

# California State Board of Education Final Minutes September 9, 2021

## Members Present

* Linda Darling-Hammond, President
* Ilene W. Straus, Vice President
* Sue Burr
* Francisco Escobedo
* Cynthia Glover-Woods
* James J. McQuillen
* Kim Pattillo Brownson
* Haydee Rodriguez
* Patricia A. Rucker
* Ting L. Sun
* Rana Banankhah, Student Member

## Members Absent

* None

## Principal Staff

* Brooks Allen, Executive Director, State Board of Education (SBE)
* Judy Cias, Chief Counsel, 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
* Pamela Castleman, Education Programs Consultant, SBE
* Amy Bubbico, Staff Services Manager, SBE
* Lisa Hopkins, Associate Governmental Program Analyst, SBE
* Haley Gordon, Staff Services Analyst, SBE
* Mary Nicely, Chief Deputy Superintendent, California Department of Education (CDE)
* Stephanie Gregson, Chief Deputy Superintendent, CDE
* Cheryl Cotton, Deputy Superintendent, CDE
* Daniel Lee, Deputy Superintendent, CDE
* Lisa Constancio, Deputy Superintendent
* Sarah Neville-Morgan, Deputy Superintendent, CDE
* Amy Holloway, General Counsel, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the September 9, 2021 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 9, 2021

**Thursday, September 9, 2021 – 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

**Vice-President Straus called the meeting to order at approximately 8:35 a.m.**

**Vice-President Straus administered the Oath of Office to Dr. Francisco Escobedo and 2021-22 Student Board Member Rana Banankhah.**

### AGENDA ITEMS DAY 1

#### Item 02

**Subject:** The California Assessment of Student Performance and Progress System and the English Language Proficiency Assessments for California: Request for Approval of the Smarter Balanced Summative Assessments for English Language Arts/Literacy and Mathematics Blueprints and an Update on Assessment Program Activities.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the California SBE approve the Smarter Balanced Summative Assessments for ELA and mathematics blueprints as described in tables 1 and 2 for the 2021–2022 administration.

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

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 01

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

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. State Superintendent’s Report
2. SBE President’s Report

**ACTION:** No Action Taken.

#### Item 11

**Subject:** Appointment of Mary Nicely to Chief Deputy Superintendent of Public Instruction in accordance with Article IX, Section 2.1, of the Constitution of the State of California.

**Type of Action:** Action, Information

**ACTION 1:** Member Burr moved to determine that there is a need to take immediate action on Item 11, and that the need came to the attention of the CDE/SBE after the posting of the agenda.

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**ACTION 2:** Member Burr moved to approve the CDE recommendation to approve the appointment of Mary Nicely to the position of Chief Deputy Superintendent.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 03

**Subject:** Local Control and Accountability Plan Template – Revision Prototypes, consistent with California Education Code sections 42238.07, 52064 and Section 124 of Assembly Bill 130.

**Type of Action:** Action, Information

**Recommendation:** No action is recommended at this time. However, the CDE requests that the SBE provide feedback regarding the draft LCAP template and instructions that incorporate the requirements outlined in SB 98 and AB 130 as well as the draft for the 2021-22 Supplement template and instructions.

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

**ACTION:** No Action Taken.

#### Item 04

**Subject:** New Targets for State Performance Plan Indicators in the Annual Performance Report for Part B of the Individuals with Disabilities Education Act of 2004, covering program years 2020–21 through 2025–26.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends the SBE review and provide the CDE with feedback on the proposed new targets. The CDE will return to the November SBE meeting to present the final targets for consideration for approval.

**ACTION:** No Action Taken.

### PUBLIC HEARING

The following Public Hearing will commence no earlier than 12:00 p.m. on Thursday, September 9, 2021. The Public Hearing listed below will be held as close to 12:00 p.m. as the business of the State Board permits.

#### Item 05

**Subject:** Appeal from an Action of the Riverside County Committee on School District Organization to Approve a Petition to Transfer Territory from the Coachella Valley Unified School District to the Desert Sands Unified School District.

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

**Recommendation:** The CDE recommends that the SBE reverse the action of the County Committee to approve the proposal to transfer territory from the Coachella Valley USD to the Desert Sands USD.

**President Darling-Hammond opened the Public Hearing at approximately 3:15 p.m.**

**President Darling-Hammond closed the Public Hearing at approximately 3:43 p.m.**

**ACTION:** Member Burr moved to approve the CDE staff recommendation that the SBE reverse the action of the Riverside County Committee to approve the transfer of territory from the Coachella Valley USD to the Desert Sands USD.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** Member Straus

**Recusals:** None

The motion passed with 10 votes.

### END OF PUBLIC HEARING

### WAIVERS ON CONSENT

### (W-01 through 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.

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

#### Item W-01

**Subject:** Request by the **Maple Elementary School District** under the authority of California *Education Code* (*EC*) Section 41382, for a renewal 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 with no individual class larger than 32 students for grades one to three. The district wishes to increase its overall district average class size to 31 for grades one to three.

Waiver Number: 4-6-2021

(Recommended for APPROVAL)

Instructional Time Requirement Audit Penalty (Charter - Minimum Instructional Time)

#### Item W-02

**Subject:** Request by **Francophone Charter School of Oakland (FCSO)** a charter school under the authority of the California *Education Code* Section 47612.6, to waive *Education Code* Section 47612.5, the audit penalty for offering insufficient instructional minutes during the 2018–19 school year.

Waiver Number: 9-3-2021

(Recommended for APPROVAL WITH CONDITIONS)

Community Day Schools (CDS) (Colocate Facilities)

#### Item W-03

**Subject:** Request by **Chino Valley Unified School District** for a renewal waiver of portions of California *Education Code* Section 48661(a) to permit the collocation of Chino Valley Learning Academy, a community day school, on the same site as an elementary school, a senior high school, and other alternative education programs.

Waiver Number: 16-6-2021

(Recommended for APPROVAL WITH CONDITIONS)

Community Day Schools (CDS) (Colocate Facilities and Commingle Grade Levels)

#### Item W-04

**Subject:** Request by the **Snowline Joint Unified School District** for arenewalwaiver of 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, and portions of California *Education Code* Section 48661(a), to permit the collocation of the Eagle Summit Community Day School on the same site as the Chaparral High School, a continuation high school.

Waiver Number: 12-4-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-05

**Subject:** Request by the **Liberty Union High School District** to waive California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.

Waiver Number: 24-6-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-06

**Subject:** Request by the **Santa Barbara Unified School District** to waive California *Education Code* sections specific to statutory provisions for the sale of surplus property.

Waiver Number: 18-6-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-07

**Subject:** Request by **Manchester 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: 14-6-2021

(Recommended for APPROVAL)

School District Reorganization (Election of Governing Board)

#### Item W-08

**Subject:** Requests by **nine 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: Azusa Unified School District 10-6-2021

Elk Grove Unified School District 1-6-2021

Goleta Union Elementary School District 12-5-2021

Lucia Mar Unified School District 3-5-2021

Parlier Unified School District 17-6-2021

San Luis Coastal Unified School District 15-6-2021

San Mateo-Foster City School District 19-6-2021

Solana Beach Elementary School District 1-5-2021

West Sonoma County Union High School District 5-6-2021

(Recommended for APPROVAL)

School District Reorganization (Timeline Requirements)

#### Item W-09

**Subject:** Request by **Banta Elementary School District** to waive portions of California *Education Code* Section 35534, regarding effective date of reorganization.

Waiver Number: 3-6-2021

(Recommended for APPROVAL)

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

#### Item W-10

**Subject:** Requests by **Santa Clara County Office of Education** for renewals to waive *California Code of Regulations*, Title 5, Section 3051.16(c), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Rebecca Alcantra, and Yolanda Cortes to continue to provide services to students until June 30, 2022, under a remediation plan to complete those minimum requirements.

Waiver Numbers: Santa Clara County Office of Education 20-6-2021

Santa Clara County Office of Education 22-6-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-11

**Subject:** Request by **four 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: Amador County Unified School District 9-5-2021

Kings County Office of Education 10-5-2021

Mariposa County Office of Education5-5-2021

Sweetwater Union High School District 8-5-2021

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Non Public Agency (NPA) or School (NPS) Annual Renewal of Certification)

#### Item W-12

**Subject:** Request by the **Newport-Mesa Unified School District Special Education Local Plan Area** to waive California *Education Code* Section 56366.1(e)(3), the requirement for on-site visits to the nonpublic, nonsectarian school before placement of a pupil if the local educational agency does not have any pupils enrolled at the school at the time of placement, and at least one on-site monitoring visit during each school year to the nonpublic, nonsectarian school at which the local educational agency has a pupil attending and with which it maintains a master contract.

Waiver Number: 7-5-2021

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Algebra I Requirement for Graduation)

#### Item W-13

**Subject:** Request by **Cabrillo Unified School District** to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2020–21 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for two students with disabilities based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number: 21-6-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-14

**Subject:** Request by the **Grossmont Union High School District** to waive California *Education Code* Section 56366(d), the requirement for nonpublic, nonsectarian schools or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of one high school student with disabilities at an uncertified out-of-state school for students with disabilities located in Jackson, Tennessee.

Waiver Number: 6-5-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-15

**Subject:** Request by the **San Diego Unified School District** to waive California *Education Code* Section 56366(d), the requirement for nonpublic, nonsectarian schools or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of two students with disabilities at an uncertified out-of-state school for students with disabilities located in Victoria, Texas.

Waiver Number: 23-12-2020

(Recommended for APPROVAL)

**ACTION on Waiver Items on Consent:** Member Rucker moved to approve the CDE recommendations for each waiver item on consent (Item W-01 through Item W-15).

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### END OF WAIVERS

### REGULAR CONSENT ITEMS (Item 06 through Item 09)

#### Item 06

**Subject:** Approval of Local Educational Agency Plans as Required by the Every Student Succeeds Act through the Completion of the Local Control and Accountability Plan Federal Addendum.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the LEAs’ Addendum list for 2020-21 referenced in Attachment 1.

#### Item 07

**Subject:** Request to Ratify a Waiver for Title I, Part A and General Education Provisions Act Flexibilities.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE ratify the waiver for the 2020-2021 school year related to the following requirements:

Section 1127(b) of Title I, Part A of the ESEA so that CDE may waive, more than once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for FY 2020 Title I, Part A funds.

Section 421(b) of the GEPA to extend the period of availability of FY 2019 funds for programs in which CDE participates under its approved consolidated State plan until September 30, 2022.

#### Item 08

**Subject:** Request to Ratify California’s American Rescue Plan Elementary and Secondary School Emergency Relief – Homeless Children and Youth Application.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE ratify California’s ARP-HCY Plan.

#### Item 09

**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.

**ACTION on Regular Items on Consent:** Member Rucker moved to approve the CDE recommendations for each regular item on consent (Item 06 through Item 09).

Member Sun seconded the motion.

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

**No votes: None**

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### END OF CONSENT ITEMS

### REGULAR ITEMS CONTINUED

#### Re-Open Item 01

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

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

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

1. Approve the Preliminary Report of Actions/Minutes for the July 14, 2021 meeting. (Attachment 1)
2. Board member liaison reports

**ACTION:** Member Rucker moved to approve the Preliminary Report of Actions/Minutes for the July 14, 2021 meeting.

Member Glover-Woods seconded the motion.

**Yes votes:** Members Darling-Hammond, Glover-Woods, McQuillen, Pattillo Brownson, Rodriguez, Rucker, Straus, and Sun.

**No votes:** None

**Member Absent:** None

**Abstentions:** Members Burr, Escobedo, and Banankhah

**Recusals:** None

The motion passed with 8 votes.

#### Item 10

**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 4:52 p.m., President Darling-Hammond adjourned the meeting.**