

# California State Board of Education Final Minutes January 19-20, 2023

## 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
* Naomi Porter, Student Member
* Tony Thurmond, State Superintendent of Public Instruction (SSPI), Secretary and Executive Officer

## Members Absent

* None

## Principal Staff

* Brooks Allen, Executive Director, State Board of Education (SBE)
* Jessica Holmes, Chief Deputy Executive Director, SBE
* Lisa Constancio, Senior Deputy Director, SBE
* Kirin Gill, Chief Counsel, SBE
* Rigel Massaro, Deputy Legal Counsel and Deputy Policy Director, SBE
* Janet Weeks, Director of Communications, SBE
* Debra Brown, Senior Policy Advisor, SBE
* Laura Rodriguez, Senior Policy Director, SBE
* Aileen Allison-Zarea, Education Administrator I, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Laila Fahimuddin, Policy Director, SBE
* Sara Pietrowski, Policy Director, SBE
* Michelle Valdivia, Assistant Policy Director, SBE
* Amy Bubbico, Staff Services Manager, SBE
* Lisa Hopkins, Associate Governmental Program Analyst, SBE
* Haley Gordon, Associate Governmental Program Analyst, SBE
* Mary Nicely, Chief Deputy Superintendent, CDE
* Len Garfinkel, Associate General Counsel, CDE
* Cheryl Cotton, Deputy Superintendent, CDE
* Sarah Neville-Morgan, Deputy Superintendent, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the January 19-20, 2023 State Board of Education meeting, including closed-captioning, are available online at:** <http://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp>

## California State Board of Education Public Session January 19, 2023

**Thursday, January 19, 2023 – 8:30 a.m. Pacific Time ±**California Department of Education  
1430 N Street, Room 1101  
Sacramento, California 95814

* Call to Order
* Salute to the Flag
* Swearing-in of Board Members (Linda Darling-Hammond and Francisco Escobedo)
* Communications
* Announcements
* Special Presentations
  + *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Day’s Adjournment

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

### 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.

**Summary of the Issue:**

1. Election of Officers
2. State Superintendent of Public Instruction’s Report
3. State Board of Education President’s Report

**Type of Action:** Action, Information

**ACTION 1, Election of President:** Member Glover Woods moved to nominate Linda Darling-Hammond to the office of president for 2023.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**ACTION 2, Election of Vice President:** Member Rodriguez moved to nominate Cynthia Glover Woods to the office of vice-president for 2023.

Member Olken seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 02

**Subject:** 2023 United States Senate Youth Program: Recognition of California’s Selected Student Delegates and Alternates.

**Type of Action:** Information

**Recommendation:** The CDE recommends that the SBE President and the SSPI present the 2023 United States Senate Youth Program (USSYP) and recognize the 2023 delegates and alternates.

**ACTION:** No Action Taken.

#### Item 03

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

**Type of Action:** Information

**Recommendation:** No specific action is recommended at this time.

**ACTION:** No Action Taken.

#### Item 04

**Subject:** Approval of the fiscal year 2022–23 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 Career Technical Education Incentive Grant (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:** Member McQuillen moved to approve the CDE staff recommendation.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** Member Yoshimoto-Towery

The motion passed with 10 votes.

#### Item 05

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Information Item Related to the Implementation and Use of School Climate Surveys to Improve Outcomes, as Required in the State Board of Education Adopted Local Indicator Self-Reflection Tool for Priority 6: School Climate.

**Type of Action:** Information

**Recommendation:** None

**ACTION:** No Action Taken.

### REGULAR CONSENT ITEMS (Item 06 through Item 09)

#### Item 06

**Subject:** Consideration of Requests 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, Consent

**Recommendation:** The CDE recommends that the SBE approve the two schools’ mitigating circumstances requests and approve the determination of funding requests for 100 percent funding as specified in Attachment 1.

#### Item 07

**Subject:** Approval of a Charter School Number Assigned to a Newly Established Charter School: Oxford Preparatory Academy – Middle School.

**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 08

**Subject:** State Educational Agency Approval of the 2022–23 Local Educational Agency Comprehensive Support and Improvement Plans Authorized Under the Every Student Succeeds Act Section 1111(d).

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

**Recommendation:** The CDE recommends that the SBE take action to approve the CSI plans for the 2022–23 SY for the LEAs listed in Attachment 1.

#### Item 09

**Subject:** Request to Ratify a Waiver for Los Angeles Unified School District Fiscal Year 2020 Title I, Part A and General Education Provisions Act Funding.

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

**Recommendation:** The CDE recommends that the SBE ratify the Tydings waiver that was submitted to ED in order to extend the period of availability of LAUSD’s FY 2020 Title I, Part A funds to September 30, 2023, in order to allow the district to improve student achievement for students eligible for equitable services.

**ACTION:** Member Olken moved to approve the CDE staff recommendations for each regular item on consent (Item 06 through Item 09).

Member Lewis seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** Member Yoshimoto-Towery

The motion passed with 10 votes.

#### *END OF REGULAR CONSENT ITEMS*

### REGULAR ITEMS CONTINUED – DAY 1

#### Item 10

**Subject:** Developments in the Expansion of Transitional Kindergarten: Update on Universal PreKindergarten and PreKindergarten to Third Grade Alignment.

**Type of Action:** Information

**Recommendation:** This item is for information only and no specific action is recommended at this time.

**ACTION:** No Action Taken.

### CONTINUANCE OF MEETING

At approximately 3:14 p.m., President Darling-Hammond announced that the meeting would continue at 8:30 a.m. on Thursday and that the board would be meeting in closed session at that time to discuss and/or take action on the following cases:

* *Mark S. v. State*
* *Napa Valley Unified School District v. SBE*

## California State Board of Education Public Session January 20, 2023

**Friday, January 20, 2023 – 8:30 a.m. Pacific Time +**

California Department of Education

1430 N Street, Room 1101

Sacramento, California 95814

* Call to Order
* Communications
* Announcements
* 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

At approximately 9:19 a.m., President Darling-Hammond announced that in Closed Session the Board discussed and/or took action on the following cases:

* *Mark S. v. State*
* *Napa Valley Unified School District v. SBE*

### AGENDA ITEMS – DAY 2

#### Item 11

**Subject:** Approval of a Charter School Number Assigned to a Newly Established Charter School: Mayacamas Charter Middle 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:** Member Escobedo moved to approve the CDE staff recommendation.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### WAIVERS/ACTION AND CONSENT ITEMS

*(W-01 through W-05)*

The following agenda items include waivers that are proposed for consent and those waivers scheduled for separate action because CDE staff may have recommended denial or determined that they may present new or unusual issues. Waivers proposed for consent are so indicated on each waiver’s agenda item; however, any board member may remove a waiver from proposed consent and the item may be heard individually. Action different from that recommended by CDE staff may be taken.

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

#### Item W-01

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

Waiver Number: Fed-5-2022

(Recommended for APPROVAL)

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

#### Item W-02

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

* Butte County Office of Education (BCOE) 6-10-2022
* Madera County Superintendent of Schools (MCSS) 4-10-2022

(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 Number:

* Berryessa Union Elementary School District 7-9-2022
* Rim of the World Unified School District 1-9-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-04

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

Waiver Number: 9-9-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-05

**Subject:** Request by **Columbia Elementary School District** to waive portions of California Education Code Section 5091, which requires the board of trustees to make an appointment to fill a vacant board position within 60 days of the position becoming vacant.

Waiver Number: 5-9-2022

(Recommended for APPROVAL)

**ACTION:** Member Rodriguez moved to approve the CDE staff recommendations for each waiver item on consent (W-01 through W-05).

Member Yoshimoto-Towery seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### *END OF WAIVER CONSENT ITEMS*

### REGULAR ITEMS CONTINUED – DAY 2

#### Item 12

**Subject:** State Annual Performance Report for Part B of the Individuals with Disabilities Education Act (IDEA) of 2004 covering program year 2021–22.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends the SBE review and approve the Executive Summary of the FFY 2021 APR for Part B of the IDEA covering program year 2021–22 as prepared by the Special Education Division (SED).

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

Member Lewis seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Re-Open Item 11

***(Note: Item 11 was re-opened due to reports of audio issues during the public webcast.)***

#### Item 11

**Subject:** Approval of a Charter School Number Assigned to a Newly Established Charter School: Mayacamas Charter Middle 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:** Member Escobedo moved to approve the CDE staff recommendation.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Re-Open Waivers 01 through 05

***(Note: Waiver Consent Items W-01 through W-05 were re-opened due to reports of audio issues during the public webcast.)***

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

#### Item W-01

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

Waiver Number: Fed-5-2022

(Recommended for APPROVAL)

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

#### Item W-02

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

* Butte County Office of Education (BCOE) 6-10-2022
* Madera County Superintendent of Schools (MCSS) 4-10-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

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Waiver Number:

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(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-04

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Waiver Number: 9-9-2022

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-05

**Subject:** Request by **Columbia Elementary School District** to waive portions of California Education Code Section 5091, which requires the board of trustees to make an appointment to fill a vacant board position within 60 days of the position becoming vacant.

Waiver Number: 5-9-2022

(Recommended for APPROVAL)

**ACTION:** Member Rodriguez moved to approve the CDE staff recommendations for each waiver item on consent (W-01 through W-05).

Member Yoshimoto-Towery seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

### REGULAR ITEMS CONTINUED – Day 2

#### Item 13

**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

**Recommendation:** This item is forinformation only and no specific action is recommended at this time.

**ACTION:** No Action Taken.

#### 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

1. SBE Draft Preliminary Report of Actions/Minutes for the November 2-3, 2022 meeting
2. SBE Screening Committee recommendations regarding appointments to the Advisory Commission on Charter Schools, California Practitioners Advisory Group, and the Instructional Quality Commission
3. Board member liaison reports

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

1. Approve the Preliminary Report of Actions/Minutes for the November 2-3, 2022 meeting. (Attachment 1)

**ACTION 1:** Member Orozco-Gonzalez moved to approve the SBE staff recommendation to approve the Preliminary Report of Actions/Draft Minutes for the November 2-3, 2022 meeting.

Member Lewis seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

**ACTION 2:** Member Glover Woods moved to approve the SBE Screening Committee recommendations for appointments to the Advisory Commission on Charter Schools, California Practitioners Advisory Group, and the Instructional Quality Commission, as found in the addendum.

Member Orozco-Gonzalez seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

*ADJOURNMENT OF THE MEETING*

**President Darling-Hammond adjourned the meeting at approximately 11:47 a.m.**