

# California State Board of Education Final Minutes July 11-12, 2018

## Members Present

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

## Member Absent

* Bruce Holaday
* Ting L. Sun (Thursday, July 12 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)
* Michelle Zumot, Chief Deputy Superintendent, CDE
* Stephanie Papas, Education Policy Administrator I, CDE
* Tom Adams, Deputy Superintendent, CDE
* Keric Ashley, Deputy Superintendent, CDE
* Amy Holloway, General Counsel, CDE
* Edmundo Aguilar, Chief Counsel II, CDE
* Lily Ko, Attorney III, CDE

**Please note that the complete proceedings of the July 11-12, 2018 State Board of Education meeting, including closed-captioning, are available online at:** <https://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp>

## California State Board of Education Public Session July 11, 2018

**Wednesday – July 11, 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.**

**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: Recommended Action on the Student Growth Model, the Application of the Safety Net Methodology at the Student Group Level, and the Three-Year Transition Plan for the English Learner Progress Indicator; and an Update on the California School Dashboard.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve: (1) further study of the Residual Gain (RG) growth model to examine volatility in the model using additional years of assessment data as it becomes available (2) the recommended proposal to apply the Safety Net methodology to student groups, and (3) the three-year plan for the English Learner Progress Indicator (ELPI)**.**

**ACTION:** Member Straus moved to approve the revised CDE staff recommendation, as follows: (1) further study of the growth model, including but not limited to the impact of future years of assessment data, changes in the model to reduce year-to-year volatility, and consideration of additional growth models; (2) the recommended proposal to apply the safety net methodology to student groups; and (3) the three-year plan for the ELPI with the addition of a CDE report to the SBE - following the collection of the second year of ELPAC data – for consideration of options for using the data for accountability purposes in the California School Dashboard in 2019.

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** Member Holaday

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 02

**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.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE and SBE staff recommend that the SBE approve the revised State Plan for submission to the U.S. Department of Education (ED), pending the SBE Executive Director approval of final revisions requested by the SBE, correction of any typographical errors, and necessary, non-substantive clarifying edits.

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

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** Member Holaday

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 03

**Subject:** California Assessment of Student Performance and Progress: Request for Authority to Enter into Negotiations to Amend Educational Testing Service’s California Assessment of Student Performance and Progress Contract to Include the Integration of the English Language Proficiency Assessments for California and Enter into Negotiations with the University of California, Santa Cruz for an Interagency Agreement to Provide an Educator Reporting System.

**Type of Action:** Action, Information

**CDE Recommendation:** For the incorporation of the English Language Proficiency Assessments for California (ELPAC) into the California Assessment of Student Performance and Progress (CAASPP) contract, the CDE recommends the following:

* Direct the CDE, in consultation with SBE and Department of Finance (DOF) staff, to negotiate an amendment of the current Educational Testing Service’s (ETS) CAASPP administration contract to include work related to administering the ELPAC. The amended contract would include both the ELPAC and CAASPP 2018–19, 2019–20, 2020–21, and 2021–22 testing administrations, thus extending the current CAASPP contract date for two additional years through December 31, 2022. It also would include, but not be limited to, addressing the following activities in the amended Scope of Work (SOW):
  + Activities associated with transitioning the Initial and Summative ELPAC from a paper-pencil test (PPT) to a computer-based assessment (CBA) (with student and test examiner interfaces where applicable)
  + Ongoing administrations of the PPT ELPAC until the ELPAC CBA transition is complete
  + Activities associated with developing the Alternate ELPAC CBA for eligible students according to their individualized education programs
  + Ongoing administration of all components of the CAASPP System through the 2021–22 school year
  + Activities associated with transitioning the two separate assessment systems into one to ensure efficiencies, including but not limited to single sign-on
* Direct the CDE to present a draft contract amendment, consistent with these recommendations, to the SBE for consideration no later than November 2018.

For the interagency agreement with the University of California, Santa Cruz (UCSC), the CDE recommends the following:

* Direct the CDE to enter into negotiations with UCSC for an interagency agreement to provide an open-source educator reporting system for the ELPAC and other assessments as appropriate.
* Present a draft interagency agreement, consistent with these recommendations, to the SBE for consideration no later than November 2018.

The final negotiated budgets for both ETS and UCSC will not exceed $279,862,456.

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

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** Member Holaday

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 04

**Subject:** English Language Proficiency Assessments for California: Finding of Emergency and Proposed Emergency Regulations for Amendments to the California Code of Regulations, Title 5, Sections 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, and 11519.5.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE is recommending that the SBE take the following actions:

* Approve the Finding of Emergency.
* Adopt the proposed amended emergency regulations.
* Direct the CDE to circulate the required Notice of Proposed Emergency Action and then submit the emergency regulations to the Office of Administrative Law (OAL) for approval.
* Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the OAL during its review of the Finding of Emergency and proposed emergency regulations.

**ACTION:** Member Ortiz-Licon moved to approve the CDE staff recommendation.

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** Member Holaday

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### WAIVERS ON CONSENT (W-01, W-02, and W-04 through W-22)

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

#### **Item W-01**

**Subject:** Request by **Mt. Baldy Joint Elementary School District** to waive California *Education Code* Section 41402(a), the requirement which sets the ratio of administrators to teachers for elementary school districts at nine for every 100 teachers.

**Waiver Number:** 29-3-2018

(Recommended for APPROVAL WITH CONDITIONS)

Administrator/Teacher Ratio

#### **Item W-02**

**Subject:** Request by Oroville Union High School to waive California *Education Code* Section 41402(c), the requirement which sets the ratio of administrators to teachers for high school districts at seven for every 100 teachers.

**Waiver Number:** 31-3-2018

(Recommended for DENIAL)

Community Day Schools (CDS) (Colocate Facilities)

#### **Item W- 04**

**Subject:** Request by **Hacienda la Puente Unified School District** for a renewal waiver of portions of California *Education Code* Section 48661(a) to permit collocation of Valley Community Day School, a community day school, on the same site as Valley Continuation High School, a continuation high school.

**Waiver Number:** 3-12-2017

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

Community Day Schools (CDS) (Commingle Grade Levels)

#### **Item W-05**

**Subject:** Request by **Reef-Sunset Unified School District** for a renewal of a 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 six through twelve.

**Waiver Number:** 13-4-2018

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

Community Day Schools (CDS) (Minimum School Day)

#### **Item W-06**

**Subject:** Request by **Hanford Joint Union High School** to waive portions of California *Education Code* Section 48663(a), relating to community day school minimum instructional minutes.

**Waiver Number:** 11-4-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### **Item W-07**

**Subject:** Request by **Oakland Unified School District for Oakland** 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 Number:** Fed-1-2018

(Recommended for APPROVAL)

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

#### **Item W-08**

**Subject:** Requests by two districtsunder the authority of the California *Education Code* Section 46206(a), to waive *Education Code* Section 46201(a), the audit penalty for offering insufficient instructional minutes during the 2016–17 school year.

**Wavier Numbers:**

* Borrego Springs Unified School District 30-3-2018
* Petaluma City Elementary/Joint Union High School District 41-3-2018

(Recommended for APPROVAL WITH CONDITIONS)

EMPLOYMENT – RETIREMENT SYSTEM

#### **Item W-09**

**Subject:** Request by **Sanger Unified School District** for a renewal to waive California *Education Code* Section 45134(c), to allow the employment of a State Teachers' Retirement System retiree as a classified school bus driver.

**Waiver Number:** 17-4-2018

(Recommended for APPROVAL)

School Construction Bonds (Bond Indebtedness Limit)

#### **Item W-10**

**Subject:** Request by two local educational agencies to waive California *Education Code* sections 15102 and 15268 to allow the districts to exceed their bonded indebtedness limits. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary or high school districts. Depending on the type of bond, a tax rate levy limit to $30 per $100,000 of assessed value for elementary or high school districts may also apply.

**Waiver Numbers:**

* Galt Joint Union High School District: 10-4-2018
* San Benito High School District: 12-4-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### **Item W-11**

**Subject:** Request by **Igo, Ono, Platina Union Elementary 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:** 27-3-2018

(Recommended for APPROVAL)

School District Reorganization (Size of Governing Board)

#### **Item W-12**

**Subject:** Request by **Vista del Mar Union 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:** 10-5-2018

(Recommended for APPROVAL)

Schoolsite Council Statute (Number and Composition of Members)

#### **Item W-13**

**Subject:** Request by five 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:**

* Chawanakee Unified School District 23-3-2018
* Dunsmuir Joint Union High School 19-3-2018
* Los Angeles Unified School District 22-3-2018
* Lost Hills Union Elementary School District 3-3-2018
* Shasta County Office of Education 24-3-2018

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Algebra I Requirement for Graduation)

#### **Item W-14**

**Subject:** Request by two local educational 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.

**Waivers Numbers:**

* Los Alamitos Unified School District 3-4-2018
* Pleasanton Unified School District 1-4-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### **Item W-15**

**Subject:** Request by **Santa Barbara County Special Education Local Plan Area JPA** to waive California *Education Code* Section 56366.1(a), the requirement for state certification to allow the uncertified out-of-state nonpublic school, Three Points Center located in Hurricane, Utah, to provide services to one student with disabilities.

**Waiver Number:** 2-4-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### **Item W-16**

**Subject:** Request by **Tamalpais Union High** **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, Maple Lake Academy located in Spanish Fork, Utah, to provide services to one student with disabilities.

**Waiver Number:** 9-2-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### **Item W-17**

**Subject:** Requests by Shasta 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 Danika Estes, Tami Luce and Jessica Walker to continue to provide services to students until June 30, 2019, under a remediation plan to complete those minimum requirements.

**Waiver Numbers:**

* Shasta County Office of Education 35-3-2018
* Shasta County Office of Education 36-3-2018
* Shasta County Office of Education 37-3-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### **Item W-18**

**Subject:** Request by 12 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:**

* Chico Unified School District 15-3-2018
* Covina-Valley Unified School District 39-3-2018
* El Centro Elementary School District 20-3-2018
* Gateway Unified School District 4-3-2018
* Kings County Office of Education 14-3-2018
* Madera County Superintendent of Schools 28-2-2018
* Mariposa County Office of Education 16-3-2018
* Millbrae Elementary School District 10-3-2018
* National Elementary School District 11-3-2018
* Shasta County Office of Education 40-3-2018
* Shasta Union High School District 33-3-2018
* Sweetwater Union High School District 28-3-2018

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

#### **Item W-19**

**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:**

* Fowler Unified School District 34-3-2018
* Manteca Unified School District 7-4-2018
* Manteca Unified School District 8-4-2018

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

#### **Item W-20**

**Subject:** Request by **Union 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).

**Waiver Number:** 17-3-2018

(Recommended for APPROVAL WITH CONDITIONS)

State Testing Apportionment Report (CAASPP)

#### **Item W-21**

**Subject:** Request by eight local educational agencies to waive the State Testing Apportionment Information Report deadline as stipulated in the *California Code of Regulations*, Title 5 (5 *CCR*), 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, or Title 5, Section 1225(b)(2)(A), regarding the California High School Exit Examination.

**Waiver Numbers:**

* Brentwood Union Elementary School 16-4-2018
* Chaffey Joint Union High School District 5-4-2018
* Covina-Valley Unified School District 25-3-2018
* Monrovia Unified School District 8-3-2018
* Monrovia Unified School District 7-3-2018
* Monrovia Unified School District 6-3-2018
* Santa Clara Unified School District 32-3-2018
* Wright Elementary School District 9-4-2018

(Recommended for APPROVAL)

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

#### **Item W-22**

**Subject:** Request by the **Pomona Unified School District** to waive all or portions of California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.

**Waiver Number:** 1-5-2018

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Rucker moved to approve the CDE staff recommendations on each wavier item on consent (W-01, W-02, and W-04 through W-22).

Member Valdes seconded the motion.

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

**No votes:** None

**Member Absent:** Member Holaday

**Abstentions:** None

**Recusals:** Member Straus

The motion passed with 9 votes.

### REGULAR WAIVER ITEMS INDIVIDUAL ACTION NEEDED

Charter School Program (Nonclassroom-Based Funding)

#### **Item W-03**

**Subject:** Request by **Contra Costa County Office of Education** 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 Number:** 43-3-2018

(Recommended for APPROVAL)

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

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** Member Holaday

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

**END OF WAIVERS**

### REGULAR CONSENT ITEMS (Item 05 through Item 15)

#### Item 05

**Subject:** English Language Proficiency Assessments for California: Approve Commencement of the Rulemaking Process for Amendments to the California Code of Regulations, Title 5, Sections 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, and 11519.5.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE is recommending that the 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 (OAL) during its review of the Notice, ISOR, and proposed regulations.

#### Item 06

**Subject:** School Accountability Report Card: Approve the Template for the 2017–18 School Accountability Report Card.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the proposed template for the 2017–18 School Accountability Report Card (SARC) that will be published during the 2018–19 school year (Attachment 1).

#### Item 07

**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 08

**Subject:** 2020 Ethnic Studies Model Curriculum: Approval of the Schedule of Significant Events, Advisory Committee Application, and Guidelines.

**Type of Action:** Action, Information

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

* Schedule of Significant Events
* Application to Serve on the Model Curriculum Advisory Committee
* Draft Guidelines for the 2020 Ethnic Studies Model Curriculum

#### Item 09

**Subject:** 2020 Visual and Performing Arts Framework Revision: Approval of the Schedule of Significant Events and Curriculum Framework and Evaluation Criteria Committee Application.

**Type of Action:** Action, Information

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

* Schedule of Significant Events
* Application to serve on the Curriculum Framework and Evaluation Criteria Committee

#### Item 10

**Subject:** 2020 World Languages Framework Revision: Approval of the Schedule of Significant Events and Curriculum Framework and Evaluation Criteria Committee Application.

**Type of Action:** Action, Information

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

* Schedule of Significant Events
* Application to Serve on the Curriculum Framework and Evaluation Criteria Committee

#### Item 11

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

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the determination of funding for the periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At the June 12, 2018 meeting, the ACCS voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding and the time periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

#### Item 12

**Subject:** Consideration of Requests for Determination of Funding with “Reasonable Basis”/Mitigating Circumstances 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

**CDE Recommendation:** The CDE recommends that the SBE approve the determination of funding for the periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At the June 12, 2018 meeting, the ACCS voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding and the time periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

#### Item 13

**Subject:** Reconsideration of a Request for Determinations of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2; California Code of Regulations, Title 5 Section 11963.6(g); and Associated California Code of Regulations, Title 5.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the reconsideration request for the higher determination of funding, as provided in Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At the June 12, 2018 meeting, the ACCS voted unanimously to approve the CDE recommendation that the SBE approve the higher determination of funding and the time periods specified for the nonclassroom-based charter school as provided in Attachment 1.

#### Item 14

**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 15

**Subject:** State Board of Education Conflict of Interest Code: Approve Commencement of the Rulemaking Process for Amendments to the California Code of Regulations, Title 5, Section 18600.

**Type of Action:** Action, Information

**CDE Recommendation:** The SBE staff recommends that the SBE approve the attached proposed amendments to the SBE conflict-of-interest code and commence the 45-day public comment period.

**ACTION:** Member Sandoval moved to approve the CDE staff recommendations on each regular item on consent (Item 05 through Item 15).

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** Member Holaday

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

*END OF REGULAR CONSENT ITEMS*

### Agenda Items Day 1 Continued

#### Item 23

**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

1. SBE Draft Preliminary Report of Actions/Minutes for the May 9, 2018 meeting
2. Board member liaison reports

**ACTION:** Member Sandoval moved to approve the Preliminary Report of Actions/Minutes for the May 9, 2018 meeting.

Member Straus seconded the motion.

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

**No votes:** None

**Member Absent:** Member Holaday

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### PUBLIC HEARINGS

*Items 16, 17, 18 and 19 were taken up at the same time.*

#### Item 16

**Subject:** Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Olive Grove Charter School: Orcutt/Santa Maria, which was denied by the Santa Maria Joint Union High School District and the Santa Barbara County Office of Education.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to approve the establishment of Olive Grove Charter School Orcutt/Santa Maria (OGCSOSM) to serve transitional kindergarten (TK) through grade twelve 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 *EC* sections47605(b)(1), 47605(b)(2), 47605(b)(3), 47605(b)(4), 47605(b)(6), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.

The CDE finds that the OGCSOSM petition presents a sound educational program and is demonstrably likely to implement the intended program. The OGCSOSM petition presents a reasonably comprehensive description of most of the required elements but if approved by the SBE, OGCSOSM will need to address English learner (EL) reclassification criteria, measurable pupil outcomes, employee qualifications, suspension and expulsion procedures, and dispute resolution procedures by revisions to the petition submitted to the CDE on or before **July 31, 2018.**

The meeting notice for the June 12, 2018 ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice061218.asp>.

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

The ACCS considered the OGCSOSM petition for establishment at its June 12, 2018 meeting. The ACCS moved CDE staff recommendation to approve the OGCSOSM petition. The motion passed by a vote of seven to one, moving the CDE staff recommendation forward.

#### Item 17

**Subject:** Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Olive Grove Charter School: Buellton, which was denied by the Santa Ynez Valley Union School District and the Santa Barbara County Office of Education.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to approve the establishment of Olive Grove Charter School Buellton (OGCSB) to serve transitional kindergarten (TK) through grade twelve 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 *EC* sections47605(b)(1), 47605(b)(2), 47605(b)(3), 47605(b)(4), 47605(b)(6), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.

The CDE finds that the OGCSB petition presents a sound educational program and the petitioner is demonstrably likely to implement the intended program due to fiscal viability. The CDE notes the OGCSB petition presents a reasonably comprehensive description of most of the required elements but if approved by the SBE, OGCSB will need to address English learner (EL) reclassification criteria, measurable pupil outcomes, employee qualifications, suspension and expulsion procedures, and dispute resolution procedures by revisions to the petition submitted to the CDE on or before **July 31, 2018.**

The meeting notice for the June 12, 2018 ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice061218.asp>.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the OGCSB petition for establishment at its June 12, 2018 meeting. The ACCS moved CDE staff recommendation to approve the OGCSB petition. The motion passed by a vote of seven to one, moving the CDE staff recommendation forward.

#### Item 18

**Subject:** Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Olive Grove Charter School: Lompoc, which was denied by the Lompoc Unified School District and the Santa Barbara County Board of Education.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to approve the establishment of Olive Grove Charter School Lompoc (OGCSL) to serve transitional kindergarten (TK) through grade twelve 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 *EC* sections47605(b)(1), 47605(b)(2), 47605(b)(3), 47605(b)(4), 47605(b)(6), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.

The CDE finds that the OGCSL petition presents a sound educational program and the petitioner is demonstrably likely to implement the intended program due to fiscal viability. The CDE notes the OGCSL petition presents a reasonably comprehensive description of most of the required elements but if approved by the SBE, OGCSL will need to address English learner (EL) reclassification criteria, measurable pupil outcomes, employee qualifications, suspension and expulsion procedures, and dispute resolution procedures by revisions to the petition submitted to the CDE on or before **July 31, 2018.**

The meeting notice for the June 12, 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/accsnotice061218.asp>.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the OGCSL petition for establishment at its June 12, 2018 meeting. The ACCS moved CDE staff recommendation to approve the OGCSL petition. The motion passed by a vote of seven to one, moving the CDE staff recommendation forward.

#### Item 19

**Subject:** Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Olive Grove Charter School: Santa Barbara, which was denied by the Santa Barbara Unified School District and the Santa Barbara County Board of Education.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to approve the establishment of Olive Grove Charter School Santa Barbara (OGCSSB) to serve transitional kindergarten (TK) through grade twelve 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 *EC* sections47605(b)(1), 47605(b)(2), 47605(b)(3), 47605(b)(4), 47605(b)(6), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.

The CDE finds that the OGCSSB petition presents a sound educational program and the petitioner is demonstrably likely to implement the intended program due to fiscal viability. The CDE notes the OGCSSB petition presents a reasonably comprehensive description of most of the required elements but if approved by the SBE, OGCSSB will need to address English learner (EL) reclassification criteria, measurable pupil outcomes, employee qualifications, suspension and expulsion procedures, and dispute resolution procedures by revisions to the petition submitted to the CDE on or before **July 31, 2018.**

The meeting notice for the June 12, 2018 ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice061218.asp>.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the OGCSSB petition for establishment at its June 12, 2018 meeting. The ACCS moved CDE staff recommendation to approve the OGCSSB petition. The motion passed by a vote of seven to one, moving the CDE staff recommendation forward.

**President Kirst opened the public hearing at 1:39 p.m.**

**President Kirst closed the public hearing at 2:07 p.m.**

**ACTION:** Member Williams moved to approve the CDE staff recommendation for each item 16 through Item 19.

Member Burr seconded the motion.

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

**No votes:** Members Rucker, Sandoval, and Valdes

**Member Absent:** Member Holaday

**Abstentions:** None

**Recusals:** None

The motion passed with 7 votes.

*END OF PUBLIC HEARINGS*

### CONTINUATION OF MEETING

**At approximately 3:34 p.m., President Kirst announced the continuation of the meeting at 8:30 a.m. on Thursday.**

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.*
* *CSBA, SAN JOSE USD v. SBE/CDE/PROMISE ACADEMY CHARTER SCHOOL*

# CALIFORNIA STATE BOARD OF EDUCATION Public Session July 12, 2018

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

**Thursday, July 12, 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:

* *ELLA T. v. STATE, ET AL.*
* *CSBA, SAN JOSE USD v. SBE/CDE/PROMISE ACADEMY CHARTER SCHOOL*

### AGENDA ITEMS DAY 2

*Item 20 was withdrawn by the petitioner on July 11, 2018.*

#### Item 20

**~~Subject:~~** ~~Renewal Petition for the Establishment of a Charter School under the Oversight of the State Board of Education: Consideration of Executive Preparatory Academy of Finance, which was denied by the Los Angeles Unified School District and the Los Angeles County Office of Education.~~

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

**~~CDE Recommendation:~~** ~~The CDE recommends that the SBE hold a public hearing to deny the request to renew Executive Preparatory Academy of Finance (EPAF), a grade nine through grade twelve charter school, under the oversight of the SBE, based on the CDE’s findings pursuant to~~ *~~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 EPAF petition is not consistent with sound educational practice and would not be of educational benefit to the pupils who attend. EPAF does not perform, overall, at least equal to its resident district schools where the majority of EPAF pupils would otherwise attend.~~

~~The EPAF petitioners are demonstrably unlikely to implement the program set forth in the petition due to unsuccessful history and the inability for EPAF to sustain fiscal viability.~~

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

~~The meeting notice for the June 12, 2018 ACCS meeting is located on the SBE ACCS web page at~~ [~~https://www.cde.ca.gov/be/cc/cs/accsnotice061218.asp~~](https://www.cde.ca.gov/be/cc/cs/accsnotice061218.asp)~~.~~

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

~~The ACCS considered the EPAF petition for establishment at its June 12, 2018 meeting. The ACCS moved to recommend approval of the EPAF petition on appeal with the following conditions: Prior to the July 2018 SBE meeting, EPAF will do the following (1) provide evidence that all ties (including loans) with Celebrity Global Development (CGD) have been severed, (2) pay all debt in full, unless the debt is part of some formal dispute, and (3) provide an action plan for improving student academic performance. The motion passed by a vote of five to three.~~

[Note: the preceding information about Item 20 contains strikethroughs which indicate the item had been withdrawn.]

### PUBLIC HEARINGS

#### Item 21

**Subject:** Renewal Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Guidance Charter School, which was denied by the Palmdale School District and the Los Angeles County Office of Education.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to deny the request to renew Guidance Charter School (GCS), a kindergarten (K) through grade twelve charter school, under the oversight of the SBE, based on the CDE’s findings pursuant to *EC* sections47605(b)(1) and 47605(b)(5), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1.

The CDE finds that the GCS petition is not consistent with sound educational practice. GCS does not perform, overall, at least equal to its comparable district schools where the majority of GCS pupils would otherwise attend.

Additionally, the CDE finds that the GCS petition does not provide reasonably comprehensive descriptions of the required elements, including a description of the educational program, measurable pupil outcomes, method for measuring pupil progress, governance structure, employee qualifications, annual independent financial audits, suspension and expulsion procedures, and closure procedures.

The meeting notice for the June 12, 2018 ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice061218.asp>.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the GCS petition for establishment at its June 12, 2018 meeting.  The ACCS moved to recommend approval of the GCS petition on appeal. The motion passed by a vote of five to three.

**President Kirst opened the public hearing at 9:21 a.m.**

**President Kirst closed the public hearing at 10:08 a.m.**

**ACTION:** Member Straus moved to approve the CDE staff recommendation to deny the renewal petition of Guidance Charter School, a kindergarten through grade twelve school, under the oversight of the SBE.

Member Williams seconded the motion.

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

**No votes:** Members Kirst and Burr

**Members Absent:** Members Holaday and Sun

**Abstentions:** None

**Recusals:** None

The motion passed with 7 votes.

#### Item 22

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Latitude 37.8 High School, which was denied by the Oakland Unified School District and the Alameda County Board of Education.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to approve the request to establish Latitude (LAT) 37.8, a grade nine through grade twelve charter school, under the oversight of the SBE, based on the CDE’s findings pursuant to *EC* sections47605(b)(2), and 47605(b)(5), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1.

The CDE finds that the LAT 37.8 petitioners have a sound educational program and the petitioners are demonstrably likely to implement the program set forth in the petition, provided they secure funding as stated in the petition.

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

The Latitude Board will provide the CDE with verifiable and substantive evidence that Latitude has received the funding anticipated from each of the commitment letters identified in the petition and updated financial projections and;

The Latitude Board will provide the CDE with a revised 2018–19 budget, with complete narrative and assumptions.

The CDE finds that the LAT 37.8 petition does provide a reasonably comprehensive description of most of the required elements. If approved by the SBE, updates would be needed to clarify governance structure and to reflect new laws in admissions and expulsion and suspension procedures.

The meeting notice for the June 12, 2018 ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice061218.asp>.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the LAT 37.8 petition for establishment at its June 12, 2018 meeting. The ACCS moved CDE staff recommendation to approve the LAT 37.8 petition. The motion passed by six votes with one abstention.

**President Kirst opened the public hearing at 11:38 a.m.**

**President Kirst closed the public hearing at 11:54 a.m.**

**ACTION:** Member Williams moved to approve the CDE staff recommendation to approve the Latitude 37,8 petition for grades 9 through 12 under the oversight of the SBE.

Member Burr seconded the motion.

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

**No votes:** Member Rucker

**Members Absent:** Members Holaday and Sun

**Abstentions:** Member Ortiz-Licon

**Recusals:** None

The motion passed with 7 votes.

*END OF PUBLIC HEARINGS*

### Agenda Items Day 2 Continued

#### Item 24

**Subject:** GENERAL PUBLIC COMMENT.

Public Comment is invited on any matter **not** included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.

**Type of Action:** Information

**ACTION:** No Action Taken.

### ADJOURNMENT OF MEETING

**President Kirst adjourned the meeting at approximately 1:35 p.m.**