AGENDA

The Santa Barbara County Board of Education is holding this meeting on Thursday, April 1, 2021, as a virtual meeting due to the COVID-19 pandemic. Governor Newsom’s Executive Order N-29-20 allows local or state legislative bodies to hold public meetings via teleconference and to make meetings accessible electronically.

How to Connect to the Virtual Meeting
You can connect to the meeting online via Zoom or you can call-in on the phone.

Zoom online video link connection information:
Website:  https://zoom.us/join
Meeting ID: 880 2573 1693
Passcode: E58VEm

Zoom telephone call-in connection information:
Telephone number: (669) 900-6833 (PST), (346) 248-7799 (CST), (929) 205-6099 (EST)
Meeting ID: 880 2573 1693
Passcode: 160977

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting or need this agenda provided in a disability-related alternative format, the superintendent’s office should be contacted; please call (805) 964-4710, extension 5216, or email afreedland@sbceo.org.

Persons wishing to address the board are requested to email your comments in advance to afreedland@sbceo.org by 1:30 p.m. on April 1, 2021. Public comments received via email will be compiled, presented to the board members for review prior to or during the board meeting, read aloud by the board president at the meeting during the designated public comment period, and noted in the minutes for the meeting.

During the time for public comment specified on the agenda, the board will acknowledge requests to speak on agenda items as well as topics not on the agenda, but within the subject matter jurisdiction of the board. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than five minutes. If the speaker needs more time, he or she may submit written comments.
GENERAL FUNCTIONS

1. Call to Order and Pledge of Allegiance

2. Roll Call

3. Changes to the Agenda

The president will announce any additions, deletions, or changes in the order of business on the agenda at this time.

4. President and Board Comments

5. Public Comments

Public comments received via email will be read aloud by the board president. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than five minutes. If the speaker needs more time, he or she may submit written comments.

RECOGNITIONS AND PRESENTATIONS

6. Special Recognition

Special recognition of San Marcos High School senior Barbara Uzin, participant in the Job-Readiness and Internship Program through Partners in Education.

7. Presentation on the Transitional Youth Services Program

Program Manager Elizabeth Adams will provide a presentation to the board on Transitional Youth Services for foster youth and students experiencing homelessness.

ACTION ITEMS

8. Minutes of Meeting Held March 4, 2021
   (Attachment)

   MOVED: SECONDED: VOTE:

9. Registration of Credentials and Other Certification Documents: Issuance of Temporary County Certificates
   (Attachment)

   The superintendent recommends approval of the registration of credentials and other certification documents registered in the Santa Barbara County Education
Office from February 7, 2021 to March 6, 2021, and the issuance of temporary county certificates for that same time period.

MOVED: SECONDED: VOTE:

10. **2021-22 Central Office Calendar**  
(Attachment)

The proposed Central Office Calendar for 2021-22 is presented for approval.

MOVED: SECONDED: VOTE:

11. **Recommended Approval for Declaration of Surplus**  
(Attachment)

The superintendent recommends approval for declaration of surplus on the attached surplus list for the following department:

- Communications

MOVED: SECONDED: VOTE:

12. **Recommended Approval of Rules and Regulations Governing the Purchase of School Supplies and Equipment**  
(Attachment)


MOVED: SECONDED: VOTE:

**INFORMATION ITEMS**

13. **Personnel Report**  
(Attachment)

The classified personnel report is presented as an information item.

14. **Williams/Valenzuela Uniform Complaints Quarterly Report**  
(Attachment)

The Williams/Valenzuela Uniform Complaints Quarterly Report for Juvenile Court and Community Schools, College and Career Readiness, and Special Education indicating no complaints filed for the period of December 16, 2020 through March 15, 2021, is presented to the board as an information item.
15. **Overview and Discussion of the Process for Charter School Petition Appeals**

Assistant Superintendent of Educational Services Bridget Baublits will provide an overview on the process for charter school petition appeals, including the board's role and authority, staff review, and timeline.

16. **Board Policies, First Reading**  
(Attachment)

The following board policy is being presented for first reading. Second reading and adoption will be recommended at the May board meeting.

- BP 6015 (Revised) Charter Schools

**SUPERINTENDENT’S REPORT**

17. **The superintendent will give a brief report.**

The superintendent will give a brief report, which will include information on the following items:

- School reopening and vaccine for education staff
- California Department of Public Health: Commencements 2021
- California Department of Public Health: School opening guidance for 2021-2022
- California Department of Education state assessment waiver application to the U.S. Department of Education

**ADJOURNMENT**

18. **Adjournment to the next regular meeting to be held Thursday, May 6, 2021 at 2:00 p.m.**

MOVED:               SECONDED:               VOTE:
Action Items
The Santa Barbara County Board of Education held this meeting on Thursday, March 4, 2021, as a virtual meeting due to the COVID-19 pandemic. Governor Newsom’s Executive Order N-29-20 allows local or state legislative bodies to hold public meetings via teleconference and to make meetings accessible electronically.

UNAPPROVED

GENERAL FUNCTIONS

1. Call to Order and Pledge of Allegiance

   The regular meeting of the County Board of Education was called to order at 2:01 p.m. by Board President Maggi Daane, followed by the Pledge of Allegiance.

2. Roll Call

   Board Members Present

   Marybeth Carty
   Maggi Daane
   Michelle de Werd
   Judith Frost
   Joe Howell
   Peter MacDougall (arrived at 2:13 p.m.)
   Bruce Porter

   Staff Members Present

   Susan Salcido, Superintendent
   Craig Price, Legal Counsel
   Anna Freedland, Executive Assistant
3. **Minutes of Meeting Held February 4, 2021**

The minutes of the meeting held on February 4, 2021 were approved.

**MOVED:** Mr. Howell  
**SECONDED:** Mrs. Carty  
**VOTE:** Passed 6-0

4. **Correspondence**

February 19, 2021 correspondence from the California Department of Education confirming positive certification of the Santa Barbara County Education Office 2020-21 First Interim Report was presented as an information item.

President Daane shared an item of correspondence that was sent to the board and to the Santa Barbara County Education Office (SBCEO): a thank you letter from Dr. Holly Edds, superintendent of Orcutt Union School District, for recognizing high school student Sonia Wasserman at last month’s board meeting.

5. **Changes to the Agenda**

None.

6. **President and Board Comments**

President Daane thanked SBCEO staff for their response to the COVID-19 vaccine availability for education workers.

Judy Frost shared about Scholarship Foundation interviews she participated in.

Bruce Porter stated that he would like to know more about the Santa Barbara County School Boards Association meeting that took place this morning.

Marybeth Carty thanked SBCEO staff for their efforts regarding the vaccine. She also shared about the Santa Barbara Foundation’s Roundtable event which focused on the PEAC Program.

Michelle de Werd thanked Superintendent Salcido for her work related to the vaccine and thanked her for her open communication with the board. She also
shared briefly about the Masters in Governance course that occurred last weekend and the Board Budget Committee meeting that occurred this week.

7. Public Comments

None.

RECOGNITIONS AND PRESENTATIONS

8. Special Recognition of Graduate of Juvenile Court and Community Schools

The board and the superintendent recognized a graduate of the Juvenile Court and Community Schools program, Janaya London, for her accomplishments while in school and after graduation.

9. Juvenile Court and Community Schools

Director Rene Wheeler provided a presentation to the board on the Juvenile Court and Community Schools (JCCS) program, including information on enrollment and a realignment in the Department of Juvenile Justice.

ACTIONS ITEMS

10. Recommended Approval of 2020-21 Single Plan for Student Achievement – Juvenile Court and Community Schools

The board approved the 2020-21 Single Plan for Student Achievement for Juvenile Court and Community Schools.

MOVED: Mrs. Carty  SECONDED: Mr. Howell  VOTE: Passed 7-0

11. Recommended Issuance of High School Graduation Diploma

The board approved the issuance of a high school graduation diploma to the following student:

Dos Puertas School

- Student CSIS # 6174373724 – January 25, 2021

MOVED: Mrs. de Werd  SECONDED: Mrs. Frost  VOTE: Passed 7-0

12. Recommended Approval of Second Interim Report

The Second Interim Report was presented by the Board Budget Committee Chair Mrs. Frost. It was approved as part of the budget monitoring process.

MOVED: Mrs. de Werd  SECONDED: Mrs. Frost  VOTE: Passed 7-0

The board acknowledge receipt of the 2019-20 Annual Financial (Audit) Report and order it filed.

MOVED: **Mrs. Frost**  
SECONDED: **Mrs. de Werd**  
VOTE: **Passed 7-0**

14. **Recommended Approval for Declaration of Surplus**

The board approved the declaration of surplus for the following department:

- Communications

MOVED: **Mrs. Carty**  
SECONDED: **Mr. Howell**  
VOTE: **Passed 7-0**

15. **Registration of Credentials and Other Certification Documents: Issuance of Temporary County Certificates**

The board approved the registration of credentials and other certification documents registered in the Santa Barbara County Education Office from January 7, 2021 to February 6, 2021, and the issuance of temporary county certificates for that same time period.

MOVED: **Mrs. Frost**  
SECONDED: **Mrs. Carty**  
VOTE: **Passed 7-0**

**INFORMATION ITEMS**

16. **2019-20 School Accountability Report Cards – Juvenile Court and Community Schools and Special Education**

The 2019-20 School Accountability Report Cards for Juvenile Court and Community Schools and Special Education were presented to the board for review/information.

17. **Personnel Report**

The certificated personnel report was presented as an information item.

18. **Statement of Economic Interests, Form 700**

Legal counsel, Craig Price, provided a brief overview of the Statement of Economic Interests, Form 700, required of board members.
SUPERINTENDENT’S REPORT

19. The superintendent reported on the following topics:

- Charter school petitions – The superintendent shared that a charter school petition appeal may be forthcoming. She shared some general information on the appeal process and stated that she would share with the board an updated charter petition handbook. The superintendent suggested a board study session on April 1, 2021 should a petition be submitted between today’s board meeting and the April board meeting.

- Vaccines for child care and education workers – Dr. Salcido shared that her cabinet team was working on establishing an equitable and collaborative approach for vaccines for education workers while vaccine allocations were scarce and limited in Santa Barbara County. She reported on the work that had been done for this week, what she predicted was coming for next week and beyond, and about supplemental codes for vaccines received from the governor. Dr. Salcido shared that the state and county established separate systems for child care and higher education sectors.

- School reopening progress – The superintendent reported that four school districts had yet to reopen their elementary schools: Cuyama, Guadalupe, Santa Maria-Bonita, and Santa Maria Joint. She shared that schools that were reopened were offering school in different formats due to the fact that they must maintain physical distancing, which can be a challenge. The superintendent shared that middle schools and high schools could reopen once the county’s case rate reached 7 or less per 100,000 people.

- Proposed legislation/funding for schools – Dr. Salcido reported on AB/SB 86, which passed in the legislature today, and included $2 billion and $4.6 billion for schools.

- Transitional Youth Services for foster youth and students experiencing homelessness – The superintendent introduced Elizabeth Adams, program manager for the SBCEO Transitional Youth Services program. Ms. Adams previewed some of what she will present to the board at next month’s meeting.

ADJOURNMENT

20. Adjournment to the next regular meeting to be held Thursday, April 1, 2021 at 2:00 p.m.

The meeting was adjourned at 4:22 p.m. to the next regular meeting to be held April 1, 2021 at 2:00 p.m.

MOVED: Mr. Howell SECONDED: Mrs. Carty VOTE: Passed 7-0

Maggi Daane, President Dr. Susan Salcido, Secretary
County Board of Education County Board of Education
### Registration of Credentials or Other Certification Documents

**Issuance of Temporary County Certificates**

**February 7, 2021 - March 6, 2021**

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**Expiration Date: 2021**

- Mabel Flores
- Elaine Furst
- Kathleen Helm
- Amanda Ramirez
- Katherine Thompson-Guthrie

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County Board of Education

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Savanna Sustaita 30-Day Substitute Teaching Permit
Kathryn Turner 30-Day Substitute Teaching Permit
Lindsay Twisselman 30-Day Substitute Teaching Permit
Stephanie Vo 30-Day Substitute Teaching Permit
Christopher Wagar 30-Day Substitute Teaching Permit
April White 30-Day Substitute Teaching Permit

Expiration Date: 2023

Vivian Akely Multiple Subject Teaching Credential
Judith Barnes Education Specialist Instruction Credential
Terrance Mc Gowan 30-Day Substitute Teaching Permit
Lisa Melby Administrative Services Credential
Heather Paige Administrative Services Credential
Daniel Thompson Speech-Language Pathology Services Credential

Expiration Date: 2024

Rene Rosas Administrative Services Credential
Rene Rosas Multiple Subject Teaching Credential
Loris Mullins Multiple Subject Teaching Credential

Expiration Date: 2025

Reagan Anderson Multiple Subject Teaching Credential
Jason Cruse Multiple Subject Teaching Credential
Caylee Daniel Single Subject Teaching Credential
Michelle Melendez School Nurse Services Credential
Britney Porraz Child Development Site Supervisor Permit
Adriana Serdio Child Development Associate Teacher Permit
Kayla Simone Multiple Subject Teaching Credential
Sharon Strich Single Subject Teaching Credential
Nicole Winters Multiple Subject Teaching Credential
Nazish Zaffar Child Development Program Director Permit

Expiration Date: 2026

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Mary Albers Multiple Subject Teaching Credential
Mary Albers Education Specialist Instruction Credential
Michelle Allen Single Subject Teaching Credential
Spencer Barr Pupil Personnel Services Credential
Bridget Baublis Administrative Services Credential
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County Board of Education

Certificates of Competence

Mary Albers
Loris Mullins

Crosscultural, Language and Academic Development Certificate
Crosscultural, Language and Academic Development Certificate

Waivers

Kevin Gard

Single Subject Teaching Credential

Name

Type of Credential/Permit

Temporary County Certificates

Kimberly Anderson
Danielle Freed
Lylyvett Herrera
Jason Holladay
Shannon Montanes
Stephen Scopatz

Multiple Subject Teaching Credential
Child Development Teacher Permit
Teaching Permit for Statutory Leave
Crosscultural, Language and Academic Development Permit
Single Subject Teaching Credential
30-Day Substitute Teaching Permit
Santa Barbara County Board of Education
Recommended Approval for Declaration of Surplus
April 1, 2021

Communications
- SB 18495 COMPUTER, Dell, XPS 8500
- SB 20761 LAPTOP, MAC, OSx

The value of items listed above does not exceed $25,000.
Board Agenda Item

Recommended Approval of Rules and Regulations Governing the Purchase of Standard School Supplies and Equipment by School Districts

Annually, the Santa Barbara County Board of Education establishes rules and regulations under which a purchasing cooperative is made available for use by school districts to purchase standard school supplies and equipment.

In an effort to decrease the cost of standard school supply expenditures to districts within our county, the Santa Barbara County Education Office provides information regarding government purchasing consortiums that offer these types of supplies and equipment to districts at a discount. The primary organization our office has engaged to provide these services is EdBuy.

**Overview** - EdBuy is a cooperative purchasing program operated by the California County Superintendents Educational Services Association (CCSESA). EdBuy goes to bid on behalf of both county offices of education and school districts. The organization uses proven practices to obtain best pricing on a wide range of commodities.

In addition to EdBuy, our office has compiled the following list of cooperative purchasing entities that offer other contracts that may be useful for the purchasing benefit of school districts in our county. These resources include:

- CalSAVE – Education and Government Purchasing
- DGS-CMAS – Department of General Services, California Multiple Award Schedules
- PEPPM – Cooperative Purchasing
- US General Services Administration – Cooperative Purchasing Program
- CDW-G - Multi-brand provider of information technology solutions to education, government, and business

Purchasing consortiums do not have everything that a school district may need to purchase, but they include many of the items that a district would benefit from purchasing through cooperative bidding.

*It is recommended that EdBuy be accepted as the primary cooperative purchasing source for standard school supplies and equipment by the Santa Barbara County Board of Education for the benefit of all school districts in the county.*
Information Items
Appointments

Probationary

Nolasco, Priscilla
Office Assistant • Human Resources • Human Resources Staff
37.5% • 12 months

Changes

Anniversary Increase

Almodovar, Nelson
Paraprofessional • Special Education • Manzanita Charter School
81.25% • 10 months

Almquist, Brigitte
Administrative Analyst • Educational Services • Educational Services
100% • 12 months

De La Cruz, Alejandro
Custodian/Maintenance Worker • Internal Services • Operations North
100% • 12 months

Delgado, Elvira
Paraprofessional • Special Education • Montecito Union School
81.25% • 10 months

Devaux, Gabriela
Paraprofessional • Special Education • Speech/Language Services, Lompoc
75% • 10 months

Dominguez, Felipe
Custodian • Internal Services • Operations South
100% • 12 months
Gallardo, Jose  
Paraprofessional • Special Education • Arellanes Junior High School  
87.5% • 10 months

Hallberg, Jessica  
Payroll Supervisor • Internal Services • Payroll Administration  
100% • 12 months

Johnson, Kendra  
Welcome Every Baby (WEB) Nurse • Children and Family Resource Services • Welcome Every Baby  
25% • 12 months

Montgomery, Karyn  
Paraprofessional • Special Education • Alice Shaw Elementary  
77.5% • 10 months

Morin, Jovonni  
Teaching Assistant • Juvenile Court and Community Schools • Peter B. Fitzgerald Community School  
87.5% • 10 months

Pearson, Brittany Logan  
Educational Interpreter, American Sign Language, Certified • Special Education • Ernest Righetti HS  
81.25% • 10 months

Perez, Alexis  
Paraprofessional • Special Education • Arthur Hapgood Preschool  
67.5% • 10 months

Perez, Silvia  
Paraprofessional • Special Education • Arthur Hapgood Preschool  
70% • 10 months

Rios, Josefa  
Health Advocate - Bilingual • Children and Family Resource Services • Health Linkages South  
100% • 11 months
Rodriguez, Yenica
Paraprofessional • Special Education • Cuyama Elementary School
81.25% • 10 months
March 1, 2021

Sherlock, Peter
Computer/Network Technician, Information Technology Services • ITS • Network and Microcomputer Support
100% • 12 months
March 1, 2021

Solano Navarro, Edith
Child Care Assistant • Child Development • Santa Maria Cal-SAFE
100% • 10 months
March 1, 2021

Terrazas, Erika
Development Associate • Partners In Education • Partners In Education
100% • 12 months
March 1, 2021

Zarate Uribe, Odaliss
Paraprofessional • Special Education • Allan Hancock Preschool
62.5% • 10 months
March 1, 2021

Differential - Add
Braz Gonzalez, Lupita
Paraprofessional • Special Education • Orcutt Academy H.S.Preschool
70% • 10 months
Specialized Health Care
March 10, 2021

Carpio, Andrew
Paraprofessional • Special Education • Orcutt Academy H.S.Preschool
67.5% • 10 months
Specialized Health Care
March 10, 2021

Gonzalez, Jose
Paraprofessional • Special Education • Alice Shaw Elementary
77.5% • 10 months
Specialized Health Care
February 23, 2021
Lemos, Lisa  
Paraprofessional • Special Education • Alice Shaw Elementary  
77.5% • 10 months  
Specialized Health Care  

Probation to Permanent  
Contreras, Nancy  
Child Development Technician • Child Development • Child Development - Hope Center  
100% • 12 months  

Reemployment  
Lopez, Olga  
Student Information Specialist • Special Education • Special Education Support Staff North  
100% • 12 months  

Separation  
Resignation  
Barnard, Adriane  
Paraprofessional • Special Education • Central Avenue Preschool  
67.5% • 10 months  

Terrazas, Erika  
Development Associate • Partners In Education • Partners In Education  
100% • 12 months  
Promoted to a Classified Management position effective 3/10/21  

Thornton, Martha  
Paraprofessional • Special Education • Regency Preschool  
70% • 10 months  

Retirement  
Barba, Andrea  
Paraprofessional • Special Education • Robert Bruce Preschool  
67.5% • 10 months  

Koury, Kathy  
Children's Creative Project Manager • Educational Services • Educational Services  
100% • 12 months  

Prepared on: 03-18-2021
Mitchell, Nadine
Paraprofessional • Special Education • Clarence Ruth Preschool
75% • 10 months

Prepared on: 03-18-2021
Quarterly Report
on
Williams/Valenzuela Uniform Complaints
[Education Code § 35186]
2021

District: SBCEO

Name of person completing this form: Bridget Baublits

Title of person completing this form: Assistant Superintendent

Please provide the date when this information will be reported publicly at the district governing board meeting:

April 1, 2021

Quarterly report submission date (check one):

- April (Jan.—March)
- July (April—June)
- October (July—Sept.)
- January (Oct.—Dec.)

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Signature of district superintendent

March 16, 2021

Date
Introduction

The County Board of Education (Board) subscribes to the belief that properly established and operated charter schools, which are staffed by dedicated teachers and experienced educators, are an integral part of our educational system, provide important opportunities to implement school-level reform and to support innovations that improve student learning.

Petitions to establish charter schools coming before the Board are reviewed pursuant to the requirements contained in the Charter Schools Act of 1992 (Education Code 47600 et. seq.), Title 5, California Code of Regulations, and relevant policies and regulations of the County Education Office. Once established, charter schools are likewise operated under and subject to these same laws, regulations and policies.

It is the policy of the Board to always adhere at all times to the governing provisions of state law as respects the establishment and operation of charter schools. This policy is intended to fully and correctly implement state law, and to provide petitioners, staff, school districts and the public with a description of the process and way manner in which the Board will address charter school petitions. In the event of changes or amendments to governing any conflicts with state law, such the provisions will prevail of the Education Code and Title 5, California Code of Regulations shall apply.

The County Board shall consider any appeal of a decision made by the governing board of a school district within the County Board's jurisdiction to deny a petition for the establishment of a charter school, deny the renewal of a charter, or revoke a charter that was originally authorized by the district, provided that the request for the appeal meets the requirements described below. (Education Code 47605, 47607; 5 CCR 11967)

(cf. 0420.4 - Authorization of County Charter Schools)
(cf. 0420.42 - Renewal of County Charter Schools)
(cf. 0420.43 - Revocation of County Charter Schools)
Scope

This policy applies to Board review of three distinct types of charter school petitions: (1) those submitted directly to the Board for county-wide charter schools proposing to serve students for whom the Santa Barbara County Education Office (SBCEO) would otherwise be responsible for providing direct education and related services (Education Code 47605.5); (2) those submitted directly to the Board for county-wide charter schools proposing to provide instructional services that are not generally provided by SBCEO (Education Code 47605.6); and (3) those petitions previously denied by the governing board of a school district and subsequently submitted to Board for review (Education Code 47605).

Appeal of District Denial of Charter Authorization or Renewal

If the governing board of a school district denies a petition for the establishment or renewal of a charter school, the petitioners may submit an appeal to the County Board within 30 calendar days of the denial. Any petition submitted to the County Board after this time may be denied. (Education Code 47605)

Petition Format

A petition to the County Board to establish or renew a charter school that has been denied by a school district governing board shall be submitted in a format that may be as prescribed by the Board/County Superintendent of Schools (see Charter School Handbook for instructions), and shall include: (Education Code 47605; 5 CCR 11966.5, 11967)

1. A complete copy of the charter petition as denied, including, but not limited to, the signatures required by Education Code 47605 and the identification of the proposed site(s) where the charter school will operate

2. Evidence of the school district governing board's action to deny the petition, such as meeting minutes

3. Any written factual findings from the school district governing board setting forth specific facts to support the grounds for denial

4. A signed certification stating that the petitioner(s) will comply with all applicable law

Appeals from District Decisions Regarding Charter Schools – Board Policy 6015 2
PROVISIONS RELATING TO STUDENTS

BOARD POLICY -- CHARTER SCHOOLS APPEALS FROM DISTRICT DECISIONS REGARDING CHARTER SCHOOLS

BP 6015

5. A description of any changes to the petition necessary to reflect the County Board as the chartering entity

If the petition submitted on appeal contains new or different material terms, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the County Board. (Education Code 47605)

Upon receipt of a petition and before the petition is officially submitted, the County Superintendent or designee shall verify that all required content has been received in the correct format. A petition will not be considered officially received until all required content in the correct format is received. Once verified, the County Superintendent or designee shall date the official receipt of the petition.

Within 60 days of the receipt of the petition, the County Board shall hold a public hearing to review documentation and obtain public input.

In considering the charter petition, the County Board is not limited to a review based solely on the reasons for denial stated by school district. The County Board shall review and approve or deny a petition based on the criteria specified in Education Code 47605. (Education Code 47605; 5 CCR 11967)

Procedures and Timelines for Presentation and Review of Petitions

The procedures to be followed and associated timelines for the presentation and Board review of charter school petitions shall be those specified in the Education Code and California Code of Regulations, which may be separately described in written procedures to be developed by the Superintendent of Schools.

Petition Content

A petition to the Board to approve a charter school shall include all of the content required by law. In addition to the items required by law, the Board may request petitioners submit additional information that will assist the Board in reviewing the charter petition.

Action on Petition—Findings
PROVISIONS RELATING TO STUDENTS

BOARD POLICY -- CHARTER SCHOOLS APPEALS FROM DISTRICT DECISIONS REGARDING CHARTER SCHOOLS

For petitions submitted following denial at the district level (Education Code 47605) and petitions to establish county-wide charter schools for students already receiving direct education and related services from the SBCEO (Education Code 47605.5)

It is the intent of the Board that charter schools with sound educational practice should be encouraged. Except for charter petitions brought under Education Code 47605.6, The Board shall deny a petition only if the Board makes written factual findings specific to the particular petition, setting forth specific facts to support one or more 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 the Education Code 47605(a).
4. The petition does not contain an affirmation of each of the conditions set forth in Education Code 47605(e).
5. The petition does not contain reasonably comprehensive descriptions of all the information required by the Education Code 47605(b-c) (5) (A)-(P Q).
6. The petition or proposed program is inconsistent with the law and/or does not fulfill other legal requirements. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the factors discussed in the Education Code 47605(c)(7)(A)-(B).
8. The school district is not positioned to absorb the financial impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Education Code Section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

Following review of the petition and the public hearing, the County Board shall either grant or deny the charter within 90 days of receipt of the petition, or within 120 days if the petitioner and County Board agree to the extension. (Education Code 47605)

A charter school authorized by the County Board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the school district to which it originally submitted its petition. (Education Code 47605, 47605.1)

A charter school authorized by the County Board on an appeal shall operate under the provisions of its charter, relevant policies and regulations adopted by the County Board, any memorandum of understanding (MOU) between the County Board and the charter school, and applicable state and federal laws. The County Board may approve one or more MOUs with the charter school to clarify the financial and operational arrangements, such as how and when the charter school will establish governing bylaws, policies, and procedures or implement additional requirements that the County Board considers necessary for the sound operation of a charter school. Any such MOU may, at the option of the County Board, be annually reviewed by the County Board and the charter school governing body and be amended as necessary.

(cf. 0420.42 - Oversight of County Approved Charter Schools)

Any charter petition appealed to and denied by the County Board may be submitted to the State Board of Education (SBE) within 30 days of the denial. Upon request by the petitioner, the County Board shall prepare a documentary record, including transcripts of the public hearing at which the petition was denied, no later than 10 business days of the request. Within 30 days of receipt of the appeal submitted to Appeals from District Decisions Regarding Charter Schools – Board Policy 6015
SBE, the County Board may submit a written opposition and supporting documentation or evidence that was considered by the County Board in reviewing and denying the petition. (Education Code 47605)

Appeal of District Charter School Revocations

If a school district governing board revokes the charter of the charter school it authorized, the charter school may appeal the revocation by delivering a written Notice of Appeal to the County Board within 30 days the district's final decision. (Education Code 47607; 5 CCR 11968.5.4)

The Notice of Appeal shall include all the following: (5 CCR 11968.5.4)

1. A copy of the district's Notice of Violation, Notice of Intent to Revoke, and the Final Decision, unless the school district did not provide them to the charter school as required pursuant to 5 CCR 11968.5.2

2. Evidence of the final vote of the school district governing board, if available

3. All evidence relied upon by the school district in determining whether substantial evidence existed that the charter school failed to remedy one or more violations identified in the Notice(s) of Violation

4. All evidence and correspondence submitted by the charter school's governing body in response to the school district's Notice of Violation and Notice of Intent to Revoke

5. Minutes of any public meeting at which the school district governing board considered or made its decision to revoke the charter, if available

6. A written statement from the charter school explaining why it does not believe that the school district's factual findings are supported by substantial evidence

7. Identification of any procedural omissions or errors the charter school alleges to have occurred in the revocation process
The County Board shall consider the following when determining whether school district's factual findings are supported by substantial evidence: (5 CCR 11968.5.4)

1. Whether the district provided the charter school a Notice of Violation and a reasonable opportunity to remedy the identified violation(s)

2. If the charter school submitted a response to the Notice of Violation, whether the charter school complied with the procedures set forth for that response

3. Whether the district provided the charter school a Notice of Intent to Revoke, a public hearing, and Final Decision

4. Whether the school district provided the charter school a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety, if applicable

5. Whether an alleged procedural deficiency negatively impacted the charter school's ability to refute or remedy the alleged violation(s) or the school district's ability to comply with its procedural obligations or authorizing duties

The County Board shall provide the California Department of Education and the school district a copy of its written decision within 10 calendar days of its action. (5 CCR 11968.5.4)

The County Board may reverse the district's decision if it determines the district's findings are not supported by substantial evidence. If the district's decision is reversed on appeal, the district shall continue to be regarded as the chartering authority. The school district may appeal the reversal to SBE. (Education Code 47607)

If the County Board does not issue a decision within 90 days of receiving the Notice of Appeal, or if the County Board upholds the district's decision to revoke the charter, the charter school may appeal to SBE. (Education Code 47607)

If the County Board denies a charter school petition, the petitioner may submit the petition to the State Board of Education in accordance with State law. (Education Code section 47605(j)(1)
For petitions submitted to establish county-wide charter schools to provide instructional services that are not generally provided by the SBCEO (Education Code 47605.6)

In reviewing county-wide charter petitions brought under Education Code 47605.6, the Board may grant such a petition only if the Board is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district. The Board shall deny a petition to establish a countywide charter school brought under Education Code 47605.6 if the Board finds one or more of the following:

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 the Education Code.
4. The petition does not contain an affirmation of each of the conditions set forth in Education Code.
5. The petition does not contain reasonably comprehensive descriptions of all the information required by the Education Code 47605.6(b) (5) (A) (Q).
6. Any other basis that the Board finds justifies the denial of the petition.

Further, for petitions under Education Code 47605.6, the Board may impose any additional requirements beyond those required by law, and may also, as a condition of approval, enter into an agreement with a third party at the expense of the charter school, to oversee, monitor and report to the Board on the operations of the charter school.

Monitoring and Supervision

SBCEO/Superintendent of Schools' oversight of the charter school shall conform to the provisions required by and/or authorized by law.

Charter Approval

Appeals from District Decisions Regarding Charter Schools – Board Policy 6015
An initial approval of a charter petition by the Board shall be for a period to be determined by the Board, but not to exceed five years.

Charter Renewal or Material Modification of an Approved Charter

Renewing or materially modifying a charter is subject to the approval of the Board.

Implementation

The Superintendent of Schools shall develop such administrative regulations and/or written procedures as may be necessary or prudent to implement this policy.

ADOPTED BY COUNTY BOARD: September 7, 2006
REVISED: December 2, 2010

BP 6015
Legal Reference: Education Code 47600 ET. seq.

Legal Reference:

EDUCATION CODE
220 Nondiscrimination
33054 Waivers
47600-47616.7 Charter Schools Act of 1992, as amended
60600-60649 Assessment of academic achievement, including:
60605 Academic content and performance standards; assessments
60640-60649 Assessment of academic achievement

GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act
54950-54963 The Ralph M. Brown Act

CODE OF REGULATIONS, TITLE 5
11960-11969 Charter schools

UNITED STATES CODE, TITLE 20
7223-7225 Charter schools

CODE OF FEDERAL REGULATIONS, TITLE 34
200.1-200.78 Accountability

ATTORNEY GENERAL OPINIONS

Appeals from District Decisions Regarding Charter Schools – Board Policy 6015
PROVISIONS RELATING TO STUDENTS

BOARD POLICY -- CHARTER SCHOOLS APPEALS FROM DISTRICT DECISIONS REGARDING CHARTER SCHOOLS

BP 6015


Management Resources:
CSBA PUBLICATIONS
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov/sp/cs
Education Commission of the States: http://www.ecs.org
National School Boards Association: http://www.nsba.org

ADOPTED BY COUNTY BOARD: September 7, 2006
REVISED: December 2, 2010
PROVISIONS RELATING TO STUDENTS

BOARD POLICY – APPEALS FROM DISTRICT DECISIONS REGARDING CHARTER SCHOOLS

BP 6015

Introduction

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It is the policy of the Board to always adhere to the governing provisions of state law as respects the establishment and operation of charter schools. This policy is intended to implement state law, and to provide petitioners, staff, school districts and the public with a description of the process and way the Board will address charter school appeal petitions. In the event of any conflicts with state law, the provisions of the Education Code and Title 5, California Code of Regulations shall apply.

The County Board shall consider any appeal of a decision made by the governing board of a school district within the County Board’s jurisdiction to deny a petition for the establishment of a charter school, deny the renewal of a charter, or revoke a charter that was originally authorized by the district, provided that the request for the appeal meets the requirements described below. (Education Code 47605, 47607; 5 CCR 11967)

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1. A complete copy of the charter petition as denied, including, but not limited to, the signatures required by Education Code 47605 and the identification of the proposed site(s) where the charter school will operate.

2. Evidence of the school district governing board's action to deny the petition, such as meeting minutes.

3. Any written factual findings from the school district governing board setting forth specific facts to support the grounds for denial.

4. A signed certification stating that the petitioner(s) will comply with all applicable law.

5. A description of any changes to the petition necessary to reflect the County Board as the chartering entity.

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The Board shall deny a petition only if the Board makes written factual findings setting forth specific facts to support one or more 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 the Education Code 47605(a).

4. The petition does not contain an affirmation of each of the conditions set forth in Education Code 47605(e).

5. The petition does not contain reasonably comprehensive descriptions of all the information required by Education Code 47605(c)(5)(A)-(O).

6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the factors discussed in the Education Code 47605(c)(7)(A)-(B).

8. The school district is not positioned to absorb the financial impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Education Code Section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

Following review of the petition and the public hearing, the County Board shall either grant or deny the charter within 90 days of receipt of the petition, or within 120 days if the petitioner and County Board agree to the extension. (Education Code 47605)

A charter school authorized by the County Board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the school district to which it originally submitted its petition. (Education Code 47605, 47605.1)
A charter school authorized by the County Board on an appeal shall operate under the provisions of its charter, relevant policies and regulations adopted by the County Board, any memorandum of understanding (MOU) between the County Board and the charter school, and applicable state and federal laws. The County Board may approve one or more MOUs with the charter school to clarify the financial and operational arrangements, such as how and when the charter school will establish governing bylaws, policies, and procedures or implement additional requirements that the County Board considers necessary for the sound operation of a charter school. Any such MOU may, at the option of the County Board, be annually reviewed by the County Board and the charter school governing body and be amended as necessary.

Any charter petition appealed to and denied by the County Board may be submitted to the State Board of Education (SBE) within 30 days of the denial. Upon request by the petitioner, the County Board shall prepare a documentary record, including transcripts of the public hearing at which the petition was denied, no later than 10 business days of the request. Within 30 days of receipt of the appeal submitted to SBE, the County Board may submit a written opposition and supporting documentation or evidence that was considered by the County Board in reviewing and denying the petition. (Education Code 47605)

**Appeal of District Charter School Revocations**

If a school district governing board revokes the charter of the charter school it authorized, the charter school may appeal the revocation by delivering a written Notice of Appeal to the County Board within 30 days the district's final decision. (Education Code 47607; 5 CCR 11968.5.4)

The Notice of Appeal shall include all the following: (5 CCR 11968.5.4)

1. A copy of the district's Notice of Violation, Notice of Intent to Revoke, and the Final Decision, unless the school district did not provide them to the charter school as required pursuant to 5 CCR 11968.5.2

2. Evidence of the final vote of the school district governing board, if available

3. All evidence relied upon by the school district in determining whether substantial evidence existed that the charter school failed to remedy one or more violations identified in the Notice(s) of Violation

4. All evidence and correspondence submitted by the charter school's governing body in response to the school district's Notice of Violation and Notice of Intent to Revoke
5. Minutes of any public meeting at which the school district governing board considered or made its decision to revoke the charter, if available

6. A written statement from the charter school explaining why it does not believe that the school district's factual findings are supported by substantial evidence

7. Identification of any procedural omissions or errors the charter school alleges to have occurred in the revocation process

The County Board shall consider the following when determining whether school district's factual findings are supported by substantial evidence: (5 CCR 11968.5.4)

1. Whether the district provided the charter school a Notice of Violation and a reasonable opportunity to remedy the identified violation(s)

2. If the charter school submitted a response to the Notice of Violation, whether the charter school complied with the procedures set forth for that response

3. Whether the district provided the charter school a Notice of Intent to Revoke, a public hearing, and Final Decision

4. Whether the school district provided the charter school a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety, if applicable

5. Whether an alleged procedural deficiency negatively impacted the charter school's ability to refute or remedy the alleged violation(s) or the school district's ability to comply with its procedural obligations or authorizing duties

The County Board shall provide the California Department of Education and the school district a copy of its written decision within 10 calendar days of its action. (5 CCR 11968.5.4)

The County Board may reverse the district's decision if it determines the district's findings are not supported by substantial evidence. If the district's decision is reversed on appeal, the district shall continue to be regarded as the chartering authority. The school district may appeal the reversal to SBE. (Education Code 47607)

If the County Board does not issue a decision within 90 days of receiving the Notice of Appeal, or if the County Board upholds the district's decision to revoke the charter, the charter school may appeal to SBE. (Education Code 47607)
Legal Reference:
EDUCATION CODE
220 Nondiscrimination
33054 Waivers
47600-47616.7 Charter Schools Act of 1992, as amended
60600-60649 Assessment of academic achievement, including:
60605 Academic content and performance standards; assessments
60640-60649 Assessment of academic achievement
GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act
54950-54963 The Ralph M. Brown Act
CODE OF REGULATIONS, TITLE 5
11960-11969 Charter schools
UNITED STATES CODE, TITLE 20
7223-7225 Charter schools
CODE OF FEDERAL REGULATIONS, TITLE 34
200.1-200.78 Accountability
ATTORNEY GENERAL OPINIONS

Management Resources:
CSBA PUBLICATIONS
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov/sp/cs
Education Commission of the States: http://www.ecs.org
National School Boards Association: http://www.nsba.org

ADOPTED BY COUNTY BOARD: September 7, 2006
REVISED: December 2, 2010