

SAN DIEGO COUNTY BOARD OF EDUCATION

Minutes of the Special Meeting
March 27, 2014, 5:30 p.m.
San Diego County Office of Education
Jack Port Board Room #508
6401 Linda Vista Road, San Diego, California 92111

I. OPENING PROVISIONS

- A. Call to Order and Roll Call – 5:30 p.m.

Members Present: Anderson, Hartley, Jones, Neylon, Robinson

Secretary: Ward

Recording Secretary: Bowers

Also Present: Dina Harris, Esq., Counsel for the County Office of Education

- B. Pledge of Allegiance to the Flag

- C. Approval of Agenda

MSC (Robinson/Anderson) to approve the agenda. The motion passed by unanimous vote (5-0).

II. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS

President Hartley collected public comment cards, but asked Lora Duzyk, Assistant Superintendent, Business Services, to introduce the topic before hearing from the speakers. Mrs. Duzyk's comments are set forth under the Action Item (below), and are followed by comments from the public.

III. ACTION ITEM

- A. Adoption of Resolution Taking Action on Appeal of District Denial to Establish Thrive Public School

Lora Duzyk, Assistant Superintendent, Business Services provided background on the appeal of the denial by the San Diego Unified School District of a petition to establish Thrive Public School. Both the petitioner and the district were notified in writing of tonight's meeting and were provided with the findings and recommendation of the County Office of Education's Review Committee.

The petition to establish Thrive Public School was denied by the San Diego Unified School District on January 7, 2014. If the governing board of a school district denies a petition, Education Code section 47605 provides that the petitioner may elect to submit the petition to the county board of education. The petition to establish Thrive Public School was filed with the County Board of Education by the lead petitioner, Dr. Nicole Assisi, on January 27, 2014. The petition package was reviewed by staff and determined to include all of the elements required under California Code of Regulations, Title 5, section 11967. Title 5 establishes a 60-day timeframe during which a county board of education may act to approve or deny a petition submitted on appeal.

The County Board held the required public hearing on February 12, 2014, in order to consider the level of support for the petition by teachers, employees, and parents. The complete petition package was provided to the Board with the meeting agenda and was

made available for public review. At that time, the Board heard presentations by representatives of Thrive Public School and the San Diego Unified School District. Also, members of the public were given an opportunity to address the Board and to submit information cards expressing their support or opposition to the petition. Copies of the information cards that were submitted were sent to the Board. In addition, at a regular meeting of the County Board held on March 12, 2014, members of the public commented on the petition during the public comment portion of the meeting.

In considering a charter petition that has been previously denied, the County Board must review the petition pursuant to the standards presented in Education Code section 47605(b). These are the same standards that the San Diego Unified School District Governing Board was required to apply when it considered the petition. The law requires that the County Board grant a charter petition if it is satisfied that doing so is consistent with sound educational practice. If the Board denies a petition, it must make written factual findings, specific to the petition, setting forth facts to support one or more of five findings that are specified in the Education Code.

An evaluation of the Thrive Public School petition was conducted by a Charter Review Committee (the "Committee") comprised of SDCOE staff: Brent Watson, District Financial Services; Teresa Fiscus and Erin Garcia, Business Advisory Services; Peg Marks, Legal Services; Michele Fort-Merrill, Human Resource Services; Sally Bennett-Schmidt and Barbara Boone, Learning and Leadership Services; Bill Dos Santos, Educational Facilities Solutions Group; Carolyn Nunes, Special Education Services; Don Buchheit, Student Services; and Diane Crosier, Risk Management. Attorney Dina Harris, Best Best & Krieger, LLP, provided legal counsel.

The Committee evaluated whether the petition meets the standards presented in the Education Code; and whether the petition complies with requirements of state and federal law, County Board Policy, and County Office administrative regulations. Pursuant to Title 5 and County Office regulations, the Committee evaluated the charter petition as it was originally submitted to the San Diego Unified School District. The Committee did not review the findings of fact of the San Diego Unified School District governing board, nor did it evaluate the correctness of the governing board's decision to deny the petition. Based on its independent review of the charter petition, the Committee recommends that the County Board deny the petition for the establishment of Thrive Public School. The Committee's recommendation focused on two of the five findings described in the Education Code as the grounds for denial of a charter petition: (1) That the charter petition presents an unsound educational program; and (2) That the petition does not contain reasonably comprehensive descriptions of all of the 16 elements required by Education Code section 47605.

A resolution denying the charter school petition has been provided for the Board's consideration. Exhibit A to the resolution presents the Committee's written factual findings specific to the petition. This document has been reviewed by legal counsel. Although the entire petition was evaluated, Exhibit A is not intended to present an exhaustive review; rather, the findings presented serve to illustrate the most significant deficiencies identified in the petition.

In making its decision, the Board is asked to consider the recommendation and findings of the Charter Review Committee. The Board may also consider any additional information provided by the petitioner or by the district; and any input received during, and subsequent to, the public hearing.

California law and regulations provide the Board with three options:

1. The Board may grant the petition. If the petition is granted, the County Board of Education would assume the mandated functions and responsibilities of the chartering authority for Thrive Public School, which would operate within the boundaries of the San Diego Unified School District. The fiscal impact of such a commitment has not been determined.
2. The Board may deny the petition. In this case, there would be no fiscal impact. If the petition is denied, the petitioner may submit the petition to the State Board of Education for its consideration.
3. And finally, the Board may decline to take action on the petition. If the County Board does not grant or deny the petition within the required timeframe, the charter school may submit the petition to the State Board of Education.

COMMENTS FROM THE PUBLIC

Public comment was received from the following supporters of Thrive Public School: Dr. Nicole Assisi (Lead Petitioner), Lisa Corr, Donna Elder (Thrive Board President), Jacquie Furtado (Parent), Miles Durfee (Managing Regional Director of California Charter Schools Association); and former California State Senator Deidre Alpert. Deidre Walsh spoke in support of the San Diego Unified School District's decision to deny the petition.

After public comment, Board Members asked attorney Harris for clarification on options available to the petitioner should the Board resolve to deny the petition or if no action is taken (by failure to get a second to a motion, or failure to reach a majority vote). In any of these scenarios, the petitioner can appeal to the State Board of Education. Members assured the public that their decision was not rushed; that the Board was well-informed and had considered the recommendation by the competent members of the Review Committee as well as all subsequent documentation provided by Thrive officials. Board Member questions posed to the petitioner included concerns on meeting common core standards, human resource practices, and a general education program not specific enough to address the needs of the population of English-language learners, low socioeconomic and special needs children. Mrs. Duzyk answered questions on County oversight responsibilities. There being no further questions, the Board Members took action.

MSC (Robinson/Neylon) to accept the committee's recommendation to deny the appeal and adopt Resolution #2014-07 of the San Diego County Board of Education Denying the Charter School Petition to Establish Thrive Public School. The Members were polled, and the motion passed by the following (3-2) vote: YES: Jones, Neylon, Robinson. NO: Anderson, Hartley.

IV. ADJOURNMENT

The meeting was adjourned at 6:20 p.m.