

SACRAMENTO COUNTY BOARD OF EDUCATION

Minutes of the Regular Meeting of February 4, 2020

Agenda

- I. Call to Order and Roll Call
- II. Pledge of Allegiance
- III. Approval of the Minutes of the Regular Board Meeting on January 14, 2020
- IV. Adoption of Agenda
- V. Official Correspondence
- VI. Visitor Presentations
 - A. General Public
 - B. Employee Organizations
- VII. Superintendent's Report
- VIII. New Business
 - A. Adoption of Consent Agenda
 1. Accept Report on Personnel Transactions
 2. Award Diplomas to Special Education, Court, and Community School Students
 3. Accept Donation to Project TEACH
 4. Declaration of Equipment Listed as Surplus Property and Authorization to Dispose of Equipment Pursuant to Education Code (Technology)
 - B. Approval of Contracts
 - C. No Grant Applications/Service Contracts
 - D. Public Hearing, Discussion, and Action on American River Collegiate Academy Charter Petition Appeal
 - E. Authorization to Seek Bids for New External Financial Auditing Services
 - F. Second Reading and Adoption of Revisions to Board Policy 1312.3 – Uniform Complaint Procedures
 - G. Informational Item: Revisions to Administrative Rules and Regulations 1312.3 – Uniform Complaint Procedures
 - H. Second Reading and Adoption of Revisions to Board Policy 6174 – Education for English Learners
 - I. Informational Item: New Administrative Rules and Regulations 6174 – Education for English Learners
 - J. Second Reading and Proposed Elimination of Board Policy 1320 – Complaints Concerning the County Office of Education
 - K. Informational Item: Elimination of Administrative Rules and Regulations 1320 – Complaints Concerning the County Office of Education
 - L. Board Report – Governor's Budget
 - M. Board Report – Update on Current Legislation
- IX. Board Reports, Comments, and Ideas
 - A. Board Members
 - B. Board President
 - C. Committees
- X. Items for Distribution
 - A. February/March Events
 - B. February/March Site Visits

- XI. Schedule for Future Board Meetings
 - A. February 18, 2020 – Revised Local Accountability Model for Court and Community Schools
 - B. March 10, 2020 – Study Session on Charter Schools
 - C. March 17, 2020 – Family and Community Engagement (FACE)
 - XII. Adjournment
-

I. President Lefkovitz called the meeting to order at 6:30 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 Joanne Ahola, Alfred Brown, Heather Davis, Harold Fong, Paul Keefer, Bina Lefkovitz, and Karina Talamantes. Also present were David W. Gordon, Superintendent and Secretary to the Board; Nancy Herota, Deputy Superintendent; Teresa Stinson, General Counsel; Tammy Sanchez, Associate Superintendent; Matt Perry, Assistant Superintendent; Coleen Johnson, Chief Administrator-Human Resources; Michael Kast, Executive Director of Special Education; Jerry Jones, Executive Director of Technology; Tim Herrera, Director of Communications; Rachel Perry, Executive Director of C-SAPA; other staff and visitors; and Carla Miller, Superintendent/Board Liaison.

II. Mr. Brown led the Pledge of Allegiance.

III. On a motion by Mr. Brown and seconded by Ms. Talamantes, the minutes of the Regular Board Meeting of January 14, 2020 were approved. Motion carried unanimously (7 ayes).

IV. Mr. Keefer moved to adopt the agenda. Mr. Fong seconded the motion, which carried unanimously (7 ayes).

V. There was no official correspondence.

VI.A. There were no requests for visitor presentations from the general public.

VI.B. There were no requests for presentations from employee organizations.

VII.A. Superintendent Gordon reported on the following:

- Congratulated Folsom High School for winning the 2020 Sacramento County Academic Decathlon. The event was Saturday at Folsom High School and the awards dinner was last night at the Sac State ballroom. Bella Vista High finished second, followed by Mira Loma in third place. Many thanks to President Lefkovitz and Trustee Ahola for attending the Super Quiz. Trustee Ahola was drafted into proctor duty at the last moment. Thanks for helping. Folsom High will represent Sacramento County in the California Academic Decathlon in Sacramento, March 23-25. He thanked our sponsor SAFE Credit Union for once again providing \$10,000 in college scholarships for the top performing students. He

recognized Craig Irish and his team for organizing both of those outstanding events.

- Tomorrow night, we are hosting our Sacramento County School Boards Association dinner meeting at 6:00 p.m. in the Mather Room. The topic is “The Challenge of Serving Students with Disabilities.” Our guest speakers will be Kevin Gordon, President and Partner of Capitol Advisors Group LLC, and Kristin Wright, Special Education Director for CDE.
- Reminded everyone that Thursday, February 6, we are hosting the Sacramento County Poetry Out Loud competition beginning at 12:30 p.m. at Rosemont High School. We have fifteen schools participating this year, including our own Elinor Lincoln Hickey Jr./Sr. High School.
- SCOE’s 13th annual Heart and Soul Soup Luncheon will be held Friday, February 14 from 11:45 a.m. to 1:15 p.m. in the lunchroom. There’s no cost, but contributions are being accepted on behalf of SCOE’s Homeless Youth Services program. For information on these events, please see Tim Herrera.
- On Tuesday, February 18, we will recognize our nominees for the 2020 SCOE Classified Employee of the Year. At the reception, we also will announce our selection for the Classified Employee of the Year. The event starts 5:00 p.m. in the Mather Room.
- Invited everyone to the 2020 Student Art Show and Reception from 1:00 p.m. - 2:00 p.m. Friday, February 21, here at the Meaney Center. See the art and meet some of the student artists who contributed to our annual SCOE calendar. Some treats for the event are being prepared by students participating in our culinary program at El Centro. All student art will remain on display through mid-April.
- This is a reminder that ALL SCOE offices will be closed on these days:
 - February 10 for Lincoln’s Birthday
 - February 17 for President’s Day

VIII.A. Ms. Ahola moved and Ms. Davis seconded adoption of the consent agenda. Motion carried unanimously (7 ayes). By such action, the Board:

1. Accepted report on Personnel Transactions
2. Awarded diplomas to Special Education, Court, and Community School Students
3. Accepted donation to Project TEACH
4. Declared equipment listed as Surplus Property and Authorization to Dispose of equipment Pursuant to Education Code (Technology)

Dr. Matt Perry, Assistant Superintendent, announced that the following students will be awarded a diploma: 1 candidate from El Centro Jr./Sr. High School; Muhammad Mikaaeel Luqman Abdulkarim Ahmad from Elinor Lincoln Hickey Jr./Sr. High School; Naomi Gonzalez and David Anthony Nelson from Gerber Jr./Sr. High School; Jimmy Andrews from Natomas Promise; and Yesenia Marcella Gonzales, Elias Higgins, Davon King, Ronniesha Levan, and Daniel Jermaine Patterson from North Area Community School.

VIII.B. Mr. Brown moved and Ms. Ahola seconded approval of the contracts. Motion to approve the contracts carried unanimously (7 ayes).

VIII.C. No Grant Applications/Service Contracts

VIII.D. Public Hearing, Discussion, and Action on American River Collegiate Academy Charter Petition Appeal

President Lefkovitz explained how we will conduct the public hearing on the charter petition appeal filed by the Rocklin Academy Family of Schools for the American River Collegiate Academy.

The charter school petition was originally considered and denied by the San Juan Unified School District. Petitioner then filed an appeal with the County Board. The public hearing is to provide petitioner, the school district, and members of the public with an opportunity for public testimony and input on the charter appeal.

Under charter school law, county boards of education consider charter school appeals under a de novo standard of review. This means that the county board does not decide whether the district erred, followed the rules, or abused its discretion. Instead, the county board reviews the petition anew and makes its own independent determination of whether the petition meets the requirements of law. A copy of Education Code section 47605 has been provided to the Board members, and there are copies in the Board packet at the back of the Board Room.

President Lefkovitz reviewed the public hearing guidelines and then opened the Public Hearing at 6:42 p.m.

The following Rocklin Academy Family of Schools (RAFOS) representatives addressed the Board: Ms. Robin Stout, Executive Director & Superintendent of the Rocklin Academy Family of Schools; Principal Chelsea Bowler-Shelton; Principal Trisha Smith; and Jillayne Antoon, Director of Growth & Community.

Dr. Nancy Herota, Deputy Superintendent, and Tamara Sanchez, Associate Superintendent of Business Services, presented the analysis of the petition contained in the SCOE Recommended Findings of Fact.

San Juan Unified School District (SJUSD) Superintendent Kent Kern and Board President Paula Villescáz provided comments on SJUSD's process and determination to deny RAFOS' petition.

President Lefkovitz announced the Board would now take public comment.

The following people spoke in support:

Nicole Wasylikiw, Citrus Heights resident (Parent)
Alana Moraru, Rocklin resident (Rocklin Academy Gateway student)
Jarrett Black, Rocklin resident (Rocklin board member)
Ian Antoon (Rocklin Academy Gateway student)
Jeff Slowey, Mayor of Citrus Heights
Zaara Dhawan (Rocklin Academy Gateway student)
Jeannine Bruins, Citrus Heights resident (Citrus Heights City Council Member)
Layla Sais (Rocklin Academy Gateway student)
Greg Rash, Citrus Heights resident (Parent)
Maisy Moraru (Rocklin Academy Gateway student)
Tamara Broskey (Rocklin Academy School data/testing coordinator and foster youth & homeless liaison)
Srivath Swaminathan (Rocklin Academy Meyers student)
Nicole Moraru (Rocklin Academy Gateway teacher)
Ziba Zendeudel, Citrus Heights/Orangevale resident (Parent)
Reynash (Rocklin Academy Turnstone student)
Heather Donovan (RAFOS Educational Services)
Gabby Ferguson (Rocklin Academy Turnstone teacher)
Decks (Declan) Ross (Rocklin Academy Preschool student)
Kristal Kramer (Rocklin Academy Gateway teacher)
Mona Rogers (Rocklin Academy Gateway Special Ed Director)
Juliet Antoon (Rocklin Academy Gateway student)
Ana Sotke (Rocklin Academy Turnstone teacher)
Mary Frank (Temple Or Rishon Executive Director/Director of Education)
Ray Riehle, Citrus Heights resident
Ashleigh Spurgeon, Citrus Heights/Roseville border resident (Parent)
Cindy Simmons (Parent)
Albert Fox, Citrus Heights resident
Jennifer Pike (Rocklin Academy Family of Schools teacher)
Greg Kaiser (Antelope Road Christian Fellowship Pastor)
Tom Scheeler, Citrus Heights resident
Abigail Shultz (Western Sierra Collegiate Academy student)
Ande Shultz (Parent)
Jerry Simmons (Young, Minney & Corr, LLP Partner/Lawyer)
Kaylee Doty (Western Sierra Collegiate Academy student)
Anne Anderson, Citrus Heights resident (Retired SJUSD schoolteacher)
Ted Costa, Citrus Heights resident
Sarah Bancroft, Fair Oaks Resident (Parent)
Noresa Gonzaga (Western Sierra Collegiate Academy student)
Ed Keller (Parent)

The following people spoke in opposition:

David Warren, Citrus Heights resident
Magdli Kincaid (Parent)

President Lefkowitz closed the Public Hearing at 8:38 p.m. and the Board began deliberations.

Ms. Ahola made a motion that the Sacramento County Board of Education adopt Resolution No. 20-02 to approve the American River Collegiate Academy Charter School upon meeting the conditions laid out by staff. Mr. Brown seconded the motion.

Superintendent Gordon and President Lefkowitz read the following Resolution No. 20-02 into the record:

Resolution Approving the American River Collegiate Academy Charter School with Conditions

WHEREAS, Petitioner Rocklin Academy (Petitioner) submitted a charter petition for the American River Collegiate Academy (ARCA) to the San Juan Unified School District (SJUSD) on August 27, 2019;

WHEREAS, after reviewing the ARCA charter petition and holding public hearings, on November 12, 2019, the SJUSD governing board denied the charter petition on the grounds set forth in the charter petition appeal, Tab 2;

WHEREAS, on December 5, 2019, Petitioner submitted a timely charter appeal to the Sacramento County Board of Education County Board, through the Sacramento County Office of Education (SCOE);

WHEREAS, in considering a charter school appeal, a county office of education reviews the charter petition anew (i.e., *de novo* review), and is not bound by the school district's review or findings;

WHEREAS, the charter petition was analyzed by SCOE staff with expertise in each of the petition areas (fiscal, educational programs, student assessments, special education, English learners, human resources, facilities, and legal) and SCOE staff prepared written Recommended Findings of Fact for consideration by the County Board;

WHEREAS, on February 4, 2020, the Sacramento County Board of Education held a public hearing to consider the level of public support for the charter school, hear testimony from Petitioner, SJUSD, and SCOE staff, and to consider and deliberate upon the charter petition appeal;

NOW, THEREFORE, BE IT RESOLVED that the Sacramento County Board of Education adopts SCOE staff's written Recommended Findings of Fact regarding the charter petition; and

BE IT FURTHER RESOLVED that the Sacramento County Board of Education grants the American River Collegiate Academy charter school appeal, upon the satisfaction of the following conditions by the deadlines identified:

- A. Subject to the conditions below, the ARCA charter school's first year of operation will be the 2020-2021 academic year.
- B. Before being authorized to open and operate the ARCA charter school, Petitioner is required to satisfy the follow conditions through a Memorandum of Understanding between Petitioner, the County Board, and County Superintendent by March 18, 2020.
 - 1. By April 1, 2020, provide a clearly articulated plan demonstrating how Petitioner will approach serving a higher proportion of students with greater needs that reflects the student population of SJUSD.
 - 2. Given the demographics of students currently served by Petitioner's other charter schools, Petitioner shall make every reasonable effort to specifically reach and recruit pupils from all student groups in order to help it achieve a student population that is reflective of the student population of SJUSD.
 - 3. By April 1, 2020, provide clarifying information about the charter school budget and operations.
 - 4. By April 1, 2020, update the charter petition to comply with all legal requirements and recent changes in the law, including, but not limited to requirements related to teacher credentialing, minimum wage, conflict of interest, student discipline, etc.
 - 5. By April 1, 2020, in order to provide opportunities for more students, update the charter petition so that preferences for children of RAFOS employees and board members are limited to a total of 10% of ARCA enrollment.
 - 6. By July 1, 2020, secure an acceptable school facility that meets all legal requirements for the 2020-2021 academic year and all subsequent school years.
 - 7. Petitioner shall agree to be responsible for all special education services required by law and to hold harmless, defend, and indemnify the Board, Superintendent, and SCOE from any liability arising from its responsibility to provide such special education services.
 - 8. Petitioner shall agree to hold harmless, defend, and indemnify the Board, the Superintendent, and SCOE from any claims arising from the opening or operation of the charter school.
 - 9. Petitioner will otherwise be subject to all deadlines and requirements set forth in County Board Policy 2400 and Administrative Rules and Regulations 2400.
 - 10. Any additional requirements set by the Board.

11. If any of the conditions is not met by the specific deadline for that condition, unless the deadline is extended by the County Board, approval of the charter will be terminated and the charter will cease to operate.
12. These conditions may be changed or supplemented by future County Board action.

Board members moved to amend the Resolution to include the following additional conditions:

Ms. Talamantes:

To require that two RAFOS board seats be filled by community members from San Juan Unified School District.

To require that one board meeting of the RAFOS board be held near the school site for accessibility to parents.

To require the charter school to provide a yearly update to the San Juan Unified School District Board.

Mr. Fong:

To require half of the RAFOS Board meetings to be held in Citrus Heights.

To require ARCA to take SCOE's staff recommendations and resubmit its charter petition to the San Juan Unified School District.

To approve the proposed temporary school site location for two years and require RAFOS to come back to SCOE in 2022 regarding the school location; with an MOU commitment that RAFOS build the permanent school site in Citrus Heights.

To attach a map of the Citrus Heights community to the MOU and specify that ARCA will recruit students from that area.

President Lefkovitz:

To insert language to condition 2 to specify that petitioner will target a minimum 30% of its students to be low income in year 1, 45% in year 2, 55% in year 3 by to give priority to students who will achieve these targets.

To require ARCA to articulate and adopt an intentional equity policy regarding teacher hiring, student fees, professional development, and other policies and practices of the school.

To require ARCA to report three times a year for the first year on their progress in implementing their school.

Ms. Ahola:

To amend condition 2 to provide enrollment preference to students residing in the school attendance boundaries of Mariposa and Woodside elementary schools.

Mr. Keefer:

To require at least one, but not more than two RAFOS board members be community members who live within the San Juan Unified School District boundaries.

Ms. Talamantes moved and Ms. Ahola moved to extend meeting until 11:00 p.m. Motion carried 6 ayes, 1 absent (Fong).

Mr. Brown moved for a secondary amendment – to table all these additions/amendments and give staff the opportunity to work on the MOU. Ms. Davis seconded.

Motion carried 4 ayes, 3 noes (Fong, Lefkovitz, Talamantes) based on the following Roll Call vote:

Ms. Talamantes – no
Mr. Keefer – yes
Mr. Fong – no
Ms. Davis – yes
Mr. Brown – yes
Ms. Ahola – yes
Ms. Lefkovitz – no

Ms. Ahola moved and Mr. Brown seconded the motion that the Sacramento County Board of Education (County Board) adopt Resolution No. 20-02 and approve the American River Collegiate Academy Charter School, upon the meeting of conditions.

The motion carried 5 ayes, 2 noes (Fong, Talamantes) on the following Roll Call vote:

Ms. Talamantes – no
Mr. Keefer – yes
Mr. Fong – no
Ms. Davis – yes
Mr. Brown – yes
Ms. Ahola – yes
Ms. Lefkovitz – yes

Ms. Stout thanked the Board for their time and stated that ARCA did hear the Board about equity and those are things ARCA staff are committed to.

VIII.E. Ms. Talamantes moved and Mr. Keefer seconded the motion to approve authorization to Seek Bids for New External Financial Auditing Services. Motion carried unanimously (7 ayes).

VIII.F. President Lefkovitz announced this is the Second Reading and Adoption of Revisions to Board Policy 1312.3 – Uniform Complaint Procedures.

Chair Joanne Ahola of the Policy Committee recommended the Board adopt the revisions to Board Policy 1312.3 – Uniform Complaint Procedures. Motion carried unanimously (7 ayes).

VIII.G. An informational item on the revisions to Administrative Rules and Regulations 1312.3 – Uniform Complaint Procedures was provided in the Board packet.

VIII.H. President Lefkovitz announced this is the Second Reading and Adoption of Revisions to Board Policy 6174 – Education for English Learners.

Chair Ahola of the Policy Committee recommended the Board adopt the revisions to Board Policy 6174 – Education for English Learners. Motion carried unanimously (7 ayes).

VIII.I. An informational item on the new Administrative Rules and Regulations 6174 – Education for English Learners was provided in the Board packet.

VIII.J. President Lefkovitz announced this is the Second Reading and Proposed Elimination of Board Policy 1320 – Complaints Concerning the County Office of Education.

Chair Ahola of the Policy Committee recommended the Board adopt the proposed elimination of Board Policy 1320 – Complaints Concerning the County Office of Education. Motion carried unanimously (7 ayes).

VIII.K. An informational item on the elimination of Administrative Rules and Regulations 1320 – Complaints Concerning the County Office of Education was provided in the Board packet.

VIII.L. The Board report on the Governor’s Budget was deferred to February 18, 2020.

VIII.M. The Board report on Update to Current Legislation was deferred to February 18, 2020.

IX.A. Ms. Ahola apologized about what happened tonight. She was hoping we would all feel good about this. The Board will have an opportunity when the MOU comes before them. Should it not meet what the Board was hoping to see as requirements in the MOU, the Board will have another opportunity to vote. She kept that in mind when making her decisions. Thank you for postponing the presentations. Thank you to the Technology Department for moving all the Board presentations from 2013 onto the SharePoint site – lovely and organized. She will use that as a resource. Thank you to Dr. Perry for helping her with information on our court and community schools.

Ms. Davis – no report.

Mr. Fong commented on what happened on the vote on the ARCA charter. He was disappointed that the Board decided to silence the voices of his constituents and the voices of other fellow Board members. He hopes it will not happen again.

Mr. Keefer thanked staff for a full day tour. Trying to stay true to bringing virtues back to the town square. Quote by Aristotle, “Virtue then is a state of character concerned with choice lying in a mean, i.e., the mean relative to use, this being determined by a rational principle and by that principle by which the man of practical wisdom would determine it.” Tonight, there was a lot of wisdom. He feels for the Board members who feel slighted. This part of the resolution, in his view, should have occurred before tonight, so staff would have been able to collaborate with the petitioner, then we wouldn’t have had this discussion. Since it wasn’t, it put the Board in a position. There is a solution on this, and he hopes we can get there.

Ms. Talamantes stated that she felt silenced. As a Board, it is our job to authorize it and have a MOU come back, and she wished we had taken time to go over all suggestions. It’s not okay to rush through it. Maybe come back in 30 days like Trustee Keefer said. It did put everybody in an awkward position. She wants to do it right. Maybe we will have a better process next time, because she does not feel comfortable with the way it went.

Mr. Brown thought it was a very good meeting tonight. He thought we learned something about ourselves. He sent a note to the city council recognizing Rosa Parks – they were doing something for Ms. Parks at City Hall. Ms. Parks was his neighbor in Montgomery, Alabama.

IX.B. President Lefkovitz thanked staff for all the incredible work they did on the petition as well as other jobs they do during the day. As much as we struggled, your work made it easier to review the charter appeal. She wished she had designed a better process for the Board to review the comments from the Board members. She thought it was important to bring out people’s concerns and apologized for the process. It speaks to how we can improve our charter review process. She read a quote by James Baldwin, “Not everything that is faced can be changed. But nothing can be changed until it is faced.”

IX.C. There were no committee reports.

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

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

XI. Schedule for Future Board Meetings

A. February 18, 2020 – Revised Local Accountability Model for Court and Community Schools

- B. March 10, 2020 – Study Session on Charter Schools
- C. March 17, 2020 – Family and Community Engagement (FACE)

XII. Ms. Talamantes moved to adjourn the meeting. Mr. Keefer seconded the motion, which carried unanimously 7 (ayes). The meeting adjourned at 10:52 p.m.

Respectfully submitted,

David W. Gordon
Secretary to the Board

Date approved: March 17, 2020