

YUBA COUNTY BOARD OF EDUCATION

935 14th Street
Marysville, CA 95901

Agenda

May 10, 2023



Katharine Rosser

John Nicoletti, Vice President

Marjorie Renicker, President

Desiree Hastey

Tracy Bishop

Trustee Area 1

Trustee Area 2

Trustee Area 3

Trustee Area 4

Trustee Area 5



Francisco Reveles, Ed.D.
Superintendent

**YUBA COUNTY BOARD OF EDUCATION
REGULAR MEETING**

Wednesday, May 10, 2023 – 4:30p.m.
Yuba County One Stop, Beckwourth Room
1114 Yuba Street, Marysville, CA 95901

PUBLIC COMMENTS: Persons wishing to address the Board (Agenda Items and/or Non-Agenda Items) are requested to fill out a “Request to Speak” card before the start of the meeting and give it to the Secretary, Board President, or Superintendent. Individual speakers will be allowed five minutes to address the Board - fifteen minutes total time for public input on each item.

AGENDA

1. CALL TO ORDER, ATTENDANCE, AND PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENTS

This item is being placed on the agenda to allow any member of the public to speak on agenda items and non-agenda items or to share information with the Board.

The California Government Code, Section 54954.2(a)(2) states, “No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.”

3. APPROVAL OF AGENDA

ACTION ITEM

4. CONSENT AGENDA

ACTION ITEM

4.1 APPROVAL OF APRIL 12, 2023, BOARD MINUTES - Pages 1-5

4.2 APPROVAL OF APRIL 24, 2023, SPECIAL BOARD MEETING MINUTES - Pages 6-8

The above items are self-explanatory. All items on the Consent Agenda are considered a routine item or one that has been previously discussed. Any Board Member may request that an item be pulled for further discussion.

5. SUPERINTENDENT’S OFFICE

5.1 THIS ITEM PROVIDES AN OPPORTUNITY FOR THE DIRECTORS/SUPERINTENDENT/BOARD MEMBERS TO SHARE VARIOUS ITEMS OF INTEREST

INFORMATION ITEM

5.2 RESOLUTION 2023-05 – ADOPTING AND APPROVING THE ASSOCIATE MEMBERSHIP AGREEMENT JOINING THE EDUCATION TECHNOLOGY JOINT POWERS AUTHORITY - Pages 9-16
Aaron Thornsberry

ACTION ITEM

The Education Technology Joint Powers Authority (Ed Tech JPA) aims to streamline procurement, provide competitive pricing, and secure favorable technology contracts for educational agencies and

other eligible entities. By joining the Ed Tech JPA, Yuba County Office of Education will be able to save on procurement costs, prices on products and services and better ensure student data security regarding education technology related vendors.

6. EDUCATIONAL SERVICES

- 6.1 BOARD DECISION ON THE YUBA ENVIRONMENTAL SCIENCE CHARTER ACADEMY REQUEST FOR MATERIAL REVISION - Pages 17-30 **ACTION ITEM**
Barbara Mandelbaum

Yuba Environmental Science Charter Academy (YES) has submitted a request for material revision of its charter to expand grades level from TK-8 to include grades 9-12 beginning August 2023. These changes are defined as “material”. Education Code 47607 requires the process for approval of material revisions to follow that for initial charter petitions in Education Code 47605.

The Yuba County Board of Education will make a determination and either approve or deny the Yuba Environmental Science Charter Academy request for material revision.

7. HUMAN RESOURCES

- 7.1 CLOSED SESSION **ACTION ITEM**
CONFERENCE WITH LEGAL COUNSEL REGARDING
THREATENED LITIGATION (GC 54956.9)

On the advice of legal counsel, the Board will discuss one matter of threatened litigation for which open session disclosure or discussion would prejudice the position of the County.

8. REAL PROPERTY NEGOTIATIONS

- 8.1 CLOSED SESSION **ACTION ITEM**
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1280 Zanes Drive, Olivehurst, CA 95961
COE Negotiator: Francisco Reveles, Ed.D.
Negotiating Parties: Yuba County Board of Education; Yuba County Office of Education; Jeff Roberts Ed.D.
Under Negotiation: Logistics, Price, and Terms of Payment
- 8.2 RECONVENE IN OPEN SESSION **INFORMATION ITEM**
REAL PROPERTY NEGOTIATIONS

Action taken: _____
(Report if County Board approves a final agreement concluding real estate negotiations. If final approval rests with the other party, report as soon as the other party has approved the agreement.)
Government Code 54956.8

9. ADVANCED PLANNING

9.1 NEXT REGULAR BOARD MEETING
JUNE 14, 2023 – 4:30P.M.
LOCATION: YUBA COUNTY ONE STOP,
BECKWORTH ROOM, 1114 YUBA STREET,
MARYSVILLE, CA 95901

**INFORMATION/
ACTION ITEM**

10. ADJOURN

ACTION ITEM

**YUBA COUNTY BOARD OF EDUCATION
REGULAR MEETING MINUTES**

Wednesday, April 12, 2023 – 4:30pm

Yuba County Career Preparatory Charter School, Polar Bear Room, 1104 E Street,
Marysville, CA 95901

TOPIC	DISCUSSION	ACTION TAKEN
1. CALL TO ORDER	President Marjorie Renicker called a regular meeting of the Yuba County Board of Education to order at 4:30pm on April 12, 2023, at the Yuba County Career Preparatory Charter School, Polar Bear Room, 1104 E Street, Marysville, CA.	CALLED TO ORDER: 4:30pm
ATTENDANCE, PLEDGE OF ALLEGIANCE	Present were Marjorie Renicker, John Nicoletti Desiree Hastey and Tracy Bishop. Katharine Rosser was absent. Trustee Nicoletti led the recital of the Pledge of Allegiance.	QUORUM PRESENT
2. PUBLIC COMMENTS	There were no public comments.	
3. APPROVAL OF AGENDA	President Renicker directed Board members to the April 12, 2023, Agenda for their review and approval.	MOTION: To approve the April 12, 2023, Agenda as presented. MOTION: John Nicoletti SECOND: Desiree Hastey MOTION APPROVED (4/4)
4. CONSENT AGENDA	President Renicker directed board members to the April 12, 2023, Consent Agenda for their review and approval. 4.1 Approval of March 8, 2023, Board Minutes 4.2 Acceptance of \$500 Donation from SAYLOVE to Benefit We Love Clothing Closet 4.3 Acceptance of \$5000 Donation from SchoolsFirst Federal Credit Union to Benefit Educator of the Year Recognition	MOTION: To approve the April 12, 2023, Consent Agenda as presented MOTION: Tracy Bishop SECOND: Desiree Hastey MOTION APPROVED (4/4)

	<p align="center">4.4 Acceptance of \$750 Donation from Sutter-Yuba Realtors Association to Benefit Yuba County Spelling Bee</p>	
<p>5. CLOSED SESSION</p>	<p align="center">5.1 Student Interdistrict Attendance Appeal Closed Session Hearing</p> <p>President Renicker cleared the room and called an interdistrict attendance appeal closed session to order at 4:34pm.</p> <p>President Renicker adjourned the closed session at 4:41pm. Members of the public returned to the room.</p> <p align="center">5.2 Reconvene in Open Session Interdistrict Attendance Appeal</p> <p>President Renicker announced that a hearing postponement was granted unanimously by Board vote (4/4). The Interdistrict Attendance Appeal (IAA) hearing will be held on April 24, 2023, at 4:30pm during the next regular Board meeting.</p>	<p>CLOSED SESSION CALLED TO ORDER: 4:34pm</p> <p>CLOSED SESSION ADJOURNED: 4:41pm</p> <p>MOTION: To grant the parent’s request for postponement to April 24, 2023, at 4:30pm MOTION: Desiree Hastey SECOND: John Nicoletti MOTION APPROVED (4/4)</p>
<p>6. SUPERINTENDENT’S REPORT</p>	<p align="center">6.1 This Item Provides an Opportunity for the Directors/Superintendent/Board Members to Share Various Items of Interest</p> <p>Trustee Bishop shared her recent participation in the Virginia School Easter Egg Hunt.</p> <p>President Renicker thanked Charter School staff for the tour of the facility.</p> <p>Trustee Nicoletti noted that participation was excellent at this year’s Spelling Bee.</p> <p align="center">6.2 Quarterly Report on Williams Uniform Complaints</p>	

	<p>Bobbi Abold shared the quarterly report on Williams Uniform Complaints for January 1, 2023, through March 31, 2023, 3rd Quarter, pursuant to Education Code 35186. No reports were filed.</p> <p>6.3 Resolution 2023-04 – Support of Funding for County Office of Education Operated Juvenile Court and Community Schools</p> <p>Bobbi Abold led a review of Resolution 2023-04. She answered questions from the Board and recommended adoption.</p>	<p>MOTION: To approve and adopt Resolution 2023-04 as presented MOTION: Desiree Hastey SECOND: John Nicoletti MOTION APPROVED (4/4)</p>
<p>7. HUMAN RESOURCES</p>	<p>7.1 Declaration of Need for Fully Qualified Educators</p> <p>Mary Hang shared a declaration of need in anticipation of hiring teachers on an emergency credential. She answered questions from the Board.</p>	
<p>8. EDUCATIONAL SERVICES</p>	<p>8.1 Title XV Annual Juvenile Hall Educational Program Inspection</p> <p>Bobbi Abold reviewed the Title XV Annual Juvenile Hall Educational Program Inspection. She noted that there were no findings and that all requirements were met. She requested board approval.</p> <p>8.2 Yuba Environmental Science (YES) Charter Academy Material Revision for Grade Level Expansion (9-12) Public Hearing</p> <p>President Renicker called a public hearing on YES Charter Academy Material Revision for Grade Level Expansion (9-12) to order at 4:58pm.</p>	<p>MOTION: To approve the Title XV Annual Juvenile Hall Educational Program Inspection as presented MOTION: Desiree Hastey SECOND: John Nicoletti MOTION APPROVED (4/4)</p> <p>PUBLIC HEARING CALLED TO ORDER: 4:58pm.</p>

	<p>Louise Miller, YES Charter Principal, shared information with the Board on the proposed material revision for grade level expansion. She also shared information on the upcoming Earth Day at YES Charter.</p> <p>Anna Galvin spoke in support of YES Charter.</p> <p>Andrea Eggleton spoke in support of YES Charter.</p> <p>Lisa Thompson spoke in support of YES Charter.</p> <p>Anthony Emmolo spoke in support of YES Charter.</p> <p>Katie Keith spoke in support of YES Charter.</p> <p>Janelle Ruley spoke in support of YES Charter.</p> <p>Paul McGovern spoke in support of YES Charter and shared a Financial Dashboard with the Board.</p> <p>Yvette Rodriguez spoke in support of YES Charter.</p> <p>Yami Virgen spoke in support of YES Charter.</p> <p>Jamie Hyatt spoke in support of YES Charter.</p> <p>Michael Thompson spoke in support of YES Charter.</p> <p>Don Condart spoke in support of YES Charter.</p> <p>President Renicker closed the public hearing at 5:52pm</p>	<p>PUBLIC HEARING CLOSED: 5:52pm</p>
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<p>9. ADVANCED PLANNING</p>	<p>9.1 Next Regular Board Meeting May 10, 2023 – 4:30pm</p>	
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	<p>Location: Yuba County One Stop, Beckwourth Room, 1114 Yuba Street, Marysville, CA 95901</p>	
<p>10. ADJOURNMENT</p>	<p>There being no further business for discussion, the meeting adjourned at 5:53pm.</p>	<p>MOTION: To adjourn MOTION: Desiree Hastey SECOND: John Nicoletti MEETING ADJOURNED: 5:53pm (4/4)</p>

Respectfully submitted,

Francisco Reveles

Francisco Reveles, Ed.D.
Superintendent, Yuba County Office of Education

Recorded by:
Halee Pomeroy

**YUBA COUNTY BOARD OF EDUCATION
SPECIAL MEETING MINUTES**

Wednesday, April 24, 2023 – 4:30pm

Yuba County One Stop, Beckwourth Room, 1114 Yuba Street, Marysville, CA 95901

TOPIC	DISCUSSION	ACTION TAKEN
1. CALL TO ORDER	President Marjorie Renicker called a special meeting of the Yuba County Board of Education to order at 4:30pm on April 24, 2023, at the Yuba County One Stop, Beckwourth Room, 1114 Yuba Street, Marysville, CA.	CALLED TO ORDER: 4:30pm
ATTENDANCE, PLEDGE OF ALLEGIANCE	Present were Marjorie Renicker, Katharine Rosser, Desiree Hastey and Tracy Bishop. John Nicoletti was absent. Trustee Hastey led the recital of the Pledge of Allegiance.	QUORUM PRESENT
2. PUBLIC COMMENTS	There were no public comments.	
3. APPROVAL OF AGENDA	President Renicker directed Board members to the April 24, 2023, Agenda for their review and approval. She requested that Agenda Item 6, including items 6.1 and 6.2, be pulled from the agenda.	MOTION: To approve the April 24, 2023, Agenda with the removal of Item 6 (6.1 and 6.2). MOTION: Tracy Bishop SECOND: Desiree Hastey MOTION APPROVED (4/4)
4. CLOSED SESSION	<p align="center">4.1 Student Interdistrict Attendance Appeal Closed Session Hearing – IAA 01-2023</p> <p>President Renicker cleared the room and called Interdistrict Attendance Appeal IAA 01-2023 closed session to order at 4:33pm.</p> <p>President Renicker adjourned the closed session at 4:46pm. Members of the public returned to the room.</p>	<p>CLOSED SESSION CALLED TO ORDER: 4:33pm</p> <p>CLOSED SESSION ADJOURNED: 4:46pm</p>

	<p>4.2 Reconvene in Open Session Interdistrict Attendance Appeal</p> <p>President Renicker announced in open session that the Board has unanimously (4/4) voted to grant Interdistrict Attendance Appeal IAA 01-2023 based on its merits. The parent(s) will receive formal notification of the Board’s decision.</p> <p>4.3 Student Interdistrict Attendance Appeal Closed Session Hearing – IAA 02-2023</p> <p>President Renicker cleared the room and called Interdistrict Attendance Appeal IAA 02-2023 closed session to order at 4:50pm.</p> <p>President Renicker adjourned the closed session at 5:22pm. Members of the public returned to the room.</p> <p>4.4 Reconvene in Open Session Interdistrict Attendance Appeal</p> <p>President Renicker announced in open session that the Board has unanimously (4/4) voted to deny Interdistrict Attendance Appeal IAA 02-2023 based on its merits. The parent(s) will receive formal notification of the Board’s decision.</p>	<p>MOTION: To grant IAA 01-2023 based on its merits MOTION: Tracy Bishop SECOND: Katharine Rosser MOTION APPROVED (4/4)</p> <p>CLOSED SESSION CALLED TO ORDER: 4:50pm</p> <p>CLOSED SESSION ADJOURNED: 5:22pm</p> <p>MOTION: To deny IAA 02-2023 based on its merits MOTION: Katharine Rosser SECOND: Desiree Haste MOTION APPROVED (4/4)</p>
<p>5. PUBLIC SESSION</p>	<p>5.1 Identify Negotiator(s), Property Under Negotiation, and the Person(s) with Whom the Negotiator May Negotiate</p> <p>President Renicker identified the following:</p> <ul style="list-style-type: none"> • <u>Property:</u> 1280 Zanes Drive, Olivehurst, CA 95961 • <u>COE Negotiator:</u> Francisco Reveles, Ed.D. 	

	<ul style="list-style-type: none"> • <u>Negotiating Parties</u>: Yuba County Board of Education; Yuba County Office of Education; Jeff Roberts Ed.D. • <u>Under Negotiation</u>: Logistics, Price, and Terms of Payment 	
7. ADJOURNMENT	There being no further business for discussion, the meeting adjourned at 5:31pm.	MOTION: To adjourn MOTION: Desiree Hastey SECOND: Katharine Rosser MEETING ADJOURNED: 5:31pm (4/4)

Respectfully submitted,

Francisco Reveles

Francisco Reveles, Ed.D.
Superintendent, Yuba County Office of Education

Recorded by:
Halee Pomeroy

RESOLUTION NUMBER 2023-05

A RESOLUTION OF THE YUBA COUNTY BOARD OF EDUCATION ADOPTING AND APPROVING THE ASSOCIATE MEMBERSHIP AGREEMENT JOINING THE EDUCATION TECHNOLOGY JOINT POWERS AUTHORITY

WHEREAS, Yuba County Office of Education has been considering methods to better address the procurement costs, data privacy protection, and pricing of its education software, and;

WHEREAS, other California public agencies, such as school districts, community college districts, and county offices of education who have also considered these issues have determined that there is a need to form a coalition of public districts to acquire education technology and services for use at their respective facilities, and;

WHEREAS, Title 1, Division 7, Chapter 5, Article 1, (Section 6500 et seq.) of the Government Code authorizes joint exercise by two or more public agencies of any power common to them, and;

WHEREAS, California law enables school districts, county superintendent of schools, community college districts, and joint power agencies to actively control procurement and privacy terms and to acquire educational software and services for use at their respective facilities, and to establish a coalition to accomplish those ends; and

WHEREAS, the Irvine Unified School District, Capistrano Unified School District, Fullerton Unified School District, and the Clovis Unified School District and have formed the Education Technology Joint Powers Authority (Ed Tech JPA), a California joint powers authority, and have agreed to be the Founding Members of Ed Tech JPA, and appointed their respective District's Chief Technology Officer, Chief Business Official, or person with equivalent duties and background, to serve as a member of the Ed Tech JPA Board; and

WHEREAS, the governing Board of Yuba County Office of Education ("YCOE") has considered the proposed Associate Member Agreement, a draft of which is attached hereto as ATTACHMENT 1, under which YCOE will become an associate member of Education Technology JPA; and

WHEREAS, YCOE has determined that entering into an Associate Membership Agreement to avail YCOE to the benefits of the Ed Tech JPA, including obtaining legally compliant and economically priced technology services and products, as well as the financial, technical and professional development services to support the successful implementation of products and services purchased through a JPA, is in the best interests of YCOE.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Governing Board of Yuba County Office of Education hereby declares and formally approves its membership in Ed Tech JPA, a California Joint Powers Authority, and instructs its duly authorized agent to execute and deliver on its behalf any necessary or appropriate documents to carry out the intent of this resolution, including the Ed Tech JPA Associate Membership Agreement and any agreements necessary or appropriate to participate in Ed Tech JPA programs.

2. The Governing Board authorizes the Superintendent or designee to appoint YCOE's technology or business services department, or person with equivalent duties and background in education technology procurement, who shall serve as the authorized representative to the JPA.

ADOPTED by the following called vote on this tenth day of May, 2023.

AYE:

NO:

ABSENT:

ABSTAIN:

By: _____
Board President

CERTIFICATION

I, _____, Secretary/Clerk to the Governing Board of Yuba County Office of Education, do hereby certify that the foregoing is a full, true, and correct copy of the resolution adopted by the said Board at a regular meeting thereof held at its regular place of meeting at the time and by the vote stated, which resolution is on file in the office of the said Board.

**ED TECH JPA
ASSOCIATE MEMBER AGREEMENT**

This Associate Member Agreement is made as of _____ (the "Effective Date"),
by and between the Education Technology Joint Powers Authority ("Ed Tech JPA" "JPA") and
_____, ("Associate Member").

RECITALS

WHEREAS, Articles 1 and 2, Chapter 5, Division 7, Title 1 of the California Government Code (Section 6500 et seq.) permits two or more public agencies by agreement to exercise jointly powers common to the contracting parties; and

WHEREAS, the Board of Trustees of Capistrano Unified School District, Irvine Unified School District, Clovis Unified School District, Fullerton School District, El Dorado County Office of Education, San Juan Unified School District, and San Ramon Valley Unified School District ("Founding Members") have executed a Joint Powers Agreement, formally establishing the Ed Tech JPA for the purpose of aggregating purchasing power and expertise to negotiate legally compliant and economically priced technology software agreements for procurement by its members; and

WHEREAS, Ed Tech JPA's Board issues requests for proposals ("RFPs"), evaluates proposals, and negotiates Master Agreements with vendors that meet minimum criteria established by the Ed Tech JPA's Founding Members; and

WHEREAS, Ed Tech JPA negotiates with Vendors to establish the general terms for the purchase of the Product ("Master Agreement") by current Ed Tech JPA members and by other "Eligible Entities" who elect to join the Ed Tech JPA; and

WHEREAS, Associate Members electing to use a Master Agreement will enter into a separate contract ("Purchase Agreement") with the Vendor; and

WHEREAS, _____ is an Eligible Entity with the power to contract and desires to become an Associate Member of Ed Tech JPA so that it may avail itself to the pricing, terms, and conditions leveraged by Ed Tech JPA; and

WHEREAS, a condition of joining the Ed Tech JPA is execution of this Associate Member Agreement; and

WHEREAS, if required, the Governing Board of _____ has reviewed the services available from the Ed Tech JPA and determined that the coordinated programs and services provided by Ed Tech JPA will result in benefits that are in the best interest of Associate Member.

NOW, therefore, for good and valuable consideration, the parties agree as follows.

ARTICLE 1: DEFINITIONS

"Associate Member" shall mean any Eligible Entity that has duly executed and delivered to the Ed Tech JPA an Associate Membership Agreement.

"Designated Representative" shall mean a member of the Associate Member's technology or business services department, or person with equivalent duties and background in education technology

procurement, who shall serve as the authorized representative to the JPA. The Designated Representative will be identified on the Associate Membership Application.

"Ed Tech JPA" shall mean the Education Technology Joint Powers Authority created pursuant to the Ed Tech JPA Agreement executed by its Founding Members.

"Eligible Entity" shall mean (a) all California public school districts, county offices of education, and community college districts, and (b) any other public agency in the United States whose procurement rules, whether internal rules or rules enacted pursuant to statute, allow them to purchase goods or services through a procurement vehicle such as Ed Tech JPA.

"Founding Members" shall mean those public school districts, cities, counties, and other governmental units that are signatories to the Joint Powers Agreement and have a voting member serving on the JPA's Board of Directors.

"Implementation Plan" shall mean the mutually agreed upon contract fulfillment requirements established between Associate Member and Vendor for delivery of a product purchased pursuant to the JPA agreements, including timeline, infrastructure and data integration, testing, content creation, training and post-implementation support, and project evaluation.

"Master Agreement" shall mean an agreement entered into between Ed Tech JPA and Vendor following RFP selection process administered by Ed Tech JPA, setting forth the general terms for purchase of a Product.

"Purchase Agreement" shall mean an agreement, duly executed and approved by the Associate Member's authorized representative and, if required, approved by its governing board, entered into between Associate Member and Vendor, based on the same general terms and conditions as the Master Agreement.

"Vendor" shall mean an entity or firm selected for a Master Agreement after submitting a responsive proposal in compliance with the specifications following a RFP selection process, including meeting the essential requirements set forth by the Ed Tech JPA's Board.

ARTICLE 2: ASSOCIATE MEMBER POWERS, DUTIES, & RESTRICTIONS

2.1 Associate Member Status. The is hereby made an Associate Member of the Ed Tech JPA for all purposes of the Joint Powers Authority Agreement and the Bylaws of the Ed Tech JPA, the provisions of which are hereby incorporated herein by reference. From and after the date of execution and delivery of this Associate Membership Agreement by the Associate Member and the Ed Tech JPA, the Associate Member shall be and remain an Associate Member of the Ed Tech JPA.

2.2 Term. Associate membership shall be for one (1) year, and shall automatically renew from year to year, on the same terms and conditions as the prior term, unless terminated sooner by either party.

2.3 Fees. Ed Tech JPA may make reasonable charges for its services rendered to Associate Members as set forth below.

2.3.1 Administrative Fee. The Ed Tech JPA receives an administrative fee (the "Administrative Fee") for each transaction, calculated as a small percentage of the gross invoiced amount (for some procurements a fixed fee applies) of any Purchase Agreement with Vendor. The administrative fee is used to cover overhead and administrative costs associated with conducting each product procurement and maintaining the JPA. Associate Member's payment to Vendors shall include the

Administrative Fee for each executed Purchase Agreement, and Vendor shall deliver the Administrative Fee to Ed Tech JPA. Once a Purchase Agreement has been fully executed by the Associate Member and the Vendor, the Administrative Fee is non-refundable under any circumstances.

2.3.2 Membership Fee. Currently, there is no cost to Associate Member to join the Ed Tech JPA. The JPA reserves the right, and Associate Member acknowledges such reservation, to assess a fee, (“Membership Fee”) to its Associate Members at an undetermined future date. In such event, Associate Members shall be provided advance written notice and be provided the opportunity to withdraw membership prior to assessment of the Membership Fee. Purchase Agreements executed prior to Associates Member’s withdrawal (if applicable), shall remain in effect through their natural termination and any extensions thereto, and the Administrative Fees associated with such Purchase Agreement(s) shall continue to be paid to Ed Tech JPA.

2.3.3 Audits. Ed Tech JPA will periodically audit Vendors, and Associate Members will cooperate in transaction reporting including, if requested, providing a copy of all executed Purchase Agreements to Ed Tech JPA within thirty (30) days of such request.

2.3.4 Product Research. Associate Member may browse products available for purchase and, if a suitable product is identified, Associate Member may enter into a Purchase Agreement directly with Vendor for that product. If a suitable product is not identified, Associate Members are free to solicit proposals and negotiate directly with a vendor not subject to a Master Agreement with the Ed Tech JPA.

2.3.5 Minimum Price. Associate Member acknowledges and agrees that the collective bargaining power of the Ed Tech JPA would be undermined if Associate Member used the terms and conditions obtained by the Ed Tech JPA to negotiate separately with Vendor for its own advantage. Associate Member agrees that it will not attempt to negotiate lower prices with a Vendor with a Master Agreement with the JPA. Notwithstanding the foregoing, Associate Member is free to solicit proposals and negotiate directly with a vendor not subject to a Master Agreement with the Ed Tech JPA. Consistent with this goal, and in order to provide Associate Members with assurances regarding advantageous pricing by purchasing through the JPA, Vendors are requested to provide a Minimum Price Guarantee (MPG), whereby the Vendor will not sell directly, or through a reseller, to Ed Tech JPA’s Eligible Entities (regardless of whether the Eligible Entity is an Associate Member of the Ed Tech JPA) for a lower price. The requirements of this Section do not apply to contracts in existence prior to the establishment of a Master Agreement between Vendor and Ed Tech JPA.

2.4 Designated Representative. Associate Member shall appoint a Designated Representative to serve as the primary contact with Ed Tech JPA. The Designated Representative should be a member of the Associate Member's technology or business services department, or person with equivalent duties and background in education technology procurement. Associate Member will be provided a single sign-on to access to Ed Tech JPA product information. The Designated Representative will be the custodian of Associate Member's credentials and is responsible for account security. The Designated Representative shall be authorized by the Associate Member's governing board, if required, to conduct due diligence in product selection, and develop an Implementation Plan with Vendors. The Designated Representative shall obtain authority from the Associate Member's governing board, if required, to negotiate and execute Purchase Agreements with Vendors. Purchase Agreements shall only be made for the direct use of Associate Member and not on behalf of any third party.

2.5 Proprietary/Confidential Materials. Associate Member acknowledges that proposals and other documents may contain proprietary and confidential information. Associate Member agrees to maintain documents in a responsible manner with security measures reflecting best practices. Associate Member

shall not share proposals submitted by vendors and documentation that may contain proprietary and confidential information with third-parties without prior written consent from the Vendor and Ed Tech JPA as applicable unless required to do so by law. In the event that a third-party requests confidential or proprietary information from Associate Member, Associate Member shall notify Vendor and Ed Tech JPA in writing so that Vendor/Ed Tech JPA may assist Associate Member to redact proprietary information prior to disclosing the requested information.

2.6 Restrictions. An Associate Member shall not be entitled to representation on the Board of Directors or to vote on any matter coming before the Board of Directors or the Ed Tech JPA. However, an Associate Member shall be entitled to participate in all programs and other undertakings of the Ed Tech JPA.

2.7 Withdrawal. An Associate Member may withdraw from membership in the Ed Tech JPA upon thirty (30) days advance written notice to the Ed Tech JPA. No such withdrawal, however, shall relieve such Associate Member from its obligations under any outstanding Purchase Agreements relating to the Ed Tech JPA. Effective immediately upon withdrawal, Associate Members shall not have access to Ed Tech JPA Master Agreements and other documentation, or be entitled to participate in the other programs of Ed Tech JPA.

2.8 Independent Vendor Selection. Ed Tech JPA does not warrant that the products available will be suitable for the specific needs of individual Associate Members. Associate Member agrees to conduct its own due diligence in compliance with all applicable state and federal laws, as well as the requirements of Associate Member's local procurement rules and regulations. Associate Member is solely responsible for determining suitability of product and compliance with local, state and federal procurement rules prior to entering into any Purchase Agreement with a Vendor.

2.9 Compliance with Laws. Ed Tech JPA's Master Agreements follow bidding and procurement procedures established by the California Public Contract Code and the local body overseeing each respective Founding Member. Associate Member has access to all the contract documentation prepared by Ed Tech JPA and is responsible for compliance with any additional or varying laws and regulations governing its purchases. Associate Member acknowledges that purchases made with federal funds may be subject to additional requirements. Associate Member is encouraged to seek approval from its own local agency(s) before entering into a Purchase Agreement with a Vendor.

Master Agreements are available to Associate Members "as is". Ed Tech JPA is under no obligation to revise the terms, conditions, scope, price, and/or any other conditions of the contract for the benefit of an Associate Member. Associate Members are permitted to negotiate directly with the Vendor and agree to additional terms and conditions that are separate from the base price.

Associate Member acknowledges and agrees that it is solely responsible for (a) completing due diligence regarding the suitability of Vendor, including using price as a significant factor, and (b) prior to executing a Purchase Agreement, working directly with the Vendor to establish a suitable Implementation Plan for contract fulfillment. An Associate Member is not bound to a purchase until it has obtained approval from its governing board, if required, and executed the Purchase Agreement with the Vendor for the Product. Associate Member acknowledges that Vendor is not bound to provide products and/or services prior to execution of the Purchase Agreement.

2.10 Liabilities. The debts, liabilities and obligations of the Associate Member shall be the debts, liabilities or obligations of the Associate Member alone and not of the Ed Tech JPA or its membership. There shall be no joint and several liabilities between Ed Tech JPA and Associate Member. Notwithstanding any other provision of this Agreement, in no event, shall Ed Tech JPA be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not

limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.

2.11 Release. Associate Member acknowledges that Ed Tech JPA is not a party to any Purchase Agreement between the Associate Member and the Vendor. Associate Member is solely responsible for all aspects of its purchase, including ordering its goods and/or services, inspecting and accepting the goods and/or services, and providing payment. Any dispute which may arise from Associate Member's participation in Purchase Agreement shall be resolved between the Associate Member and the Vendor. Associate Member will not seek remedy from Ed Tech JPA for issues arising from a Purchase Agreement and hereby waives and releases Ed Tech JPA from all possible claims.

2.12 Reservation of Rights. Ed Tech JPA reserves the right to cancel the whole or any part of this Agreement due to failure by the Associate Member to carry out any obligation, term or condition of the Agreement, including, failure to follow the established procedure for purchase orders, invoices and receipt of funds, and failure to pay.

2.13 Indemnification. Associate Member agrees to defend, indemnify and hold the Ed Tech JPA, its Board of Directors and its Founding Members, as well as all of their respective officers, employees and agents, free and harmless from any claims, liabilities, costs, penalties, or interest arising out of Associate Member's procurement or purchase of goods and services through Ed Tech JPA..

2.14 Amendments. This Agreement shall not be altered, changed or amended except by written amendment executed by both parties.

2.15 Governing Law. This Agreement shall be governed by and the rights, duties and obligations of the parties shall be determined and enforced in accordance with the laws of the State of California.

2.16 Severability. If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.

2.17 Integration/Entire Agreement of Parties. This Agreement constitutes the entire agreement between the parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date indicated below.

Education Technology JPA

By: _____

By: _____

Name: _____

Name: Brianne Ford_____

Title: _____

Title: President_____

Date: _____

Date: _____

20-41/4425452.2

Yuba County Office of Education Staff Report

Yuba Environmental Science Charter Academy (YES)

Request for Material Revision

On March 3, 2023, the Yuba Environmental Science Academy Charter School (YES Charter) submitted a request for material revision to the Yuba County Office of Education. If approved, the request would expand the grade levels served to include 9th-12th, effectively making this charter school a TK-12 program.

Background

YES Charter began serving students on August 18, 2008, under the authorization and oversight of Marysville Joint Unified School District, and came to the Yuba County Board of Education on appeal when denied renewal in 2014. The charter was approved by the Yuba County Board of Education for a five-year term and was successfully renewed by the Yuba County Board of Education in February 2018.

In Spring 2022, YES Charter School submitted its first request for material revision to the Yuba County Board of Education. On August 10, 2022, the Yuba County Board denied the material revision and requested YES Charter School resubmit the request for material revision when legal requirements were met. YES Charter resubmitted the petition in Fall 2022, but YCOE's petition review team found a number of legal compliance issues remained. After consultation with YCOE staff, YES Charter voluntarily withdrew that material revision request.

The current five-year petition term is set to expire on June 30, 2023, however, AB 130 recently added a mandatory two-year extension to all petitions, thus extending the expiration date of this charter to June 30, 2025.

Public Hearing

In compliance with Education Code 47605(b), the Yuba County Board of Education held a Public Hearing to consider the level of support for the material revision to the petition. Education Code 47605(b) requires that the Yuba County Board of Education conduct a second public hearing and render its decision on the material revision request within 90 days of receipt of the requested revision unless both parties agree to an extension. Any findings of fact must be shared with YES Charter at least fifteen (15) days prior to the determination hearing.

Material Revision

Education Code section 47607(a)(2) states a material revision to a charter petition is governed by the standards and criteria in section 47605, "and shall include, but not be limited to, a reasonably

comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.”

In reviewing petitions for the establishment of charter schools pursuant to Section 47605, “the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve.”

Reasons for Denial

The authorizing board shall not deny a request to materially revise an existing charter unless it 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 subdivision (a) [of section 47605]. **This item does not pertain to a material revision.**
4. The petition does not contain an affirmation of each of the conditions described in subdivision (e) [of section 47605].
5. The petition does not contain reasonably comprehensive descriptions of all of the 15 elements set forth in [section 47605, subdivision (b)(5)].
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. (Education Code § 47605(b))

Two other findings may support denial of a material revision that proposes to expand an existing charter school:

7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. This finding must include an analysis and consideration of the fiscal impact of the proposed charter school. Pursuant to Education Code §47605(c)(7), the county board of education must also describe the specific facts and circumstances that analyze and consider:
 - a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

8. Whether the proposed charter school would duplicate a program currently offered within the school district and whether the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.
 - a. To deny a petition based on fiscal impact under 47605 (c)(8), the school district must demonstrate it is not positioned to absorb the fiscal impact of the proposed charter school.

(Ed. Code sec. 47607(a)(4).) For a material revision, analysis under paragraphs (7) and (8) above shall be limited to consideration only of the impact of the proposed material revision.

STAFF REPORT FINDINGS OF FACT: YES CHARTER REQUEST FOR MATERIAL REVISION

At a Glance

	Meets Requirements		Mostly Meets Requirements		Does Not Meet Requirements
GUIDING QUESTIONS BASED ON REASONS FOR DENIAL					
#1	<i>Does this charter present a sound educational program?</i>				See conditions page 11-13
#2	<i>Are the petitioners demonstrably likely to successfully implement the program set forth in the petition?</i>				See page 6 of the Detailed Staff Report
#3	<i>Does the petition contain the number of signatures required?</i>				NA
#4	<i>Does the petition contain an affirmation of each of the conditions described in subdivision (e) [of section 47605]?</i>				
#5	<i>Does the petition contain reasonably comprehensive descriptions of all of the 15 elements set forth in section 47605, subdivision (c)(5)?</i>				See A-O & Supplemental sections below

Elements		Topic	Meets Standards	Summary of Deficiency
A	Element 1	Educational Program		Performance standards should align with state renewal requirements. Previously stated in 2022 Staff Report: -Identification of and plan for numerically significant student groups; -Operations and instruction PD plan for all staff serving grades 9-12. -Lacks assessment clarity for verified data requirement
B	Element 2	Measurable Student Outcomes		Previously stated in 2022 Staff Report: Lacks goals, actions, metrics, and outcomes, including strong post-secondary outcomes, and required alignment with the Eight State Priorities
C	Element 3	Student Progress Measurement		See conditions on page 11
D	Element 4	Governance		-Governance structure discrepancies. -Board trainings -Documents could not be verified (e.g., Bylaws, new policy requirements etc.)
E	Element 5	Employee Qualifications		See conditions on page 11
F	Element 6	Health and Safety		
G	Element 7	Racial/Ethnic Balance		
H	Element 8	Admissions		
I	Element 9	Independent Audits		
J	Element 10	Suspension / Expulsion		Previously stated in 2022 Staff Report: -Suspension of 10 or more days -Student rights: A process for rebuttal etc.
K	Element 11	STRS		See conditions on page 11
L	Element 12	Attendance Alternatives		
M	Element 13	Post-Employment		

		Rights		
N	Element 14	Dispute Resolution		
O	Element 15	Closure Procedures		
Required Supplemental Information			Meets Standard	Summary of Deficiency
1. Financial/ Administrative Plan				
2. Facilities				
3. Impact Statement				
4. Special Education				Previously stated in 2022 Staff Report: -YES does not operate as described. -Missing legal requirements on transfers, SELPA consultation etc.

Guiding Questions		Meets Standard
#6	<i>Does the petition contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school?</i>	
#7	<i>Will the charter schools serve the interests of the entire community in which the school is proposing to locate?</i>	
#8	<i>Is the district positioned to absorb the fiscal impact of the proposed charter school?</i>	

Detailed Staff Report

#1 Does the petitioner present a sound educational program?

In their report, the petitioner was able to clearly articulate a sound educational model including a Career Technical Education (CTE) program model that embeds college/career readiness throughout the program using an integrated core content/CTE Pathway approach to learning and includes work-based learning plans, community service, and participation in statewide

competitions. The program is designed to prepare students to graduate with three highly recognized industry certifications and e-portfolios that market students' skills after high school.

Although the educational program was comprehensive in its program description, there were missing legal requirements in Elements 1 (A), and 2 (B).

- The material revision lacks a description of how it will identify and meet the needs of targeted students to be served. A sound plan for addressing the needs of numerically significant student groups is not provided.
- The petition lacks measurable goals, actions, metrics, and outcomes aligned with the eight state priorities.
 - The material revision must include measurable pupil outcomes for all students and numerically significant student groups as defined in Education Code 47605(c)(5)(A)(ii). For the purpose of this petition, the petitioner is required to include students classified as socioeconomically disadvantaged and those identifying as Hispanic and White.

Without this information YES Charter cannot successfully implement the proposed program. Likewise, the Yuba County Office of Education cannot conduct proper annual oversight or determine if the school is fulfilling the terms of the charter in the years leading up to renewal. The Yuba County Board of Education would lack the necessary data for a proper renewal determination.

#2 Are the petitioners demonstrably likely to successfully implement the program set forth in the petition?

YES Charter addressed fiscal findings and now meets all fiscal requirements.

The remaining findings include but are not limited to the following:

- the inability of the review team to verify many documents referenced in the petition as these documents were not included in the Appendix submission. AB 1505 expanded the definition of the “material terms” of the charter beyond the actual charter itself to include the required financial plan, affirmations, disclosures, and documents.
- Additionally, there are significant findings detailed in #5 (below) *Does the petition contain reasonably comprehensive descriptions of all of the 15 elements set forth in section 47605, subdivision (c)(5)?*
- Since the last submission, CDE restarted the publication of the California School Dashboard and System of Support. The CA Dashboard academic achievement indicators are now directly tied to a charter school’s ability to renew its petition. Statewide, most public schools continue to lag state standards as a result of learning loss during the COVID-

19 pandemic, but YES Charter’s results are still very low relative to the rest of California. The 2022 CA Dashboard for YES Charter includes:

- An academic achievement indicator for English Language Arts (“ELA”) that is “very low” overall and for socioeconomically disadvantaged (“SED”) students.
 - Overall students are 73.8 points below California’s standard. Statewide, the average for all California students was 12.2 points below standard.
 - SED students are 75.7 points below California’s standard. Statewide, the average for all California SED students is 41.4 points below standard.
- The academic achievement indicator for math is also “very low” overall and for SED students.
 - Overall students are 123.3 points below California’s standard. Statewide, the average for all California students was 51.7 points below standard.
 - SED students are 130 points below standard. Statewide, the average for all California SED students is 84 points below standard.
- The indicator for chronic absenteeism is “very low” overall. This a positive sign considering schools continue to struggle with post-pandemic attendance statewide.
- The suspension rate indicator in contrast is “Very High” overall (7.4%, more than double the statewide average of 3.1%), 6.6% for SED students (compared to 4.0% statewide), and 6.6% for White students (compared to 2.6% statewide).

CA Education Code 47607.2(a) states that an authorizer shall not renew a charter school that for two consecutive years immediately preceding renewal either:

1. Scored red [very low] or orange [low] schoolwide on all state indicators on the Dashboard;
OR
2. For all measurements of academic performance, received performance levels schoolwide that are the same or lower than the state average, AND for a majority of student groups performing statewide below the state average in each respective year, received levels that are lower than the state average.

However, an authorizer may renew only upon making both of the following written factual findings:

1. The charter school is taking meaningful steps to address the underlying cause(s) of low performance, which are or will be written in a plan adopted by the governing body of the charter school; AND
2. There is clear and convincing evidence, demonstrated by verified data, showing either:
 - a. The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school; OR
 - b. Strong postsecondary outcomes equal to similar peers.

It is critically important for YES Charter to take meaningful steps to address the underlying cause(s) of academic achievement in the existing TK-8 program. If YES Charter is unable to

demonstrate improvements in student achievement, then the Education Code may prevent the Yuba County Board of Education from renewing its charter petition in 2025. This does not mean that it is impossible for YES Charter to improve TK-8 academic performance while implementing a new 9-12 program, but it does present a serious challenge. YCOE's staff are raising these concerns now so that YES Charter has the maximum opportunity to develop and successfully implement a plan to improve student achievement before YES Charter seeks to renew its charter petition.

The Yuba County Office of Education strongly encourages YES Charter to submit its petition for renewal with the release of the 2024 CA Dashboard in mind.

#3 Signature collection is not applicable to a material revision.

#4 Does the petition contain an affirmation of each of the conditions described in subdivision (e) [of section 47605]?

Yes. All required affirmations are contained within the petition.

#5 Does the petition contain reasonably comprehensive descriptions of all of the 15 elements set forth in section 47605, subdivision (c)(5)?

The petition contains many of the required elements, however, some required legal and/or comprehensive descriptions are missing, as described in Elements A-O and in the Supplemental Requirements that follow.

A. Element 1 (Educational Program) is missing the following required descriptions:

The material revision provides information regarding the overall community need, however, the material revision lacks a description of how it will identify and meet the needs of targeted students to be served.

- The petition does not contain a sound plan for addressing the needs of numerically significant student groups. It only references 'low achieving' students, in general.
- The petition contains language that defines mastery as 'standards nearly met' (pg. 103). This does not align with the renewal Ed Code (E.C. § 47607.2(b)). The minimum standard for a Charter is to consider schoolwide academic performance for all students and student groups compared to the State.
- The petition does not contain clear information for K-2 assessments that meet verified data requirements.

In 2019, CA Education Code 51224.7 was added requiring charter schools serving grades 9-12 to develop and implement a Math Placement Policy. Likewise, AB224 added a requirement that high

schools provide mental health instruction if a Health class is offered. SB 400 added a legal requirement for training on homeless students and in June 2022 Education Code Section 51225.31 was updated to clarify graduation requirements for students with disabilities. Similar legislation was added to support highly mobile students.

B. Element 2 (Measurable Student Outcomes) is missing the following required descriptions:

- Education Code 47605(c)(5)(B) states, “Pupil outcomes... means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052.”
- The material revision does not provide performance goals/ measurable pupil outcomes students will achieve over a given period of time (outcomes) are not included for all students and numerically significant student groups. This should include additional school priorities and relevant goals and actions related to unique aspects of the proposed charter school program (e.g., CTE, internships).
- Significant student groups for the purpose of this petition include students classified as socioeconomically disadvantaged and those identifying as Hispanic and White.
- Assessment methods/tools (metrics) for all groups for each outcome.
- There is no alignment with the eight State Priorities.

D. Element 4 (Governance)

The petition is missing the following legal requirements enacted after the 2018 renewal:

- 2019 SB 126 contains legal requirements for board training and the review/update and filing of the Conflict of Interest Code and related policy. AB 2158 requires board ethics training. Training is not referenced in the petition or provided in supporting documentation.
- Likewise, many policy requirements went into effect in recent years. In some cases, these policies need to be developed (e.g., Suicide Prevention). Several policies are required to be prominently posted (e.g., Suicide Prevention). Referenced and/or legally required policies could not be located on the school’s website, were not included in the submission, and were not provided upon request.
- There is no delineation of ‘Council’ roles and responsibilities.

Additional concerns include:

- The petition indicates the Council of Directors is composed of at least five members. The current composition of the Council of Directors noted in the petition includes six members and does not match the seven-member council reflected in public meeting documents.
- Two of the current six voting members have direct ties to the daily operation of the school. While staff member participation is within the scope of the law, staff members are required

to abstain from votes that present a conflict of interest. Without more non-staff members on the board, this can make it difficult for the board to assemble a quorum and a majority for board action that impacts YES Charter employees. It also does not represent the demographic population served.

- The petition identifies only one parent currently on the council, however, the petition indicates there should be two parent representatives.
- The Superintendent/Principal biography is inserted in the middle of the board biographies, which creates an initial misperception that this is a voting board member role. Leadership staff biographies/qualifications should be delineated separately from the board.

E. Element 5 (Employee Qualifications) is missing the following legal requirements:

This element meets the minimum legal requirement to affirm staff will hold appropriate credentials.

Additional concerns include:

- Some job descriptions do not contain the appropriate credentials.
- The petition does not include CTE job descriptions, which are a major component of the proposed program.

J. Element 10 (Suspension and Expulsion Procedures) is comprehensive and thorough but is missing the following legal requirements per Ed Code (E.C. §47605(c)(5)(J)).

- The petition does not explain how the charter school will comply with federal and state constitutional procedural and substantive due process requirements for suspensions of 10 days or more.
- The petition lacks a process for a student to have a fair opportunity to present testimony, evidence witnesses, a rebuttal of charges, and cross-examine adverse witnesses with a right to bring legal counsel or an advocate.

Required Supplemental Information

Financial/Administrative Plan

The Financial and Administrative Plan met all the evaluation standards. The budget surplus is strong even if they could only retain their current enrollment up from 8th grade to feed grades 9 through 12. Reserves are also very strong where enrollment and associated revenues become lower than projected.

Special Education requirements are incomplete per Education Code 47641(a) and 47646.

Although, YES Charter states in their material revision that they are “categorized as a public school within the YCOE in conformity with Education Code section 47641, subdivision (b) for purposes of Special Education,” clarification is needed. YES Charter is considered an independent local educational agency for the purpose of special education services and is therefore not a school within YCOE. They are an independent LEA for special education purposes. These material

changes to the petition were never approved through a formal material revision process. Corrective action must be taken with the State, the SELPA and the authorizer.

The following information is not delineated within the material revision:

- Support and accommodations for students with IEPs
- The process of notifying the district of residence
- Information regarding the transition to and from a district when a student with an IEP enrolls in or transfers out of the Charter
- Evidence that the school has consulted with a SELPA

#6 Does the petition contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school?

Yes, the material revision contains the appropriate declaration.

#7 Is the charter school demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate?

The proposed expansion does not negatively impact current programming, services, support, and academic programming that is being offered in the Marysville Joint Unified School District.

#8 Is the district positioned to absorb the fiscal impact of the proposed charter school?

Marysville Joint Unified School District has not contested the material revision or demonstrated it is unable to absorb the fiscal impact of the proposed grade-level expansion.

Conclusion

The implementation of AB 1505 (signed into law in 2019 shortly after the last petition renewal) and numerous laws implemented since were among the largest set of laws to be imposed upon charter schools since the inception of the Charter Schools Act. There is clear and convincing evidence a high school is needed in the foothills of Yuba County and YES Charter has a strong vision for meeting the needs of the community, however, the submitted petition continues to lack a number of very important legal requirements and comprehensive descriptions.

CA Education Code 47607(2)(A) states that material revisions of charters are governed by the standards and criteria in Section 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. The Yuba County Office of Education provided lots of support in detailing inaccuracies and omissions in previously submitted petitions, but it is still the responsibility of the petitioner to demonstrate an understanding of legal requirements by ensuring that comprehensive descriptions and supporting documents are complete and accurate.

With the proposed expansion to include grades 9-12, the YCOE review team has determined that, to be successful in the long term, it will be critical for YES Charter to take meaningful steps to

address documented findings. The following paragraphs contain language to support the Yuba County Board of Education should they choose to approve **or** deny the Yuba Environmental Science Charter Academy's request for grade-level expansion.

Should the Yuba County Board of Education **approve** the request for material revision, it is strongly recommended that the Board of Education adopt the findings in this Staff Report and conditionally approve the material revision contingent upon YES Charter meeting the following four conditions by the established deadlines, and that missing any deadline would default to denial of the 9-12 grade level expansion request for material revision:

1. An academic and operations (high school specific) professional development plan will be developed for all staff serving grades 9-12 and will be submitted via DTS Vault no later than June 30, 2023.
2. YES will make credential corrections to identified job descriptions and submit them to YCOE via DTS Vault by 6/30/23.
3. YES Charter will make the following corrections to the petition. The corrected petition must be submitted to the County Office of Education by June 30, 2023, for review and Board approval at the public meeting in August.
 - a. Align goals, actions, metrics, and outcomes, including numerically significant student groups, with the mandated eight state priorities, as required in Elements B and C.
 - b. Consult with the Yuba County SELPA to ensure all records with CDE and SELPA reflect they are an independent LEA for special education services and that special education language in the petition is updated to correctly reflect current practice.
 - c. How the charter school will comply with federal and state constitutional procedural and substantive due process requirements for suspensions of 10 days or more
 - d. A process for the student to have a fair opportunity to present testimony, evidence witnesses, a rebuttal of charges, and cross-examine adverse witnesses with a right to bring legal counsel or an advocate.
 - e. Add statement of retirement options for PERS/Social Security
4. An MOU will be developed effective 7/1/23 through 6/30/25 to clarify roles, responsibilities, conditions of approval, and ongoing annual oversight. The MOU will include, but not be limited to
 - a. YES Charter will only operate at the existing site located at 9841 Texas Hill Rd, Oregon House, CA 95962. All other locations will require another request for material revision.
 - b. YES Charter School will affirm the governance requirements and concerns will be corrected by June 30, 2023, to ensure compliance with Bylaws and ensure that staff members will abstain from votes that present a conflict of interest. Updated council biographies, roster with contact information and Bylaws will be due via DTS Vault no later than August 30, 2023.

- c. YCOE and YES Charter will affirm it is the responsibility of the Yuba County Board of Education to provide the charter school with a primary point of contact. The point of contact will conduct oversight of the charter school, including but not limited to document review and site visits.
- d. YCOE and YES Charter will affirm they will use DTS Vault as its repository for document collection as part of the annual oversight process. The petitioner will meet all submission deadlines pursuant to Education Code 47604.3.
- e. YES Charter will affirm it will use Renaissance STAR assessment as verifiable data for K-2 students and NWEA MAP for students in grades 3-12, as required by California Education Code Section 47607.2 and described on the CDE web page: [Verified Data Criteria and Adopted Indicators – Charter Schools \(CA Dept of Education\)](#)
- f. YES Charter will affirm they are an independent LEA for special education services and will follow Yuba County SELPA policies and procedures and their own policies and regulations established board. YES is responsible for the determination of student needs and all costs for necessary services.
- g. Roles and responsibilities for special education services:
 - i. YES Charter has the sole responsibility to search and serve students believed to need special education. YES performs its own special education services and does not report to YCOE and interventions beyond regular programming.
 - ii. YCOE and YES Charter are not jointly represented by YCOE’s legal counsel. YES Charter is independent for the purpose of special education services and utilizes their own counsel for legal consultation.
 - iii. YES does not provide YCOE with 10% of their special education apportionment. YES is independent for the purpose of special education implementation and all funds are passed through to YES.
 - iv. YES is an independent agency regarding Section 504 and does not notify YCOE regarding Section 504 compliance.
- h. YES will use a YCOE template to provide a detailed staff list to the YCOE credential analyst via DTS Vault by 9/15, annually, for credential review.
- i. YES Charter shall pay a fee, not to exceed 1% of the revenue of the charter school, to YCOE for oversight, as determined in section 47613 (f). Revenue of the charter school means the local control funding formula, as calculated in Education Code section 42238.02 and implemented in Education Code section 42238.03; Education Protection Account (EPA) funding, as per Article XIII, Section 36, Subdivision €, Paragraph (3), Subparagraph (B) of the California Constitution and in-lieu taxes, which are calculated and distributed per Education Code section 47635. The 1% oversight fee for YES Charter will be withheld by YCOE from the monthly revenues received from CDE apportionments. The remaining apportionment,

distributed to YCOE from the State on behalf of YES Charter, will be paid to YES Charter.

- j. The 2025 renewal petition will be submitted to the Yuba County Board of Education inclusive of a complete Appendix of supporting documents appropriately aligned with the petition and a progress report for the 2018-2023 term. The template for the progress report will be provided by the Yuba County Office of Education.

-or-

Should the Yuba County Board of Education **approve the material revision without conditions**, the Board does not need to make or adopt any written findings of fact.

-or-

Should the Yuba County Board of Education **deny** the Yuba Environmental Science Academy Charter request for material revision, it is necessary for the Board to make written findings specific to the material revision to support denial. In this event, it is strongly recommended that the Board adopt the following findings:

The Yuba County Office of Education's staff reviewed the request for material revision utilizing the criteria for approval set forth in Education Code Section 47605 and produced a written Staff Report including findings of fact. Based upon its comprehensive review and analysis of the request for material revision, the Yuba County Board of Education adopts the Staff Report as the written findings of the Board and, on that basis, denies the material revision based on the finding that the petitioners are demonstrably unlikely to successfully implement the program as proposed in the material revision. Reasons for denial include, but are not limited to, a lack of a sound plan for addressing the needs of numerically significant student groups; a lack of clear goals, actions, metrics, and outcomes for students; a lack of understanding of legal requirements for serving students in grades 9-12; governance structure and non-compliance; and low student achievement in the existing K-8 program.