

# California State Board of Education Final Minutes March 8-9, 2023

## Members Present

* Linda Darling-Hammond, President
* Cynthia Glover Woods, Vice President
* Francisco Escobedo
* Brenda Lewis
* James J. McQuillen
* Sharon Olken
* Gabriela Orozco-Gonzalez
* Kim Pattillo Brownson
* Haydee Rodriguez
* Alison Yoshimoto-Towery
* Naomi Porter, Student Member
* Tony Thurmond, State Superintendent of Public Instruction (SSPI), Secretary and Executive Officer

## Members Absent

* None

## Principal Staff

* Brooks Allen, Executive Director, State Board of Education (SBE)
* Jessica Holmes, Chief Deputy Executive Director, SBE
* Lisa Constancio, Senior Deputy Director, SBE
* Kirin Gill, Chief Counsel, SBE
* Rigel Massaro, Deputy Legal Counsel and Deputy Policy Director, SBE
* Janet Weeks, Director of Communications, SBE
* Debra Brown, Senior Policy Advisor, SBE
* Laura Rodriguez, Senior Policy Director, SBE
* Aileen Allison-Zarea, Education Administrator I, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Sara Pietrowski, Policy Director, SBE
* Michelle Valdivia, Assistant Policy Director, SBE
* Amy Bubbico, Staff Services Manager, SBE
* Lisa Hopkins, Associate Governmental Program Analyst, SBE
* Haley Gordon, Associate Governmental Program Analyst, SBE
* Mary Nicely, Chief Deputy Superintendent, California Department of Education (CDE)
* Len Garfinkel, General Counsel, CDE
* Cheryl Cotton, Deputy Superintendent, CDE
* Steve Zimmer, Deputy Superintendent, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the March 8-9, 2023 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 8, 2023

## Study Session

**Wednesday, March 8, 2023 – 1:00 p.m. Pacific Time ±**California Department of Education  
1430 N Street, Room 1101  
Sacramento, California 95814

* Call to Order
* Salute to the Flag
* Communications
* Announcements
* Special Presentations
  + *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Day’s Adjournment

**President Darling-Hammond called the meeting to order at approximately 1:00 p.m.**

### AGENDA ITEMS DAY 1

#### Item 01

**Subject:** Study Session on Assessment Innovations That Can Better Support Teaching and Learning.

**Type of Action:** Information

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

**ACTION:** No Action Taken.

### CONTINUANCE OF THE MEETING

At approximately 4:00 p.m., President Darling-Hammond announced that the meeting would continue on the following day at 8:30 a.m.

## California State Board of Education Public Session March 9 2023

**Thursday, March 9, 2023 – 8:30 a.m. Pacific Time +**

California Department of Education

1430 N Street, Room 1101

Sacramento, California 95814

* Call to Order
* Communications
* Announcements
* Special Presentations  
  *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Adjournment

### AGENDA ITEMS – DAY 2

#### Item 02

**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 President and liaison reports; training of Board members; and other matters of interest.

**Type of Action:** Action, Information

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

* State Board of Education President’s Report

**ACTION:** No Action Taken.

#### Item 03

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: 2022 California School Dashboard and 2021–22 Data Release, and Update on the Continuing Work and Revisions under Consideration for the 2023 Dashboard.

**Type of Action:** Action,Information

**Recommendation:** The CDE recommends that the SBE provide guidance on the proposed 2023 accountability work plan and take additional action as deemed necessary and appropriate.

**ACTION:** Member Olken moved to approve the CDE staff recommendation to accept the work plan proposed to SBE by the CDE with the guidance provided.

Member Portillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 04

**Subject:** Developing an Integrated Local, State, and Federal Accountability and Continuous Improvement System: Recommended Action Regarding the Local Indicator Self-Reflection Tool for Priority 6: School Climate.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the proposed revisions to the Local Indicator Self-Reflection Tool for Priority 6: School Climate. Additionally, the CDE recommends that the SBE provide further guidance on these recommendations and take additional action as deemed necessary and appropriate.

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

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 05

**Subject:** State Seal of Civic Engagement Program Update

**Type of Action:** Information

**Recommendation:** The CDE recommends that the SBE review the provided information and resources related to the State Seal of Civic Engagement (SSCE).

**ACTION:** No Action Taken.

#### REOPEN Item 02

**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 President and liaison reports; training of Board members; and other matters of interest.

**Type of Action:** Action, Information

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

* State Superintendent of Public Instruction’s Report

**ACTION:** No Action Taken.

### REGULAR CONSENT ITEMS (Item 06 through Item 08)

#### Item 06

**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, Consent

**Recommendation:** At the February 7, 2023, Advisory Commission on Charter Schools (ACCS) meeting, the CDE proposed to recommend that the SBE approve the three schools’ determination of funding requests at 100 percent funding as follows:

* Sierra Charter: four years (2023–24 through 2026–27)
* Virtual Preparatory Academy at Lucerne: four years (2023–24 through 2026–27)
* Northern Summit Academy Shasta: three years (2023–24 through 2025–26)

However, upon consideration of the discussion and deliberation had amongst the commissioners at the ACCS meeting, the CDE has amended its recommendation to approve the three schools’ determination of funding requests at 100 percent funding as follows:

* Sierra Charter: four years (2023–24 through 2026–27)
* Virtual Preparatory Academy at Lucerne: two years (2023–24 through 2024–25)
* Northern Summit Academy Shasta: three years (2023–24 through 2025–26)

#### Item 07

**Subject:** Approval of the Fiscal Year 2022–23 Career Technical Education Incentive Grant Allocations Round 8B.

**Type of Action:** Action, Information, Consent

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

* 2022–23 Career Technical Education Incentive Grant Specific Proposed Funding Amounts and Number of Grant Awards Round 8B. (Attachment 1)

#### Item 08

**Subject:** Approval of 2022–23 Consolidated Applications.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the SBE approve the 2022–23 Consolidated Applications (ConApps) submitted by LEAs in Attachment 1.

**ACTION:** Member Glover Woods moved to approve the CDE staff recommendations for each regular item on consent (Item 6 through Item 8).

Member Yoshimoto-Towery seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### *END OF REGULAR CONSENT ITEMS*

### REGULAR ITEMS CONTINUED – DAY 2

#### Item 09

**Subject:** California Community Schools Partnership Program: Approval of Cohort 2 Planning Grantees.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the California Community Schools Partnership Program (CCSPP) Cohort Two Planning Grant Awards, as set forth in the presentation to describe the anticipated corrections to Attachment 1.

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

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### WAIVERS/ACTION AND CONSENT ITEMS

*(W-01 through W-12)*

The following agenda items include waivers that are proposed for consent and those waivers scheduled for separate action because CDE staff may have recommended denial or determined that they may present new or unusual issues. 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. Action different from that recommended by CDE staff may be taken.

ADMINISTRATOR/TEACHER RATIO (Administrator/Teacher Ratio in High School District)

#### Item W-01

**Subject:** Request by **Oroville Union High School District** to waive California *Education Code* Section 41402(c), which sets the ratio of administrators to teachers for high school districts at seven administrators for every 100 teachers.

**Waiver Number:** 9-11-2022

(Recommended for APPROVAL)

COMMUNITY DAY SCHOOLS (CDS) (Minimum School Day)

#### Item W-02

**Subject:** Request by the **Madera Unified School District** to waive portions of California *Education Code* Section 48663(a), relating to community day school minimum instructional minutes.

**Waiver Number:** 3-10-2022

(Recommended for APPROVAL WITH CONDITIONS)

SALE OR LEASE OF SURPLUS PROPERTY (Sale of Surplus Property)

#### Item W-03

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

**Waiver Number:** 5-10-2022

(Recommended for APPROVAL WITH CONDITIONS)

SALE OR LEASE OF SURPLUS PROPERTY (Sale of Surplus Property)

#### Item W-04

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

**Waiver Number:** 8-10-2022

(Recommended for APPROVAL WITH CONDITIONS)

***Item W-05 Revision Notes***

Attachment 4, the waiver application for the **San Marcos Unified School District**, was replaced with the correct version of the waiver application submitted by the district. Accordingly, the Item and Attachment 1 were both revised to reflect the correct application with: (1) the date of submission and application number from 8-11-2022 to 11-12-22 on page 1 of the Item and page 2 of Attachment 1 and (2) the Bargaining Unit position of the San Marcos Educators Association on page 2 of Attachment 1.

SPECIAL EDUCATION PROGRAM (Extended School Year (Summer School))

#### Revised Item W-05

**Subject:** Request by threelocal 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:**

* Chula Vista Elementary School District (CVESD) 1-11-2022
* Hemet Unified School District (HUSD) 2-12-2022
* San Marcos Unified School District (SMUSD) 11-12-2022

(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Child Specific/ NPA or NPS Certification)

#### Item W-06

**Subject:** Request by the **Hanford Elementary School District and Kings County Special Education Local Plan Area** to waive California Education Code Section 56366(d), the requirement for state certification, to allow the use of federal and state special education funds for the placement of one middle school student with disabilities at the Renewed Hope Ranch, an uncertified nonpublic school for students with disabilities with a residential treatment center located in Enoch, Utah.

**Waiver Number:** 7-10-2022

(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Child Specific/ NPA or NPS Certification)

#### Item W-07

**Subject:** Request by the **Mountain Empire Unified School District** to waive California *Education Code* Section 56366(d), the requirement for state certification, to allow the use of federal and state special education funds for the placement of one high school student with disabilities at the Judge Rotenberg Educational Center, an uncertified nonpublic school for students with disabilities with a residential treatment center located in Canton, Massachusetts.

**Waiver Number:** 8-9-2022

(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Child Specific/ NPA or NPS Certification)

#### Item W-08

**Subject:** Request by the **Oceanside Unified School District** and the North Coastal Consortium for Special Education to waive California *Education Code* Section 56366(d), the requirement for state certification, to allow the use of federal and state special education funds for the placement of one middle school student with disabilities at the Devereux Texas Treatment Network, an uncertified nonpublic school for students with disabilities with a residential treatment center, in League City, Texas.

**Waiver Number:** 6-8-2022

(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Child Specific/ NPA or NPS Certification)

#### Item W-09

**Subject:** Request by the **Saddleback Valley Unified School District and South Orange County Special Education Local Plan Area** to waive California *Education Code* Section 56366(d), the requirement for state certification, to allow the use of federal and state special education funds for the placement of one high school student with disabilities at the Devereux Texas Treatment Network, an uncertified nonpublic school for students with disabilities with a residential treatment center, in League City, Texas.

**Waiver Number:** 3-8-2022

(Recommended for APPROVAL)

SPECIAL EDUCATION PROGRAM (Child Specific/ NPA or NPS Certification)

#### Item W-10

**Subject:** Request by the **Sweetwater Union High School District and the San Diego South County Special Education Local Plan Area** to waive California *Education Code* Section 56366(d), the requirement for state certification, to allow the use of federal and state special education funds for the placement of one high school student with disabilities at the Devereux Texas Treatment Network, an uncertified nonpublic school for students with disabilities with a residential treatment center, in League City, Texas.

**Waiver Number:** 8-5-2022

(Recommended for APPROVAL)

SPECIAL EDUCATION PROGRAM (Educational Interpreter for Deaf and Hard of Hearing)

#### Item W-11

**Subject:** Requests by **San Joaquin County Office of Education** to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Kristy Jamieson and Vanessa Abrego to continue to provide services to students until August 2, 2023, under a remediation plan to complete those minimum requirements.

**Waiver Numbers:**

* 4-11-2022
* 5-11-2022

(Recommended for APPROVAL WITH CONDITIONS)

PHYSICAL FITNESS TESTING (Physical Fitness Testing)

#### Item W-12

**Subject:** Request by **Roseville Joint Union High** to waive portions of 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 the fall semester physical education classes.

**Waiver Number:** 2-8-2022

(Recommended for APPROVAL)

**ACTION:** Member Glover Woods moved to approve the CDE staff recommendations for each waiver item on consent (W-01 through W-12).

Member Porter seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### *END OF WAIVER CONSENT ITEMS*

### REGULAR ITEMS CONTINUED – DAY 2

#### Item 10

**Subject:** T.I.M.E. Community: Consider Issuing a Notice of Violation Pursuant to California Education Code Section 47607(g).

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE consider issuing a Notice of Violation to T.I.M.E. (Attachment 1), pursuant to *EC* Section 47607(g), as T.I.M.E. has failed to exercise prudent fiscal management and meet generally accepted accounting principles (*EC* Section 47607[f][3]).

Pursuant to *EC* Section 47607(g) and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11968.5.2, T.I.M.E. shall have the opportunity to present evidence that refutes, remedies, or proposes to remedy the alleged violations at the May 17–18, 2023, SBE meeting. At that meeting, the SBE will consider issuing a Notice of Intent to Revoke with Notice of Facts, pursuant to *EC* Section 47607(h), and consider taking action to revoke the T.I.M.E. charter petition.

**ACTION:** Member Glover Woods moved to approve the CDE staff recommendation to issue a Notice of Violation to T.I.M.E. pursuant to 47607(g).

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 11

**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.

#### REOPEN Item 02

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

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

**Type of Action:** Action, Information

* SBE Draft Preliminary Report of Actions/Minutes for the January 18-19, 2023 meeting
* SBE Screening Committee recommendations regarding appointments to the Advisory Commission on Special Education
* Board member liaison reports

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

1. Approve the Preliminary Report of Actions/Minutes for the January 18-19, 2023 meeting.
2. Consider the SBE Screening recommendations for appointments to the Advisory Commission on Special Education, as set forth in the addendum to the Item.

**ACTION 1:** Member Olken moved to approve the SBE staff recommendation to approve the Preliminary Report of Actions/Draft Minutes for the January 18-19, 2023 meeting.

Member Orozco-Gonzalez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**ACTION 2:** Member Glover Woods moved to approve the SBE Screening Committee recommendations for appointments to the Advisory Commission on Special Education, as set forth in the addendum to the Item.

Member Yoshimoto-Towery seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### ADJOURNMENT OF THE MEETING

**President Darling-Hammond adjourned the meeting at approximately 3:02 p.m.**