

MONTEREY COUNTY BOARD OF EDUCATION  
REGULAR MEETING  
JUNE 5, 2019  
APPROVED MINUTES

1. Opening Business

1.1 Call to Order: President Janet Wohlgemuth called the Regular Meeting of the Monterey County Board of Education to order at 9:04 AM in the Dr. Ray Charlson Board Chambers of the Monterey County Office of Education.

1.2 Roll Call

**BOARD MEMBERS PRESENT:**

Janet Wohlgemuth, President	Trustee Area #4
Ronald Panziera, Vice President	Trustee Area #5
Harvey Kuffner	Trustee Area #1
John McPherson	Trustee Area #2
Judy Pennycook	Trustee Area #3
Mary Claypool	Trustee Area #6
Lupe Sánchez	Trustee Area #7
Dr. Deneen Guss, Secretary to the Board	

**STAFF TO SUPERINTENDENT:**

Michelle Archuleta  
Garry Bousum  
Ginny Brown  
Candi Clark  
Colleen Stanley  
Carla Stewart

**GUESTS:**

Melanie Crall  
Becki Hadley  
Millennium Charter High School Board, Staff  
and Parents  
Finance and Business Services Staff  
Human Resources Staff  
Compass Charter Management Company

1.3 Pledge of Allegiance: Candi Clark led the Pledge of Allegiance.

1.4 Adoption of Agenda

*Changes, additions (based on Board Bylaw 9322 – Provision of Emergency/Urgency), and approval of the Agenda as presented. 23 vote required if any item is added to the Agenda.*

1.4.1 Changes to the Agenda: Dr. Deneen Guss requested to adjourn the meeting in memory of Rachel Aleman Derichsweiler, former educator and mother in law to Board President Wohlgemuth.

1.4.2 Additions to the Agenda: None

1.4.3 Adoption of the Agenda:

MSC 18-19-74 (7-0) John McPherson, Judy Pennycook

“That the Monterey County Board of Education adopts the agenda as presented.”

2. Communications

2.1 Correspondence: Dr. Guss shared that each member of the Board received an email from Millennium Charter High School Board President Jose Arreola and an email from California Federation of Teachers President Steven McDougall regarding the potential merger with Compass Charter Management Company.

Judy Pennycook requested that staff submit a letter to the Scripps National Spelling Bee, informing them of our discontent on student’s being able to “buy in” for the national competition.

- 2.2 Oral Comments from the Public *(Comments from the public are limited to items both within the Board's jurisdiction, as well as not on the agenda. The Board may limit public comments to no more than three (3) minutes, at the discretion of the Board President. Public comment will also be allowed on each specific agenda item prior to Board action thereon.)* None.

The Board moved to Item 11.

### 3. Consent Agenda

*(Action Items included on the Consent Agenda are considered to be routine and are acted on by the County Board in one motion. There is not discussion of these items before the Board vote unless a member of the Board, staff, or public requests specific items be discussed and/or removed from the Consent Agenda. It is understood that the Administration recommends approval on all Consent items. Each item on the Consent Agenda approved by the County Board shall be deemed to have been considered in full and adopted as recommended.)*

MSC 18-19- 75 (7-0) Judy Pennycook, Ron Panziera

"That the Monterey County Board of Education approves the Consent Agenda as presented."

- 3.1 Approval of the Minutes of the Special Meeting of January 16, 2019
- 3.2 Approval of the Minutes of the Regular Meeting of May 8, 2019
- 3.3 Approval of Temporary Teacher Certificates for June 5, 2019
- 3.4 Second Reading and Approval of Proposed Changes Board Policy 4010, Conflict of Interest
- 3.5 Second Reading and Adoption of Board Policy 4010 Exhibit 1, Monterey County Superintendent of Schools
- 3.6 Second Reading and Adoption of Board Policy 4010 Exhibit 2, Resolution Adopting a Conflict of Interest Code
- 3.7 Second Reading and Approval of Proposed Changes to Board Bylaw 9100, Annual Organizational Meeting
- 3.8 Second Reading and Approval of Proposed Changes to Board Bylaw 9121, Officers of the County Board
- 3.9 Second Reading and Approval of Proposed Changes to Board Bylaw 9223, Filling County Board Vacancies
- 3.10 Second Reading and Adoption of Proposed Board Bylaw 9270, Conflict of Interest
- 3.11 Second Reading and Adoption of Proposed Board Bylaw 9270 Exhibit, Resolution Adopting a Conflict of Interest Code
- 3.12 Adoption of Resolution 18-19-82, Board Member Absence, Lupe Sánchez
- 3.13 Adoption of Resolution 18-19-79, Honoring Mario Aguinaga On the Occasion of His Retirement

### 4. Unfinished Business Action Items

- 4.1 Consideration of Petition for Material Revision Regarding Millennium Charter High School

MCOE Staff presented a summary of the staff report and proposed findings of fact regarding the material revision request. The report included a timeline of the proposed Material Revision and proposed merger with Compass Charter Schools.

Staff also shared the requirements for a charter to submit a material revision to the authorizer and stated that a material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter

The County Board was also informed that they may only deny a charter school material revision if it sets forth specific facts to support one, or more, of the following findings:

- The charter school presents an unsound educational program for the pupils to be enrolled in the charter school, as set forth in its charter, as amended by the material revision.
- The charter school is demonstrably unlikely to successfully implement the program set forth in the charter, as amended by the material revision.
- The charter petition, as amended by the material revision, does not contain the requisite number of signatures required by Education Code section 47605, subdivisions (a)(1)(A) or (a)(1)(B).
- The charter, as amended by the material revision, does not contain an affirmation of each of the required conditions set forth in Education Code section 47605, subdivision (d).
- The charter, as amended by the material revision, does not contain reasonably comprehensive or detailed descriptions of the fifteen elements set forth in Education Code section 47605, subdivisions (b)(5)(A)-(O).
- The charter, as amended by the material revision, does not include a declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of Chapter 10.7 of Division 4 of Title I of the Government Code.
- Any other basis that the county board of education finds justifies the denial of the petition.

Additionally, the County Board should consider whether the proposed merger is appropriate given the Charter School's status as a countywide charter.

- The Education Code provides that a countywide charter may only be approved if the charter school "will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county." (Ed. Code, § 47605.6, subd. (a)(1).)
- In this case, the independent study and online program proposed by Compass could serve its targeted student population equally as well if authorized as a district-level charter school.

Dr. Candi Clark provided the history of Compass Charter schools including their academic performance including the non-renewal status of some schools operating under the Compass Charter Management Organization (CMO).

Garry Bousum, Associate Superintendent of Business and Finance provided detailed information regarding the proposed budget, which substantiated that the proposed Charter School Budget is incomplete and lacks sufficient detail.

Jose Arreola, President of Millennium Charter High School, spoke of the many reasons to allow the opportunity for merger. JJ Lewis of Compass Charter Management Company spoke of the differences in their model.

Extensive discussion ensued amongst the Board and Compass representatives.

The following individuals spoke in opposition to the merger: Steve McDougall.

The following individuals spoke in favor of the merger: Maxine Surito, Edmund Belitchi, Miles Denngston.

John McPherson supported a trial merger for one year. The remaining Board members did not support the merger.

MSC 18-19-76 (6-1) Ron Panziera, Judy Pennycook  
*John McPherson opposed*

“That the Monterey County Board of Education deny Millennium Charter High School’s petition to materially revise its charter, submitted May 17, 2019, and adopt the staff report and proposed findings of fact as its own.”

#### 4.2 Consideration of Resolution No. 18-19-83, Adopting Findings of Fact and Revoking the Charter of the Millennium Charter High School, effective June 30, 2019

After staff review, MCOE provided a detailed review/report to MCBOE with the following findings:

- Finding 1: MCHS has practiced, and continues to practice, fiscal mismanagement by continuing to operate at a deficit and a negative cash position and failing to pay its debts.
- Finding 2: MCHS has failed to maintain an appropriate budget reserve.
- Finding 3: MCHS has and continues to practice fiscal mismanagement, and violates the law, by failing to properly account for attendance.
- Finding 4: MCHS violated the law, and materially violated conditions and standards in its charter, by failing to employ a principal and teachers with appropriate credentials.
- Finding 5: MCHS has not remedied its failure to provide adequate special education supports and services to its students.

A charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

- Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
- Failed to meet or pursue any of the pupil outcomes identified in the charter.
- Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- Violated any provision of law.

Notwithstanding consideration of increases in student achievement as the most important factor, the violations and fiscal mismanagement of MCHS go to the very heart of proper school and nonprofit management. As reflected in Findings one through five, MCHS has made decisions with long-term impacts and obligations that negatively impact MCHS’s ability to pay its bills and has also operated MCHS’ program to the detriment of its students.

Therefore, notwithstanding that increases in pupil academic achievement for all groups of pupils served by MCHS are the most important factor in determining whether to revoke a charter, the MCBOE determined that the violations of the charter, and fiscal mismanagement are so substantial, individually and collectively, as to overcome any increases in pupil academic achievement and warrant revocation of the MCHS charter. Further, MCHS' academic achievement in both English Language Arts and Math has declined over the last three years.

Jose Arreola, President of the Millennium Charter High School Board, spoke regarding the accounting errors. Miles Denningston, Millennium's backoffice provider, spoke regarding sustainability and shared his professional opinion that the school would be fully sustainable this year. Maxine Siruto, parent of a Millennium student, spoke regarding the positive impact the school has made in her daughter's life.

Members of the Board discussed the extent of the violations of the charter, including but not limited to fiscal mismanagement and a significant decrease in ADA.

MSC 18-19-77 (7-0) Judy Pennycook, Ron Panziera

"That the Monterey County Board of Education adopts Resolution No. 18-19-83, adopting findings of fact, and revoking the Charter of the Millennium Charter High School, effective June 30, 2019."

The Board took at recess at 11:43 AM and reconvened at 12:02 PM.

## 5. New Business Action Items

### 5.1 Adoption of Resolution No. 18-19-80, Education Protection Account (EPA) Court and Community Schools for 2019-2020

Colleen Stanley presented the item.

MSC 18-19-78 (7-0) John McPherson, Lupe Sánchez

"That the Monterey County Board of Education adopts Resolution No. 18-19-80 to approve the use of the EPA funds for instructional use."

### 5.2 Adoption of Resolution No. 18-19-81, Education Protection Account (EPA) – Monterey County Home Charter School for 2019-2020

Colleen Stanley presented the item.

MSC 18-19-79 (7-0) John McPherson, Lupe Sánchez

"That the Monterey County Board of Education adopts Resolution No. 18-19-81 on behalf of the Monterey County Home Charter School to approve the use of the EPA funds for instructional uses."

### 5.3 Variable Term Waiver Application for the Professional Preparation Program for an Adapted Physical Education Credential

Dr. Guss presented the item.

MSC 18-19-80 (7-0) Harvey Kuffner, Judy Pennycook

"That the Monterey County Board of Education approves the Variable Term Waiver for the Professional Preparation Program for an Adapted Physical Education Credential for the balance of the 2018-2019 school year and the 2019-2020 school year."

5.4 2019-2020 Declaration of Need for Fully Qualified Educators for the Monterey County Office of Education

Dr. Guss presented the item.

MSC 18-19-81 (7-0) Mary Claypool, Harvey Kuffner

"That the Monterey County Board of Education approves the 2019-2020 Declaration of Need for Fully Qualified Educators for the Monterey County Office of Education."

5.5 Consideration of Request from Outside Agency for Support

Garry Bousum presented the item.

MSC 18-19-82 (7-0) Ron Panziera, Lupe Sánchez

"That the Monterey County Board of Education approve the request for funds by Community Human Services and authorize the payment of \$10,000 after July 1, 2019."

6. Unfinished Business Non Action Items

The board moved to Item. 7.4.

7. New Business Non Action Items

7.1 Public Hearing on the Proposed 2019-20 Monterey County Office of Education Local Control Accountability Plan (LCAP) – Alternative Education

7.1.1 Presentation of 2019-20 LCAP: Chris Devers presented the 2019-2020 Local Control Accountability Plan for MCOE's Alternative Education program.

7.1.2 Open Public Hearing: President Wohlgemuth opened the public hearing at 12:15 PM.

7.1.3 Receive Public Input and Comment: None

7.1.4 Close Public Hearing: President Wohlgemuth closed the hearing to the public at 12:16 PM.

The Board moved to Item 7.3.

7.2 Public Hearing on the Proposed 2019-20 Budget of the Monterey County Superintendent of Schools

Garry Bousum presented the budget and reviewed the minor changes that had been made since the budget study session.

7.2.1 Open Public Hearing: President Wohlgemuth opened the public hearing at 12:54 PM.

7.2.2 Receive Public Input and Comment: None

- 7.2.3 Close Public Hearing: President Wohlgemuth closed the public hearing at 12:55 PM.

The Board moved to 5.1.

7.3 Monterey County Home Charter School Annual Report

Justin McCollum presented the Monterey County Home Charter School Annual Report. Mr. McCollum reviewed the progress made by the school over the past year, including increased enrollment numbers, outreach efforts, improved student achievement, summer program offerings, communications with parents, and the implementation of additional program offerings.

The Board took a recess at 12:43 PM and reconvened at 12:52 PM.

The Board moved to Item 7.2.

7.4 First Reading of Proposed Board Bylaw 9250 Exhibit, Resolution on Board Compensation for Missed Meetings

Harvey Kuffner presented the item.

7.5 First Reading of Proposed Changes to Board Bylaw 9222, Resignation

Harvey Kuffner presented the item.

7.6 First Reading of Proposed Changes to Board Bylaw 9222.1, County Board Member Absences - removed

Harvey Kuffner presented the item.

7.7 First Reading of Proposed Changes to Board Bylaw 9230, Orientation for New Board Members

Harvey Kuffner presented the item.

7.8 First Reading of Proposed Changes to Board Bylaw 9240, Board Member Training

Harvey Kuffner presented the item.

7.9 First Reading of Proposed Changes to Board Bylaw 9250, Compensation for Board Members

Harvey Kuffner presented the item.

7.10 First Reading of Proposed Changes to Board Bylaw 9400, Board Self Evaluation

Harvey Kuffner presented the item.

7.11 Report to the Board on Conference, Meeting and Workshop Attendance

Colleen Stanley presented the item.

## 8. Reports from Superintendent and/or Staff

Dr. Guss distributed the Board calendar and graduation dates.

### 8.1 Superintendent's Report

- Special Education Field Day
- Athletics
- Hartnell College Foundation Party in the Library
- Farewell to Friends
- Monterey County Business Council Luncheon with Supervisor Chris Lopez
- Staff recognition events
- Chualar visitation
- Early Childhood Hackathon
- ACSA Event

#### 8.1.1 Report of MCOE Program Activities

- Vaping Issues in Schools – More details and training to come
- Scholarship Foundations Breakfast
- Walt Tribley Farewell Reception

#### 8.1.2 Upcoming Events

### 8.2 Staff Reports

#### 8.2.1 Head Start and Early Head Start Monthly Written Report for April 2019

## 9. Comments by Members of the Board

9.1 Board Members: Members of the Board requested that staff produce a communication on the options that Millennium students have in regards to media arts.

## 10. Reports from Board Members

10.1 Legislation: Janet Wohlgemuth

10.2 Community Human Services: Harvey Kuffner

10.3 Child Abuse Prevention Council: Judy Pennycook

10.4 Monterey County Schools Insurance Group: John McPherson

## 11. Staff Recognition

11.1 MCOE Employees of the Month: Ruby Martinez, Finance and Business Services

The Board moved to Item 3.

## 12. Consideration of Items for Future Meetings

12.1 Proposed Future Commendatory Resolutions

12.2 Proposed Future Agenda Items

## 13. Next Meeting Date:

June 26, 2019 – 9 AM

Agenda Items Due June 10, 2019



14. The meeting was adjourned at 1:46 PM in memory of Rachael Aleman Derichsweiler. +

Approved: June 26, 2019

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Janet Wohlgemuth, President

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Deneen Guss, Ed. D.,  
Secretary to the Board