

# California State Board of Education Preliminary Report of Actions/Draft Minutes May 8, 2024

## Members Present

* Cynthia Glover Woods, Vice President
* Francisco Escobedo
* Brenda Lewis
* Sharon Olken
* Gabriela Orozco-Gonzalez
* Kim Pattillo Brownson
* Haydee Rodriguez
* Alison Yoshimoto-Towery
* Anya Ayyappan, Student Member
* Tony Thurmond, State Superintendent of Public Instruction (SSPI), Secretary and Executive Officer

## Members Participating Remotely

* Linda Darling-Hammond, President
* James J. McQuillen

## 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
* Laura Rodriguez, Senior Policy Director, SBE
* Debra Brown, Senior Policy Advisor, SBE
* Aileen Allison-Zarea, Education Administrator I, SBE
* Carolyn Pfister, Education Administrator I, SBE
* Sara Pietrowski, Senior Policy Director, 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
* 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 May 8, 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 Education Public Session May 8, 2024

**Wednesday, May 8, 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
* Day’s Adjournment

**Vice President Glover Woods called the meeting to order at approximately 8:32 a.m.**

### CLOSED SESSION

Vice President Glover Woods announced that that in Closed Session the Board will discuss and/or take action on the following cases:

* *Emma C. v. State*
* *Mark S. v. State*

### REPORT OUT OF CLOSED SESSION

Vice President Glover Woods announced that in Closed Session the Board discussed and/or took action on the following cases:

* *Emma C. v. State*
* *Mark S. v. State*

### 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.

**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:** California Community Schools Partnership Program: Approval of Cohort 3 Implementation Grantees.

**Type of Action:** Action, Information

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

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

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** Member Escobedo

The motion passed with 10 votes.

#### Item 03

**Subject:** The California Assessment of Student Performance and Progress and the English Language Proficiency Assessments for California: Approval of the 2023–24 Apportionment Rates and Updates on Program Activities.

**Type of Action:** Action, Information

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

1. Per-pupil apportionment rates for the 2023–24 school year (contingent on the availability of an appropriation for this purpose) for the CAASPP tests administered as part of the CAASPP System, as provided in Table 1 of Attachment 2.
2. Per-pupil apportionment rates for the 2023–24 school year (contingent on the availability of an appropriation for this purpose) for the ELPAC tests administered, as provided in Table 2 of Attachment 2.

CDE requested SBE feedback on the types of data or information the SBE would find helpful in the forthcoming June memo regarding identification and provision of supports for Transitional Kindergarten (TK) English Learner students based on some concerns raised regarding the developmental appropriateness of administrating the ELPAC to TK students.

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

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 04

**Subject:** Reading Difficulties Risk Screener Selection Panel (RDRSSP): Recommendation of Review Process, Review Elements and Evaluation Criteria, and Rubric for Evaluating and Approving Screening Instruments.

**Type of Action:** Action,Information

**Recommendation:** The CDE recommends that the SBE approve the Review Process, Review Elements and Evaluation Criteria, and Rubric for evaluating and approving screening instruments submitted pursuant to *Education Code* Section 53008.

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

Member Lewis seconded the motion.

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

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** Member Yoshimoto-Towery

The motion passed with 10 votes.

### REGULAR CONSENT ITEMS (Item 05 through Item 08)

#### Item 05

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

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

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

#### Item 06

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

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

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

#### 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, Consent

**Recommendation:** The CDE recommends that the SBE approve 76 schools’ determination of funding requests at their requested level of funding as specified in Attachment 1.

#### Item 08

**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 determination of funding requests for 30 schools as specified in Attachment 1.

**ACTION:** Member Lewis moved to approve the CDE staff recommendations for each regular item on consent (Item 05 through Item 08).

Member Olken seconded the motion.

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

**No votes:** Member Orozco-Gonzalez

**Members Absent:** President Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

#### *END OF REGULAR CONSENT ITEMS*

### REGULAR AGENDA ITEMS CONTINUED

#### Item 09

**Subject:** The Strengthening Career and Technical Education for the 21st Century Act: Review and Approval of the Draft Updated Federal Perkins V State Plan.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the Draft Updated Federal Perkins V State Plan and send the Plan to the Governor’s Office for approval.

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

Member Ayyappan seconded the motion.

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

**No votes:** None

**Members Absent:** President Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 10

**Subject:** California’s Application to the United States Department of Education for Funds Available through the 2024–29 Federal Charter Schools Program – Grants to State Entities: Discussion and Consideration of Proposed Content and Submission.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve and direct the CDE to apply for up to $93.8 million under the federal Charter Schools Program (CSP) for a five-year grant award period.

The CDE also recommends the SBE direct the CDE, in consultation with the Executive Director of the SBE and/or the SBE liaisons, to perform all necessary activities required to finalize California’s CSP application.

The amount requested will allow the CDE and the SBE, and its partners, to provide support services and technical assistance for charter schools and authorizers, and permit funding for new, expanding, and replicating charter schools that meet the eligibility and competitive requirements for CSP funding. Should the United States Department of Education (ED) award California a grant, the ED may elect to award a grant amount for less than the $93.8 million amount requested.

**ACTION:** Vice President Glover Woods moved to adopt the CDE staff recommendation with the following amendment: that by Wednesday, May 15, the CDE provide a plan to the SBE Executive Director, including a timeline on how they will collaborate with the SBE staff and SBE member liaisons to make sure they have all necessary components of the application in place to meet the June 13, 2024 submission deadline, for the SBE Executive Director’s approval.

Member Lewis seconded the motion.

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

**No votes:** None

**Members Absent:** President Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### WAIVERS/ACTION AND CONSENT ITEMS

*(W-01 through W-06)*

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.

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

#### Item W-01 General

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

Waiver Number: 4-12-2023

(Recommended for APPROVAL WITH CONDITIONS)

Physical Education Program (Block Schedules)

#### Item W-02 General

**Subject:** Request by **Oceanside 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 Oceanside High School.

Waiver Number: 2-6-2023

(Recommended for APPROVAL WITH CONDITIONS)

Physical Education Program (Block Schedules)

#### Item W-03 General

**Subject:** Request by **Oxnard Union High** **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 to implement a block schedule at Channel Islands and Oxnard High School.

Waiver Number: 1-7-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-04 General

**Subject:** Request by **nine 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:

* San Marcos Unified School District 4-11-2023
* Hemet Unified School District 1-12-2023
* Madera County Superintendent of Schools 2-9-2023
* Butte County Office of Education 4-10-2023
* Chula Vista Elementary School District 7-10-2023
* Red Bluff Union Elementary School District 2-12-2023
* Tulare County Office of Education 3-1-2024
* La Mesa Spring Valley School District 8-12-2023
* Bakersfield City School District 19-12-2023

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-05 Specific

**Subject:** Request by **Gonzales Unified School District** under the authority of the California *Education Code* Section 46206(a), to waive *Education Code* Section 46207(a), the audit penalty for offering insufficient instructional minutes during the 2021–22 school year.

Waiver Number: 9-2-2024

(Recommended for APPROVAL WITH CONDITIONS)

English Language Learner Advisory Committee (Shared with Multiple Schools)

#### Item W-06 General

**Subject:** Request by **Esparto Unified School District** to waive California *Education Code* Section 52176(b), which requires the establishment of an English Learner Advisory Committee at any school site with more than 20 limited English proficiency students.

Waiver Number: 1-11-2023

(Recommended for DENIAL)

**ACTION:** Member Rodriguez moved to approve the CDE staff recommendations for each waiver item on consent (Item W-01 through Item W-06).

Member Orozco-Gonzalez seconded the motion.

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

**No votes:** None

**Members Absent:** President Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### *END OF WAIVER CONSENT ITEMS*

#### *REGULAR WAIVER ITEM*

Instructional Time Requirement Audit Penalty

#### Item W-07 Specific

**Subject:** Request by **Sacramento City Unified School District** under the authority of the California *Education Code* sections 46206 and 47612.6 to waive *Education Code* sections 46207 and 47612.5(c), the audit penalties for offering insufficient instructional minutes during the 2021–22 school year at Sacramento City Unified School District’s non-charter schools and four of its charter schools, and *Education Code* sections 46208 and 41420, the audit penalties for offering insufficient instructional days during the 2021–22 school year at Sacramento City Unified School District’s non-charter schools.

Waiver Number:

* Sacramento City Unified School District 11-3-2024
* Sacramento City Unified School District 12-3-2024
* Bowling Green Elementary General 13-3-2024
* New Joseph Bonnheim (NJB) Community Charter 14-3-2024
* George Washington Carver School of Arts and Science 15-3-2024
* New Technology Early College High 16-3-2024

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Lewis moved to approve the CDE staff recommendation to approve the Sacramento City Unified School District’s request to waive the instructional time penalties for Fiscal Year 2021-2022.

Member Pattillo Brownson seconded the motion.

Member Lewis amended her motion to include approval of the waiver with the conditions outlined in the agenda item.

Member Pattillo Brownson seconded the motion.

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

**No votes:** Member Escobedo

**Members Absent:** President Darling-Hammond

**Abstentions:** Member Ayyappan

**Recusals:** None

The motion passed with 8 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 March 6, 2024, meeting. (Attachment 1)
2. Consider the SBE Screening recommendations for appointments to the California Practitioners Advisory Group (CPAG). (Attachment 2)

**ACTION:** Member Pattillo Brownson moved to approve the Preliminary Report of Actions/Draft Meeting Minutes for the March 6, 2024, SBE meeting.

Member Yoshimoto-Towery seconded the motion.

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

**No votes:** None

**Members Absent:** President Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

**ACTION:** Member Rodriguez moved to approve the SBE Screening Committee recommendations to appoint the following individuals to CPAG: Corey Greenlaw, Brad Ramos, and Holly Lederle. Member Rodriguez also moved that the board appoint current CPAG Member Sunya Rody Boonchouy as Vice-Chair.

Member Escobedo seconded the motion.

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

**No votes:** None

**Members Absent:** President Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 11

**Subject:** GENERAL PUBLIC COMMENT.

Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.

**Type of Action:** Information

**ACTION:** No Action Taken.

### ADJOURNMENT OF THE MEETING

**Vice President Glover Woods adjourned the meeting at approximately 2:42 p.m.**