

# California State Board of Education Final Minutes September 11, 2019

## Members Present

* Linda Darling-Hammond, President
* Ilene W. Straus, Vice President
* Sue Burr
* Matt Navo
* Feliza I. Ortiz-Licon
* Kim Pattillo Brownson
* Patricia A. Rucker
* Niki Sandoval
* Ting L. Sun
* Brenna Pangelinan, Student Member
* Tony Thurmond, State Superintendent of Public Instruction (SSPI), Secretary and Executive Officer

## Principal Staff

* Karen Stapf Walters, Executive Director, State Board of Education (SBE)
* Judy Cias, Chief Counsel, SBE
* Patricia de Cos, Deputy Executive Director, SBE
* David Sapp, Deputy Policy Director and Assistant Legal Counsel, SBE
* Janet Weeks, Director of Communications, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Laila Fahimuddin, Policy Consultant, SBE
* Sara Pietrowski, Policy Consultant, SBE
* Pamela Castleman, Education Programs Consultant, SBE
* Amy Bubbico, Staff Services Manager I, SBE
* Lupita Cortez-Alcalá, Chief Deputy Superintendent, California Department of Education (CDE)
* Stephanie Gregson, Deputy Superintendent, CDE
* Khieem Jackson, Deputy Superintendent, CDE
* Sarah Neville-Morgan, Deputy Superintendent, CDE
* Stephanie Papas, Education Policy Administrator I, CDE
* Keith Yamanaka, Chief Counsel, CDE

**Please note that the complete proceedings of the September 11, 2019 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 11, 2019

**Wednesday – September 11, 2019 – 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
* Continuance

**President Darling-Hammond called the meeting to order at approximately 8:30 a.m.**

*REPORT OUT OF CLOSED SESSION*

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

* *Emma C. v. State*

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

### AGENDA ITEMS DAY 1

#### Item 01

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Action to Incorporate the California Alternate Assessment into the Academic Indicator; Implement a Modified Method for Calculating the Academic Indicator for Schools with Dashboard Alternative School Status; Revise the Cut Scores for the Graduation Rate Indicator; English Learner Progress Indicator Status Methodology Considerations, and Use of Status in Local Educational Agency and School Eligibility Assistance Determinations.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve: (1) the “Top of the Scale Range” methodology for incorporating the California Alternate Assessment (CAA) into the Academic Indicator, (2) modified Status cut scores for the Academic Indicator for Dashboard Alternative School Status (DASS) schools, and (3) revised Status cut scores for the Graduation Rate Indicator.

**ACTION:** Member Burr moved the CDE recommendation.

Member Straus seconded the motion.

**Yes votes:** Members Navo, Sandoval, Pattillo Brownson, Sun, Darling-Hammond, Straus, Burr, Pangelinan, Ortiz-Licon, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 02

**Subject:** Local Control and Accountability Plan Template – Revision Prototype, consistent with California Education Code Section 52064.

**Type of Action:** Action, Information

**CDE Recommendation:** No action is recommended at this time. However, the CDE requests that the SBE provide feedback regarding the draft Local Control and Accountability Plan (LCAP) template prototype.

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

**ACTION:** No Action.

#### Item 03

**Subject:** The California Assessment of Student Performance and Progress System and English Language Proficiency Assessments for California: Approval of the 2019–20 California Assessment of Student Performance and Progress System and Summative Computer-Based English Language Proficiency Assessments for California Student Score Reports, California Spanish Assessment Preliminary Threshold Scores, and Update on Assessment Program Activities.

**Type of Action:** Action, Information

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

1. The Student Score Reports (SSRs) for the California Assessment of Student Performance and Progress System (CAASPP) and the English Language Proficiency Assessments for California (ELPAC), as described in Attachment 2.
2. The State Superintendent’s proposed California Spanish Assessment (CSA) preliminary threshold scores beginning with the 2018–19 administration, as shown in Attachment 3.

The CDE further recommends that the SBE authorize CDE staff to make technical edits, as necessary, in the documents associated with the recommendations above.

**ACTION:** Member Sun moved the CDE recommendations with the following modification:

1. The SSRs for the CAASPP and the ELPAC, as described in Attachment 2.
2. The State Superintendent’s proposed CSA preliminary score reporting range beginning with the 2018–19 administration, as shown in Attachment 3.

The CDE further recommends that the SBE authorize CDE staff to make technical edits, as necessary, in the documents associated with the recommendations above.

Member Rucker seconded the motion.

**Yes votes:** Members Navo, Sandoval, Pattillo Brownson, Sun, Darling-Hammond, Straus, Burr, Pangelinan, Ortiz-Licon, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### PUBLIC HEARING

#### Item 04

**Subject:** Appeal from an Action of the Stanislaus County Committee on School District Organization to Disapprove a Petition to Transfer Territory from the Denair Unified School District to the Turlock Unified School District.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE affirm the action of the County Committee to disapprove the proposal to transfer territory from the Denair USD to the Turlock USD.

**President Darling-Hammond opened the public hearing at 1:30 p.m.**

**President Darling-Hammond closed the public hearing at 1:55 p.m.**

**ACTION:** Member Navo moved the CDE recommendation.

Member Ortiz-Licon seconded the motion.

**Yes votes:** Members Navo, Sandoval, Pattillo Brownson, Sun, Darling-Hammond, Straus, Burr, Pangelinan, Ortiz-Licon, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### END OF PUBLIC HEARING

#### Item 05

**Subject:** State Seal of Civic Engagement Recommended Criteria

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE adopt the SSCE recommended criteria.

**ACTION:** No Action Taken.

### WAIVERS ON CONSENT

*(W-01 through W-12 and W-15)*

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 South Bay Union Elementary 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: 14-6-2019

(Recommended for APPROVAL)

Community Day Schools (CDS) (Commingle Grade Levels)

#### Item W-02

**Subject:** Request by Request by two districts for 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 grade six with students in grades seven through twelve but no grade lower than grade six. One district is also requesting to waive portions of California Education Code Section 48661(a) to permit colocation of a community day school as a continuation high school.  
Waiver Numbers:

Oakland Unified School District 17-6-2019

Snowline Joint Unified School District 2-7-2019

(Recommended for APPROVAL WITH CONDITIONS)

Community Day Schools (CDS) (Minimum School Day)

#### Item W-03

**Subject:** Request by Bass Lake Joint Union Elementary for a waiver of portions of California *Education Code* Section 48663(a) relating to community day school minimum instructional minutes.

Waiver Number: 4-6-2019

(Recommended for APPROVAL WITH CONDITIONS)

Equity Length of Time (Equity Length of Time)

#### Item W-04

**Subject:** Request by La Mesa-Spring Valley Elementary School District to waive California *Education Code* Section 37202, the equity length of time requirement, to increase the sixth grade instructional minutes at Spring Valley Academy to match the instructional minutes of seventh and eighth grades.

Waiver Number: 3-6-2019

(Recommended for (APPROVAL)

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

#### Item W-05

**Subject:** Request by three school districts for a waiver of Section 131(c)(1) of the Strengthening Career and Technical Education for the 21st Century Act (Public Law 115-224).

Waiver Numbers:

Dunsmuir Joint Union High School District Fed-10-2019

Fall River Joint Union High School District Fed-9-2019

Ferndale Unified School District Fed-11-2019

(Recommended for APPROVAL)

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

#### Item W-06

**Subject:** Request by four local educational agencies to waive California Education Code (EC) sections specific to statutory provisions for the sale or lease of surplus property.  
Waiver Numbers:   
Oxnard Union High School District 11-7-2019   
Redwood City Elementary School District 18-6-2019   
San Bruno Park Elementary School District 16-6-2019   
San Mateo Union High School District 10-5-2019   
(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness Limit)

#### Item W-07

**Subject:** Request by two local educational agencies to waive California Education Code (EC) sections 15102, 15268, and 15270(a) 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 high school districts or 2.50 percent of the taxable assessed valuation of property for unified school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for high school districts or $60 per $100,000 of assessed value for unified school districts may also apply.  
Waiver Numbers:   
Arvin Union High School District 7-6-2019  
Lindsay Unified School District 11-6-2019

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-08

**Subject:** Request by Request by two local educational agencies 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 Numbers:   
Manchester Union Elementary School District 12-5-2019  
Pacheco Union Elementary School District 9-6-2019  
(Recommended for APPROVAL)

School District Reorganization (Elimination of Election)

#### Item W-09

**Subject:** Request by eight local educational agencies to waive California Education Code Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.  
Waiver Numbers:  
Campbell Union High School District 10-6-2019  
Hueneme Elementary School District 16-5-2019  
Jamul-Dulzura Union Elementary School District 5-7-2019  
Little Lake City Elementary School District 15-6-2019  
Moorpark Unified School District 13-5-2019  
Mt. Diablo Unified School District 3-7-2019  
South Whittier Elementary School District 18-5-2019  
Whittier Union High School District 17-5-2019  
(Recommended for APPROVAL)

School District Reorganization (Lapsation of a Small District)

#### Item W-10

**Subject:** Request by Panoche Elementary School District to waive California *Education Code* Section 35780(a), which requires lapsation of a district with an average daily attendance of less than six in first through eighth grades.

Waiver Number: 15-5-2019

(Recommended for APPROVAL)

Schoolsite Council Statute (Shared Schoolsite Council)

#### Item W-11

**Subject:** Request by Columbia Elementary School District under the authority of California *Education Code* Section 65001(e) for waivers of *Education Code* sections 65000 and 65001, relating to schoolsite councils regarding changes in shared, composition, or shared and composition members.

Waiver Number: 14-5-2019

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Extended School Year

#### Item W-12

**Subject:** Request by six 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 2-5-2019

Coachella Valley Unified School District 1-5-2019

Kings County Office of Education 5-5-2019

Lake Tahoe Unified School District 11-5-2019

Rialto Unified School District 12-6-2019

Soledad Unified School District 8-5-2019

(Recommended for APPROVAL WITH CONDITIONS)

Other Waivers (Employment - Retirement System)

Item W-15

**Subject:** Request by Los Angeles Unified School District to waive California *Education Code* Section 45134(c), to allow the employment of a State Teachers’ Retirement System retiree as a staff assistant to a Board Member.  
Waiver Numbers:

* 19-5-2019
* 20-5-2019

(Recommended for APPROVAL)

*WAIVER CONSENT VOTE*

**ACTION:** Member Sandoval moved to approve the CDE staff recommendation for each waiver request on consent W-01 through W-12 and W-15.

Member Rucker seconded the motion.

**Yes votes:** Members Navo, Sandoval, Pattillo Brownson, Sun, Darling-Hammond, Straus, Burr, Pangelinan, and Rucker.

**No votes:** None

**Member Absent:** Member Ortiz-Licon

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

### WAIVERS REQUIRING INDIVIDUAL ACTION (W-13, W-14, and W-16)

Special Education Program (Resource Teacher Caseload)

#### Item W-13

**Subject:** Request by Dublin 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: 9-5-2019

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Sandoval moved the CDE recommendation for waiver item W-13.

Member Sun seconded the motion.

**Yes votes:** Members Navo, Sandoval, Pattillo Brownson, Sun, Darling-Hammond, Straus, Burr, Pangelinan, and Ortiz-Licon.

**No votes:** Member Rucker

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

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

#### Item W-14

**Subject:** Requests by two districts under the authority of California *Education Code* (*EC*) Section 41382, to waive portions of the EC Section 41376(a), (c), and (d) relating to class size penalties for grades one through three. Allowable district class size average is 30 to one with no individual class larger than 32 students for grades one to three. The districts are requesting to increase their individual class size for grades one to three.  
Waiver Numbers:   
El Rancho Unified School District 6-5-2019  
El Rancho Unified School District 7-5-2019  
Garden Grove Unified School District 3-5-2019  
(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Sandoval moved the CDE recommendation for each waiver request in item W-14.

Member Burr seconded the motion.

**Yes votes:** Members Navo, Sandoval, Pattillo Brownson, Sun, Darling-Hammond, Straus, Burr, and Pangelinan.

**No votes:** None

**Member Absent:** Member Ortiz-Licon

**Abstentions:** None

**Recusals:** Member Rucker

The motion passed with 8 votes.

Special Education Program (Resource Teacher Caseload)

#### Item W-16

**Subject:** Requests by Manteca Unified School District 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:

* 19-4-2019
* 20-4-2019
* 21-4-2019
* 22-4-2019
* 23-4-2019
* 24-4-2019
* 25-4-2019
* 26-4-2019
* 27-4-2019
* 28-4-2019
* 29-4-2019
* 30-4-2019  
  (Recommended for DENIAL)

**ACTION:** Member Sandoval moved to approve waiver Item W-16 with the following conditions, as specified on page 2 of the Item.

(1) The District must submit to the Special Education Division (SED) of the CDE, documentation of the District’s efforts to recruit and employ fully credentialed resource specialists for the 2019–20 school year. The district is to use and document at least two or more different modalities for recruiting qualified personnel, such as:

* Posting of fliers
* Job listings in newspapers, professional periodicals, or other such listings
* Online job listings such as EdJoin, or other education related Web sites
* Participation in career or employment fairs
* Active recruitment at universities and other institutions of higher learning
* Involvement with institutions of higher learning for programs on teacher training
* Use of LEA based teacher training, or use of career ladders for current staff;

(2) The District must submit to the SED of CDE documentation that all RSP teacher caseloads in the District are at 28 or less by the beginning of the 2019–2020 school year.

Member Sun seconded the motion.

**Yes votes:** Members Navo, Sandoval, Pattillo Brownson, Sun, Darling-Hammond, Straus, Burr, Pangelinan, Ortiz-Licon, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

**END OF WAIVERS**

### REGULAR CONSENT ITEMS

### (Item 06 through Item 10)

#### Item 06

**Subject:** California Assessment of Student Performance and Progress System and English Language Proficiency Assessments for California: Determination of the Release of Up to 10 Percent Withheld for the 2018–19 Educational Testing Service Contract.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends releasing the full amount of $11,502,540.90 from English Language Proficiency Assessments for California (ELPAC) funds withheld during the 2018–19 ELPAC test administration. The CDE found that the contractor completed all component tasks as stated within the Scope of Work (SOW). The amounts per task are listed for CAASPP (page 1) and ELPAC (page 2) in Attachment 2.

The CDE recommends releasing an amount of $7,719,015.00 from CAASPP funds withheld during the 2018–19 CAASPP test administration and recommends not releasing $176,207.10 to the contractor specific to component tasks 2, 3, and 9 for CAASPP. The amounts per task are listed in Attachment 2.

#### Item 07

**Subject:** Nutrition Guidelines for School Breakfast and Lunch—Adoption of Proposed 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 recommends the SBE take the following actions:

* Adopt the proposed regulations (Attachment 1) and direct the CDE to submit the final rulemaking to the OAL.
* Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

#### Item 08

**Subject:** Vision Testing: Approval of the Commencement of a 15-Day Public Comment Period for Proposed Amendments to the California Code of Regulations, Title 5 sections 590, 591, 594, and 596 and Adoption of Proposed Section 597.

**Type of Action:** Action, Information

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

* Approve the proposed changes to the proposed regulation amendments.
* Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act.
* Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the final rulemaking file.

#### Item 09

**Subject:** Consideration of 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 recommends that the SBE approve the determination of funding request at 100 percent for the time period specified for the charter school listed on Attachment 1.

#### Item 10

**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 the charter schools identified in Attachment 1.

*ACTION ON REGULAR CONSENT ITEMS*

**ACTION:** Member Straus moved to approve the CDE staff recommendations for each regular item on consent (Item 6 through Item 10).

Member Navo seconded the motion.

**Yes votes:** Members Navo, Sandoval, Pattillo Brownson, Sun, Darling-Hammond, Straus, Burr, Pangelinan, Ortiz-Licon, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 11

**Subject:** Approval of 2019–20 Consolidated Applications.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the 2019–20 Consolidated Applications (ConApps) submitted by LEAs in Attachment 1.

**ACTION 1:** Member Rucker moved to approve the ConApps for the following four districts, numbers 1-4 in Attachment 1:

* Arcadia Unified
* Ceres Unified
* Gustine Unified
* Monrovia Unified

Member Sandoval seconded the motion.

**Yes votes:** Members Sandoval, Pattillo Brownson, Sun, Darling-Hammond, Burr, Pangelinan, Ortiz-Licon, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** Members Navo and Straus

The motion passed with 8 votes.

**ACTION 2:** Member Rucker moved to approve the remaining ConApps listed in Attachment 1.

Member Straus seconded the motion.

**Yes votes:** Members Navo, Sandoval, Pattillo Brownson, Darling-Hammond, Straus, Burr, Pangelinan, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

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

The motion passed with 8 votes.

*END OF REGULAR CONSENT ITEMS*

### REGULAR AGENDA ITEMS Continued

#### Item 12

**Subject:** Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve, 2021 Revision: Approval of the Revision of the Schedule of Significant Events.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the revised Schedule of Significant Events 2021 Revision of the Mathematics Framework for California Public Schools, Kindergarten Through Grade Twelve (Timeline).

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

Member Straus seconded the motion.

**Yes votes:** Members Navo, Sandoval, Pattillo Brownson, Sun, Darling-Hammond, Straus, Burr, Pangelinan, Ortiz-Licon, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 13

**Subject:** STATE BOARD PROJECTS AND PRIORITIES.

Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board appointments and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

**Type of Action:** Action, Information

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

1. Approve the Preliminary Report of Actions/Minutes for the July 10, 2019 meeting. (Attachment 1)

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

Member Burr seconded the motion.

**Yes votes:** Members Navo, Sandoval, Pattillo Brownson, Sun, Darling-Hammond, Straus, Burr, Ortiz-Licon, and Rucker.

**No votes:** None

**Member Absent:** None

**Abstentions:** Student Member Pangelinan

**Recusals:** None

The motion passed with 9 votes.

#### Item 14

**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 Darling-Hammond adjourned the meeting at approximately 4:45 p.m.**