

# California State Board of EducationFinal Minutes May 8-9, 2019

## Members Present

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

## Member Absent

* Niki Sandoval

## Principal Staff

* Karen Stapf Walters, Executive Director, State Board of Education (SBE)
* Judy Cias, Chief Counsel, SBE
* Patricia de Cos, Deputy Executive Director, SBE
* David Sapp, Deputy Policy Director and Assistant Legal Counsel, SBE
* Janet Weeks, Director of Communications, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Laila Fahimuddin, Policy Consultant, SBE
* Sara Pietrowski, Policy Consultant, SBE
* Pamela Castleman, Education Programs Consultant, SBE
* Amy Bubbico, Staff Services Manager I, SBE
* Lupita Cortez-Alcalá, Chief Deputy Superintendent, California Department of Education (CDE)
* Tom Adams, Deputy Superintendent, CDE
* Amy Bisson Holloway, Chief Counsel II, CDE
* Catalina Cifuentes, Deputy Superintendent, CDE
* Khieem Jackson, Deputy Superintendent, CDE
* Stephanie Papas, Education Policy Administrator I, CDE
* Todd Smith, Chief Counsel II, CDE

**Please note that the complete proceedings of the May 8-9, 2019 State Board of Education meeting, including closed-captioning, are available online at:** <http://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp>

## California State Board of EducationPublic Session May 8, 2019

**Wednesday – May 8, 2019 – 8:30 a.m. Pacific Time ±**California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

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

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

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

### AGENDA ITEMS DAY 1

#### Item 01

**Subject:** California Assessment of Student Performance and Progress System and the English Language Proficiency Assessments for California: Approval of the Proposed High-Level Test Design for the Transition to Computer-Based Initial and Summative English Language Proficiency Assessments for California, the High-Level Test Design for the Alternate English Language Proficiency Assessments for California, and the Proposed Revisions to the Computer-Based Summative English Language Proficiency Assessments for California Blueprints; and an Update on Assessment Program Activities.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the following proposed items:

* “Test Design Recommendations,” as described in Section 1.G. of the High-Level Test Design (HLTD) for the computer-based English Language Proficiency Assessments for California (ELPAC) (Attachment 2)
* “Test Design Recommendations,” as described in Section 1.F. of the HLTD for the Alternate ELPAC (Attachment 3)
* “General Performance Level Descriptors” (PLDs), as described in Section 2.D. of the HLTD for the Alternate ELPAC (Attachment 3)
* Revised Summative ELPAC blueprints (Attachment 4)

The CDE further recommends that the SBE authorize CDE staff to make technical edits, as necessary, to the documents listed above.

At the SBE meeting, CDE presented a revised recommendation, as follows: The CDE recommends that the California SBE approve the following proposed items:

* “Test Design Recommendations,” as described in Section 1.G. of the HLTD for the computer-based ELPAC (Attachment 2) with revisions to number one to extend one-on-one test administration to grade two
* “Test Design Recommendations,” as described in Section 1.F. of the HLTD for the Alternate ELPAC (Attachment 3)
* “General Performance Level Descriptors” (PLDs), as described in Section 2.D. of the HLTD for the Alternate ELPAC (Attachment 3)
* Revised Summative ELPAC blueprints (Attachment 4)

The CDE further recommends that the SBE authorize CDE staff to make technical edits, as necessary, to the documents listed above.

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

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** Member Sandoval

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

#### Item 02

**Subject:** Approval of the California State Transition Plan 2019–20 for the Strengthening Career and Technical Education for the 21st Century Act, and Request to Extend Waiver of Section 132 Funds Distribution Formula.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the California State Transition Plan for 2019–20 for the Perkins V funds and approve the extension waiver of the Section 132 funds distribution formula of the Act.

**ACTION:** Member Sun moved to approve the CDE staff recommendation, make any edits, as deemed necessary, and authorize CDE and SBE staff to submit the Perkins V Transition Plan to the federal Department of Education by May 24, 2019.

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** Member Sandoval

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

#### Item 03

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

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE adopt the California Computer Science Strategic Implementation Plan (CSSIP) pending final approval by the SBE Executive Director of any revisions proposed by the SBE and technical edits.

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

Member Navo seconded the motion.

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

**No votes:** None

**Member Absent:** Member Sandoval

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

### WAIVERS ON CONSENT(W-01, W-02 through W-11, and W-13 through W-14)

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.

### WAIVER CONSENT VOTE 1(W-01)

Class Size Penalties (Over Limit on Grades 4-8)

#### Item W-01

**Subject:** Request by Eureka Union School District to waive portions of California *Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. The statutory maximum class size for grades four through eight is 30.8 to one. The District is requesting a maximum class size of 35 to one.

Waiver Number: 29-2-2019

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Burr moved to approve the CDE staff recommendation with conditions on consent.

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** Member Sandoval

**Abstentions:** None

**Recusals:** Member Rucker

The motion passed with 8 votes.

### WAIVER CONSENT VOTE 2(W-02 through W-11 and W-13 through W-14)

Instructional Time Requirement Audit Penalty (Below 1982-83 Base Minimum Minutes)

#### Item W-02

**Subject:** Request by Golden Valley Unified School District under the authority of the California *Education Code (EC)* Section 46206(a), to waive *EC* Section 46201, the audit penalty for offering insufficient instructional minutes during the 2017–18 school year.

Waiver Number: 11-2-2019

(Recommended for APPROVAL WITH CONDITIONS)

Physical Education Program (Block Schedules)

#### Item W-03

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

Waiver Number: 5-8-2018

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-04

**Subject:** Request by three local educational agencies to waive one or more of the following California *Education Code* (*EC*) sections 15102, 15106, 15268, or 15270(a) to allow the districts to exceed their bonded indebtedness limits. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for high school districts and 2.50 percent for unified school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for high school districts and $60 per $100,000 for unified school districts may also apply.

Waiver Numbers:

Natomas Unified School District 19-1-2019

Perris Union High School District 25-2-2019

Sanger Unified School District 23-2-2019

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-05

**Subject:** Request by Santa Clara County Office of Education to waive portions of California *Education Code* Section 5091, which will allow the board of trustees of the Mount Pleasant Elementary School District to make a provisional appointment to a vacant board position past the 60-day statutory deadline.

Waiver Number: 3-3-2019

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

#### Item W-06

**Subject:** Request by four 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:

Bonsall Unified School District 22-2-2019

New Jerusalem Elementary School District 12-12-2018

Simi Valley Unified School District 14-1-2019

Washington Unified School District 10-1-2019

(Recommended for APPROVAL)

School District Reorganization (Lapsation of a Small District)

#### Item W-07

**Subject:** Request by Forks of Salmon Elementary School District to waive California *Education Code* Section 35780(a), which requires lapsation of a district with an average daily attendance of less than six in first through eighth grades.

Waiver Number: 30-2-2019

(Recommended for APPROVAL)

School District Reorganization (Lapsation of a Small District)

#### Item W-08

**Subject:** Request by Maple Creek Elementary School District to waive California *Education Code* Section 35780(a), which requires lapsation of a district with an average daily attendance of less than six in first through eighth grades.

Waiver Number: 10-2-2019

(Recommended for APPROVAL WITH CONDITIONS)

Schoolsite Council Statute (Shared Schoolsite Council)

#### Item W-09

**Subject:** Request by Gold Oak Union Elementary School District under the authority of California *Education Code* Section 65001(e) for waivers of *Education Code* sections 65000 and 65001, relating to schoolsite councils regarding changes in shared, composition, or shared and composition members.

Waiver Number: 2-2-2019

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-10

**Subject:** Request by Dublin Unified School District to waive California *Education Code* Section 56366.1(a), the requirement for state certification to allow the uncertified out-of-state nonpublic school located in Ogden, Utah to provide services to one student with disabilities.

Waiver Number: 5-2-2019

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-11

**Subject:** Request by 12 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:

Chico Unified School District 1-1-2019

Covina-Valley Unified School District 13-1-2019

Fallbrook Union Elementary School District 4-2-2019

Fremont Union High School District 15-1-2019

Hesperia Unified School District 6-2-2019

Milbrae Elementary School District 18-1-2019

Monterey County Office of Education 24-2-2019

Paradise Unified School District 26-2-2019

San Diego county Office of Education 3-1-2019

San Ysidro Elementary School District 31-2-2019

South Whittier Elementary School District 19-2-2019

Travis Unified School District 15-2-2019

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

#### Item W-13

**Subject:** Request by Tehama County Department of Education to waive *Education Code* Section 56362(c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Karen Reno assigned at Tehama eLearning Academy.

Waiver Number: 8-1-2019

(Recommended for APPROVAL WITH CONDITIONS)

State Meal Mandate (Summer School Session)

#### Item W-14

**Subject:** Requests by two school districts under the authority of California *Education Code* (*EC*)Section 49548 to waive *EC* Section 49550, the State Meal Mandate, during the summer school session.

Waiver Numbers:

Eastern Sierra Unified School District 28-2-2019

Wiseburn Unified School District 13-2-2019

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Rucker moved to approve the CDE staff recommendation for each waiver item on consent.

Member Straus seconded the motion.

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

**No votes:** None

**Member Absent:** Member Sandoval

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

### WAIVER REQUIRING INDIVIDUAL ACTION(W-12)

Special Education Program (One year notice to change SELPA)

#### Item W-12

**Subject:** Request by two local educational agenciesto waive California *Education Code* Section 56195.1 (a) regarding size and scope requirements of a special education local plan area.

Waiver Numbers:

Hacienda La Puente Unified School District 3-2-2019

Rowland Unified School District 16-2-2019

(Recommended for APPROVAL WITH CONDITIONS)

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

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** Member Sandoval

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

***Item W-15 was withdrawn by the California Department of Education on April 26, 2019.***

~~School Construction Bonds (Bond Indebtedness Limit - Unified S.D.)~~

#### ~~Item W-15~~

**~~Subject:~~** ~~Request by Klamath-Trinity Joint Unified School District to waive California~~ *~~Education Code~~* ~~(~~*~~EC~~*~~) sections 15106 and 15270(a) to allow the district to exceed its bonded indebtedness limit. Total bonded indebtedness may not exceed 2.50 percent for unified school districts. Depending on the type of bond, a tax rate levy limit of $60 per $100,000 for unified school districts may also apply. (Requesting 3.25 percent)~~

~~Waiver Number: 9-2-2019~~

~~(Recommended for APPROVAL WITH CONDITIONS)~~

(Note: the preceding information about Item W-15 contains strikethroughs which indicate the item has been withdrawn.)

**END OF WAIVERS**

### PUBLIC HEARING

#### Item 04

**Subject:** Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve: Public Hearing and Adoption.

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

**CDE Recommendation:** The CDE and the Instructional Quality Commission (IQC) recommend that the SBE hold a public hearing and adopt the draft *Health Education Framework*, including the additional edits recommended by the IQC on March 28, 2019. The current draft *Health Education Framework* (April 2019 Draft) is available on the CDE Health Education Curriculum Frameworks web page at <https://www.cde.ca.gov/ci/he/cf/>, and each of the IQC’s recommended edits are highlighted.

During the SBE meeting, the CDE presented a revised recommendation, as follows: The CDE recommends:

* Adoption of the draft 2019 California Health Education Framework, including changes recommended by the IQC on March 28, 2019 and including the removal of the following specific resources:
* *My Princess Boy*
* *Who are You? The Kids Guide to Gender Identity*
* *Changing You! A Guide to Body Changes & Sexuality*
* *What’s Happening to My Body?*
* *S.E.X. The All You Need to Know Progressive Sexuality Guide to Get You Through Your Teens and Twenties*
* Authorize CDE staff, pending approval of the SBE Executive Director, final revisions requested by the SBE, correction of any typographical errors, and non-substantive clarifying edits.

**President Darling-Hammond opened the public hearing at 12:36 p.m.**

**President Darling-Hammond closed the public hearing at 3:32 p.m.**

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

Member Cardenas seconded the motion.

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

**No votes:** None

**Member Absent:** Member Sandoval

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

### END OF PUBLIC HEARING

### CONTINUANCE OF MEETING

*At approximately 5:00 p.m., President Darling-Hammond announced that the meeting would continue at 8:30 on Thursday morning and that the board would be meeting in closed session at that time to discuss and/or take action on the following case:*

* *Thrive Public Schools v. SBE*

## California State Board of EducationPublic Session May 9, 2019

**Thursday, May 9, 2019 – 8:30 a.m. Pacific Time +**

California Department of Education

1430 N Street, Room 1101

Sacramento, California 95814

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

*REPORT OUT OF CLOSED SESSION*

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

* *Thrive Public Schools v. SBE*

### AGENDA ITEMS DAY 2

### REGULAR CONSENT ITEMS(Item 05 through Item 13)

#### Item 05

**Subject:** California Assessment of Student Performance and Progress: Approve Commencement of a 15-day Public Comment Period for Proposed Amendments to the California Code of Regulations, Title 5, Sections 850, 851, 854.1, 854.2, 854.3, 854.4, 859, 862, and 863 Related to Student Accessibility, Electronic Student Score Reporting and Record Keeping, and Apportionments.

**Type of Action:** Action, Information

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

* Approve the proposed changes to the proposed regulation amendments.
* Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the 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).
* 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 July 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 final rulemaking file.

#### Item 06

**Subject:** California Assessment of Student Performance and Progress: Readoption of the Finding of Emergency and Proposed Emergency Regulations for Amendments to the California Code of Regulations, Title 5, Sections 850, 851, 854.1, 854.2, 854.3, 854.4, 859, 862, and 863 related to Student Accessibility, Electronic Student Score Reporting and Record Keeping, and Apportionments.

**Type of Action:** Action, Information

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

* Approve the Finding of Emergency.
* Readopt the proposed emergency regulation amendments.
* Direct the CDE to circulate the required Notice of Proposed Emergency Action, and then resubmit the emergency regulations to the Office of Administrative Law (OAL) for readoption.
* Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the OAL during its review of the Finding of Emergency and proposed emergency regulation amendments.

#### Item 07

**Subject:** Consideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2, and Associated California Code of Regulations, Title 5.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the determination of funding requests at 100 percent for the time period specified for the charter schools listed on Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At the April 2019 meeting, the Advisory Commission on Charter Schools (ACCS) voted unanimously to approve the CDE recommendation that the SBE approve the determination of funding requests at 100 percent for the time period specified for the charter schools listed on Attachment 1.

#### Item 08

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

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the determination of funding requests with mitigating circumstances at the percentages and time periods specified for the charter schools listed on Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At the April 10, 2019, 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 NCB charter schools as provided in Attachment 1.

The meeting notice for the April 10, 2019, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice041019.asp>.

#### Item 09

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

**Type of Action:** Action, Information

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

#### Item 10

**Subject:** Reconsideration of Request for Determination of Funding as Required for a Nonclassroom-based Charter School 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 CDE recommends that the SBE approve the reconsideration request from Twin Ridges Home Study Charter (TRHSC), as specified in Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At the April 2019 meeting, the ACCS voted unanimously to approve the CDE recommendation that the SBE approve the reconsideration request for TRHSC, as specified in Attachment 1.

#### Item 11

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

**Type of Action:** Action, Information

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

#### Item 12

**Subject:** 2020 Health Education Instructional Materials Adoption: Approval of Evaluation Criteria and Standards Maps.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE approve the evaluation criteria map and content standards maps as recommended by the Instructional Quality Commission (IQC).

#### Item 13

**Subject:** Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve, 2021 Revision: Approval of the Timeline and Curriculum Framework and Evaluation Criteria Committee Application Form.

**Type of Action:** Action, Information

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

* The timeline
* Curriculum Framework and Evaluation Criteria Committee (CFCC) application form for the 2021 revision of the *Mathematics Framework*.

**[The 2021 revision of the *Mathematics Framework* is contingent on the provision of funds by the Department of Finance for this work.]**

**ACTION:** Member Straus moved to approve the CDE staff recommendation for each regular item on consent (Item 5 through Item 13).

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** Member Sandoval

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

#### Item 14

**Subject:** Approval of Specific Proposed Career Technical Education Incentive Grant Awards Including a Proposed Increase of $816,288 to the Large C Category for the Fiscal Year 2018–19.

**Type of Action:** Action, Information

**CDE Recommendation:** The CDE recommends that the SBE review and approve specific funding amounts and number of grant awards with an increase of $816,288 allocated to the large C Category (Attachment 1).

**ACTION:** Member Rucker moved to approve the CDE staff recommendation for Item 14 on consent.

Member Sun seconded the motion.

**Yes votes:** Members Burr, Pattillo Brownson, Sun, Darling-Hammond, Cardenas, and Rucker.

**No votes:** None

**Member Absent:** Member Sandoval

**Abstentions:** None

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

The motion passed with 6 votes.

*END OF REGULAR CONSENT ITEMS*

### AGENDA ITEMS DAY 2 Continued

#### Item 18

**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.

### PUBLIC HEARINGS(ITEMS 15 and 16)

#### Item 15

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Eagle Collegiate Academy, which was denied by the Acton-Agua Dulce Unified School District and considered for denial by the Los Angeles County Board of Education.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to deny the request to establish Eagle Collegiate Academy (ECA), a TK/K through grade twelve charter school for a five-year term beginning July 1, 2019 through June 30, 2024, under the oversight of the SBE, based on the CDE’s findings pursuant to *Education Code* (*EC*)sections 47605(b)(2), 47605(b)(5)(E), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1(c).

The CDE finds that the petitioner is demonstrably unlikely to implement the program set forth in the petition due to an unrealistic financial and operational plan including aggressive enrollment assumptions, a budget plan reliant on meeting these enrollment projections, and the ability to secure a facility to house the projected enrollment.

Additionally, the CDE finds that the ECA petition does not contain a reasonably comprehensive description of all the required elements including Element 5–Employee Qualifications.

If approved by the SBE, and as a condition of approval, ECA will be required to revise the petition in order to reflect the SBE as authorizer and include the necessary language for Element 5–Employee Qualifications.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the ECA petition for establishment at its April 10, 2019, meeting. The ACCS moved CDE staff recommendation to deny the ECA petition by a vote of five to two with one abstention.

The meeting notice for the April 10, 2019, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice041019.asp>.

**President Darling Hammond opened the public hearing at 9:22 a.m.**

**President Darling Hammond closed the public hearing at 9:50 a.m.**

**ACTION:** Member Burr moved to approve the CDE staff recommendation to deny the request to establish Eagle Collegiate Academy under the oversight of the SBE.

Member Navo seconded the motion.

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

**No votes:** None

**Member Absent:** Member Sandoval

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

#### Item 16

**Subject:** Renewal Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Los Angeles International Charter High School, which was denied by the Los Angeles County Board of Education.

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to deny the request to renew Los Angeles International Charter High School (LAICHS), a grade nine through grade twelve charter school, under the oversight of the SBE, based on the CDE’s findings pursuant to *Education Code* (*EC*)sections 47605(b)(1), 47605(b)(5), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1.

The LAICHS petitioner does not meet the renewal criteria as they do not perform, overall, at least equal to its comparable district schools where the majority of LAICHS’ pupils would otherwise attend.

Additionally, the LAICHS petition does not provide a reasonably comprehensive description of 8 of the 15 required charter elements as follows: Description of Educational Program, Measurable Pupil Outcomes, Method for Measuring Pupil Progress, Employee Qualifications, Health and Safety Procedures, Admission Requirements, Annual Independent Financial Audits, and Suspension and Expulsion Procedures. The petition also does not provide reasonably comprehensive descriptions of Teacher Credentialing and Goals to Address the Eight State Priorities.

If approved by the SBE, and as a condition of approval, LAICHS will be required to revise the petition in order to reflect the SBE as authorizer and include the necessary language for the required charter elements as noted above.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the LAICHS petition for renewal at its April 10, 2019, meeting. The ACCS moved CDE staff recommendation to deny the LAICHS petition. The motion did not pass by a vote of four to four. Five votes are required to move an ACCS motion forward to the SBE; therefore, no recommendation moved.

The meeting notice for the April 10, 2019, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice041019.asp>.

**President Darling Hammond opened the public hearing at 10:55 a.m.**

**President Darling Hammond closed the public hearing at 11:43 a.m.**

**ACTION:** Member Burr moved to approve the petition for the Los Angeles International Charter High School with the following conditions:

* Charter school enrollment is limited to high school students in grades 9-12.
* The petition will be revised to reflect the SBE as authorizer and include the necessary language specified in the CDE’s Petition Review Form, as identified in the meeting agenda item (Attachment 1).
* The charter school will develop a plan to improve students’ academic performance. The plan will identify an academic program support provider, including mathematics, agreeable to the SBE Executive Director, who will assist with strategic planning throughout the renewal term. This plan will be submitted as soon as possible but no later than October 1, 2019.
* The CDE shall provide an update report to the SBE on the academic performance of the school within two years.

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** Member Sandoval

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

### END OF PUBLIC HEARINGS

#### Item 17

**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:

1. Approve the Preliminary Report of Actions/Minutes for the March 13-14, 2019 meeting. (Attachment 1)
2. Board member liaison reports

**ACTION:** Member Burr moved to approve the Preliminary Report of Actions/Minutes for the March 13-14, 2019 SBE meeting (Attachment 1).

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** Member Sandoval

**Abstentions:** Members Darling-Hammond, Navo, and Pattillo Brownson

**Recusals:** None

The motion passed with 6 votes.

### ADJOURNMENT OF MEETING

**President Darling-Hammond adjourned the meeting at approximately 2:24 p.m.**