

# California State Board of Education Final Minutes January 13-14, 2021

## Members Present

* Linda Darling-Hammond, President
* Ilene W. Straus, Vice President
* Sue Burr
* Cynthia Glover-Woods
* James J. McQuillen
* Matt Navo
* Kim Pattillo Brownson
* Haydee Rodriguez
* Patricia A. Rucker
* Ting L. Sun
* Zaid Fattah, Student Member
* Tony Thurmond, State Superintendent of Public Instruction (SSPI), Secretary and Executive Officer

## Member Absent

* None

## 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 Chief Counsel, 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)
* Lisa Constancio, Deputy Superintendent, CDE
* Rachael Maves, Deputy Superintendent, CDE
* Amy Holloway, Chief Counsel II, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the January 13-14, 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 Education Public Session January 13, 2021

**Wednesday, January 13, 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 8:34 a.m.**

### AGENDA ITEMS DAY 1

#### 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 liaison reports; training of Board members; State Superintendent of Public Instruction Report; State Board of Education President’s Report; and other matters of interest.

**Type of Action:** Action, Information

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

1. Take up annual election of officers
2. Approve the Preliminary Report of Actions/Minutes for the November 5-6, 2020 meeting. (Attachment 1)
3. Consider the SBE Screening recommendations for appointments to the Advisory Commission on Charter Schools. (Attachment 2)
4. Board member liaison reports
5. ~~Approve the revised ACCS Policy (Attachment 3)~~

***Item 01 Attachment 3 and Attachment 4 were withdrawn by the SBE Office on January 11, 2021.***

*[Note: the preceding bullet item 5 contains strikethroughs which indicate the item was withdrawn.]*

**ACTION 1, Election of President:** Member Straus moved to nominate Linda Darling-Hammond to the office of president for 2021.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** Member Darling-Hammond

**Recusals:** None

The motion passed with 10 votes.

**ACTION 2, Election of Vice President:** Member Rodriguez moved to nominate Ilene Straus to the office of vice-president for 2021.

Member Sun seconded the motion.

**Yes votes:** Members Sun, Rucker, Rodriquez, Pattillo Brownson, Navo, McQuillen, Glover-Woods, Fattah, Darling-Hammond, and Burr.

**No votes:** None

**Member Absent:** None

**Abstentions:** Member Straus

**Recusals:** None

The motion passed with 10 votes.

#### Item 02

**Subject:** Distance Learning Curriculum and Instructional Guidance: Project Update.

**Type of Action:** Information

**Recommendation:** None.

**ACTION:** No Action Taken.

#### Item 03

**Subject:** The California Assessment of Student Performance and Progress System and the English Language Proficiency Assessments for California: Approval of Proposed Goals and Priorities to be Included in the California Assessment System Request for Qualifications, Stage Three—Formal Written Submission, and an Update of Program Activities.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the California State Board of Education (SBE) approve the following proposed goals and priorities to be included in the scope of work request from potentialcontractors for the next assessment contract:

* 1. Enhance the development and administration of high-quality assessments of the California Assessment System through the 2022–27 school years; (e.g., summative, interim, and formative assessments)
  2. Continue to improve the robust assessment system to ensure efficient, effective, and accurate results with enhancements to support multiple administration modes
  3. Explore and advance technology solutions that meet system capacity, performance, and usability to the greatest extent possible

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

Student Member Fattah seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 04

**Subject:** Update to California’s Every Student Succeeds Act State Plan: Approval of the Amendments to the State Plan and COVID-19 State Plan Addendum to the U.S. Department of Education.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the amendments to California’s ESSA Consolidated State Plan and COVID-19 State Plan Addendum for submission to ED, 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 Burr moved to approve the CDE recommendations.

Member Straus seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 05

**Subject:** State Educational Agency Approval of the 2020–21 Comprehensive Support and Improvement Plans Authorized Under the Every Student Succeeds Act Section 1111(d).

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE take action, to approve the Comprehensive Support and Improvement (CSI) plans for the 2020–21 school year (SY).

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

Member Straus seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 06

**Subject:** Comprehensive Literacy State Development Grant: State Literacy Plan Draft Review.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE review the draft State Literacy Plan (SLP) and provide feedback. The draft SLP is available on the CDE California Literacy State Development (CLSD) web page at <https://www.cde.ca.gov/pd/ps/clsd.asp>.

**ACTION:** No Action Taken.

### WAIVERS ON CONSENT

### (W-01 through W-04)

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.

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

#### Item W-01

**Subject:** Request by **two 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 Numbers:

* Fort Sage Unified School District Fed-11-2020
* Middletown Unified School District Fed-12-2020

(Recommended for APPROVAL)

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

#### Item W-02

**Subject:** Request by **Prepa Tec Los Angeles High 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: 2-6-2020

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-03

**Subject:** Request by **two local educational agencies** to waive California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.

Waiver Numbers:

* Rim of the World Unified School District: 6-9-2020
* Rim of the World Unified School District: 7-9-2020

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-04

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

Waiver Numbers:

* Gilroy Unified School District: 1-11-2020
* West Contra Costa Unified School District: 2-9-2020

(Recommended for APPROVAL WITH CONDITIONS)

### ACTION ON WAIVER CONSENT ITEMS (W-01 through W-04)

**ACTION:** Member Sun moved to approve the CDE recommendations for each waiver item on consent (W-01 through W-04).

Member Navo seconded the motion.

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

**No votes:** None

**Members Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### REGULAR WAIVER NOT ON CONSENT

*(W-05)*

School District Reorganization (Lapsation of a Small District)

#### Item W-05

**Subject:** Request by **Belridge Elementary School District** to waive portions of California *Education Code* sections 35780 and 35782, which will allow that district to lapse.

Waiver Number: 4-9-2020

(Recommended for APPROVAL)

**ACTION:** Member Rucker moved to approve the CDE recommendation for Waiver Item W-05.

Member Navo seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### END OF WAIVERS

### REGULAR CONSENT ITEM ACTION 1 (Item 07)

#### Item 07

**Subject:** Approval of the Fiscal Year 2020–21 Career Technical Education Incentive Grant Allocations, Including the Allocation Formula; Specific Funding Amounts and Number of Grant Awards; Purposes for Grant Fund Use; and Allowable and Non-Allowable Expenditures.

**Type of Action:** Action, Information

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

* Proposed CTEIG Allocation Formula (Attachment 1)
* Specific Proposed Funding Amounts and Number of Grant Awards (Attachment 2)
* Purposes for which grant funds may be used/minimum eligibility standards
* Allowable and non-allowable expenditures

*ACTION ON REGULAR CONSENT ITEM 07*

**ACTION:** Member Sun moved to approve the CDE staff recommendations for regular item on consent Item 07.

Member Rucker seconded the motion.

**Yes votes:** Members Sun, Rucker, Rodriguez, Pattillo Brownson, Navo, McQuillen, Fattah, Darling-Hammond, and Burr.

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** Members Glover-Woods and Straus

The motion passed with 9 votes.

### REGULAR CONSENT ITEMS ACTION 2

### (Items 08 through Item 14)

#### 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 ConApps submitted by LEAs in Attachment 1.

#### Item 09

**Subject:** Request to Approve a Waiver for Title IV, Part A Funding Flexibilities.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE ratify the Title IV, Part A Funding Flexibility Waiver of the following provisions for the 2020-2021 school year and FY 2020 Title IV, Part A funds under ESEA Section 8401(b):

* Section 4106(d) of Title IV, Part A of the ESEA, related to LEA needs assessments for the 2020-2021 school year.
* Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA, with respect to content-area spending requirements for Federal fiscal year (FY) 2020 Title IV, Part A funds.
* Section 4109(b) of Title IV, Part A of the ESEA, with respect to the fifteen percent spending limitation for technology infrastructure for FY 2020 Title IV, Part A funds.

#### Item 10

**Subject:** The 2021 Arts Education Instructional Materials Adoption: Appointment of Reviewers.

**Type of Action:** Action, Information

**Recommendation:** The Instructional Quality Commission (IQC) recommends that the SBE take the following action: Appoint IMRs and CREs as recommended by the IQC.

#### Item 11

**Subject:** The 2021 Arts Education Instructional Materials Adoption: Requests for Reduction of the Publisher Participation Fee.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the fee reductions for each publisher as listed in the 2021 Arts Education Instructional Materials Adoption Publisher Fee Reduction Requests (Attachment 1).

#### Item 12

**Subject:** The 2021 World Languages Instructional Materials Adoption: Appointment of Reviewers.

**Type of Action:** Action, Information

**Recommendation:** The Instructional Quality Commission (IQC) recommends that the SBE take the following action: Appoint IMRs and CREs as recommended by the IQC.

#### Item 13

**Subject:** The 2021 World Languages Instructional Materials Adoption: Requests for Reduction of the Publisher Participation Fee.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the fee reductions for each publisher as listed in the 2021 World Languages Instructional Materials Adoption Publisher Fee Reduction Requests (Attachment 1).

#### Item 14

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

**Type of Action:** Action, Information

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

*ACTION ON REGULAR CONSENT ITEMS (ITEM 08 through ITEM 14)*

**ACTION:** Member Rucker moved to approve the CDE staff recommendations for each regular item on consent (Item 08 through Item 14).

Member Glover-Woods seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** Member Sun

The motion passed with 10 votes.

### END OF REGULAR CONSENT ITEMS

### REGULAR AGENDA ITEMS CONTINUED

#### Re-Open Item 01

#### 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 liaison reports; training of Board members; State Superintendent of Public Instruction Report; State Board of Education President’s Report; and other matters of interest.

**Type of Action:** Action, Information

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

1. Take up annual election of officers.
2. Approve the Preliminary Report of Actions/Minutes for the November 5-6, 2020 meeting. (Attachment 1)
3. Consider the SBE Screening recommendations for appointments to the Advisory Commission on Charter Schools. (Attachment 2)
4. Board member liaison reports
5. ~~Approve the revised ACCS Policy (Attachment 3)~~

***Item 01 Attachment 3 and Attachment 4 were withdrawn by the SBE Office on January 11, 2021.***

*[Note: the preceding bullet item 5 contains strikethroughs which indicate the item was withdrawn.]*

**ACTION 2:** Member Rucker moved to approve the Preliminary Report of Actions/Draft Minutes from the November 5-6, 2020 meeting.

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**ACTION 3:** Member Navo moved to approve the SBE Screening Committee recommendations to appoint Matt Taylor, Superintendent, River Charter Schools, to the Advisory Commission on Charter Schools (ACCS), for a 2-year term, and appoint Mike Walsh, Trustee, Butte County Office of Education, as Chair of the ACCS.

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**Item 15**

**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 MEETING

**At approximately 5:16 p.m., President Darling Hammond continued the day’s meeting until Thursday morning.**

## California State Board of Education Public Session January 14, 2021

**Thursday, January 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
* Adjournment

### AGENDA ITEMS DAY 2

#### Item 16

**Subject:** State Annual Performance Report for Part B of the Individuals with Disabilities Education Act of 2004 covering program year 2019–20.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends the SBE review and approve the Executive Summary of the FFY 2019 APR for Part B of the IDEA covering program year 2019–20 as prepared by the SED.

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

Member Glover-Woods seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### **Item 17 was withdrawn by the SBE Office on January 11, 2021.**

#### Item 17

**~~Subject:~~** ~~Charter Schools: Approve the Commencement of the Rulemaking Process Amendments to California Code of Regulations, Title 5 Sections 11965, 11966.4, 11966.5, 11966.6, 11967 and 11967.5.1; and the Adoption of Proposed Sections 11967.1, 11967.2, and 11967.5.2.~~

**~~Type of Action:~~** ~~Action, Information~~

**~~Recommendation:~~** ~~The CDE recommends that the State Board of Education (SBE) take the following actions:~~

* ~~Approve the Notice of Proposed Rulemaking (Notice).~~
* ~~Approve the Initial Statement of Reasons (ISOR).~~
* ~~Approve the proposed regulations.~~
* ~~Direct the CDE to commence the rulemaking process.~~
* ~~Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the Office of Administrative Law during its review of the Notice, ISOR, or proposed regulations.~~

**[Note: the preceding information about Item 17 contains strikethroughs which indicate the item was withdrawn.]**

#### Item 18

**Subject:** Consideration of a Retroactive 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

**Recommendation:** The CDE recommends that the SBE approve the mitigating circumstances request and the determination of funding request at the percentage and for the time period as specified for W.E.B. DuBois Public Charter in Attachment 1.

**ACTION:** Member Burr moved to approve the CDE staff recommendations.

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** **Recusals:** None

The motion passed with 11 votes.

#### Item 19

**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

**Recommendation:** The CDE recommends that the SBE approve the determination of funding requests at the percentages and for the time periods as specified for the charter schools in Attachment 1.

The CDE notes that at the December 9, 2020, ACCS meeting, the CDE had proposed a recommendation for 85 percent funding for Insight @ San Diego and Insight @ San Joaquin based on the information provided by both schools at the time. Following the ACCS meeting, the CDE received additional information from the schools and their auditor that addressed the outstanding questions held by the CDE. As such, the CDE has changed its recommendation for these two schools to 100 percent funding for the time periods as specified in Attachment 1.

**ACTION 1:** Member Sun moved to approve the CDE staff recommendations as specified for the California Virtual Academy Schools and Insight Schools in Attachment 1, which includes the following:

* California Virtual Academy at Kings (charter number 0840)
* Insight @ San Diego (charter number 1371)
* Insight @ San Joaquin (charter number 1762)
* California Virtual Academy @ Sonoma (charter number 0653)
* California Virtual Academy at Sutter (charter number 1606)

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** Member Navo

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

**ACTION 2:** Member Sun moved to approve the CDE staff recommendation for Cabrillo Point Academy (charter number 1748) as specified in Attachment 1.

Member Burr seconded the motion.

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

**No votes:** Member Rucker

**Member Absent:** Member Navo

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

### ADJOURNMENT OF MEETING

**At approximately 10:29 a.m., President Darling-Hammond adjourned the meeting.**