Approved

SACRAMENTO COUNTY BOARD OF EDUCATION

Minutes of the Regular Meeting of January 18, 2011

Agenda

I. Call to Order and Roll Call
II. Pledge of Allegiance
III. Approval of the Minutes of the Regular Board Meeting of December 7, 2010
IV. Adoption of Agenda
V. Official Correspondence
VI. Visitor Presentations
    A. General Public
    B. Employee Organizations
VII. Superintendent's Report
    A. Recognition of the February 2011 Employees of the Month
VIII. New Business
    A. Adoption of Consent Agenda
        1. Report on Personnel Transactions
        2. Award Diploma to Court School Student
        3. Approval of 2009-2010 School Accountability Report Cards for Court and Community Schools and Special Education Programs
        4. Authorization to Seek Bids – External Financial Auditing Services
        5. Accept Donations to Project SAVE
    B. Approval of Contracts
    C. Authorization to Submit Grant Applications/Service Contracts and Accept Funding if Awarded; and Approval of Contracts, Positions, and Other Expenditures Associated with the Grants as Outlined in the Proposed Budgets
        1. $10,000 Enhancing Education Through Technology – ARRA Competitive grant from American Recovery and Reinvestment Act funds for the period November 1, 2010 through September 30, 2011
        2. $15,000 Friday Night Live "Driving the Change" Project grant from the California Friday Night Live Partnership for the period January 1, 2011 through September 30, 2011
        3. $1,000,000 Mental Health Services Act School-Based Education and Training grant from the Sacramento County Division of Behavioral Health Services for the period January 1, 2011 through June 30, 2012
    D. Accept Audit Report for Fiscal Year Ended June 30, 2010
    E. Redistricting per 2010 Census
    F. First Reading and Adoption of Revisions to Board Policy 3080 – Technology
    G. Second Reading and Adoption of Revisions to Board Policy 2400 – Charter School Petitions
    H. Second Reading and Proposed Elimination of Board Policy 2500 – Countywide Charter School Petitions
    I. Informational Item – Revisions to ARR 2400 – Charter School Petitions
    J. Informational Item – Elimination of ARR 2500 – Countywide Charter School Petitions
    K. Board Report – Preschool

IX. Board Reports, Comments, and Ideas
- A. Board Members
- B. Board President
- C. Committees

X. Items for Distribution
- A. January/February Events
- B. January/February Visits

XI. Adjournment

I. President Fong called the meeting to order at 6:35 p.m. in the Board Room of the David P. Meaney Education Center, Sacramento County Office of Education, 10474 Mather Boulevard, Mather, California. Board members present were Greg Geeting, Brian Rivas, Brian Cooley, Harold Fong, Eleanor Brown, and John Scribner. Also present were David Gordon, Superintendent and Secretary to the Board; Teresa Stinson, General Counsel; Robin Pierson, Joyce Wright, Tammy Sanchez, Tim Taylor, Sue Stickel, John Fleischman, Assistant Superintendents; Judy Holsinger, SELPA Executive Director; Effie Crush, Chief Administrator-Human Resources; Tim Herrera, Director of Communications; Gary Barker, SCOETA; Bill Mullen, CSEA; other staff and visitors; and Carla Miller, Recording Secretary. Trustee Levy was absent.

II. President Fong led the Pledge of Allegiance.

III. On a motion by Mr. Geeting and seconded by Mr. Rivas, the revised minutes of the Regular Board Meeting of December 7, 2010 were approved. Motion carried 4 ayes, 2 abstentions. (Scribner, Brown)

IV. Mr. Geeting moved to adopt the agenda. Mr. Cooley seconded the motion, which carried.

V. There was no official correspondence.

President Fong announced that he would skip over the visitors' presentations at the time because we are expecting a certain visitor to speak and we will return to this item when the visitor arrives.

VII.A. Canyon Twer and Kevin Elkington, Teachers, LINKS Academy - South Sacramento Boys & Girls Club, were recognized and honored as the certificated employees of the month for February.

Samia Abdelmalek, Para-educator, Juvenile Court Schools, was recognized and honored as the classified employee of the month for February.

Superintendent Gordon reported on the following:

- Introduced our newly elected CSEA President, Bill Mullen. Bill is a member of our technology support team in CNTS. He might look familiar to you because in addition to providing tech support at our Board

meetings, Bill was a member of the team honored as the January Employees of the Month. Welcome, Bill!

- Provided updated information on the National Guard program: we have contacted all five of the county supervisors in person. He met with new chair Roberta MacGlashan. Marty and he met with Steve Szalay, Interim County Executive and were told that in the next 30 days there will be an RFP coming out, which will give organizations an opportunity to bid to take over the Boys Ranch. We will work with the National Guard to respond to that and keep you posted.

- The bulletin board immediately adjacent to the Board Room showcases student art featured in SCOE's 2011 "Expressions" calendar. You each have a complimentary copy. We had more than 50 submissions from our Juvenile Court and Community School campuses and 20 pieces of art were chosen to populate the calendar. He publicly thanked Community Schools Teacher Loretta Murray and SCOE Special Events Coordinator Cathy Sapunor for selecting the artwork and designing the calendar. They are $8 each. We have order forms available. Tonight's exhibit - "Expressions" - will be traveling next month to the Office of the State Attorney General, at 1300 “I” Street. Please be watching for details about the art show and reception at the Attorney General’s office.

- The clients and families of the Sacramento Community Based Coalition (SCBC) are holding their annual Awards Night on Friday, January 21, 2011 at the Holiday Inn Sacramento Capital Plaza. The event will be from 3:00 p.m. to 6:00 p.m. We are recognizing clients who have successfully completed each of the program’s three phases, earned their GED, participated in the Caltrans Litter Abatement Program with distinction, or earned special recognition due to their commitment to the program. SCBC celebrated its third year of operation in September and to date we have served 1,560 clients and their families. For more information about the awards event, please see Tim Taylor.

- Congratulations to Elinor Lincoln Hickey Jr/Sr High for winning the 3rd Annual Academic Bowl, which was held on December 15 at Rosemont High School. The Academic Bowl is a scholastic competition for court and community school students. Participating schools were the LINKS Academy at Anderson, Palmiter and Gerber. Daylor High School, an Elk Grove continuation school, also participated. Our thanks to Trustees Levy and Geeting for attending and helping congratulate the students.

- The December 15 graduation ceremony for five students from our Program for Students with Severe Disabilities was a heartwarming success. We thank Trustee Levy for attending. This program provides special education services to students with severe disabilities and

students with emotional disturbances, from ages 3-22 years, on more than 25 sites located in eight school districts within our county.

VI.A. The following participants addressed the Board regarding their position on the Fortune Countywide Benefit Charter School:

Laura Kerr, California Charter Schools Association, addressed the Board. She stated it was her understanding that some members of the public made some factually and legally incorrect statements about charter schools at the January 11 Board Study Session. She would like to set the record straight in three specific areas: countywide benefit laws and regulations, charter schools and special education, and general myths and facts about charter schools. On the countywide benefit charter, the county does need to make findings of fact in relation to whether or not the proposed program would serve students as well as a charter school located in a single district. With regard to special education, charter schools are public schools and have to serve all students including high achievers, low achievers, and special needs students. Finally, charter schools are public schools and Education Code recognizes them as such. They, unlike exclusive private schools or district magnet schools, are legally prohibited from cherry picking the best students. There's also a concern that charter schools dump low performing students just before test time. We have no evidence of that and really are deeply concerned about accountability.

Mr. Scribner asked whether Ms. Kerr was denying that students are dumped or that she simply had no evidence one way or another. Ms. Kerr replied that to her knowledge the independent charter schools in Sacramento County which she is most familiar with do not have a practice of doing that.

Gustavo Arroyo, Sacramento City Unified School District Board President, spoke on his own behalf and not for the entire board. He acknowledged two specific points: first, that there is an achievement gap that we need to bridge and second, that at Sac City we have taken bold actions to address this problem over the last year and a half. He expressed concern that while Sac City is making progress in their district, they will likely face a $30 million deficit in budget cuts if the initiatives in June don't pass. We don't even know that the measures are going to make the ballot much less that they're going to pass. New charters just siphon money out of the school districts. Education Code 47605.6(h) states that petitioners are supposed to address the impact to school districts and that the county board of education shall require the petitioner to provide information on the impact of these proposals on school districts. Nowhere in the petition do we see that impact. He asked that the Board those impacts on districts as we try to grapple with the budget cuts and the achievement gap as well.

The following folks spoke in support of the Fortune Charter proposal:

Kiyomi Meeker, a tenured teacher in a California public school district
Patricia Riehl – a 3rd grade teacher at PS7
Herinder Pegany, Vice President of Academic Affairs at the Fortune School of Education
Susan Nisanger, Director of Program development for Fortune School of Education and

an experienced high school English teacher
Lisa Anderson, Director of Human Resources for Fortune School of Education
Ebony Strain, parent supporter

President Fong thanked all of the public who have come out and provided their input on this important topic. He clarified that the Board cannot reply to comments because that's the regulation the Board is guided by. He thanked everyone for coming to the meeting and stated the Board will probably see some of the folks again on February 1.

VI.B. President Fong congratulated the new President of CSEA – Bill Mullen.

VIII.A. Mr. Cooley moved and Mr. Rivas seconded adoption of the revised consent agenda. Motion carried unopposed. By such action, the Board:

1. Accepted report on Personnel Transactions
2. Awarded diploma to Court School Student
3. Approved the revised 2009-2010 School Accountability Report Cards for Court and Community Schools and Special Education Programs
4. Authorized to seek bids – External Financial Auditing Services
5. Accepted donations to Project SAVE

VIII.B. Mr. Geeting moved and Mr. Scribner seconded approval of the contracts as listed. Motion to approve the contracts carried.

Mr. Scribner stated that he has noticed a number of tutoring contracts and he is wondering if we've had issues keeping all of our staff employed because of budget cutbacks. Why aren't we able to structure these so that our staff can provide this service instead of contracting out? Dr. Joyce Wright, Assistant Superintendent replied that we do provide a great deal of tutoring services but we do not have the internal capacity in certain specialized topics. In addition, these tutors also go to the residence home. For example, we may have a foster youth who needs tutoring in science; we do not have a science specialist. So the contract is up to that amount; it's not guaranteed and we utilize them when we can but we definitely attempt to use internal people to the greatest extent possible.

Mr. Cooley asked if someone could direct him to the API for El Centro. Dr. Paul Tuss, Program Manager, responded that he assisted with the booklet preparation. For El Centro and our court and community schools, during the 2009-2010 school year, they participated in the alternative School Accountability Model (ASAM). In lieu of providing API results on the SARCs we reported the ASAM results instead because that is the statewide accountability model we participate in.

Mr. Cooley said in past conversations it's more reflective of our population and the transient nature of our population through these schools. Dr. Tuss replied that most of these schools do not get an accurate API score because of the small number of students who are enrolled for a long enough period to be included in the calculation.

Mr. Cooley asked for clarification if they indicate anywhere in the booklet the average length of stay for some of our students in the court and community schools. Dr. Tuss replied that's not one of the required elements of the report cards. It's certainly something we can consider adding in future years on our own.

Mr. Scribner had a question following up questions with respect to the students who are able to be tested for API. The core student that would be tested under API typically would be the student committing graver offenses and with a longer stay. Dr. Tuss replied for the API, it will be for kids who are enrolled from the CBEDs data in early October until the spring testing; the most long-term stays in our court facilities are those students.

Mr. Cooley said even if they are there at the time of API testing, they are taking the ASAM. Dr. Tuss replied no they're just not included in the calculation of the API score. Their scores don't count for that calculation. They take the STAR and CAHSEE and get scores and reports so they know how they are performing. In terms of the SARCs, it's not a good reflection of the school's educational program if the student hasn't been there for a long time.

Mr. Cooley asked if we get a carve out? We do have a transient population and it's difficult to hold us to the same standards as our school district counterparts that have students ideally from September to May or June. Dr. Tuss replied that there are plenty of regular school districts who also have ASAM schools who participate in the alternative accountability model also.

Mr. Geeting asked whether in order for a student to be counted for API purposes, they need to be enrolled at the CBEDS count and then stay continuously until April when the test is administered. Dr. Tuss replied students must be continuously enrolled in the same school throughout the rest of the school year, usually in April.

Mr. Geeting said they take the test in the spring but it's not counted. Dr. Tuss replied that whoever is enrolled on the testing dates take the test.

Mr. Geeting commented that those test-takers get individual results. Dr. Tuss replied yes. The API calculation rules specify that you only include long-term students who are enrolled continuously at the school for most of the school year. CBEDS date until the fall and the testing date in the spring.

Mr. Geeting said on page 6 of El Centro's report card in our revised version, it does say at the top of the page that in 2008-2009 there were only 112 students who were enrolled for 90 days. Most of them wouldn't fit the criteria to be accountable for the API and that's the high end of the students of El Centro. Dr. Tuss said that ASAM only includes students that are enrolled for 90 consecutive days. The API is close to double that.

Mr. Geeting said would we have a pre/post test typically on those students that stay for 90 days? Dr. Tuss said that's what we reported as our pre and post tests.

Mr. Scribner said for those to drive the discussion on the API would be violent misdemeanors and non-violent lower offense felonies to fit that window without being kicked to CYA. Dr. Tuss replied at El Centro.

VIII.C. On a motion by Mr. Geeting, seconded by Mr. Cooley and carried, the Board authorized staff to submit the revised grant applications/service contracts and accept funding if awarded; and approved contracts, positions, and other expenditures associated with the grants as outlined in the proposed budgets as follows:

1. $10,000 Enhancing Education Through Technology – ARRA Competitive grant from American Recovery and Reinvestment Act funds for the period November 1, 2010 through September 30, 2011

2. $15,000 Friday Night Live "Driving the Change" Project grant from the California Friday Night Live Partnership for the period January 1, 2011 through September 30, 2011

3. $1,000,000 Mental Health Services Act School-Based Education and Training grant from the Sacramento County Division of Behavioral Health Services for the period January 1, 2011 through June 30, 2012 with the revised budget

VIII.D. Tammy Sanchez, Assistant Superintendent, reported that the budget presentation was presented to the Budget Committee. Mr. John L. Goodell, C.P.A., Partner of Goodell, Porter, Sanchez & Bright, LLP, provided a short presentation and answered questions regarding the audit report.

On the recommendation of the Budget Committee per member Geeting, the Board unanimously accepted the audit report for fiscal year ended June 30, 2010.

VIII.E. Superintendent Gordon stated that in the interest of moving forward on this task because the county registrar likes us to finish by September, we went out and very informally sought bids. We received the three bids included in the packet and another one yesterday. The Board needs to craft a process to get the reapportionment maps redrawn for presentation of the adoption by the Board. That can be done in many different ways. Our staff is recommending that the Board contract with a vendor to do it because John Fleischman's office has an awful lot to do without adding this task. He would have to acquire specialized software, which we would never use again and a contractor would seem to be a more efficient way to do it. The Board needs to decide on what to do. Does the Board want to appoint a sub-committee of the Board to work on it?

President Fong stated that this topic is open for discussion on how the Board wants to handle the redrawing the maps and the boundaries of the trustee areas seats. In the past we had Board input into this from an employee who did it.

Mr. Cooley stated that it's his understanding that we have a deadline of September of this year to have these maps into the county register of voters. Is tonight's agenda item

for discussion only or can we actually make a recommendation for a committee or process to move forward? President Fong replied it is both for discussion and a possible recommendation.

Mr. Cooley stated that some of the conversations he has had with President Fong and the superintendent, this is a similar process we did about ten years ago, where we had a sub-committee of the Board evaluate proposals from consultants, select a consultant, manage that consultant's scope of work with the maps that came through and make an ultimate determination on trustee boundaries. Mr. Scribner was heavily involved in that. His thought on this is to do something similar, to create a sub-committee of the Board that could evaluate these proposals, make a determination on the best one and bring it back to the Board for consideration and then manage that process ongoing. He recommended that the sub-committee be comprised of him, Mr. Scribner, and Ms. Brown. The process doesn't take very long. There's been a lot of advancement in the technology that's used to do this process over the last ten years. There hasn't been a huge substantial population growth. He doesn't think it will be that difficult to do that and believes we can meet the September deadline.

Mr. Geeting stated he would like to be sure he understands the superintendent's recommendation. Are you suggesting we make a decision this evening to go to an outside consultant? Superintendent Gordon replied no. He was suggesting that staff would prefer that the Board consider an outside consultant, because we think it would be cheaper. You could do it through a sub-committee which would then present its recommendations to the Board. We will support the work of the committee through John Fleischman and General Counsel along with the technical people.

Mr. Rivas said his preference is that we use an outside consultant mostly for the purposes of objectivity. Looking ahead, he thinks there will be a lot of public interest in this. In his area, he has looked at the city council and district maps and Councilmember Asbury represents 180,000 register voters and the other council members represent about 55,000 so he thinks we have to look at this very carefully. There's a lot of interest in his area because north Natomas did not really exist the last time we drew boundary maps for trustee areas so his preference is to go with an outside consultant.

Mr. Scribner stated that the software was about $16,000 ten years ago from SACOG. It won't have all the functions that some of the other reapportionment software does in other endeavors. We had a very involved process and we did have public hearings on it. It would be better for the process if we keep the option open to do it internally, but we need to see how it all costs out as others may in fact approach us once it's known.

Ms. Brown stated she would also support the idea of having a sub-committee as a communication for all of the Board members to have that discussion. Her feeling in reading through these was that one might say in-house would work and staff would try their hardest to do that; it is an item that does not come up very often, even though you look at the equipment they need, there's also that hidden time element of becoming familiar with it when you do it in-house. That would be a huge burden and time consuming with an element that is so public. When requesting proposals are there

specific guidelines that we will be asking for? The proposals presented tonight all seem very different as far as their details.
Mr. Cooley responded that there is no official RFP that laid out the guidelines. If we formed a sub-committee, we would map out a timeline of when this can be done whether it be in-house or by a consultant and back that up from the date we have to get it to the register of voters; second thing to consider if we decided to go external, do we want to create a very informal RFP so there would be some criteria maybe to help fine tune these; and the third option would be to have a general call for proposals, minus an RFP and evaluate them all on their individual merits. It's really an open-ended process. There isn't a set of perimeters that we have; just a deadline of when to get the maps in. We want to have some community engagement, but he is not married to any particular idea. He would like to have a sub-committee to vet out the process and control it.

President Fong stated he would be in favor of forming a sub-committee to make the recommendation if we do it in-house or hire a consultant and put together a timeline. He would like to direct the sub-committee to restart the bidding by issuing an RFP open to anyone including the four or five that have already submitted, to make it more transparent and open. He also asked that the sub-committee set the dates for some of the public hearings that we will need to do in order to get the work done. Fellow trustees can discuss the mechanics of how this would work in those public hearings.

Mr. Scribner stated we could build the public hearings within that timeline.

President Fong noted that Mr. Cooley had suggested the sub-committee consist of Ms. Brown, Mr. Scribner, and Mr. Cooley.

Mr. Geeting said he had a question about the committee process. Would it be correct as a group of three they would be under the Brown Act and they would have to notice the meetings and the other Board members could attend those meetings provided they didn't participate in the meetings, but attend as listeners. Ms. Stinson replied yes.

President Fong said that when the sub-committee reports to the full Board, all of the trustees will have an opportunity to comment. Ms. Stinson concurred and added that would be fine as long as the item is agendized.

President Fong said he wouldn't want to wait for the final product. He would like some interim reports so that everyone has an opportunity to provide feedback.

Mr. Scribner stated that any resident within the Sacramento County Board of Education's jurisdiction can in fact submit written perspective on what should be done. It doesn't prohibit any other Board member, not serving on the committee, from having their input through written public record. Ms. Stinson replied that she thinks that it may be okay as long as they did it in writing. The thing we have to be careful of is that if you have a committee of three members and then you have a fourth member that is participating that would constitute a quorum of the Board. We have to be very careful about how we crafted that.

Mr. Scribner said it would be a one way exchange. Ms. Stinson replied she thinks it would be permissible. She would like to look into that a little bit further just to make sure.
Mr. Cooley said his idea of the motion was that the committee would be the workhorse and all the decisions would come back to the Board for approval. We wouldn't initially act outside of the authority of the Board; on the other hand it would give Board members an opportunity to make comments and suggestions in terms of lines, communities of interest, etc.

Mr. Geeting clarified that Board members can submit testimony in writing even at the meeting itself. Ms. Stinson stated that she would like to look into this further. Her understanding of what Mr. Scribner said is that it wouldn't be a back and forth discussions, it would be a submission of a one-way written item, but that is what she would like to look into a little further. It may be okay or maybe we need to wait until the full Board meeting to do that. She will look into that case.

Mr. Cooley moved the Board appoint Mr. Scribner, Ms. Brown, and Mr. Cooley to the trustee area sub-committee and come back to the Board with a work plan and with Mr. Scribner being the chair. Mr. Geeting seconded the motion.

Mr. Scribner asked Mr. Cooley what the charge is to the committee. Mr. Cooley replied that the charge would be to make a recommendation to the Board on the 2011 redistricting plan for the Sacramento County Board of Education trustee areas. How we get there will be determined by the entire Board.

Mr. Geeting said he understood the motion to include that the committee would also address this issue of whether to do an outside consultant or keep the work in-house. President Fong stated that the motion was to recommend to the Board to keep the work in-house or to hire a consultant, to put together a timeline for the public hearings and when they would take place, and to issue a RFP.

Mr. Cooley stated the committee will come back with a work plan which will cover all those items mentioned and a few other things, which will also include a schedule.

Superintendent Gordon stated that the important thing to do is recognizing the timeline. The RFP would be necessary no matter what you are going to do. We should get the RFP launched immediately so that those bids would come in because that could take thirty days or so.

Mr. Scribner reported that one was a requested timeline. The deadline is actually almost half a year beyond that so the September date is not the legal date. This Board is not held to any legal deadline at the end of September. He wants to make sure we get a finished product that the Board is comfortable with, the public is comfortable with and we don't feel jammed.

President Fong said that the sub-committee will come up with a plan. We will leave it at that.

Mr. Geeting asked what about the RFA. Mr. Scribner said the motion was to authorize the construction of a committee of three: Mr. Cooley, Mr. Scribner, and Ms. Brown, charged with the responsibility of moving forward in concert with counsel to develop an RFP, then to examine whether it was more appropriate to go with in-house staff for preparation work for the reapportionment plan for SCOE for 2011 or to execute one of the bids from consultants, and based upon that information come to a decision by the full Board to adopt the recommendation or not.

Ms. Brown asked if there was a timeline included in that motion. Mr. Cooley replied that the committee would come up with a schedule and based on what the actual deadline is and working backwards off that. The committee will figure it all out and come back to the Board.

Ms. Stinson asked if staff should send out an RFP prior to the committee meeting. Mr. Cooley said to wait until the committee is formed and meets and do nothing but schedule a meeting for the committee.

Mr. Geeting asked what the leeway is in population among trustee areas. Is it expressed as a percentage or is there some other standard? Mr. Scribner replied in past plans, ours has not been looked at in that way. Some of the state counsels have looked at it in the past, that in areas where communities are built out they have allowed more leeway for slight over-populations to allow for anticipated growth. He has seen the one percent leeway and in some cases, when you get into the counties that are in the federal voting rights act, it has been a little bit tighter than that.

Mr. Geeting said it's not as simple as to say one percent, five percent, or ten percent. Mr. Scribner said without belittling it, it's a little simpler here.

Mr. Cooley said we also have three trustee areas that probably will end up significantly under populated which will become clearer when the data is out. That's the practice we did ten years ago and that hasn't substantially changed. His area, Trustee Scribner's area and Trustee Rivas's are overpopulated, but he thinks in the next ten years, we will probably see the most growth. Mr. Geeting's area and Ms. Brown's area may shrink.

Mr. Geeting asked whether there is any obligation in doing this activity to try and minimize the effect that occurs naturally of some voters getting to vote every two years for a period of time and some not voting for six years. Mr. Scribner replied that there have been 41 affected by double voting because the lines had overlapped previously apportioned districts that still had two years remaining to their terms.

Mr. Geeting added just from our standpoint; is there any obligation to try to minimize that effect. Mr. Scribner replied that it's generally been a goal of organizations not to disrupt their communities. There hasn't been a legal standing because that one already has been tested. In fact right here in Sacramento County, Ray Johnson and John Doolittle 1981; in terms of where they actually had an extended term in an area.

The motion carried unopposed.

VIII.F. President Fong announced that this was the first reading and adoption of the proposed revisions of Board Policy 3080 – Technology.

Chair Geeting of the Policy Committee recommended that we move forward to Second Reading at the February 1, 2011 Board Meeting.

VIII.G. President Fong announced that this was the second reading and adoption of the proposed revisions of Board Policy 2400 – Charter School Petitions.

VIII.H. President Fong announced that this was the second reading and adoption of the proposed elimination of Board Policy 2500 – Countywide Charter School Petitions.

Chair Geeting of the Policy Committee recommended the Board adopt the proposed revisions of Items VIII.G. and VIII.H. – Board Policy 2400 – Charter School Petitions and elimination of Board Policy 2500 – Countywide Charter School Petitions. Motion carried unanimously.

VIII.I. An informational item on the Revisions to ARR 2400 – Charter School Petitions was provided in the Board packet.

VIII.J. An informational item on the elimination of ARR 2500 – Countywide Charter School Petitions was provided in the Board packet.

Mr. Cooley commended staff and the committee for their work on these Board Policies as they relate to charters.

VIII.K. Dr. Joyce Wright, Assistant Superintendent, provided a report on Preschool. She was assisted by Nancy Herota, Dr. Natalie Woods-Andrews and Linnea Hathaway.

IX.A. Mr. Geeting reported there was a sub-committee meeting of the budget committee earlier.

Mr. Rivas thanked Trustee Geeting for his active participation as a member of the legislative committee of the California County Board of Education. The legislative committee met with the California School Board Association's legislative committee. He enjoyed presenting some of his work to Trustee Geeting and working with him from a different perspective. He thanked Effie Crush for meeting him recently regarding teacher misassignments at Grant High School.

Ms. Brown reported there is a lot to learn. She was amazed at the quantity and quality of work that's going on at SCOE. She would echo what was said that the county is an unbelievable resource to students and districts. It isn't just the programs; it's the quality of the programs. She has started visiting schools and there is no substitute for visiting. The words come alive when you actually talk to the students and teachers and it has been a good experience. She can't help but comment on the one million dollar grant for bullying prevention. That is probably not an easy problem to tackle but the fact that kind of resources behind it and in talking to Joyce Wright they are developing a model for other districts who want to do something but don't know how. She is very happy to see

that. She knows that doesn't just happen and there are a lot of people who have worked a long time to get that. It will be very interesting to see what the criteria for evaluation will be and how we can reach out to districts – very impressive.
Mr. Scribner reported that there have been a lot of discussions on what the chances are of the state approving the proposed taxes measures. Hopefully we will see language on that soon. It may be appropriate that this Board have a study session on the budget and what our options would look like. If the props fail the train will hit the wall. We will catch it doubly at the county offices of education. There are other services that counties are mandated to provide and the services we provide to some students are not mandated so we could hit that wall very quickly. It's something we need to come to terms with so that we all understand the possible decisions we will be presented with. He thinks we should get ahead of the learning curve and understand what we are looking at.

Superintendent Gordon thought it was a very good idea and it might be worth taking the next scheduled study session to talk about the budget. He thinks that Mr. Scribner is right. The failure of extending the tax measures will dramatically affect us and the districts – it will be good to understand the plight of the districts as well.

IX.B. President Fong officially welcomed Trustee Brown to the Board. He stated that as we move along into the year, we are going to be facing difficult budget decisions on staff reductions. Before that happens, he would like staff to find ways where we can save any kind of money at all possible before laying off staff. Some of it may be beyond our control if we don't have the students at juvenile hall and can't cover the ADA expenses. In terms of our other staff, we do have some discretion and he would like for us to comb through our budget to find ways to save money so we can keep people employed. He thinks the deadline (March 15) for the Superintendent to make those decisions is going to be approaching quickly.

Superintendent Gordon stated the biggest issue is that our teaching programs are losing money on each and every student. We are losing more money on the students in juvenile hall because we have less ability to control the staffing levels but the community schools are losing money as well. As of right now, just to round up more students does not solve our problem; in some ways it compounds it. We are providing tremendous subsidy from other sources to the court and community schools, which we cannot do long-term because we will eventually deplete our reserves and will go bankrupt. Our teaching programs used to be 30% of our overall budget; that is now down to 20% which finds us at 80% in grants and contracts in areas in which we are doing quite well. However, the possibility of diverting money into the teaching programs is a long-term losing strategy; we have to get the teaching programs to support themselves. If the measures pass then we have some time; if they don't we have about three weeks and that is a huge concern.

President Fong stated that he would like to have the Fortune Charter discussion at the February 1 meeting and the decision at the February 15 meeting so that everyone has an opportunity to hear the proposal, staff recommendations, and have time to ask questions in the first meeting and then at the second meeting the Board can deliberate

and make a decision at that time. He's not sure if that could be brought up as an item on the agenda with comments from the Board.

President Fong said if we decide to postpone the decision, there will be a lot of disappointed people at the February 1 meeting because they are expecting a decision. Ms. Stinson stated there is an item on this agenda today that says schedule for future meetings and it does include February 1. The Board could make that decision now but may decide as a policy matter that it may be more appropriate to make it next time.

Mr. Scribner asked if they could possibly put references of the Board in a Board discussion as a continuum on the agenda. Ms. Stinson replied that could be put on the agenda.

Mr. Cooley asked isn't that an understood fact. Ms. Stinson said the Board can always do that. The question is whether the Board wants to give better notice and put it in writing that the Board may elect to do that. The Board can always continue an item to another Board meeting.

Mr. Geeting asked if there was a statutory obligation to make a decision in a certain number of days. Ms. Stinson replied yes. The deadline is March 10 – when the decision has to be made.

Mr. Cooley said he's had this conversation with Mr. Fong offline and that's legal. He understands Mr. Fong's desire to give the Board ample time to consider a petition. His point is that we haven't officially noticed it but it's been on our agendas for a couple of meetings that the hearing is on February 1. We haven't spelled out specifically that we would act or not act on the first meeting; we've implied that we would act at the February 1 meeting. We always have the ability to continue any item to another meeting. That's an understood fact of any item on our agendas. When it comes down to the hearing on the first and based on whether there's support to act on it at that point we have flexibility to do so or continue the item. Proactively stating that we will not act on the first really ties our hands. There seems to be an implicit expectation from the community that the ability to make a decision on the first can be done.

Mr. Scribner said he understands the points that both gentlemen make. His purpose in simply citing the possibility was to give the public some disclosure that the Board has discretion to put it over if needed. It's something the Board may want to exercise but we are not signaling that we are definitely going to.

Mr. Geeting said he would be a little concerned about two meetings and re-living the same information especially if a member happens to be ill at a subsequent meeting and then present at a following meeting. There may be some obligation to have every witness testify again. He doesn't know if there's any structural way to limit that in some manner. Two meetings from now is a different meeting from the next meeting. He wouldn't feel comfortable telling people they can't testify again because they testified at the last meeting.

Mr. Cooley thought we had a good study session on the nuts and bolts of charters and particularly countywide benefit charters and the differences. We've had updated Board Bylaw changes on our rules and regulations that relate to charters. This Board with exception of two individuals has a lot of experience in reviewing charters on appeal. We may be capable of making that decision on the first in one meeting. There may be a lot of public testimony.

Ms. Brown said the backup materials were thorough and came very early, which she appreciated. There was ample time to read it in detail and it was very helpful when you are trying to make a decision. Her one worry is that if the Board has the option to delay the vote to the next meeting and it was not noticed on the agenda before, an observer may read the message that they are not going to vote at the first meeting but at the second meeting.

Mr. Rivas said he sees both sides of this issue. He is torn. If we are here at 1:00 a.m. or 2:00 a.m. and we've had people here testifying for five or six hours and we announce that we are going to postpone our decision, we will have some angry people on our hands. He doesn't see an easy course of action. On balance, he's comfortable with Trustee Scribner's suggestion to note on the agenda so at least people are aware that there's a possibility that we may postpone until the second meeting.

President Fong said it's not like a two-step plan. The actual presentation and staff recommendations along with responses from the applicant on comments made by staff and public testimony will be at the first meeting. For the Board to make a decision late at night may not be the best use of our reasoning. It may be easier to arrive at a decision that we would be more comfortable with if we had a chance to deliberate and depressurized and have the ability to look at the comments made by both sides and trustees; to think this through and determine what is the best thing to do as a Board for the children of this community. He doesn't want people to make the decision with the emotion of the time. There are three Board members that have not gone through a charter proposal.

Superintendent Gordon said you will get copies of the staff recommendations in your materials this Friday. On Monday copies of the staff recommendation will be mailed to the petitioner and to all school districts involved and that recommendation will be public record for two weeks leading up to the meeting.

Mr. Cooley said we typically give our proponents 15 minutes and staff 15 minutes to present. He personally thinks that is not enough time. He sits before a lot of the city council and board of supervisors meetings in his professional role in real estate development. Typically staff will give a presentation on the issue and the applicant will have a chance to give their presentation. Usually out of professional courtesy, the applicant isn't given any time limit. There's a professional acknowledgement that they're not going to take advantage of that and it's sufficient time for council or supervisors or school boards to hear. He's not necessarily suggesting that, but a proposal of this magnitude of ten schools is very difficult. He couldn't solve a word math problem in 15 minutes. He suggested we give the applicants and staff 30 minutes to present their proposals. That would give the Board a better understanding.

Fortune Charter Petitioner Margaret Fortune stated that the Board will have a lot of disappointed people on their hands if the Board makes the decision that in the case of this charter, unlike all others this Board has considered, it will be a two-step process. Your right as a Board is to delay the vote. It may be uncomfortable for you to make that decision in front of people but it does not protect you from the public reaction of doing so. You will get a sense of public urgency around this issue. There is nothing that will insulate this Board from the reality of the controversy of educational reform. And delaying, she would argue as a member of the CSU Board of Trustees who very frequently hears controversial issues, does not insulate this Board from ultimately making this decision. People have to decide how important this is to them and respect your form and give their public comment within the context of the public forum. She would appreciate that the Board maintain the process used for every other charter petition that has come before the Board. She stated that if the Board's concern is about the reaction of the public that's what she would anticipate it would be.

President Fong thanked Ms. Fortune for her comments. He stated his objection to her inference that the Board is delaying any action. He wanted to ask the Board members if they wanted a more deliberate process as we've had not had a countywide charter come to us before. The others have been charters that are single charters or ones that come to us as appeals. Our responsibility is to make the best decision for kids. It is not for some politician or some labor person or some community person or some parent – what we are doing here is making a decision that will best educate the kids that are out there.

IX.C. There were no committee reports.

X.A. There was no distribution of the January/February Events item.

X.B. There was no distribution of the January/February Site Visits item.

Mr. Cooley said there was no vote or motion made so he is assuming that we will notice the meeting as anticipated, which is listed on the agenda with no proviso.

Mr. Geeting stated he is comfortable with the agenda as it is. We take action when there are four votes to take action otherwise there's no action.

President Fong stated there is no motion; it was simply a discussion. From his reading of his fellow trustees, there's a desire to have that meeting and make that decision on that date or we can postpone it if somebody doesn't want to vote at that time. He stated that under future meetings, the February 1 meeting will be the Fortune Charter School proposal.

XI. Schedule for Future Board Meetings:

A. February 1, 2011 – Fortune Charter School Proposal
B. February 15, 2011 – Leadership Institute
C. March 1, 2011 – Measuring Student Progress – Court/Community Schools

Mr. Geeting complimented Superintendent Gordon, Tammy Sanchez, and Joel Montero for excellent presentations at the community meetings at Natomas High School where Trustees Brown and Levy were in attendance. He outlined what the legislative committee of the county boards has done. If anybody is interested they did take positions on several pieces of legislation including SB 13. He also complimented our own Brian Rivas who does an excellent job for CSBA and CCBE.

XII. Mr. Scribner moved to adjourn the meeting. Mr. Cooley seconded the motion, which carried. The meeting adjourned at 9:28 p.m.

Respectfully submitted,

David W. Gordon
Secretary to the Board

Date approved: February 15, 2011