

**SAN DIEGO COUNTY BOARD OF EDUCATION**

Regular Board Meeting, March 09, 2016, 6:00 PM

Ernest J. Dronenburg, Jr. Board Room

(Joe Rindone Regional Technology Center)

6401 Linda Vista Road, San Diego, CA 92111

**Attendance Taken at 6:07 PM:**

Present:

Mark Anderson

Brenda Gomez

Guadalupe Gonzalez

Alicia Munoz

Gregg Robinson

Rick Shea

Dr. Randolph Ward

**1. OPENING PROVISIONS**

**a. Call to Order and Roll Call**

**b. Pledge of Allegiance to the Flag**

**c. Introduction of Student Representative on County Board of Education**

Minutes:

President Robinson introduced the Juvenile Court and Community Schools student representative for the March meeting, Monica Hernandez, from North County Technology and Science Academy (NCTSA).

**d. Public Comment - Agenda and Non-Agenda Items**

Minutes:

There were no non-agenda item public comments.

**e. Approval of Agenda**

**Motion Passed:** Passed with a motion by Mark Anderson and a second by Guadalupe Gonzalez.

Yes Mark Anderson

Yes Guadalupe Gonzalez

Yes Alicia Munoz

Yes Gregg Robinson

Yes Rick Shea

## **2. APPROVAL OF CONSENT ITEMS**

**Motion Passed:** Member Shea asked to pull item 2c. for separate consideration. Passed with a motion by Mark Anderson and a second by Rick Shea.

Yes Mark Anderson  
Yes Guadalupe Gonzalez  
Yes Alicia Munoz  
Yes Gregg Robinson  
Yes Rick Shea

Minutes:

The Board considered item 2c. Member Shea inquired that with declining enrollment and this being such a large space, was this facility going to be a consolidation of other students. Dr. Ward reported that it was a new school and since the build out, the declining enrollment had leveled off and this was a good opportunity that would be proven fruitful for all the students. President Robinson added that it looked like it was a futurist savings and students needed good facilities to succeed.

**a. Approval: Minutes of Regular Meeting, February 10, 2016.**

**b. Approval: Minutes of Special Meeting, Board Budget Study Session, February 26, 2016.**

**c. Approval: Real Property Lease Agreements**

**Motion Passed:** Approve the lease agreement listed on Schedule "A." Passed with a motion by Guadalupe Gonzalez and a second by Mark Anderson.

Yes Mark Anderson  
Yes Guadalupe Gonzalez  
Yes Alicia Munoz  
Yes Gregg Robinson  
Yes Rick Shea

**d. Approval: Budget Adjustments**

**e. Approval: 2016-2017 School Calendars for Davila Day School, Early Education Programs and Services/Hope Infant Family Support, Friendship School, North Coastal Consortium, and North County Academy.**

**f. Approval: Accept a Donation to the Student Support Services Unit**

## **3. CONVENE A MEETING OF THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION**

**a. Transmittal of Resolution by the Governing Board of the Grossmont Union High School District to Adopt Trustee Areas**

Minutes:

A resolution by the Governing Board of the Grossmont Union High School District to adopt trustee areas was transmitted to the County Board of Education, acting as the County Committee on School District Organization.

Education Code sections 5019 and 5030 authorizes the County Board of Education, acting as the County Committee on School District Organization, to establish trustee areas and alternative methods of electing governing board members in the districts under its jurisdiction. On February 10, 2016, a resolution of the Grossmont Union High School District Governing Board to implement by-trustee-area elections was transmitted to the County Committee. To implement the proposed change, on February 25, 2016, the Grossmont Union High School District Governing Board approved Resolution No. (2016-33), "A Resolution by the Governing Board to Adopt Trustee Areas for Submission to the San Diego County Committee on School District Organization." That resolution was transmitted to the County Committee. A copy of the resolution, which includes demographic information and a trustee area map, is attached. A working timeline for the activities required in connection with the above mentioned resolutions is provided.

This was a transmittal only; the County Committee was not being asked to approve or disapprove the trustee areas at this time.

#### **4. RECONVENE REGULAR BOARD MEETING - ACTION ITEMS**

##### **a. Adoption of Resolution Taking Action on Appeal of District Denial of Petition to Establish Audeo Charter School II is Presented to the County Board of Education for Consideration**

**Subsidiary Motion Passed:** Amendment:

It is recommended that the County Board of Education accept the committee's recommendation to deny the appeal and adopt the "Resolution of the San Diego County Board of Education Denying the Charter School Petition to Establish Audeo Charter School II, and adoption of the findings of fact. Passed with a motion by Gregg Robinson and a second by Mark Anderson.

Yes Mark Anderson  
Yes Guadalupe Gonzalez  
Yes Alicia Munoz  
Yes Gregg Robinson  
Yes Rick Shea

**Motion Passed:** It is recommended that the County Board of Education accept the committee's recommendation to deny the appeal and adopt the "Resolution of the San Diego County Board of Education Denying the Charter School Petition to Establish Audeo Charter School II." Passed with a motion by Gregg Robinson and a second by Mark Anderson.

Yes Mark Anderson  
Yes Guadalupe Gonzalez

Yes Alicia Munoz  
Yes Gregg Robinson  
Yes Rick Shea

Minutes:

San Diego County Office of Education's Assistant Superintendent of Business Services, Lora Duzyk, provided background and opening remarks.

An appeal of the denial of a charter school petition to establish Audeo Charter School II was presented to the County Board of Education for consideration. The Audeo Charter School II petition was filed on appeal to the County Board of Education by Mary Searcy Bixby, lead petitioner, after it was denied by the Carlsbad Unified School District Governing Board. The charter petition, with supporting documents, was determined to be complete on January 28, 2016. The County Board of Education held a public hearing to consider the level of support for the petition at a regular Board meeting on February 10, 2016. Section 11967, California Code of Regulations, Title 5, establishes a 60-day time period during which a county board may act to approve or deny a petition previously denied by a school district. If the county board does not grant or deny the petition within that time frame, the charter school may submit the petition to the State Board of Education. Education Code section 47605(j) provides that if the county board acts to deny the petition, the petitioner may elect to file the petition with the State Board of Education. The Education Code requires a county board of education to grant a charter school on appeal if it is satisfied that granting the charter is consistent with sound educational practice. The county board shall not deny a petition for the establishment of a charter school unless it makes written findings, specific to the particular petition, setting forth specific facts to support one or more of the findings in Education Code section 47605(b).

A committee was formed to review the Audeo Charter School II charter petition in accordance with Board Policy 0310, and Administrative Regulations 0310 and 0310.1. The San Diego County Office of Education staff who served on the committee were: Brent Watson, District Financial Services; Sonya Menyon and Rena Seifts, Business Advisory Services; Peg Marks, Legal Services; Michele Fort-Merrill, Human Resources; Jean Madden-Cazares, Melinda Shacklett, Karla Groth, Antonio Mora, Jennifer Currie, and Teresa Walter, Learning and Leadership Services; Bill Dos Santos, Educational Facilities Solutions Group; Carolyn Nunes, Special Education Services; Diane Crosier, Risk Management; and Donald Buchheit, Student Services. Dina Harris, Best Best & Krieger LLP, provided legal counsel.

The review committee recommends that the County Board deny the petition to establish Audeo Charter School II based on the following findings:

The Audeo Charter School II petition presents an unsound educational program for the pupils to be enrolled in the charter school.

The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

The petition does not contain reasonably comprehensive descriptions of all the 16 required elements of the petition.

A resolution denying the charter school petition was provided for the Board's consideration. Findings in support of the committee's recommendation were included as Exhibit "A" of the resolution.

Public comment was received from the following supporters of Audeo Charter School II: Gail Levine, Jay Garrity, Lynne Alipio, Michelle Lopez, Wade Aschbrenner and Tim Tuter). Claudine Jones, Kym Szalkiewicz, Amanda Fanning and Suzette Lovely spoke in support of Carlsbad Unified School District's decision to deny the petition.

### **b. Public Hearing - Appeal of Denied Petition for Establishment of College Preparatory Middle School**

Minutes:

President Robinson opened a public hearing on the establishment by the San Diego County Board of Education, as the authorizing agency, of College Preparatory Middle School within the boundaries of La Mesa- Spring Valley School District.

President Robinson read the rules and regulations on public speakers. Lora Duzyk, Assistant Superintendent for Business Services provided background on the item.

A petition to establish College Preparatory Middle School was denied by the La Mesa-Spring Valley School District on January 12, 2016. Pursuant to Education Code section 47605, if a governing board of a school district denies a petition, the petitioner may elect to submit the petition to the county board of education.

The petition was filed in this office by Christina M. Callaway, lead petitioner, and was determined to be complete on February 17, 2016. Copies of the charter petition as denied and the additional documents required for the appeal are attached. The petition is being reviewed in accordance with Board Policy 0310 and Administrative Regulations 0310 and 0310.1.

The public hearing will be conducted in accordance with the attached guidelines. Notice of the public hearing and a copy of these guidelines were provided to the petitioner and to the school district.

Title 5, California Code of Regulations, section 11967, requires the County Board of Education to grant or deny the charter petition not later than 60 days after receiving a complete petition package and following review of the petition. The Board will take official action on the petition at the regular meeting on April 13, 2016.

Spokespersons for College Preparatory Middle School and the La Mesa-Spring Valley School District spoke on the items.

There were 41 speaker cards and the public was given 30 seconds for their comments.

The public hearing was closed.

### **c. Public Hearing - Petition for Renewal of the Charter for Literacy First Charter School**

Minutes:

President Robinson opened a public hearing on the five-year renewal of the charter for Literacy First Charter School by the County Board of Education, as the authorizing agency. The public hearing was conducted in accordance with the attached guidelines. President Robinson read the rules and regulations on public speakers.

Lora Duzyk, Assistant Superintendent for Business Services provided background on the item.

A petition for the renewal of the charter for Literacy First Charter School was filed in this office by Debbie Beyer, lead petitioner, and was determined to be complete on February 4, 2016. A copy of the petition is attached. The County Board of Education is the authorizing agency for Literacy First Charter School, having originally approved its charter in June 2001, and subsequently renewing its charter in April 2006 and May 2011. The current renewal, if granted, would be for the term beginning July 1, 2016 through June 30, 2021. The petition for renewal is being reviewed in accordance with Board Policy 0310 and Administrative Regulations 0310 and 0310.1. Education Code section 47605 requires that the County Board of Education hold a public hearing to consider the level of support for the petition by teachers, employees, and parents. Following review of the petition and the public hearing, the Board must either grant or deny the petition. The Board will take official action on the petition at its regular meeting in April.

Spokespersons for Literacy First Charter School spoke on the item.

There were a total of 13 speakers.

The public hearing was closed.

### **d. Public Hearing - Approval of Deferred Maintenance Five-Year Plan**

**Motion Passed:** Approve the Deferred Maintenance Five-Year Plan for the County Office of Education. Passed with a motion by Mark Anderson and a second by Guadalupe Gonzalez.

Yes Mark Anderson  
Yes Guadalupe Gonzalez  
Yes Alicia Munoz  
Yes Gregg Robinson  
Yes Rick Shea

## **e. Contracted Services/Fee Schedule**

Minutes:

President Robinson opened a public hearing. The Board of Education was required to adopt an annual Fee Schedule to be used in contracting with school districts and agencies.

Each year the Board of Education authorizes the Superintendent to enter into the necessary agreements to fulfill the responsibilities of this office. Authorization is needed at this time so preparation and agreements with school districts can be considered and completed for inclusion in 2016-17 school district budgets. The attached recommended Fee Schedule includes those services provided by this office for which fees are charged. These fees are periodically reviewed to compare them to the cost of providing these services. Fees are generally set for cost recovery, but in many cases services are supplemented by our general operating revenue.

The 2016-17 Fee Schedule includes a 1.02% cost-of-living adjustment for all services. The 1.02% increase corresponds to the adjustment to the target calculations within the Local Control Funding Formula during the 2015-16 fiscal year. Some minor adjustments have been made to the following program: Miscellaneous/building facility rates. Charter school fees have been separately identified on pages 9-12.

The fees for contracted services would help the County Office recover some of the cost of providing these services.

It was recommended to adopt the 2016-17 Fee Schedule for services provided by the County Office of Education.

The public hearing was closed.

## **f. Interim Financial Report and Certification**

**Motion Passed:** That the Board accepts the County Superintendent's positive certification that the County Office will be able to meet its financial obligations for the remainder of the current fiscal year and the two subsequent years. Passed with a motion by Guadalupe Gonzalez and a second by Alicia Munoz.

Yes Mark Anderson  
Yes Guadalupe Gonzalez  
Yes Alicia Munoz  
Yes Gregg Robinson  
Yes Rick Shea

Minutes:

Lora Duzyk, Assistant Superintendent reported that The San Diego County Office of Education will be able to meet its financial obligations for the remainder of the current fiscal year and the two subsequent years. Education Code Section 1240

requires county superintendents to submit certain interim financial reports so that governing boards, the State Controller, and the State Superintendent of Public Instruction are notified of county offices which may not meet their financial obligations for the remainder of the current fiscal year and the two subsequent years. These reports are for the periods ending October 31 and January 31 and are required to be reviewed by the Board and approved by the County Superintendent no later than 45 days after the close of the period. As part of the report, the County Superintendent is required to certify in writing whether or not the County Office is able to meet its financial obligations for the remainder of the current fiscal year and the two subsequent years.

Attached are the reports for review by the Board and certification by the County Superintendent. They include:

A Certification Form

Criteria and Standards - Summary Review

A Projected Monthly Cash Flow Worksheet

Multi Year Projection

Interim Report - Attendance Detail

Interim Report - Revenue, Expenditures, Fund Balance

There would be no financial impact

I was recommended that the Board accepts the County Superintendent's positive certification that the County Office will be able to meet its financial obligations for the remainder of the current fiscal year and the two subsequent years.

Actions Taken

Motion Passed: That the Board accepts the County Superintendent's positive certification that the County Office will be able to meet its financial obligations for the remainder of the current fiscal year and the two subsequent years. Passed with a motion by Guadalupe Gonzalez and a second by Alicia Muno

**g. Acceptance of Recommendation of the Superintendent's Policy Committee in Regard to Specified Board Policies.**

Minutes:

Lora Duzyk, Assistant Superintendent asked the County Board of Education to consider the recommendations of the Superintendent's Policy Committee in regard to specified Board Policies.

The Superintendent's Policy Committee submits for the Board's review and discussion the Board policies listed in Attachment 1.

The Board is asked to consider and accept for first reading new and revised Board Policies 2121, 2122, 3571, 3572, 5131.1, 5140, and 5141.2 and the repeal of Board Policy 3220. If accepted, the policies will be posted online for ten working days for staff comments and/or recommendations and will be resubmitted at a future Board meeting for second reading and adoption.

The Superintendent's Policy Committee recommends acceptance of technical revisions of Board Policies 0300, 3101, 3260, and 3516, and recommends no revisions of Board Policies 2123, 2124, 3102, 3103, and 3250.

There would be no financial impact

It was recommended to accept the recommendations of the Superintendent's Policy Committee in regard to the specified Board Policies.

## **5. RECOGNITIONS AND PRESENTATIONS**

### **a. Presentation: Overview of the Progress on Board Goal 4**

Minutes:

Music Watson, Chief Communications Officer reported on the progress of Board Goal 4: "Increase parent, business, and community participation in schools and build public confidence and trust in public education."

### **b. Local Control Accountability Plan (LCAP) Progress Report for San Diego County Office of Education**

Minutes:

Dr. Wendell Callahan, Senior Director, reported for SDCOE on Local Control Accountability Plan (LCAP) Goal 3: Students have better access to, are enrolled in and are successful at Common Core StateStandards, core subjects, college prep courses and career/technical education courses. The progress report will include an update on the impact on student learning of specific actions and services related to Goal 3. Metrics for Goal 3 include participation in University of California-approved courses, Career Technical Education (CTE) courses, teacher credentialing within subject area taught, student access to

technology and instructional materials, and college readiness indicators.

For each goal in the prior year Local Control Accountability Plan (LCAP), Local Educational Agencies (LEAs), including county office of education review the progress toward the expected annual outcome(s) based on, at a minimum, the required metrics pursuant to Education Code sections 52060 and 52066. The review also

includes an assessment of the effectiveness of the specific actions. Describe any changes to the actions or goals the LEA will take as a result of the review and assessment. In addition, review the applicability of each goal in the LCAP.

## **6. INFORMATION ITEMS - NO ACTION**

### **a. Legislative Update**

Minutes:

Dr. ward reported on the legislative update that is uploaded to the San Diego county Office of education website.

## **7. ASSOCIATIONS COMMENTARY**

## **8. BOARD REPORTS**

### **a. Communications from Board Members**

Minutes:

Each Board Member reported on events that they attended since the last board meeting.

## **9. FUTURE AGENDA ITEMS**

### **a. Request for discussion regarding further legal advice**

Minutes:

It was requested to hold a Special Meeting with in the next month to include further legal advice and a discussion regarding a new evaluation form for the Superintendent.

### **b. Request for discussion regarding a new evaluation form for the Superintendent**

### **c. Request to place SB277 on Board meeting agenda**

Minutes:

It was the consensus of the board to not include the SB277 item on any future agenda.

## **10. DATE OF NEXT MEETING**

### **a. Regular Board Meeting, Wednesday, April 13, 2013 at 6:00 p.m., Joe Rindone Regional Technology Center**

## **11. ADJOURNMENT**

**Motion Passed:** Passed with a motion by Guadalupe Gonzalez and a second by Mark Anderson.

Yes Mark Anderson

Yes Guadalupe Gonzalez

Yes Alicia Munoz  
Yes Gregg Robinson  
Yes Rick Shea

Minutes:

The meeting was adjourned at 10:35pm.