

SHASTA COUNTY BOARD OF EDUCATION
Shasta County Office of Education
1644 Magnolia Ave.
Redding, CA 96001

July 12, 2017
Regular Meeting Minutes

ADOPTED

1. CALL MEETING TO ORDER

The meeting was called to order by President Hull at 1:31 p.m.

Members Present

Kathy Barry
Rhonda Hull, President
Steve MacFarland
Laura Manuel, Vice-President
Denny Mills
Elizabeth "Buffy" Tanner

Members Absent

Diane Gerard

Administrators Present

Judy Flores, Shasta County Superintendent of Schools
Adam Hillman, Associate Superintendent, Administrative Services
Jennifer Baker, Assistant Superintendent, Instructional Services

Others Present

Laurie Zambrano, Executive Assistant (Recording Secretary)
(NOTE: The following listed their name and representation on a sign-in sheet, there may have been others in attendance. Those in attendance may have attended only a portion of the meeting.)

Chris Rothrock, PCA
Noah Bullock, PCA
Christine Swanson, PCA
Carrie Rasmussen, Lozano Smith
Patricia D., Public
Julie Warner, Public
Kristopher Carpenter, Young, Minney & Corr, LLP
Patricia Dougherty, PCA
Jeff Rice, APLUS+
Kimerly Coughren, PCA
Arlen Nason, PCA
Candy Woodon, Public
Robin Thorne, Public
Evelyn Hunt, Public
Jennifer Tarabochia, Public
Jeannette Richardson, Public
Lynn Weidenkeller, PCA
Chris Hunt, PCA
Rebecca Lewis, SCOE

Mary Lord, SCOE
Dan Ostrowski, SCOE
Renee Menefee, SCOE
Jessica Tegerstrand, SCOE
Amy Barker, SCOE

2. PLEDGE OF ALLEGIANCE

President Hull led the Pledge of Allegiance.

3. APPROVAL OF REGULAR AGENDA

ACTION: Board Member MacFarland moved to approve the Regular Agenda as submitted. Board Member Mills seconded the motion. The motion was passed by majority vote as follows:

AYES: Barry, Hull, MacFarland, Manuel, Mills, Tanner
NOES:
ABSTENTIONS:
ABSENT: Gerard

4. HEARING OF PERSONS WISHING TO ADDRESS THE BOARD

President Hull explained the process for those wishing to address the Board and asked them to complete a speaker card.

5. APPROVAL OF CONSENT AGENDA

5.1. Administrative Services:

- 5.1.1. Credentials and Oaths for Temporary Certificates**
- 5.1.2. Proposed Revisions to Board Policy and Administrative Regulation 1312.3 – Community Relations – Uniform Complaint Procedures**

5.2. Instructional Services:

- 5.2.1. Proposed Adoption of Administrative Regulation 3260 – Business and Noninstructional Operations – Fees and Charges (second read)**
- 5.2.2. Proposed Revisions to Board Policy and Administrative Regulation 5125.1 – Students – Release of Directory Information**
- 5.2.3. Proposed Revisions to Board Policy 5141.52 – Students – Suicide Prevention**

ACTION: Board Member Mills moved to approve the Consent Agenda as submitted. Board Member Barry seconded the motion. The motion was passed by majority vote as follows:

AYES: Barry, Hull, MacFarland, Manuel, Mills, Tanner
NOES:
ABSTENTIONS:
ABSENT: Gerard

6. INFORMATION

Materials were provided in the Board agenda packet for the following Information items, no discussion took place during the Board meeting.

6.1. Administrative Services:

6.1.1. General Fund Board Report

7. INFORMATION

7.1. Review of Charter School Petition Appeal Procedures by Shasta County Board of Education Legal Counsel

Superintendent Flores introduced Adam Ferber, Attorney for SCOE. Mr. Ferber provided information regarding his experience and background and explained he was present to refresh the Board on their role during the Public Hearing and the petition process. He first explained the timeframes noting that the Board had 30 days from the filing of the Phoenix Charter Academy (PCA) petition to conduct the Public Hearing and an additional 30 days to approve or deny the petition. He also spoke about the scope of the review, the staff evaluation process, and how to handle legal questions. He informed the Board that they have a right to ask legal questions and speak to the attorney confidentially.

Mr. Ferber shared that the Public Hearing is a time for the Board to be active listeners and gather information from all stakeholders. He suggested the Board reserve judgement, not ask questions and treat the Charter appeal as a brand new matter, considering the petition as it was filed.

Mr. Ferber explained the Board could deny the petition if they make any of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision (a).
- (4) The petition does not contain an affirmation of each of the conditions described in Education Code 47605 subdivision (d). In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220.
- (5) The petition does not contain reasonably comprehensive descriptions of certain elements in its program and operations as set forth in Education Code section 47605, subdivision (b)(5)(A-P), which describes sixteen separate elements that must be addressed in every petition to establish a charter school. These elements include a description of the school's proposed educational program, how student outcomes will be measured, the school's governance structure, admissions policy, and health and safety and student discipline policies.

He went on to explain that various staff members will evaluate a portion of the petition and as the SCOE attorney he will also evaluate the petition. He said typically the reviewing staff makes a recommendation which the Board is not bound to follow.

Mr. Ferber reminded the Board that if they deny the petition, there is another level of appeal for PCA at the State Board of Education.

Next, Kristopher Carpenter, the Attorney for the PCA spoke. He indicated that he does not agree with the findings by Shasta Union High School District (SUHSD), noting the findings were not specific to this petition and were based on an incorrect regulation which only applies to State Board of Education Charter Petitions. He said the petition does contain all of the required elements Mr. Ferber listed and PCA has rebutted every item of the SUHSD findings.

Mr. Carpenter said that PCA has broad support from the community and he encouraged the Board to read the entire petition and approve the charter. In closing, Mr. Carpenter said that Whitmore had approved the petition but PCA is submitting to SCOE because the program is still being threatened.

Carrie Rasmussen, Attorney for SUHSD opened by stating that this petition was denied by SUHSD. She also said that this petition was approved by Whitmore School District and is now operational therefore an appeal is not needed. She indicated that it appears this petition might authorize an additional charter school. She said if PCA only intends to operate one school, then why this petition, as they have already been authorized by Whitmore. Ms. Rasmussen referred back to the five findings listed by Mr. Ferber and noted, any one finding is sufficient to deny the petition. She indicated that SUHSD cited three findings. She said this is the same program as Academy of Personalized Learning (APL) which had filed for bankruptcy, was illegally located outside of the boundaries where it could be located and, that the PCA's descriptions lacked meaningful detail. She said the analysis of the petition was conducted by SUHSD's top administrators and legal counsel and stated that the requirements/criteria are the same for the State Board, Districts and the County Office of Education.

7.2. PUBLIC HEARING to Receive Public Comment Regarding Phoenix Charter Academy Charter Petition Appeal

In compliance with Education Code section 47605, subdivision (b), on July 12, 2017, the Shasta County Board of Education held a public hearing on the Petition. The purpose of the Public Hearing is to "consider the level of support" for the petition by teachers employed by the district, other employees of the district, and parents." (Ed. Code 47605 (b).

President Hull opened the Public Hearing at 2:08 p.m.

Speakers in support of the Charter School:

Kristopher Carpenter, Legal Counsel for the Petitioner
Chris Hunt, Phoenix Board Chairperson
Justin Spears, Phoenix Parent
Jeff Rice, APLUS+ Founder
Lynn Weidenkeller, Phoenix Library Assistant
Jeannette Richardson, Phoenix Parent
Chris Rothrock, Phoenix Teacher
Dr. Patricia Dougherty, Phoenix Executive Director

Speakers in opposition of the Charter School:

Mark Youmans, Former APL Teacher
Jennifer Tarabochia, CTA

Khristopher Carpenter, legal counsel for the petitioner said there is no intent by PCA to operate 2 schools. He added that although Ms. Rasmussen said SUHSD administrators reviewed the petition, none of them were present at this meeting. He also said that PCA was not provided information by the district soon enough to give them time to respond. He again encouraged the Board to review the findings and read all of the rebuttals.

Chris Hunt, Chairman of the Board of Phoenix and formerly APL said the Gateway district affected so many students negatively. He added that families choose their school because they want individual attention. He also stated Phoenix is not a retread of APL and added that this decision will not change their relationship with Whitmore.

Justin Spears, Phoenix parent asked, "who is going to focus on the kids?" he said its takes a village to raise a child and we need public and charter schools. He said his family gets the resources they need from a charter school (PCA). He share that this country is founded on freedom and choice and encouraged the Board not to take away choice.

Jeff Rice, APLUS+ Founder said they are a strong voice for personalized learning and school choice. He said the denial of Phoenix Charter was not motivated by the best interest of the children in Shasta County. He asked the Board to consider the needs of the parents and the community. He added that Phoenix has the same goals as those SCOE has posted on the wall in the Board Room and read a few of them. He added that Phoenix has 330 + students in Shasta County and encouraged the Board to put the students and citizens first.

Jennifer Tarabochia of the California Teachers Association (CTA) said she had worked with previous teachers of APL and that CTA had deep concerns about the treatment of employees who wanted to unionize. She said it was about having a voice to advocate for their students without fearing appraisal. She added that in the process of the unionization teachers fought to have a union there. She stated APL was fiscally irresponsible, declared bankruptcy, and spent over half a million dollars on legal fees. She said there were already ample independent study programs in this county.

Chris Rothrock employee with APL for 3 years. Chris said he came to APL during efforts to form the union. He said he was approached to vote in favor by secret ballot. He said he has been a teacher in the North State for 10 years and he has a voice at Phoenix.

Mark Youmans, previous teacher at APL said the union was formed out of fear and because they did not have a voice. He said the union vote wasn't a secret it was low key because they were afraid for their jobs because the atmosphere was toxic.

Lynn Weidenkeller, Library Assistant at Phoenix asked to bring the focus back to the students instead of talking about unions. She said parents choose the Phoenix program and those families have stayed loyal. She said Phoenix is educating students to be successful members of the community.

Jeanette Richardson, Phoenix parent said she has a special needs son who has aspergers and that Phoenix has been a blessing to her child.

Dr. Patricia Dougherty, Executive Director of Phoenix said this has never been about anything but the students. She said their families are concerned and have stood by them through all of this. She also stated that APL did not file bankruptcy; they filed Chapter 11 so they could reorganize. She added this isn't about her or the Board and the attacking them needs to stop. She asked the Board to please consider protecting Phoenix so they can continue to offer a quality program. She said they do have an existing charter sponsored by Whitmore and are looking forward to it.

Board President Hull thanked those present for sharing their perspective with the Board. She said at the next meeting the Board will have the report from SCOE staff and will take a vote on this charter appeal. She indicated the next meeting is August 9th.

The Public Hearing was closed at 2:39 p.m.

8. ACTION

8.1. Administrative Services:

8.1.1. Resolution Finding the Magnolia Safety Improvement Project Categorically Exempt from California Environmental Quality Act (CEQA) Review

Dan Ostrowski, Executive Director of Information Technology and Facilities, Maintenance & Operations shared that the complete process of the CEQA analysis had been included in the Board's packet for their review and noted that Anne Collins, Attorney for Lozano Smith assisted in ensuring everything was done correctly. He explained this may not have been necessary as the Shasta County Office of Education (SCOE) is merely adding a fence and driveway along with some security upgrades to SCOE property however; he wanted to cover all the bases. Executive Director Ostrowski asked the Board for approval to move forward with the project.

ACTION: Board Member Manuel moved to approve Item 8.1.1 as submitted. Board Member MacFarland seconded the motion. The motion was passed by majority vote as follows:

AYES: Barry, Hull, MacFarland, Manuel, Mills, Tanner

NOES:

ABSTENTIONS:

ABSENT: Gerard

8.2. Instructional Services:

8.2.1. Proposed Adoption of Administrative Regulation 5141.52 – Students – Suicide Prevention (first read)

Jennifer Baker, Assistant Superintendent of Instructional Services, and Mary Lord, Student Programs Executive Director, spoke about the new law that came into effect requiring this policy be in place by the beginning of the 2017-18 school year. Superintendent Flores also addressed the need for the policy and indicated Brandy Isola of Public Health will attend the Chief School Administrators' meeting in August to offer support to those districts working on developing suicide prevention programs.

ACTION: Board Member Tanner moved to approve item 8.2.1 at the “first read” due to time constraints. Board Member Mills seconded the motion. The motion was passed by majority vote as follows:

AYES: Barry, Hull, MacFarland, Manuel, Mills, Tanner

NOES:

ABSTENTIONS:

ABSENT: Gerard

8.3. Board:

8.3.1. Board Member Attendance at CSBA Conference – November 30-December 2, 2017 in San Diego

Superintendent Flores referred to the flyer in the packet regarding the upcoming CSBA Conference and asked if any Board Members are interested in attending. Board Member Mills indicated she would like to attend. Superintendent Flores is also attending.

ACTION: Board Member MacFarland moved to approve item 8.3.1 as discussed for Board Member Mills to attend. Board Member Tanner seconded the motion. The motion was passed by majority vote as follows:

AYES: Barry, Hull, MacFarland, Manuel, Mills, Tanner

NOES:

ABSTENTIONS:

ABSENT: Gerard

9. SUPERINTENDENT’S REPORT

9.1. Report from Appreciative Interviews Conducted with Staff and Board Members

Superintendent Flores provided a slide show presentation and shared about the Appreciative Interview process. She explained the purpose and the many different elements that went into preparing for the interviews and reviewing the results. The Appreciative Interviews were enjoyed by both interviewers and those who were interviewed and it was so popular that SCOE will be continuing to implement it into programs and activities in the future. Board Members Hull and Mills were interviewers and both found the experience beneficial

There were 28 interviewers and 70 employees that volunteered to be interviewed. Superintendent Flores read some very positive reflections that were shared. She was pleased that the results lined up perfectly with the SCOE core values.

9.2. Other Comments

There were none.

10. DISCUSSION

10.1. Instructional Services:

10.1.1. Administrative Regulation 6173.3 – Instruction – Education for Juvenile Court School Students (first read)

Jennifer Baker, Assistant Superintendent of Instructional Services explained there are new regulations regarding rights for students who were previously in Juvenile Court School making this policy necessary. The policy will be brought back in August for adoption.

11. BOARD BUSINESS

11.1. Board Comments/Discussion/Reports/Correspondence

Board Member MacFarland shared that he had received an email from Sarah Till from Probation who would like to come and present about the GROW program at Juvenile Hall. He feels it would be beneficial to have her come when the Student Board Members are available. It was discussed that the fall might be better or, the planning session in September. Robin Beeson will be asked to contact Ms. Till to schedule the visit.

12. DISCUSSION

The Board went into Closed Session at 3:50 p.m.

Closed Session

12.1. Pursuant to Government Code Section 54956.8, the Board will meet in closed session for the following:

- **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 1644 Magnolia Ave., Redding, CA 96001; APN 105-230-009;
APN 105-240-001; APN 105-240-002

Agency Negotiators: Adam Hillman, Dan Ostrowski

Negotiating Parties: Shasta County Office of Education and City of Redding

Under Negotiation: Price and essential terms and conditions of property exchange, lease, or sale

Open Session

12.2. Report from Closed Session

The Board reconvened to Open Session at 4:00 p.m. President Hull reported there was no action taken during Closed Session.

13. SUGGESTIONS FOR FUTURE AGENDA ITEMS

Sarah Till from Probation regarding the GROW program at Juvenile Hall
Reach Higher Shasta Updates, including Career Connections

14. REMINDERS/UPCOMING EVENTS

- All Call – August 14, 2017 at Shasta College Theater
Breakfast will be from 7:15-7:45 a.m. in the amphitheater behind the theater. The meeting will start at 8:00 a.m. There is no need for a parking permit and no charge for parking. President Hull will speak on behalf of Board.

15. NEXT MEETING – August 9, 2017, 1:30 p.m. at Shasta County Office of Education, 1644 Magnolia Ave., Redding, CA 96001

16. ADJOURN

President Hull adjourned the meeting at 4:05 p.m.

Respectfully submitted,

Judy Flores, Shasta County Superintendent of Schools
Ex-Officio Secretary to the Board