

# California State Board of Education Final Minutes March 9-10, 2022

## Members Present

* Linda Darling-Hammond, President
* Cynthia Glover Woods, Vice President
* Francisco Escobedo
* Brenda Lewis
* James J. McQuillen
* Sharon Olken
* Gabriela Orozco-Gonzalez
* Kim Pattillo Brownson
* Haydee Rodriguez
* Rana Banankhah, Student Member

## Members Absent

* None

## Principal Staff

* Brooks Allen, Executive Director, State Board of Education (SBE)
* Jessica Holmes, Chief Deputy Executive Director, SBE
* Judy Cias, Chief Counsel, SBE
* Lisa Constancio, Senior Deputy Director, SBE
* Patricia de Cos, Deputy Executive Director, SBE
* Rigel Massaro, Deputy Legal Counsel and Deputy Policy Director, SBE
* Janet Weeks, Director of Communications, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Laila Fahimuddin, Policy Director, SBE
* Sara Pietrowski, Policy Director, SBE
* Amy Bubbico, Staff Services Manager, SBE
* Lisa Hopkins, Associate Governmental Program Analyst, SBE
* Haley Gordon, Associate Governmental Program Analyst, SBE
* Mary Nicely, Chief Deputy Superintendent, California Department of Education (CDE)
* Cheryl Cotton, Deputy Superintendent, CDE
* Sarah Neville Morgan, Deputy Superintendent, CDE
* Steve Zimmer, Deputy Superintendent, CDE
* Amy Holloway, General Counsel, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the March 9-10, 2022 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 March 9, 2022

**Wednesday, March 9, 2022 – 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
* Special Presentations
  + *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Day’s Adjournment

**President Darling-Hammond called the meeting to order at approximately 8:31 a.m.**

**President Darling-Hammond administered the Oath of Office to Dr. Brenda Lewis, Sharon Olken, and Gabriela Orozco-Gonzalez.**

**President Darling-Hammond announced that the Board would be going into Closed Session at approximately 8:35 a.m. to discuss and/or take action on the following cases:**

* *E.E. et al., Disability Rights Education & Defense Fund v. State and related U.S. Department of Justice complaint and Office of Administrative Hearings complaints*
* *Kerri K. et al. v. State of California, State Board of Education, State Department of Education, Tony Thurmond, Contra Costa County Office of Education, the Floyd I. Marchus School et al.,* Contra Costa County Superior Court, Case No. MSC19-00972

*REPORT OUT OF CLOSED SESSION*

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

* *E.E. et al., Disability Rights Education & Defense Fund v. State and related U.S. Department of Justice complaint and Office of Administrative Hearings complaints\*
* *Kerri K. et al. v. State of California, State Board of Education, State Department of Education, Tony Thurmond, Contra Costa County Office of Education, the Floyd I. Marchus School et al.,* Contra Costa County Superior Court, Case No. MSC19-00972

### AGENDA ITEMS DAY 1

#### Item 01

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

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

**Type of Action:** Action, Information

**Summary of the Issue:**

1. State Superintendent of Public Instruction Report
2. State Board of Education President’s Report

**ACTION:** No Action Taken.

#### Item 04

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: 2020–21 Data Release, 2022 Accountability Considerations, Continuing Development Work for Future California School Dashboards, California’s Dashboard Alternative School Status Program, and the 2021–2022 Addendum Template for the Elementary and Secondary Education Act Consolidated State Plan.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE take action related to the 2022 accountability workplan as deemed necessary and appropriate, that the SBE delegate authority to CDE, subject to approval of the SBE Executive Director, to pursue, as expeditiously as possible, a waiver to allow California to maintain DASS modified methods business rules for calculating the Academic Achievement and Graduation Rate Indicators, and that the SBE approve California’s submission of the 2021–22 Addendum for the Consolidated State Plan due to COVID-19 to ED.

**ACTION:** Member Escobedo moved to approve the CDE recommendation.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** Member Olken

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

#### Item 02

**Subject:** The California Assessment of Student Performance and Progress and the English Language Proficiency Assessments for California: Approval of the Revised Student Score Reports for both the 2022–23 Initial English Language Proficiency Assessments for California and Initial Alternate English Language Proficiency Assessments for California, and an Update on Assessment Program Activities.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the California State Board of Education (SBE) approve the revised Initial ELPAC and Initial Alternate ELPAC SSRs for the 2022–23 test results.

**ACTION:** Member Rodriguez moved to approve the CDE recommendation.

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** Member Olken

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

#### Item 03

**Subject:** The Federal Every Student Succeeds Act: Authorization to Pursue a Waiver for the 2021–22 School Year of the 1.0 Percent Cap on the Percentage of Eligible Students with the Most Significant Cognitive Disabilities Who May Be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards for English Language Arts/Literacy, Mathematics, and Science and Other Related Waivers.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the California State Board of Education (SBE) authorize the CDE to submit to the U.S. Department of Education (ED) the draft waiver package found in Attachment 1, which contains the following:

* Request for a waiver of the requirement to assess 95 percent of all eligible students in ELA, mathematics, and science for 2020–21
* Request for a waiver of the requirement that a request for a waiver of the requirement to assess less than 1 percent of eligible students with alternate assessments be submitted at least 90 days before the beginning of the annual testing window for the administration of the statewide assessments
* Request for a waiver of the requirement to assess less than 1 percent of eligible students with an alternate assessment for ELA, mathematics, and science for the 2021–22 administration
* Request an extension of the plan to report preliminary indicator results for the 2020–21 administration of the CAA for Science

**ACTION:** Member Pattillo Brownson moved to approve the CDE recommendation.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** Member Olken

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

#### Item 05

**Subject:** Eagle Collegiate Academy: Consider Evidence Regarding a Notice of Violation Issued by the California State Board of Education, pursuant to California Education Code Section 47607(g), and Consider Issuing a Notice of Intent to Revoke with Notice of Facts, pursuant to California Education Code Section 47607(h).

**Type of Action:** Action, Information

**Recommendation:** As Eagle Collegiate Academy (ECA) has failed to adequately refute, remedy, or propose to remedy the violations described in the Notice of Violation, the CDE recommends that the SBE issue a Notice of Intent to Revoke with Notice of Facts to ECA, pursuant to *EC* Section 47607(h), at its March 9, 2022, meeting, and hold a public hearing to issue a final decision to revoke the ECA charter at its March 10, 2022, meeting.

The CDE provides substantial evidence that ECA has committed the following:

* Fiscal mismanagement (*EC* Section 47607[f][3]),
* Violation of several conditions, standards, or procedures set forth in the charter (*EC* Section 47607[f][1]), and
* Violation of provisions of law (*EC* Section 47607[f][4]).

**ACTION:** Member Glover Woods moved to approve the CDE recommendation to issue a Notice of Intent to Revoke with Notice of Facts to ECA.

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** Member Olken

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

#### Item 06

**Subject:** Approval of Modifications to California’s 2020–23 Unified Strategic Workforce Development Plan.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the modified State Plan under the Workforce Innovation and Opportunity Act (WIOA) of 2014.

**ACTION:** Member McQuillen moved to approve the CDE recommendation.

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** Member Olken

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

***Item 07 was withdrawn by the SBE Office on March 7, 2022.***

#### ~~Item 07~~

**~~Subject:~~** ~~Update of Performance Standards of Local Indicators and Self-Reflection Tools for Local Indicator Reporting within the California School Dashboard.~~

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

[Note: the preceding information about Item 07 contains strikethroughs which indicate the item has been withdrawn.]

### REGULAR CONSENT ITEMS (Item 08 through Item 10)

#### Item 08

**Subject:** Approval of a Charter School Number Assigned to a Newly Established Charter School.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE assign a charter number to the charter school identified in Attachment 1.

#### Item 09

**Subject:** Approval of 2021–22 Consolidated Applications.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the 2021–22 ConApps submitted by LEAs in Attachment 1.

#### Item 10

**Subject:**  Extended School Year - Approve Commencement of a 45-Day Public Comment Period for Proposed Amendments to California Code of Regulations, Title 5, Section 3043.

**Type of Action:** Action, Information

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

* Approve the Notice of Proposed Rulemaking (Notice)
* Approve the Initial Statement of Reasons (ISOR)
* Approve the proposed 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:** Member Escobedo moved to approve the CDE recommendations for each regular item on consent (Item 8 through Item 10).

Member Lewis seconded the motion.

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

**No votes:** None

**Member Absent:** Member Olken

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

*END OF REGULAR CONSENT ITEMS*

*ADJOURNMENT OF DAY’S SESSION*

**President Darling-Hammond adjourned the meeting at approximately 3:33 p.m.**

## California State Board of Education Public Session March 10, 2022

**Thursday, March 10, 2022 – 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
* Special Presentations
  + *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Day’s Adjournment

**President Darling-Hammond called the meeting to order at approximately 8:31 a.m.**

### AGENDA ITEMS DAY 2

### PUBLIC HEARING

The following Public Hearing will commence no earlier than 8:30 a.m. on Thursday, March 10, 2022. The Public Hearing listed below will be held as close to 8:30 a.m. as the business of the State Board permits.

#### Item 11

**Subject:** Eagle Collegiate Academy: Hold a Public Hearing and Consider Revocation of the Charter, pursuant to California Education Code Section 47607(h).

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

**Recommendation:** On March 9, 2022, the SBE will consider issuing a Notice of Intent to Revoke and Notice of Facts in support of revocation of the ECA charter. If the SBE issues the Notice of Intent to Revoke with Notice of Facts on March 9, 2022, the CDE recommends that the SBE hold a public hearing on March 10, 2022, to consider the final decision to revoke the ECA charter.

If the SBE finds sufficient grounds for revocation, the CDE recommends that the SBE adopt the Final Decision to Revoke (Attachment 1), and that the SBE provide notice to the ECA Board that revocation becomes effective on Wednesday, March 30, 2022.

If the SBE takes action to revoke the ECA charter, the CDE recommends that the SBE direct ECA to immediately begin the closure procedures set forth in the ECA charter.

**President Darling-Hammond opened the Public Hearing at approximately 8:37 a.m.**

**President Darling-Hammond closed the Public Hearing at approximately 9:10 a.m.**

**ACTION:** Member Glover Woods moved to approve the CDE staff recommendation to adopt the Final Decision to Revoke, and that the SBE provide notice to the ECA Board that revocation becomes effective on Wednesday, March 30, 2022.

Member Escobedo seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** Member Olken

**Recusals:** None

The motion passed with 9 votes.

### END OF PUBLIC HEARING

#### Item 12

**Subject:** Approval of the fiscal year 2021–22 Career Technical Education Incentive Grant Allocations, Including the Allocation Formula; Specific Funding Amounts and Number of Grant Awards; Purposes for Grant Fund Use; and Allowable and Non-Allowable Expenditures.

**Type of Action:** Action, Information

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

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

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

Member McQuillen seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### WAIVERS ON CONSENT (W-01 through W-08)

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.

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

#### Item W-01

**Subject:** Request by **two 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: Los Angeles Academy of Arts and Enterprise Fed-9-2021

Pierce Joint Unified School District Fed-10-2021

(Recommended for APPROVAL)

Other Waivers (Employment - Retirement System)

#### Item W-02

**Subject:** Request by **Saint Helena Unified** to waive California *Education Code* Section 45134(c), to allow the employment of a State Teachers’ Retirement System retiree in a classified position on a temporary basis.

Waiver Number: 2-12-2021

(Recommended for APPROVAL)

Other Waivers (Personnel Commission)

#### Item W-03

**Subject:** Request by **Los Angeles Unified School District** to waive portions of California *Education Code* (*EC*) Section 45272(a), to allow the district to appoint school-based classified employees from outside the top three applicant eligibility lists.

Waiver Number: 9-12-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-04

**Subject:** Request by **Central Elementary** to waive California *Education Code* sections 15102 and 15268 to allow the district to exceed their bonded indebtedness limits. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary school districts and 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 elementary school districts and $60 per $100,000 of assessed value for unified school districts may also apply.

Waiver Number: 10-12-2021

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Elimination of Election Requirement)

#### Item W-05

**Subject:** Request by **San Pasqual Union Elementary School District** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to establish a by-trustee-area method of election.

Waiver Number: 4-11-2021

(Recommended for APPROVAL)

School District Reorganization (Size of Governing Board)

#### Item W-06

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

Waiver Number: 6-11-2021

(Recommended for APPROVAL)

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

#### Item W-07

**Subject:** Request by **Santa Barbara 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 Jordan Hart to continue to provide services to students until June 30, 2014, under a remediation plan to complete those minimum requirements.

Waiver Number: 4-10-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-08

**Subject:** Request by **mulitple school districts** 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: Butte County Office of Education 9-10-2021

National Elementary School District 7-12-2021 San Marcos Unified School District 10-10-2021

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION on Waiver Items on Consent:** Member Rodriguez moved to approve the CDE recommendations for each waiver item on consent (W-01 through W-08).

Member Lewis seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### END OF WAIVERS

#### REOPEN Item 01

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

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

**Type of Action:** Action, Information

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

1. Approve the Preliminary Report of Actions/Minutes for the January 12, 2022 meeting. (Attachment 1)
2. Board member liaison reports

**ACTION:** Member Pattillo Brownson moved to approve the Preliminary Report of Actions/Draft Minutes for the January 12, 2022 SBE meeting.

Member Glover Woods seconded the motion.

**Yes votes:** Members Banankhah, Darling-Hammond, Escobedo, Glover Woods, McQuillen, Pattillo Brownson, and Rodriguez.

**No votes:** None

**Member Absent:** None

**Abstentions:** Members Lewis, Olken, and Orozco-Gonzalez

**Recusals:** None

The motion passed with 7 votes.

#### Item 13

**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

**At approximately 11:01 a.m., President Darling-Hammond adjourned the meeting.**