

HUMBOLDT COUNTY OFFICE OF EDUCATION
901 Myrtle Avenue, Eureka, CA 95501

MINUTES
October 23, 2019

1.0 CALL TO ORDER/WELCOME/FLAG SALUTE

President Loretta Eckenrode called the meeting of the Humboldt County Board of Education to order at 3:00 p.m. with a quorum present.

PRESENT: Loretta Eckenrode, Marc Rowley, Bill Ruff, Mary Scott

ABSENT: Robert Siekmann

ALSO PRESENT: Chris Hartley, Superintendent of Schools; Colby Smart, Assistant Superintendent; Tess Ives, Jenny Bowen, Felicia Doherty, Roger Golec, Stephanie Jackson, HCOE; Bill Hornback, Schools Legal Services via videoconference; Jason Miller, Young, Minney & Corr, LLP; Traci Speelman, Mary Halstead, Shannon & David Sundberg, Agnes Johnson Charter; Janine Melanson, Administrative Assistant;

Bill Ruff led the flag salute.

2.0 ADJUSTMENT OF AGENDA

There were no adjustments to the agenda.

3.0 BOARD MEMBER ANNOUNCEMENTS/REPORTS/COMMENTS

There were no announcements from the Board.

4.0 PUBLIC COMMENTS

There were no public comments.

5.0 CONSENT AGENDA

It was moved/seconded (Rowley/Scott) to approve the consent agenda. **The motion carried with the following hand vote.**

	<i>Hand Vote</i>
AYES:	Eckenrode, Rowley, Ruff, Scott
NOES:	None
ABSTAIN:	None
ABSENT:	Siekmann

The following items were acted upon under the consent agenda:

- 5.1 Approve Minutes—September 11, 2019
- 5.2 Approve Travel Claims
- 5.3 Receive/File Williams Quarterly Report (Instructional Materials, Facilities & Teacher Certification)
- 5.4 Adopt Proclamation in Support of American Cancer Society's Great American Smokeout
- 5.5 Adopt Proclamation in Recognition of the Week of the School Administrator
- 5.6 Adopt Routine Budget Revisions
- 5.7 Receive and File Surplus Property Report

5.8 Approve Revised Local Control Accountability Plan (LCAP) for Court/Community Schools

6.0 ACTION ITEMS *(The Board is asked to receive/discuss/take action)*

- 6.1 Approve 2018-19 Final EPA (Education Protection Account) Expenditures (Proposition 30)
It was moved/seconded (Ruff/Rowley) to approve 2018-19 Final EPA (Education Protection Account) Expenditures. **The motion carried with the following hand vote.**

Hand Vote

AYES:	Eckenrode, Rowley, Ruff, Scott
NOES:	None
ABSTAIN:	None
ABSENT:	Siekmann

- 6.2 Adopt Resolution to Provide for Short-Term Cash Loans to School Districts in Humboldt County
It was moved/seconded (Scott/Rowley) to Adopt Resolution to Provide for Short-Term Cash Loans to School Districts in Humboldt County. **The motion carried with the following hand vote.**

Hand Vote

AYES:	Eckenrode, Rowley, Ruff, Scott
NOES:	None
ABSTAIN:	None
ABSENT:	Siekmann

- 6.3 Approve Revisions to Board Policy and Administrative Regulation 5131.3 - Bullying
It was moved/seconded (Rowley/Scott) Approve Revisions to Board Policy and Administrative Regulation 5131.3 - Bullying. **The motion carried with the following hand vote.**

Hand Vote

AYES:	Eckenrode, Rowley, Ruff, Scott
NOES:	None
ABSTAIN:	None
ABSENT:	Siekmann

- 6.4 Consider Petition Submitted by Agnes J. Johnson Charter School

Dr. Hartley welcomed those present for the Agnes J. Johnson Charter (AJJC) Petition and apologized for rescheduling due to power outage on October 9.

Colby Smart and Jennifer Fairbanks gave a staff report. The process for review was discussed. Strengths of the petition were noted such as flexible schedule and project-based learning, A-G approved coursework, and attention to career technical education

options. Concerns with the petition include the lack of facility plan and wifi capabilities, particularly for independent study. The petition does not address due process for expulsion or immunization requirements for independent study students who come on campus periodically to meet with staff. Also, the founding group appears to have minimal experience in the fields of education or school fiscal services. One of the criteria not met is the sufficiency of signatures on the petition.

Bill Hornback addressed the signature requirement. The requirement for a conversion charter is for petitioners to obtain the approval of at least 50% of the permanent certificated staff currently employed. There is no dispute regarding who was employed, but there is disagreement regarding whose signature counts and whose does not. According to a letter received at the county office, there were three teachers in permanent status. One of those worked at two other locations. Mr. Hornback stated that the petitioners provided one signature when there appeared to be more than two permanent teachers. The part time teacher has to be ignored or counted in some fashion. The law does not help by defining what "currently employed" means. He stated that the only way to approve the petition is to ignore the part-time, permanent staff teacher. He does not find that to be an appropriate interpretation of the law, but to his knowledge it has never been challenged in a court of law. He also stated that the response from the charter in this regard does not add anything to the argument.

Staff commented that there are problems in the budget in regards to the independent study (IS) in that education code requires that anything of value provided to an IS student must also be provided to a classroom-based student. Because of the proposal of an online independent study high school program, the charter would have to provide the essential components (internet capable device and internet connection). To avoid the value issue, they would need to provide the same to all high school students. The petitioners indicate an increase in year three of \$100/student. It is not believed that a device and connection could be provided for that amount. The petition gives no indication of how they will comply with this requirement. The comment in the letter from petitioners states that not all aspects of IS program are spelled out because the program does not start until the third year, however this board has to approve or disapprove now, with no opportunity to look at it again at that point.

With regard to the facility issue, staff have concerns whether petitioner can present in-district students in order to make a proposition 39 request. No other facility is mentioned as an option if the first option does not work out.

There is also concern regarding conflict of interest, and that the non-profit school bylaws do not go far enough to address the 1090 requirement.

Public comment regarding this item:

Jason Miller, attorney with Young, Minney & Corr, LLP, was present to represent the charter petitioners. He stated that there is ambiguity in the law with regard to the signatures, but the intent of the law is such that a minority of teachers cannot take over a school and convert it to a charter. All teachers have expressed support. The petitioners

saw the special education teacher as separate from full time. The teacher that was not full time at the time of the petition signing has now become a full time teacher.

With regards to the “things of value” laws, Mr. Miller stated that the legislative intent is that students should not be given items of value to lure them into program. In the petition, the equipment is to be loaned and given back as the student exits high school. Internet is the “transportation” for the students, so also not a gift.

Mary Halstead, lead petitioner, recognizes they are not experts and wishes to work with the county to fill any gaps currently in the petition.

It was moved/seconded (Ruff/Rowley) to approve the petition submitted by Agnes J. Johnson Charter subject to adoption of a Memorandum of Understanding that is mutually agreed upon by both parties to correct deficiencies noted by HCOE staff.

Board members requested clarification regarding the laws around the “things of value”; Mr. Hornback stated they are in Education Code 51747.3 and 49101(b)(3).

A board member asked if there was an alternative plan for the facility should the current location not be available. Ms. Halstead stated that, as a conversion, they are guaranteed the current facility for the first year and that the Proposition 39 funds would come into play the second year. Mr. Miller stated that charters bring students back to public education, so he feels the 80 student threshold should not be a problem.

A board member expressed the need to respect the Southern Humboldt board’s decision and the steps they have taken before petition came to HCOE, and feels there are still a lot of questions outstanding. Another stated that the charter would likely be a benefit to the community, but that the petition seems premature and that more proof is necessary to ensure success. Mr. Miller pointed out these are all reasons for the Memorandum of Understanding requirement, but the petition must be “reasonable”. Another member of the board stated there may be benefits to going back to the Southern Humboldt board to re-petition with the assistance of the county office staff. As currently written considerations of facilities, special education and other areas are not adequately addressed.

Petitioners stated that going back to the district would be a timing issue with starting school. Mr. Miller also raised the issue of upcoming major changes in law that could require a complete redraft of the petition. Ms. Halstead also expressed concerns about the instability in the Southern Humboldt district and concerns about moving anything through the district at this time.

Mr. Hornback stated that it is common for schools and county offices to negotiate changes after the petition is submitted. The motion does not give the petitioners the charter. The charter is dependent on the mutually agreed upon memorandum of understanding. If no agreement is signed, there is no school.

A board member asked Superintendent Hartley if he was comfortable with the petition. Dr. Hartley stated that this is the first time the county office has been petitioned for a

charter conversion. He stressed that staff have taken the petition very seriously in their thorough review and that there are technical issues that the county office has not dealt with before.

A board member asked if the petition decision could be postponed while the petitioners worked on the document. Mr. Miller stated it cannot be postponed due to statutory timelines.

A board member asked what responsibility HCOE has if the program fails. Mr. Hornbeck stated the chartering authority is not responsible for the finances of a non-profit charter.

The motion carried with the following hand vote.

	<i>Hand Vote</i>
AYES:	Rowley, Ruff, Scott
NOES:	Eckenrode
ABSTAIN:	None
ABSENT:	Siekmann

7.0 INFORMATION/ACTION ITEMS *(The Board is asked to receive/discuss; however, the board may decide to take action at their discretion)*

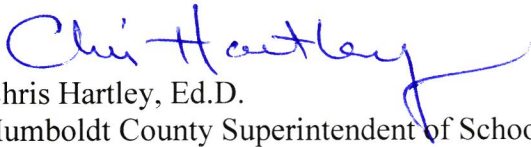
- 7.1 Review Court/Community Schools 2018-19 LCAP Local Indicators Results
Felicia Doherty presented regarding the results of last year's local indicators. The community school programs are required to complete the 5 local indicators plus two extra for county offices regarding expulsions and foster youth. She is required to report to the state that all priorities have been met and also report to the board. Felicia recapped all 9 priorities as met and Roger Golec addressed priority 10 regarding the Foster Youth work he and his team are doing throughout the county.
- 7.2 Superintendent's Report
Dr. Hartley noted that the second Equity Summit is November 1 and that it is sold out. Many agencies are coming together for the summit. Loleta School District wrote a grant that is bringing in the keynote speaker. Other partners include HSU & the Humboldt Area Foundation. There are phenomenal presenters throughout the sessions who are volunteering their time. All of Loleta's staff are attending and McKinleyville has 70 teachers registered.
- Dr. Hartley mentioned the PG&E Power Safety Public Shutoffs (PSPS) that caused our last board meeting to be cancelled. He commented that Taylin Titus has been the hub of communication between the county office of emergency services, our districts and the media and has done a terrific job.
- Dr. Hartley stated he attended the Author Festival dinner which was an enjoyable event at which the visiting authors talked about their experiences visiting our local schools. This event is held every 2 years and is unique to California.

Dr. Hartley shared that Professor Larry Machi called him a few months ago to invite him along on a trip to Taiwan to an education conference. Dr. Hartley asked Colby Smart to attend. The sponsors paid for the costs of travel. Colby spent a week there, establishing new partnerships. He will report on the trip at a future meeting.

8.0 ADJOURNMENT

The meeting adjourned at 5:01 p.m.

Respectfully submitted,



Chris Hartley, Ed.D.
Humboldt County Superintendent of Schools

CH:jm