

# California State Board of Education Final Minutes March 16-18, 2021

## Members Present

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

## Member Absent

* None

## Principal Staff

* Brooks Allen, Executive Director, State Board of Education (SBE)
* Judy Cias, Chief Counsel, SBE
* Patricia de Cos, Deputy Executive Director, SBE
* Rigel Massaro, Deputy 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)
* 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 March 16-18, 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 March 16, 2021

**Tuesday, March 16, 2021 – 2:30 p.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 2:35 p.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:** The Every Student Succeeds Act: Authorization to Pursue Flexibility on or Waiver of Assessment, Accountability, and Reporting Requirements.

**Type of Action:** Action, Information

**Recommendation:** The CDE requests that the SBE take action as deemed necessary and appropriate.

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

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

*END OF DAY’S SESSION*

**At approximately 4:21 p.m., President Darling-Hammond ended the day’s meeting until Wednesday morning.**

## California State Board of Education Public Session March 17, 2021

**Wednesday, March 17, 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 8:30 a.m.**

### AGENDA ITEMS DAY 2

#### Item 03

**Subject:** Approval of Indicator 17 of the State Performance Plan and Annual Performance Report for Special Education.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the SSIP prepared by the Special Education Division (SED) to be submitted to the OSEP by the mandated submission date of April 1, 2021.

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

Member Rodriguez seconded the motion.

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

**No votes:** None

**Member Absent:** Member Pattillo Brownson

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

#### Item 04

**Subject:** Comprehensive Literacy State Development Grant: State Literacy Plan Approval.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the State Literacy Plan (SLP), pending SBE Executive Director approval of final revisions requested by the SBE and correction of any typographical errors.

**ACTION:** Member Straus moved to approve the CDE recommendations with the elimination of the two paragraphs and specific language that conflates universal screening for dyslexia with assessments for special education eligibility.

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.

### REGULAR CONSENT ITEMS (Item 5 and Item 6)

#### Item 05

**Subject:** California Assessment of Student Performance and Progress-Approve the Finding of Emergency and Proposed Emergency Regulations for addition to the California Code of Regulations, Title 5, Section 855.1 and English Language Proficiency Assessments for California-Approve the Finding of Emergency and Proposed Emergency Regulations for addition to the California Code of Regulations, Title 5, Section 11518.1.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends the SBE take the following actions:

* Approve the Finding of Emergency as found in Attachment 1
* Adopt the proposed CAASPP emergency regulation and proposed ELPAC emergency regulation as found in Attachment 2
* Direct the CDE to circulate the required Notice of Proposed Emergency Action, as found in Attachment 3, and then submit the emergency regulations to the Office of Administrative Law (OAL) for approval
* Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the OAL during its review of the Finding of Emergency and proposed emergency regulations

#### Item 06

**Subject:** Approval of 2020-21 Consolidated Applications.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the 2020–21 Consolidated Applications (ConApps) submitted by LEAs in Attachment 1.

**ACTION on Regular Items on Consent:** Member Navo moved to approve the CDE recommendations for each regular item on consent (Item 5 and Item 6).

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### WAIVERS ON CONSENT

### (W-02 through W-11)

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.

Other Waivers (Employment - Retirement System)

#### Item W-02

**Subject:** Request by **Los Angeles Unified School District** to waive California *Education Code* Section 45134(c), to allow the employment of a State Teachers’ Retirement System retiree in a classified position on a temporary basis.

Waiver Number: 4-11-2020

(Recommended for APPROVAL)

SALE OR LEASE OF SURPLUS PROPERTY (Lease of Surplus Property)

#### Item W-03

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

Waiver Numbers: Orange Unified School District 10-9-2020

Ravenswood City Elementary School District 4-10-2020

Ravenswood City Elementary School District 5-10-2020

San Lorenzo Unified School District 19-12-2020

Santa Rosa City Schools 18-12-2020

(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness Limit)

#### Item W-04

**Subject:** Request by **six local educational agencies** to waive California *Education Code* sections 15102, 15106, 15268, 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: Center Joint Unified School District 7-12-2020

Earlimart Elementary School District 8-12-2020

Greenfield Union School District 15-12-2020

John Swett Unified School District 17-12-2020

Mountain View Elementary School District 9-12-2020

Winters Joint Unified School District 16-12-2020

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Elimination of Election Requirement)

#### Item W-05

**Subject:** Request by **Torrance Unified 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: 3-10-2020

(Recommended for APPROVAL)

Schoolsite Council Statute (Shared Schoolsite Council with Reduced Number and Composition)

#### Item W-06

**Subject:** Request by **Dunsmuir Joint Union High School District** under the authority of California *Education Code* Section 65001(e) for waivers of *Education Code* Sections 65000 and 65001, relating to Schoolsite Councils regarding changes in shared, composition, or shared and composition members.

Waiver Number: 5-11-2020

(Recommended for APPROVAL WITH CONDITIONS)

COMMUNITY DAY SCHOOLS (CDS) (Colocate Facilities)

#### Item W-07

**Subject:** Request by the **Manteca Unified School District** to waive California *Education Code* Section 48661(a) to permit the collocation of the Manteca Community Day School, on the same site as the New Vision Continuation High School.

Waiver Number: 1-12-2020

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-08

**Subject:** Request by the **San Luis Obispo 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 William Curd to continue to provide services to students until June 30, 2022, under a remediation plan to complete those minimum requirements.

Waiver Number: 6-10-2020

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-09

**Subject:** Request by **eight 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: Chico Unified School District 2-12-2020

Chula Vista Elementary School District 2-10-2020

Madera County Superintendent of Schools 6-12-2020

National Elementary School District 10-12-2020

Palm Springs Unified School District 3-11-2020

San Marcos Unified School District 14-12-2020

San Pasqual Valley Unified School District 2-11-2020

Tulare County Office of Education 12-12-2020

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-10

**Subject:** Request by the **Carlsbad Unified School District** **and the North Coastal Consortium for Special Education, Special Education Local Plan Area** to waive California *Education Code (EC)* 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 Forrest City, Arkansas.

Waiver Number: 13-12-2020

(Recommended for APPROVAL WITH CONDITIONS)

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

#### Item W-11

**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 Canton, Massachusetts.

Waiver Number: 3-12-2020

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Straus moved to approve the CDE recommendations for each waiver item on consent (W-02 through W-11).

Member Glover-Woods seconded the motion.

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

**No votes:** None

**Member Absent:** Member Burr

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### REGULAR WAIVER NOT ON CONSENT

*(W-01)*

Charter School Program (Nonclassroom-Based Funding)

#### Item W-01

**Subject:** Request by **Whitmore Union Elementary School District** to waive portions of *California Code of Regulations*, Title 5 Section 11963.6, relating to the submission of and action on a determination of funding request regarding nonclassroom-based instruction

Waiver Number: 5-9-2020

(Recommended for APPROVAL)

**ACTION:** Member Rucker moved to approve the CDE recommendations for waiver item W-01.

Member Burr 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.

### END OF WAIVERS

### REGULAR ITEMS DAY 2 CONTINUED

#### Item 07

**Subject:** Consideration of a Retroactive Request 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 request at the percentage and for the time period as specified for New Day Academy in Attachment 1.

The CDE notes that its funding determination recommendation as well as the recommendation moved by the ACCS are contingent upon the SBE approving waiver number 5-9-2020 at its March 17–18, 2021, meeting.

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

Member Burr seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** Member Rucker

**Recusals:** None

The motion passed with 10 votes.

### PUBLIC HEARING DAY 2

The following Public Hearing will commence no earlier than 11:00 a.m. on Wednesday, March 17, 2021. The Public Hearing listed below will be held as close to 11:00 a.m. as the business of the State Board permits.

#### Item 08

**Subject:** Petition for the Renewal of a Charter School Under the Oversight of the Local Educational Agency Designated by the State Board of Education Pursuant to California Education Code Section 47605(k)(2)(E): Consideration of Ross Valley Charter, which was denied by the Ross Valley Elementary 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 RVC, a transitional kindergarten (TK) through grade five 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 RVC petition is consistent with sound educational practice and meets the renewal criteria. Although the CDE finds that the RVC petition contains, overall, reasonably comprehensive descriptions of the required elements, the CDE has identified areas where the RVC petition could be strengthened. The CDE notes these areas in this item as well as in its analysis of the RVC petition (Attachment 1).

**Vice President Straus opened the Public Hearing at approximately 1:16 p.m.**

**Vice President Straus closed the Public Hearing at approximately 2:37 p.m.**

**ACTION:** Member Darling-Hammond moved to approve the CDE recommendations.

Member Sun seconded the motion.

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

**No votes:** Member Rucker

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 10 votes.

### END OF PUBLIC HEARING

### CLOSED SESSION

Vice President Straus announced at approximately 3:00 p.m., the Board would be going into closed session at approximately 3:15 p.m. to discuss and/or take action on the following case:

* *CAPEEM v. CDE, SBE*

*CONTINUATION OF DAY’S SESSION*

**At approximately 3:00 p.m., Vice President Straus continued the day’s meeting until Thursday morning.**

## California State Board of Education Public Session March 18, 2021

**Thursday, March 18, 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

**President Darling-Hammond called the meeting to order at approximately 8:35 a.m.**

*REPORT OUT OF CLOSED SESSION*

President Darling-Hammond announced, in Closed Session the Board discussed and/or took action on the following case:

* *CAPEEM v. CDE, SBE*

### AGENDA ITEMS DAY 3

#### Item 09

**Subject:** Ethnic Studies Model Curriculum: Adoption of the Model Curriculum.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE adopt the Ethnic Studies Model Curriculum (ESMC) with the line edits described in Attachment 2. The CDE also recommends that the SBE authorize CDE staff, pending approval of the SBE Executive Director, to prepare revisions requested by the SBE and correct any typographical errors and non-substantive clarifying edits.

**ACTION:** Member Glover-Woods moved to approve the CDE recommendations to adopt the Ethnic Studies Model Curriculum (ESMC) draft with the recommended line edits. Authorize the CDE staff, with the approval of the SBE Executive Director, to prepare the revisions and any typographical errors and non-substantive errors, and to include the definition of Critical Race Theory, as discussed.

Member Rucker seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### REOPEN 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

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

1. Approve the Preliminary Report of Actions/Minutes for the February 24, 2021 meeting. (Attachment 1).

**ACTION:** Member Rodriguez moved to approve the Preliminary Report of Actions/Minutes for the February 24, 2021 meeting.

Member Sun seconded the motion.

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

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### 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.

### ADJOURNMENT OF MEETING

**At approximately 5:02 p.m., President Darling-Hammond adjourned the meeting.**