

# California State Board of Education Final Minutes May 12-13, 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

## Member Absent

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

## 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 Legal Counsel and Deputy Policy 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, SBE
* Lisa Hopkins, Associate Governmental Program Analyst, SBE
* Haley Gordon, Staff Services Analyst, SBE
* Stephanie Gregson, Chief Deputy Superintendent, California Department of Education (CDE)
* Amy Bisson Holloway, Chief Counsel II, CDE
* Sarah Neville-Morgan, Deputy Superintendent, CDE
* Lisa Constancio, Deputy Superintendent, CDE
* Rachael Maves, Deputy Superintendent, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the May 12-13, 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 May 12, 2021

**Wednesday, May 12, 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 8:31 a.m.**

### AGENDA ITEMS DAY 1

#### Item 01

**Subject:** STATE BOARD PROJECTS AND PRIORITIES.

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; and other matters of interest.

**Type of Action:** Action, Information

**ACTION:** No Action Taken.

#### Item 02

**Subject:** Distance Learning Curriculum and Instructional Guidance Project: Presentation of Draft Guidance for Adoption.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE take the following action: adopt the draft DLGP document, including a proposed title change for the document to *California Digital Learning Integration and Standards Guidance*. The CDE also recommends that the SBE delegate authority to the SBE Executive Director to make any edits needed to ensure alignment with the final draft of the 2021 *Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve,* and to CDE staff to make any necessary revisions as the document is professionally edited and the content prepared and maintained for posting online.

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

Member Rucker 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 03

**Subject:** Approval of the Proposed 2020–2021 Apportionment Rates for the California Assessment of Student Performance and Progress and the English Language Proficiency Assessments for California 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 rates, contingent on the availability of an appropriation for this purpose:

1. The 2020–2021 school year per-pupil apportionment rates for the California Assessment of Student Performance and Progress (CAASPP) tests administered as part of the CAASPP System, as provided in table 1 of Attachment 2.
2. The 2020–2021 school year per-pupil apportionment rates for the English Language Proficiency Assessments for California (ELPAC) tests administered, as provided in table 2 of Attachment 2.

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

Member Navo seconded the motion.

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

**No votes:** None

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 04

**Subject:** Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Recommended Action on the Adoption of the Student Growth Model Methodology, and Update on the Continuing Development Work and Revisions under Consideration for Future California School Dashboards.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE adopt the student growth model methodology, which includes using “residual gain” (RG) scores and the EBLP hybrid approach to report aggregated student growth, and that the following score reporting be adopted:

1. Report the EBLP weighted average for:

* Schools
* Student groups in a school
* The “All” student group in an LEA
* Student groups in a district with 500 or fewer students (with test scores)

1. At the LEA level, report the simple average for all race/ethnicity and program participation student groups with more than 500 scores.

Additionally, the CDE recommends that the SBE take additional action related to the 2021 accountability workplan as deemed necessary and appropriate.

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

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### WAIVERS ON CONSENT

### (W-01 through W-09)

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.

Community Day Schools (CDS) (Colocate Facilities)

#### Item W-01

**Subject:** Request by the **Lindsay Unified School District** for arenewal waiver of portions of California *Education Code* Section 48661(a), relating to the collocation of the Lindsay Community Day School on the same site as the John J. Cairns Continuation High School.

Waiver Number: 15-2-2021

(Recommended for APPROVAL WITH CONDITIONS)

Community Day Schools (CDS) (Colocate Facilities and Commingle Grade Levels)

#### Item W-02

**Subject:** Request by the **Exeter Unified School District** for a renewal waiver of portions of California *Education Code* Section 48660, to permit the operation of a community day school for students in grades four through twelve, but no grade lower than grade four, and portions of *Education Code* Section 48661(a), to permit the collocation of the Exeter Community Day School on the same site as the Wilson Middle School.

Waiver Number: 12-2-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-03

**Subject:** Request by **Santa Barbara County Office of Education** for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(c), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Crystal Snow to continue to provide services to students until June 30, 2022, under a remediation plan to complete those minimum requirements.

Waiver Number: 21-12-2020

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-04

**Subject:** Requests by **Shasta County Office of Education** for renewals to waive *California Code of Regulations*, Title 5, Section 3051.16(c), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Alexis Osborn, Kyle Espinoza, and Curtis Horner to continue to provide services to students until June 30, 2022, under a remediation plan to complete those minimum requirements.

Waiver Number: 4-1-2021

5-1-2021

6-1-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-05

**Subject:** Request by **Vallecitos Elementary School District** to waive portions of California *Education Code* Section 5091, which will allow the board of trustees of the district to make a provisional appointment to a vacant board position past the 60-day statutory deadline.

Waiver Number: 8-2-2021

(Recommended for APPROVAL)

School District Reorganization (Bond Indebtedness Limit)

#### Item W-06

**Subject:** Requests by **six local educational agencies** towaive California *Education Code* sections 15102, 15106, 15268, and/or 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 or high 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 or high school districts and $60 per $100,000 of assessed value for unified school districts may also apply.

Waiver Numbers: Alisal Union School District: 18-2-2021

Central Unified School District: 4-2-2021

Dublin Unified School District: 7-10-2020

El Monte Union High School District: 5-2-2021

Sanger Unified School District: 14-2-2021

Soledad Unified School District: 9-2-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-07

**Subject:** Requests by **six 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: Butte County Office of Education 1-1-2021

Fall River Joint Unified School District 3-1-2021

Hemet Unified School District 1-2-2021

Paradise Unified School District 11-2-2021

Red Bluff Union Elementary School District 11-12-2020

Shasta County Office of Education 6-2-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-08

**Subject:** Request by **Antelope Valley Union High School District and the Antelope Valley Special Education Local Plan Area** to waive California *Education Code* Section 56366(d), the requirement for nonpublic, nonsectarian schools or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of one high school student with disabilities at an uncertified out-of-state school for students with disabilities located in Canton, Massachusetts.

Waiver Number: 2-2-2021

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-09

**Subject:** Request by the **San Francisco Unified School District** to waive California *Education Code* Section 56366(d), the requirement for nonpublic, nonsectarian schools or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of one high school student with disabilities at an uncertified out-of-state school for students with disabilities located in Victoria, Texas.

Waiver Number: 24-12-2020

(Recommended for APPROVAL)

**ACTION on Waiver Items on Consent:** Member Rucker moved to approve the CDE recommendations for each waiver item on consent (Item W-01 through Item W-09).

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### REGULAR WAIVER

### (Item W-10)

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

#### Item W-10

**Subject:** Request by the **Paso Robles Joint Unified School District** to waive California Education Code Section 56366(d), the requirement for nonpublic, nonsectarian schools or agencies to be state-certified, to allow the use of state and federal special education funds for the placement of one high school student with disabilities at an uncertified out-of-state school for students with disabilities located in Delta, Utah.

Waiver Number: 2-1-2021

**ACTION:** Member Burr moved to approve the CDE recommendation with conditions as laid out by the Department (see PPT Slide) and on page 3 of the item for waiver Item W-10.

* The Paso Robles Joint Unified School District (PRJUSD) will review the student’s placement through an onsite visit to the school at least two times during the period of this waiver. The onsite visits with the school may be accomplished through real-time virtual consultations if there is an LEA policy in effect during the period of this waiver which prohibits travel to the school site due to COVID-related travel restrictions.
  + After each onsite visit, or real-time virtual consultation, as applicable, the PRJUSD shall provide written reports to the CDE, SED documenting the findings of the visit, or consultation. These reports shall include documentation of the student’s academic and behavioral progress, other information supporting the appropriateness of the placement, and details of the onsite review.
* The PRJUSD will consult with the WRA liaison monthly to monitor the provision of services and review the student’s progress using email, phone calls, and/or real-time virtual consultations, as well as the review of program data. Program data will include the progress on IEP goals, school attendance, work completion rate, grades, active participation in the therapeutic program, and incident/safety reports.
* The PRJUSD will contact the student and the individual who legally holds the educational rights of the student, each month, to discuss progress and address any concerns.
* The PRJUSD will schedule IEP meetings, and may participate virtually, if consistent with LEA policies and procedures, at a minimum of every four months to review program data, the student’s progress, both academically and therapeutically, and determine any necessary changes in the student’s academic and/or therapeutic program.

Member Navo seconded the motion.

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

**No votes:** None

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### END OF WAIVERS

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

#### Item 05

**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 06

**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.

#### 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

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

#### Item 08

**Subject:** Revision of a Funding Determination as Required for Nonclassroom-Based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2, California Code of Regulations, Title 5 Section 11963.6(a), and Associated California Code of Regulations, Title 5.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE revise the funding determination for Peak Prep Pleasant Valley, which was previously approved for 100 percent funding for the period of 2019–20 through 2020–21, so that the school receives 70 percent funding for the 2020–21 fiscal year with the consideration of mitigating circumstances as specified in Attachment 1.

**ACTION on Regular Items on Consent:** Member Sun moved to approve the CDE recommendations for each regular item on consent (Item 5 through Item 8).

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:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### PUBLIC HEARING DAY 1

The following Public Hearing will commence no earlier than 12:00 p.m. on Wednesday, May 12, 2021. The Public Hearing listed below will be held as close to 12:00 p.m. as the business of the State Board permits.

#### Item 09

**Subject:** Petition for the Renewal of a Charter School Currently Under the Oversight of the State Board of Education Pursuant to California Education Code Section 47605.9(b): Consideration of Audeo Charter II, which was denied by the Carlsbad Unified School District.

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

**Recommendation:** The CDE recommends that the SBE hold a public hearing to approve the request to renew Audeo Charter II (ACII), which is both a Dashboard Alternative Status School (DASS) program and nonclassroom-based kindergarten (K) through grade twelve charter school, based on the CDE’s findings pursuant to California *Education Code* (*EC*)Section 47605 and *California Code of Regulations*, Title 5 Section 11967.5.

The CDE finds that the petitioner is able to successfully implement the intended program, and that the ACII petition is consistent with sound educational practice and meets the renewal criteria. Although the CDE finds that the ACII petition contains, overall, reasonably comprehensive descriptions of most of the required elements, the CDE has identified areas where the ACII petition could be strengthened and made more specific. The CDE notes these areas in this item as well as in its analysis of the ACII petition (Attachment 1).

**Vice President Straus opened the Public Hearing at approximately 2:27 p.m.**

**Vice President Straus closed the Public Hearing at approximately 3:23 p.m.**

**ACTION:** Member Burr moved to approve the CDE recommendations to renew Audeo Charter II (ACII) with the addition of strengthening the language found in Element “A” and “J,” and designate the San Diego County Office of Education as the chartering authority.

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### END OF PUBLIC HEARING

#### Re-Open Item 01

**Subject:** STATE BOARD PROJECTS AND PRIORITIES.

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; 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 16-18, 2021 meeting. (Attachment 1)

**ACTION:** Member Pattillo Brownson moved to approve the CDE recommendation to approve the Preliminary Report of Actions/Draft Minutes from the March 16-18, 2021 meeting.

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:** Member Darling-Hammond

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### REGULAR ITEM DAY 1 CONTINUED

#### Item 10

**Subject:** GENERAL PUBLIC COMMENT.

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

**Type of Action:** Information

**ACTION:** No action taken.

*END OF DAY’S SESSION*

**At approximately 4:25 p.m., Vice President Straus ended the day’s session and continued the meeting until Thursday morning and announced that in closed session****the Board would discuss and/or take action on the following cases:**

* *Cayla J v. State*
* *Kerri K v. State*

**.**

## California State Board of Education Public Session May 13, 2021

**Thursday, May 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
* Adjournment

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

*REPORT OUT OF CLOSED SESSION*

Vice President Straus announced, in Closed Session the Board discussed and/or took action on the following cases:

* *Cayla J v. State*
* *Kerri K v. State*

### AGENDA ITEMS DAY 2

### PUBLIC HEARING DAY 2

The following Public Hearing will commence no earlier than 8:30 a.m. on Thursday, May 13, 2021. The Public Hearing listed below will be held as close to 8:30 a.m. as the business of the State Board permits.

#### Item 11

**Subject:** Petition for the Renewal of a Charter School Currently Under the Oversight of the State Board of Education Pursuant to California Education Code Section 47605.9(b): Consideration of Prepa Tec Los Angeles High, which was denied by the Los Angeles Unified School District.

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

**Recommendation:** The CDE recommends that the SBE hold a public hearing to deny the request to renew Prepa Tec Los Angeles High (PTLAH), a grade nine through grade twelve charter school, based on the CDE’s findings pursuant to California *Education Code* (*EC*)sections 47605, 47605.9, 47607(e), 47607.2(b), and *California Code of Regulations*, Title 5 Section 11967.5.

**Vice President Straus opened the Public Hearing at approximately 10:02 a.m.**

**Vice President Straus closed the Public Hearing at approximately 11:39 a.m.**

**ACTION:** Member Burr moved to adopt the CDE recommendation to deny the request to renew Prepa Tec Los Angeles High (PTLAH) charter school.

Member Sun seconded the motion.

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

**No votes:** None

**Members Absent:** Members Darling-Hammond and Navo

**Abstentions:** None

**Recusals:** None

The motion passed with 9 votes.

### END OF PUBLIC HEARING

### ADJOURNMENT OF MEETING

**At approximately 12:04 p.m., Vice President Straus adjourned the meeting.**