

# California State Board of Education Final Minutes September 13, 2023

## Members Present

* Linda Darling-Hammond, President
* Cynthia Glover Woods, Vice President
* Francisco Escobedo
* Brenda Lewis
* James J. McQuillen
* Sharon Olken
* Gabriela Orozco-Gonzalez
* Kimberly Pattillo Brownson
* Haydee Rodriguez
* Alison Yoshimoto-Towery
* Anya Ayyappan, 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
* 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
* Nancy Kim Portillo, Deputy Superintendent, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the September 13, 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 September 13, 2023

**Wednesday, September 13, 2023 – 8:30 a.m. Pacific Time ±**California Department of Education  
1430 N Street, Room 1101  
Sacramento, California 95814

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

**President Darling-Hammond called the meeting to order at approximately 8:30 a.m.**

**President Darling-Hammond administered the Oath of Office to Anya Ayyappan, 2023-2024 Student Member.**

### AGENDA ITEMS

#### Item 01

**Subject:** STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board appointments and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board 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 listen to the:

* State Superintendent’s Report
* State Board of Education President’s Report

**ACTION:** No Action Taken.

### CLOSED SESSION

President Darling-Hammond announced that in Closed Session the Board will discuss and/or take action on the following cases:

* *Emma C. v. State*
* *Mark S. v. State*

### REPORT OUT OF CLOSED SESSION

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

* *Emma C. v. State*
* *Mark S. v. State*

### AGENDA ITEMS CONTINUED

#### Item 02

**Subject:** Local Control and Accountability Plan Template – Revision Drafts, Consistent with California Education Code Section 52064.

**Type of Action:** Action, Information

**Recommendation:** No action is recommended at this time. However, the CDE requests that the SBE provide feedback regarding the draft LCAP template and instructions that incorporate the requirements outlined in SB 114.

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

**ACTION:** No Action Taken.

#### Item 03

**Subject:** The California Assessment of Student Performance and Progress and the English Language Proficiency Assessments for California: Request for Approval of the Proposed 2023–24 California Assessment of Student Performance and Progress and the English Language Proficiency Assessments for California Student Score Reports; and an Update on Assessment Program Activities.

**Type of Action:** Action,Information

**Recommendation:** The CDE recommends that the California State Board of Education (SBE) approve the proposed revisions to the CAASPP and ELPAC SSRs for the 2023–24 administration.

**ACTION:** Member Orozco-Gonzalez moved to approve the CDE staff recommendation.

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### REGULAR CONSENT ITEMS (Item 04 through Item 07)

#### Item 04

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

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

**Recommendation:** The CDE recommends that the SBE approve the LEAs’ Addendum list for 2022–23 referenced in Attachment 1.

#### Item 05

**Subject:** Request to Approve a Waiver for Los Angeles Unified School District Fiscal Year 2021 Title I, Part A, Title IV, A, and General Education Provisions Act Funding and to Ratify a Waiver to Extend the Period for Expenditure of certain fiscal year (FY) 2018, 2019, and 2020 Title I, Part A funds.

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

**Recommendation:** The California Department of Education recommends that the State Board of Education approve the Tydings waiver to extend the period of availability of Los Angeles Unified School District’s FY 2021 Title I, Part A and Title IV Part A funds to September 30, 2024.

CDE also recommends that the State Board of Education approve the Tydings waiver to extend the period for availability of Los Angeles Unified School District’s FY 2018, 2019, and 2020 Title I, Part A funds to September 30, 2024.

#### Item 06

**Subject:** Conflict of Interest Provisions

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

**Recommendation:** SBE staff recommends that the SBE approve the attached proposed amendments to the SBE conflict-of-interest code and commence the 45-day public comment period.

#### Item 07

**Subject:** Request to Ratify the California Department of Education Grant Application for Federal Supporting America's School Infrastructure Grant.

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

**Recommendation:** The CDE recommends that the SBE ratify CDE’s application for the SASI Grant Program to increase the CDEs capacity to support high-need LEAs and schools with school facilities needs.

**ACTION:** Member Lewis moved to approve the CDE staff recommendations for each regular item on consent (Item 4 through Item 7).

Member Glover Woods seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** Member Yoshimoto-Towery

The motion passed with 10 votes.

#### *END OF REGULAR CONSENT ITEMS*

### REGULAR AGENDA ITEMS CONTINUED

#### Item 08

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Action to Implement the 2023 Dashboard Workplan and ESSA Amendments and Updates on Continuing Work for Future Dashboards.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approves: (1) cut points for ELPI Change, (2) re-establishing five-by-five color scheme for ELPI performance colors on the 2023 Dashboard, (3) the inclusion of Summative Alternate ELPAC in the ELPI, (4) removal of the Non-Registered Pre-Apprenticeship measure from the CCI beginning with the 2023–24 school year, (5) the eligibility criteria for Differentiated Assistance based on the 2023 Dashboard, and (6) objective criteria for the 2021–22 Teacher Assignment Outcomes within Priority 1, and (7) links to additional data outside of the Dashboard for the Chronic Absenteeism, the Science assessment, and Least Restrictive Environment data. Additionally, the CDE recommends that the SBE approve the amendments to the State Plan, pending the SBE Executive Director approval of final revisions requested by the SBE, correction of any typographical errors, and necessary, non-substantive clarifying edits.

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

Member Yoshimoto-Towery seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### WAIVERS/ACTION AND CONSENT ITEMS

*(W-01 through W-14)*

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.

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

#### Item W-01 Federal

**Subject:** Request by **three school districts** for a waiver of Section 131(c)(1) of the Strengthening Career and Technical Education for the 21st Century Act (Public Law 115-224).

Waiver Number:

* Los Molinos Unified School District Fed-28-2023
* Willits Charter District Fed-26-2023
* Winters Joint Unified School District Fed-27-2023

(Recommended for APPROVAL)

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

#### Item W-02 General

**Subject:** Request by Alpine Union Elementary School District 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 Number: 2-3-2023

(Recommended for APPROVAL)

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

#### Item W-03 General

**Subject:** Request by Amador County Office of Education 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 Number: 7-3-2023

(Recommended for APPROVAL)

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

#### Item W-04 General

**Subject:** Request by Hesperia Unified School District 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 Number: 1-5-2023

(Recommended for APPROVAL)

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

#### Item W-05 General

**Subject:** Request by Saint Helena Unified School District 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 Number: 1-4-2023

(Recommended for APPROVAL)

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

#### Item W-06 General

**Subject:** Request by South Bay Union School District 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 Number: 14-4-2023

(Recommended for APPROVAL)

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

#### Item W-07 General

**Subject:** Request by Tuolumne County Superintendent of Schools 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 Number: 5-5-2023

(Recommended for APPROVAL)

Special Education Program (Resource Teacher Caseload)

#### Item W-08 Specific

**Subject:** Request by **Lucerne Elementary School District** to waive *Education Code* Section 56362(c), allowing the caseloads of one resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Number: 13-2-2023

(Recommended for APPROVAL WITH CONDITIONS)

Community Day Schools (CDS) (Colocate Facilities)

#### Item W-09 General

**Subject:** Request by **Hanford Joint Union High School District** for a renewal waiver of portions of California *Education Code* Section 48661(a), to permit the collocation of the Hanford Community Day School on the same site as the Earl F. Johnson Continuation High School.

Waiver Number: 3-5-2023

(Recommended for APPROVAL WITH CONDITIONS)

Community Day Schools (CDS) (Minimum School Day)

#### Item W-10 General

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

Waiver Number: 3-1-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-11 General

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

Waiver Number: 10-4-2023

(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness Limit - Non-Unified after 2000)

#### Item W-12 General

**Subject:** Request by **Palmdale 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 of $30 per $100,000 of assessed value for elementary school districts may also apply.

Waiver Number: 4-6-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-13 General

**Subject:** Request by **Big Sur Unified School District** to waive California *Education Code* Section 5020, which requires a districtwide election to reduce the number of governing board members from five to three, and portions of Section 5091, which require the county superintendent of schools to call an election to fill a vacancy on the governing board within 60 days of the vacancy occurring.

Waiver Number: 13-3-2023

(Recommended for APPROVAL)

School District Reorganization (Election of Governing Board)

#### Item W-14 General

**Subject:** Request by **Linns Valley-Poso Flat Union School District** to waive California *Education Code* Section 5020, which requires a districtwide election to reduce the number of governing board members from five to three.

Waiver Number: 16-4-2023

(Recommended for APPROVAL)

**ACTION:** Member Olken moved to approve the CDE staff recommendations for each waiver item (W-01 through W-14) on consent.

Member Lewis seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### *END OF WAIVER CONSENT ITEMS*

#### *REGULAR AGENDA ITEMS CONTINUED*

#### Item 09

**Subject:** Appeal of the Denial of a Petition for the Establishment of a Classroom-Based Charter School Pursuant to California Education Code Section 47605(k)(2): Consideration of Evidence to Hear or Summarily Deny the Appeal of Vista Legacy Global Academy, which was denied by the Los Angeles Unified School District and the Los Angeles County Board of Education.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE hear the Vista Legacy Global Academy (VLGA) appeal. This recommendation is based upon the CDE’s review of VLGA’s written submission and the documentary record, which set out sufficient evidence to hear the appeal.

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

Member Olken seconded the motion.

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

**No votes:** Member Orozco-Gonzalez

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### PUBLIC HEARING

#### Item 10

**Subject:** Appeal of the Denial of a Petition for the Establishment of a Classroom-Based Charter School Pursuant to California Education Code Section 47605(k)(2): Review of the Appeal and Documentary Record, and Decision to Affirm or Reverse the Los Angeles Unified School District’s and the Los Angeles County Board of Education’s Determinations of the Vista Legacy Global Academy Petition.

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

**Recommendation:** The CDE recommends that the SBE affirm the determinations of the LAUSD and the LACBOE to deny the petition to establish VLGA, pursuant to *EC* Section 47605(k)(2)(E). Both the District’s and the County’s determinations were made pursuant to *EC* Section 47605(c) and are supported by evidence in the documentary record, and thus there was no abuse of discretion.

**President Darling-Hammond opened the public meeting at approximately 3:30 p.m.**

**President Darling-Hammond closed the public hearing at approximately 5:01 p.m.**

**ACTION:** Member Orzoco-Gonzalez moved to approve the CDE staff recommendation to affirm the determinations of the Los Angeles Unified School District (LAUSD) and the Los Angeles Board of Education (LACBOE) to deny the petition to establish VLGA.

Member Lewis seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** Member Olken

**Recusals:** None

The motion passed with 10 votes.

#### *END OF PUBLIC HEARING*

#### Re-OPEN Item 01

**Subject:** STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board appointments and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board 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 approve the Preliminary Report of Actions/Draft Meeting Minutes for the July 12-13, 2023, SBE meeting.

**ACTION:** Member Rodriguez moved to approve the Preliminary Report of Actions/Draft Meeting Minutes for the July 12-13, 2023, SBE meeting.

Member Glover Woods seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** Member Ayyappan

**Recusals:** None

The motion passed with 10 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.

### ADJOURNMENT OF THE MEETING

**President Darling-Hammond adjourned the meeting at approximately 5:41 p.m.**