

# California State Board of Education Final Minutes March 13-14, 2019

## Members Present

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

## Member Absent

* Linda Darling-Hammond (Wednesday, March 13 only)
* Tony Thurmond, SSPI, Secretary and Executive Officer (Wednesday, March 13 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
* 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)
* Tom Adams, Deputy Superintendent, CDE
* Edmundo Aguilar, Chief Counsel II, CDE
* Keric Ashley, Deputy Superintendent, CDE
* Amy Bisson Holloway, Chief Counsel II, CDE
* Catalina Cifuentes, Deputy Superintendent, CDE
* Khieem Jackson, Deputy Superintendent, CDE
* Stephanie Papas, Education Policy Administrator I, CDE
* Nick Schweizer, Deputy Superintendent, CDE
* Keith Yamanaka, General Counsel

**Please note that the complete proceedings of the March 13-14, 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 March 13, 2019

**Wednesday – March 13, 2019 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

**Member Straus called the meeting to order at approximately 8:30 a.m.**

### AGENDA ITEMS DAY 1

#### Item 01

**Subject:** Approval of Indicator 17 of the Annual Performance Report for Special Education.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the State Systemic Improvement Plan (SSIP) prepared by the Special Education Division (SED) to be submitted to the Office of Special Education Programs (OSEP) by the mandated submission date of April 1, 2019.

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

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 7 votes.

#### Item 02

**Subject:** Update on the Development of California’s System of Support for Local Educational Agencies and Schools.

**Type of Action:** Action, Information

**Recommendation:** No action is recommended at this time. However, the CDE requests that the SBE provide feedback on the system of support update.

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

**ACTION:** No Action Taken.

#### Item 03

**Subject:** California Assessment of Student Performance and Progress System and the English Language Proficiency Assessments for California: Update on the Initial English Language Proficiency Assessments for California Threshold Score Review Study, and Assessment Program Activities.

**Type of Action:** Information

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

**ACTION:** No Action Taken.

#### Item 04

**Subject:** Approval of the Career Technical Education Incentive Grant including the allocation formula, specific funding amounts and number of grant awards, purposes for which grant funds may be used, and allowable and non-allowable expenditures.

**Type of Action:** Action, Information

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

* Allocation Formula (Attachment 1)
* Specific Funding amounts and number of grant awards (Attachment 2)
* Purposes for which grant funds may be used
* Allowable and Non-allowable expenditures

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

Member Ortiz-Licon seconded the motion.

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

**No votes:** None

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** Member Straus

The motion passed with 6 votes.

#### Item 05

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

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the California Computer Science Strategic Implementation Plan.

**ACTION:** No Action Taken. The item will be included on the May 2019 agenda in order to allow time for CDE staff to address questions raised by individual board members.

### PUBLIC HEARING

#### Item 06

**Subject:** College Preparatory Middle School-La Mesa Spring Valley: Consider a Material Revision of the Charter to Change Admission Preferences.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to approve the request for the material revision of the College Preparatory Middle School-La Mesa Spring Valley (CPMS-LMSV) petition to amend Element 8–Admission Requirements for a five-year term, of July 1, 2018, through June 30, 2023, under the oversight of the SBE, based on the CDE’s findings pursuant to *Education Code* (*EC*) sections 47605(b)(1), 47605(b)(2), 47605(b)(3), 47605(b)(4) 47605(b)(5), 47605(b)(6) and *California Code of Regulations*, Title 5, Section 11967.5.1.

The CDE finds that the CPMS-LMSV petition is consistent with sound educational practice and the petitioners are demonstrably likely to successfully implement the intended program.

If approved by the SBE, the CPMS-LMSV petitioner will be required to revise the petition to include the necessary language in Element 10–Suspension and Expulsion Procedures.

**Advisory Commission on Charter Schools Recommendation**

The Advisory Commission on Charter Schools (ACCS) considered the CPMS-LMSV request for a material revision at its February 5, 2019, meeting. The ACCS moved CDE staff recommendation to approve the CPMS-LMSV request for material revision. The motion passed unanimously.

The meeting notice for the February 5, 2019, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020519.asp>.

**Vice President Straus opened the public hearing at 2:16 p.m.**

**Vice President Straus closed the public hearing at 2:19 p.m.**

**ACTION:** Member Sun moved to approve the CDE staff recommendation to approve the request for a material revision of the College Preparatory Middle School-La Mesa Spring Valley.

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 7 votes.

### END OF PUBLIC HEARING

### WAIVERS ON CONSENT

*(W-01, W-03, and W-05 through W-13)*

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 three school districts for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).  
Waiver Numbers:

Black Oak Mine Unified School District Fed-2-2019

Lakeport Unified School District Fed-1-2019  
Shandon Joint Unified School District Fed-14-2018

(Recommended for APPROVAL)

Physical Education Program (Block Schedules)

#### Item W-03

**Subject:** Request by Vista Unified School District to waive portions of California *Education Code* Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each 10 school days for students in grades nine through twelve in order to implement a block schedule at Mission Vista High School.  
Waiver Number: 4-7-2018  
(Recommended for APPROVAL WITH CONDITIONS)

PHYSICAL FITNESS TESTING (Physical Fitness Testing)

#### Item W-05

**Subject:** Request by Vista Unified School District to waive portions of the California *Education Code* Section 60800(a), relating to Physical Fitness Testing, specifically the testing window of February 1 through May 31 to be moved to PE classes in the fall semester.  
Waiver Number: 5-7-2018  
(Recommended for APPROVAL)

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

#### Item W-06

**Subject:** Request by Liberty Union High School District to waive California *Education Code* (*EC*) sections specific to statutory provisions for the sale or lease of surplus property.  
Waiver Number: 10-12-2018  
(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-07

**Subject:** Request by five local educational agencies to waive one or more of the following California *Education Code* sections 15102, 15106, and 15268, related to bonded indebtedness limits. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for high school and elementary school districts or 2.50 percent 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 and elementary school districts or $60 per $100,000 for unified districts, may also apply.  
Waiver Numbers:

Heber Elementary School District: 14-12-2018

Luther Burbank School District: 9-12-2018  
Rio Elementary School District: 15-12-2018  
Robla Elementary School District: 13-12-2018  
Winters Joint Unified School District: 16-12-2018

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Elimination of Election Requirement)

#### Item W-08

**Subject:** Request by San Ramon Valley Unified School District to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.  
Waiver Number: 5-1-2019

(Recommended for APPROVAL)

School District Reorganization (Lapsation of a Small District)

#### Item W-09

**Subject:** Request by Lincoln 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: 3-12-2018

(Recommended for APPROVAL)

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

#### Item W-10

**Subject:** Request by two local education agencies 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 Regina Lanteigne to continue to provide services to students until June 30, 2014, under a remediation plan to complete those minimum requirements.

Waiver Numbers:

Corcoran Joint Unified School District 13-11-2018  
Manhattan Beach Unified School District 2-1-2019

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-11

**Subject:** Request by three County Offices 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 William Curd to continue to provide services to students until June 30, 2019, under a remediation plan to complete those minimum requirements.

Waiver Numbers:

San Luis Obispo County Office of Education 6-1-2019  
Santa Barbara County Office of Education 17-1-2019  
Sutter County Office of Education 11-11-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### 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:

Butte County Office of Education 2-12-2018  
Fall River Joint Unified School District 8-12-2018  
Greenfield Union School District 9-11-2018  
Madera County Superintendent of Schools 1-12-2018  
National Elementary School District 14-11-2018  
San Pasqual Valley Unified School District 10-11-2018

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (One year notice to change SELPA)

#### Item W-13

**Subject:** Request by Hacienda la Puente Unified School District to waive California *Education Code*, Section 56195.3(b), regarding one-year notification requirements of a special education local plan area.Waiver Number: 9-1-2019

(Recommended for APPROVAL)

**ACTION:** Member Rucker moved to approve the CDE staff recommendations for each waiver item on consent (W-01, W-03, and W-05 through W-13).

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 7 votes.

### WAIVERS REQUIRING INDIVIDUAL ACTION (Item W-02 and Item W-04)

Other Waivers (Other Waivers)

#### Item W-02

**Subject:** Request by the Mammoth Unified School District to waive California *Education Code* (*EC*) Section 17407.5, which would require that a “skilled and trained workforce” be used in connection with the district’s plan to modernize and construct new school facilities using the lease-leaseback construction delivery method.  
Waiver Number: 11-12-2018

(Recommended for DENIAL)

**ACTION:** Member Rucker moved to approve the CDE staff recommendation to deny waiver Item W-02.

Member Sandoval seconded the motion.

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

**No votes:** Member Burr

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 6 votes.

Physical Education Program (Block Schedules)

#### Item W-04

**Subject:** Request by Washington Unified School District to waive portions of California *Education Code* Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each ten school days for students in grades nine through twelve in order to implement a block schedule at River City High School.   
Waiver Number: 5-8-2018

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** No Action Taken. The item will be included on the May 2019 agenda, in order to allow time for CDE staff to address questions raised by individual board members.

**END OF WAIVERS**

### REGULAR CONSENT ITEMS (Item 07 through Item 14)

#### Item 07

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

**Type of Action:** Action, Information

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

#### Item 08

**Subject:** 2020 Ethnic Studies Model Curriculum: Appointment of Co-Chair of the Ethnic Studies Model Curriculum Advisory Committee.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE appoint member #521, Dr. Allyson Tintiangco-Cubales, to serve as co-chair of the Ethnic Studies MCAC.

#### Item 09

**Subject:** 2020 Health Education Instructional Materials Adoption: Approval of the Schedule of Significant Events and Reviewer Application.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the draft Timeline (Attachment 1) and the draft online Reviewer Application (Attachment 2) that will be used to recruit applicants to serve as reviewers during the 2020 Health Education Instructional Materials Adoption (Health Adoption).

#### Item 10

**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 requests at 100 percent for the time period specified for the charter schools listed on Attachment 1.

#### Item 11

**Subject:** Consideration of a Retroactive 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 at 100 percent for the time period specified for Camino Polytechnic as listed on Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At the February 2019 meeting, the ACCS voted unanimously to approve the CDE recommendation that the SBE approve the determination of funding request at 100 percent for the time period specified for Camino Polytechnic as listed on Attachment 1.

The meeting notice for the February 2019 ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020519.asp>.

#### Item 12

**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.

#### Item 13

**Subject:** Nutrition Guidelines for School Breakfast and Lunch—Approval of the Commencement of a 45-Day Public Comment Period for Proposed Amendments to the California Code of Regulations, Title 5 (5 CCR), Division 1, Chapter 15, Subchapter 1, Article 4, sections 15551, 15558, 15559, and 15560.

**Type of Action:** Action, Information

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

* Approve the proposed changes to the proposed regulations.
* Direct that the proposed changes be circulated for a 45-day public comment period in accordance with the Administrative Procedure Act.
* If no relevant comments to the proposed changes are received during the 45-day public comment period, the proposed regulations with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval.
* If any relevant comments to the proposed changes are received during the  
  45-day public comment period, the CDE is directed to place the proposed regulations on the SBE July 2019 agenda for action.
* 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 14

**Subject:** Adoption of Standards for Comprehensive Reviews of School Districts.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE adopt the attached list of Standards for Comprehensive Reviews.

**ACTION:** Member Sandoval moved to approve the CDE staff recommendation for each regular item on consent (Item 07 through Item 14).

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 7 votes.

*END OF REGULAR CONSENT ITEMS*

### AGENDA ITEMS DAY 1 Continued

#### Item 21

**Subject:** Paradise Unified School District Request for a Waiver of Assessment Requirements Pursuant to the Every Student Succeeds Act.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends the approval of the submission of the waiver request to the U.S. Department of Education (ED) on behalf of Paradise Unified School District (PUSD), with additional background, information, or analysis by CDE staff as necessary to support the district’s waiver request.

It is further recommended that the SBE delegate authority to the SBE President to approve submission to the ED of requests by local educational agencies (LEAs) to waive provisions of ESSA if the SBE President determines there is not sufficient time to bring the request to the SBE at a regularly scheduled meeting with sufficient staff analysis to support a reasoned recommendation.

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

Member Ortiz-Licon seconded the motion.

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

**No votes:** None

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 7 votes.

#### Item 15

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

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

**Type of Action:** Action, Information

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

1. Approve the Preliminary Report of Actions/Minutes for the January 9-10, 2019 meeting. (Attachment 1)

**ACTION:** Member Burr moved to approve the SBE staff recommendation to approve the Preliminary Report of Actions/Minutes for the January 9-10, 2019 meeting (Attachment 1).

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 7 votes.

#### Item 16

**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 DAY’S MEETING

**At approximately 3:45 p.m., Member Straus announced adjournment of the day’s meeting.**

## California State Board of Education Public Session March 14, 2019

**Thursday, March 14, 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
* Adjournment

**Superintendent Thurmond administered the Oath of Office to incoming board member, Dr. Linda Darling-Hammond.**

### AGENDA ITEMS DAY 2

***Member Straus re-opened Item 15 to take up Office Elections.***

#### Item 15

**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:

**ACTION 1, Election of President:** Member Straus moved to nominate Linda Darling-Hammond to the office of president for 2019.

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 8 votes.

**ACTION 2, Election of Vice President:** Member Sun moved to nominate Member Straus to the office of vice president for 2019, by acclamation.

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 8 votes.

*CLOSED SESSION*

President Darling-Hammond announced that that the SBE would adjourn to Closed Session to discuss and/or take action on the following cases:

* *Emma C., et al. v. Delaine Eastin, et al., United States District Court (No.Dist.CA)*
* *Ella T et.al. v. State of California, State Board of Education, State Department of Education, Tom Torlakson et al., Los Angeles County Superior Court*

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

#### Item 17

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Update and Recommended Action Regarding Local Indicators; and Update on the Continuing Development Work; and Revisions under Consideration for the 2019 California School Dashboard.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve: (1) the proposed revision to the self-reflection tool for Priority 3: Parental Involvement and Family Engagement.

In addition, the CDE recommends that the SBE provide guidance on the proposed work plan and take additional action as deemed necessary and appropriate.

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

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 8 votes.

### PUBLIC HEARINGS

*(Item 18 and Item 19)*

#### Item 18

**Subject:** Renewal Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Magnolia Science Academy-Santa Ana, which was denied by the Santa Ana Unified School District.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to approve the request to renew Magnolia Science Academy-Santa Ana (MSA-SA), a transitional kindergarten (TK) through grade twelve charter school, under the oversight of the SBE, based on the CDE’s findings pursuant to *EC* sections47605(b), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1.

The CDE finds that the MSA-SA petition is consistent with sound educational practice and does perform, overall, at least equal to its comparable district schools where the majority of MSA-SA pupils would otherwise attend.

Additionally, the CDE finds that the MSA-SA is demonstrably likely to implement the program set forth in the petition, is fiscally viable, and does provide reasonably comprehensive descriptions of the required 15 elements.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the MSA-SA petition for renewal at its February 5, 2019, meeting. The ACCS moved CDE staff recommendation to approve the MSA-SA petition. The motion passed unanimously.

The meeting notice for the February 5, 2019, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020519.asp>.

**Vice President Straus opened the public hearing at 12:18 p.m.**

**Vice President Straus closed the public hearing at 1:02 p.m.**

**ACTION:** Member Burr moved to approve the CDE staff recommendation to renew the Magnolia Science Academy-Santa Ana under the oversight of the SBE.

Member Sun seconded the motion.

**Yes votes:** Members Cardenas, Sandoval, Sun, Darling-Hammond, Straus, Burr, and Ortiz-Licon.

**No votes:** Member Rucker

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 7 votes.

#### Item 19

**Subject:** Renewal Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Thrive Public School, which was denied by the San Diego Unified School District.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to deny the request to renew Thrive Public School (TPS), a transitional kindergarten (TK) through grade twelve charter school based on the CDE’s findings pursuant to *EC* sections47605(b)(1), 47605(b)(5) and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.

The TPS petitioner does not meet the renewal criteria and does not present a sound educational program as they do not perform, overall, at least equal to its comparable district schools where the majority of TPS pupils would otherwise attend.

Additionally, the TPS petition does not include the necessary language for Element 2–Measurable Pupil Outcomes (MPOs).

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the TPS petition for renewal at its February 5, 2019, meeting. The ACCS moved to recommend approval of the CDE staff recommendation. The motion did not pass by a vote of four to two. Five votes are required to move an ACCS recommendation forward to the SBE; therefore, no recommendation moved.

The meeting notice for the February 5, 2019, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020519.asp>.

**Vice President Straus opened the public hearing at 2:12 p.m.**

**Vice President Straus closed the public hearing at 3:50 p.m.**

**MOTION 1:** Member Sandoval moved to approve the CDE staff recommendation to deny the request to renew Thrive Public School under the oversight of the SBE.

Member Cardenas seconded the motion.

**Yes votes:** Members Cardenas, Sandoval, Straus, and Rucker

**No votes:** Members Burr and Sun

**Member Absent:** Member Ortiz-Licon

**Abstentions:** Member Darling-Hammond

**Recusals:** None

The motion failed with a vote of 4-2-1. No Action Taken.

**MOTION 2:** Member Burr moved to approve the renewal of Thrive Public School with the following conditions:

1. Limit enrollment of incoming kindergarten students to 75 and transitional kindergarten students to 25 for the term of this charter. Limit total enrollment to 1,000 students. Thrive agrees to not seek a material revision to increase enrollment during the term of the charter.
2. Thrive shall contract for an evaluation of the school’s program at its own expense. The evaluation will include, at a minimum, a review of: governance, including leadership and organizational capacity and strategies for building the capacity of the governing board to provide oversight of the academic program; personnel management, including staff retention rates and professional development needs; pupil achievement, including curriculum strategies and strategies to improve students’ academic performance in English and language arts, mathematics, and science schoolwide and for all subgroups. The evaluation must be conducted by one or more independent third-parties approved in advance by the CDE and the Executive Director of the SBE. Following the evaluation, Thrive and the independent evaluator shall jointly submit to CDE for approval an action plan for improvement. The action plan must set clear and specific implementation benchmarks with a timetable and deadlines sufficient to allow the Thrive governing board and the Department to monitor implementation on a bi-annual basis.
3. The independent evaluator will provide ongoing support with action plan implementation for a minimum of two years and until CDE determines that the school has demonstrated sustained improvement. The school and the independent evaluator shall provide bi-annual updates to CDE regarding the school’s progress.

Member Sun seconded the motion.

**Yes votes:** Members Sun and Burr.

**No votes:** Members Cardenas, Sandoval, Straus, and Rucker.

**Member Absent:** Member Ortiz-Licon

**Abstentions:** Member Darling-Hammond

**Recusals:** None

The motion failed with a vote of 2-4-1. No Action Taken.

### END OF PUBLIC HEARINGS

***Item 20 Hearing postponed on March 5, 2019.***

#### Item 20

**Subject:** ~~Renewal Petition for the Establishment of a Charter School under the oversight of the State Board of Education: Consideration of Ridgecrest Charter School, which was denied by the Sierra Sands Unified School District.~~

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

**[Note: the preceding information about Item 20 contains strikethroughs which indicate the item has been postponed.]**

### ADJOURNMENT OF MEETING

**Vice President Straus adjourned the meeting at approximately 4:46 p.m.**