

**Visalia Unified School District
Board of Education
MINUTES**

**OPENING
BUSINESS**

The October 6, 2016, Special Board meeting was called to order at 6:00 p.m. by President John Crabtree in the Board Room at the VUSD Educational Office Complex, 5000 West Cypress Avenue, Visalia. A quorum of the Board was present.

ATTENDANCE

	<u>Arrive</u>	<u>Leave</u>	<u>Absent</u>
John L. Crabtree	6:00	8:49	
William A. Fulmer	6:00	8:49	
Juan Guerrero	6:00	8:49	
Donna Martin	6:00	8:49	
Jim L. Qualls	6:00	8:49	
Charles Ulmschneider	6:00	8:49	
Lucia D. Vazquez	6:00	8:49	
Dr. Todd Oto, Superintendent	6:00	8:49	

Staff Members

Robert Gröeber, Assistant Superintendent, Administrative Services
Tamara Ravalín, Assistant Superintendent, Human Resources Development
Melanie Stringer, Assistant Superintendent, Instructional Services
Delia Smart, Administrative Assistant, Superintendent's Office
Jose Medina, Spanish Interpreter

**INTRODUCE
INTERPRETER**

President Crabtree introduced Jose Medina as the Spanish interpreter for the Board meeting.

**PLEDGE OF
ALLEGIANCE**

Member Qualls led the pledge of allegiance.

**GENERAL PUBLIC
COMMENT**

There were no comments from the public.

**PUBLIC COMMENT/
PUBLIC INTEREST
ANNOUNCEMENTS/
STATUS REPORTS/
ACTION (as
applicable)**

**SYCAMORE VALLEY
ACADEMY PETITION
FOR CHARTER
SCHOOL RENEWAL –
FIRST READING
(Encl. No. 1)**

Robert Gröeber, Assistant Superintendent of Administrative Services, shared that public comment will be heard on the two petitions before the Board at the meeting. This was the end of a 60-day period and this is the first read. Several staff members have participated in the review of the petitions: Robert Gröeber, Assistant Superintendent of Administrative Services and Nathan Hernandez, Chief Financial Officer, reviewed it from the budget perspective; Jim Sullivan, Director of State and Federal Projects, reviewed it from the LCAP perspective; Cara Peterson, Director of Special Education, reviewed it from the Special Education perspective; and Jacquie Gaebe, Mimi Bonds,

Robert Crow, Michel Lambert, Phil Black and Suzie Skadan reviewed it from the Instructional Services perspective. He introduced Megan Macy, Attorney from Lozano Smith representing Visalia Unified, who provided a technical review as it relates to the Sycamore Valley Academy (SVA) renewal petition. The review included background information on SVA, standard of the review, summary of the findings that have been made, and the staff recommendation that the Board renew the renewal petition, with conditions.

This was a first reading only. The second and final reading will go to the Board for consideration of approval or denial at the October 11, 2016, Board meeting.

Public Comment

- Ruth Dutton, SVA Superintendent, shared her concerns with the findings of fact, falsehoods and lack of transparency, the fifteen elements required by law in a petition being met by the SVA petition, unfairness and lack of communication from VUSD staff asking for more details in the petition, VUSD not providing an adequate opportunity to reply, VUSD trying to hamstring SVA, the findings of fact containing several instances of hypotheticals and conjecture and shared several examples of this. SVA will be sending VUSD a robust rebuttal. Their work to found Blue Oak and their work to locate it where the need is greatest reflects their continued and deep commitment to reach low income pupils.

Additional public comment was provided by the following people regarding their concerns with the findings of fact, the petition having met all legal requirements and asking that the Board approve the Sycamore Valley Academy petition without conditions and/or Blue Oak Academy initial petition:

- Brian Geramia, Attorney with Young, Minney and Corr LLP, shared that his law firm will be representing and helping SVA prepare its rebuttal to each and every finding of facts.
- Dorothy Lee, Vice President of Client Management and General Manager of Southern California EdTec Inc.
- Jeff Sands, Regional Director, Central Valley, California Charter Schools Association

Additional public comment was provided by the following people in support of the VUSD Board approving the Sycamore Valley Academy renewal petition.

- Chris Lackey, Community Member
- Zoe Mishler, SVA student
- Kent Mishler, SVA parent
- Kevin Vedenhoff, SVA parent
- Viviana Aguilera, SVA parent

BLUE OAK ACADEMY
PETITION FOR NEW
CHARTER SCHOOL –
FIRST READING
(Encl. No. 2)

Robert Gröeber, Assistant Superintendent of Administrative Services, introduced Megan Macy, Attorney from Lozano Smith representing Visalia Unified, who provided a technical review as it relates to the Blue Oak Academy Initial petition. The review included background information, standard of the review, summary of the findings that have been made, and the staff recommendation to deny the petition based on findings that support that recommendation.

This was a first reading only. The second and final reading will go to the Board for consideration of approval or denial at the October 11, 2016, Board meeting.

Public Comment

- Ruth Dutton, SVA Superintendent, clarified some points made by VUSD Board members--parent involvement is not a condition of enrollment at SVA and they are committed to diversity. She provided some history of the discussions and opportunity given to SVA to reply to the findings and to revise a few things in SVA's initial petition five years ago, which was not afforded them for the Blue Oak Academy petition. She will be submitting a public records request for VUSD's dependent charter school petitions and looking that the same standards that are being applied to SVA and Blue Oak Academy's review are also being applied to VUSD's new upcoming charter school. She shared her concerns with the findings of facts regarding parent signatures and spoke of the academic success at SVA for Hispanic learners vs. their white counterparts.
- Rachele Berglund-Bailey, SVA Board Chair, parent and attorney, shared a letter from Sixteenth District Senator Jean Fuller in support of both petitions. She left copies of the letter for the board members.
- Brian Geramia, Attorney with Young, Minney and Corr LLP, shared his legal opinion regarding the petition meeting the legal requirements, concerns with the Findings of Fact, and the lack of collaboration on the district's part.

Additional public comment was provided by the following people in support of the VUSD Board approving the Blue Oak Academy petition:

- Dorothy Lee, EdTec, Inc., Vice President of Client Management and General Manager of Southern California
- Jeff Sands, Regional Director for the Central Valley, California Charter Schools Association
- Daniel Huecker, Superintendent of Eleanor Roosevelt Community Learning Center
- Jesus Pelayo, Community Member
- Allan Benton, Community Member

ADJOURNMENT

The meeting was adjourned at 7:33 p.m.

NEXT MEETING

The next regularly scheduled Board meeting will be held on Tuesday, October 11, 2016, at 5:30 p.m. in the Board Room at the VUSD Educational Complex located at 5000 West Cypress Avenue, Visalia (unless otherwise posted).

Respectfully submitted,



Donna Martin
Board Clerk



Todd Oto, Ed.D.
Board Secretary/Superintendent

Sycamore Valley Academy Renewal Petition

LS

October 6, 2016

Presented by:
Megan E. Macy



Background

- K-8 charter school with 378 students
- Currently operated by a non-profit
- Petition expires in June 2017
- 5-year Renewal
- Seeking change in corporate structure

Standard of Review

- 1) Performance Criteria
- 2) Sound Educational Program
- 3) Demonstrably Likely to Implement the Program
- 4) Reasonably Comprehensive Description of Elements

Finding 1: Unsound Education Program

- The Renewal Petition does not sufficiently describe the proposed curriculum or teaching methods to be employed at the Charter School.
- The Renewal Petition does not include a detailed plan for meeting the needs of its low-achieving students.
- The Renewal Petition does not include a detailed plan for meeting the needs of its high-achieving students.
- The Renewal Petition does not adequately address how the Charter School will modify its educational program to educate English Learners.
- The Renewal Petition does not describe the Charter School's plan for providing special education and related services and Section 504 services to eligible students.

Finding 2: Unlikely to Implement Successful Program

- The Charter School lacks a realistic operational plan for addressing diversity.
- The Renewal Petition does not adequately describe the Charter School's proposed staffing plan and employee qualifications.
- The Renewal Petition presents an inadequate and unrealistic financial and operational plan for the Charter School.
- The Renewal Petition fails to provide certain policies and procedures that demonstrate that Petitioners are familiar with the requirements of law applicable to charter schools.

Finding 3: Reasonably Comprehensive Description

- Instructional Program (A)
- Governance Structure (D)
- Health & Safety (F)
- Racial and Ethnic Balance (G)

Recommendation

Findings support denying the petition on the following grounds:

1. The Renewal Petition presents an unsound educational program for the students enrolled in the Charter School. (Ed. Code, § 47605, subd. (b)(1).)
2. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Renewal Petition. (Ed. Code, § 47605, subd. (b)(2).)
3. The Renewal Petition does not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P).

Recommendation

The Renewal Petition can be modified to bring it and the Charter School's educational program, into compliance with the Education Code and appropriate standards.

Recommendations is that the Board renew the Renewal Petition, with conditions, based on Education Code sections 47605 and 47607.

Condition 1

Address the following questions from the LCAP Template:

- Identify what are the unique goals for unduplicated pupils as defined in Education Code section 42238.01 and subgroups as defined in section 52052 that are different from the LEA's goals for all pupils.
- Identify what are the specific expected measurable outcomes associated with each of the goals annually and over the term of the LCAP.
- Identify what information (e.g., quantitative and qualitative data/metrics) was considered/reviewed to develop goals to address each state or local priority.

Condition 2

Identify and respond to the required metrics as follows:

- Explain current results (e.g., scores, percentages, etc.) as part of SVA’s current annual measurable outcomes.
- Explain the current and expected metrics for all required school subgroups (e.g., EL, SPED, etc.)

Condition 3

For each goal in the prior year LCAP, review the progress toward the expected annual outcome(s) based on, at a minimum, the required metrics pursuant to Education Code sections 52060 and 52066. The review must include an assessment of the effectiveness of the specific actions. Describe any changes to the actions or goals SVA will take as a result of the review and assessment. In addition, review the applicability of each goal in the LCAP.

- Address how the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes.
- Address how the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?
- Identify what information (e.g., quantitative and qualitative data/metrics) was examined to review progress toward goals in the annual update.

Condition 4

Revise Element A (Educational Philosophy and Instructional Program) to include all elements discussed in Staff Report, including but not limited to:

- Course descriptions/Scope and Sequence for each grade level
- Sample lesson plans for each grade level
- Curriculum and materials/textbooks designated by grade level
- Technology plan
- List of electives offered during past charter term
- Number of classrooms at each grade levels, maximum student-to-teacher ratios
- Complete staffing plan

Condition 5

- Revise plan for serving low-achieving students to:
 - clarify performance standards and benchmarks used to identify low-achieving students;
 - specify targeted interventions and learning strategies and how they will be used and tiered to meet needs of low achieving students.

Condition 6

Revise plan for serving high-achieving students to:

- provide concrete examples of how instruction is modified to meet needs of high-achieving students;
- provide examples of specific advanced learning opportunities made available to high-achievers.

Condition 7

Revise plan for serving ELs to include all missing elements identified in Staff Report, including, but not limited to, process for identification and classification of ELs, programming provided to specific EL levels, oversight, and reclassification.

Condition 8

Revise the plan for Special Education and Section 504 to include all missing elements identified in Staff Report, including but not limited to:

- revision of the plan to clarify that change in status as a result of Charter School membership in another SELPA is a material revision to Charter;
- discussion of alternative settings that Charter School will make available to students whose needs cannot be met in general education setting;
- a detailed list of professional development topics related to special education and Section 504 that will be provided to staff during renewal term.

Condition 9

Provide District with revised and updated Budget and Budget Narrative as specified in Staff Report.

Condition 10

For each action/service, list and describe budgeted expenditures for each school year to implement those actions, including where those expenditures can be found in SVA's budget. SVA must reference all fund sources for each proposed expenditure.

- Expenditures must be classified using the California School Accounting Manual as required by Education Code sections 52061, 52067, and 47606.5.

Condition 11

Update Handbook and Renewal Petition to clarify that parent volunteer hours are not a condition of enrollment and to remove requirement for tracking and reporting volunteer hours.

Condition 12

Provide District with complete set of Charter School policies and procedures as specified in Staff Report.

Blue Oak Academy Initial Petition

October 6, 2016

Presented by:
Megan E. Macy

LS



Background

- New Charter Petition
- Would be operated by charter management organization “CMO”
- Proposed to serve K-8 and replicate Sycamore Valley Academy
- 5-year Term
- Requested location: Highland Elementary School

Standard of Review

- Signature Requirement
- Sound Educational Program
- Demonstrably Likely to Successfully Implement the Program
- Reasonably Comprehensive Description of Elements

Finding 1: Does Not Meet Signature Requirement

Education Code section 47605, subdivision (a)(1), permits a charter petition may be submitted to the governing board of the school district for review *only after* one of the following conditions is met:

- (A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation; or
- (B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

Finding 1: Does Not Meet Signature Requirement

50% of proposed 98 first year enrollment not met.

- 34 of 58 students represented by parent signature attend Sycamore Valley Academy.

Teacher signatures are from Sycamore Valley.

Finding 2: Unsound Educational Program

- The Petition does not sufficiently describe the proposed curriculum or teaching methods to be employed at the Charter School.
- The Petition does not include a detailed plan for meeting the needs of its low-achieving students.
- The Petition does not include a detailed plan for meeting the needs of its high-achieving students.
- The Petition does not adequately address how the Charter School will modify its educational program to educate English Learners.
- The Petition does not describe the Charter School’s plan for providing special education and related services and Section 504 services to eligible students.

Finding 2: Plan for English Learners

- Staffing
- Classification
- EL Programming
- Integrated and Designated ELD
- Reclassification
- Oversight

Finding 2: Special Education

- Duties; Funding
- Status of Charter School
- Least Restrictive Environment
- Referral
- Extended School Year
- Notice of Procedural Safeguards
- Staffing
- Section 504 & ADA
- Transportation

Finding 3: Demonstrably Unlikely to Successfully Implement Program

- The Charter School lacks a realistic operational plan for addressing diversity.
- The Petition does not adequately describe the Charter School's proposed staffing plan and employee qualifications.
- The Petition presents an inadequate and unrealistic financial and operational plan for the Charter School.
- The Petition fails to provide certain policies and procedures that demonstrate that Petitioner is familiar with the requirements of law applicable to charter schools.

Finding 4: Reasonably Comprehensive Description

- Instructional Program (A)
- Governance Structure (D)
- Health & Safety (F)
- Racial and Ethnic Balance (G)

Recommendation

Findings support *denying* the petition on the following grounds:

- The Petition does not contain the number of signatures prescribed by Education Code section 47605, subdivisions (a)(1)(A) or (a)(1)(B).
- The Charter School presents an unsound educational program for the students to be enrolled in the Charter School.
- The Petitioner is demonstrably unlikely to successfully implement the program set forth in the Petition.
- The Petition does not contain reasonably comprehensive descriptions of all required elements as set forth in Education Code section 47605, subdivisions (b)(5)(A-0).