

# **California State Board of Education Final Minutes March 14-15, 2018**

## MEMBERS PRESENT:

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

## MEMBERS ABSENT

* None

## 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
* Glen Price, Chief Deputy Superintendent, California Department of Education (CDE)
* Stephanie Papas, Education Policy Administrator I, CDE
* Tom Adams, Deputy Superintendent, CDE
* Nick Schweizer, Deputy Superintendent, CDE
* Keric Ashley, Deputy Superintendent, CDE
* Amy Holloway, General Counsel, CDE
* Edmundo Aguilar, Chief Counsel II, CDE
* Todd Smith, Chief Counsel II, CDE

**Please note that the complete proceedings of the March 14-15, 2018, State Board of Education meeting, including closed-captioning, are available online at:** <https://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp>

**California State Board of Education**

## Public Session March 14, 2018

**Wednesday, March 14, 2018 – 8:30 a.m. Pacific Time +**

California Department of Education

1430 N Street, Room 1101

Sacramento, California 95814

* Call to Order
* Salute to the Flag
* Communications
* Announcements
* Report of the State Superintendent of Public Instruction
* Special Presentations  
  *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Adjournment

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

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

### AGENDA ITEMS

#### Item 01

**Subject:** Developing an Integrated Local, State, and Federal Accountability and Continuous Improvement System: Updates and Recommended Action Regarding Local Indicators; and Update on the Continuing Development Work and Revisions Under Consideration for the 2018 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 6: School Climate, and (2) the proposed standard and self-assessment tool for LEAs to determine progress on the local performance indicator for Priority 7: Access to a Broad Course of Study. The CDE also recommends that the SBE provide guidance on recommended changes to the state indicators and take additional action as deemed necessary and appropriate.

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

Member Straus seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 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

**CDE Recommendation:** No action is recommended at this time. However, the CDE recommends 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:** Indicator 17 of the State Performance Plan and Annual Performance Report for Special Education: Indicator 17.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the SSIP, Attachment 1, prepared by the SED to be submitted to the OSEP by the mandated submission date of April 2, 2018.

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

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:**  Member Rucker

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 04

**Subject:** Update on the Development of the California State Plan for the Every Student Succeeds Act: Approval of the Revisions to the State Plan for Resubmission to the U.S. Department of Education.

**Type of Action:** Action,Information

**CDE Recommendation:** The CDE recommends that the SBE approve the revised State Plan for submission to the ED, pending the SBE Executive Director approval of final revisions requested by the SBE and correction of any typographical errors.

The CDE further recommends that the SBE discuss whether to pursue waivers on any areas of the State Plan that are modified to meet ED’s reading of the ESSA statute and, as appropriate, delegate authority to CDE, subject to approval of the SBE Executive Director, to pursue any such waivers as expeditiously as possible so they can be resolved prior to release of 2018 Dashboard.

**ACTION:** Member Sun moved to approve the proposed revisions to sections A.5 (Disproportionate Rates of Access to Educators), E.1 (Title III), I.7.g (McKinney-Vento Homeless Assistance Act) of the ESSA State Plan, pending the SBE Executive Director approval of final revisions, as requested by the SBE and correction of any typographical errors.

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 07

**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:

* Approve the Preliminary Report of Actions/Minutes for the January 18-19, 2018 meeting. (Attachment 1)

**ACTION:** Member Rucker moved to approve the Preliminary Report of Actions/Draft Minutes for the January 18-19, 2018 meeting.

Member Holaday seconded the motion.

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

**No votes:** None

**Member Absent:** Member Sun

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### **PUBLIC HEARINGS**

#### Item 05

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Knowledge Is Power Program Bayview Elementary School, which was denied by the San Francisco Unified School District.

**Type of Action:** Information

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to approve the request to establish Knowledge is Power Program (KIPP) Bayview Elementary School (BES), a transitional kindergarten (TK) through grade four charter school, for a five-year term, of July 1, 2018 through June 30, 2023, under the oversight of the SBE, based on the CDE’s findings pursuant to *EC* 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 meeting notice for the February 7, 2018, Advisory Commission on Charter Schools (ACCS) meeting is located on the SBE ACCS Web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020718.asp>.

**President Kirst opened the public hearing at 2:18 p.m.**

**President Kirst closed the public hearing at 3:25 p.m.**

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

Member Williams seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** Member Rucker

**Recusals:** None

The motion passed with 10 votes.

### **PUBLIC HEARINGS**

#### Item 06

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Knowledge Is Power Program East Side High School, which was denied by the East Side High School District and the Santa Clara County Board of Education.

**Type of Action:** Action, Information

**CDE Recommendation:** The California Department of Education (CDE) recommends that the SBE hold a public hearing to approve the request to establish KESHS, a grade nine through grade twelve charter school, for a five-year term, of July 1, 2018 through June 30, 2023, under the oversight of the SBE, based on the CDE’s findings pursuant to *EC* 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 meeting notice for the February 7, 2018, Advisory Commission on Charter Schools (ACCS) meeting is located on the SBE ACCS Web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020718.asp>.

**President Kirst opened the public hearing at 4:00 p.m.**

**President Kirst closed the public hearing at 5:15 p.m.**

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

Member Williams seconded the motion.

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

**No votes:** Member Rucker

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

**END OF HEARINGS**

**MEETING ADJOURNED**

At approximately 6:00 p.m., President Kirst adjourned the meeting until 8:30 a.m. tomorrow.

**California State Board of Education**

## Public Session March 15, 2018

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

**Thursday, March 15, 2018 – 8:30 a.m. Pacific Time +**

California Department of Education

1430 N Street, Room 1101

Sacramento, California 95814

* Call to Order
* Salute to the Flag
* Communications
* Announcements
* Report of the State Superintendent of Public Instruction
* Special Presentations  
  *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Adjournment

### AGENDA ITEMS

#### Item 08

**Subject:** California Assessment of Student Performance and Progress: Update on Program Activities Related to the California Assessment of Student Performance and Progress System.

**Type of Action:** Action, Information

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

**ACTION:** No Action Taken.

#### Item 09

**Subject:** English Language Proficiency Assessments for California: Approve the Revised Test Blueprints for the Initial English Language Proficiency Assessments for California.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the proposed revisions to the Initial Assessment blueprints for the English Language Proficiency Assessments for California.

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

Member Ortiz-Licon seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 10

**Subject:** California Education for a Global Economy Initiative: Approve Commencement of a Second 15-Day Public Comment Period for Proposed Amendments to Title 5 of the California Code of Regulations (5 CCR) sections 11300, 11301, 11309, 11310, and 11316, and Adoption of Proposed Sections 11311 and 11312.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE takes the following actions:

* Approve the proposed changes to the proposed regulations.
* Direct that the proposed changes be circulated for a second 15-day public comment period in accordance with Administrative Procedure Act.
* If no relevant comments to the proposed changes are received during the

15-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

15-day public comment period, the CDE is directed to place the proposed regulations on the SBE’s May 2018 meeting 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.

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

Member Valdes seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### WAIVERS ON CONSENT (W-02, W-04 through W-08, and W-10 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.

Community Day Schools (CDS) (Minimum School Day)

#### Item W-02

**Subject:** Request by Thermalito Union Elementary School District to waive portions of California *Education Code* Section 48663(a), relating to community day school minimum instructional minutes.  
Waiver Number: 16-12-2017  
(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness Limit)

#### Item W-04

**Subject:** Request by Franklin-McKinley Elementary School District to waive California *Education Code* sections 15102 and 15268 to allow the district to exceed its bonded indebtedness limit. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary school districts. Depending on the type of bond, a tax rate levy limit to $30 per $100,000 of assessed value for elementary school districts may also apply.  
Waiver Number: 32-12-2017  
(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-05

**Subject:** Request by threelocal 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: Central Union Elementary School District 19-11-2017

Mountain Union Elementary School District 12-12-2017

Shasta Union Elementary School District 36-12-2017  
(Recommended for APPROVAL)

School District Reorganization (Election of Governing Board)

#### Item W-06

**Subject:** Request by 15 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: Cajon Valley Union School District 2-1-2018  
 Carlsbad Unified School District 20-12-2017

Covina-Valley Unified School District 10-1-2018

Cucamonga Elementary School District 1-12-2017

Etiwanda Elementary School District 7-11-2017

Martinez Unified School District 33-12-2017

Murrieta Valley Unified School District 30-12-2017

Newport-Mesa Unified School District 23-12-2017

Oceanside Unified School District 8-12-2017

Placentia-Yorba Linda Unified School District 7-12-2017

Redwood City Elementary School District 29-12-2017

San Benito High School District 35-12-2017

San Dieguito Union High School District 19-12-2017

Westminster Unified School District 11-1-2018

Yucaipa-Calimesa Unified School District 9-1-2018

(Recommended for APPROVAL)  
  
School District Reorganization (Elimination of Election Requirement)

#### Item W-07

**Subject:** Request by Poway 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: 28-12-2017  
(Recommended for APPROVAL)

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

#### Item W-08

**Subject:** Request by five school districts to waive all or portions of California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.  
Waiver Numbers: Capistrano Unified School District 14-12-2017  
 Compton Unified School District 22-12-2017  
 Covina-Valley Unified School District 31-12-2017  
 Hughson Unified School District 21-11-2017  
 South Pasadena Unified School District 18-12-2017  
(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Elimination of Election Requirement)

#### Item W-10

**Subject:** Request by **Sequoia Union High 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: 2-11-2017  
(Recommended for APPROVAL)

School District Reorganization (Lapsation of a Small District)

#### Item W-11

**Subject:** Request by **Desert Center Unified School District** to waive California *Education Code* Section 35780(a), which requires lapsation of a district with an average daily attendance of less than 11 in ninth through twelfth grades.  
Waiver Number: 6-1-2018  
(Recommended for APPROVAL)

Schoolsite Council Statute (Number and Composition of Members)

#### Item W-12

**Subject:** Request by 14 local educational agencies under the authority of California *Education Code* Section 52863 for waivers of *Education Code* Section 52852, relating to schoolsite councils regarding changes in shared, composition, or shared and composition members.  
Waiver Numbers: Auburn Union Elementary School District 18-11-2017  
 Baker Valley Unified School District 6-12-2017  
 Bishop Unified School District 17-12-2017  
 Butte Valley Unified School District 30-11-2017  
 Contra Costa County Office of Education 3-11-2017  
 Contra Costa County Office of Education 4-11-2017  
 Del Norte County Office of Education 16-11-2017  
 Del Norte County Unified School District 14-11-2017  
 Del Norte County Unified School District 15-11-2017  
 Fontana Unified School District 24-12-2017  
 Fontana Unified School District 25-12-2017  
 Lagunitas Elementary School District 17-11-2017  
 Lewiston Elementary School District 9-11-2017  
 Oak Run Elementary School District 29-11-2017  
 Pine Ridge Elementary School District 13-11-2017  
 Ripon Unified School District 25-11-2017  
 Temple City Unified School District 24-11-2017  
(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-13

**Subject:** Request by 10 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 22-11-2017

Chula Vista Elementary School District 5-11-2017  
 Fall River Joint Unified School District 12-11-2017  
 Fremont Union High School District 13-12-2017  
 Greenfield Union School District 8-11-2017  
 San Marcos Unified School District 2-12-2017  
 San Pasqual Valley Unified School District 28-11-2017  
 South Bay Union School District 11-12-2017  
 Tulare County Office of Education 5-12-2017  
 Visalia Unified School District 15-12-2017  
(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

#### Item W-14

**Subject:** Request by four local educational agencies, under the authority of California *Education Code* Section 56101 and *California Code of Regulations,* Title 5, Section 3100, to waive California *Education Code* Section 56362(c). Approval of this waiver will allow the resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).  
Waiver Number: Gerber Union Elementary School District 34-12-2017  
 Moreland Unified School District 26-11-2017  
 Rescue Union Elementary School District 4-1-2018  
 Sierra Sands Unified School District 1-1-2018(Recommended for APPROVAL WITH CONDITIONS)

State Testing Apportionment Report (CAASPP)

#### Item W- 15

**Subject:** Request by two local education agenciesto waive the State Testing Apportionment Information Report deadline as stipulated in the *California Code of Regulations*, Title 5, Section 11517.5(b)(1)(A), regarding the California English Language Development Test; or Title 5, Section 862(b)(2)(A), regarding the California Assessment of Student Performance and Progress System.  
Waiver Numbers: Pomona Unified School District 27-11-2017  
 Shandon Joint Unified School District 27-11-2017  
(Recommended for APPROVAL)

**ACTION:** Member Rucker moved to approve the CDE staff recommendations for each waiver item on consent (W-02, W-04 through W-08, and W-10 through W-15).

Member Sandoval seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### REGULAR WAIVER ITEMS: INDIVIDUAL ACTION NEEDED (W-01, W-03, and W-09)

Community Day Schools (CDS) (Minimum School Day)

#### Item W-01

**Subject:** Request by Hanford Joint Union High School District to waive portions of California *Education Code* Section 48663(a), relating to community day school minimum instructional minutes.  
Waiver Number: 17-9-2017  
(Recommended for APPROVAL WITH CONDITIONS)

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

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item W-03

**Subject:** Request by Lincoln Unified School District to waive California *Education Code* Section 44663(b) evaluation dates of June 30 and July 30 for non-instructional certificated employees so that California Assessment of Student Performance and Progress test results for the year may be included in the evaluation criteria for those management employees.  
Waiver Number: 7-1-2018  
(Recommended for DENIAL)

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

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

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

#### Item W-09

**Subject:** Request by Pasadena Unified School District to waive all or portions of California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.   
Waiver Number: 4-12-2017  
(Recommended for APPROVAL WITH CONDITIONS)

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

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**END OF WAIVERS**

### REGULAR CONSENT ITEMS (Item 11 and Item 12 through Item 19)

#### Item 11

**Subject:** Approval of the Career Technical Education Incentive Grant: Renewal Grantee List.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the list of 380 renewal grantees listed in Attachment 1 for the grant term of July 1, 2017, through June 30, 2019.

**ACTION 1:** Member Straus moved to approve the CDE staff recommendation for 1) Hemet Unified School District, and 2) Oakland Military Institute, College Preparatory Academy.

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** Members Burr and Valdes.

The motion passed with 9 votes.

**ACTION 2:** Member Sun moved to approve the CDE staff recommendation for the remaining renewal grant recipients on the list for the Career Technical Education Incentive Grant found in Attachment 1.

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

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

The motion passed with 9 votes.

#### Item 12

**Subject:** Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act and Other Federal Programs with an update on the Draft Local Control and Accountability Plan Federal Addendum Template and Proposed Approval Process.

**Type of Action:** Action, Information

**CDE Recommendation:** Staff recommend that the SBE adopt the proposed LCAP Addendum. If adopted by the SBE, the Addendum will be fully implemented for those LEAs that apply for ESSA funds for the 2018–19 school year. LEAs will continue to use the ConApp as the vehicle to document participation in federal programs and meet the annual reporting requirements of each program.

#### Item 13

**Subject: Approval of 2017–18 Consolidated Applications.**

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the 2017–18 ConApps submitted by LEAs in Attachment 1.

#### Item 14

**Subject:** Approval of the modifications to “California’s Strategic Workforce Development Plan: Skills Attainment for Upward Mobility; Aligned Services for Shared Prosperity: California’s Workforce Development Plan Under the Workforce Innovation and Opportunity Act (WIOA) for Program Years 2016–2020.”

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the modification to the State Plan.

#### Item 15

**Subject:** Consideration of a 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 proposes to recommend that the SBE approve the determination of funding for the periods specified for the 37 nonclassroom-based charter schools as provided in Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At the February 7, 2018 meeting, the ACCS voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding and the time periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

#### Item 16

**Subject:** Consideration of Retroactive 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 proposes to recommend that the SBE approve the determination of funding requests for the percentages and periods specified for the nonclassroom-based charter schools provided in Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At the February 7, 2018 meeting, the ACCS voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding and the time periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

#### Item 17

**Subject:** Consideration of a Retroactive Request for Determination of Funding with “Reasonable Basis”/Mitigating Circumstances as Required for a Nonclassroom-based Charter School Pursuant to California Education Code sections 47612.5 and 47634.2, and Associated California Code of Regulations, Title 5.

**Type of Action:** Action,Information

**CDE Recommendation:** The CDE proposes to recommend that the SBE approve the mitigating circumstances request and approve a determination of funding of 100 percent for two years, as provided in Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At the February 7, 2018 meeting, the ACCS voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding and the time periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

#### Item 18

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

**Type of Action:** Action,Information

**CDE Recommendation:** The California Department of Education (CDE) proposes to recommend that the SBE approve the reconsideration requests for the higher determinations of funding, as provided in Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At the February 7, 2018 meeting, the Advisory Commission on Charter Schools (ACCS) voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding and the time periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

#### Item 19

**Subject:** Approval of the Charter School Numbers Assigned to Newly Established Charter Schools.

**Type of Action:** Action,Information

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

**ACTION:** Member Burr moved to approve the CDE staff recommendations for each regular item on consent (Item 12 through Item 19).

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**END OF REGULAR CONSENT ITEMS**

### AGENDA ITEMS PUBLIC HEARINGS

#### Item 20

**Subject:** Petition for the Establishment of a Charter School under the Oversight of the State Board of Education: Consideration of the Vista Springs Charter School, which was denied by the Vista Unified School District and no action was taken by the San Diego County Board of Education.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to consider the CDE’s recommendation to approve the establishment of VSCS under the oversight of the SBE for a five-year term effective July 1, 2018, through June 30, 2023, based on the CDE’s findings pursuant to *EC* sections47605(b)(1), 47605(b)(2), 47605(b)(3), 47605(b)(4), 47605(b)(5), 47605(b)(6), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5. The meeting notice for the February 7, 2018, Advisory Commission on Charter Schools (ACCS) meeting is located on the SBE ACCS Web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020718.asp>.

**President Kirst opened the public hearing at 10:43 a.m.**

**President Kirst closed the public hearing at 11:01 a.m.**

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

Member Holaday seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 21

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Baypoint Preparatory Academy–San Diego, which was denied by the San Marcos Unified School District and the San Diego County Board of Education.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to deny the request to establish BPA–SD, a transitional kindergarten (TK) through grade eight charter school, for a five-year term effective July 1, 2018, through June 30, 2023, under the oversight of the SBE, based on the CDE’s findings pursuant to *EC* sections47605(b)(2), 47605(b)(5), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1. The meeting notice for the February 7, 2018, ACCS meeting is located on the SBE ACCS Web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020718.asp>.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the Baypoint Preparatory Academy–San Diego (BPA-SD) petition for establishment at its February 7, 2018, meeting. The ACCS moved to approve the BPA–SD petition for establishment subject to verification by the CDE that the petitioner’s revised financial projections are sound. The motion passed six to one.

**President Kirst opened the public hearing at 11:09 a.m.**

**President Kirst closed the public hearing at 11:29 a.m.**

**ACTION:** Member Holaday moved to approve the Baypoint Preparatory Academy-San Diego petition with the technical amendments, as identified by CDE in the petition review form, and with the condition that Baypoint agrees to provide quarterly operational data to the CDE demonstrating the actions that Baypoint is taking to achieve at least a 5 percent reserve by the beginning of the 2019-20 school year.

Member Williams seconded the motion.

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

**No votes:** Members Valdes and Rucker

**Member Absent:** None

**Abstentions:** Member Ortiz-Licon

**Recusals:** None

The motion passed with 8 votes.

#### Item 22

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of College Preparatory Middle School-La Mesa Spring Valley, which was denied by the La Mesa Spring Valley School District and the San Diego County Board of Education.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to approve the request to establish College Preparatory Middle School-La Mesa Spring Valley (CPMS-LMSV), a grade five through grade eight charter school, for a five-year term, of July 1, 2018 through June 30, 2023, under the oversight of the SBE, based on the CDE’s findings pursuant to *EC* sections 47605(b)(1), 47605(b)(2), 47605(b)(5), and *California Code of Regulations*, Title 5 Section 11967.5. The meeting notice for the February 7, 2018, ACCS meeting is located on the SBE ACCS Web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020718.asp>.

**Advisory Commission on Charter Schools Recommendation**

The Advisory Commission on Charter Schools (ACCS) considered the CPMS-LMSV petition for establishment at its February 7, 2018 meeting. The ACCS moved to recommend approval of the CPMS-LMSV petition on appeal. Four commissioners voted in favor of the petition, three voted against. Five votes are required to move an ACCS recommendation forward to the SBE; therefore, no recommendation moved.

**President Kirst opened the public hearing at 12:36 p.m.**

**President Kirst closed the public hearing at 1:14 p.m.**

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

Member Williams seconded the motion.

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

**No votes:** Members Valdes and Rucker

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

#### Item 23

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Phoenix Charter Academy, which was denied by the Shasta Union High School District and the Shasta County Board of Education.

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

**CDE Recommendation:** The CDE proposes to recommend that the SBE hold a public hearing to deny the request to establish PCA. The meeting notice for the February 7, 2018, ACCS meeting is located on the SBE ACCS Web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020718.asp>.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the PCA petition for establishment at its February 7, 2018, meeting. The ACCS moved CDE staff recommendation to deny the PCA petition. Four commissioners voted in favor of the motion; three voted against it. Five votes are required to move an ACCS motion forward to the SBE; therefore, no recommendation moved.

**President Kirst opened the public hearing at 2:27 p.m.**

**President Kirst closed the public hearing at 3:02 p.m.**

**ACTION:** Member Williams moved to approve the CDE staff recommendation to deny the request to establish Phoenix Charter Academy under the oversight of the SBE.

Member Holaday seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**END OF PUBLIC HEARINGS**

### AGENDA ITEMS

#### Item 24

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

**Type of Action:** Information

**ACTION:** No Action Taken.

**ADJOURNMENT OF MEETING**

President Kirst adjourned the meeting at approximately 3:12 p.m.