has three schools (Harding Elementary, Lincoln Elementary, and Wilson Jr. High) offering dual immersion tracks within the general school program.~~

~~Additionally, the ISIV petitioners were requested to respond to questions posed from CDE based on the conditions and concerns outlined at the ACCS meeting. ISIV provided CDE a letter dated August 17, 2018, outlining the following:~~

* ~~Clarity on the relationship and distinct roles between ISIV and ISNP~~
* ~~The support that ISIV receives from ISNP in regards to the academic achievement of all subgroups~~

~~It is noted that the petitioners cannot address condition three as the FCMAT audit is not complete.~~

[Note: the preceding information about Item 18 contains strikethroughs which indicate the item has been withdrawn.]

*END OF PUBLIC HEARINGS*

### AGENDA ITEMS DAY 2 Continued

#### 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

**ACTION:** No Action Taken.

#### Item 09

**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

**CDE Recommendation:**

1. SBE Draft Preliminary Report of Actions/Minutes for the July 11-12, 2018 meeting
2. Board member liaison reports

**ACTION:** Member Burr moved to approve the SBE Draft Preliminary Report of Actions/Minutes for the July 11-12, 2018 meeting.

Member Holaday seconded the motion.

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

**No votes:** None

**Member Absent:** Members Kirst and Williams

**Abstentions:** None

**Recusals:** Member Cardenas

The motion passed with 8 votes.

### ADJOURNMENT OF MEETING

**President Kirst adjourned the meeting at approximately 2:45 p.m.**