

**CUYAMA JOINT UNIFIED SCHOOL DISTRICT
SPECIAL BOARD MEETING**

Thursday, February 19, 2015, 6:00 P.M.

Board Room, Cuyama Elementary School

2300 Highway 166, Cuyama, CA

Minutes

I. The meeting was called to order by Board President, Michael Mann at 6:00 p.m.

<u>ROLL CALL:</u>	Michael Mann	<u> P </u>	F. Paul Chounet	<u> P </u>
	Juan Gonzalez	<u> P </u>	Superintendent	
	Tamra Cloud	<u> P </u>		
	Trudi Callaway	<u> P </u>	Chris Rahe	<u> P </u>
	Paul Weirum	<u> A </u>	Chief Business Official	

FLAG SALUTE: Led by Mr. Juan Gonzalez

II. PUBLIC FORUM/HEARING:

Citizens may address the Board of Education at this time. Following recognition by the president, each speaker may have the floor for five minutes. Persons addressing the Board are requested to give name, address, and the group or organization they represent, if any, in order that an accurate record can be made in the minutes. Items not appearing on the agenda cannot, by law, be the subject of Board action. Such items may be placed on future agendas for full discussion and/or action.

- Mrs. Susan Coie, with Charter Schools Development Center, spoke on behalf of Olive Grove Charter School. She has heard of the change in recommendation in regards to Olive Grove Charter School’s petition with a denial due to a threatened lawsuit by Santa Barbara Unified. She is very saddened because Olive Grove Charter School helps many families with students who do better in a charter school setting. Olive Grove Charter School went to each district before pursuing Cuyama and they were completely shut down. Ed Code legislative intent is all about +offering opportunities and choices, and it’s all about boards granting and encouraging charter schools and what those districts are doing is not in spirit of the law, and, in her view, it is not consistent with preserving the needs of the families and children. She believes they are doing this simply because it makes sense for their own budgets do so, but to her, it’s a narrow view of how they serve families. The faculty at Olive Grove Charter School can give you story after story of how the students that attend their charter were either bullied, or not fitting, uncomfortable and not thriving; and they can come to a different kind of setting, like our charter, and it works for them. And, that is the intent of what charter schools were designed to do. She has talked to their own legal counsel and to the teachers at the charter school and they have agreed to take on the cost of litigation for this lawsuit. She would love to see a partnership between Cuyama Joint Unified and Olive Grove Charter School.
- Mr. Mark Richardson, Superintendent of Santa Maria Joint Union High School District, formerly the Superintendent of Taft High School District, has spent some time here in Cuyama. He was on CJUSD’s last two WASC committees and he’s had the opportunity to see the quality education CJUSD provides for its students. SMJUHSD has nothing against charter schools says Mr. Richardson; he believes charter schools can provide beneficial educational options for students.

He states that charter schools must be authorized to operate in compliance with the law. Recently, a San Diego County Superior Court Judge confirmed that all charter schools (whether non classroom based, blended, or other) must comply with geographical locations and limitations in the CA Ed Code. The geographical location requires charter schools to operate within the boundaries of their authorizing district, subject to specific limitations allowed by the CA Ed Code. The Olive Grove Charter School's proposal to operate in multiple locations in Santa Barbara County, including Santa Maria, runs contrary to the CA Ed Code geographical locations. Six months ago, Mr. Richardson was approached and asked if SMJUHS would sponsor Olive Grove Charter School. His question to the Superintendent at the time (she's retired now) was why would SMJUHS authorize a charter that can set up shop in the Cuyama Valley? Mr. Richardson was Superintendent of Taft High School District. Mr. Richardson asks if it would have been fair to Cuyama if he ran a bus up to Cuyama from TUHS to pick up kids in Cuyama and take them to TUHS? That's legal; but, that would not have been the right thing to do for Cuyama. Mr. Richardson asked the board to consider a couple things: Does this petition comply with current law? Does the Cuyama School District want schools to open up in their district without having any say so on how they operate or how they attract students to their school and how they go about their business? Mr. Richardson encouraged the board to vote 'no' if they answered 'no' to any of those questions.

III. ACTION ITEMS:

- A. PETITION TO ESTABLISH OLIVE GROVE CHARTER SCHOOL: The Board denied the Olive Grove Charter School's petition based on the following facts of findings that were presented by Dr. Chounet on a separate handout:
- The proposed charter does not reasonably comprehensively describe the educational program, facilities and location, or other operational requirements. A non-exhaustive list of areas which the proposed charter lacks a reasonably comprehensive description of required elements includes:
 - The plan for special education does not describe whether the charter school will participate as a school of the district for purposes of special education or a local educational agency member of a SELPA, and the charter school has not provided verifiable written assurances of acceptance as a local educational agency in a SELPA.
 - The plan for student discipline, which appears to incorporate the Education Code requirements for suspension and expulsion, yet continues to refer to discipline for defiance and disruption.
 - The plan to ensure additional procedural protections required for all students with disabilities are implemented prior to significant change in placement, including expulsion or dismissal from charter school.
 - The plan for administrative services is unclear and not reasonably comprehensively described in the proposed charter.
 - The proposed charter contains a severability provision without description of explanation.
 - The Bylaws of Corporation operating Charter School only hold Olive Grove Charter to nonprofit conflict standards and the proposed charter does not reasonably comprehensively describe how the charter school will avoid conflicts of interest under the Political Reform Act

or Government Code, Section 1090. The bylaws also confusingly contain a clause indicating that document supersedes the proposed charter, without any explanation.

- The proposed charter does not propose to establish a charter school within the District's boundaries, provide a principal office location, or specify charter locations with certainty. Instead, it lists four locations where the charter school is currently operating and allows the charter school to unilaterally and during the charter term, locate a facility "within the general area" of certain cities.

Based on the lack of reasonably comprehensive descriptions contained in the proposed charter in fundamental area of operations, and the threat of litigation over the charter school's proposed locations, staff also finds Petitioners are demonstrably unlikely to successfully implement the proposed program. Accordingly, staff recommends the Board adopt this report as the required findings in support of denial of the Petition.

Financial Considerations: Approval of the Petition would likely result in costly litigation.

Available for viewing in D.O.

Moved By: Mr. Mike Mann 2nd By: Mrs. Trudi Callaway

Roll Call Vote:

Michael Mann Y Tamra Cloud Y Trudi Callaway Y Paul Weirum AB Juan Gonzalez Y

The next regularly scheduled Board meeting is March 12, 2015.

IV. ADJOURNMENT: The Regular Board Meeting was adjourned at 6:18 p.m.

Moved By: Mr. Juan Gonzalez 2nd By: Mrs. Trudi Callaway

Roll Call Vote:

Michael Mann Y Tamra Cloud Y Trudi Callaway Y Paul Weirum AB Juan Gonzalez Y

Materials prepared in connection with an item on the regular session agenda may be reviewed in the Superintendent's Office 72 hours in advance of the meeting and will be available for public inspection at the meeting. An individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)



Board Clerk