

**SAN DIEGO COUNTY BOARD OF EDUCATION**

Regular Board Meeting, April 13, 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 6:00 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**

Minutes:

A quorum was present for the conduct of business.

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

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

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

Minutes:

The Juvenile Court and Community Schools student representative for the April meeting was Brandy Rucobo from Monarch, Principal Joseph Wiseman introduced Brandy to the Board. Board Member Gregg Robinson presented Brandy with an engraved plaque on behalf of the Board and welcomed her participation in the meeting.

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

Minutes:

There were no speakers.

**e. Approval of Agenda**

**Motion Passed:** Passed with a motion by Mark Anderson and a second by Alicia Munoz.

Yes Mark Anderson

Yes Guadalupe Gonzalez

Yes Alicia Munoz

Yes Gregg Robinson

Yes Rick Shea

## 2. APPROVAL OF CONSENT ITEMS

**Motion Passed:** Passed with a motion by Rick Shea and a second by Mark Anderson.

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

**a. Approval: Minutes of Regular Meeting, March 09, 2016**

**b. Approval: Budget Adjustments**

**c. Resolution: Centennial of the San Diego Zoo**

**d. Resolution: National School Nurse Day**

**e. Resolution: National Mental Health Awareness Month, May 2016**

**f. Resolution: National Foster Care Month, May 2016**

**g. Resolution: Staff Retirement, Marta Cervantes**

**h. Approval: Single Plan for Student Achievement for the San Diego County Community Schools, San Diego County Court Schools, Monarch School and San Pasqual Academy to the California Department of Education**

## 3. ACTION ITEMS

**a. Adoption of Resolution Taking Action on Appeal of District Denial of Petition to Establish College Preparatory Middle School Charter School**

**Motion Passed:** It was 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 College Preparatory Middle School Charter School." Passed with a motion by Rick Shea and a second by Guadalupe Gonzalez.

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

Minutes:

Lora Duzyk, Assistant Superintendent for Business Services reported regarding an appeal of the denial of a charter school petition to establish College Preparatory Middle School Charter School was presented to the County Board of Education for consideration.

The College Preparatory Middle School Charter School petition was filed on appeal to the County Board of Education by Christina M. Callaway, lead petitioner, after it was denied by the La Mesa-Spring Valley School District Governing Board. The charter petition, with supporting documents, was determined to be complete on February 17, 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 March 9, 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 timeframe, 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 College Preparatory Middle School Charter School 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, Education Facility 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 College Preparatory Middle School Charter School based on the following findings:

- a. The College Preparatory Middle School Charter School petition presents an unsound educational program for the pupils to be enrolled in the charter school.
- b. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- c. 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.

There would be no fiscal impact if the charter school petition was denied. If the charter petition is granted, the total commitment of the county office on behalf of the County Board of Education as the chartering agency is undetermined.

## **b. Consideration of a Five-Year Renewal of the Charter for Literacy First Charter School**

**Motion Passed:** It is recommended that the County Board of Education grant a five-year renewal of the charter of Literacy First Charter School, with revisions to the petition as specified and contingent upon execution of the MOU described therein on or before June 30, 2016, for the term July 1, 2016 through June 30, 2021. Passed with a motion by Rick Shea and a second by Mark Anderson.

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

### Minutes:

Lora Duzyk, Assistant Superintendent reported that the County Board of Education was required to approve or deny a five-year renewal of the charter of Literacy First Charter School.

The San Diego County Board of Education is the authorizing agency for the Literacy First Charter School (LFCS), located in El Cajon, California. The charter was originally approved by the County Board in June 2001 and was renewed in April 2006 and June 2011. The petition for a third five-year renewal of the charter was filed in this office by Debbie Beyer, petitioner, and was determined to be complete on February 4, 2016. On March 9, 2016, the County Board held a public hearing to consider the level of support for the petition by teachers, employees, and parents.

A committee was formed to review the Literacy First Charter School 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, Education Facility 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.

Renewals of charters are governed by the standards and criteria in Education Code sections 47605 and 47607. Review of the LCFS renewal petition concluded that:

- \* State standards and criteria are satisfactorily met.
- \* Student academic performance meets or exceeds state and federal indexes on standardized tests.
- \* Financial statements and projected annual budgets contain adequate reserves.

Staff recommends revisions to the LFCS charter petition as detailed in Exhibit A Revisions to Charter Petition, and the establishment of a mutually agreed upon Memorandum of Understanding (MOU) between the County Superintendent of Schools and LFCS that describe agreements related to fiscal operations and the

provision of special education services to be executed by June 30, 2016.

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

##### **a. Consideration of the Proposal of the Governing Board of the Grossmont Union High School District to Implement By-Trustee-Area Elections**

**Motion Passed:** Adopt the resolution provided approving implementation of by-trustee-area elections for members of the Grossmont Union High School District Governing Board. Passed with a motion by Rick Shea and a second by Alicia Munoz.

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

**Motion Passed:** Adopt the resolution provided approving implementation of by-trustee-area elections for members of the Grossmont Union High School District Governing Board. Passed with a motion by Guadalupe Gonzalez and a second by Rick Shea.

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

##### **Minutes:**

Lora Duzyk reported that the County Board of Education, acting as the County Committee on School District Organization, was asked to consider a proposal of the Governing Board of the Grossmont Union High School District to implement by-trustee-area elections for members of the district's Governing Board.

Education Code sections 5019 and 5030 authorize a county committee on school district organization to change the method of electing governing board members in districts under its jurisdiction. On February 10, 2016, Resolution No. 2016-21 of the Grossmont Union High School District Governing Board to initiate the process of implementing by-trustee-area elections was transmitted to the County Board of Education acting as the County Committee on School District Organization. A copy the resolution was attached.

When considering a district's resolution to change its method of election, the County Committee is required to conduct at least one public hearing in the district to receive testimony on the proposal. The County Committee conducted six duly noticed public hearings as follows: March 17, 2016, in La Mesa; March 28, 2016, in El Cajon; April 4, 2016, in Alpine; April 5, 2016, in Jamul; April 6, 2016, in Lemon Grove; and April 11, 2016, in Lakeside.

Education Code section 5019(c) requires the County Committee to approve or

disapprove the proposal of the Grossmont Union High School District Governing Board.

Approval of the proposal. A resolution approving the proposal of the Grossmont Union High School District Governing Board is provided for adoption by the County Committee.

Pursuant to Education Code section 5020(a), a resolution of a county committee approving a proposal to implement by-trustee-area elections constitutes an order of election, and the proposal must be presented to the electors of the district at the next election for members of the governing board. The proposal of the Grossmont Union High School District Governing Board would appear on the ballot for the November 8, 2016 election. Approval by the majority of the electorate would authorize implementation of by-trustee-area elections in the Grossmont Union High School District commencing with the 2018 election for the board members whose terms expire in that year and would be completed in 2020, when the remaining board members' terms expire.

In order to implement by-trustee-area elections at the November 8, 2016, election, the Grossmont Union High School District has applied to the State Board of Education for a waiver of the election requirement. The State Board of Education is expected to consider the request at its May 11-12, 2016, meeting. The State Board has approved more than 120 similar requests. None has been denied. If the district's request for a waiver of election is approved, no election on the matter would be required. If the waiver request is denied, the County Committee's resolution would authorize the County Superintendent of Schools to call the required election.

#### **b. Consideration of Trustee Areas Adopted by the Governing Board of the Grossmont Union High School District**

**Motion Passed:** Adopt the resolution provided approving trustee areas for implementation of by-trustee-area elections for the Governing Board of the Grossmont Union High School District. Passed with a motion by Alicia Munoz and a second by Mark Anderson.

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

#### **Minutes:**

Lora Duzyk, Assistant Superintendent explained that Resolution No. 2016-33 of the Grossmont Union High School District Governing Board adopting trustee areas was transmitted to the County Committee on March 9, 2016. A copy of the resolution is attached. Also attached for the County Committee's information, is Resolution No. 2016-22 of the Grossmont Board specifying criteria to be used for establishing trustee areas. Approval of trustee areas is required in order to implement by-trustee-area elections, as approved by County Committee action on the previous agenda item.

All of the activities necessary to bring this matter before the County Committee have been completed. The County Committee conducted six duly noticed public hearings, as specified in the previous Board item, to receive testimony from members of the

public on the proposals of the Grossmont Union High School District Governing Board. The County Committee has considered and approved the proposal of the Grossmont Board to implement by-trustee-area elections. The adopted plan has been reviewed by special counsel for the County Committee and has been found to meet all requirements of the Federal Voting Rights Act and the California Voting Rights Act. The County Committee is now asked to approve or disapprove the trustee areas adopted by the Grossmont Union High School District Governing Board.

## **5. RECONVENE REGULAR BOARD MEETING - RECOGNITIONS AND PRESENTATIONS**

### **a. Recognition: Winning Student of the 2016 San Diego Union-Tribune Countywide Spelling Bee**

Minutes:

Nicole Shina, Special Programs Assistant introduced the winning student of the San Diego Union-Tribune Countywide Spelling Bee: Ella Peters, 7th grader, Notre Dame Academy in Carmel Valley.

Ella Peters competed with over one hundred 7th and 8th graders in the Union-Tribune San Diego Countywide Spelling Bee on March 15, 2016, at the San Diego Hall of Champions. Co-sponsored by the San Diego County Office of Education, it is one of the most time-honored of all academic competitions. It is the official stepping-stone to the Scripps National Spelling Bee, held annually in National Harbor, Maryland.

Vice President Shea presented Ella with an award thanking her for her participation on behalf of the Board of Education.

### **b. Recognition: San Diego County Office of Education Classified Employee of the Year 2016**

Minutes:

Michele Fort-Merril, Assistant Superintendent presented an award to the San Diego County Office of Education's Classified Employee of the Year.

This is the 29th year of the San Diego County Office of Education Classified Employee of the Year program, instituted to recognize the exemplary contribution of support staff members. A committee of classified employees representing each division reviews all nominations and selects the winner. Past County Office Classified Employee of the Year winners include Mike Reese (2011), Shiela Musser (2012), Alfred "Ernie" Ludwig (2013), Mandy Lievanos (2014), and Aida Hairston (2015).

This year the committee selected Gabriela "Gaby" Beas. Beas has worked for SDCOE's Migrant Education unit for 11 years. In that time, she has served students and families by helping to start a math program at CSU San Marcos for middle school students, working with social worker interns to provide group support for migrant students, volunteering with the Community Resource Center in Encinitas, and delivering holiday food baskets to needy families. "Gaby is a consummate change agent and a natural leader," said Monica Nava, senior director of the Migrant Education unit. "With her professional, positive, helpful, collaborative, and cheerful disposition, she serves as a guide and mentor to students, families, colleagues, and community partners."

A certificate of recognition was presented to Gaby at the Board meeting and her name was submitted as a nominee for the Countywide Classified Employee of the Year.

Other nominees for the San Diego County Office of Education Classified Employee of the Year 2016 included Katherine Andersen, Shannon Bell, Judy Butterfield, Noemi Garcia, Ana Gutierrez, Reba Hind, Alicia Moyer, Maria Mujica, Ana Nicasio, Maria Pesiri, Rosa Santillan, Lydia Schnitta, and Barbara Thiss.

**c. Presentation: SDCOE Local Control & Accountability Plan Goal 3D Progress Report for Special Education Schools**

Minutes:

Timothy Glover, Assistant Superintendent reported on the progress for San Diego County Office of Education Special Education schools on their Local Control Accountability Plan (LCAP) Goal 3D, "Students enrolled in North County Academy (NCA), who are 14 or older, will achieve 75% of their Individualized Transition Plan (ITP) goals." The LCAP Goal 3D update will pertain specifically to North County Academy.

**d. Presentation: Overview of the Progress on Board Goal 5**

Minutes:

Karen Connaghan, Assistant Superintendent made a presentation to report on the progress of Board Goal 5: (Assist all districts in anticipating and responding to current and future challenges and trends in education, including professional learning for teachers and other school personnel, with special attention to small districts).

The presentation will included an update regarding the work we are doing this year in the Specific Results area under Board Goal 5 and will demonstrate how we maximize resources to improve the quality & efficiency of school districts & the county office.

**6. ACTION ITEMS (CONTINUED)**

**a. Annual Authorization to Lend Funds to School Districts**

**Motion Passed:** Authorize the Superintendent to lend money to school districts within the County in accordance with Education Code Sections 42621-42622 and notify the Board if any loans are authorized to school districts. 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 for Business Services reported that the San Diego County Board of Education was requested to authorize the Superintendent to make temporary loans to school districts.

The County Superintendent of Schools, with the approval of the County Board of



Education, is authorized to lend money to school districts temporarily to help them meet their obligations when their funds on hand become less than their requirements.

#### **b. Second Reading and Adoption of Specified Board Policies**

**Motion Passed:** Accept the specified Board Policies for second reading and adoption. 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

Minutes:

Lora Duzyk, Assistant Superintendent reported that the County Board of Education was asked to approve for second reading and adoption amendments in specified Board Policies.

At the March 9, 2016 Board meeting, the Board Policies listed in Attachment 1 were presented and accepted for first reading. These policies were posted online for staff comments and/or recommendations in accordance with established procedures, and no input was received.

#### **c. Assigned Wards of Court in Juvenile Halls**

Minutes:

Board Member Gonzalez requested a report on the contract between San Diego County Office of Education and the Juvenile Court System regarding wards of the court.

#### **d. Personnel Commission Appointment Process**

**Motion Passed:** There was a motion to Direct Dr. Ward to ask the personnel commission not to act on the proposed rule change at the next personnel commission to allow the County Board of Education to seek independent legal opinion. Passed with a motion by Alicia Munoz and a second by Mark Anderson.

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

**Motion Passed:** There was a motion to appoint two board members to seek independent legal opinion on the matter. Passed with a motion by Alicia Munoz and a second by Rick Shea.

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

Yes Rick Shea

Minutes:

Board Member Munoz expressed her concerns about the proposed rule change by the personnel commission appointment process. Board Member Munoz explained that in communication with legal counsel from CSBA and to the President of the CCBE. They are in agreement that the law is clear in that the Board of Education (Governing Board) has the responsibility to appoint the personnel commissioners. There is a disagreement between San Diego County Office of Education and the Board of Education and there is a problem communicating by phone or email with the personnel commissioners being available only through Human Resources office. Board Member Munoz made two motions for consideration.

#### **e. Superintendent's Evaluation Form**

Minutes:

President Robinson explained that there are major areas that need to be talked about regarding the Superintendents Evaluation tool, but there was not enough time today as it would take over half an hour to discuss. President Robinson suggested to have a special meeting before the end of April for further discussion on the matter. All board members were in agreement.

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

#### **a. Legislative Update**

Minutes:

Superintendent Ward discussed key issues affecting education. A copy of the Sacramento report is posted with the online agenda materials for this meeting and can be accessed at <http://www.sdcoe.net/Board/Pages/Agendas-and-Minutes.aspx>

#### **b. Williams and Valenzuela Uniform Complaint Policy Quarterly Report**

Minutes:

Sean Morrill, Senior Director provided a summarized data report related to Williams and Valenzuela Uniform

Complaints filed quarterly for the Juvenile Court and Community Schools with zero complaints related to the settlement.

### **8. ASSOCIATIONS COMMENTARY**

Minutes:

Tammy Reina, Vice President of the Association of Educators, discussed the convening and launching of the site rep council and the collaboration being built.

### **9. BOARD REPORTS**

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

Minutes:

Board Members reported on a variety of educational events they attended throughout

San Diego County.

## **10. FUTURE AGENDA ITEMS**

Minutes:

Board Member Munoz requested to have a letter drafted not supporting the waiver regarding the Grossmont Union High School issue.

## **11. DATE OF NEXT MEETING**

Minutes:

Board President announced the next Special Meeting on Friday, May 06, 2016 at 10:00 am and the next Regular meeting on Wednesday, May 11, 2016 at 6:00 pm.

**a. Special Meeting, Budget Study/LCAP Review, Friday, May 06, 2016 at 10:00 a.m., Jack Port Board Room #508**

**b. Regular Board Meeting, Wednesday, May 11, 2016 at 6:00 p.m., Joe Rindone Regional Technology Center**

## **12. ADJOURNMENT**

**Motion Passed:** Meeting adjourned at 9:11 p.m. Passed with a motion by Rick Shea and a second by Guadalupe Gonzalez.

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