

# California State Board of EducationFinal Minutes July 8-9, 2020

## Members Present

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

## Member Absent

* Sue Burr

## Principal Staff

* Karen Stapf Walters, Executive Director, State Board of Education (SBE)
* Judy Cias, Chief Counsel, SBE
* Patricia de Cos, Deputy Executive Director, 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 I, SBE
* Stephanie Gregson, Chief Deputy Superintendent, California Department of Education (CDE)
* Lisa Constancio, Deputy Superintendent, CDE
* Amy Holloway, Chief Counsel II, CDE
* Rachael Maves, Deputy Superintendent, CDE
* Chad Owes, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the July 8-9, 2020 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 8, 2020

**Wednesday – July 8, 2020 Pacific Time ±**California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

* Call to Order
* Salute to the Flag
* Swearing-in of new Members: (Members Cynthia Glover-Woods, James J. McQuillen, and Haydee Rodriguez)
* 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 8:39 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’s President’s Report; and other matters of interest.

**Type of Action:** Action, Information

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

1. Hear the State Superintendent’s Report
2. Hear the SBE President’s Report

**ACTION:** No Action Taken.

#### Item 02

**Subject:** Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Update on the California School Dashboard, the Possible Student-Growth Models to Communicate Smarter Balanced Results, and the Release of the Five-Year Graduation Rate Detailed Report.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE provide guidance, as appropriate, on the proposed student growth model methodology.

**ACTION:** No Action Taken.

### PUBLIC HEARINGS

#### Item 03

**Subject:** 2020 *Arts Education Framework for California Public Schools, Transitional Kindergarten Through Grade Twelve:* Public Hearing and Adoption*.*

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

**Recommendation:** The CDE and the Instructional Quality Commission (IQC) recommend that the SBE hold a public hearing and adopt the draft *Arts Framework*, including the additional edits recommended by the IQC on April 17, 2020. The CDE also recommends that the SBE delegate authority to SBE and CDE staff to make any necessary revisions as the document is professionally edited and prepared for publication. The current draft *Arts Framework* (May 2020 draft) is available on the CDE Arts Framework web page at <https://www.cde.ca.gov/ci/vp/cf/>.

**President Darling Hammond opened the Public Hearing at approximately 11:30 a.m.**

**President Darling Hammond closed the Public Hearing at approximately 12:01 p.m.**

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

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 04

**Subject:** 2020 *World Languages Framework for California Public Schools, Kindergarten Through Grade Twelve:* Public Hearing and Adoption*.*

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

**Recommendation:** The CDE and the IQC recommend that the SBE hold a public hearing and adopt the draft *WL Framework*, including the additional edits recommended by the IQC on April 17, 2020. The CDE also recommends that the SBE delegate authority to SBE and CDE staff to make any necessary revisions as the document is professionally edited and prepared for publication. The current draft *WL Framework* (May 2020 draft) is available on the CDE World Languages Framework web page at <https://www.cde.ca.gov/ci/fl/cf/>.

**President Darling Hammond opened the Public Hearing at approximately 12:03 p.m.**

**President Darling Hammond closed the Public Hearing at approximately 12:30 p.m.**

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

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### END OF PUBLIC HEARINGS

#### Item 05

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

**Type of Action:** Action, Information

**Recommendation:** The CDE does not recommend any action, as this item is being presented for information only.

**ACTION:** No Action Taken.

#### Item 06

**Subject:** School Accountability Report Card: Approval of the Template for the 2019–2020 School Accountability Report Card.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the proposed SARC template for the 2019–2020 school year.

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

Member Pattillo Brownson seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### WAIVERS ON CONSENT

### (W-01 through W-15)

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.

Charter School Program (Nonclassroom-Based Funding)

#### Item W-01

**Subject:** Requests by **four local educational agencies** to waive portions of *California Code of Regulations*, Title 5 Section 11963.6, relating to the submission and action on determination of funding requests regarding nonclassroom-based instruction.

Waiver Numbers:

* Lindsay Unified School District 23-3-2020
* Vista Unified School District 7-4-2020
* Washington Unified School District 3-4-2020
* Western Unified School District 15-4-2020

(Recommended for APPROVAL)

Community Day Schools (CDS) (Minimum School Day)

#### Item W-02

**Subject:** Request by the **Bass Lake Joint Union Elementary School District** for a renewal waiver of portions of California *Education Code* Section 48663(a) relating to community day school minimum instructional minutes for Fresno Flats Community Day School.
Waiver Number: 6-4-2020
(Recommended for APPROVAL WITH CONDITIONS)

Equity Length of Time

#### Item W-03

**Subject:** Request by **La Mesa-Spring Valley Elementary School District** to waive California *Education Code* Section 37202, the equity length of time requirement, so that the La Mesa Arts Academy in the La Mesa-Spring Valley School District may offer its seventh and eighth graders an optional period to be used as an extra elective as well as time to provide additional academic support.

Waiver Number: 12-3-2020

(Recommended for APPROVAL)

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

#### Item W-04

**Subject** Request by **six 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:

* Big Valley Joint Unified School District Fed-4-2020
* Hamilton Unified School District Fed-3-2020
* Los Angeles Unified School District (CHAMPS Charter) Fed-5-2020
* Princeton Joint Unified School District Fed-6-2020
* Trinity Alps Unified School District Fed-1-2020
* Upper Lake Unified School District Fed-2-2020

(Recommended for APPROVAL)

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

#### Item W-05

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:

* Oak Grove Elementary School District: 9-4-2020
* Oak Grove Elementary School District: 11-4-2020
* Ravenswood City Elementary School District: 12-4-2020

 (Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness)

#### Item W-06

**Subject:** Request by the **Centinela Valley Union High School District** to waive California *Education Code* sections 15102 and 15268 to allow the district to exceed its bonded indebtedness limit. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for high 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 may also apply.

Waiver Number: 8-4-2020

(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness)

#### Item W-07

**Subject:** Request by **two local educational agencies** to waive California *Education Code* sections 15102, 15106, and 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 elementary school districts, and 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 $30 per $100,000 of assessed value for elementary school districts, and $60 per $100,000 of assessed value for unified school districts may also apply.

Waiver Numbers:

* Natomas Unified School District: 3-5-2020
* San Ysidro Elementary School District: 1-5-2020

 (Recommended for APPROVAL WITH CONDITIONS)

SALE OR LEASE OF SURPLUS PROPERY

#### Item W- 08

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

Waiver Number: 1-6-2020

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Election of Governing Board)

#### Item W-09

**Subject:** Request by **Pond Union Elementary School District** to waive California *Education Code* Section 5020 that requires a districtwide election to reduce the number of governing board members from five to three.
Waiver Number: 10-4-2020

(Recommended for APPROVAL)

Special Education Program (Algebra I Requirement for Graduation)

#### Item W-10

**Subject:** Request by two local education agencies to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2019–20 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one student with disabilities based on *Education Code* Section 56101, the special education waiver authority.
Waiver Numbers:

* 4-5-2020 Cabrillo Unified School District
* 1-2-2020 Pleasanton Unified School District

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

#### Item W- 11

**Subject:** Request by two local educational agencies 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 Numbers:

* Butte County Office of Education 22-3-2020
* Rescue Union Elementary School District 2-4-2020

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Educational Interpreter for Deaf and Hard of Hearing)

#### Item W-12

**Subject:** Request by **Santa Barbara County Office of Education** to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of
July 1, 2009, to allow Christina Corley-Cradduck and Crystal Snow to continue to provide services to students until March 1, 2021, under a remediation plan to complete those minimum requirements.

Waiver Numbers:

* Santa Barbara County Office of Education 9-3-2020
* Santa Barbara County Office of Education 10-3-2020

(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness)

#### **Item W-13**

**Subject:** Request by the **Hayward Unified School District** to waive California *Education Code* sections 15106 and 15270(a) to allow the district to exceed its 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 Number: 25-1-2020

(Recommended for APPROVAL WITH CONDITIONS)

SCHOOL DISTRICT REORGANIZATION

#### Item W-14

**Subject:** Request by **Fallbrook Union High School District** 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 Number: 5-6-2020

(Recommended for APPROVAL)

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

#### Item W-15

**Subject** Requests by eleven 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:

* Alpine Union Elementary School District 21-3-2020
* Coachella Valley Unified School District 24-2-2020
* Gridley Unified School District 5-3-2020
* Imperial County Office of Education 13-3-2020
* Imperial Unified School District 19-3-2020
* North Monterey County Unified School District 6-3-2020
* Paramount Unified School District 11-3-2020
* Santa Maria-Bonita School District 16-3-2020
* Shasta County Office of Education 14-4-2020
* Sweetwater Unified School District 14-2-2020
* Tuolumne County Superintendent of Schools 21-2-2020

(Recommended for APPROVAL WITH CONDITIONS)

### ACTION ON WAIVER CONSENT ITEMS (W-01 THROUGH W-15)

**ACTION:** Member Navo moved to approve the CDE recommendations for each waiver item on consent (W-01 through W-15).

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### END OF WAIVERS

### REGULAR AGENDA ITEMS CONTINUED

***Item 07 was withdrawn by the SBE on July 7, 2020.***

#### Item 07

**Subject:** **~~Subject:~~** ~~Approval of Local Educational Agency Plans as Required by the Every Student Succeeds Act through the Completion of the Local Control and Accountability Plan Federal Addendum.~~

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

[Note: The preceding information about Item 07 contains strikethroughs which indicate the item was withdrawn.]

### REGULAR CONSENT ITEMS(Item 08 through Item 15)

#### Item 08

**Subject:** 2021 California Arts Education Instructional Materials Adoption: Approval of the Schedule of Significant Events, Reviewer Application, Adoption Notice, Criteria Map, and Standards Maps.

**Type of Action:** Action, Information

**Recommendation:** The CDE and the IQC recommend that the SBE approve the following:

1. Draft 2021 California Arts Education Adoption of Instructional Materials Schedule of Significant Events
2. Draft 2021 California Arts Education Adoption of Instructional Materials Application to Serve on the Review Panel
3. Draft 2021 California Arts Education Adoption Notice
4. Draft 2021 California Arts Education Adoption Criteria Map
5. Draft 2021 California Arts Education Standards Alignment Maps

#### Item 09

**Subject:** 2021 World Languages Instructional Materials Adoption: Approval of the Schedule of Significant Events, Reviewer Application, Adoption Notice, Criteria Map, and Standards Maps.

**Type of Action:** Action, Information

**Recommendation:** The CDE and the IQC recommend that the SBE approve the following:

* Draft 2021 California World Languages Adoption of Instructional Materials Schedule of Significant Events
* Draft 2021 World Languages Adoption of Instructional Materials Application to Serve on the Review Panel
* Draft 2021 World Languages Adoption Notice
* Draft 2021 World Languages Adoption Criteria Map
* Draft 2021 World Languages Standards Alignment Maps

#### Item 10

**Subject:** Approval of 2019–20 Consolidated Applications.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the 2019–20 ConApps submitted by LEAs in Attachment 1.

#### Item 11

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

**Type of Action:** Action, Information

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

**Note:** The charter term for Agnes J Johnson was updated from 7/1/2020 to 6/30/2025 to **7/1/2019 to 6/30/2024, as indicated on the revised Attachment 1**.

#### Item 12

**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 specified for the NCB charter schools as provided in Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At its June 9, 2020, meeting, the ACCS moved to approve the CDE recommendation that the SBE approve the determination of funding requests at the percentages and for the time periods specified for the NCB charter schools listed in Attachment 1. The motion passed by a vote of eight to one.

 (Note: Cabrillo Point Academy, Charter #1748 was withdrawn by the CDE on June 28, 2020.)

#### Item 13

**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

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

**Advisory Commission on Charter Schools Recommendation**

At its June 9, 2020, meeting, the ACCS moved to approve the CDE recommendation that the SBE approve the mitigating circumstances requests and approve the determination of funding requests at the percentages and for the time periods specified for the NCB charter schools listed in Attachment 1. The motion passed by a vote of eight to one.

#### Item 14

**Subject:** Consideration of Retroactive 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 specified for the NCB charter schools as provided in Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At its June 9, 2020, meeting, the ACCS moved to approve the CDE recommendation that the SBE approve the determination of funding requests at the percentages and for the time periods specified for the NCB charter schools as provided in Attachment 1. The motion passed by a vote of eight to one.

#### Item 15

**Subject:** Consideration of Retroactive 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

**Recommendation:** The CDE recommends that the SBE approve the mitigating circumstances requests of two schools and deny the mitigating circumstances request of one school, and approve the determination of funding requests at the percentages and for the time periods as specified in Attachment 1.

**Advisory Commission on Charter Schools Recommendation**

At its June 9, 2020, meeting, the ACCS moved to approve the CDE recommendation that the SBE approve the mitigating circumstances requests of two schools and deny the mitigating circumstances request of one school, and approve the determination of funding requests at the percentages and for the time periods as specified in Attachment 1. The motion passed by a vote of seven to one.

### ACTION ON REGULAR CONSENT ITEMS (ITEM 08 THROUGH ITEM 15)

**ACTION:** Member Rucker moved to approve the CDE staff recommendations for each regular item on consent (Item 08 through Item 15).

Member Navo seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

*END OF REGULAR CONSENT ITEMS*

### \*\*PUBLIC HEARINGS\*\*

#### Item 16

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Pinecrest Expedition Academy, which was denied by the Twain Harte School District and Tuolumne County Superintendent of Schools.

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

**Recommendation:** The CDE recommends that the SBE hold a public hearing to deny the request to establish Pinecrest Expedition Academy (PEA), a TK/K through grade eight charter school, based on the CDE’s findings pursuant to *Education Code* (*EC*)Section 47605 and *California Code of Regulations*, Title 5 Section 11967.5.1.

The CDE finds that the petitioner does not present a sound educational program and is demonstrably unlikely to implement the program set forth in the PEA petition due to an unrealistic financial and operational plan including negative ending fund balances of $100,914; $127,487; and $116,114 with no reserve for fiscal year (FY) 2020–21 through 2022–23, respectively.

Additionally, the CDE finds that the PEA petition does not contain a reasonably comprehensive description of all of the required elements, including Element 1–Description of Educational Program, Element 2–Measurable Pupil Outcomes, Element 5–Employee Qualifications, Element 10–Suspension and Expulsion Procedures, and Element 14–Dispute Resolution Procedures. The PEA petition also does not address the requirements under Goals to Address the Eight State Priorities.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the PEA petition for renewal at its June 9, 2020, meeting. The ACCS moved CDE staff recommendation to deny the PEA petition by a vote of eight to one.

**President Darling-Hammond opened the public hearing at approximately 2:52 p.m.**

**President Darling-Hamond closed the public hearing at approximately 3:17 p.m.**

**ACTION:** Member Sun moved to approve the CDE recommendation to deny the request to establish Pinecrest Expedition Academy.

Member Navo seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 17

**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 Los Angeles County Board of Education.

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

**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 three charter school, based on the CDE’s findings pursuant to *Education Code* (*EC*) Section 47605 and *California Code of Regulations*, Title 5 Section 11967.5.

The CDE finds that the ECA petition is not consistent with sound educational practice, and that the petitioner is demonstrably unlikely to implement the program set forth in the ECA petition due to an unrealistic financial and operational plan including aggressive enrollment assumptions and a budget plan that is reliant on meeting the aggressive enrollment projections.

Additionally, the CDE finds that the ECA petition does not contain a reasonably comprehensive description of all the required elements including Element 1–Description of Educational Program, Element 2–Measuring Pupil Outcomes, Element 4–Governance Structure, and Element 5–Employee Qualifications. Additionally, the ECA petition does not address the requirements under Goals to Address the Eight State Priorities.

**Advisory Commission on Charter Schools Recommendation**

The (ACCS) considered the ECA petition at its June 9, 2020, meeting. The ACCS moved CDE staff recommendation to deny the ECA petition by a vote of seven to one with one abstention.

**President Darling-Hammond opened the public hearing at approximately 4:05 p.m.**

**President Darling-Hammond closed the public hearing at approximately 4:57 p.m.**

**ACTION:** Member Sun moved to approve the Eagle Collegiate Academy with the following conditions:

1. The term for the charter school is for five years effective July 1, 2020 and ending June 30, 2025; however, the school shall begin instruction between July 1, 2021 and September 30, 2021.
2. The school will produce evidence by May 28, 2021, of prospective enrollment of 168 students, plus or minus 25 percent, for the 2021-22 school year.
3. The school will submit a plan to the California Department of Education, by October 1, 2020, that describes how Eagle Collegiate will implement the International Baccalaureate (IB) program. Thereafter, an annual update is due by October 1 that describes prior year implementation outcomes and the proposed IB implementation actions for the academic year.
4. All facility improvements, including improvements to roadway access and occupancy permits, required to begin school operations in 2021 will be completed and ready for the California Department of Education inspection on or before May 28, 2021.
5. The school will submit to the California Department of Education a revised budget and a revised charter petition that addresses deficiencies and/or includes necessary Ianguage, as outlined in the California Department of Education staff analysis.

Member Glover-Woods seconded the motion.

Yes votes: Members Pattillo Brownson, Rodriguez, Navo, Glover-Woods, Darling-Hammond, Straus, Sun, McQuillen, and Pangelinan.

No votes: None

Members Absent: Members Burr and Rucker

Abstentions: None

Recusals: None

The motion passed with 9 votes.

### END OF PUBLIC HEARINGS

### REGULAR ITEMS CONTINUED (DAY 1)

#### 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.

### ADJOURNMENT OF DAY’S MEETING

**At approximately 5:57 p.m., President Darling-Hammond adjourned the day’s meeting.**

## California State Board of EducationPublic Session July 9, 2020

**Thursday, July 9, 2020 – 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

**President Darling-Hammond called the meeting to order at approximately 8:55 a.m.**

### AGENDA ITEMS DAY 2

#### 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 liaison reports; training of Board members; State Superintendent of Public Instruction Report; State Board of Education’s President’s Report; 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 7, 2020 meeting. (Attachment 1).
2. Hear Board member liaison reports.

**ACTION:** Member Navo moved to approve the Preliminary Report of Actions/Minutes for the May 7, 2020 meeting (Attachment 1).

Member Pattillo Brownson seconded the motion.

**Yes votes:** Members Darling-Hammond, Navo, Pangelinan, Pattillo Brownson, Rucker, Straus, and Sun.

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** Members Glover-Woods, McQuillen, and Rodriguez

**Recusals:** None

The motion passed with 7 votes.

#### Item 19

**Subject:** Petition for the Establishment of a Charter School under the Oversight of the State Board of Education: Consideration of T.I.M.E. Community School, which was denied by the Montebello Unified School District and Los Angeles County Office of Education.

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

**Recommendation:** The CDE recommends that the SBE hold a public hearing to deny the TCS petition. In its review, the CDE found the T.I.M.E. Community School (TCS) petition to be consistent with sound educational practice and the educational program outlined in the petition to be innovative. However, the CDE has concerns with the lack of start-up funds and the uncertainty of TCS’ ability to implement the program in a fiscally viable manner. Additionally, the CDE finds that the TCS petition does not provide reasonably comprehensive descriptions of all of the required elements.

If approved by the SBE, in the alternative to oversight by the SBE, LACOE has agreed to become the authorizer of TCS as provided by *Education Code* (*EC*) Section47605(k)(1).

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the TCS petition at its June 9, 2020, meeting. The ACCS voted to approve the TCS petition with a delay in opening for one year and with the understanding that TCS will be in operation for four years. The motion passed by a vote of seven to two.

**President Darling-Hammond opened the public hearing at approximately 10:00 a.m.**

**President Darling-Hammond closed the public hearing at approximately 10:51 a.m.**

**ACTION:** Member Sun moved to approve the T.I.M.E. Community School petition with the following conditions:

1. Approve the T.I.M.E. Community School for a term of 5 years effective July 1, 2020.
2. T.I.M.E. Community School will delay opening and start instruction in the 2021-22 school year.
3. T.I.M.E. Community School will produce evidence that they have met prospective enrollment for the 2021-22 school year, plus or minus 25 percent.
4. T.I.M.E. Community School will submit to the CDE a revised budget with updated information to show that T.I.M.E is fiscally solvent and able to open in the 2021-22 school year.
5. T.I.M.E. Community School will submit to the CDE evidence of their facilities lease and appropriate permits and submit to facilities inspection that is required for all SBE authorized charter schools.
6. T.I.M.E. Community School will correct the deficiencies in the petition identified by CDE in Attachment 1 and July 2020 SBE board item.
7. All of corrected documentation shall be submitted to the CDE by April 29, 2021.
8. If there are questions whether these conditions have been satisfied, T.I.M.E. Community School will come back to the SBE for resolution.
9. The board delegates oversight to the Los Angeles County Office of Education (LACOE).

Member McQuillen seconded the motion.

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

No votes: None

Member Absent: Member Burr

Abstentions: None

Recusals: None

The motion passed with 10 votes.

#### Item 20

**Subject:** Petition for the Renewal of a Charter School Under the Oversight of the State Board of Education: Consideration of John Henry High, which was denied by the West Contra Costa Unified School District and not acted on by the Contra Costa County Office of Education.

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

**Recommendation:** The CDE recommends that the SBE hold a public hearing to deny the request to renew John Henry High (JHH), a grade nine through grade twelve charter school, based on the CDE’s findings pursuant to *Education Code* (*EC*)Section 47605 and *California Code of Regulations*, Title 5 Section 11967.5.

While the CDE finds that the JHH petition is consistent with sound educational practice and meets the academic criteria, the CDE has concerns regarding the significant decline in the academic progress of English learner (EL) pupils in English language arts (ELA) and mathematics (math). Furthermore, the CDE is concerned that the current JHH admission requirements set up an enrollment process that prohibits JHH from reaching demographics reflective of WCCUSD.

Additionally, the CDE finds that the JHH petition does not contain a reasonably comprehensive description of all of the required elements including Element 4–Governance Structure, Element 5–Employee Qualifications, Element 7–Racial and Ethnic Balance, Element 8–Admission Requirements, Element 10–Suspension and Expulsion Procedures, Element 11–Retirement Coverage, and Element 14–Dispute Resolution Procedures.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the JHH petition for renewal at its June 9, 2020, meeting. The ACCS approved the JHH renewal petition by a vote of seven to two.

**President Darling-Hammond opened the public hearing at approximately 12:27 p.m.**

**President Darling-Hammond closed the public hearing at approximately 2:49 p.m.**

**ACTION:** Member Sun moved to approve the request to renew John Henry High (JHH) with the following conditions:

1. John Henry High will conduct a root cause analysis and develop an academic action plan focused on identifying and improving the school’s mathematics performance and its services and performance for students with disabilities. This plan will include a description of related staff training and support for utilizing assessment data for targeted instruction and intervention. The Amethod Public Schools’ Executive Board will adopt the plan and provide it to the California Department of Education (CDE) by October 1, 2020.
2. John Henry High leadership will provide quarterly updates to the CDE on their implementation of the academic action plan.
3. John Henry High will provide residents of West Contra Costa Unified School District enrollment preference above all other preference categories described in the petition document, with the sole exception of siblings of current students. This preference is intended to produce a student body that mirrors local ethnic, English learner, and special education demographics. John Henry High will provide an annual update to the CDE on or before October 15, 2020, on its success in recruiting, enrolling, and maintaining a student population that matches local demographics.
4. The school will submit to the CDE a revised budget and a revised charter petition that addresses deficiencies and/or includes necessary language, as outlined in the CDE staff analysis.

Member Navo seconded the motion.

Yes votes: Members Darling-Hammond, Glover-Woods, McQuillen, Navo, Pangelinan, Rodriguez, Straus, and Sun.

No votes: Member Rucker

Member Absent: Member Burr

Abstentions: Pattillo Brownson

Recusals: None

The motion passed with 8 votes.

#### Item 21

**Subject:** Petition for the Renewal of a Charter School Under the Oversight of the State Board of Education: Consideration of Today’s Fresh Start Charter School Inglewood, which was denied by the Inglewood Unified School District and Los Angeles County Board of Education.

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

**Recommendation:** The CDE recommends that the SBE hold a public hearing to deny the request to renew Today’s Fresh Start Charter School Inglewood (TFSCSI), a transitional kindergarten/kindergarten (TK/K) through grade eight charter school. While the CDE reviewed and considered the pupil academic achievement of TFSCSI as the most important factor in determining whether to recommend approval for renewal, this was not the only factor considered.

Based on the CDE’s findings pursuant to *Education Code* (*EC*)Section 47605 and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1(c), the petitioners are not likely to successfully implement the program set forth in the TFSCSI petition due to the petitioners’ history of fiscal mismanagement and governance concerns.

The TFSCSI operational plan cannot be deemed viable due to the following reasons:

* The 2007 Today’s Fresh Start Charter Countywide revocation by LACOE
* Conflicts of interest based on related party transactions,[[1]](#footnote-1) which include transactions with Golden Day Schools, Inc. (GDSI), Los Angeles Schools Services, Inc., and Construction Management Services
* The operational history of the TFS organization, which exhibits ambiguity, self- dealings, and a lack of transparency

The CDE finds that the petitioner is demonstrably unlikely to implement the program set forth in the TFSCSI petition as the petitioner has a past history of involvement in charter schools that the SBE regards as unsuccessful. The CDE also finds that the TFSCSI petition does not contain a reasonably comprehensive description of the following required elements: Element 1–Description of Educational Program, Element 4–Governance Structure, Element 9–Annual Independent Financial Audits, and Element 10–Suspension and Expulsion Procedures.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the TFSCSI petition for renewal at its June 9, 2020, meeting. The ACCS approved the CDE staff recommendation to deny the TFSCSI petition by a vote of six to three.

A detailed analysis of the CDE’s review of the entire TFSCSI petition is provided in Attachment 1. Additionally, for reference, the CDE has included an Attachment 3, which consists of publicly available documents to provide clarity on issues that seemed unclear at the June 9, 2020, ACCS meeting.

**President Darling-Hammond opened the public hearing at approximately 4:38 p.m.**

**President Darling-Hammond closed the public hearing at approximately 6:48 p.m.**

**ACTION:** Member Sun moved to approve the CDE recommendation to deny the request to renew TFSCSI.

Member Glover-Woods seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### END OF PUBLIC HEARINGS

#### Item 22

**Subject:** Request to Ratify the California Department of Education Grant Application to the U.S. Department of Education Education Stabilization Fund: Rethink K-12 Education Models Grant.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE ratify California’s Education Stabilization Fund: Rethink K-12 Education Models (ESF-REM) Grant Application to develop a statewide course-access program for all grade six through twelve students in California, in order to help students be career and college ready across the State’s regional, demographic, and economic differences.

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

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### ADDITIONAL WAIVER

SCHOOL DISTRICT REORGANIZATION

#### Item W-16

**Subject:** Request by **Fallbrook Union Elementary School District** 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 Number:** 1-7-2020

(Recommended for APPROVAL)

**ACTION 1:** Member Rucker moved that the SBE make a determination that there is a need to take immediate action on this waiver and that the need for immediate action came to the attention of the CDE/SBE after the agenda was posted; and therefore, further moved to add Waiver Item W-16 to the July 2020 SBE Agenda.

Member Pangelinan seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes. (Pursuant to *Government Code* Section 11125.3, this action requires a 2/3 vote of the SBE.)

**ACTION 2:** Member Rucker moved to approve the CDE recommendation on Waiver Item W-16.

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

***END OF WAIVER***

### **AJOURNMENT OF MEETING**

**At approximately 8:00 p.m., President Darling-Hammond adjourned the meeting.**

1. Related party transaction – an arrangement between two parties that have a preexisting business relationship. [↑](#footnote-ref-1)