

# California State Board of EducationFinal Minutes July 14, 2021

## Members Present

* Linda Darling-Hammond, President
* Ilene W. Straus, Vice President
* Cynthia Glover-Woods
* James J. McQuillen
* Kim Pattillo Brownson
* Haydee Rodriguez
* Patricia A. Rucker
* Ting L. Sun
* Zaid Fattah, Student Member
* *Vacancy*

## Member Absent

* Sue Burr

## Principal Staff

* Brooks Allen, Executive Director, State Board of Education (SBE)
* Judy Cias, Chief Counsel, SBE
* Patricia de Cos, Deputy Executive Director, SBE
* Rigel Massaro, Deputy Legal Counsel and Deputy Policy Director, SBE
* Debra Brown, Senior Policy Advisor, SBE
* Janet Weeks, Director of Communications, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Laila Fahimuddin, Policy Director, SBE
* Sara Pietrowski, Policy Director, SBE
* Pamela Castleman, Education Programs Consultant, SBE
* Amy Bubbico, Staff Services Manager, SBE
* Lisa Hopkins, Associate Governmental Program Analyst, SBE
* Haley Gordon, Staff Services Analyst, SBE
* Stephanie Gregson, Chief Deputy Superintendent, California Department of Education (CDE)
* Todd Smith, Acting General Counsel, CDE
* Rachael Maves, Deputy Superintendent, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the July 14, 2021 State Board of Education meeting, including closed-captioning, are available online at:** <http://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp>

## California State Board of EducationPublic Session July 14, 2021

**Wednesday, July 14, 2021 – 8:30 a.m. Pacific Time ±**California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

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

**President Darling-Hammond called the meeting to order at approximately 8:32 a.m.**

### CLOSED SESSION

**At approximately 8:35 a.m., President Darling-Hammond announced that the Board would be going into closed session to discuss and/or take action on the following case:**

* *Emma C. v. State*

### REPORT OUT OF CLOSED SESSION

At approximately 8:50 a.m., President Darling-Hammond announced, in Closed Session the Board discussed and/or took action on the following case:

* *Emma C. v. State*

### AGENDA ITEMS DAY 1

#### Item 01

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

STATE BOARD PROJECTS AND PRIORITIES.

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

**Type of Action:** Action, Information

1. State Superintendent’s Report
2. State Board of Education President’s Report

**ACTION:** No Action Taken.

#### Item 02

**Subject:** California's Draft State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund.

**Type of Action:** Action

**Recommendation:** The CDE and the SBE staff recommend that the SBE approve the draft California State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund submission to the ED, pending the SBE Executive Director approval of final revisions requested by the SBE and correction of any typographical errors.

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

Member Straus seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

#### Item 03

**Subject:** The California Assessment of Student Performance and Progress, the English Language Proficiency Assessments for California, and the California High School Proficiency Examination: Update on Program Activities.

**Type of Action:** Information

**Recommendation:** The CDE does not recommend any action, as this item is being presented for information only.

**ACTION:** No Action Taken.

#### Item 04

**Subject:** The California Assessment of Student Performance and Progress and the English Language Proficiency Assessments for California: Request for Approval to Proceed with the California Assessment System Request for Qualifications, Stage Four—Negotiations.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the request to begin negotiations with ETS for the California Assessment System contract to cover five administrations of the CAASPP and ELPAC, beginning July 1, 2022 through December 31, 2027.

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

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

#### Item 05

**Subject:** School Accountability Report Card: Approval of the Template for the 2020–2021 School Accountability Report Card.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the SARC template for the 2020–2021 school year.

**ACTION:** Member Straus moved to approve the CDE recommendation.

Member Rucker seconded the motion.

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

**No votes:** None

**Members Absent:** Members Burr and McQuillen

**Abstentions:** None

**Recusals:** None

The motion passed with 8 votes.

#### Item 06

**Subject:** Proposed Revisions of the Local Control Funding Formula Local Indicator Self-Reflection Tool for Priority 3 (Parent and Family Engagement).

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE adopt the revisions to the local indicator self-reflection tool for Priority 3 (Parental Involvement and Family Engagement) proposed in Attachment 1.

1. Revise the instructions for the self-reflection tool to clarify that the ratings and narrative responses provided an LEA must be based on an analysis of stakeholder input and local data.
2. Revise the narrative prompt. The narrative prompt for each of the three sections currently requires an LEA to describe (1) its current strengths and progress, (2) its focus area(s) for improvement, and (3) how it will improve engagement of underrepresented families. Based on lessons learned from the report the CDE recommends that the current narrative prompt be broken out into three narrative prompts, with each prompt addressing a component of the current narrative prompt.
3. Require LEAs to provide an appropriate response within each field of the Dashboard.
4. Update Dashboard functionality related to the Priority 3 local indicator to:
	1. Establish business rules to avoid nulls and zeros in the ratings section and no responses (i.e. blank narrative boxes) in the narrative section; and
	2. Update the self-reflection tool in the Dashboard to incorporate revisions adopted by the SBE.

**ACTION:** Member Straus moved to approve the CDE recommendation in the four areas.

Member Glover-Woods seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

### WAIVERS ON CONSENT

### (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 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.

Charter School Program (Nonclassroom-Based Funding)

#### Item W-01

**Subject:** Requests by **two local educational agencies** to waive portions of *California Code of Regulations*, Title 5 Section 11963.6, relating to the submission of and action on determination of funding requests regarding nonclassroom-based instruction.

Waiver Numbers: Monterey County Office of Education 7-4-2021

Tracy Joint Unified School District 2-4-2021

(Recommended for APPROVAL)

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

#### Item W-02

**Subject:** Request by **KIPP Empower Academy** a charter school under the authority of the California *Education Code* Section 47612.6, to waive *Education Code* Section 47612.5, the audit penalty for offering insufficient instructional minutes during the 2018–19 school year.

Waiver Number: 13-2-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-03

**Subject:** Requests by **six local educational agencies** 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 Numbers: Duarte Unified School District (CA School of the Arts- San Gabriel Valley) Fed-2-2021

Golden Valley Unified School District Fed-1-2021

Inyo County Office of Education (College Bridge Academy) Fed-4-2021

Laton Joint Unified School District Fed-5-2021

Orange County Office of Education (OCSA) Fed-3-2021

Willows Unified School District Fed-6-2021

(Recommended for APPROVAL)

Community Day Schools (CDS) (Colocate Facilities)

#### Item W-04

**Subject:** Request by **Hanford Joint Union High School District** for a 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: 4-3-2021

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Elections to Fill Board Vacancies)

#### Item W-05

**Subject:** Request by **Norwalk-La Mirada Unified School District** to waive portions of California *Education Code* Section 5091, which will allow an adjustment to the type and timing of elections to fill vacant board positions.

Waiver Number: 11-4-2021

(Recommended for APPROVAL)

School District Reorganization (Size of Governing Board)

#### Item W-06

**Subject:** Request by **Laguna Joint Elementary School District** to waive portions of California *Education Code* sections 5018, 5022, and 35012, which will allow the district governing board to increase the number of board members from three to five and to fill the two new board seats through appointment.

Waiver Number: 8-4-2021

(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness Limit)

#### Item W-07

**Subject:** Request by **Perris Union High 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 high school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for high school districts may also apply.

Waiver Number: 6-4-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-08

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

Waiver Number: 19-2-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-09

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

Waiver Numbers: Fresno County Office of Education Education 16-2-2021

Fresno County Office of Education Education 17-2-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-10

**Subject:** Requests by **13 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: Alpine Union Elementary School District 5-3-2021

Amador County Office of Education 9-4-2021

Covina-Valley Unified School District 3-4-2021

Fallbrook Union Elementary School District 6-3-2021

Gateway Unified School District 13-3-2021

Gridley Unified School District 1-4-2021

Imperial Unified School District 11-3-2021

Lake County Office of Education 1-3-2021

Monterey Peninsula Unified School District 12-3-2021

Pioneer Union Elementary School District 10-4-2021

San Ysidro Elementary School District 7-3-2021

South Bay Union School District 4-4-2021

Tuolumne County Superintendent of Schools 5-4-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-11

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

Waiver Number: 3-2-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-12

**Subject:** Request by **Curtis Creek Elementary School District and the Tuolumne County Special Education Local Plan Area** to waive California *Education Code* Section 56366(d), the requirement for nonpublic, nonsectarian schools or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of one high school student with disabilities at an uncertified out-of-state school for students with disabilities located in Canton, Massachusetts.

Waiver Number: 2-8-2020

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION on Waiver Items on Consent:** Member Rucker moved to approve the CDE recommendations for each waiver item on consent (Item W-01 through Item W-12).

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

### END OF WAIVERS

### REGULAR CONSENT ITEMS (Item 07 through Item 10)

#### Item 07

**Subject:** *Mathematics Framework for California Public Schools, Kindergarten Through Grade Twelve*, 2021 Revision: Approval of the Revision of the Schedule of Significant Events.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the revised Schedule of Significant Events for the 2021 Revision of the *Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve* (Timeline).

#### Item 08

**Subject:** Approval of 2020–21 Consolidated Applications.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the 2020–21 ConApp submitted by LEAs in Attachment 1.

#### Item 09

**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

**Recommendation:** The CDE recommends that the SBE approve the determination of funding request at the percentage and for the time period specified for MAAC Community Charter (charter number 0303) as provided in Attachment 1.

#### Item 10

**Subject:** Approval of a Charter School Number Assigned to a Newly Established Charter School.

**Type of Action:** Action, Information

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

**ACTION on Regular Items on Consent:** Member Rucker moved to approve the CDE recommendations for each regular item on consent (Item 07 through Item 10), with the addition of adding a placeholder meeting of the Instructional Quality Commission to Item 07.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

### END OF CONSENT ITEMS

### REGULAR ITEMS CONTINUED

#### Re-Open Item 01

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

STATE BOARD PROJECTS AND PRIORITIES.

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

**Type of Action:** Action, Information

**Recommendation:**

1. Approve the Revised Report of Actions/Minutes for the March 11-12, 2020 meeting and the SBE Draft Preliminary Report of Actions/Minutes for the May12-13, 2021 meeting. (Attachment 1)
2. Board member liaison reports

**ACTION:** Member Glover-Woods moved to approve the SBE recommendations to approve the Revised Report of Actions/Minutes for the March 11-12, 2020 meeting and the Draft Preliminary Report of Actions/Minutes for the May 12-13, 2021 meeting.

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 9 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 MEETING

**At approximately 4:08 p.m., President Darling-Hammond adjourned the meeting.**