

# California State Board of EducationFinal Minutes July 10-11, 2024

## 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
* Anya Ayyappan, Student Member

## Secretary & Executive Officer

* Tony Thurmond, State Superintendent of Public Instruction, Secretary and Executive Officer

## Members Participating Remotely

* None

## 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
* Alex Traverso, Communications Director, SBE
* Rigel Massaro, Deputy Legal Counsel and Deputy Policy Director, SBE
* Debra Brown, Senior Policy Advisor, SBE
* Laura Rodriguez, Senior Policy Director, SBE
* Sara Pietrowski, Senior Policy Director, SBE
* Aileen Allison-Zarea, Education Administrator I, SBE
* Kate Dove, 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)
* Nancy Kim Portillo, Chief Deputy Superintendent, CDE
* Len Garfinkel, General Counsel, CDE
* Cheryl Cotton, Deputy Superintendent, CDE
* Sarah Neville-Morgan, Deputy Superintendent, CDE
* Abel Guillen, Deputy Superintendent, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the July 10-11, 2024 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 10, 2024

**Wednesday, July 10, 2024 – 11:00 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 11:01 a.m.**

### 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

**Summary of the Issue:**

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

**ACTION:** No Action Taken.

#### Item 02

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Action to Implement the 2024 Accountability Workplan and Updates on Continuing Work for Future Dashboards.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE adopt a unit of measurement for the science indicator, decide how to combine high school scores for the science indicator, and determine whether a participation rate will factor into the science indicator results. Below are the options for each of the decision points related to the science indicator.

**Unit of Measurement:**

Option 1: Distance from Standard methodology; or

Option 2: Percent Met/Exceeds Standard methodology

**Combining high school scores:**

Option 1: report high school results in the current year; or

Option 2: report high school results cumulatively

**Participation Rate:**

Option 1: include a participation rate within the metric; or

Option 2: exclude a participation rate within the metric

Additionally, CDE recommends that the SBE adopt the eligibility criteria for the Local Control Funding Formula (LCFF) support determinations for the 2024 Dashboard.

**ACTION 1:** Member Glover Woods moved to adopt Option 1: Distance from Standard methodology for the unit of measurement.

Member Rodriguez 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.

**ACTION 2:** Member Olken moved to adopt Option 1: report high school results in current year.

Member Rodriguez seconded the motion.

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

**No votes:** Member Escobedo

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

**ACTION 3:** Member Glover Woods moved to adopt Option 1 to include a participation rate within the metric and ensure that the participation rate penalty is not enacted until the 2025 Dashboard.

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.

**ACTION 4:** Member Glover Woods moved to adopt the eligibility criteria for the Local Control Funding Formula (LCFF) support determinations for the 2024 Dashboard.

Member Orozco-Gonzalez 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.

#### Item 03

**Subject:** Update on Transitional Kindergarten Students and Changes to English Learner Identification and English Language Proficiency Testing.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE provide feedback on any further interim guidance to provide to LEAs to support TK students in light of the passage of AB 2268. In addition, the CDE recommends that the SBE provide feedback on the longer-term methods of identification of TK EL students for programs and services, including those outlined in the June 21, 2024, Information Memorandum.

**ACTION:** No Action Taken.

#### Item 04

**Subject:** California Assessment of Student Performance and Progress and English Language Proficiency Assessments for California: Updates on Program Activities.

**Type of Action:** Information

**Recommendation:** This item is information only. No specific action is recommended at this time.

**ACTION:** No Action Taken.

#### Item 05

**Subject:** California Community Schools Partnership Program: Approval of Cohort 3 Implementation Grantee Corrections.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the California Community Schools Partnership Program (CCSPP) Cohort 3 Implementation Grant Corrections (Attachment 1).

**ACTION:** Member Yoshimoto-Towery moved to approve the CDE staff recommendations.

Member Olken 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 06 through Item 13)

#### Item 06

**Subject:** High School Equivalency Program: Approve Commencement of a 15-Day Public Comment Period for Proposed Amendments to California Code of Regulations, Title 5, Sections 11530 and 11532.5.

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

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

* Approve the proposed changes to the proposed regulations
* 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) for approval
* If any relevant comments to the proposed changes are received during the
15-day public comment period, the CDE is directed to place the proposed regulations on the SBE’s September 2024 agenda for action
* Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file

#### Item 07

**Subject:** California Assessment of Student Performance and Progress Regulations—Approve the Finding of Emergency and Readoption of Emergency Regulations for Proposed Amendments to the California Code of Regulations, Title 5, Section 855.

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

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

* Approve the Finding of Emergency
* Readopt the proposed Emergency Regulations
* Direct the CDE to circulate the required Notice of Proposed Emergency Action, and then submit the Emergency Regulations to the Office of Administrative Law (OAL) for approval
* 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 regulations

#### Item 08

**Subject:** Request to approve a Response Letter to the U.S. Department of Education Regarding the 1.0 Percent Cap on the Percentage of Eligible Students with the Most Significant Cognitive Disabilities Who May Be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards for Reading/Language Arts, Mathematics, and Science.

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

**Recommendation:** CDE requests that the SBE approve a letter for signature by the SSPI and SBE President in response to ED’s denial of California's 2023–24 request to waive the 1.0 percent cap on the percentage of eligible students with the most significant cognitive disabilities who may be assessed with an AA-AAAS for Reading Language Arts (RLA), mathematics, and science, as provided in Attachment 2.

#### Item 09

**Subject:** Consideration of Determination of Funding Requests 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:** The CDE recommends that the SBE approve the determination of funding requests for the nine charter schools at 100 percent for a period of four fiscal years (2024–25 through 2027–28), as detailed in Attachment 1.

#### Item 10

**Subject:** Consideration of Determination of Funding Requests 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, Consent

**Recommendation:** The CDE recommends that the SBE approve the determination of funding requests with the consideration of mitigating circumstances for the eight charter schools at the funding levels requested by the charter schools for a period of two fiscal years (2024–25 through 2025–26), as detailed in Attachment 1.

#### Item 11

**Subject:** Assignment of a Charter School Number to a Newly Established Charter School, Pursuant to California *Education Code* Section 47602.

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

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

#### Item 12

**Subject:** Approval of 2023–24 Consolidated Applications.

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

**Recommendation:** The CDE recommends that the SBE approve the 2023–24 Consolidated Applications (ConApps) submitted by LEAs in Attachment 1.

#### Item 13

**Subject:** School Accountability Report Card: Approval of the Template for the 2023–24 School Accountability Report Card.

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

**Recommendation:** The CDE recommends that the SBE approve the School Accountability Report Card (SARC) template for the 2023–24 school year.

**ACTION:** Member Rodriguez moved to approve the CDE staff recommendations for each regular item on consent (Item 06 through Item 13).

Member Escobedo 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 REGULAR CONSENT ITEMS*

### REGULAR AGENDA ITEMS CONTINUED

#### Item 14

**Subject:** Request to Ratify the California Department of Education Grant Application for the Competitive Grants for State Assessments Program.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE ratify CDE’s application for the Competitive Grants for State Assessments (CGSA) Program.

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

Member Rodriguez 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-10)*

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.

Physical Education Program (Block Schedules)

#### Item W-01 General

**Subject:** Request by **Manteca 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 10 school days for students in grades nine through twelve in order to implement a block schedule at Lathrop High School, East Union High School, Manteca High School, Sierra High School, and Weston Ranch High School.

Waiver Number:

* Lathrop High School 12-12-2023
* East Union High School 13-12-2023
* Manteca High School 14-12-2023
* Sierra High School 15-12-2023
* Weston Ranch High School 16-12-2023

(Recommended for APPROVAL WITH CONDITIONS)

Physical Education Program (Block Schedules)

#### Item W-02 General

**Subject:** Request by **Los Angeles Unified School District** for a renewal to waive portions of California *Education Code* Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each 10 school days for students in grades nine through twelve in order to implement block schedules at Cesar E. Chavez Learning Academies-Academy of Scientific Exploration, Gardena Senior High, Nathaniel Narbonne Senior High, John H. Francis Polytechnic, and Theodore Roosevelt Senior High.

Waiver Number: 7-4-2024

(Recommended for APPROVAL) *EC* 33051(b) will apply

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

#### Item W-03 General

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

Waiver Number:

* 3-4-2024
* 4-4-2024
* 5-4-2024
* 6-4-2024

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-04 General

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

Waiver Number: 4-3-2024

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-05 Specific

**Subject:** Request by the **San Pasqual Valley 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 Menta Academy Non-Residential Treatment Center (Menta Academy), an uncertified nonpublic school for students with disabilities with a full-day treatment center, in Yuma, Arizona.

Waiver Number: 9-12-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-06 Specific

**Subject:** Request by the **San Pasqual Valley 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 middle school student with disabilities at the Menta Academy Non-Residential Treatment Center (Menta Academy), an uncertified nonpublic school for students with disabilities with a full-day treatment center, in Yuma, Arizona.

Waiver Number: 5-12-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-07 Specific

**Subject:** Request by the **Temecula Valley 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 Kaizen Academy Residential Treatment Center, an uncertified nonpublic school for students with disabilities with a residential treatment center, in Payson, Utah.

Waiver Number: 4-9-2023

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

#### Item W-08 Specific

**Subject:** Request by **South Monterey County Joint Union High** **School District** to waive *Education Code* Section 56362(c), allowing the caseloads of resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Number: 6-10-2023

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

#### Item W-09 Specific

**Subject:** Request by **Cotati-Rohnert Park Unified** to waive *Education Code* Section 56362(c), allowing the caseloads of resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Number: 4-1-2024

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-10 General

**Subject:** Request by **ten 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 Number:

* Sweetwater Union High School District 14-3-2023
* Greenfield Union School District 2-1-2024
* Red Bluff Union Elementary School District 7-1-2023
* San Pasqual Valley Unified School District 7-11-2022
* Mt. Diablo Unified School District 2-4-2023
* Mariposa County Office of Education 6-4-2023
* Soulsbyville Elementary School District 2-3-2024
* Brawley Union High School District 7-3-2024
* Delano Union Elementary School District 18-3-2024
* South Whittier Elementary School District 11-3-2023

(Recommended for APPROVAL)

**ACTION:** Member Glover Woods moved to approve the CDE staff recommendations for each waiver item on consent (W-01 through W-10).

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 WAIVERS **\*\*\***

### REGULAR AGENDA ITEMS CONTINUED

#### Item 15

**Subject:** Request to Ratify the Comprehensive Literacy State Development Program 2024 Grant Application.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE ratify the submission of the Comprehensive Literacy State Development (CLSD) Grant Program 2024 grant proposal.

**ACTION:** Member Glover Woods 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.

#### 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:

1. Approve the Preliminary Report of Actions/Minutes for the May 8, 2024, meeting. (Attachment 1)
2. Board Member liaison reports

**ACTION:** Member Pattillo Brownson moved to approve the Preliminary Report of Actions/Draft Meeting Minutes for the May 8, 2024, SBE meeting.

Member Rodriguez 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.

#### Item 16

**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.

### END OF DAY’S SESSION

**At approximately 5:28 p.m., President Darling-Hammond announced that the meeting would continue the following day with a study session.**

California State Board of Education

Public Study Session, **Thursday, July 11, 2024**

**Thursday, July 11, 2024 – 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

Adjournment

**BOARD MEMBER STUDY SESSION**

### AGENDA ITEM

#### Item 17

**Subject:** Study Session on The California Way: Policies Designed for School and Student Success; Accomplishments, Future Work, and Perspectives from California’s local educational agencies and other states.

**Type of Action:** Information

**ACTION:** No Action Taken.

### ADJOURNMENT OF THE MEETING

**President Darling-Hammond adjourned the meeting at approximately 12:45 p.m.**