



Charter Schools Division

LOS ANGELES UNIFIED SCHOOL DISTRICT

333 South Beaudry Avenue, 20th Floor
Los Angeles, CA 90017
Charter: (213) 241-0399 ♦ Fax: (213) 241-2054

JOHN E. DEASY, PH. D.
Superintendent

MATT HILL
Chief Strategy Officer

JOSÉ COLE-GUTIÉRREZ
Director, Charter Schools Division

Sent via E-mail and Certified U.S. Mail

June 26, 2013

Dr. Juan Gómez Quiñones,
President of Semillas Sociedad Civil
Anahuacalmecac International University Preparatory High School
4736 Huntington Drive
Los Angeles, CA 90032

Dear Dr. Juan Gómez Quiñones:

On June 18, 2013, the LAUSD Board of Education conducted a public hearing and adopted the recommendation to deny the renewal of charter petition for Anahuacalmecac International University Preparatory High School. I am providing you with a copy of the Stamped Order of Business. When a school district denies a charter petition, the petitioner may file an appeal, in this case, to the Los Angeles County Board of Education. Please contact the Los Angeles County Office of Education, 9300 Imperial Highway, Downey, CA 90242, if you decide to appeal the District's decision. The phone number to the LACOE Charter Schools Office is (562) 922-8806. The Los Angeles County Office of Education will inform you of their procedures and requirements for filing an appeal. The Los Angeles County Office of Education will contact the LAUSD Charter Schools Division regarding forwarding of documents.

The lead petitioner from your team should contact Ms. Melidá Dominguez at Charter Schools Division to arrange a date and time for pickup of the petition binder. She may be contacted at (213) 241-0399. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "José Cole-Gutiérrez".

José Cole-Gutiérrez
Director

c: Minnie Ferguson ✓
Marcos Aguilar
Salomon Zavala
Gitana Ayala

BOARD OF EDUCATION OF THE CITY OF LOS ANGELES
Governing Board of the Los Angeles Unified School District

REGULAR MEETING STAMPED ORDER OF BUSINESS

333 South Beaudry Avenue, Board Room
12 p.m., Tuesday, June 18, 2013

Roll Call

Pledge of Allegiance

Superintendent's Reports

Senior Graduation Speakers

Facilities Local Hiring Update

Consent Items

Items for action below assigned by the Board at the meeting to be adopted by a single vote. Any item may be pulled off of consent for further discussion by any Board Member at any time before action is taken.

Item Postponed from Regular Board Meeting of May 14, 2013, 12 p.m.

1. Board of Education Report No. 298 – 12/13 **PUBLIC HEARING ADOPTED BY CONSENT VOTE**
Charter Schools Division
(Renewal of the Affiliated Charter for Colfax Charter Elementary) Recommends the approval of the renewal of the charter for Colfax Charter Elementary for 5 years to serve 658 students in grades K-5 at the school located at 11724 Addison Street in the North Hollywood area of Los Angeles.

New Business for Action (Continues at Tab 54)

2. Board of Education Report No. 312 – 12/13 **ADOPTED AS AMENDED**
Procurement Services Division **(Amended to revise page 11)**
(Procurement Actions) Recommends approval of procurement actions taken by staff within the delegated authority of the Superintendent for professional services, agreement amendments and purchases within the delegated authority as described in Attachment A for a total amount of approximately \$31.4 million for school survey services, technology services, student mentoring, teacher professional development, retirement program audit services, African American student achievement program, data analysis for after school programs, telecommunication services and 18,909 procurement transactions and low value contracts. Additionally, recommends approval of professional services contracts and goods and general services contracts with agreements and amendments for amounts over \$250,000 not under the delegated authority as detailed in Attachment B, including private school Title I services, student information system (MiSiS, ISiS) management services and software development services, medical and dental benefits, benefit open enrollment services, Adult Student Information System services, PSAT examinations, American Sign Language interpretation services, SAP services, K-3 literacy support services, MTA bus passes, audio visual equipment, door locks and hardware, tire repair services, heavy equipment rental, and Citrix software licenses for a total authorization amount increase of approximately \$475.4 million.

3. Board of Education Report No. 324 – 12/13 **ADOPTED BY CONSENT VOTE**
Accounting and Disbursements Division
(Report of Warrants Issued, Request to Reissue Expired Warrants, and Donations of Money)
Recommends approval of warrants for things such as salary payments for a total value of \$479,949,073.31, the reissuance of one expired warrant totaling \$2,803.83, and the acceptance of twenty donations to the District totaling \$1,973,704.95.

4. Board of Education Report No. 311 – 12/13 **ADOPTED BY CONSENT VOTE**
Office of the Chief Financial Officer
(Certification of Signatures For All Orders Drawn on the Funds of the Los Angeles Unified School District in the Name of the Governing Board) Recommends authorization for the Chief Financial Officer and the Controller to sign warrants on behalf of the District. Further authorizes the Deputy Controller, the Director of Accounts Payable and the Head Accountant be allowed to sign payment vouchers on behalf of the District and approves the submission of signatures for each Board Member to the Los Angeles County Office of Education.

5. Board of Education Report No. 343 – 12/13 **PUBLIC HEARING ADOPTED**
Budget Services and Financial Planning Division
(Adoption of the Superintendent's 2013-14 Final Budget and Approval of Education Protection Account Resolutions for 2012-13 and 2013-14) Recommends the adoption of the Superintendent's 2013-14 Final Budget with the indicated budget assumptions and policies; that the budget be filed as adopted with the County Superintendent of Schools; that Budget Services and Financial Planning Division and the Accounting and Disbursements Division be authorized to take necessary actions to implement the provisions of this report; and the approval of the spending determinations of funds received pursuant to the Educational Protection Act Proposition 30.

6. Board of Education Report No. 310 – 12/13 **ADOPTED AS AMENDED BY CONSENT VOTE**
Office of Instruction **(Amended to Change Total Projected Revenue on**
Human Resources Division **Page 2 from \$487.6 million to \$477.4 million)**
Office of Intensive Support and Intervention
(Submission of Fiscal Year 2013-14 Consolidated Application for Categorical Aid Programs)
Recommends authorization to submit the 2012-13 Consolidated Application for Funding Categorical Aid Programs to the California Department of Education for an estimated \$487.6 million in funding for state and federal programs; and that the estimated amount be included in the Superintendent's 2013-14 Budget.

7. Board of Education Report No. 320 – 12/13 **ADOPTED BY CONSENT VOTE**
Human Resources Division
(Routine Personnel Actions) Recommends approval of 1,995 routine personnel actions such as promotions, transfers, leaves, etc.

8. Board of Education Report No. 321 – 12/13 **ADOPTED BY CONSENT VOTE**
Human Resources Division
(Nonroutine Personnel Actions) Recommends the demotion of one classified employee, the dismissals of seven classified employees, and, the suspension-dismissals of four classified employees.

9. Board of Education Report No. 346 – 12/13 **ADOPTED BY CONSENT VOTE**
Human Resources Division
(Reemployment of Certificated Employees Based on Special Training and Experience)
Recommends authorization for the Human Resources Division to deviate from making offers of reemployment to certificated employees in order of seniority when personnel with special training and experience are needed.
10. Board of Education Report No. 313 – 12/13 **ADOPTED BY CONSENT VOTE**
Facilities Services Division
(Facilities Services Division Contract Actions) Recommends approval of actions that have been executed within the delegated authority including the approval of award of 23 new construction contracts for approximately \$10.4 million, two Education Code 17406 construction contracts for approximately \$8.7 million, and three job order contracts and one amendment for \$1,550,000; 181 change orders for new construction and existing construction for approximately \$2.6 million; completion of 31 contracts; award of 51 informal contracts totaling \$398,422; the rejection of one bid; the award of one negotiated sole source contract for \$71,041; the award of architectural and engineering extra services contracts and amendments of \$1.2 million; the award of three new professional and technical service contract not exceeding \$250,000 for \$395,000; the award of three professional and technical service contract amendments not exceeding \$250,000 for \$264,000; the award of one professional and technical service contract for \$950,000 for program management services; and the approval to amend 15 mechanical engineering support contracts for a not to exceed capacity increase of \$6 million.
11. Board of Education Report No. 315 – 12/13 **ADOPTED BY CONSENT VOTE**
Facilities Services Division
(Approval of the 2013 Facilities Services Division Strategic Execution Plan) Recommends approval of the Facilities Services Division Strategic Execution Plan, which includes approximately 500 completed and active New Construction projects to provide over 166,000 new classroom seats and approximately 800 active Repair and Modernization Program projects at existing schools. This Strategic Execution Plan also includes over 480 active and completed Capital Improvement Program Reserve (CIPR) projects for facelift, parent and family center upgrades, photovoltaic installations, and sustainability initiative projects.
12. Board of Education Report No. 316 – 12/13 **ADOPTED BY CONSENT VOTE**
Facilities Services Division
(Amendment to the Facilities Services Division Strategic Execution Plan to Define and Approve 34 Board Member Priority and Alteration and Improvement Projects) Recommends approval of amendment to the Facilities Services Division Strategic Execution Plan to include 34 specified Alteration and Improvement projects and Board Member Priority projects valued at approximately \$1.5 million.
13. Board of Education Report No. 317 – 12/13 **ADOPTED BY CONSENT VOTE**
Facilities Services Division
(Amendment to the Facilities Services Division and Information Technology Strategic Execution Plans to Define and Approve 309 School Facilities Improvement Projects) Recommends approval of amendments to the Facilities Services Division and Information Technology Division Strategic Execution Plans to define, allocate funds and take related actions for each described project.

14. Board of Education Report No. 326 – 12/13 **ADOPTED BY CONSENT VOTE**
Facilities Services Division
(Authorization for Staff to Enter into a Development Agreement for the Delivery of the Fremont High School Redevelopment Project) Recommends authorization for the District staff to enter into a development agreement with Pinner Construction and any necessary documents for approximately \$62 million for the delivery of the Fremont High School Redevelopment Project pursuant to Ed Code 17406.
15. Board of Education Report No. 337 – 12/13 **ADOPTED BY CONSENT VOTE**
Facilities Services Division
(Authority to Execute a Joint Powers Agreement with the County of Los Angeles for the Construction of the San Fernando High School Teen Health Center) Recommends authorization for District staff to execute a Joint Powers Agreement with the County of Los Angeles to fund and construct a health center at San Fernando High School.
16. Board of Education Report No. 338 – 12/13 **ADOPTED BY CONSENT VOTE**
Facilities Services Division
(Authorization to Extend the Lease for Two Transportation Services Division Parking Lots) Recommends approval to extend the leases for covered parking facilities located at 1640 South San Pedro St. for 225 District buses for a period of five years for a total cost of approximately \$2.5 million.
17. Board of Education Report No. 339 – 12/13 **ADOPTED BY CONSENT VOTE**
Facilities Services Division
(Authorization to Extend the Sublease for Board District 4 Field Office) Recommends authorization for District staff to enter into a sublease renewal with a term of 41 months for the Board District 4 Field Office located at 1075 N. Western Ave., Los Angeles, for a total cost of \$205,000.
18. Board of Education Report No. 327 – 12/13 **ADOPTED**
Facilities Services Division
(Contract Authorization for Common Core Technology Project Plan) Recommends authorization for District staff to enter into a contract with Apple Inc. for the not to exceed amount of \$30 million to implement phase I of the Common Core Technology Project, amend the contract with Apple as necessary to increase the capacity, and amend the Information Technology Division Strategic Execution Plan to define and approve additional phases and allocate additional funding.
19. Board of Education Report No. 348 – 12/13 **ADOPTED BY CONSENT VOTE**
Office of the Superintendent
Facilities Services Division
(Authorization to Negotiate and Execute Alternative Agreement and Facilities Use Agreement with Valor Academy Charter School, Inc., and Bright Star Schools, Inc.) Recommends authorization for District staff to negotiate and execute an alternative facilities use agreement with Valor Academy Charter School for the charter's use of space at Panorama High School.
20. Board of Education Report No. 318 – 12/13 **ADOPTED BY CONSENT VOTE**
Facilities Services Division
Charter Schools Division
(Amendment to the Facilities Services Division Strategic Execution Plan to Approve a Charter Augmentation Grant for the Camino Nuevo Charter Academy Project and Authorization to Negotiate and Execute All Agreements Necessary for the Financing, Construction and Operation of a Permanent Charter School Facility) Recommends approval of amendment to the Facilities

Services Division Strategic Execution Plan to approve an augmentation grant for the Camino Nuevo Charter Academy project of approximately \$9.4 million for construction of a K-8 grades facility on Camino Nuevo owned property at 3400 W. 3rd St. in Los Angeles.

21. Board of Education Report No. 330 – 12/13 **ADOPTED BY CONSENT VOTE**
Charter Schools Division
(Charter for Fenton Academy for Social and Emotional Learning [FASEL]) Recommends the approval of the charter for Fenton Academy for Social and Emotional Learning (FASEL) for 5 years to serve 600 students in grades K-5 at the proposed location between the northeast San Fernando Valley and the east Hollywood area, establishing a geographic connection between Fenton Avenue Charter School, the Fenton Primary Center, and the Santa Monica Boulevard Community Charter School.

22. Board of Education Report No. 331 – 12/13 **ADOPTED BY CONSENT VOTE**
Charter Schools Division
(Charter for Fenton Science, Technology, Engineering and Math (STEM) Academy) Recommends the approval of the charter for Fenton Science, Technology, Engineering and Math (STEM) Academy for 5 years to serve 600 students in grades K-5 at the proposed location between the northeast San Fernando Valley and the east Hollywood area, establishing a geographic connection between Fenton Avenue Charter School, the Fenton Primary Center, and the Santa Monica Boulevard Community Charter School.

23. Board of Education Report No. 332 – 12/13 **ADOPTED BY CONSENT VOTE**
Charter Schools Division
(Conversion to Affiliated Charter Status for The Academy for Enriched Sciences Magnet) Recommends the approval of the charter for The Academy for Enriched Sciences Magnet as an affiliated charter school for 5 years to serve up to 260 students in grades 1-5 in year 1 and expand to serve up to 260 students through year at the proposed location 6170 Lockhurst Drive, Woodland Hills, CA 91367

24. Board of Education Report No. 333 – 12/13 **ADOPTED BY CONSENT VOTE**
Charter Schools Division
(Conversion to Affiliated Charter Status for Woodland Hills Academy) Recommends the approval of the charter for Woodland Hills Academy to convert to an affiliated charter status for 5 years to serve approximately 1,214 students in grades 6-8 at the proposed location of 20800 Burbank Blvd., Woodland Hills, CA 91367.

25. Board of Education Report No. 334 – 12/13 **ADOPTED BY CONSENT VOTE**
Charter Schools Division
(Material Revision to the Charter for Animo Jackie Robinson High to Increase Its Enrollment from 525 Students to 600 Students) Recommends approval of a material revision to the charter of Animo Jackie Robinson High to align the increase in its enrollment capacity from 525 to 600 students in grades 9-12 currently co-located on Clinton Middle School in Board District 2, Educational Service Center East at 3500 South Hill Street, Los Angeles, CA 90007.

26. Board of Education Report No. 335 – 12/13 **ADOPTED BY CONSENT VOTE**
Charter Schools Division
(Contingent Material Revision to the Charter for Endeavor College Preparatory Charter School to Merge with Futuro College Preparatory Elementary School) Recommends contingent approval of a material revision to the charter of the Charter for Endeavor College Preparatory Charter School to

allow the merger with Futuro College Preparatory Elementary School in order to provide a continuous path from kindergarten through eighth grade to serve approximately 648 students at 1314 South Dacotah Street, Los Angeles, CA 90023 (Dena ES).

27. Board of Education Report No. 336 – 12/13 **PUBLIC HEARING ADOPTED BY CONSENT VOTE**
Charter Schools Division
(Renewal of the Affiliated Charter for Westwood Charter) Recommends the approval of the renewal of the charter for Westwood Charter for 5 years to serve 885 students in grades K-5 at the school located at 2050 Selby Avenue, Los Angeles, CA 90025.
28. Board of Education Report No. 341 – 12/13 **PUBLIC HEARING ADOPTED**
Charter Schools Division
(Denial of the Renewal of the Charter for Anahuacalmecac International University Preparatory High School and Amendment to Expand to Grades K-8) Recommends denial of the renewal of the Anahuacalmecac International University Preparatory High School charter and amendment to expand to grades K-8 and to adopt the Findings of Fact supporting the denial recommendation.
29. Board of Education Report No. 323 – 12/13 **ADOPTED AS AMENDED BY CONSENT VOTE**
Office of the Inspector General **(Amended to Add an audit of Title I Process)**
(Fiscal Year 2014 Office of the Inspector General Work Plan) Recommends approval of the Office of the Inspector General's 2013-14 work plan describing the audits to be undertaken by the office.
30. Board of Education Report No. 261 – 12/13 **ADOPTED BY CONSENT VOTE**
Student Health and Human Services
(Los Angeles Trust for Children's Health Bylaws Amendment) Recommends approval of an amendment to the Bylaws of the Los Angeles Trust for Children's Health, a 501(c)(3) public benefit nonprofit organization, to change the composition of the Board of Directors of the organization.
31. Board of Education Report No. 319 – 12/13 **ADOPTED AS AMENDED BY CONSENT VOTE**
Office of Intensive Support and Intervention **(Amended to move Revere Math/Sci Magnet from page 4 to the Affiliated Charters section on page 5)**
(Alternative Schools of Choice Annual Evaluation) Recommends approval of a report prepared by the District staff evaluating alternative schools and magnet schools and centers.
32. Board of Education Report No. 347 – 12/13 **ADOPTED BY CONSENT VOTE**
Office of Intensive Support and Intervention
(Establishment of New Magnet Programs) Recommends authorization to establish 5 new magnet schools and 4 new magnet centers with an estimated budget cost of approximately \$1.5 million plus necessary transportation costs.
33. Board of Education Report No. 340 – 12/13 **ADOPTED BY CONSENT VOTE**
Division of Special Education
(Renewal of the Transition Partnership Program for Three Years: 2013-2016) Recommends approval of an agreement between the District and the California State Department of Rehabilitation to provide rehabilitative services leading to employment for students with disabilities at 65 school sites.

34. Board of Education Report No. 322 – 12/13 **ADOPTED**
School Operations
(Naming of Mervyn M. Dymally High School) Recommends approval to rename South Region High School No. 12 as Mervyn M. Dymally High School.
35. Board of Education Report No. 325 – 12/13 **ADOPTED BY CONSENT VOTE**
School Operations
(Naming of Michelle Obama Elementary School) Recommends approval to rename Valley Region Elementary School No. 13 as Michelle Obama Elementary School.
36. Board of Education Report No. 344 – 12/13 **ADOPTED BY CONSENT VOTE**
School Operations
(Naming of Theodore Roosevelt Senior High School) Recommends approval of the naming of Theodore Roosevelt Senior High School to reflect the consolidation of five small schools on the Roosevelt High School campus.
37. Board of Education Report No. 345 – 12/13 **ADOPTED BY CONSENT VOTE**
School Operations
(Naming of Felicitas and Gonzalo Méndez High School) Recommends approval of the naming of Felicitas and Gonzalo Méndez High School to reflect the consolidation of two small schools on the Felicitas and Gonzalo Méndez Learning Center campus.

Board Member Resolutions For Action

38. Mr. Kayser – To Engage the Los Angeles Unified School District Community and Establish Fiscal Priorities (Noticed March 19, 2013 and Postponed from Previous Board Meetings)
POSTPONED TO AUGUST REGULAR BOARD MEETING

Whereas, The Los Angeles Unified School District has suffered tremendous adverse fiscal impacts due to the nation's economic crisis including the elimination of critical programs and the staff supporting them;

Whereas, The State of California continues to shamefully sit at the bottom of the nation in per-pupil funding, consequently, we must do more with less;

Whereas, Devastating cuts have been made to arts and music education, early education, adult education, libraries, afterschool programs, outdoor education, and nursing and counseling services, while class sizes increased, salaries were cut, summer school was eliminated and the school year shortened;

Whereas, Through the efforts of Governor Jerry Brown, the voters and the organizations that worked so hard to pass Propositions 30 and 39, next year's budget is expected to improve;

Whereas, The Governor's proposed Local Control Funding Formula should also positively impact the situation locally as it provides a base grant of about \$6,800 per student, which would be supplemented with extra funds for districts with large numbers and concentrations of students qualifying for free and reduced price lunch, English Language Learners and foster youth, encompassing the vast majority of District students;

Whereas, Often when "new" money comes into a system, it is spent in a, non-holistic, hodgepodge fashion riddled with pet projects, minimal community input and little planning;

Whereas, There remains a pre-existing structural deficit to deal with; and

Whereas, The students, families, members of the community and District employees have shared the pain and should have a voice in the District's recovery efforts as well as a sense of transparency; and

Whereas, California school districts are required by the State Education Code to hold a public hearing regarding categorical budgeting; now, therefore, be it

Resolved, That prior to the Los Angeles Unified School District's annual final budget adoption in June, 2013, the District shall make use of the Parent Community Service Branch in each Educational Service Center, Parent Centers, the Facilities Services Community Relations, KLCS, and the Public Information Office to coordinate, promote and conduct public hearings aligned to the budget cycle so as to better inform the budgetary decision-making process and to best reflect the community's priorities going forward;

Resolved further, That the District shall convene a discussion open to with its 100,000 employees and nine bargaining units, as those closest to the students, seeking their advice as to how resources should be used;

Resolved further, That input be solicited from the appropriate Student Body Presidents regarding students' priorities;

Resolved further, That the Governing Board of the Los Angeles Unified School District shall conduct a Committee of the Whole meeting to publically discuss and rank its priorities and to align any future "new" dollars to those priorities; and, be it finally

Resolved, That the Superintendent shall, within 60 days, identify and present plans, including accountability metrics, to seek additional sources of funding on behalf of our students.

39. Mr. Kayser – To Create Sustainable Funding for Modern Technology in Los Angeles Unified School District Classrooms (Noticed March 19, 2013 and Postponed from Previous Board Meetings)

WITHDRAWN

Whereas, The stated goal of the Los Angeles Unified School District is for its 664,000 students to graduate well-prepared for their future endeavors, and to do so, they must have the tools and preparation required;

Whereas, Around the globe, computers, in one form or another, have become an everyday resource in well-funded schools and a necessity in the workforce;

Whereas, The State of California ranks 49th in per-pupil funding and the District is coming out of many years of fiscal deprivation, including devastating cuts to arts and music education, early education, adult education, libraries, afterschool programs, outdoor education, and nursing and counseling services, while class sizes increased, salaries were cut, summer school was eliminated and the school year shortened;

Whereas, The State of California accounts for approximately thirteen percent of all public school students in the United States and the District educates about thirteen percent of all Californians;

Whereas, Seventy-nine percent of District students live in poverty and qualify for free and reduced lunch and are unlikely to have access to computers and the internet in the home;

Whereas, If the District is not pro-active, its students will be left on the wrong side of the digital divide;

Whereas, The Common Core Curriculum will, within the next five years, require all school districts in California to make use of computers in its testing process thus gradually preparing for this expense and experience is wise;

Whereas, The District has recently embarked on a fifty-school pilot project to learn best-practices with computing devices, but does not have funds designated to replace them five years hence nor to broaden the effort to all 1,000 District schools;

Whereas, The pilot project alone is expected to cost \$50 million; and

Whereas, The natural life-span of computing devices is limited and a sustained effort is required, particularly with regard to training, upgrades to hardware and software, and technical support; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District directs the Superintendent to develop a District-wide technology implementation plan for its students including a budget and an oversight mechanism.

40. Ms. García, Ms. Galatzan, Ms. Martinez – Beyond 180: Increasing Instructional Time to Improve Student Success (Noticed May 14, 2013) **ADOPTED AS AMENDED**

Whereas, The Los Angeles Unified School District has made exceptional progress towards increasing educational success and preparing college- and career-ready students;

Whereas, It is the responsibility of every adult involved in the educational system to continue implementing solutions to get to 100% graduation;

Whereas, President Barack Obama has stated “the challenges of a new century demand more time in the classroom”;

Whereas, In 1983, a report entitled *A Nation at Risk: The Imperative for Educational Reform* by the Commission on Excellence in Education recommended that "school districts and State legislatures should strongly consider 7-hour school days, as well as a 200- to 220-day school year";

Whereas, The California Education Code sections 46200 and 406201.1 penalize and fine school districts that have an instructional calendar shorter than the state minimum of 175 days;

Whereas, The District’s instructional calendar is currently 180 days;

Whereas, It is estimated that more than 100 school districts across the nation have been forced to implement a four day school week due to severe budget cuts;

Whereas, According to the National Center on Time and Learning, as of 2012, more than 1000 schools across the United States of America have implemented extended learning time strategies to increase student outcomes;

Whereas, Extending the instructional calendar will provide an opportunity for credentialed and classified staff to demonstrate their commitment to student success;

Whereas, The District, after passage of Proposition 30, is expected to see an increase in funding in the 2014-15 school year to increase educational equity in our schools; and

Whereas, Governor Brown's proposed Local Control Funding Formula suggests an eventual net increase in funding for the District; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District recognizes and commends educational leaders that have implemented extended learning time strategies within schools across the District;

Resolved further, That the Board directs the Superintendent to propose a strategy to implement extended learning time;

Resolved further, That the Board directs the Superintendent to examine the feasibility of increasing the academic calendar beyond 180 days, including but not limited to 1) extending the 2014-15 academic calendar by at least 5% and 2) the feasibility of a 200 day academic calendar year; and, be it finally

Resolved, That the Board directs the Superintendent to report back on the ~~implementation~~ feasibility of this resolution within 120 days.

41. Ms. Galatzan – Defining Criteria That Would Trigger Material Revisions for Charter Schools
(Noticed May 14, 2013) **ADOPTED AS AMENDED**

Whereas, There are more than 185 charter schools and 89,112 students enrolled in independent charter schools in Los Angeles;

Whereas, Per state law, a school district, county office of education, or state board of education must approve a school's charter petition before it opens;

Whereas, A charter petition lays out the school's mission, vision, educational philosophy, educational program, governance, organizational structure, demographic targets, financial plan, enrollment, etc., as part of the legally required 16 elements as stated in law;

Whereas, A charter is granted to a school for a period of up to five years, after which they must come back for renewal;

Whereas, A school's academic, demographic, enrollment, financial situation, governance, organizational structure, demographic makeup, may change during that period;

Whereas, Some of those changes are minor, but others are major changes that cause the school to deviate from the original charter petitions approved by the Governing Board of the Los Angeles Unified School District;

Whereas, A minor change can be handled administratively, but an amendment to the charter must be approved by the governing board of the charter school and the Board, in accordance with California Education Code;

Whereas, Those amendments, known as material revisions, are governed by the same standards and criteria that apply to a new petition;

Whereas, The changes or amendments to a charter which would trigger the need for a "material revision" have not always been clear; and

Whereas, District staff has been working on a broader policy on material revisions; now, therefore, be it

Resolved, The Los Angeles Unified School District will come up with a clear list of criteria and changes at a school that would require a material revision;

Resolved further, That these changes ~~would~~ may include, but not be limited to:

- The addition or reduction of grades served
- Any increase in enrollment of more than 20% of students
- Any change to instructional model or design, other than those required by law
- Any admissions preferences and lottery/enrollment procedures not expressly cited in federal or state law or regulation
- Any change to disciplinary procedures;
- Any change to governance or leadership structure including, but not limited to, substantial changes in the number of governing Board Members, changes to Board Member selection process or replacement of the nonprofit corporation, be identified in the charter to operate the charter, and, be it finally

Resolved, That District staff will come back in 60 days with a plan and a definitive list of criteria for changes that require a material revision to be part of the existing Board-approved administrative procedures.

42. Mr. Kayser, Dr. Vladovic, Mr. Zimmer – Creating Equitable and Enriching Learning Environments for All Los Angeles Unified School District Students (Noticed June 4, 2013)

ADOPTED AS AMENDED

Whereas, The Los Angeles Unified School District has continued its upward trajectory of academic achievement and made significant progress in preparing its students for successful careers;

Whereas, The District has built 131 new Kindergarten through twelfth grade schools to eliminate year-round calendars and chronically over-crowded campuses;

Whereas, The District is committed to creating the most enriching academic environment for all students, which includes a reduction in class-size;

Whereas, The District is committed to implementing Common Core Standards and to transforming its curriculum to an A-G model;

Whereas, The National Education Association (NEA), in a 2008 policy brief stated that class-size reduction yields:

- Reduction in the achievement gap
- Early identification of learning disabilities
- Improved high school graduation rates
- Increased college entrance rates
- Improved student behavior

Whereas, The District's current class-size ratios by grade are:

- K-3=24 students :1 teacher
- 4-6=30 students :1 teacher
- 7-8=30 students and above
- 9-12=30 students and above

Whereas, The 2008 NEA policy brief on class-size reduction states, "a \$2 return on every \$1 spent" is obtained when calculating the financial benefits of class-size reduction;

Whereas, Essential classified staff responsible for maintaining a safe, nurturing environment have been consistently depleted at schools leading to supervision and less time interacting and fostering an enriching learning experience for students;

Whereas, Administrative norms are significantly higher than they were prior to the 2007-08 budget leading to less supervision and less instructional leadership;

Whereas, School-based classified staff have been depleted at schools leading to less supervision and less time interacting and fostering an enriching environment for students;

Whereas, The District seeks to restore school site employee salaries to competitive rates similar to other school districts;

Whereas, District students have dealt with shortened school years and the lack of an appropriate summer intervention program to meet their needs;

Whereas, The District, after passage of Proposition 30, is expected to see an increase in funding in the 2014-15 school year to promote educational equity in our schools;

Whereas, The last year the District was not negatively affected by budget cuts was 2007-08 and even then, some levels, such as student-to-counselor ratios, were less than optimal;

Whereas, Governor Brown's proposed Local Control Funding Formula suggests an eventual net increase in funding for the District; and

Whereas, The Governing Board of the Los Angeles Unified School District understands that working conditions of employees must be negotiated; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District directs the Superintendent to examine the feasibility of implementing class-size reduction for the 2014-15 academic calendar and to develop a long term, class-size reduction strategy that will yield positive academic results;

Resolved further, That the Board directs the Superintendent to design a three year strategy to implement the return of other school site certificated positions, for example, counselors and librarians, that have a direct impact on student success and welfare to the same levels as 2007-08 for consideration by the Board;

Resolved further, That the Board directs the Superintendent to design a three year strategy to implement the return of classified positions and hours per position that have been lost to the same support levels as 2007-2008 for consideration by the Board, while maintaining the current level of classified employees and taking into account the immediate need for additional classified staff with the implementation of beneficial class-size reductions;

Resolved further, That the Board directs the Superintendent to add a Psychiatric Social Worker to each site;

Resolved further, That the Board directs the Superintendent to design a three year strategy to increase enrollment in adult and early education for consideration by the Board;

Resolved further, That the Board directs the Superintendent to design a three year strategy to increase funding for arts education and integrated arts instruction;

Resolved further, That the Board directs the Superintendent to design a three year strategy to implement the return of classified positions (e.g. Building and Grounds Workers and Maintenance and Operations Workers), that have a direct impact on student success and welfare to the same levels as 2007-08 for consideration by the Board;

Resolved further, That the Board directs the Superintendent to design a three year strategy to implement returning school site administrative levels to the 2007-08 school years for consideration by the Board;

Resolved further, That the Board directs the Superintendent to design a three year strategy for consideration by the Board to implement competitive wages for District employees whose pay rates have been cut repeatedly over the past several years;

Resolved further, That the Board directs the Superintendent to design a three year strategy to implement an extended school year or provide for the restoration of a full summer intervention and enrichment program for consideration by the Board; and, be it finally

Resolved, That the Board directs the Superintendent to report back at a Board meeting on the implementation of all strategies called for in this resolution within sixty days.

43. Ms. Galatzan, Ms. García - Local Control Funding Formula Strategy and Implementation
(Noticed June 4, 2013) **POSTPONED TO AUGUST REGULAR BOARD MEETING**

Whereas, Governor Jerry Brown's proposed Local Control Funding Formula (LCFF) attempts to rectify longstanding funding disparities between school districts across California;

Whereas, The LCFF aims to simplify education funding, and create a system that is transparent, clear and equitable;

Whereas, The LCFF does away with categorical funding, much of which no longer serves its intended purpose;

Whereas, The LCFF aims to make education funding equitable, but not equal, and to leave no student in the state behind;

Whereas, To make sure funding is equitable, and recognizing that some students need more services than others, the LCFF allocates additional funding to students who live in poverty, are foster children, or are English Learners ("supplemental" funding), and further funding on top of that to districts where more than half the students fall in one of those categories ("concentration" grants); and

Whereas, Every child in the Los Angeles Unified School District is entitled to a certain level of basic services to support his or her education; now, therefore be it

Resolved, That the Governing Board of the Los Angeles Unified School District will continue to advocate for Governor Brown's proposed Local Control Funding Formula in Sacramento;

Resolved further, That when education funds come to the District in the form of "supplemental" funding and a "concentration" grant, that money will follow the child to the school site;

Resolved further, That the Superintendent and his staff will come back in 90 days with different allocation models where the dollars follow the child;

Resolved further, That those models will take into consideration the base level of funding every school needs to survive and thrive—regardless of zip code, size or composition;

Resolved further, That the Superintendent will bring back a timeline to the Board for determining what that base level of funding is; and, be it finally

Resolved, That the above process to determine what services and programs are part of a school's base funding will include parent, school, and community participation.

44. Ms. Martinez, Mr. Kayser, Mr. Zimmer - Resolution in Support of Aligning Preschool through 3rd Grade (Noticed June 18, 2013, 9 a.m.) **ADOPTED BY CONSENT VOTE**

Whereas, The Los Angeles Unified School District is committed to providing every student with a quality education in a safe, caring environment and ensuring that every student will graduate college-prepared and career ready;

Whereas, To ensure that all children are on the path to college and career readiness, we must lay the foundation early, focusing on children's learning starting at birth, preparing them for Kindergarten and building on their progress in early elementary grades;

Whereas, PreK-3 alignment is a national initiative to transform how children ages three to eight learn in schools based on research demonstrating that the cornerstone of a successful education is the learning that takes place from preschool through third grade;

Whereas, Currently, there is little instructional coordination from year to year, even within the same school, much less across a school district or a state;

Whereas, Without early education programs, children growing up in low-income households lose ground to their middle-class peers and that gap only widens as they advance through elementary school;

Whereas, According to decades of developmental and educational research, the first eight years of life are critical because that is when children acquire three distinct types of skills and knowledge:

- Developing a strong foundation in cognitive skills such as early reading and math;
- Building social and emotional capabilities that allow children to interact productively with both peers and adults; and
- Establishing engagement in school and learning¹;

Whereas, During a child's first three years of life, their brains are being wired for future success. Brain development is more rapid during this period than at any other, with more than 700 neural connections created each second. Children are learning everything from smiling, walking and speaking to making choices, exploring and developing relationships²;

Whereas, In the pre-Kindergarten years, young children not only develop core academic knowledge in pre-literacy and early math, they develop important learning skills, such as paying attention, managing emotions and completing tasks. Over a hundred studies, in the U.S. alone, show that quality preschool significantly benefits children's school success;

Whereas, There is an increasing number of English Language Learners under the age of five in our community and there is also a growing body of research indicating the ability of young children to learn more than one language in a supportive environment and that acquiring more than one language in the early years increases brain development and promotes academic achievement;

Whereas, The early elementary grades are when children learn to understand foundation math, reading, and reasoning skills that allow them to tackle more complex subjects in fourth grade and beyond;

¹ Kauerz, K. (2012). "Pre-K-3rd Grade: A Comprehensive Approach." Retrieved from: <http://www.ecc.state.ma.us/docs1/NewsUpdates/20120807-prek-3rd-comprehensive-approach.pdf>

² Center on the Developing Child at Harvard University. (n.d.). "Five Numbers to Remember About Early Childhood Development." Retrieved from: http://developingchild.harvard.edu/resources/multimedia/interactive_features/five-numbers

Whereas, California is failing to meet the needs of all its children and far too many of California's children do not have access to the high-quality early learning experiences they need and deserve;

Whereas, Our students are not getting a strong start when it matters most;

Whereas, In California, 52 percent of 3rd graders test below proficient in English-Language Arts and more than 30 percent are not proficient in Mathematics. For low-income students and those of color, significant barriers exist, with nearly half testing below proficient in both English and Math³;

Whereas, In 2011-2012, only 43 percent of the District's 3rd graders were proficient in 3rd grade English Language Arts and 62 percent of 3rd graders are expected to be proficient in English Language Arts by 2013-2014;

Whereas, The District currently educates over 35,000 young children in early learning programs intended to prepare them for K-12 success;

Whereas, While well-designed pre-Kindergarten does improve children's social and cognitive skills, these gains frequently fade as children advance beyond Kindergarten;

Whereas, Since adopting a preschool through 3rd grade approach within its school district, the Montgomery County Public Schools (MCPS) in Maryland has seen nearly 88 percent of 3rd graders read proficiently and a narrowing of the achievement gap and increase in benefits for English Learners;

Whereas, Research shows that students who start out behind too often stay behind and those who are not reading proficiently in 3rd grade are four times more likely to not graduate from high school⁴;

Whereas, There is increasing evidence that high quality curricula and instruction, data-driven improvement, and instructional leadership that creates and sustains a supportive environment for young learners are central to effective reforms and that, in concert, they help to narrow achievement gaps and provide children with a solid foundation for lifelong learning; and

Whereas, When these crucial efforts are connected and aligned to create continuity between early care and education (ECE) and elementary schools, the gains are even greater; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District reaffirms its commitment to its youngest learners by committing to the development of a framework based on educational standards, curricula, assessment and professional development that are strongly aligned across high-quality pre-Kindergarten, Kindergarten, first, second and third grades;

³ California Department of Education. (2012). "2012 STAR Test Results." Retrieved from:

<http://star.cde.ca.gov/star2012/ViewReport.aspx?ps=true&lstTestYear=2012&lstTestType=C&lstCounty=&lstDistrict=&lstSchool=&lstGroup=1&lstSubGroup>

⁴ Hernandez, D. (2012). "Double Jeopardy: How Third-Grade Reading Skills and Poverty Influence High School Graduation." Retrieved from:

<http://www.aecf.org/-/media/Pubs/Topics/Education/Other/DoubleJeopardyHow1ThirdGradeReadingSkillsandPoverty/DoubleJeopardyReport030812forweb>

Resolved further, That the Board directs the Superintendent to establish a Preschool Through 3rd Grade (P-3) Alignment and Articulation Task Force comprised of the Office of Early Childhood Education, Office of Curriculum, Instruction and School Support, Parent and Community Services Branch, early learning content and curriculum experts, community stakeholders, Facilities Services Division, school leaders, teachers, key public institutions including universities and philanthropies, and others as appropriate for the purpose of developing a framework by which the District can adopt a preschool through 3rd grade approach;

Resolved further, That the aforementioned Task Force is charged with developing goals and a comprehensive plan to position the District to become a leader in the nation around aligning preschool through 3rd grade, primarily focusing on issues of preK-3 implementation across both school- and community-based sites; and, be it finally,

Resolved, The Task Force will issue a report within 90 days outlining recommendations for improvements to the District's long-term educational challenges that begin with creating an aligned and high-quality system of early learning across early childhood and elementary education.

The report shall focus on:

- Funding sources for increasing access to high quality preschool for children in all of the District's early learning programs from birth to age five, particularly in areas in the District where early learning opportunities are severely limited.
- High-quality parental engagement in early learning programs that help position parents to serve as their child's first and lifelong teacher, as well as, educating them to become critical advocates for all children in the District.
- Child development and early childhood curriculum
- Data systems to track progress of children across preschool through 3rd grade
- Explore potential collaboration with internal and community based providers who can offer developmental screenings to diagnose and treat early developmental delays
- Explore joint ECE and K-3 professional development
- Work with the Facilities Services Division to identify and prioritize highest need communities for expansion.

45. Mr. Zimmer, Ms. LaMotte - Comprehensive Information for Parent Initiated School Transformation (Noticed June 18, 2013, 9 a.m.)

ADOPTED AS AMENDED

Whereas, The Governing Board of the Los Angeles Unified School District recognizes the essential role of parents and legal guardians in every aspect of their child's public education and in the successful transformation of schools in the Los Angeles Unified School District;

Whereas, California State Education Code 53300-53303 (The Parent Empowerment Act) allows for parents at the persistently lowest achieving schools to ~~trigger~~ transformation options for school transformation if over 50% of parents or legal guardians at a campus sign a petition calling for the implementation of one of four interventions;

Whereas, California State Education Code 53300-53303 only allows parents and legal guardians who sign the petition to vote for the selected transformation model;

Whereas, California State Education Code 53300-53303 does not currently require public meetings or other mechanisms to ensure accurate and balanced information about school performance or transformation options be provided to all stakeholders during the petition process;

Whereas, Two District elementary schools have been transformed through this process in the 2013-14 school year and the Board assumes there will be several attempts to transform District schools in the 2014-15 school year;

Whereas, Very limited information about the school and monitoring of the signature gathering process was presented to the Board for 24th Street and Weigand Avenue Elementary Schools;

Whereas, The Board has not adopted specific policies and guidelines for receiving petitions and validating the transformation process; and

Whereas, The Superintendent has not issued clear guidelines for principals and school site personnel regarding protocols and operational procedures for each stage of the parent trigger process; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District directs the Office of General Counsel and the Superintendent to submit the following information to the Board for each future transformation petition that is presented to the Board:

1. Independent verification of the signatures, as mandated by State and Federal law, and the signature gathering process
2. Evidence of public notice and a summary of information presented at a public meeting held in the school community detailing accurate information about the school and the available options for transformation
3. An analysis of five years of school data
4. A summary of interventions attempted at the school site and an analysis the success or failure of these attempted interventions
5. An analysis of school report card data and/or school climate survey data;
6. Verification that the school is currently subject to intervention under the Parent Empowerment Act;

Resolved further, that the Board directs the Superintendent to report back with options for impartial third party facilitators (universities, League of Women Voters) who could organize public meetings, under the mandates of state law, regarding the Parent Empowerment Act intervention process and possible outcomes in order to provide all stakeholders with accurate and objective information. These meetings should happen within the area covered by each Educational Service Center and at specific school sites per Site Council request;

Resolved further, That the Superintendent bring guidelines and operational procedures for school site personnel to use during parent trigger transformation processes for review by the Board at the first scheduled business meeting of the 2013-14 school year; and, be it finally

Resolved, That the Board urges directs the Superintendent and Office of Government Relations staff to seek legislative changes to California State Education Code 53300-53303 and or administrative rules and regulations that will better serve all parents and legal guardians in the transformation process. These changes should include, but not be limited to:

1. Provisions that ensure all parents and legal guardians (not solely those who sign the petition) be allowed meaningful participation in all aspects of the transformation process and vote on the transformation option;
2. Provisions that ensure accurate and independently verifiable information about school performance and ~~transformation~~ intervention options that are available to all parents; and
3. Provisions that safeguard against manipulation of families in the process and validate training of all Parent Empowerment Act signature gatherers.

Resolutions Requested by the Superintendent

46. Declaration of Need for Fully Qualified Educators Senate Bill 435 (Watson) and Senate Bill 148 (Bergeson) **ADOPTED**

That the Board of Education of the Los Angeles Unified School District declares that it is necessary to apply for emergency permits as additional authorizations for credentialed teachers under provisions of Education Code 44300. Such permits/authorizations allow teachers to earn Bilingual and/or Cross-Cultural Language and Academic Development (BCLAD and CLAD) certificates, Resource Specialist (RSP) certificate (for experienced special education teachers whose credentials do not specifically authorize RSP services), and teacher librarian certificates for credentialed teachers who are serving in librarian positions while completing their library media programs. The Board of Education also declares that it may be necessary to apply for Limited Assignment Permits for credentialed special education teachers to authorize service to students with an Autism Spectrum Disorder, or when a credentialed general education teacher is assigned to teach a course in a subject outside of his/her credential area.

47. Appointment of Member to the School Construction Bond Oversight Committee **ADOPTED BY CONSENT VOTE**

Resolved, That the Governing Board of Education of the Los Angeles Unified School District ratifies the nomination of Mr. Garrett Francis, representing the Associated General Contractors of California Los Angeles District, for a two-year term, commencing immediately, and determines that Mr. Francis is not an employee, official, vendor, contractor, or consultant of the District.

Board Member Resolutions for Initial Announcement

48. Mr. Kayser - Supporting a Pathway to U.S. Citizenship through Adult Education (For Action at the next scheduled Regular Board Meeting) **FOR ACTION AT THE JULY 2, 2013
REGULAR BOARD MEETING**

Whereas, The 1986 Immigration Reform and Control Act (IRCA) reformed the United States immigration law which granted legal status to more than 3 million of the nations undocumented immigrants;

Whereas, When Congress passed the IRCA of 1986, it required the 3 million undocumented immigrants who were legalized under that law to enroll in at least 40 hours of English courses before obtaining green cards;

Whereas, Currently this number has increased to 12 million undocumented immigrants in the United States, and of which 3 million reside in California and 900,000 are students;

Whereas, The proposed 2013 Immigration Reform Act will remove barriers for thousands of students making it the first critical step in supporting education for our students;

Whereas, The Governing Board of the Los Angeles Unified School District annually serves more than 255,697 students that attend adult education schools and campuses;

Whereas, With the passage of the 2013 Immigration Reform Act, the adult English as a Second Language (ESL) system would face challenges, including the influx of thousands of new students;

Whereas, The current system in place for teaching English to the nation's immigrants, state and federally funded classes, has been hit hard by state budget cuts since the recession began and there is not enough funding currently to deal with the numbers of people who both need and want English-language instruction; and

Whereas, In the 2013-2014 year the adult education department has only budgeted to offer nine ESL classes in each of the 10 adult schools in the District; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District directs the Superintendent and the Office of Government Relations to work with Governor Jerry Brown, the State Legislature, and Federal representatives to address the inequitable funding system in adult education, specifically ESL classes, that has historically underfunded students with in future years.

Correspondence and Petitions

49. Report of Correspondence

APPROVED BY CONSENT VOTE

Public Hearings

50. Resolution of Intention to Dedicate an Easement to the City of Los Angeles at Harry Bridges Span School

ADOPTED BY CONSENT VOTE

Approval of Minutes

51. 12 p.m., Regular Board Meeting Minutes, October 9, 2012
1 p.m., Special Board Meeting Minutes, April 17, 2012
9 a.m., Regular Closed Session Meeting Minutes, May 14, 2013

APPROVED BY CONSENT VOTE

Miscellaneous

52. District English Learner Advisory Committee Annual Update

53. Motion to schedule a Regular Board Meeting on July 2, 2013 at 10 a.m.

**ADOPTED BY
CONSENT VOTE**

New Business for Action (Continued)

54. Board of Education Report No. 349 – 12/13 **ADOPTED BY CONSENT VOTE**
Charter Schools Division
(Approval of the Material Revision of the Charter for Westside Innovative School House (WISH) to Expand from K-5 to K-6) Recommends approval of a material revision to the charter of Westside Innovative School House to to expand to include sixth grade in order to provide continuity of services and options for current students. The school will be co-located on the campus of Wright Middle School, located in Board District 4, Educational Service Center West at 6550 W. 80th St., Los Angeles, 90045.

Public Comment

Adjournment

Please note that the Board of Education may consider at this meeting any item referred from a Board Meeting five calendar days prior to this meeting (Education Code 54954.2(b)(3)). The Board of Education may also refer any item on this Order of Business for the consideration of a committee or meeting of the Board of Education, which meets on the Thursday immediately after this meeting.

Requests for disability related modifications or accommodations shall be made 24 hours prior to the meeting to the Board Secretariat in person or by calling (213) 241-7002.

Individuals wishing to speak at a Board meeting must sign up at the meeting. There will be no sign ups in advance of the meeting. Speakers must sign up prior to the item being acted upon by the Board. Speakers should plan to arrive early as items with no speakers may be acted on at the beginning of the meeting.

If you or your organization is seeking to influence an agreement, policy, site selection or any other LAUSD decision, registration may be required under the District's Lobbying Disclosure Code. Please visit www.lausd.net/ethics to determine if you need to register or call (213) 241-3330.

Materials related to an item on this Order of Business distributed to the Board of Education are available for public inspection at the Security Desk on the first floor of the Administrative Headquarters, and at:
<http://laschoolboard.org/06-18-13RegBd>

Items circulated after the initial distribution of materials are available for inspection at the Security Desk.

participating students so that they meet the state academic content standards and to improve student academic achievement and school performance. The FPM office coordinates reviews through a combination of data and document review and on-site visits. At the end of each review, the state will complete a report of findings that informs the school, district, or county office how to correct the findings. In January 2013, the FPM monitors documented through an on site visit and extensive review that Anahuacalmecac ***exceeded their expectations and had no single infraction***, and the monitors found no findings to report or in need of a resolution. According to two reliable sources, AIUP is the only charter school with no findings.

In order to lawfully deny renewal of the Anahuacalmecac charter, Education Code section 47607(c)(2) required the LAUSD Board to conclude, based upon factual findings and supported by substantial evidence, that it considered “increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor” in its decision. It is unclear how the Board could have considered these increases as the most important factor if they are not even identified in the findings. Under California law, the agency which renders the challenged decision must “set forth findings to bridge the analytic gap between the raw evidence and the ultimate decision or order.” (*Topanga Ass’n for a Scenic Com’ty v. Cty of Los Angeles, et al.*, (1974) 11 Cal.3d 506, 515.) Thus, LAUSD was required to reveal the “analytic route the administrative agency traveled from evidence to action.” (See *id.*) Given that LAUSD noted ***none*** of the above achievements, the Board violated the law in denial of the renewal and the findings are fatally deficient.

2. LAUSD VIOLATED THE PETITIONERS’ PRIVACY RIGHTS UNDER THE PRIVACY ACT OF 1974

The Board’s findings of fact cite to Anahuacalmecac’s refusal to provide its petitioners’ Social Security Numbers on LAUSD’s “due diligence” forms as a reason for nonrenewal of Anahuacalmecac’s charter. (Findings, p. 5.) First, this is not one of the finite, enumerated reasons for denial of a charter renewal in the Charter Schools Act or regulations. The Charter Schools Act sets forth an exhaustive list of criteria for a charter, and LAUSD is not permitted to add its own additional requirements. (Education Code § 47605; *United Teachers of Los Angeles v. Los Angeles Unified School Dist.* (2012) 54 Cal.4th 504, 526.)

Second, LAUSD’s policy of requiring Social Security Numbers is illegal under federal law. Section 7(a) of the Privacy Act of 1974 (“Privacy Act”) provides that, “it shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual’s refusal to disclose his social security account number.” The renewal of a charter petition that meets all the statutory requirements may be classified as a “right, benefit, or privilege” (see *Today’s Fresh Start, Inc. v. Los Angeles County Off. of Education* (July 11, 2013, S195852) __ Cal.4th __ [2013 WL 3467070].) LAUSD’s denial of Anahuacalmecac’s petition for renewal based on the petitioners’ refusal to

disclose their Social Security Numbers deprived Anahuacalmecac of it “right, benefit, or privilege” in its charter– this deprivation is expressly forbidden under the Privacy Act.

The Board’s findings of fact also cite to Anahuacalmecac’s refusal to provide its petitioners’ dates of birth and primary residential addresses as reasons for nonrenewal of Anahuacalmecac’s charter. (Findings, p. 5.) Section 7(b) of the Privacy Act requires a government agency requesting person’s private information to notify the person whether the request is mandatory or voluntary, to cite to the authority under which the information is solicited, to indicate the purposes for which it may be used, and to state the effect on the person of not providing all or any part of the requested information. (5 U.S.C. § 552a(e).) The questionnaire on LAUSD’s “due diligence” form does not provide any such authority or information, and it fails to notify the applicant that the disclosure of their social security number is voluntary. The Board’s findings improperly rely on a form and a policy that fails to comply with federal privacy requirements and violates petitioner’s legal rights.

3. **THERE IS NO SUBSTANTIAL EVIDENCE IN SUPPORT OF LAUSD’S FINDINGS THAT ANAHUACALMECAC IS “DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM,” OR “THAT THE PETITION DOES NOT CONTAIN A REASONABLY COMPREHENSIVE DESCRIPTION OF ALL REQUIRED ELEMENTS.”**

Under 5 CCR 11966.4, once a charter school meets the minimum renewal requirements set forth in 47607(b), a district may deny a petition for renewal *only if* it makes “written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(b).”

LAUSD’s findings of fact fail to set forth any *specific facts* to support the grounds for denial in Education Code section 47605(b). The findings parrot the language of Section 47605(b) by stating “(1.) that the petitioners are demonstrably unlikely to successfully implement the program as set forth in the petition, and (2.) that the petition does not contain a reasonably comprehensive description of all required elements.” However, they fail to provide any actual, specific facts or evidence. In many cases, the “reasons” cited for denial are unrelated to the Anahuacalmecac school (e.g. item L. below, which deals with the Xinaxcalmecac school), or are impermissible reasons for denial (e.g. the fact that Anahuacalmecac currently only has 71 students). Below is an item-by-item response to LAUSD’s findings on these issues, which show that LAUSD lacked the *specific facts* and substantial evidence required by law.

1. LAUSD HAS PRESENTED NO EVIDENCE THAT PETITIONERS ARE “DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM”.

A. Debt. At the beginning of the 2012-13 school year, the school's governing board approved a balanced budget for Anahuacalmecac. At each board meeting during the 2012-13 school year, the board has received a financial update outlining any deviations from this budget, as well as an updated forecast of the 2012-13 actuals. Since the budget was approved in September, the school's enrollment has decreased by five students from initial expectations. In addition, throughout the school year, the school has faced the challenge of prior-year expenses which were not accrued at June 30, 2012 when the school transitioned from the previous back-office provider to its current provider, EdTec. EdTec is a highly-regarded back-office and professional consulting services provider for charter schools.

At the time of the renewal hearing, Anahuacalmecac was forecasting a deficit of approximately \$20,000 in 2012-13—*not* the \$695,336 figure cited by LAUSD in its findings. Anahuacalmecac submitted a charter renewal budget to LAUSD in April 2013. Since then, there have been significant updates in Anahuacalmecac's fiscal state imperative to the appeal to the LACOE Board of Education. Anahuacalmecac received a \$650,000 grant from a local community development corporation in June 2013. This grant positively impacts the ending fund balance for 2012-13, and thus the beginning fund balance for 2013-14. In the originally submitted budget, Anahuacalmecac's 2012-13 ending fund balance was approximately (\$648,500). The award of this grant increased the 2012-13 ending fund balance to approximately \$1,500.

In June 2013, California legislature passed the 2013-14 state budget, including the Local Control Funding Formula (LCFF), which significantly impacts charter school revenues. For Anahuacalmecac, this new formula is expected to increase 2013-14 revenues by approximately \$290,000 as compared to the previously submitted budget, which assumed the traditional revenue limit formula and rates provided by School Services of California after the January Governor's budget proposal. The attached updated multi-year budget reflects LCFF revenue calculations in all three years. LCFF calculations have been made using the most recent information from California Charter Schools Association (CCSA), the California Department of Finance, and School Services of California. The attached updated multi-year budget reflects the above updates.

These changes, in addition to the current expectation that the CDE will eliminate Fall deferrals beginning in 2013-14, have a positive impact on Anahuacalmecac's cash flow for 2013-14, 2014-15 and 2015-16. As compared to the previously submitted budget, Anahuacalmecac is no longer expected to need the line of credit based on deferrals from working capital funds sources. In addition, Anahuacalmecac is no longer expected to need to sell receivables to working capital funds sources. The only source of financing that is expected to remain is the \$250,000 term loan from working capital funds sources. This loan would be received in Fall 2013 and repaid within 12 months. Following the repayment of this loan, Anahuacalmecac is not expected to have a cash need in 2014-15 or 2015-16.

Anahuacalmecac's previous negative fund balance (which the school takes seriously, but which is overstated by LAUSD) has been addressed with sound and conservative budgeting practices through the most difficult financial recession since the great depression. Fortunately, future operating surpluses will over time increase the balance.

B. Maximum Enrollment. A charter school is not *required* to serve the precise number of students estimated or listed as a "maximum" in its charter petition. In September 2012, the Anahuacalmecac board approved a balanced budget which included school leadership's enrollment expectation of 76 students. Since then, actual enrollment has been reported at 71 students, and this is reflected in the most current version of the school's 2012-13 estimated actuals, as reported to the school's board at each meeting.

C. Sale of Receivables. The Charter Schools Act sets forth an exhaustive list of criteria for a charter, and LAUSD is not permitted to add its own additional requirements. (Education Code § 47605; *United Teachers of Los Angeles v. Los Angeles Unified School Dist.* (2012) 54 Cal.4th 504, 526.) LAUSD's concern with Anahuacalmecac's sale of receivables is not a valid legal basis for denial of the charter renewal.

Further, Anahuacalmecac notified LAUSD in response to this concern that it has been actively searching for alternatives to the sale of receivables to meet its cash needs, in partnership with its parent organization, Semillas Sociedad Civil, and a local community development organization. In March 2013, these organizations were able to provide \$500,000 for school operations and save the school significant financing costs.

The school submitted a balanced three-year budget in its charter renewal petition, including conservative cash flow forecasts for each year. Since the time these cash flow forecasts were developed, the outlook for deferrals has improved. Thus, we believe our forecast is conservative. Under this conservative forecast, and under the budget and enrollment assumptions submitted, we believe the school will be able to stop the sale of receivables by the beginning of the 2014-15 school year, at the latest. Interest and fees for all financing needs have been included in the three-year budgeted submitted in the renewal petition.

D. Certificates of Occupancy. In this section, LAUSD states that the occupancy numbers on the Certificates of Occupancy for the Anahuacalmecac and Xinaxalmecac schools do not add up to the estimated maximum occupancy numbers rhetorically set forth in the two charters. This is not a valid reason for denial of a charter renewal. (See *United Teachers of Los Angeles v. Los Angeles Unified School Dist.* (2012) 54 Cal.4th 504, 526 [district cannot add requirements for a charter].) If and when the schools reach maximum enrollment, Anahuacalmecac would be bound by law and its charter to find additional space with valid Certificates of Occupancy. Given that LAUSD is focused on the

school's low current enrollment of 71 students, it is hard to believe the Board is actually concerned about whether Anahuacalmecac has adequate student space.

E. Enrollment. The three-year budget represents the correct enrollment numbers and enrollment growth plan.

Given the performance of the traditional public schools in Anahuacalmecac's neighborhood, there is a clear need for quality alternative educational choices. Anahuacalmecac is located within a densely-populated area comprised of a younger, less-affluent populace. While there is evidence that the population of school age children (ages 4 through 18) is shrinking in the area, and that local school enrollment in the area is also declining, high performing, smaller schools such as Anahuacalmecac in East Los Angeles are attracting students. Given the demographics for the area and the need for quality State schools, particularly those offering smaller enrollments, Anahuacalmecac's location is considered favorable for a charter school and Anahuacalmecac's enrollment projections are reasonable.

The demographics in a one-half mile radius of the school indicate a younger population with a median age of 27.8, and a cluster within the 25 to 54 year range. Just 40.6% of housing units are owner-occupied in this radius, while 54.3% are rental units. The household income levels in this radius are well below average for Los Angeles, with median and average household incomes of \$39,868 and \$61,682, respectively, while the per capita income is \$13,396. For reference, the median and average household incomes for the city of Los Angeles are \$48,331 and \$70,655, respectively, while the per capita income is \$24,313. The high percentage of renters and low incomes reflect the working class population of the area. Approximately 25.3% of the population within a one-mile radius is considered school age (between 5 and 19 years), which translates to 8,520 potential students. This figure increases to more than 72,970 school age children within the three-mile radius. (Please see the U.S. Census website: www.census.gov.)

While there is still overcrowding at LAUSD schools, many of the traditional public schools are experiencing declining enrollment. The traditional middle and high schools within the community served by Anahuacalmecac have experienced declining enrollment since 2007-08 school year. Contributing to the decline is the opening of additional LAUSD schools, as well as many charter schools. LAUSD schools have lost significant percentages of their students with the two high schools losing more than 25% and the local middle school almost 40% of their student population over a five year period. Perhaps low enrollment in LAUSD schools is motive for the LAUSD's actions towards closing charter schools such as Anahuacalmecac.

F. Loan Source. Contrary to LAUSD's findings, the budget narrative submitted with the charter renewal petition clearly identifies the source of the \$250,000 cash flow loan as Charter School Capital, Inc.

G. Credit. Again, the budget narrative submitted with the charter renewal petition identifies the source of the credit as Charter School Capital, Inc.

H. Negative Net Assets and Negative Net Income. As outlined in our response to item A above, EdTec and school leadership have been working throughout the 2012-13 school year to address the negative fund balance and cash flow challenges. Overall, EdTec has recommended conservative revenue forecasting and sound budgeting for operating expenses in order to rebuild the fund balance over time (please refer to Revised 3 year Budget submitted to LACOE as an authorizer).

I. Facilities Reimbursement. Because of the slow payment schedule of the Charter School Facility Grant, it is not always recommended that schools accrue for the entire current year's entitlement at June 30. For this reason, a portion of prior year revenues are included each year.

J. Numbers of Teachers. The three-year budget submitted with the charter renewal petition represents the correct enrollment numbers and enrollment growth plan.

K. [See response in section 2 of this letter regarding Due Diligence questionnaire and Social Security Numbers, above.]

L. Audit. In this section, LAUSD inexplicably states that Anahuacalmecac's renewal petition must be denied because LAUSD's Office of Inspector General ("OIG") was unable to conduct an audit for Xinaxcalmecac—a *separately-authorized* charter school that is the sister school to Anahuacalmecac. First, there is *absolutely no legal basis* for LAUSD to deny the renewal of the Anahuacalmecac charter based on an audit of a different school.

Second, while it is irrelevant to this renewal, Xinaxcalmecac did not fail to cooperate with the OIG in an audit of its records, as the Board's findings state. Instead, Xinaxcalmecac went through considerable disruption to its school and expense to respond to the OIG, and the OIG demanded that Xinaxcalmecac produce every scrap of paper in its building. When Xinaxcalmecac invoked the dispute resolution process under the charter to determine and resolve what specific additional records LAUSD sought, LAUSD sued. Indeed, Xinaxcalmecac recently contacted the OCR Enforcement Office about the OIG's "random" selection of Xinaxcalmecac for an audit at least three times in the past five years—the only charter school known to have been targeted in this manner.¹

¹ Xinaxcalmecac has long disagreed with LAUSD that the OIG has any independent audit authority over Xinaxcalmecac under Education Code section 35400 and 35401. The OIG also violated California's "Open Meeting" laws. As the Brown Act states, meetings of public bodies must be "open and public," actions may not be secret, and action taken in violation of open meetings laws may be voided. (G.C. §§ 54953(a), 54953(c), 54960.1(d)). Without LAUSD Board approval or providing public notice, on October 22, 2012, LAUSD filed a

[For our response regarding student achievement, please see the first section of this letter, above.]

2. THE PETITION CONTAINS A REASONABLY COMPREHENSIVE DESCRIPTION OF ALL OF THE ELEMENTS REQUIRED IN EDUCATION CODE SECTION 47605(B).

LAUSD's findings state "petitioners were afforded the opportunity to respond to the Charter Schools Division to address issues and questions . . . but did not do so by the timeframes presented or within requested extensions." This statement is patently false. Until Anahuacalmecac downloaded the findings from the LAUSD website three days before the hearing, it was *never* notified that LAUSD staff or the Board had *any problems* with student academic achievement or school finances/ debt at Anahuacalmecac.

On May 14, 2013, Joyce Johnson in the LAUSD Charter Schools Division wrote an email to Anahuacalmecac's principal reiterating LAUSD's demand for Social Security Numbers for Anahuacalmecac's leaders. Dr. Johnson's email also provided Anahuacalmecac with what she called "feedback." The "feedback" did not include any notice that the charter could be nonrenewed. Instead, it was primarily about whether the charter adequately agreed to comply with LAUSD's charter policies, and *did not mention any issues related to the charter school's finances or pupil academic achievement*. Dr. Johnson asked Anahuacalmecac to respond by submitting a redline version of its charter document in less than three days. On May 31, 2013, Anahuacalmecac responded by email to the issues raised in the "feedback." Anahuacalmecac offered to submit a response in the form of a charter redline, but requested acknowledgment from LAUSD that such redline would not change the legally-mandated timelines for the Board's decision. LAUSD never responded. LAUSD violated petitioners' due process rights by

meritless lawsuit against Xinaxcalmecac based on Xinaxcalmecac's alleged failure to provide LAUSD with copies of "all" of its business records, despite having done so numerous times in full compliance with three "randomly selected" audits. Indeed, Xinaxcalmecac is the only charter school known to have been targeted in this manner. LAUSD dropped the harassing lawsuit after Xinaxcalmecac questioned the authority for filing it and learning of non-compliance with the Brown Act. LAUSD has never sued another charter school for records or anything else in the past 20+ years it has been authorizing charter schools. Xinaxcalmecac incurred damages from having to defend said lawsuit, including paying a considerable amount of attorneys' fees.

The OIG's filing of a frivolous lawsuit against Semillas without first seeking mediation per our charter and without LAUSD Board approval is particularly egregious considering that the OIG is charged with enforcing ethics concerns and compliance within the District. The use of public funds to file this lawsuit without having proper authority is a misuse of public funds, especially in light of the OIG's dismissal of the suit. The California Constitution and a variety of state statutes make it clear that public funds may not be expended for purposes that are neither public nor authorized. Here, the OIG's lawsuit was not only not authorized, but the purpose behind the suit seems motivated by political ideology and discrimination. The OIG's intentional circumvention of the Board to file this suit reeks of conspiracy to violate the rights of Xinaxcalmecac's leaders in violation of federal civil rights laws.

depriving them of the charter renewal without adequate notice and opportunity to respond. (See *English v. City of Long Beach* (1950) 35 Cal.2d 155, 158 [“The action of such an administrative board exercising adjudicatory functions when based upon information of which the parties were not apprised and which they had no opportunity to controvert amounts to a denial of a hearing”].)

The table below is a response to the LAUSD’s finding of facts for denial of the renewal petition for Anahuacalmecac dated June 18, 2013. For the record, the LAUSD’s findings of fact are quoted verbatim.

Element 1 – Description of the School’s Educational Program

<i>LAUSD’s “findings of fact”</i>	<i>Anahuacalmecac’s response to LAUSD’s findings</i>
<p>The petition includes a pre-admissions and a condition of enrollment requirement stating that “Parents will sign Acuerdo y Plan (Educational Accord and Plan) every year to reaffirm their commitment to the program and clarify concerns.” Requiring parents to agree and sign this contract contravenes Educational Code section 47605(d)(2)(A) which requires a charter school to admit all students who wish to attend the school.</p>	<p>California mandates that all schools receiving Title 1 funding have a school, parent and student compact. Parents at Anahuacalmecac participate in surveys, collaborative meetings and forums, so that the parents themselves help design and update the compact. Further, no student can be disenrolled for a parent’s failure to follow the compact. Please see attachments, Monitoring Instrument 2012-2013 Program Instrument, Compensatory Education under subheading LEA.</p>
<p>The petition contains Parent Volunteer Requirement provision. The petition does not describe whether there are alternative means by which parents can satisfy their volunteer commitment or otherwise opt out of or reduce the commitment due to hardship. A minimum of 80 hours of engagement could be tantamount to charging tuition. Parents should be encouraged and not mandated to volunteer. Further, there is no assurance that pupils will not be expelled if parents failed to fulfill volunteer requirements.</p>	<p>Parents were instrumental in developing the policy on volunteerism at Anahuacalmecac, and Anahuacalmecac cannot penalize a student for a parent’s failure to fulfill volunteer hours. Parent volunteering is fulfilled in and outside of the school, and parents satisfy volunteer hours by attending school functions not limited to student-led conferencing, report card conferencing, monthly teaching collectives, community assemblies, board meetings, school site council meetings, field trips, and school events. We further note that <i>nothing</i> in Assembly Bill 1575 (recently passed to enforce the prohibition on student fees) echoes LAUSD’s concern that parent volunteerism is “tantamount to” a fee.</p>
<p>The petition submitted inconsistently identifies the number</p>	<p>The projections in the three-year budget submitted as part of the charter renewal petition are correct.</p>

<p>of students the charter school will serve in the first year.</p>	
<p>The petition does not provide demographic and academic achievement data for the targeted population the charter school intends to serve in grades K through 12.</p>	<p>The renewal charter petition provides extensive demographic information on this topic under the subheading “Student Population and XASP/AIUP Students by Residence,” on p. 18. There is also ample information on high school achievement at Anahuacalmecac in the self-study report submitted as part of the renewal petition. However, because Anahuacalmecac has only been chartered for grades 9-12, there is currently no academic achievement data for grades K-8. LAUSD cannot deny renewal of the charter based on the school’s failure to provide data that does not exist yet. Please see attachment, Anahuacalmecac Self-Study Report.</p>
<p>The petition inconsistently identifies the number of instructional days the students will receive during the academic school year.</p>	<p>This is untrue; the petition assures that the school will abide with the state of California’s requirement for instructional days. This is explicitly stated in the subheading “Attendance requirements including length of school day and year” of the charter p. 62.</p>
<p>The petition does not provide an explanation as to rationale for the allocation of instructional time allocated to different subject matters.</p>	<p>This is not a requirement for renewal or approval of a charter. Anahuacalmecac will abide with the state of California’s requirement for instructional minutes as stated in the subheading “Academic Calendar/Sample Daily Schedule,” p. 14 of the renewal charter petition.</p>
<p>The petition does not sufficiently describe a narrative of a “typical day” at the charter school that is aligned to the daily instructional schedules of students to determine if the school’s vision, mission, and International Baccalaureate Programs could be fully implemented.</p>	<p>It is unclear from this statement what exactly LAUSD believes is missing. Anahuacalmecac provided ample information in the renewal petition on its typical school day under the subheading “Typical School Day” on p.19 of the charter. Further, LAUSD is aware that the school’s International Baccalaureate (IB) programs are <i>already</i> being fully implemented. In June of 2013, the IB awarded Anahuacalmecac 5 more years of authorization to implement the Middle Years Program—the first such award in Los Angeles. Please see attachment, The IB’s Report on the School Evaluation introduction.</p>
<p>The petition does not provide a list of textbooks that will be used, and instructional resources to support the charter school’ curriculum and its</p>	<p>Neither an initial charter petition nor a renewal petition is required to produce an exhaustive list of the textbooks and instructional resources that will be used at a charter school. (Ed. Code, 47605(b); <i>UTLA, supra</i>, 54 Cal.4th</p>

<p>instructional program in grades K-12.</p>	<p>504 [district cannot impose additional requirements not otherwise required by law].) Moreover, Anahuacalmecac provided information about its textbooks under the subheading “Textbooks/Instructional Resources,” on p. 27 of the renewal charter petition .</p>
<p>The petition does not provide course descriptions for the core content areas subject at each grade level in middle school and high school.</p>	<p>Neither an initial charter petition nor a renewal petition is required to produce an exhaustive list of the course descriptions that will be used at a charter school. (Ed. Code, 47605(b); <i>UTLA, supra</i>, 54 Cal.4th 504 [district cannot impose additional requirements not otherwise required by law].) Course descriptions are provided to WASC, UC Doorways, the AP College Board and are available to parents and students, and to LAUSD. The charter provides substantial information about course descriptions under the subheading “The International Curriculum,” on p. 34 of the renewal charter petition . (http://doorways.ucop.edu/list/app/home?execution=e4s1)</p>
<p>The petition does not provide a plan and timeline of implementation of the school’s instructional program for grades K through 8 to ensure that various components of the plan are implemented before the start of the academic school year.</p>	<p>The renewal petition provides at least as much information as is required by Education Code section 47607 to assure LAUSD that the school can open its doors for K-8 instruction before the start of the academic school year. Refer to the subheading “The International Curriculum,” on p. 34 of the renewal charter petition .</p>
<p>The petition does not provide a plan of professional development for new teachers in grades K-8 in order to ensure staff has the professional knowledge and skills to deliver the various IB instructional programs.</p>	<p>The charter describes its plan for professional development for <i>all teachers</i> in grades K-12 under the subheading, “Professional Development,” on p. 30.</p>
<p>The petition does not provide a professional development plan and timeline that outlines the transition and implementation of the Common Core Standards in the academic school year 2013-14.</p>	<p>Anahuacalmecac has already implemented an IB authorized and approved Middle Years Program (MYP) curriculum for grades K-10, and is recognized by the IB as a continuum for the Primary Years Program (PYP) and MYP. The IB Curriculum is planned on the Common Core, state and international standards, so no abrupt “transition” is necessary. However, the charter petition does describe a professional development plan and timeline that includes the adoption of the Common Core Standards, also referred to as State Standards, under the subheadings “Professional Development” on p. 30, “The</p>

	International Curriculum” on p. 34, and “Common Core Standards,” on p.53 of the renewal charter petition.
The petition does not provide a clear plan for serving the needs of English Learners,	Anahuacalmecac’s has a successful track record with this subgroup. Anahuacalmecac has reclassified English Language Learners at a historical rate that surpasses similar, resident and charter comparison schools (see chart in section 1 of this letter, above.) This year’s graduating class fulfilled a <i>100% graduation rate for English Language Learners</i> . The petition describes the charter school’s “clear plan” for serving the needs of these students under the subheading, “English Language Development,” p.48 of the renewal charter petition.
The petition does not fully contain Special Education provisions and assurances as required for charter schools authorized by LAUSD.	This statement by LAUSD is both vague and overbroad, and is unsupported by any specific facts. It is unclear what “provisions and assurances” LAUSD believes have been omitted. Nonetheless, the petition indicates that “Anahuacalmecac will adhere to all Los Angeles Unified School District policies and procedures regarding special education.” The petition also specifies that the school will comply with required Special Education provisions under Federal, State and local laws as shown under the subheading “Special Education,” on p. 55. Further, as noted in section 1 of this letter, above, last year Anahuacalmecac graduated <i>100% of its senior Special Education students</i> —thirty-seven percent of its total graduating class. Anahuacalmecac has experienced unprecedented success with Special Education students.

Element 2 – Description of Measurable Pupil Outcomes

<i>LAUSD’s “findings of fact”</i>	<i>Anahuacalmecac’s response to LAUSD’s findings</i>
The petition does not identify the school’s API and AYP targets during the term of the charter in order to ensure the school is achieving student outcomes.	The petition plainly identifies the school’s API and AYP targets under the subheading “Academic Growth and Achievement,” on p. 60 of the renewal charter petition.
The school does not provide growth targets for the school’s numerically significant subgroups during the term	The petition plainly identifies the school’s API and AYP targets for numerically significant subgroups under the subheading “Academic Growth and

of the charter, as required by the SB 1290 which revised Section 47607, effective January 1, 2013.	Achievement,” on p. 60-64 of the renewal charter petition.
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Element 3 – Description of Method by Which Student Outcomes will be Measured

<i>LAUSD’s “findings of fact”</i>	<i>Anahuacalmecac’s response to LAUSD’s findings</i>
The petition does not provide an assurance that it will comply and adhere to the State requirements for participation and administration of all stated mandated tests.	The petition describes Anahuacalmecac’s adherence to state and federal requirements for participation and administration of <i>all mandated standardized tests</i> through compliance with the NCLB and explicit growth targets under the subheading “Academic Growth and Achievement” on p. 60-64 of the renewal charter petition.

Element 4 – Description of Governance Structure

<i>LAUSD’s “findings of fact”</i>	<i>Anahuacalmecac’s response to LAUSD’s findings</i>
The charter petition does not contain a statement and assurance that the Charter School and/or its non-profit corporation is a separate legal entity and will be solely responsible for the debts and obligations of the Charter School.	It is unclear what the District means when it says that Anahuacalmecac should have included a statement that its nonprofit corporation is a “separate legal entity”— separate from what? As described in the charter, Anahuacalmecac is operated by a nonprofit public benefit corporation. By operation of law pursuant to Education Code section 47604, LAUSD is not liable for the debts or obligations of any charter school operated by, or as, a nonprofit public benefit corporation. It is unclear whether the Board of LAUSD expected Anahuacalmecac to simply re-state the law on this issue, but Anahuacalmecac was not required to do so. The Board cannot deny the renewal of the charter based on an “assurance” not required by law.
The charter petition does not acknowledge that it will comply with LAUSD’s Charter Authorization Policy.	First, this is <i>not</i> a requirement of the Charter Schools Act or its regulations, and the District cannot simply create its own rules and standards for charter renewal. (See <i>UTLA, supra</i> , 54 Cal.4th 504; see Ed. Code section 47607 and 5 CCR 11966.4 [permissible reasons to deny a charter renewal petition].) Second, the petition <i>does</i> state that the school will adhere to LAUSD oversight, including LAUSD policies for receiving and maintaining charter authorization.

	Please see p. 76 of the renewal charter petition.
Practices and Policies that Present Concerns Regarding Conflict of Interest	It is important to note that Anahuacalmecac has agreed to abide by any and all conflict of interest laws that apply to charter schools. See p. 74 of the charter. This alone is enough to satisfy the requirements of Education Code section 47605, and LAUSD cannot require more. LAUSD admits that its “concern” is based on what “ <i>may be deemed</i> to be in conflict with California Government Code section 1090.” As LAUSD is aware, there is currently no legal requirement that charter schools comply with Government Code section 1090. Notably, even the California Attorney General is <i>undecided</i> after two years of pondering which conflict of interest laws apply to charter schools. Nonetheless, to prevent any appearance of impropriety, the Anahuacalmecac Executive Director does <i>not</i> serve as a full-fledged member of the nonprofit board of directors, but is instead an <i>ex officio, nonvoting</i> “member” of the board. Even if Government Code section 1090 did apply, there would be no violation.
Brown Act – Bylaws – meetings: Specifically, the section on “Meetings of the Board of Trustees” contains statements that do not provide the required public notice in accordance with the Brown Act	The charter petition plainly states that the school’s Council of Trustees will fully comply with the Brown Act’s requirements as shown under the subheading “Council of Trustees Meetings,” on p. 73 of the renewal charter petition.

Element 6 – Health and Safety

<i>LAUSD’s “findings of fact”</i>	<i>Anahuacalmecac’s response to LAUSD’s findings</i>
The petition contains indemnification language that improperly binds the District to indemnifying the charter school.	The petition merely refers to indemnification to the “fullest extent permitted by law.” If the indemnification is legal, then it cannot be improper. This finding, like all the others, lacks sufficient <i>facts</i> to support a denial of the charter renewal petition.

<p>The petition does not contain language that the charter schools and its employees and officers will comply with the Family Education and Privacy Act (FERPA) at all times.</p>	<p>Neither Education Code section 47605(b) nor the “LAUSD Charter School Application” require specific language regarding FERPA compliance. Further, this concern is allayed by Anahuacalmecac’s statement that it will comply with <i>all applicable federal laws</i>, on p. 74 of the renewal charter petition.</p>
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Element 7 – Achieving Racial and Ethnic Balance

<i>LAUSD’s “findings of fact”</i>	<i>Anahuacalmecac’s response to LAUSD’s findings</i>
<p>The petition does not include a statement that the charter school shall comply with all requirements of the Crawford v. Board of Education, City of Los Angeles court order and the LAUSD Integration Policy adopted and maintained pursuant to the Crawford court order, by Student Integration Services (collectively the “Court-ordered Integration Program”).</p>	<p>This “expectation” of LAUSD is not required by Education Code section 47605, and LAUSD cannot deny the renewal of the charter based on its own past failures to achieve racial and ethnic balance in its schools. Moreover, this finding calls into question whether the LAUSD Board <i>read</i> the Anahuacalmecac petition, given that the petition <i>does</i> make these affirmations requested by the District under subheading, “The Educational Program,” p.6 of the renewal charter petition.</p>

Element 8 – Admission Requirements

<i>LAUSD’s “findings of fact”</i>	<i>Anahuacalmecac’s response to LAUSD’s findings</i>
<p>Lottery exemptions and admission preferences</p>	<p>We are surprised that LAUSD cites lottery preferences as a basis for denial of the charter renewal petition considering that (1) the lottery preferences have not changed since initial charter approval, and (2) the rest of LAUSD’s findings are concerned that Anahuacalmecac does not have <i>enough</i> students, not that it is improperly required to turn away students. Nonetheless, in response to this concern, we note that the charter petition does not state that matriculated students from Xinaxcalmecac will be given <i>higher</i> priority than students who reside in the District, only that <i>both groups</i> are provided a lottery preference. As described in the charter and in compliance with state and federal law, children of founders and teachers may be exempted from the lottery (not to exceed 10% of total enrollment). Please see renewal charter petition Element 8 on pp.92 and 93. We submit lottery forms to</p>

	<p>the Charter School Division on a yearly basis.</p>
<p>Pre-admission questionnaire requirements</p>	<p>We are surprised at this finding given that <i>Anahuacalmecac utilized the current LAUSD student enrollment form as a model to create its current registration form.</i> Please see attachment LAUSD Student Enrollment Form, LAUSD Ethnicity/Race Identification of Students, and El Sereno Middle School Madarin/English Dual Language Application. Student ethnic and cultural background information, custody information, parent occupations, enrollment and health history is <i>not</i> collected at Anahuacalmecac as a “condition of admission.” Indeed, the charter states in Element 8 that “Anahuacalmecac will not discriminate against any student on the basis of ethnicity, race, color, age, gender, religion, national origin, sexual orientation, sex or disability.” However, beginning with 2009-10 school year, Anahuacalmecac is <i>required</i> to seek race and ethnicity data on all new enrolling students using a 2-part questionnaire. In accordance with student data reporting requirements in California law, Anahuacalmecac requests, maintains, and submits student data to CALPADS. All CALPADS data are maintained in compliance with state and federal privacy laws, including FERPA. The petition states that the school will admit all pupils who wish to attend the school (p. 6) and will adhere to all state, federal and local laws (p. 74). LAUSD cannot deny renewal of the Anahuacalmecac charter simply because LAUSD fails to see the purpose for which Anahuacalmecac asks these questions.</p>

Element 10 – Suspensions and Expulsions

<i>LAUSD’s “findings of fact”</i>	<i>Anahuacalmecac’s response to LAUSD’s findings</i>
Due process for students	<p>This finding contains no explanation of why LAUSD believes that the charter is “required” to include the exact words specified by LAUSD. Element 10 of the charter already includes the information contained in each of the bulleted points listed in this finding. LAUSD cannot require more.</p> <p>Element 10 states that “Anahuacalmecac administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures” and that Anahuacalmecac “accords all students due process.” Please see renewal charter petition, p.95. The charter also explains Anahuacalmecac’s appeal process in detail (see p. 101-102), describes interim placement of expelled students (p. 102), and states that the student discipline policies in the form of Acuerdos de Comunidad (Accords of Community) will be reviewed and evaluated every year. The charter states that all discipline policies will be printed and distributed as part of the school’s parent-student handbook, details the school’s Special Education Discipline Policy (p. 102), describes alternatives to suspension and expulsion (p. 97), and describes that student records will be forwarded as necessary upon expulsion. In accordance with state law, the charter provides that once all appeals at Anahuacalmecac are exhausted, the pupil shall be responsible for seeking alternative programs within the district of residence.</p>

Element 14 – Dispute Resolution Process

<i>LAUSD’s “findings of fact”</i>	<i>Anahuacalmecac’s response to LAUSD’s findings</i>
The procedure for dispute resolution in the petition states that certain disputes shall be handled first through an informal process contrary to District’s dispute resolution process articulated in the District required language.	This section details the dispute resolution process referred to as “Mediation”. The alternative to the informal process of “Mediation” is “binding arbitration conducted by a single arbitrator.” It is unclear how these options possibly violate the District’s dispute resolution process? Further, in our ten years of history operating charter schools authorized by LAUSD, only

	LAUSD itself has violated this provision of the charter.
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Element 16 – Closure Procedures

<i>LAUSD’s “findings of fact”</i>	<i>Anahuacalmecac’s response to LAUSD’s findings</i>
The petition does not contain section on charter revocation and grounds for charter revocation.	Again, this is not a “finding of fact,” but is merely a reference to the law. We believe that both the charter school and LAUSD should be able to agree that the “grounds for charter revocation” are defined in the Charter Schools Act and regulations. There is no reason or requirement for the school to copy-and-paste the law into Element 16 of its charter.

Thank you very much for your consideration. Anahuacalmecac welcomes the opportunity to meet with the LACOE’s Charter School Office and Board members to discuss our team’s experience and expertise. We also invite LACOE staff and Board members to meet our school community and tour the campus of Anahuacalmecac. It is with high hopes that we enter into our next stage of community-based education advancing universal access to college preparatory, enriched and innovative pedagogies and curriculum.

LACOE Inquiries and AIUP Responses

CSO Capacity Meeting 8/15/13

LACOE Inquiries	Anahuacalmecac's Responses
<p>The petition does not provide a clear structure of the organization's leadership and staff.</p> <ul style="list-style-type: none"> • A flow chart was not provided with the petition • The method of evaluation for the directors is not clear 	<ul style="list-style-type: none"> ○ The attached flow chart demonstrates who principals, directors, and key employees chain of communication. <i>(Appendix A)</i> ○ Executive Director and Director of Education are Co-Directors of the non-profit Semillas Sociedad Civil (Semillas). Additionally, Marcos Aguilar is Principal of Anahuacalmecac International University Preparatory (AIUP) and Minnie Ferguson is Principal of XinaxcalmecacAcademia Semillas del Pueblo (XASP)
<p>The petition does not indicate the performance evaluation process for the Director of Education.</p>	<ul style="list-style-type: none"> ○ The Director of Education is the principal for grades K-8 and as such is evaluated solely by the Semillas Sociedad Civil Council of Trustees. ○ The Director of Education oversees the K-12 continuum of IB program and UC/CSU curriculum and pedagogical personnel. ○ The Director of Education is a Co-Director for the non-profit organization Semillas Sociedad Civil. ○ The Director reports to the council of Trustees ○ Job description submitted to Federal Monitoring Program January 14, 2013 is attached as evidence (Appendix B)
<p>LACOE requests audits of Semillas for the past 3 years of 'parent company'</p>	<ul style="list-style-type: none"> ○ Semillas Sociedad Civil complies with all legally mandated audit requirements for charter schools and as expected by the authorizer of its schools. To date, audits for each charter school are conducted independently. The Council of Trustees of Semillas Sociedad Civil has not

LACOE Inquiries and AIUP Responses

CSO Capacity Meeting 8/15/13

	<p>completed any consolidated audit to date as none is required by any entity we work with. As discussed in the Capacity Meeting, audits for the sister school of AIUP, can be provided as requested for Xinaxcalmecac Academia Semillas del Pueblo.</p>
<p>The petition contains a “Performance Pay” provision for staff and teachers. Employees of public services are not allowed by law to receive bonuses.</p>	<ul style="list-style-type: none"> ○ The school has never provided employees with a performance pay bonus.
<p>The petition provides a budget reflecting a school for grades K-12.</p> <ul style="list-style-type: none"> • LACOE will only consider the charter for grades 9-12. 	<ul style="list-style-type: none"> ○ The amendment to the Anahuacalmecac Charter for K-8 is not a material change <i>(See legal analysis of LACOE Legal authority for renewing charter of Anahuacalmecac with grades K-1, Appendix C))</i> ○ The budget for Anahuacalmecac for 2013-2018 was submitted with the petition for renewal to LAUSD as a K-12 school. ○ The budget submitted with renewal charter is for grades 6-12 for the 2012-2014 academic years.
<p>LACOE expressed concern for the organization’s finances.</p> <ul style="list-style-type: none"> • LACOE requested evidence of the grant receipt • LACOE requested evidence of the Charter School Capital Loan 	<ul style="list-style-type: none"> ○ Anahuacalmecac has addressed the deficit that appeared on the Anahuacalmecac Charter budget submitted to LAUSD in April 2013 with the award of a \$650,000 grant. ○ The \$650,000 grant was awarded in June as loan forgiveness for \$500,000 borrowed in February 2013. In approximately 90 days, the remaining \$150,000 of the grant award will be received. ○ A letter from Tzicatl was submitted to the Los Angeles County of Education controller’s office to verify award of the grant.

LACOE Inquiries and AIUP Responses

CSO Capacity Meeting 8/15/13

<p>The data provided by petitioner does not reflect data on the California Department of Education (CDE) Website.</p> <ul style="list-style-type: none"> ○ Provide evidence of disclaimer in graduation data. 	<ul style="list-style-type: none"> ○ UC/CSU course completion is self-reported by all schools to the CDE and to CALPADS ○ According to LAUSD’s A-G Curriculum Policy, current grades with “D” or better in A-G courses are considered a passing grade therefore data reported to CDE by LAUSD schools include “D” grades (<i>See A-G Curriculum Policy Brief May 2012, Appendix D</i>) ○ AIUP reports students satisfying approved UC/CSU required courses with a grade “C” to the CDE and to CALPADS. District schools reported meeting UC/CSU requirements with a minimum of “D” ○ The disclaimer is written in the LACOE appeal for renewal of our charter and in the 22 collated copies given to LACOE ○ Data has been submitted to CALPADS but changes have not been processed by the CDE and therefore not mirrored on the data quest website (<i>See report generated by CALPADS, Appendix E</i>) ○ As of April 2013 changes and correction to CALPADS rate information are not reflected on the CDE Data Quest. (<i>See CDE letter dated May 8, 2013 entitled 2011-12 Cohort Graduation Data File, Appendix F</i>) ○ The document titled <i>Academic Excellence through a University Preparatory Continuum</i> was given to LACOE board members has been revised to include disclaimers.(See Appendix G)
<p>The petition does not provide a clear outline of the requirements for receiving a high school diploma.</p>	<ul style="list-style-type: none"> ○ <i>Graduation Requirements (Appendix F)</i> is contained in the self-study submitted to LAUSD on April 30 as part of the charter petition along with the Executive Summary and elements 1 through 16.

LACOE Inquiries and AIUP Responses

CSO Capacity Meeting 8/15/13

<p>Petition does not address SB1290.</p>	<ul style="list-style-type: none"> ○ SB1290 is contained in the self-study submitted to LAUSD on April 30 as part of the charter petition along with the Executive Summary and elements 1 through 16. ○ A copy of the self-study was provided to LACOE as a supporting document submitted with the charter to LAUSD and in our school's response to the LAUSD'S Finding of Fact. ○ See sections 1.3 and 3.2 of the Charter petition for reference to Anahuacalmecac self-study that contains SB1290.
<p>How will enrollment increase?</p>	<ul style="list-style-type: none"> ○ Anahuacalmecac has a sister school that is the feeder school. ○ Anahuacalmecac has an interested list. ○ Anahuacalmecac has an enrollment plan.
<p>The elementary/ middle school program [feeder school] would be an impact on the authorizer and impact LACOE's API and federal standing.</p> <p>The school [XASDP] has not been academically successful and the likelihood that LACOE's Board would recreate that scenario is not exceptionally strong. If the school had an API of 800, the LACOE Board would support the expansion of grade levels.</p>	<ul style="list-style-type: none"> ○ The students from our sister feeder school, Xinanxcalmecac are the same students who perform at higher API levels in Anahuacalmecac ○ In comparison to local schools Anahuacalmecac: <ul style="list-style-type: none"> ○ The sister feeder students have attained much higher UC/CSU rates <ul style="list-style-type: none"> ▪ For the 2011-2012 class, students who started with XASDP and graduated from AIUP, 87% completed UC/CSU requirements with a grade "C" or better ▪ For the 2012-2013 class, students who started with

LACOE Inquiries and AIUP Responses

CSO Capacity Meeting 8/15/13

	<p>XASDP and graduated from AIUP, 83% completed UC/CSU requirements with a grade “C” or better</p> <ul style="list-style-type: none"> ○ 100% English Learners, Special Education and Socioeconomically Disadvantaged students graduate ○ 74% of Graduates complete all courses required for UC/CSU Entrance with a grade “C” or better as compared to local high schools, LAUSD, LA County, and the state of California which are all at or below 40%, of which they include grades with “D” or better ○ Our 2012 growth API was higher than Resident schools and comparison schools median ○ 100% of students grade 9-12 are enrolled in UC/CSU A-G courses and IB Curriculum ○ 80-100% of graduates have remained enrolled at a Private, UC, CSU and CC <ul style="list-style-type: none"> ▪ 80% remain at a UC ▪ 100% remain at a CSU ▪ 100% remain at a Private ▪ 100% remain at a CC
<p>There should not be any problems with the AP College Board in transferring classes to Academia Semillas</p>	<ul style="list-style-type: none"> ○ WASC is the only official accreditation body that allows a school to submit courses for A-G and AP Course approval. ○ According to WASC, all changes must be reported within ten days to the Commission, and the visit must occur within 90 days. An independent audit of the school’s

LACOE Inquiries and AIUP Responses

CSO Capacity Meeting 8/15/13

	<p>financial condition may be required at the discretion of the Executive Director. Failure to notify the ACS as required of substantive changes as described above is grounds for the Commission to issue a show cause as to why the institution's accreditation should not be revoked.</p> <ul style="list-style-type: none"> ○ A-G courses are approved by UC doorways not the College Board.
<p>How does the Escalante Math Saturday Program impact ADA count?</p> <ul style="list-style-type: none"> • Is the program mandatory? • Does the program count as instructional minutes? 	<ul style="list-style-type: none"> ○ The instructional minutes for the Escalante Saturday Program is not calculated in the Average Daily Attendance. ○ Students and parents are strongly recommended to attend and participate in the Escalante program. ○ The Escalante classes Monday-Friday are counted in our school's instructional minutes.
<p>What is the quiet program?</p>	<ul style="list-style-type: none"> ○ During YO time students are under the immediate supervision of a credential teacher and participate in quiet time. ○ Students are able to reduce stress by meditating, reflecting, reading, writing, or drawing in their IB process journal. ○ You can find the bell schedule in our charter on page 16 which contains information on YO: Yehc Ohtzintl.
<p>What is Caracol?</p>	<ul style="list-style-type: none"> ○ Caracol is our homeroom period conducted under the supervision of a credentialed teacher. ○ Students are regularly informed of their attendance record and participate in the activities listed below <ul style="list-style-type: none"> ○ review attendance ○ review, analyze, and discuss assessment

LACOE Inquiries and AIUP Responses

CSO Capacity Meeting 8/15/13

	<ul style="list-style-type: none"> and test results ○ participate in student led conferencing preparation activities ○ reflect by reading, writing, and/or dialoging on goals, grades, and assessment results ○ reflect by reading, writing, and/or dialoging on the IB Profile and Approaches to Learning skills ○ receive, discuss, and make proposals on school wide information and announcements ○ any other activities as agreed upon by the school community to improve attendance, student progress, performance, school climate, and safety
<p>What is the projected number of instructional days?</p>	<ul style="list-style-type: none"> ○ 170 days ○ The school calendar meets the minimum number of instructional minutes set forth in the Education Code for graded K -12.
<p>What are the top 3 primary disabilities of the school?</p>	<ul style="list-style-type: none"> ○ The projected top 3 primary disabilities for the 2013-2014 school year were as follows: <ul style="list-style-type: none"> ○ Grades 9-12 <ol style="list-style-type: none"> 1. Student Learning Disability 2. Other Health Impairment 3. Autism ○ Grades 6-8 <ol style="list-style-type: none"> 1. Student Learning Disability 2. Other Health Impairment 3. Deaf/Hard of hearing ○ Grade K-5 <ol style="list-style-type: none"> 1. Student Learning Disability 2. Speech or Language Impairment 3. Autism ○ The top 3 primary disabilities for the 2012-2013 school year were as follows: <ul style="list-style-type: none"> ○ Grades 9-12 <ol style="list-style-type: none"> 1. Student Learning Disability 2. Other Health Impairment

LACOE Inquiries and AIUP Responses

CSO Capacity Meeting 8/15/13

	<ul style="list-style-type: none">3. Autism<ul style="list-style-type: none">○ Grades 6-8<ul style="list-style-type: none">1. Student Learning Disability2. Other Health Impairment3. Deaf/Hard of hearing○ Grade K-5<ul style="list-style-type: none">1. Student Learning Disability2. Speech or Language Impairment3. Autism
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APPROVED
NO. 7:2013-14

MINUTES
LOS ANGELES COUNTY BOARD OF EDUCATION
9300 Imperial Hwy
Downey, California 90242-2890
Tuesday, September 3, 2013

A Board meeting of the Los Angeles County Board of Education was held on Tuesday, September 3, 2013, in the Board Room of the Los Angeles County Education Center, 9300 Imperial Highway, Downey, CA 90242-2890.

PRESENT: Mr. Douglas Boyd, Ms. Katie Braude, Dr. Jose Zapata Calderon, Mrs. Rudell S. Freer, Mr. Thomas A. Saenz and Dr. Rebecca Turrentine

OTHERS PRESENT: Superintendent Dr. Arturo Delgado; Administrative staff; Ms. Beatrice Robles, Senior Executive Assistant

PRELIMINARY ACTIVITIES

CALL TO ORDER

Dr. Turrentine called the meeting to order at 3:03 p.m.

PLEDGE OF ALLEGIANCE

Mr. Boyd led the Pledge of Allegiance to the Flag.

ORDERING OF THE AGENDA

Dr. Delgado indicated that there was a correction of dates on Item VII-A Consent Calendar Recommendations from September 3-20, 2013.

It was **MOVED** by Mrs. Freer, **SECONDED** by Mr. Saenz, and **CARRIED** to approve the change to the agenda.

APPROVAL OF THE MINUTES

- **August 6, 2013:** A request to correct Item VIII-A Approval of the Albert Einstein Academy Petition was made by the Board as follows:

It was **MOVED** by Mr. Boyd, and **SECONDED** by Ms. Braude, ~~and~~ ~~**CARRIED**~~ ~~to~~ for the Superintendent's recommendation to approve the petition to establish Albert Einstein Academy for Letters, Arts and Sciences – Saugus, Grade K-6.

- **August 13, 2013:** The minutes were approved as presented.
- **August 20, 2013:** A request to correct Mrs. Freer's comments was made by the Board as follows:

Mrs. Freer mentioned that she read that Thelma Melendez de Santa Ana was appointed by ~~the Governor~~ Los Angeles Mayor Eric Garcetti, as Director of Education and Workforce Development.

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COMMUNICATIONS: BOARD / SUPERINTENDENT

Mr. Boyd

- Mr. Boyd requested information on Anahuacalmecac International University Preparatory (AIUP) School of North America.

Dr. Delgado

- Dr. Delgado indicated that the LA County School Attendance Month kicked off today with "I'm In School" Campaign at Centinela Valley Union School District. He said that more than 25 school districts pledged participation and that the campaign is designed to help support our School Attendance Review Boards (SARB) work with families and look at creative ways to help kids stay in school.
- Dr. Delgado reported that he and Dr. Cherniss have been discussing a creative and innovative idea about partnering with a market chain for a project that will give LACOE's Special Education and Juvenile Court Schools (JCS) students' job opportunities. A LACOE vacant building will be renovated and used to house a grocery store that will provide jobs for the students and an opportunity for them to serve the community. This idea stemmed from Father Boyle's creation of Homeboy Industries with a similar concept of helping our youth stay out of gangs and choose a better future for them.

Dr. Calderon

- Dr. Calderon applauded the Superintendent and Dr. Cherniss for thinking about such a program and hopes that LACOE can tap into the right resources and bring this idea to light. He said that with this kind of support, the recidivism rate will go down. He urged everyone to support the idea and indicated that he would be happy to help with the project.

COMMUNICATIONS – PUBLIC (none)

COMMUNICATIONS – ASSOCIATIONS (none)

COMMUNICATIONS – HEAD START POLICY COUNCIL (none)

PRESENTATIONS (none)

HEARINGS

PUBLIC HEARING: ON 2013-2014 TEXTBOOKS AND INSTRUCTIONAL MATERIALS SUFFICIENCY FOR EDUCATIONAL PROGRAMS (12-MONTH SCHOOLS) – TIME CERTAIN: 4:00 p.m.

Dr. Turrentine postponed this item until 4:00 p.m.

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REPORTS / STUDY TOPICS

HEAD START: SUPERINTENDENT / COUNTY BOARD ROLES AND RESPONSIBILITIES

Ms. Yolanda Benitez, Assistant Superintendent of Educational Services, reviewed the report with the County Board. She indicated that the purpose of the report was to provide a description and overview of the governing entity's roles and responsibilities for the oversight of the Head Start/Early Head Start program and delegate agencies, as defined in the 2007 Head Start Act and the California Education Code. She said that the Los Angeles County Board of Education has maintained legal and fiduciary responsibility for the Head Start program since the beginning. Federal legislation has since broadened the definition and responsibilities of the governing authority. Ms. Benitez said that this authority allows the governing entity of a public organization to be defined by state legislation and regulations.

Ms. Benitez read that the 2007 Head Start Act, Section 642(c) requires Head Start agencies to establish and maintain a formal structure for program governance to oversee quality services for Head Start children and families and to make decisions related to program design and implementation. She said that the Act also gives an agency the authority under its charter or applicable law to receive and administer funds to support a Head Start program.

Ms. Benitez reported that according to the California Education Code, a county superintendent of schools is vested with power and authority to perform all acts necessary to receive the benefits and to expend funds provided by any act of Congress (Section 12400). She also indicated that there are eight county education offices in California that designate the superintendent as the governing entity in shared decision-making with the policy council. She said that, in some cases, the County Board may act in an advisory capacity for LACOE.

Mr. Saenz said he appreciated the information and wanted to be clear that the report highlighted a change in governing authority and wanted to know how the change would be made since the County Board has acted in this capacity. He wanted to be clear that LACOE has operated within the framework of the County Board serving as the governing authority.

Ms. Benitez indicated that up to this point, the Governing Board had been the governing entity.

Mr. Saenz asked, if up to this point the County Board has been the governing entity and change is to be effected, how is that to occur? Is that a decision that we are being handed? Is this a decision that the Superintendent has now concluded based on State law that the Superintendent is now the governing authority in his role or does it require County Board action at this point?

Ms. Benitez indicated that it does not require Board action and that the Superintendent is the governing entity. If the Superintendent as governing entity would like the Governing

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Board to serve as the governing entity, then it would be up to the Superintendent. Ms. Benitez stated that this is a major change for LACOE.

Mr. Saenz said that it is a significant change and we are being informed of this change. If so, he would like to know when the change took effect or is taking effect. He wanted to know when did or when will the County Board's responsibilities as an entity in joint governance end. If so what date, and if not, when is that planned.

Dr. Delgado indicated that when the recommendation was made for LACOE staff to look into this area, he requested more information as this was all new to him. He said that through their research, staff concluded that the Superintendent does have the authority, and he believes that in the past, LACOE had not operated as such. He is looking to see if there needs to be a cut-off point for the County Board. He has not had time to come up with a strong opinion at this time as all of this information was just brought to his attention this week. Dr. Delgado would like to work with the County Board on the timeline for transition.

Mr. Saenz indicated that it is important to have a discussion on this item and that there is a date as to when the change will be made from LACOE serving as the governing entity to the Superintendent having this role. He also stated that he did not object to the change. However, he would like more information on this item. Mr. Saenz asked about other County boards that also operate in this manner.

Ms. Benitez responded that there are eight counties and two of those eight counties are set up where the county board is the governing entity. She is not familiar as to how it became that way for these county boards.

Mr. Saenz would like more information and data on the two board counties that operate as the governing entity. He also indicated that the opinion received by the Board today from the Office of the General Counsel was not a strong opinion in the matter of the Head Start issue. With regards to having a date for transition, Mr. Saenz indicated that he would like to know about the experience of those counties and the ACF as ACF has always treated the Board as the governing entity. He would like staff to apprise ACF of the change LACOE will be making. He is interested in ACF's reaction to the change.

Dr. Calderon said that he could not find anywhere what the role of the County Board is. He said that this was especially important to him because since his appointment, he was under the impression that the County Board was the governing entity. He said that this change is major and that there should be something in writing as to how the shift was being made from the County Board being the governing entity to the Superintendent becoming the governing entity. Dr. Calderon asked if the County Board had any authority other than in an advisory capacity over Head Start and working with the Head Start Policy Council.

Ms. Benitez indicated that the role of the County Board on Head Start issues will be in an advisory capacity. She also indicated that the official change will happen when the grant is reissued to LACOE.

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Mr. Boyd said this was a big change and he would like more information provided to the County Board.

Mrs. Freer indicated that the Office of Head Start has always seen the County Board as the governing entity and recognized only the Board President as the official signatory on the grant application. She also mentioned that LACOE is unique as both the County Board and the County Superintendent are appointed by the Board of Supervisors. She said that she feels that the report and the changes being made took the County Board by surprise.

Mrs. Keesha Woods, Director of Head Start presented the report to the County Board, which included LACOE responsibilities on Shared Governance, Planning, Human Resources, Reporting, and Self-Assessment.

Mr. Saenz indicated that when the Head Start Report and discussion is brought back to the County Board, that staff include a discussion on the Board's "advisory role." He said that personally, he is not interested in serving in an advisory role.

Dr. Calderon mentioned that as a new Board member, he was not sure why the union and the community were coming to address the Board and there was no response from the County Board on Head Start issues. He said he was confused because he is used to being responsive to the community and in this case, there was no response from the County Board or the Superintendent, even though individuals have been coming to each of the Board meetings to talk about Head Start issues. Dr. Calderon said he could only assume that those individuals coming to speak at our Board meetings are also confused about why they have not received a response. He said that the governing entity should provide a response.

Mr. Ruben Siguenza spoke about Head Start Issues.

Dr. Turrentine conducted the Public Hearing.

PUBLIC HEARING: ON 2013-2014 TEXTBOOKS AND INSTRUCTIONAL MATERIALS SUFFICIENCY FOR EDUCATIONAL PROGRAMS (12-MONTH SCHOOLS)

The Superintendent recommended that a Public Hearing on the 2013-14 Textbooks and Instructional Materials Sufficiency for Educational Programs (12-month schools) be held on September 3, 2013 at 4:00 p.m.

There were no public speakers to address the County Board on this issue. The Public Hearing was closed at 4:13 p.m.

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REPORTS / STUDY TOPICS (continued)

REPORT ON THE 2013-14 TEXTBOOKS AND INSTRUCTIONAL MATERIALS SUFFICIENCY FOR EDUCATIONAL PROGRAMS (12-month schools)

Dr. Avila, Assistant Superintendent, Educational Programs, introduced Anna Whalen, R & D Analyst for Educational Programs, and David Weiss, Coordinator for the Division of Alternative Education. Ms. Whalen presented a report on the textbooks and instructional materials sufficiency for educational programs.

Anna Whalen reported that 100% of LACOE classrooms and school sites in the Educational Programs have achieved textbooks sufficiency. She indicated that there is at least one core textbook in each subject in the classroom and that principals compiled surveys, which indicated that each classroom was textbook sufficiency compliant.

CONSENT CALENDAR RECOMMENDATIONS

It was **MOVED** by Mrs. Freer, **SECONDED** by Dr. Calderon, and **CARRIED** to approve Consent Calendar Recommendations.

FEES FOR CONFERENCES, WORKSHOPS, AND MEETINGS NO. 6

This routine item consisted of conferences, workshops, and meetings requiring participant fees.

RECOMMENDATIONS

APPROVAL OF SECOND READING AND ADOPTION OF BOARD POLICY BP 0420.4 (CHARTER SCHOOLS), BP 5131.2 (BULLYING), BP 5145.71 (NON-FRATERNIZATION WITH STUDENTS), BP 6164.6 (IDENTIFICATION AND EDUCATION UNDER SECTION 504), BP 3514.1 (HAZARDOUS SUBSTANCES), BP 3580 (LACOE RECORDS)

The Superintendent recommended that the County Board approve the second reading and adoption for Board Policy BP 0420.4 (Charter Schools), BP 5131.2 (Bullying), BP 5145.71 (Non-Fraternization with Students), BP 6164.6 (Identification and Education Under Section 504), BP 3514.1 (Hazardous Substances), BP 3580 (LACOE Records)

These policies are being revised to update and align LACOE with the CSBA numbering system. LACOE will benefit from CSBA's periodic updates based on changes to the law including Education Code and other applicable statutes, regulations, and court decisions.

Mr. Brian Christian, President of the Los Angeles County Education Association addressed the County Board regarding BP 5131.2 (Bullying).

It was **MOVED** by Mr. Boyd, **SECONDED** by Mrs. Freer, and **CARRIED** to approve the second reading and adoption for Board Policy BP 0420.4 (Charter Schools), BP 5131.2 (Bullying), BP 5145.71 (Non-Fraternization with Students), BP 6164.6 (Identification and Education Under Section 504), BP 3514.1 (Hazardous Substances), BP 3580 (LACOE Records).

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ADOPTION OF RESOLUTION NO. 1 FOR 2013-14 TEXTBOOKS AND INSTRUCTIONAL MATERIALS SUFFICIENCY COMPLIANCE FOR EDUCATIONAL PROGRAMS (12-MONTH SCHOOLS)

The Superintendent recommended that the County Board approve Resolution No. 1: 2013-14, reaffirming that the governing Board held a public hearing on September 3, 2013, and fulfilled all requirements of Education Code Section 60119 that require a public hearing to be held prior to the eighth week after school begins.

It was **MOVED** by Ms. Braude, **SECONDED** by Mr. Boyd, and **CARRIED** to approve Resolution No. 1: 2013-14 reaffirming that the governing Board held a public hearing on September 3, 2013, and fulfilled all requirements of Education Code 60119.

APPROVAL OF LACOE FY 2013-14 BUDGET TO ACTUALS REPORT WITH BUDGET REVISIONS AS OF AUGUST 15, 2013

The Superintendent recommended that the County Board approve budget revisions to the Fiscal Year 2013-14 budget.

It was **MOVED** by Mrs. Freer, **SECONDED** by Dr. Calderon, and **CARRIED** to approve the budget revisions to the Fiscal Year 2013-14 budget.

CLOSING ITEMS

GOVERNMENTAL RELATIONS

Dr. Delgado

- Dr. Delgado shared information about AB 631 and that the Governor had signed the bill. This bill would provide LACOE court schools with the flexibility with Math and reading programs for students. The bill goes into effect on January 1, 2014.

BOARD COMMITTEE/LIAISON REPORTS

Mrs. Freer

- Mrs. Freer indicated that a Board Finance Committee meeting was held today.
- Speaking as the representative for CSBA and CCBE, Mrs. Freer said that there was a memo shared with the County Board regarding the CCBE's endorsement process for CSBA Director-at-Large County. She indicated that LAUSD's Board Member is Margaret LaMotte is the current Director. She also indicated that more than likely, LAUSD would submit a nomination and that there was nothing further to discuss on this issue.

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Dr. Turrentine

- Dr. Turrentine reported that the Los Angeles County Education Foundation had a Board meeting last week, which she attended along with Dr. Delgado and Ms. Benitez. She indicated that several board members were introduced at the meeting. She also mentioned that the Foundation is going through some changes with their board and the direction of the Board. Dr. Turrentine indicated that Dr. Delgado is taking a more active role and working with LACEF in terms of defining the role of LACOE and the Foundation in working with at-risk kids. Dr. Turrentine also indicated that there was a report on AB 109, which focuses on recidivism and that the City of Compton is the hub city for a pilot program for the reduction of recidivism, which will have an impact on LACOE. The Foundation will keep the County Board informed about any changes and impact on LACOE.

Dr. Delgado

- Dr. Delgado added that the Foundation has been actively recruiting new Board Members that will be a huge contribution to the growth and success of the Foundation.

LOS ANGELES COUNTY BOARD OF EDUCATION MEETING SCHEDULE, ESTABLISHMENT OF MEETING TIMES, FUTURE AGENDA ITEMS, FOLLOW-UP

Dr. Delgado indicated that the next Board meeting was scheduled on September 10. He said that there is no Board committee meeting and therefore the regular Board Meeting would start at 3:00 p.m.

Dr. Turrentine indicated that the Board Holiday Luncheon with Cabinet and staff will be held on Tuesday, December 17, 2013 and the proposed location is Dal Rae Restaurant.

(The Board recessed from 4:30 to 4:35 p.m.)

INTERDISTRICT AND EXPULSION APPEAL HEARINGS

LOS ANGELES COUNTY BOARD OF EDUCATION'S DECISION ON AN EXPULSION APPEAL

~~Sean M. v. Torrance USD~~ - Postponed

Sean M. v. Torrance Unified School District

The proceedings were conducted in open session to reach a decision on the interdistrict attendance appeal. Ms. Vibiana Andrade, General Counsel, represented the Los Angeles County Board of Education; Dr. Victor Thompson, Director, Student Support Services, Los Angeles County Office of Education, was also present.

The appellant was not present, but was represented by his mother, Mrs. Sanae Matsumoto. Dr. Nisha Bhakta Dugal, Senior Director of Secondary Schools, represented Torrance Unified School District.

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Fact-finding was conducted by a designated hearing consultant. A copy of the record, a summary of findings and conclusions, and a recommendation by the hearing consultant were provided to all parties. The representatives addressed the Board and responded to questions from the Board.

Four affirmative votes of the Board are required for an interdistrict appeal to be granted. A roll-call vote was taken. Voting no were Mr. Boyd, Mrs. Freer and Dr. Turrentine. Voting yes were Ms. Braude, Dr. Calderon and Mr. Saenz. The appeal was denied.

Brayden M. v. Walnut Valley Unified School District

The proceedings were conducted in open session to reach a decision on the interdistrict attendance appeal. Ms. Vibiana Andrade, General Counsel, represented the Los Angeles County Board of Education; Dr. Victor Thompson, Director, Student Support Services, Los Angeles County Office of Education, was also present.

The appellant was not present, but was represented by his parents, Mr. Erick and Cory Moss. Mr. Steven Dorsey, Director of Pupil Services, represented Walnut Valley Unified School District.

Fact-finding was conducted by a designated hearing consultant. A copy of the record, a summary of findings and conclusions, and a recommendation by the hearing consultant were provided to all parties. The representatives addressed the Board and responded to questions from the Board.

Four affirmative votes of the Board are required for an interdistrict appeal to be granted. A roll-call vote was taken. Voting no were Mr. Boyd, Mrs. Freer and Dr. Turrentine. Voting yes were Ms. Braude, Dr. Calderon and Mr. Saenz. The appeal was denied.

ADJOURNMENT

Dr. Turrentine adjourned the meeting at 5:10 p.m.

It was **MOVED** by Mrs. Freer, **SECONDED** by Mr. Boyd, and **CARRIED** to adjourn the meeting.

APPROVED
NO. 8:2013-14

MINUTES
LOS ANGELES COUNTY BOARD OF EDUCATION
9300 Imperial Hwy
Downey, California 90242-2890
Tuesday, September 10, 2013

A Board meeting of the Los Angeles County Board of Education was held on Tuesday, September 10, 2013, in the Board Room of the Los Angeles County Education Center, 9300 Imperial Highway, Downey, CA 90242-2890.

PRESENT: Mr. Douglas Boyd, Ms. Katie Braude, Dr. Jose Zapata Calderon, Mrs. Rudell S. Freer, Mr. Thomas A. Saenz and Dr. Rebecca Turrentine

OTHERS PRESENT: Superintendent Dr. Arturo Delgado; Administrative staff; Ms. Beatrice Robles, Senior Executive Assistant

PRELIMINARY ACTIVITIES

CALL TO ORDER

Dr. Turrentine called the meeting to order at 3:11 p.m.

PLEDGE OF ALLEGIANCE

Ms. Braude led the Pledge of Allegiance to the Flag.

ORDERING OF THE AGENDA

Dr. Delgado indicated that interdistrict attendance appeal No. 4 was withdrawn. Dr. Delgado received a request for consideration to move Item VI-B prior to Item VI-A.

It was **MOVED** by Mr. Boyd, **SECONDED** by Ms. Braude, and **CARRIED** to approve the changes to the agenda.

COMMUNICATIONS: BOARD / SUPERINTENDENT

Mr. Boyd

- Mr. Boyd hoped everyone enjoyed the 153rd Anniversary Admission Day, which celebrated California becoming the 31st state of our nation.
- Mr. Boyd indicated that he attended the 9th Annual Constitution Day Conference on Saturday, September 7, 2013 at the Ronald Reagan Presidential Library. The event, attended by 237 K-12 teachers and presenters, was put together by a number of LACOE partners and included workshop sessions designed to help educators comply with the Federal Register requirement to commemorate the signing of the U.S. Constitution on Constitution Day, September 17. Speakers included the Honorable Tani G. Cantil-Sakauye, Chief Justice of California. Mr. Boyd indicated that the 2013 California Civic Learning Award Winners from eight schools were also in attendance. He said it was an outstanding program and that Ms. Michelle Herczog did a fantastic job. Mr. Boyd also highlighted that Ms. Herczog is slated to become the next President for the National Social Studies

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Association. Mr. Boyd shared the event program and resource material on the Guardian of Democracy: The Civic Mission of Schools with the County Board.

Mrs. Freer

- Mrs. Freer thanked Mr. Boyd for representing the County Board at the 9th Annual Constitution Day Conference.
- Mrs. Freer reminded the County Board regarding the Hispanic Heritage Luncheon on September 20 and encouraged Board members to attend.

Dr. Delgado

- Nothing to report.

COMMUNICATIONS – PUBLIC

Four individuals spoke about their support for Anahuacalmecac International University Preparatory (AIUP) School of North America. Those who spoke included:

- Ms. Diane Padilla, Compton CDC Chairperson and Special Education advocate for AIUP
- Mr. Salomon Zavala, General Counsel, AIUP, Semillas Sociedad Civil, the organization that manages AIUP
- Ms. Erika Gutierrez, Parent and Teacher, AIUP
- Ms. Anna-Maria Vasquez, Parent, AIUP

Ms. Esme Grubbs spoke about Head Start issues and her concern for lack of communication on issues related to Head Start.

PRESENTATIONS (none)

HEARINGS (none)

REPORTS / STUDY TOPICS

REPORT ON THE OPTIMIST CHARTER SCHOOL, GRADES 7-12: REQUEST FOR EXTENSION TO FULFILL SPECIFIC CONDITIONS OF AUTHORIZATION

Ms. Benitez provided a report on the Optimist Charter School, Grades 7-12, in which Optimist Charter School is requesting an extension to fulfill specific conditions of authorization and that their timeline be extended from August 30, 2013 to September 30, 2013.

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REPORT ON THE ANAHUACALMECAC INTERNATIONAL UNIVERSITY PREPARATORY SCHOOL OF NORTH AMERICA: APPEAL OF A NON-RENEWED PETITION BY LOS ANGELES UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Dr. Delgado spoke prior to the report on the Anahuacalmecac International University Preparatory (AIUP) School of North America. He reminded the County Board that this was a renewal petition and not a new charter petition. He said the report that the County is going to hear is a recommendation for denial of the charter renewal. He also said that he wanted staff to explain the discrepancies and the reasons behind them, based on the requirements of the 16 elements and how these apply.

Ms. Yolanda Benitez, Assistant Superintendent, Educational Services, gave a brief overview of the timeline of AIUP's charter renewal petition, Grades 9-12, the petition denial by the Los Angeles Unified School District Board of Education and the process involved. Ms. Benitez also provided AIUP's background information. Ms. Benitez spoke about the projected enrollment goal and how AIUP fell short of their enrollment goal. She also spoke about graduation rates as reported by DataQuest System. She reported that LAUSD's Board found that in 10 out of the 16 elements, AIUP was not reasonably comprehensive.

Mr. Joaquin Hernandez, Coordinator, Charter School Office, reviewed with the County Board the Findings of Facts:

- **Finding 1:** The charter school met the academic performance criteria specified in EC section 47607(b) necessary to be considered for renewal.
- **Finding 2:** The petition provides a sound educational program for students to be enrolled in the school.
- **Finding 3:** The petitioners are demonstrably unlikely to successfully implement the proposed educational program.
 - The petitioners have a past history of involvement in charter schools that may be regarded as unsuccessful.
 - Since its first year of operation, AIUP has been under-enrolled by at least 50% based on the build out plan provided in the original charter.
 - Small high schools are typically unable to offer a wide range of courses and programs. At the Capacity Interview, the school stated that it employed nine (9) teachers to implement its instructional design, which includes an International Baccalaureate (IB) program. Based on last year's master schedule, the school did not offer all of its approved UC Doorway courses.
 - With an enrollment of 77 students, it has been financially difficult to maintain the school's stated instructional design. Additionally, the school has employed 2.5 administrators and 13 part-time classified staff. Given that the school did not submit any future plans for improving (increasing) its enrollment, there is evidence that the school will struggle to support its operational structure.
- **Finding 4:** The petition contains an affirmation of all specified assurances.
- **Finding 5:** the petition does not contain a reasonably comprehensive description of all required elements.
 - Based on the guidance established in Ed Code, the requirements set forth in LACOE's Administrative Regulations and other requirements of law, 7 of the

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16 required elements are not reasonably comprehensive. The findings of the Review Team are as follows:

- Element 1: Description of the Educational Program - Not reasonably comprehensive.
 - Element 2: Measurable Pupil Outcomes - Not reasonably comprehensive.
 - Element 3: Method for Measuring Pupil Progress - Not reasonably comprehensive.
 - Element 4: Governance Structure – Not reasonably comprehensive.
 - Element 5: Employee Qualifications – Not reasonably comprehensive.
 - Element 6: Health and Safety Procedures – Reasonably comprehensive.
 - Element 7: Means to Achieve a Reflective Racial and Ethnic Balance – Not reasonably comprehensive.
 - Element 8: Admission Requirements – Reasonably comprehensive with specific deficiencies.
 - Element 9: Annual Independent Financial Audits – Reasonably comprehensive.
 - Element 10: Suspension and Expulsion Procedures – Not reasonably comprehensive.
 - Element 11: STRS, PERS, and Social Security – Reasonably comprehensive with a specified deficiency.
 - Element 12: Public School Attendance Alternatives – Reasonably comprehensive with a specific deficiency.
 - Element 13: Post-Employment Rights of Employees – Reasonably comprehensive.
 - Element 14: Dispute Resolution Procedures – Reasonably comprehensive with specified deficiencies.
 - Element 15: Exclusive Public Employer – Reasonably comprehensive.
 - Element 16: Closure Procedures – Reasonably comprehensive with specific deficiencies.
- **Finding 6:** The petition does not satisfy all of the Required Assurances of Education Code section 47605©, (e) through (j), (l), and (m) as follows:
 - Standards, Assessments and Parent Consultation: Meets the condition.
 - Employment is voluntary: Does not meet the condition.
 - Pupil Attendance is Voluntary: Meets the condition.
 - Effect on the Authorizer and Financial Projections: Does not provide the necessary evidence.
 - Preference to Academically Low Performing Students: Qualifies.
 - Teacher Credentialing Requirement: Meets the condition.
 - Transmission of Audit Report: Meets the condition.

A discussion by the County Board followed the Report of AIUP

CONSENT CALENDAR RECOMMENDATIONS (none)

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RECOMMENDATIONS

APPROVE SUPERINTENDENT'S RECOMMENDATION TO DENY ANAHUACALMECAC INTERNATIONAL UNIVERSITY PREPARATORY SCHOOL OF NORTH AMERICA: APPEAL OF A NON-RENEWED PETITION BY LOS ANGELES UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

The Superintendent recommended that the County Board adopt the written findings of fact presented in the Report and take action to deny the charter petition for Anahuacalmecac International University Preparatory High School of North America received on appeal following denial by Los Angeles Unified School District Board of Education.

Dr. Turrentine indicated that there were 20 individuals who signed up to speak in support of Anahuacalmecac International University Preparatory School of North America. Dr. Turrentine reviewed LACOE's policy on Public Speakers. Those speakers included:

- Jasmin Zamora, Parent
- John Lemmo, Procorpio, Cory, Hargreaves & Savitch, LLP
- Laura Manzano, Parent; read a letter from her daughter
- Marcos Aguilar, Executive Director of Semillas Community Schools
- Martha Parra, Parent (*LACOE provided a Spanish Interpreter: Ms. Pamela Carreon*)
- Alma Gonzalez, Parent
- Mabel Leyja, Parent
- Maribel Gutierrez, Parent

Eight individuals were able to speak on this topic as allowed by Board policy on Public Communication.

It was **MOVED** by Mr. Boyd, **SECONDED** by Ms. Braude, for the approval of the Superintendent's recommendation to deny the petition of Anahuacalmecac International University Preparatory School of North America.

Dr. Turrentine called for a roll call vote on the item. Voting yes were Mr. Boyd, Ms. Braude, and Dr. Turrentine. Voting no were Dr. Calderon and Mrs. Freer and Mr. Saenz. The motion did not have the minimum number of four affirmative votes to pass. Therefore there was no action taken by the County Board on the Superintendent's recommendation to deny the petition of Anahuacalmecac International University Preparatory School of North America.

Dr. Turrentine called for a recess due to disruption in the Board Room (5:15 p.m. – 5:29 p.m.)

Mrs. Freer left the Board meeting at 5:30 p.m.

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APPROVAL OF THE REQUEST TO EXTEND THE TIMELINE TO MEET THE CONDITIONS OF AUTHORIZATION TO THE CHARTER OF OPTIMIST CHARTER SCHOOL, GRADES 7-12

The Superintendent recommended that the County Board take action to approve an amendment to the Conditions of Authorization by extending the timeline to fulfill Condition 2(a) from August 30, 2013 to September 30, 2013 for Optimist Charter School, Grades 7-12. If the charter school cannot provide evidence of SELPA acceptance by September 30, 2013, it will not be permitted to operate in the 2013-14 school year, and the County Board will be notified and will have the option to terminate charter authorization or amend the timelines associated with condition of authorization.

It was **MOVED** by Mr. Saenz, **SECONDED** by Ms. Braude, and **CARRIED** to approve an amendment to the Conditions of Authorization by extending the timeline to fulfill Condition 2(a) from August 30, 2013 to September 30, 2013 for Optimist Charter School, Grades 7-12.

APPROVAL OF THE SHARED SCHOOL SITE COUNCIL WAIVER REQUEST TO THE STATE BOARD OF EDUCATION

The Superintendent recommended that the County Board approve the Waiver Request for the School Site Council requirement that all school sites identified by the County-District-School (CDS) code and receiving Title I Part A funding maintain a School Site Council comprised of members of the site in order to facilitate funding and create the Single Plan for Student Achievement. This waiver is requested for the 2013-14 and 2014-15 school years (California Education Code Section 52852).

It was **MOVED** by Ms. Braude, **SECONDED** by Mr. Boyd, and **CARRIED** to approve the Shared School Site Council Waiver Request to the State Board of Education for the 2013-14 and 2014-15 school year.

APPROVAL OF SOUTHWEST SPECIAL EDUCATION LOCAL PLAN AREA (SELPA) LOCAL PLAN REVISIONS

The Superintendent recommended that the Los Angeles County Board of Education approve the revisions to the Southwest SELPA Local Plan. The Revisions to the Local Plan are due to the addition of two independent charter schools that joined the Southwest SELPA effective July 1, 2013: Wilder's Preparatory Academy and Environmental Charter Middle School-Inglewood.

It was **MOVED** by Mr. Boyd, **SECONDED** by Dr. Calderon, and **CARRIED** to approve the Southwest Special Education Local Plan Area (SELPA) Local Plan revisions.

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INTERDISTRICT AND EXPULSION APPEAL HEARINGS

LOS ANGELES COUNTY BOARD OF EDUCATION'S DECISION ON AN EXPULSION APPEAL

Erik H. v. Los Angeles Unified School District

The proceedings were conducted in open session to reach a decision on the interdistrict attendance appeal. Ms. Vibiana Andrade, General Counsel, represented the Los Angeles County Board of Education; Ms. Maria Bravo, Project Director, Student Support Services, Los Angeles County Office of Education, was also present.

The appellant was not present, but was represented by her mother, Ms. Brandy Usher. Ms. Nancy Gutierrez, Coordinator of Pupil Services and Attendance, represented Los Angeles Unified School District.

Fact-finding was conducted by a designated hearing consultant. A copy of the record, a summary of findings and conclusions, and a recommendation by the hearing consultant were provided to all parties. The representatives addressed the Board and responded to questions from the Board.

Four affirmative votes of the Board are required for an interdistrict appeal to be granted. A roll-call vote was taken. Voting yes were Mr. Boyd, Ms. Braude, Dr. Calderon, Mr. Saenz and Dr. Turrentine. The appeal was granted.

Jessica M. v. Acton-Agua Dulce Unified School District

The proceedings were conducted in open session to reach a decision on the interdistrict attendance appeal. Ms. Vibiana Andrade, General Counsel, represented the Los Angeles County Board of Education; Ms. Maria Bravo, Project Director, Student Support Services, Los Angeles County Office of Education, was also present.

The appellant was not present, but was represented by her father, Mr. Barry McKeever. Ms. Meghan Freeman, Director of Education/Student Services, represented Acton-Agua Dulce Unified School District.

Fact-finding was conducted by a designated hearing consultant. A copy of the record, a summary of findings and conclusions, and a recommendation by the hearing consultant were provided to all parties. The representatives addressed the Board and responded to questions from the Board.

Four affirmative votes of the Board are required for an interdistrict appeal to be granted. A roll-call vote was taken. Voting no was Mr. Saenz. Voting yes were Mr. Boyd, Ms. Braude, Dr. Calderon and Dr. Turrentine. The appeal was granted.

Reagan M. v. Acton-Agua Dulce Unified School District

The proceedings were conducted in open session to reach a decision on the interdistrict attendance appeal. Ms. Vibiana Andrade, General Counsel, represented the Los Angeles County Board of Education; Ms. Maria Bravo, Project Director, Student Support Services, Los Angeles County Office of Education, was also present.

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The appellant was not present, but was represented by her father, Mr. Barry McKeever. Ms. Meghan Freeman, Director of Education/Student Services, represented Acton-Agua Dulce Unified School District.

Fact-finding was conducted by a designated hearing consultant. A copy of the record, a summary of findings and conclusions, and a recommendation by the hearing consultant were provided to all parties. The representatives addressed the Board and responded to questions from the Board.

Four affirmative votes of the Board are required for an interdistrict appeal to be granted. A roll-call vote was taken. Voting no was Mr. Saenz. Voting yes were Mr. Boyd, Ms. Braude, Dr. Calderon and Dr. Turrentine. The appeal was granted

~~Alex M. v. Pasadena Unified School District~~—Appeal was withdrawn

CLOSING ITEMS

GOVERNMENTAL RELATIONS

Dr. Delgado

- Dr. Delgado gave a reported on AB 484: Pupil Assessments: Measurement of Academic Performance and Progress (MAPP) - (Bonilla). He indicated that the bill would speed up the process for the Common Core Standards. Dr. Delgado said that both the Governor and State Superintendent are in favor of the bill. He also mentioned that this year would be a pilot year for the program with full implementation expected for 2014-15. Dr. Delgado said that the Federal agency, through Arne Duncan is opposed to this bill because this would exempt students from State assessments through the annual STAR testing. More information will be made available to the County Board.
- Dr. Delgado gave a report on AB 375: School Employees – dismissal or suspension, hearing. He indicated that this is the second time this bill is being introduced and it would speed up the timeline for dismissal of teachers. He said the bill would require school districts to adhere to specific guidelines in order to make a recommendation for dismissal. The unions such as CTA and AFT are in favor of this bill. CSBA is not in favor of the bill. The bill did pass the Senate Committee today. Dr. Delgado indicated that he would be sending additional information to the County Board through the Weekly Board Memo on Friday. Dr. Delgado indicated that he was against the bill because the timelines and guidelines required to dismiss a teacher are unreasonable.

BOARD COMMITTEE/LIAISON REPORTS

Nothing was reported.

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**LOS ANGELES COUNTY BOARD OF EDUCATION MEETING SCHEDULE,
ESTABLISHMENT OF MEETING TIMES, FUTURE AGENDA ITEMS,
FOLLOW-UP**

Dr. Delgado indicated that the next Board meeting was scheduled on September 17. He said that the Board Curriculum, Instruction and Assessment Committee meeting would start at 2:00 p.m., followed by the 3:00 p.m. start time for the Board meeting.

ADJOURNMENT

Dr. Turrentine adjourned the meeting at 5:56 p.m.

It was **MOVED** by Mr. Boyd, **SECONDED** by Ms. Braude, and **CARRIED** to adjourn the meeting.

APPROVED
NO. 11:2013-14

MINUTES
LOS ANGELES COUNTY BOARD OF EDUCATION
9300 Imperial Hwy
Downey, California 90242-2890
Tuesday, October 8, 2013

A Board meeting of the Los Angeles County Board of Education was held on Tuesday, October 8, 2013, in the Board Room of the Los Angeles County Education Center, 9300 Imperial Highway, Downey, CA 90242-2890.

PRESENT: Mr. Douglas Boyd, Ms. Katie Braude, Dr. Calderon, Mrs. Rudell S. Freer, Mr. Thomas A. Saenz and Dr. Rebecca Turrentine

OTHERS PRESENT: Superintendent Dr. Arturo Delgado; Administrative staff; Ms. Beatrice Robles, Senior Executive Assistant

PRELIMINARY ACTIVITIES

CALL TO ORDER

Dr. Turrentine called the meeting to order at 3:05 p.m.

PLEDGE OF ALLEGIANCE

Mr. Boyd led the Pledge of Allegiance to the Flag.

ORDERING OF THE AGENDA

Dr. Delgado indicated that Item VII-B Fees for Conferences, Workshops, and Meetings No. 9, the date for item 2, should be corrected to read Thursday, February 6, ~~2013~~ 2014.

Dr. Delgado indicated that interdistrict attendance appeals No. 1 and 2 were withdrawn.

It was **MOVED** by Mrs. Freer, **SECONDED** by Ms. Braude, and **CARRIED** to approve the changes to the agenda.

COMMUNICATIONS: BOARD / SUPERINTENDENT

Mrs. Freer

- Mrs. Freer indicated that she attended the Unity Conference on October 3-6, 2013

Dr. Calderon

- Dr. Calderon indicated that he attended the National Head Start Conference in Washington D.C. last week. He said he was impressed with the conference. He also mentioned that despite the government shutdown, he and Ms. Keesha Woods and staff were able to visit with legislative representatives.

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COMMUNICATIONS – PUBLIC

Public Speakers who spoke in support of Anahuacalmecac International University Preparatory (AIUP) School of North America included:

- Mr. Marcos Aguilar, Director of Anahuacalmecac International University Preparatory (AIUP) School of North America
- Dr. John Fernandez, former Director for the Mexican/American Commission for Los Angeles Unified School District

Ms. Lucretia Nava, an English teacher, spoke about lesbian, gay, bisexual, and transgender (LGBT) rights.

Ms. Sandra Goodwick, former LACOE employee – spoke about workplace bullying.

Mr. Saenz arrived at 3:18 p.m.

PRESENTATIONS (none)

Dr. Turrentine skipped the Public Hearing and indicated that the County Board would return to this item at 4:00 p.m.

HEARINGS

PUBLIC HEARING: THE EMBRACING THE WHOLE CHILD ARTS AND TECHNOLOGY ACADEMY: GRADES K-8: APPEAL OF A PETITION PREVIOUSLY DENIED BY CLAREMONT UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Education Code Section 47605 (b) provides that within 30 days after receiving a charter petition, the Los Angeles County Board of Education shall hold a public hearing for the purpose of determining the level of support for the charter petition by teachers, employees, and parents of the proposed charter.

Within 60 days, the Board shall review the petition and information provided at the public hearing and either grant or deny the petition unless a 30-day extension is agreed to by the petitioner and the Board.

Ms. Lynette Lucas, Lead Petitioner for the Embracing the Whole Child Arts and Technology Academy: Grades K-8, gave a presentation to the County Board.

Ms. Brandee Verrett, Parent and Director of a non-profit organization, spoke in support of the Embracing the Whole Child Arts and Technology Academy: Grades K-8.

Ms. Leslie Reed, Attorney for Claremont Unified School District, spoke against the Embracing the Whole Child Arts and Technology Academy: Grades K-8.

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REPORTS / STUDY TOPICS (none)

CONSENT CALENDAR RECOMMENDATIONS

It was **MOVED** by Mr. Saenz, **SECONDED** by Mrs. Freer, and **CARRIED** to approve the Consent Calendar Recommendations.

APPROVAL FOR DISPOSAL OF SURPLUS PERSONAL PROPERTY

The Superintendent recommended that the County Board approve the disposal of public personal property. Surplus assets will be disposed of through e-waste.

FEES FOR CONFERENCES, WORKSHOPS, AND MEETINGS No. 9

This routine item consisted of conferences, workshops, and meetings requiring participant fees.

ADOPTION OF BOARD RESOLUTION NO. 3: 2013-14 GANN LIMIT

The Superintendent recommended that the County Board approve the attached 2012-13 Appropriations Limitations Recalculation and 2013-2014 Estimated Appropriations Limitation Calculation.

The Board adjourned to Closed Session at 4:05 p.m. The Board returned back to open session at 4:33 p.m. No action was taken in Closed Session.

RECOMMENDATIONS

EXTENSION FOR COUNTY BOARD ACTION ON THE ANAHUACALMECAC INTERNATIONAL UNIVERSITY PREPARATORY HIGH SCHOOL OF NORTH AMERICA, GRADES 9-12: APPEAL OF A RENEWAL PETITION DENIED BY LOS ANGELES UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

On September 20, 2013, the Superintendent received a letter dated September 18, 2013, from Anahuacalmecac International University Preparatory High School of North American requesting a 30-day extension pursuant to Education Code Section 47605(b). An extension is allowable if both the petitioner and the County Board are in agreement.

The Los Angeles County Office of Education responded to AIUP's request on September 26, 2013 and responded that the Superintendent would bring AIUP's request for a 30-day extension to the County Board to be heard at the October 8, 2013 Board meeting.

It was **MOVED** by Mr. Saenz, **SECONDED** by Dr. Calderon, to grant an extension for Anahuacalmecac International University Preparatory High School of North America, Grades 9-12.

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Public Speakers who spoke in support of Anahuacalmecac International University Preparatory (AIUP) School of North America included:

- Ms. Minnie Ferguson, Director of Education, Semillas del Pueblo
- Mr. Marcos Aguilar, Executive Director, Semillas del Pueblo
- Mr. Raul Garcia, Board Member, Semillas Community Schools
- Mr. Fabian Garcia, Board Member, Semillas Community Schools
- Natalia Carillo, Student, Anahuacalmecac

Dr. Calderon indicated that he strongly supports an extension for AIUP.

Mr. Boyd asked if LACOE had received a budget from AIUP on Grades 9-12.

Dr. Alex Cherniss, Chief Financial Officer, indicated that the only budget they have received is a K-12 budget. LACOE requested a revised Grades 9-12 budget but a response has not been received.

Mr. Saenz wanted to get clarification on the extension request before the County Board for action and the extension period.

Dr. Delgado indicated that if a 30-day extension were granted, then the 30 days would start on September 10, 2013, where the Board took action on a request to approve AIUP charter petition, Grades 9-12 and the outcome of the vote was a 3-3 vote. Therefore, a 30-day extension would take them to October 16 2013, which would be the 90th day.

Mrs. Freer asked what the next step would be if the extension is granted.

Dr. Delgado indicated that the action to approve or not approve the AIUP charter petition will be taking place at today's board meeting. He stated that this would depend on the action by the County Board to grant an extension. He also said that there was a request that action be taken on both items: 1) the action on the extension and 2) the action to approve or deny the charter petition was made by the charter petitioner and some members of the County Board.

Dr. Delgado clarified that if the extension is granted (Item IX-A), then the County Board would proceed to take action on the AIUP charter petition (Item IX-B). If the extension (IX-A) is denied, then action on the AIUP charter petition (Item IX-B) would be withdrawn.

Mr. Boyd requested a roll-call vote by the County Board.

Four affirmative votes of the Board are required for approval. A roll-call vote was taken. Voting yes were Dr. Calderon, Mrs. Freer and Mr. Saenz. Voting no were Mr. Boyd, Ms. Braude and Dr. Turrentine. The action DOES NOT CARRY and an extension for the Anahuacalmecac International University Preparatory High School of North America, Grades 9-12 was not granted.

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ACTION ON THE FOLLOWING ITEM IS CONTINGENT ON THE COUNTY BOARD'S APPROVAL OF A 30-DAY EXTENSION (ITEM IX-A) – ACTION ON THE ANAHUACALMECAC INTERNATIONAL UNIVERSITY PREPARATORY HIGH SCHOOL OF NORTH AMERICA, GRADES 9-12: APPEAL OF A NON-RENEWAL PETITION DENIED BY THE LOS ANGELES UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

~~On September 18, 2013 and September 23, 2013, petitioner requested that the County Board re-agendize the appeal for the renewal of Anahuacalmecac International University Preparatory (AIUP) High School of North America, Grades 9-12 charter petition on the October 8, 2013 Board meeting.~~

~~The Superintendent recommends that the County Board adopt the written findings of fact stated below and take action to deny the charter petition for AIUP, Grades 9-12, received on appeal following denial by Los Angeles Unified School District Board of Education.~~

There was no action taken on this item as it was contingent on the County Board's approval of a 30-day Extension (Item IX-A).

Dr. Turrentine called for a ten-minute recess (5:10 p.m. – 5:25 p.m.)

CLOSING ITEMS

GOVERNMENTAL RELATIONS

Dr. Delgado indicated that Ms. Pamela Gibbs will be attending the October 15, 2013 Board meeting to give a legislative update to the County Board.

BOARD COMMITTEE/LIAISON REPORTS

FREER

- Mrs. Freer indicated that she received communication from CSBA regarding the Nominating Committee. She mentioned that there is a new procedure this year. She also noticed that all of the candidates are from Southern California and that she will be contacting CSBA to find out why there are is no representation from Northern or Central California.

**LOS ANGELES COUNTY BOARD OF EDUCATION MEETING SCHEDULE,
ESTABLISHMENT OF MEETING TIMES, FUTURE AGENDA ITEMS,
FOLLOW-UP**

Dr. Delgado indicated that the next Board meeting is scheduled on October 15. He said that there is a Board Curriculum, Instruction and Assessment Committee meeting at 2:00 p.m. and the Board meeting would start at 3:00 p.m.

Mr. Saenz requested a report on Truancy and Absenteeism.

(The Board recessed for five minutes)

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INTERDISTRICT AND EXPULSION APPEAL HEARINGS

LOS ANGELES COUNTY BOARD OF EDUCATION'S DECISION ON AN EXPULSION APPEAL

~~**Elsa T. v. Los Angeles Unified School District**~~ – Appeal Withdrawn

~~**Jesus T. v. Los Angeles Unified School District**~~ – Appeal Withdrawn

~~**Zakiya T. v. Los Angeles Unified School District**~~ – Abandoned Appeal (no action taken)

Brandon S. v. Pomona Unified School District

The proceedings were conducted in open session to reach a decision on the interdistrict attendance appeal. Ms. Vibiana Andrade, General Counsel, represented the Los Angeles County Board of Education; Dr. Victor Thompson, Director, Student Support Services, Los Angeles County Office of Education, was also present.

The appellant was not present, but was represented by his father, Mr. Andre Sullivan and Ms. Kendra Woods. Mr. Fernando Meza, Assistant Superintendent Employee and Community Relations, represented Pomona Unified School District.

Fact-finding was conducted by a designated hearing consultant. A copy of the record, a summary of findings and conclusions, and a recommendation by the hearing consultant were provided to all parties. The representatives addressed the Board and responded to questions from the Board.

Four affirmative votes of the Board are required for an interdistrict appeal to be granted. A roll-call vote was taken. Voting yes were Mr. Boyd, Ms. Braude, Dr. Calderon, Mrs. Freer, Mr. Saenz and Dr. Turrentine. The appeal was granted.

Ugochukwu A. v. Covina Valley Unified School District

The proceedings were conducted in open session to reach a decision on the interdistrict attendance appeal. Ms. Vibiana Andrade, General Counsel, represented the Los Angeles County Board of Education; Dr. Victor Thompson, Director, Student Support Services, Los Angeles County Office of Education, was also present.

The appellant was not present, but was represented by his mother, Ms. Blessing Nwosu. Dr. Jessica Houpt, Supervisor of Child Welfare and Attendance, represented Covina Valley Unified School District.

Fact-finding was conducted by a designated hearing consultant. A copy of the record, a summary of findings and conclusions, and a recommendation by the hearing consultant were provided to all parties. The representatives addressed the Board and responded to questions from the Board.

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Four affirmative votes of the Board are required for an interdistrict appeal to be granted. A roll-call vote was taken. Voting yes were Mr. Boyd, Ms. Braude, Dr. Calderon, Mrs. Freer, Mr. Saenz and Dr. Turrentine. The appeal was granted.

Dr. Turrentine made a comment: “Today is a really sobering day for me. It is a sad day for me on this Board and I think the reason for that is the following: I believe that every member of this Board of Education sits here with the intent to do what they believe to be right for kids and for this organization as well. And I believe that we all do our homework, read the materials that are given to us, do our research and come to some conclusion based upon the information that we read and we looked at. And I believe that every member of this Board votes their conscience related to any issue that comes before us. I have a lot of respect for every person sitting in these seats. It takes a tremendous amount of your personal time to do this. And today felt personal to me. And that is just my point of view. I believe that the work we do here is not personal; I think we are stewards of public funds, public’s trust and each one of us does the best we can to honor that responsibility and it’s not personal. It’s not about us as human beings, one against the other and today felt personal to me and that made me feel sad. And I just wanted to say that.”

ADJOURNMENT

Dr. Turrentine adjourned the meeting at 6:19 p.m.

It was **MOVED** by Mr. Braude, **SECONDED** by Mrs. Freer, and **CARRIED** to adjourn the meeting.