

Agenda

SUTTER COUNTY BOARD OF EDUCATION

Wednesday, November 8, 2017

Regular Meeting – 5:30 p.m.

Sutter County Superintendent of Schools Office

970 Klamath Lane – Board Room

Yuba City, CA 95993

- *Public Hearing: Sunshine 2017/2018 Initial Bargaining Proposals – CSEA Chapter 634 (classified) and Sutter County Superintendent of Schools (for CSEA)*

A full Board packet is available for review at the Sutter County Superintendent of Schools Office Reception Desk, 970 Klamath Lane, Yuba City, CA (8:00 a.m. – 5:00 p.m., Monday through Friday – excluding legal holidays) and the Sutter County Superintendent of Schools’ website at www.sutter.k12.ca.us.

Members of the public wishing to address the Board on specific agenda items, or any item of interest that is within the subject matter jurisdiction of the Board, will be given an opportunity to do so. At the discretion of the Board president, time limits may be imposed upon such presentations. No action may be taken on items not appearing on the posted agenda.

- 5:30 p.m.**
- 1.0 Call to Order
 - 2.0 Pledge of Allegiance
 - 3.0 Roll Call of Members:

Victoria Lachance, President
Jim Richmond, Vice President
June McJunkin, Member
Karm Bains, Member
Ron Turner, Member

- 4.0 Items of Public Interest to Come to the Attention of the Board

Members of the public are given an opportunity to address the Board regarding items not listed on the agenda. *The California Government Code, Section 54954.2 (a)(2) states, “No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.”*

- 5.0 Approve Minutes of the October 11, 2017 Special Meeting – **[Action Item]**
- The minutes of the October 11, 2017, Special Meeting of the Sutter County Board of Education are presented for approval
- 5.1 Approve Minutes of the October 11, 2017 Regular Board Meeting – **[Action Item]**
- The minutes of the October 11, 2017, Regular Meeting of the Sutter County Board of Education are presented for approval
- 6.0 Set Date, Time and Place for Annual Organizational Meeting – Dr. Baljinder Dhillon **[Action Item]**
- It is required the Board establish a date for their Annual Organizational Meeting at the November Board Meeting. Per Ed Code §1009, the date this meeting must take place shall be either the first meeting on or after the last Friday in November. The date of the regular December meeting is scheduled for December 13th, which falls within this time period.
- 7.0 Approve Local Indicators – California Dashboard – Dr. Christine McCormick **[Action Item]**
- California has a new accountability system reported through the California School Dashboard, or the “Dashboard”. This new accountability system is an online tool that reports on multiple measures, including local and state indicators. The Sutter County Superintendent of Schools Dashboard requires an annual review and approval of the local indicators for priorities 1, 2, 3 7, 8, 9 and 10.
- 8.0 Public Hearing to Sunshine 2017-2018 Bargaining Proposals CSEA Chapter 634 (classified employees) and Sutter County Superintendent of Schools (for CSEA) – Wendy Bedard
- Pursuant to Government Code Section 3547, the initial negotiations proposals of the exclusive representative union shall be “sunshined” for public comment. CSEA Local Chapter and Sutter County Superintendent of Schools are presenting proposals for the 2017/2018 school year for sunshining.
- 9.0 Business Services Report
- 9.1 Monthly Financial Report – October 2017 – Barbara Henderson
- 9.2 Investment Statement – September 2017 – Linda Protine
- 10.0 First Reading – Board Policies – Dr. Christine McCormick

BP 5131.2 – Bullying
BP 0420.4 – Charter Schools
B/AR 0420.5 – Charter Schools

11.0 Second Reading (RESCIND) Board Policies – Wendy Bedard
[Action Item]

The following Board Policies are being presented for their second reading to *Rescind*:

BP 1312.3, AR-Supt 4144 - Uniform Complaint Procedures
B-AR 1312.2, SP-AR 4144 – Uniform Complaint Procedures

12.0 Items from the Superintendent/Board

13.0 Adjournment

Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, please provide a written request to: Dr. Baljinder Dhillon, Superintendent, Sutter County Superintendent of Schools Office, 970 Klamath Lane, Yuba City, CA 95993, at least three working days prior to any public meeting.

BOARD AGENDA ITEM: Approve Minutes of the October 11, 2017 Special Board Meeting

BOARD MEETING DATE: November 8, 2017

AGENDA ITEM SUBMITTED FOR:

- Action
- Reports/Presentation
- Information
- Public Hearing
- Other (specify)

PREPARED BY:

Maggie Nicoletti

SUBMITTED BY:

Dr. Baljinder Dhillon

PRESENTING TO BOARD:

Dr. Baljinder Dhillon

BACKGROUND AND SUMMARY INFORMATION:

The minutes of the special meeting of the Sutter County Board of Education held October 11, 2017 are presented for approval.

Unapproved
SUTTER COUNTY BOARD OF EDUCATION MINUTES
Special Meeting
October 11, 2017

1.0 Call to Order

A special meeting of the Sutter County Board of Education was called to order by President Victoria Lachance, 5:15 p.m., October 11, 2017, at the Sutter County Superintendent of Schools Office, 970 Klamath Lane, Yuba City, California.

2.0 Pledge of Allegiance

The Pledge of Allegiance was led by President Lachance.

3.0 Roll call of Members

Victoria Lachance, President – Present
Jim Richmond, Vice President – Present
June McJunkin, Member - Present
Karm Bains, Member – Present
Ronald Turner, Member – Present

Dr. Baljinder Dhillon, Ex-officio Secretary – Present

4.0 Public Comments (regarding item 5)

None.

5.0 Recess to Closed Session

Liability Claim (Government Code §§ 54954.5 and 54956.95)

Claimant: E. Topete

Agency claimed against: Sutter County Board of Education/Sutter County Superintendent of Schools

At 5:16 p.m., President Lachance announced that the Board would convene to Closed Session.

6.0 Reconvene to Open Session

The Board reconvened to Open Session at 5:22 p.m.

7.0 Report of Action Taken in Closed Session

President Lachance reported that in Closed Session, the Board instructed Superintendent Dhillon to deny the claim of E. Topete against the Sutter County Board of Education/Sutter County Superintendent of Schools.

8.0 Adjournment

A motion was made to adjourn the meeting at 5:25 p.m.

Motion: June McJunkin

Seconded: Ron Turner

Action: Motion Carried

Ayes: 5 (Bains, Lachance, McJunkin, Richmond and Turner)

Noes: 0

Absent: 0

Abstain: 0

BOARD AGENDA ITEM: Approve Minutes of the October 11, 2017 Regular Board Meeting

BOARD MEETING DATE: November 8, 2017

AGENDA ITEM SUBMITTED FOR:

- Action
- Reports/Presentation
- Information
- Public Hearing
- Other (specify)

PREPARED BY:

Maggie Nicoletti

SUBMITTED BY:

Dr. Baljinder Dhillon

PRESENTING TO BOARD:

Dr. Baljinder Dhillon

BACKGROUND AND SUMMARY INFORMATION:

The minutes of the regular meeting of the Sutter County Board of Education held October 11, 2017, are presented for approval.

Unapproved
SUTTER COUNTY BOARD OF EDUCATION MINUTES
Regular Meeting
October 11, 2017

1.0 Call to Order

A regular meeting of the Sutter County Board of Education was called to order by President Victoria Lachance, 5:30 p.m., October 11, 2017, at the Sutter County Superintendent of Schools Office, 970 Klamath Lane, Yuba City, California.

2.0 Pledge of Allegiance

The Pledge of Allegiance was led by President Lachance.

3.0 Roll call of Members

Victoria Lachance, President – Present
Jim Richmond, Vice President – Present
June McJunkin, Member - Present
Karm Bains, Member – Present
Ronald Turner, Member – Present

Dr. Baljinder Dhillon, Ex-officio Secretary – Present

Staff Members Present: Linda Protine, Maria Crocker, Wendy Bedard and Maggie Nicoletti

4.0 Items of Public Interest to come to the attention of the Board

None.

5.0 Approve Minutes of the September 13, 2017, Regular Sutter County Board of Education Meeting

A motion was made to approve the minutes of the September 13, 2017 regular meeting of the Sutter County Board of Education.

Motion: Ron Turner *Seconded:* Jim Richmond
Action: Motion Carried
Ayes: 5 (Bains, Lachance, McJunkin, Richmond and Turner)
Noes: 0
Absent: 0 *Abstain:* 0

6.0 Adopt Resolution Number 17-18-III – GANN Limit Resolution

Linda Protine presented Resolution No. 17-18-III to the Board for approval to certify the appropriations in the adopted budget do not exceed the limitations imposed by Article XIII B of the California Constitution commonly known as the GANN Amendment.

A motion was made to adopt Resolution Number 17-18-III – GANN Limit Resolution.

Roll call vote: McJunkin, aye; Bains, aye; Lachance, aye; Richmond, aye; and Turner, aye.

Motion: June McJunkin *Seconded:* Karm Bains
Action: Motion Carried
Ayes: 5 (Bains, Lachance, McJunkin, Richmond and Turner)
Noes: 0
Absent: 0 *Abstain:* 0

7.0 Presentation of the 2016-2017 Unaudited Actuals Financial Report
Maria Crocker reviewed the 2016-2017 Unaudited Actuals Financial Report, including details of expenditures, revenue, and ending fund balance, with the Board. Discussion continued.

8.0 Business Services Report

8.1 Monthly Financial Report – September 2017

Maria Crocker reviewed the Monthly Financial Report with the Board. She stated that SCSOS will not have the liability for worker's compensation any longer or unemployment liability because this is going to a temp agency.

8.2 Donations

Linda Protine reported that Connie Gehrt donated three different species/ bird mounts for Shady Creek Bird Education, with an estimated value of \$975.00.

9.0 Report on Williams Compliance Visitations on September 12 and 14, 2017

Pursuant to Education Code §1240, Superintendent Dhillon reported there were no findings during the visits to Bridge Street, King Avenue and Park Avenue Elementary Schools (YCUSD) and Luther Elementary School (LOUSD) in the areas of instructional materials, facilities, school accountability report card and teacher assignment/misassignment. Superintendent Dhillon also reported that she will be visiting these schools along with all other schools in Sutter County.

10.0 Second Reading Board Policies

The following Board Policies were presented for their second reading and Board approval:

BP 1312.1 – Complaints Concerning Employees

B/AR 1312.1 – Complaints Concerning Employees

BP 1312.3 – Uniform Complaint Procedures

B/AR 1312.3 – Uniform Complaint Procedures

BP 0410 – Nondiscrimination in Programs and Activities

BP 5145.2 – Freedom of Speech/Expression

B/AR 5145.2 – Freedom of Speech/Expression

BP 5145.3 – Nondiscrimination/Harassment

B/AR 5145.3 – Nondiscrimination/Harassment

A motion was made to approve Board Policies: BP 1312.1, B/AR 1312.1, BP 1312.3, B/AR 1312.3, BP 0410, BP 5145.2, B/AR 5145.2, BP 5145.3 and B/AR 5145.3.

Motion: June McJunkin *Seconded:* Ron Turner
Action: Motion Carried
Ayes: 5 (Bains, Lachance, McJunkin, Richmond and Turner)
Noes: 0
Absent: 0 *Abstain:* 0

11.0 Second Reading – Board Bylaws

The following Board Bylaws were presented for their second reading and Board approval:

BB 9321 – Closed Session

BB 9500 – County Superintendent’s Remuneration

A motion was made to approve Board Bylaws BB 9321 and BB 9500.

Motion: Karm Bains *Seconded:* Jim Richmond
Action: Motion Carried
Ayes: 5 (Bains, Lachance, McJunkin, Richmond and Turner)
Noes: 0
Absent: 0 *Abstain:* 0

12.0 First Reading (RESCIND) Board Policies

The following Board Policies were presented for the first reading to *Rescind*:

BP 1312.2, AR-Supt 4144 – Uniform Complaint Procedures

BP 1312.2, SP-AR 4144 – Uniform Complaint Procedures

Wendy explained to the Board that the above policies were combined and it was determined that the policies needed to be independent of one another.

13. First Reading – Board Policies

This item has been pulled from the agenda and will be moved to the November Board Meeting.

BP 0420.4 – Charter Schools

B-AR 0430.4 – Charter Schools

14.0 Items from the Superintendent/Board

June congratulated Bal on being chosen by Congressman John Garamendi as one of the 2017 Women of the Year.

June commented that the State of Education 2017 was a really nice event; Vicky agreed and stated the Superintendents did a very good job presenting at the event.

Bal stated that James prepared a facilities update for the Board and it is in their folders.

LCAP has been approved by the State Superintendent of Public Instruction.

Governor Brown signed SB751 regarding reserve cap.

Bal read a letter from FRA thanking the Board for serving and expressed their gratitude to the Board for their leadership and commitment.

15.0 Adjournment

A motion was made to adjourn the meeting at 6:35 p.m.

<i>Motion:</i>	Jim Richmond	<i>Seconded:</i> Ron Turner
<i>Action:</i>	Motion Carried	
<i>Ayes:</i>	5 (Bains, Lachance, McJunkin, Richmond and Turner)	
<i>Noes:</i>	0	
<i>Absent:</i>	0	<i>Abstain:</i> 0

BOARD AGENDA ITEM: Set Date, Time and Place for Annual Organizational Meeting

BOARD MEETING DATE: November 8, 2017

AGENDA ITEM SUBMITTED FOR:

PREPARED BY:

Action

Maggie Nicoletti

Reports/Presentation

SUBMITTED BY:

Information

Dr. Baljinder Dhillon

Public Hearing

PRESENTING TO BOARD:

Other (specify)

Dr. Baljinder Dhillon

BACKGROUND AND SUMMARY INFORMATION:

It is required the Board establish a date for their Annual Organizational Meeting at the November Board Meeting. Per Ed Code §1009, the date this meeting must take place shall be either the first meeting on or after the last Friday in November. The date of the regular December meeting is scheduled for December 13th, which falls within this time period.

BOARD AGENDA ITEM:

Approve Local Indicators – California Dashboard

BOARD MEETING DATE: November 8, 2017

AGENDA ITEM SUBMITTED FOR:

- Action
- Reports/Presentation
- Information
- Public Hearing
- Other (specify)

PREPARED BY:

Christine McCormick

SUBMITTED BY:

Christine McCormick

PRESENTING TO BOARD:

Christine McCormick

BACKGROUND AND SUMMARY INFORMATION:

California has a new accountability system reported through the California School Dashboard, or the "Dashboard". This new accountability system is an online tool that reports on multiple measures, including local and state indicators.

There are several LCFF priority areas that do not meet the criteria established for the state indicators. These remaining priority areas are considered local indicators.

The Sutter County Superintendent of Schools Dashboard requires an annual review and approval of the local indicators for priorities 1,2, 3, 7, 8, 9 and 10.

BOARD AGENDA ITEM: Public Hearing to Sunshine 2017-2018 Bargaining Proposals
CSEA Chapter 634 (classified employees) and
Sutter County Superintendent of Schools (for CSEA)

BOARD MEETING DATE: November 8, 2017

AGENDA ITEM SUBMITTED FOR:

- Action
- Reports/Presentation
- Information
- Public Hearing
- Other (specify)

PREPARED BY:

Wendy Bedard

SUBMITTED BY:

Wendy Bedard

PRESENTING TO BOARD:

Wendy Bedard
Lisa Scott

BACKGROUND AND SUMMARY INFORMATION:

Pursuant to Government Code Section 3547, the initial negotiations proposals of the exclusive representative union shall be "sunshined" for public comment. CSEA Local Chapter and Sutter County Superintendent of Schools are presenting proposals for the 2017/2018 school year for sunshining.

SUTTER COUNTY BOARD OF EDUCATION

NOTICE OF PUBLIC HEARING

The Sutter County Board of Education hereby gives notice that a Public Hearing will be held as follows:

TOPIC OF HEARING:

Sunshine 2017/2018 Initial Bargaining Proposals – CSEA Chapter 634 (classified) and Sutter County Superintendent of Schools (for CSEA).

HEARING DATE: November 8, 2017

TIME: 5:30 p.m.

LOCATION: Board Room
Sutter County Superintendent of Schools
970 Klamath Lane
Yuba City, CA 95993

Copies of the proposals are available for review at the Superintendent of Schools Office.

For additional information, contact Dr. Dhillon, Sutter County Superintendent of Schools, 970 Klamath Lane, Yuba City, California. (530) 822-2900

Posted: 10/30/17

**SUTTER COUNTY SUPERINTENDENT OF SCHOOLS
("Superintendent")**

AND

**CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION,
LOCAL CHAPTER 634 ("CSEA")**

2017 / 2018 PROPOSAL

SALARY

ARTICLE 10, SALARY AND EXPENSES

The Superintendent proposes a fair and equitable salary and benefit "total compensation" package that aligns with current funding levels.

BENEFITS

ARTICLE 11, HEALTH BENEFITS

The Superintendent proposes a fair and equitable salary and benefit "total compensation" package that aligns with current funding levels.

RE-OPENERS (up to 3):

#1: ARTICLE 8, REASSIGNMENT, TRANSFER, PROMOTION

The Superintendent proposes to make revisions to clarify the language in this article in multiple areas.

#2: ARTICLE 9, HOURS, OVERTIME, TRAINING COMPENSATION

The Superintendent proposes to rename this article to "Work Conditions", and to make revisions to the language regarding overtime distribution (extra duty assignments), as well as add a definition of an assignment.

#3: ARTICLE 19, LAYOFFS

The Superintendent proposes to clarify that the language in Section F is only applicable to classroom related staff who work 10 months per year.

Dr. Barbara Shuler

SUTTER COUNTY SUPERINTENDENT OF SCHOOLS
"Superintendent"

10/25/17

DATE

BOARD AGENDA ITEM: Business Services Report

BOARD MEETING DATE: November 8, 2017

AGENDA ITEM SUBMITTED FOR:

- Action
- Reports/Presentation
- Information
- Public Hearing
- Other (specify)

PREPARED BY:

Jay VanDuzer

SUBMITTED BY:

Barbara Henderson

PRESENTING TO BOARD:

Barbara Henderson

BACKGROUND AND SUMMARY INFORMATION:

The monthly financial report for October will be reviewed.

**Summary Report of Revenues, Expenditures and Changes in Fund Balance
(Unrestricted and Restricted Combined)
October 2017**

Description	Account Codes	Original Budget	Operating Budget	Actuals to Date	Projected Yr Totals	Difference (Col D - B)	2017-18 % Actuals as a % of Budget
		7/1/17 (A)	9/15/17 (B)	10/15/17 (C)	10/15/17 (D)	(E)	
A. Revenues							
1) Local Control Funding Formula	8010-8099	\$ 9,496,131	\$ 9,496,131	\$ 1,595,396	\$ 9,496,131	-	A 16.8%
2) Federal Revenues	8100-8299	\$ 4,740,118	\$ 4,182,296	\$ 1,352,761	\$ 4,258,561	76,265	B 32.3%
3) Other State Revenues	8300-8599	\$ 9,541,116	\$ 9,657,035	\$ 5,916,134	\$ 9,671,028	13,993	C 61.3%
4) Other Local Revenues	8600-8799	\$ 12,109,699	\$ 12,100,775	\$ 572,875	\$ 12,104,450	3,675	D 4.7%
TOTAL REVENUES		\$ 35,887,064	\$ 35,436,237	\$ 9,437,166	\$ 35,530,170	\$ 93,933	26.6%
B. Expenditures							
1. Certificated Salaries	1000-1999	\$ 8,385,290	\$ 8,299,534	\$ 1,608,070	\$ 8,455,830	156,296	E 19.4%
2. Classified Salaries	2000-2999	\$ 11,670,530	\$ 11,075,420	\$ 2,388,558	\$ 11,256,068	180,648	F 21.6%
3. Employee Benefits	3000-3999	\$ 6,799,575	\$ 6,662,631	\$ 1,260,875	\$ 6,800,739	138,108	G 18.9%
4. Books and Supplies	4000-4999	\$ 939,371	\$ 1,061,213	\$ 264,411	\$ 1,086,492	25,279	H 24.9%
5. Services, Other Operation	5000-5999	\$ 5,108,842	\$ 5,412,019	\$ 1,137,418	\$ 5,598,012	185,993	I 21.0%
6. Capital Outlay	6000-6999	\$ 407,282	\$ 1,203,286	\$ 288,609	\$ 1,207,266	3,980	J 24.0%
7. Other Outgo	7100-7299	\$ 205,669	\$ 205,669	\$ 173,430	\$ 318,545	112,876	K 84.3%
8. Direct Support/Indirect	7300-7399	\$ (91,919)	\$ (91,919)	\$ (12,636)	\$ (91,919)	-	L 13.7%
9. Debt Service	7400-7499	\$ -	\$ -	\$ -	\$ -	-	M 0.0%
TOTAL EXPENDITURES		\$ 33,424,640	\$ 33,827,853	\$ 7,108,734	\$ 34,631,033	803,180	21.0%
Excess (Deficiency) of Revenues Over Expenditures Before Other Financing Sources and Uses (A5-B9)							
		\$ 2,462,424	\$ 1,608,384	\$ 2,328,431	\$ 899,137	\$ (709,247)	259.0%
D. Other Financing Sources/Uses							
1. Transfers In	8910-8979	\$ 120,463	\$ 120,463	\$ 7,700	\$ 135,389	14,926	N 6.4%
2. Transfer Out	7610-7629	\$ 2,520,846	\$ 2,520,846	\$ -	\$ 2,520,846	-	O 0.0%
3. Contributions	8980-8999	\$ -	\$ -	\$ -	\$ -	-	P 0.0%
Total, Other Fin Sources/Uses		\$ (2,400,383)	\$ (2,400,383)	\$ 7,700	\$ (2,385,457)	\$ 14,926	-0.3%
E. Net Change to Fund Balance							
		\$ 62,041	\$ (791,999)	\$ 2,336,131	\$ (1,486,320)	\$ (694,321)	
F. Fund Balance (Fund 01 only)							
1. Beginning Balance		\$ 7,114,507	\$ 7,114,507	\$ 7,114,507	\$ 7,114,507	-	
2. Adjustments/Restatements		\$ -	\$ -	\$ -	\$ -		
Ending Balance		\$ 7,176,548	\$ 6,322,508	\$ 9,450,638	\$ 5,628,187	\$ (694,321)	
G. Components of Ending Fund Balance							
Designated Amounts	9711-9730	\$ 13,247	\$ 13,247		\$ 13,247	\$ -	
Legally Restricted	9740-9760	\$ 2,670,033	\$ 2,776,985		\$ 2,827,624	\$ -	
Assigned	9780	\$ 2,189,623	\$ 1,811,260		\$ 1,025,438	\$ -	
Restricted Economic Uncertainty	9789	\$ 2,241,604	\$ 1,721,016		\$ 1,761,878	\$ -	
Unassigned/Unappropriated	9790	\$ -	\$ -		\$ -	\$ -	

Explanation of Differences
Net Change in Current Year Budget September Board Report 09/16 - 10/15 2017

	<u>Amount</u>	<u>Explanation of Differences</u>
A <u>Local Control Funding Formula (8010-8099)</u>	<u>\$ -</u>	
B <u>Federal Revenues (8100-8299)</u>		
One Stop	\$ 40,203	<i>Refining Workforce Innovation & Opportunity Act revenue to match estimated actuals</i>
Educational Services (ES)	\$3,083.00	<i>Refining Title III revenue to match award</i>
Intervention & Prevention Programs (IPP)	\$ 2,638	<i>Refining Homeless Education grants revenue to match award</i>
Feather River Academy (FRA)	\$ 9,772	<i>Refining Title I Part A revenue to match award</i>
Special Education Local Plan Area (SELPA)	\$ 20,314	<i>Refining revenue to match 16-17 Alternative Dispute Resolution grant revenue</i>
Various departments	\$ 255	<i>Net Miscellaneous adjustments</i>
	<u>\$ 76,265</u>	
C <u>Other State Revenues (8300-8599)</u>		
Special Education	9,672	<i>Refining budget to match adjusted 16-17 4th quarter Lottery revenue</i>
Feather River Academy (FRA)	\$ 977	<i>Refining budget to match adjusted 16-17 4th quarter Lottery revenue</i>
Special Education Local Plan Area (SELPA)	\$ 3,344	<i>Refining 2015-16 low incidence grant revenue to match actuals</i>
	<u>\$ 13,993</u>	
D <u>Other Local Revenues (8600-8799)</u>		
County Office	\$ 1,960	<i>Establish budget for Human Resources trainings</i>
Tri County Induction Program (TCIP) -was BTSA	\$ 900	<i>Refining in area candidate revenue to match estimated actuals</i>
Various departments	\$ 815	<i>Net Miscellaneous adjustments</i>
	<u>\$ 3,675</u>	
E <u>Certificated Salaries (1000-1999)</u>		
Special Education	\$ 5,225	<i>Net miscellaneous first interim adjustments to match estimated actuals</i>
Program Support Services	151,071	<i>Establishing Program Support Director salary budget</i>
	<u>\$ 156,296</u>	
F <u>Classified Salaries (2000-2999)</u>		
Special Education	\$ 145,965	<i>Net miscellaneous adjustments including increase for two additional para educators and first interim rate and staffing adjustments to match estimated actuals</i>
One Stop	\$ 8,115	<i>Increasing Workability and Workforce Innovation and Opportunity Act salaries to match estimated actuals</i>
Program Support Services	\$ 26,568	<i>Establishing Program Support Administrative Secretary salary budget</i>
	<u>\$ 180,648</u>	
G <u>Employee Benefits (3000-3999)</u>		
Various departments	\$ 138,108	<i>Corresponding benefit following salary adjustments</i>
	<u>\$ 138,108</u>	
H <u>Books and Supplies (4000-4999)</u>		
County Office	\$ 1,007	<i>Net of increase for purchase of floor burnisher, decrease of gas following removing five vehicles from county pool, and net miscellaneous adjustments</i>
Special Education	\$ 12,946	<i>Increase budget following 16-17 4th quarter lottery award adjustment, 15-16 low incidence award adjustment, and net miscellaneous adjustments</i>
Intervention & Prevention Programs (IPP)	\$ 3,710	<i>Adjusting Homeless Education grant to award, purchase of new computer and net miscellaneous adjustments</i>
Program Support Services	\$ 5,231	<i>Establishing Program Support budget</i>
Special Education Local Plan Area (SELPA)	\$ 1,947	<i>Refining budget to match Alternative Dispute Resolution award</i>
Various departments	\$ 438	<i>Net miscellaneous adjustments</i>
	<u>\$ 25,279</u>	

**Explanation of Differences
Net Change in Current Year Budget September Board Report 09/16 - 10/15 2017**

	<u>Amount</u>	<u>Explanation of Differences</u>
I		<u>Services, Other Operations (5000-5999)</u>
County Office	\$ 12,386	<i>Vehicle holding pool adjustments following moving vehicles to Special Education pool, establishing budget for Human Resources trainings and net miscellaneous adjustments</i>
Special Education	\$ 110,343	<i>Increase budget to cover sub contracts and net miscellaneous adjustments</i>
One Stop	\$ 27,874	<i>Refining Workforce Innovation & Opportunity Act expenses to match award and net miscellaneous adjustments</i>
Educational Services (ES)	\$ 3,022	<i>Refining Title III budget to match award</i>
Program Support Services	\$ 4,371	<i>Establishing Program Support budget</i>
Feather River Academy (FRA)	\$ 8,923	<i>Refining Title I budget to match award</i>
Special Education Local Plan Area (SELPA)	\$ (54,232)	<i>Net of decrease to move Family Resource Center and Early Start Program budgets to Infant and increase of Alternative Dispute Resolution to match award</i>
Infant Program	\$ 72,031	<i>Establishing Family Resource Center and Early Start Program budgets and increase for professional development from ending fund balance</i>
Various departments	\$ 1,275	<i>Net miscellaneous adjustments</i>
	<u>\$ 185,993</u>	
J		<u>Capital Outlay (6000-6999)</u>
County Office	\$ 3,980	<i>Net of increases to purchase new copier and decrease to move budget to equipment for purchase of floor burnisher</i>
	<u>\$ 3,980</u>	
K		<u>Other Outgo (7100 - 7299)</u>
Special Education Local Plan Area (SELPA)	\$ 112,876	<i>Establishing Medi Cal Mini Grants budgets for 2016-17 and 2017-18 awards</i>
	<u>\$ 112,876</u>	
L		<u>Direct Support / Indirect (7300-7399)</u>
	<u>\$ -</u>	
M		<u>Debt Services (7400 - 7499)</u>
	<u>\$ -</u>	
N		<u>Transfers In (8910-8979)</u>
County Office	14,926	<i>Increase from holding accounts to cover cost of new copier purchase and to balance vehicle holding following adjustments to fleet pool</i>
Special Education		
Feather River Academy (FRA)		
Shady Creek Outdoor School		
Various Departments		<i>Net Miscellaneous adjustments</i>
	<u>\$ 14,926</u>	
O		<u>Transfers Out (7610-7629)</u>
	<u>\$ -</u>	
P		<u>Contributions (8980-8999)</u>
	<u>\$ -</u>	
Net Change in Current Year Budget	<u>\$ (694,321)</u>	

BOARD AGENDA ITEM: Investment Statements

BOARD MEETING DATE: November 8, 2017

AGENDA ITEM SUBMITTED FOR:

- Action
- Reports/Presentation
- Information
- Public Hearing
- Other (specify)

PREPARED BY:

Linda Protine

SUBMITTED BY:

Linda Protine

PRESENTING TO BOARD:

Linda Protine

BACKGROUND AND SUMMARY INFORMATION:

The Investment Statement as of September 30, 2017 from the County Treasurer will be presented.

Steven L. Harrah, CPA

Treasurer-Tax Collector



Christina N. Hernandez

Assistant Treasurer-Tax Collector

October 5, 2017

To: Sutter County Board of Supervisors
Sutter County Pooled Money Investment Board

Re: Sutter County Investment Portfolio Report for September 30, 2017

Attached is a copy of Sutter County's Investment Portfolio as of September 30, 2017. This following schedule includes all short-term, mid-term and long-term investments held at the conclusion of business on the final day of the month.

As Treasurer and Tax Collector, I certify that this document reflects the government agencies' pooled investments and that all investments are in compliance with the County of Sutter Investment Policy.

The combined funds in the county treasury total \$230,900,658 and will provide sufficient cash flow liquidity to meet estimated pooled treasury expenditures for the next six months.

Invested treasury funds total \$224,558,013 with \$26,912,132 under the management of the Local Agency Investment Fund and California Asset Management Program. The Bank of New York, which provides third-party safekeeping services to Sutter County, furnishes market value data. The dollar-weighted average maturity of invested funds is 1,111 days.

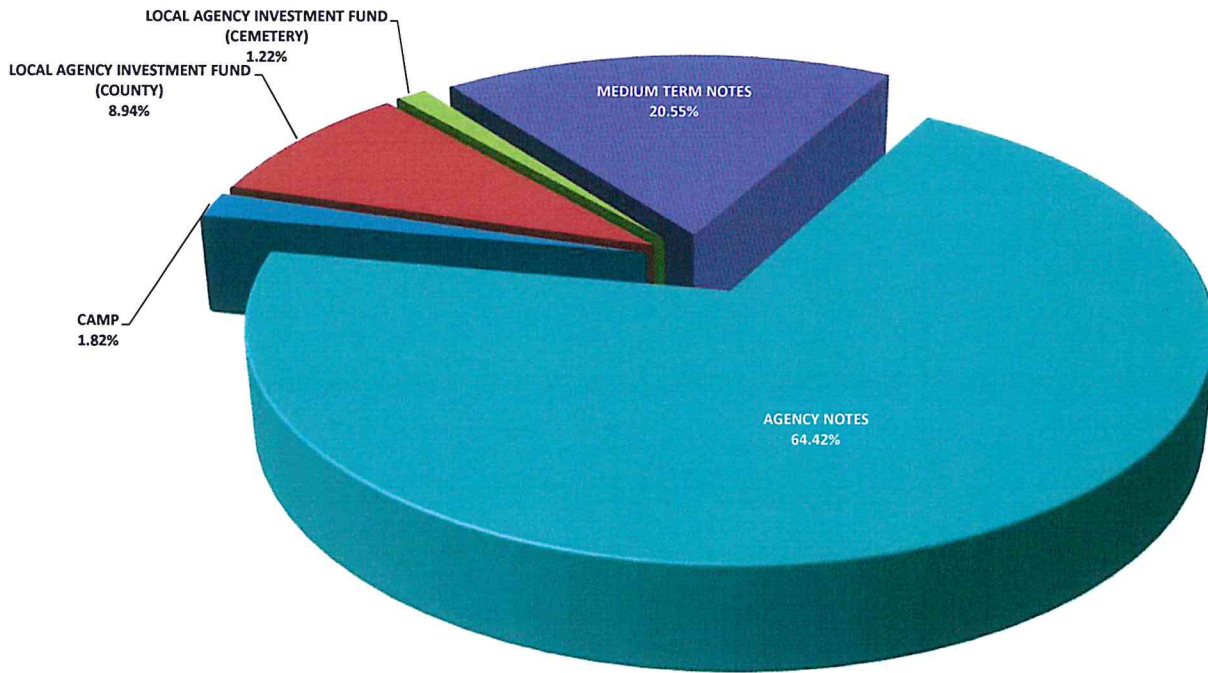
Investments are selected based on criteria contained in the Sutter County Investment Policy, which emphasizes safety, liquidity, yield and diversification. Therefore, the interest rates will fluctuate and the types of investments will vary depending upon county needs and market availability on a particular day.

Respectfully submitted,

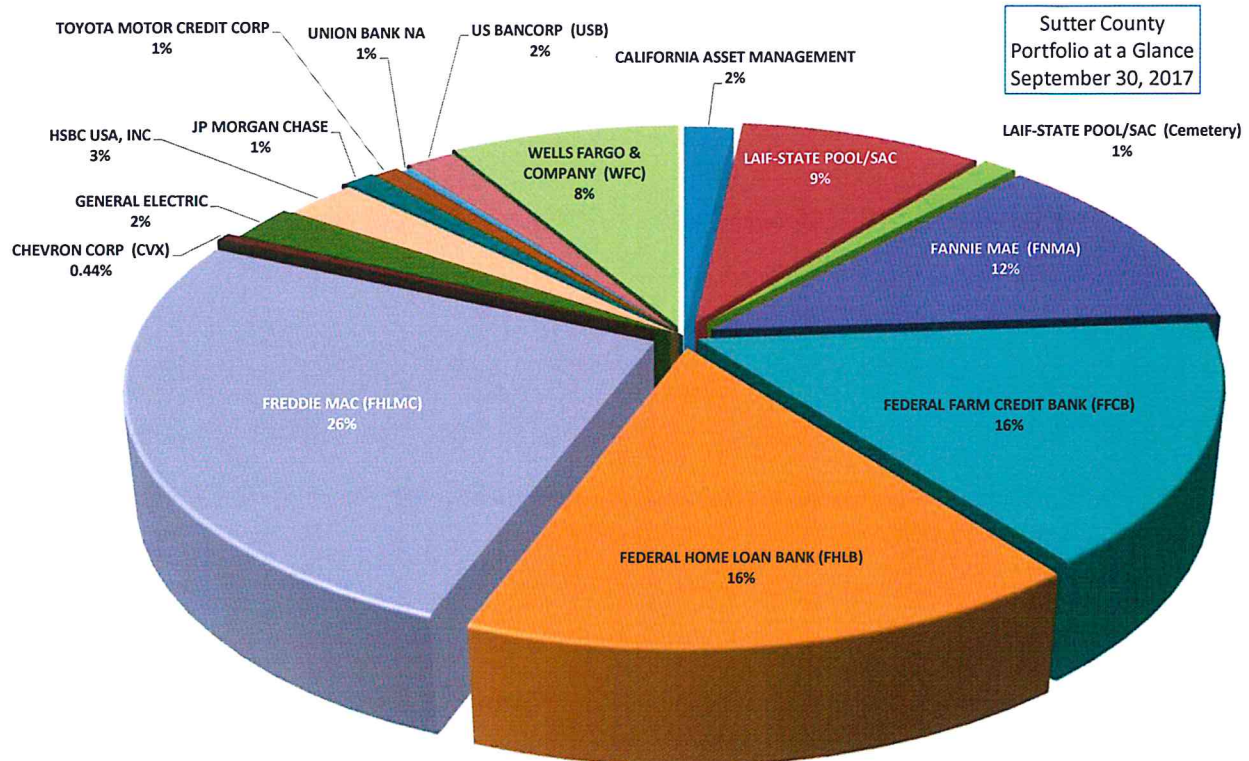
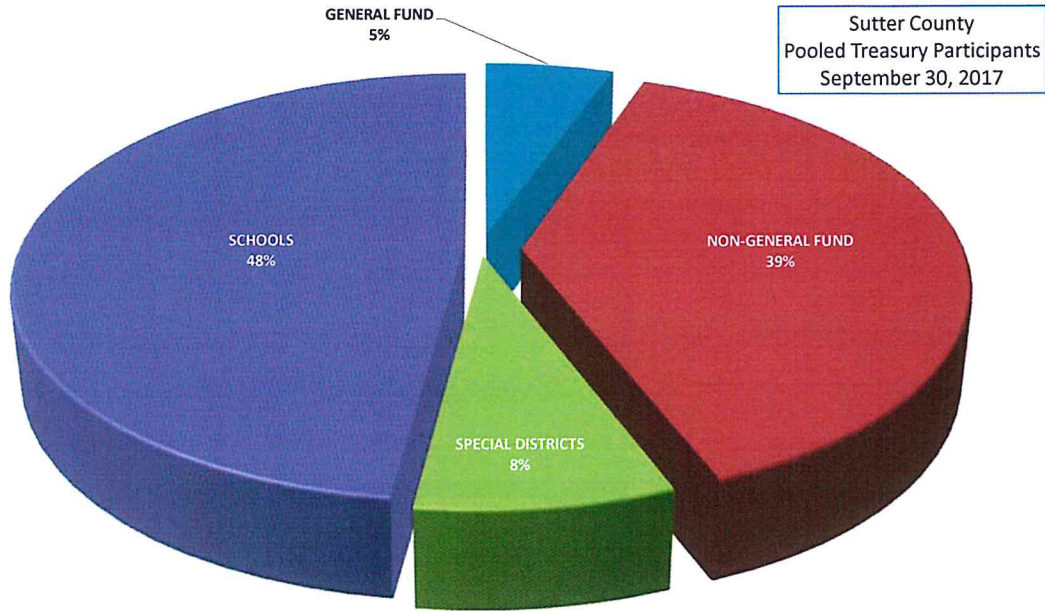
A blue ink signature of Steven L. Harrah, CPA, written in a cursive style.

Steven L. Harrah, CPA
Treasurer-Tax Collector

**Sutter County Pooled Investment Portfolio
September 30, 2017**



	<u>BOOK VALUE</u>	<u>PERCENTAGE OF MANAGED PORTFOLIO</u>	<u>INVESTED % OF POOLED PORTFOLIO</u>	<u>AVERAGE DAYS TO MATURITY</u>	<u>AVERAGE YIELD</u>
CAMP	\$4,094,016.02	1.82%	1.85%	1	1.15%
LOCAL AGENCY INVESTMENT FUND (COUNTY)	20,077,040.38	8.94%	9.05%	1	1.08%
LOCAL AGENCY INVESTMENT FUND (CEMETERY)	2,741,075.12	1.22%	-	1	1.08%
MEDIUM TERM NOTES	40,930,070.01	18.22%	18.45%	1,000	2.03%
AGENCY NOTES	<u>156,745,811.67</u>	<u>69.79%</u>	<u>70.65%</u>	<u>1,319</u>	<u>1.42%</u>
TOTAL MANAGED INVESTMENTS	\$224,588,013.20	100.00%		<u>1,196</u>	<u>1.55%</u>
LESS: LAIF FUNDS NOT POOLED	<u>2,741,075.12</u>	<u>1.22%</u>			
TOTAL POOLED INVESTMENTS	<u>\$221,846,938.08</u>	<u>98.78%</u>	<u>100.00%</u>	<u>1,195</u>	<u>1.55%</u>



**SUTTER COUNTY POOLED TREASURY
INVESTMENT PORTFOLIO
September 30, 2017**



TREASURY NUMBER	INSTITUTION/BRANCH	BOOK VALUE	MARKET VALUE	PAR VALUE	DATE	DATE	TOTAL	YIELD	RATE
					INVESTED	MATURES	DAYS		
MANAGED FUNDS									
2017-000	CALIFORNIA ASSET MANAGEMENT	\$4,094,016.02	\$4,094,016.02	\$4,094,016.02	N/A	N/A	N/A	1.1500%	1.1500%
2017-000	LAIF-STATE POOL/SAC	20,077,040.38	20,077,040.38	20,077,040.38	N/A	N/A	N/A	1.0840%	1.0840%
2017-000	LAIF-STATE POOL/SAC (Cemetery)	<u>2,741,075.12</u>	<u>2,741,075.12</u>	<u>2,741,075.12</u>	N/A	N/A	N/A	1.0840%	1.0840%
TOTAL MANAGED FUNDS		<u>26,912,131.52</u>	<u>26,912,131.52</u>	<u>26,912,131.52</u>					
AGENCY NOTES									
2013-031	FEDERAL FARM CREDIT BANK (FFCB)	1,999,947.15	1,996,160.00	2,000,000.00	04/11/13	04/11/18	1,826	1.0100%	1.0000%
2013-054	FEDERAL HOME LOAN BANK (FHLB)	4,000,000.00	3,990,720.00	4,000,000.00	05/16/13	05/16/18	1,826	1.0000%	1.0000%
2015-119	FEDERAL HOME LOAN BANK (FHLB)	2,284,385.34	2,282,011.42	2,285,714.28	10/29/15	10/29/20	1,827	1.2500%	1.2500%
2016-014	FEDERAL FARM CREDIT BANK (FFCB)	4,000,000.00	3,973,600.00	4,000,000.00	02/24/16	02/24/20	1,461	1.4000%	1.4000%
2016-015	FEDERAL FARM CREDIT BANK (FFCB)	2,000,000.00	1,990,360.00	2,000,000.00	02/23/16	05/23/19	1,185	1.2500%	1.2500%
2016-017	FANNIE MAE (FNMA)	4,000,000.00	3,991,880.00	4,000,000.00	03/15/16	03/15/21	1,826	1.4000%	1.4000%
2016-024	FANNIE MAE (FNMA)	1,999,308.87	1,995,940.00	2,000,000.00	03/15/16	03/15/21	1,826	1.4254%	1.4000%
2016-035	FREDDIE MAC (FHLMC)	2,000,000.00	1,988,980.00	2,000,000.00	03/30/16	03/30/21	1,826	1.2500%	1.2500%
2016-043	FREDDIE MAC (FHLMC)	4,000,000.00	3,953,480.00	4,000,000.00	04/28/16	04/28/21	1,826	1.2500%	1.2500%
2016-046	FEDERAL HOME LOAN BANK (FHLB)	4,000,000.00	3,906,880.00	4,000,000.00	04/26/16	04/26/21	1,826	1.7000%	1.7000%
2016-048	FREDDIE MAC (FHLMC)	4,000,000.00	3,960,080.00	4,000,000.00	04/28/16	04/28/21	1,826	1.2500%	1.2500%
2016-049	FEDERAL FARM CREDIT BANK (FFCB)	4,000,000.00	3,966,000.00	4,000,000.00	04/12/16	04/12/21	1,826	1.6800%	1.6800%
2016-052	FEDERAL HOME LOAN BANK (FHLB)	4,000,000.00	3,930,960.00	4,000,000.00	04/20/16	04/20/21	1,826	1.6250%	1.6250%
2016-054	FEDERAL FARM CREDIT BANK (FFCB)	2,000,000.00	1,979,840.00	2,000,000.00	04/14/16	04/13/20	1,460	1.4000%	1.4000%
2016-064	FEDERAL FARM CREDIT BANK (FFCB)	2,000,000.00	1,981,220.00	2,000,000.00	05/03/16	05/03/21	1,826	1.7000%	1.7000%
2016-072	FEDERAL FARM CREDIT BANK (FFCB)	2,000,000.00	1,969,040.00	2,000,000.00	05/12/16	05/12/21	1,826	1.6400%	1.6400%
2016-077	FREDDIE MAC (FHLMC)	4,000,000.00	3,990,360.00	4,000,000.00	06/09/16	06/09/21	1,826	1.2500%	1.2500%
2016-088	FREDDIE MAC (FHLMC)	1,000,000.00	997,740.00	1,000,000.00	06/30/16	06/30/21	1,826	1.0000%	1.0000%
2016-090	FEDERAL FARM CREDIT BANK (FFCB)	2,000,000.00	1,979,900.00	2,000,000.00	06/29/16	06/29/20	1,461	1.4200%	1.4200%
2016-092	FANNIE MAE (FNMA)	5,005,997.81	4,869,700.00	5,000,000.00	06/30/16	06/30/21	1,826	1.3029%	1.6250%
2016-094	FEDERAL FARM CREDIT BANK (FFCB)	2,000,000.00	1,991,540.00	2,000,000.00	07/05/16	07/05/18	730	0.7800%	0.7800%
2016-097	FEDERAL HOME LOAN BANK (FHLB)	2,000,000.00	1,980,040.00	2,000,000.00	07/13/16	10/13/20	1,553	1.3750%	1.3750%
2016-101	FREDDIE MAC (FHLMC)	4,000,000.00	3,955,680.00	4,000,000.00	07/27/16	07/27/21	1,826	1.0000%	1.0000%
2016-102	FEDERAL FARM CREDIT BANK (FFCB)	2,000,000.00	1,963,740.00	2,000,000.00	07/14/16	07/14/21	1,826	1.4800%	1.4800%
2016-103	FANNIE MAE (FNMA)	4,000,000.00	3,969,960.00	4,000,000.00	07/28/16	07/28/21	1,826	1.0000%	1.0000%
2016-104	FANNIE MAE (FNMA)	4,000,000.00	3,987,520.00	4,000,000.00	07/20/16	07/20/21	1,826	0.8500%	0.8500%
2016-111	FREDDIE MAC (FHLMC)	3,000,000.00	2,989,530.00	3,000,000.00	08/16/16	08/16/21	1,826	1.1250%	1.1250%
2016-115	FEDERAL FARM CREDIT BANK (FFCB)	2,000,000.00	1,954,840.00	2,000,000.00	08/16/16	08/16/21	1,826	1.4400%	1.4400%
2016-116	FREDDIE MAC (FHLMC)	2,000,000.00	1,961,480.00	2,000,000.00	08/30/16	08/27/21	1,823	1.3500%	1.3500%
2016-117	FREDDIE MAC (FHLMC)	4,001,923.15	3,986,040.00	4,000,000.00	08/16/16	08/16/21	1,826	1.0004%	1.1250%
2016-122	FREDDIE MAC (FHLMC)	4,000,000.00	3,946,680.00	4,000,000.00	09/13/16	09/13/21	1,826	1.2500%	1.2500%
2016-125	FREDDIE MAC (FHLMC)	2,000,000.00	1,977,820.00	2,000,000.00	09/29/16	09/29/21	1,826	1.2500%	1.2500%
2016-126	FANNIE MAE (FNMA)	2,000,000.00	1,954,980.00	2,000,000.00	09/29/16	09/29/21	1,826	1.6000%	1.6000%
2016-132	FREDDIE MAC (FHLMC)	2,000,000.00	1,977,820.00	2,000,000.00	09/29/16	09/29/21	1,826	1.2500%	1.2500%
2016-133	FREDDIE MAC (FHLMC)	2,000,000.00	1,978,240.00	2,000,000.00	09/29/16	09/29/21	1,826	1.6500%	1.6500%
2016-134	FANNIE MAE (FNMA)	2,000,000.00	1,945,660.00	2,000,000.00	09/30/16	09/30/21	1,826	1.6250%	1.6250%

**SUTTER COUNTY POOLED TREASURY
INVESTMENT PORTFOLIO
September 30, 2017**



TREASURY NUMBER	INSTITUTION/BRANCH	BOOK VALUE	MARKET VALUE	PAR VALUE	DATE	DATE	TOTAL	YIELD	RATE
					INVESTED	MATURES	DAYS		
2016-140	FREDDIE MAC (FHLMC)	1,000,000.00	974,430.00	1,000,000.00	10/28/16	10/28/21	1,826	1.6500%	1.6500%
2016-142	FANNIE MAE (FNMA)	2,000,000.00	1,965,440.00	2,000,000.00	10/28/16	10/30/19	1,097	1.1250%	1.1250%
2016-148	FREDDIE MAC (FHLMC)	2,000,000.00	1,983,940.00	2,000,000.00	10/21/16	10/28/21	1,833	1.0000%	1.0000%
2016-149	FREDDIE MAC (FHLMC)	4,000,000.00	3,969,680.00	4,000,000.00	11/04/16	11/04/21	1,826	1.1000%	1.1000%
2016-151	FEDERAL HOME LOAN BANK (FHLB)	4,000,000.00	3,983,480.00	4,000,000.00	11/04/16	11/04/21	1,826	1.1000%	1.1000%
2016-152	FEDERAL HOME LOAN BANK (FHLB)	2,965,000.00	2,931,703.05	2,965,000.00	11/23/16	11/23/21	1,826	1.3000%	1.3000%
2016-153	FEDERAL HOME LOAN BANK (FHLB)	2,000,000.00	1,964,560.00	2,000,000.00	11/23/16	11/23/21	1,826	1.6500%	1.6500%
2016-161	FEDERAL HOME LOAN BANK (FHLB)	1,999,583.42	1,964,280.00	2,000,000.00	11/30/16	11/26/21	1,822	1.6553%	1.6500%
2016-163	FREDDIE MAC (FHLMC)	2,000,000.00	1,983,180.00	2,000,000.00	12/09/16	12/09/21	1,826	1.5000%	1.5000%
2016-166	FEDERAL HOME LOAN BANK (FHLB)	1,994,744.51	1,990,880.00	2,000,000.00	11/16/16	05/15/20	1,276	1.3025%	1.0000%
2016-169	FEDERAL FARM CREDIT BANK (FFCB)	1,995,835.16	1,986,440.00	2,000,000.00	11/29/16	11/29/21	1,826	1.7600%	1.8125%
2016-172	FEDERAL FARM CREDIT BANK (FFCB)	1,993,336.25	1,986,440.00	2,000,000.00	11/29/16	11/29/21	1,826	1.7600%	1.1844%
2016-174	FEDERAL FARM CREDIT BANK (FFCB)	1,000,000.00	991,560.00	1,000,000.00	12/01/16	06/01/21	1,643	2.0000%	2.0000%
2016-178	FEDERAL HOME LOAN BANK (FHLB)	2,000,000.00	1,994,360.00	2,000,000.00	12/06/16	12/06/21	1,826	2.0500%	2.0500%
2016-180	FEDERAL HOME LOAN BANK (FHLB)	1,988,569.56	2,001,640.00	2,000,000.00	12/02/16	11/29/21	1,823	2.0199%	1.8750%
2017-022	FANNIE MAE (FNMA)	2,000,000.00	2,002,820.00	2,000,000.00	03/29/17	03/29/22	1,826	2.1700%	2.1700%
2017-033	FREDDIE MAC (FHLMC)	4,000,000.00	4,000,000.00	4,000,000.00	04/13/17	04/13/22	1,826	1.5000%	1.5000%
2017-053	FREDDIE MAC (FHLMC)	2,000,000.00	1,996,840.00	2,000,000.00	05/17/17	05/17/22	1,826	1.5000%	1.5000%
2017-090	FREDDIE MAC (FHLMC)	3,405,000.00	3,394,342.35	3,405,000.00	08/07/17	06/29/22	1,787	1.5000%	1.5000%
2017-091	FEDERAL HOME LOAN BANK (FHLB)	2,998,536.97	2,985,660.00	3,000,000.00	08/16/17	08/16/22	1,826	1.7500%	1.7500%
2017-105	FEDERAL FARM CREDIT BANK (FFCB)	4,000,000.00	3,978,160.00	4,000,000.00	09/14/17	03/14/22	1,642	1.9500%	1.9500%
2017-119	FREDDIE MAC (FHLMC)	<u>2,113,643.48</u>	<u>2,109,357.60</u>	<u>2,120,000.00</u>	09/28/17	09/29/22	1,827	1.8400%	1.6250%
	TOTAL AGENCY NOTES	156,745,811.67	155,355,614.42	156,775,714.28					

**SUTTER COUNTY POOLED TREASURY
INVESTMENT PORTFOLIO
September 30, 2017**



<u>TREASURY</u>					<u>DATE</u>	<u>DATE</u>	<u>TOTAL</u>			
<u>NUMBER</u>	<u>INSTITUTION/BRANCH</u>	<u>BOOK VALUE</u>	<u>MARKET VALUE</u>	<u>PAR VALUE</u>	<u>INVESTED</u>	<u>MATURES</u>	<u>DAYS</u>	<u>INVESTED</u>	<u>YIELD</u>	<u>RATE</u>
MEDIUM TERM NOTES										
2012-147	GENERAL ELECTRIC	2,000,000.00	2,001,020.00	2,000,000.00	12/26/12	12/07/17	1,807		1.7196%	1.7196%
2013-012	JP MORGAN CHASE	1,750,140.55	1,751,347.50	1,750,000.00	01/30/13	01/25/18	1,821		1.7737%	1.8000%
2013-050	JP MORGAN CHASE	999,875.68	998,990.00	1,000,000.00	05/15/13	05/15/18	1,826		1.6796%	1.6796%
2013-118	UNION BANK NA	1,005,665.67	1,008,380.00	1,000,000.00	10/29/13	09/26/18	1,793		2.0100%	2.6250%
2014-081	US BANCORP (USB)	2,006,869.25	2,012,300.00	2,000,000.00	07/18/14	04/25/19	1,742		1.9650%	2.2000%
2015-098	WELLS FARGO & COMPANY (WFC)	4,000,000.00	3,991,680.00	4,000,000.00	09/25/15	09/25/20	1,827		2.0000%	2.0000%
2015-115	WELLS FARGO & COMPANY (WFC)	2,000,000.00	1,988,980.00	2,000,000.00	10/16/15	10/16/20	1,827		1.7500%	1.7500%
2015-137	GENERAL ELECTRIC	3,222,027.74	3,237,120.00	3,000,000.00	11/16/15	01/08/20	1,514		2.0824%	5.5000%
2016-078	WELLS FARGO & COMPANY (WFC)	2,000,000.00	1,991,700.00	2,000,000.00	06/07/16	06/07/21	1,826		2.0000%	2.0000%
2016-110	WELLS FARGO & COMPANY (WFC)	2,003,909.36	1,983,120.00	2,000,000.00	07/25/16	07/26/21	1,827		2.0459%	2.1000%
2016-119	HSBC USA, INC	2,000,000.00	1,996,240.00	2,000,000.00	08/19/16	08/19/21	1,826		2.1000%	2.1000%
2016-155	WELLS FARGO & COMPANY (WFC)	4,984,701.06	4,982,650.00	5,000,000.00	11/03/16	03/06/19	853		1.7672%	1.7672%
2016-184	HSBC USA, INC	4,000,000.00	3,997,280.00	4,000,000.00	12/16/16	12/16/21	1,826		2.2500%	2.2500%
2016-187	US BANCORP (USB)	2,003,153.69	2,016,160.00	2,000,000.00	12/16/16	01/29/21	1,505		2.2990%	2.3500%
2017-002	CHEVRON CORP (CVX)	993,838.56	1,000,490.00	1,000,000.00	01/09/17	05/16/21	1,588		2.2790%	2.1000%
2017-009	WELLS FARGO & COMPANY (WFC)	1,959,888.45	1,983,120.00	2,000,000.00	01/23/17	07/26/21	1,645		2.6601%	2.1000%
2017-071	WELLS FARGO & COMPANY (WFC)	2,000,000.00	1,998,200.00	2,000,000.00	06/27/17	06/27/22	1,826		1.9933%	1.9933%
2017-086	TOYOTA MOTOR CREDIT CORP	<u>2,000,000.00</u>	<u>1,970,060.00</u>	<u>2,000,000.00</u>	08/03/17	06/26/22	1,788		<u>2.1250%</u>	<u>2.1250%</u>
	TOTAL MEDIUM TERM NOTES	<u>40,930,070.01</u>	<u>40,908,837.50</u>	<u>40,750,000.00</u>						
	TOTAL POOL PORTFOLIO	<u>224,588,013.20</u>	<u>223,176,583.44</u>	<u>224,437,845.80</u>				Average	<u>1.5472%</u>	<u>1.5837%</u>

BOARD AGENDA ITEM: First Reading – Board Policies

BOARD MEETING DATE: November 8, 2017

AGENDA ITEM SUBMITTED FOR:

- Action
- Reports/Presentation
- Information
- Public Hearing
- Other (specify)

PREPARED BY:

Dr. Chris McCormick

SUBMITTED BY:

Dr. Chris McCormick

PRESENTING TO BOARD:

Dr. Chris McCormick

BACKGROUND AND SUMMARY INFORMATION:

The following policies are being presented for a first reading by the Sutter County Board of Education:

- BP 5131.2 – Bullying
- BP 6173 – Education for Homeless Children
- B/AR 6173 – Education for Homeless Children

Series 5000 – Students

BP 5131.2

Students
BULLYING

The Sutter County Board of Education recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. Sutter County Superintendent of Schools employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

- (cf. 5131 - Conduct)
- (cf. 5136 - Gangs)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)
- (cf. 5145.9 - Hate-Motivated Behavior)

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

- (cf. 5145.2 - Freedom of Speech/Expression)

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders, ~~including students, parents/guardians, and staff, and may in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall~~ be incorporated into school such plans.

- (cf. 0420 - School Plans/Site Councils)
- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 1220 - Citizen Advisory Committees)
- (cf. 1400 - Relations between Other Governmental Agencies and the Schools)
- (cf. 6020 - Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

Bullying Prevention

To the extent possible, County ~~strategies-schools~~ shall focus on prevention of bullying by establishing clear rules for student conduct and implementing strategies to ~~promote establish~~ a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of Sutter County Superintendent of Schools rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for ~~engaging perpetrators-in of~~ bullying.

(cf. 5137 - Positive School Climate)
(cf. 6164.2 - Guidance/Counseling Services)

Sutter County Superintendent of Schools may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf. 6163.4 - Student Use of Technology)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)

County staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective responses, prevention and intervention strategies.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

Intervention

Students are encouraged to notify Sutter County Superintendent of Schools staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the Sutter County Superintendent of Schools compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Investigation and Resolution of Complaints

Complaints and Investigation

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the county' uniform complaint procedures specified in AR 1312.3.

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

~~Students may submit to a teacher or administrator a verbal or written complaint of conduct they~~

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~~consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site level complaint process/grievance procedures as outlined in AR 5145.7~~

~~When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.~~

~~When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they~~

~~feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.~~

~~If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.~~

Discipline

~~Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with Sutter County Superintendent of School policies and regulations.~~

~~Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with school policies and regulations.~~

~~(cf. 5138 - Conflict Resolution/Peer Mediation)~~

~~(cf. 5144 - Discipline)~~

~~(cf. 5144.1 - Suspension and Expulsion/Due Process)~~

~~(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))~~

~~(cf. 6159.4 - Behavioral Interventions for Special Education Students)~~

~~Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.~~

~~(cf. 4118 - Dismissal/Suspension/Disciplinary Action)~~

~~(cf. 4119.21/4219.21/4319.21 - Professional Standards)~~

~~(cf. 4218 - Dismissal/Suspension/Disciplinary Action)~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

Adopted: 12/11/12 Revised:
Sutter County Board of Education

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

Common Sense Media: <http://www.common Sense Media.org>

National School Safety Center: <http://www.schoolsafety.us>

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

U.S. Department of Education: <http://www.ed.gov>

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

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UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

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J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

CHARTER SCHOOLS

The Sutter County Board of Education believes that charter schools provide an opportunity to implement school-level reform and to support innovations, which improve student learning. Charter schools shall operate under the provisions of this policy, their respective charters, applicable state, and federal laws, and relevant regulations of the Sutter County Superintendent of Schools Office (SCSOS).

The Sutter County Board of Education shall consider any petition submitted for the establishment of a charter school if:

1. The charter school will serve students for whom SCSOS would otherwise be responsible for providing direct education and related services;
2. The charter school will operate as a countywide charter at one or more sites within the geographic boundaries of the county, to provide instructional services not generally provided by Sutter County Superintendent of Schools;

In addition to other requirements, a countywide charter petition may only be approved if Sutter County Board of Education finds that the educational services to be provided by the charter school will offer services to a student 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;

3. The charter petition was denied by the governing board of a school district within Sutter County Board of Education's jurisdiction and the petition is submitted to the Sutter County Board of Education within 180 calendar days of the school district governing board's denial.

The Sutter County Board of Education shall ensure that every approved charter contains adequate processes and measures for monitoring and holding the charter school accountable for fulfilling the terms of its charter and for complying with all applicable laws. Such processes and measures shall include fiscal accountability systems, multiple measures for evaluating the educational program, and inspections and observations of any part of the charter school.

Approval/Denial

1. To be considered by the Sutter County Board of Education, all charter petitions, except petitions to establish countywide charters, shall comply with the requirements of Education Code § 47605. For all such charter petitions, the Sutter County Board of Education shall:
 - a. Within 30 days of receiving the charter petition, hold a public hearing to determine the level of support for the petition by parents/guardians, teachers and other employees of the district or County Office, as applicable;
 - b. Within 60 days of receiving the petition, or within 90 days with the consent of both parties, either grant or deny the charter petition.
2. To be considered by the Sutter County Board of Education, a petition to establish a countywide charter school shall comply with the requirements of Education Code.

- For a countywide charter petition, the Sutter County Board of Education shall:
- a. Within 60 days of receiving the charter petition, hold a public hearing to determine the level of support for the petition by teachers, parents/guardians, and the school district(s) where the charter school will be located;
 - b. Within 90 days of receiving the petition, or within 120 days with the consent of both parties, either grant or deny the charter petition.

All charters approved by the Sutter County Board of Education shall be for a specified term of no more than five years.

The Sutter County Board of Education shall grant the charter if doing so is consistent with sound educational practice. A charter petition shall be denied if granting the petition would authorize the conversion of a private school to a charter school. Otherwise, a petition may only be denied if the Sutter County Board of Education makes written factual findings specific to the petition under review that at least one of the following conditions exists:

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school;
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;
3. The petition does not contain the number of signatures; or if the petition is one to establish a countywide charter;
4. The petition does not contain an affirmation of each of the conditions described in Education Code, or if the petition is one to establish a countywide charter;
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions stated in Education Code §47605(b)(5), or if the petition is one to establish a countywide charter; or
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 of Division 4 of Title I of the Government Code 9commencing with Section 3540). If the petition is for the establishment of a countywide charter school pursuant to Education Code § 47605.6, in addition to the six permissible findings above, the petition may be denied if SCSOS makes written factual findings specific to the petition under review that:
7. The petition does not contain reasonable justification for why the charter school could not be established by petition to a school district; or
8. Any other basis that the Sutter County Board of Education finds justifies denial of the petition.

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board.

In granting charter petitions, the Sutter County Board of Education shall give preference to petitions that demonstrate the capability to provide comprehensive learning

experiences to academically low-achieving students according to standards established by the California Department of Education.

The criteria that the Sutter County Board of Education will utilize in accepting, considering, and approving or denying a charter school petition shall follow the appropriate provisions of the Education Code, regulations developed by the State Board of Education to guide its review of charter petitions and contained in Title 5 of the California Code of Regulations, and the process outlined in Sutter County Superintendent of School's policy AR 0402.4 developed for the implementation of this Sutter County Board of Education Policy.

Upon the Sutter County Board of Education's approval of any charter petition, the petitioners shall provide written notice of the approval, including a copy of the petition, to the Superintendent of Public Instruction and the State Board of Education.

In addition, whenever the Sutter County Board of Education approves a countywide charter petition, the petitioners shall provide written notice of the approval, including a copy of the petition, to the school districts within the county.

Except for a countywide charter, any charter petition denied by the Sutter County Board of Education may be submitted to the State Board of Education within 180 days of the denial.

Revision

Material revisions to the provisions of any charter granted by the Sutter County Board of Education may be made only with the Sutter County Board of Education approval and shall be governed by the same standards and criteria that apply to new charter petitions.

If an approved charter school proposes to expand operations to one or more additional sites within the County's boundaries, the charter school shall request a material revision to its charter and shall notify the Sutter County Board of Education of those additional locations. The Sutter County Board of Education shall consider approval of the additional locations at an open meeting.

In considering material revisions to the provisions of any charter granted by the Sutter County Board of Education, applicable procedures stated above under Approval/Denial and in AR 0420.4 shall be used.

Renewal

Any charter school whose charter was initially granted by the Sutter County Board of Education shall submit a written application to the Sutter County Board of Education, at least 120 days before the expiration date of the charter. At least 90 days before the expiration date of the charter, the Sutter County Board of Education shall conduct a public hearing to receive input on whether or not to extend the charter. At least 60 days before the expiration date, the Sutter County Board of Education shall either grant or deny the request for renewal.

Any charter school whose application for renewal was denied by the governing board of a school district may submit the renewal application to the Sutter County Board of Education using applicable procedures stated above under Approval/Denial and in AR 0420.4.

All charter renewals shall be subject to the same standards and criteria that apply to new charter petitions, with the exception that the signature requirement applicable to new charter petitions shall not be applicable to petitions for renewal.

To receive a charter renewal, a charter school must also meet at least one of the following criteria:

1. Attain its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years;
2. Rank in deciles 4-10 on the API in the prior year or in two of the last three years;
3. Rank in deciles 4-10 on the API for a demographically comparable school in the prior year or in two of the last three years;
4. The charter school qualifies for an alternative accountability system;
5. Achieve an academic performance that is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of schools within the district where the charter school is located, taking into account the composition of the student population that is served at the charter school.

The Sutter County Board of Education shall base this renewal determination on:

1. Documented clear and convincing data;
2. Student achievement data from state assessments;
3. Information submitted by the charter school.

Any charter renewal granted by the Sutter County Board of Education shall be for a period of five years.

If the Sutter County Board of Education fails to make a written factual finding pursuant to items #1-5 above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition.

The County Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Sutter County Board of Education's action, whenever a renewal of the charter is granted or denied.

Revocation

The Sutter County Board of Education expects any of their authorized charter schools to provide a sound educational program that promotes student learning and to comply with law and the terms of the charter. However, when necessary, the Sutter County Board of Education may revoke a charter before the date it is due to expire.

The Sutter County Board of Education may revoke any charter whenever it makes a written factual finding, supported by substantial evidence, that the charter school has

done any of the following:

1. Committed a material violation of any of the conditions, standards or procedures set forth in the charter;
2. Failed to meet or pursue any of the student outcomes identified in the charter;
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement;
4. Violated any provision of law
 - a. That the charter school has failed or is unable to implement the recommendations of the California Collaborative for Educational Excellence (CCEE); or
 - b. That the adequate performance of the charter school, as based on an evaluation rubric adopted by the State Board of Education (SBE), is so persistent or acute as to require revocation of the charter.

Before issuing a Notice of Intent to Revoke, the County Superintendent or designee shall provide the charter school with a Notice of Violation unless the County Superintendent or designee determines, in writing, that a violation of Education Code § 47607 and the above four conditions constitutes a severe and imminent threat to the health or safety of pupils, in which case no Notice of Violation is required before issuing a Notice of Intent to Revoke.

At least 72 hours prior to issuing a Notice of Violation, the County Superintendent or designee shall provide the charter school with notice and all relevant documents related to the proposed action.

If the County Superintendent or designee takes action to issue a Notice of Violation, the County Superintendent or designee shall deliver the Notice of Violation to the charter school's governing body. The Notice of Violation shall identify:

1. The charter school's alleged violation(s).
2. All evidence relied upon in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that the violation(s) are both material and uncured and that the alleged violation(s) occurred within a reasonable period of time before the Notice of Violation is issued.
3. The period of time that the County Superintendent or designee has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the County Superintendent or designee shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit a detailed written response and supporting evidence addressing each identified violation, including the refutation, remedial action taken, or proposed remedial action.

Revocation

Within 60 calendar days of the conclusion of the remedy period, the Sutter County Board of Education shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions:

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body;
2. If there is substantial evidence that the charter school has failed to remedy or refute to the Sutter County Board of Education's satisfaction a violation identified in the Notice of Violation, continue revocation of the charter by issuing a Notice of Intent to Revoke to the charter school's governing body.

If the Sutter County Board of Education issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the Board and the charter school, the Board shall issue a final decision to revoke or decline to revoke the charter.

If the Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated.

Within 10 calendar days of the Board's final decision, the County Superintendent or designee shall provide a copy of the final decision to the California Department of Education.

Severe and Imminent Threat

The procedures specified above shall not be applicable when the Board determines that any violation under Education Code 47607 constitutes a severe and imminent threat to the health or safety of students. In such circumstances, the Board may immediately revoke the school's charter by approving and delivering a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to the charter school's governing body and the California Department of Education.

Appeals

In the event that the Board revokes the charter, the charter school may, within 30 days of the Board's final decision, appeal the revocation to the State Board of Education.

Waivers

If a Sutter County Board of Education approved charter school submits an application to the Sutter County Board of Education for a waiver of any Education Code provisions, the Sutter County Board of Education shall hold a public hearing on the waiver request no later than 90 days following receipt of the request.

The Sutter County Board of Education shall subsequently prepare a summary of the public hearing to be forwarded with the waiver request to the State Board of Education. If the Sutter County Board of Education recommends against approval of the waiver request, it shall set forth the reasons for its disapproval in written documentation that shall be forwarded to the State Board of Education.

Financial Relationship

The Sutter County Board of Education shall permit a charter school approved by it to use, at no cost, facilities not currently being used by the Sutter County Superintendent of Schools for instructional or administrative purposes, or not historically being used for rental purposes, provided that the charter school shall be responsible for reasonable maintenance of those facilities.

The Sutter County Board of Education may charge for the actual costs of supervisory oversight of a charter school not to exceed one percent of the charter school's revenue as defined in Education Code § 47613(f). If the Sutter County Board of Education is able to provide substantially rent-free facilities to the charter school, the Sutter County Board of Education may charge actual costs up to three percent of the charter school's revenue for supervisory oversight.

The charter school may separately purchase administrative or other services from the Sutter County Board of Education or any other source.

Legal References: Education Code § 33054 Waivers; § 41365 Charter school revolving loan fund; § 42100 Annual statement of receipts and expenditures; § 44237 Criminal record summary; § 44830.1 Certificated employees, conviction of a violent or serious felony; § 45122.1 Classified employees, conviction of a violent or serious felony; § 46201 Instructional minutes; § 47600-47616.7 Charter Schools Act of 1992, as amended 47640-47647 Special education funding for charter schools; § 47652 Funding of first-year charter schools; § 48000 Minimum age of admission (kindergarten); § 48010 Minimum age of admission (first grade); § 48011 Minimum age of admission from kindergarten or other school 51745-51749.3 Independent study 52052 Alternative accountability system; § 54032 Limited English or low-achieving pupils; § 56026 Special education; § 56145-56146 Special education services in charter schools; § 60600-60649 Assessment of academic achievement, including: § 60605 Academic content and performance standards; assessments; § 60640-60649 Standardized Testing and Reporting Program

Government Code § 3540-3549.3 Educational Employment Relations Act; § 54950-54963 The Ralph M. Brown Act

Penal Code § 667.5 Definition of violent felony; § 1192.7 Definition of serious felony

Code of Regulations, Title 5 § 11700.1-11705 Independent Study; § 11960-11969 Charter Schools

Charter School Petition Review Procedures

Upon receipt of a complete application packet and a charter school petition, either new or denied by a previous district, a designated employee of the Sutter County Superintendent of Schools shall date stamp the cover page of the submitted materials. Petitioners will initiate the process no later than December 15 in the year prior to intended opening. In the case of petitions received after that date, the Sutter County Board of Education reserves the right to consider approval on the basis of a one year delay in the commencement of the charter school operation. It is important that the charter petition be received by December 15 so that, if the charter petition is approved, the impacted school districts (s) has time to make any appropriate certificated staffing adjustments prior to the March 15 deadline.

Once the charter school petition has been submitted to the Sutter County Board of Education, it will be forwarded to the charter review committee. The committee will review the petition according to Education Code requirements. Any review documents are internal memoranda that will not be released to charter school petitioners or to the general public. However a copy of the final findings of fact document may be provided to charter school petitioners at the same time as it is provided to the Sutter County Board of Education.

The charter review committee may request to meet with the petitioners, if the initial review of the charter indicates that the petition has met a minimum threshold of completing the full 16 elements and the committee requires further explanation.

For new charter petitions, the Sutter County Board of Education will not accept any amendments to the charter school petition after the public hearing.

CHARTER SCHOOL PETITION REQUIREMENTS

Application Packet Requirements for ALL Charter Petitions

A new charter petition that is submitted to the Sutter County Superintendent of Schools must include the following:

1. Seven complete copies of the charter petition, including the required signatures.
2. The Sutter County Superintendent of Schools Charter School Petition Review Checklist with page numbers identifying the location of required information.
3. Form A – Notice of Appeal: Denied Charter Petition
 - a. Attach Articles of Incorporation and By-Laws for the non-profit organization, or provide a written explanation of why these have not yet been developed.
4. The original charter petition and supporting documents considered by District when petition was denied
 - a. Include proposed start-up and three-year budgets (including assumptions) denied by the local district board.
 - b. Renewal petitions must contain documentation that the charter school met at least one of the renewal criteria specified in Education Code § 47607(b) and a description of how the school has met all new charter requirements enacted into law since the charter school was granted or last renewed (California

- Code of Regulations, Title 5, 11966.4).
5. Copy of signature pages – 50% of meaningfully interested teachers or 50% of meaningfully interested parents (not applicable to renewal petition).
 6. Appeal documentation including:
 - a. A copy of the District governing board's action of denial of the petition and the governing board's written factual findings specific to the particular petition, as required by Education Code § 47605(b);
 - b. Optional: A brief written response of the charter petitioners to the district board's findings (no more than 3 pages);
 - c. Signed certification that the petitioner(s) will comply with all applicable law, including, but not limited to, the provisions of Education Code § 47605(d) et seq;
 - d. A narrative description of any changes to the petition necessary to reflect the Sutter County Board of Education as the chartering entity. There shall be no material changes to the charter petition as denied by the school district governing board.

In addition the charter petition must include a thorough description of the education, work experience, credential, degrees, and certifications of the individuals comprising, or proposed to comprise, the directors, administrator, and managers of the proposed charter school; the by-laws, articles of incorporation and other management documents, as applicable, governing, or proposed to govern the charter school. The information in this section should specify that the charter school will be subject to the Brown Act, the Public Records Act, as well as the Conflict of Interest provisions that also apply to members of the Sutter County Board of Education.

Petition Signatures

To be considered by the Sutter County Board of Education, any charter school petition must include the names, addresses, telephone numbers, and number of appropriately aged children who will attend the school, original signatures, and the dates of the original signatures of those persons endorsing the charter school petition. The petition form must indicate that a copy of the charter school petition was attached to the form and that the petitioners reviewed it prior to signing the petition. The petition must be signed by one of the following:

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation; or
2. A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation; or
3. When the charter petition calls for an existing public school to be converted to a charter school, at least 50 percent of the permanent status teachers currently employed at the public school to be converted.

In circulating the petition, the petitioners shall include a prominent statement explaining that a signature means that the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school.

If the petition is for a countywide charter, each school district where the charter school proposes to operate a facility must have received at least 30 days' notice of the petitioner's intent to operate the charter school.

Charter Elements

All charter school petitions shall contain reasonably comprehensive descriptions of all of the following elements:

1. The educational program of the charter school, designed among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st Century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent and lifelong learners. The petition shall include a description of annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code § 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. These goals shall be aligned with the state priorities listed in Education Code § 52060 that apply to the grade levels served or the nature of the program operated by the charter school. The petition also shall describe specific annual actions to achieve those goals. The petition may identify additional priorities established by the charter school, goals aligned with those priorities, and specific annual actions to achieve those goals. If the proposed charter school will serve high school pupils, the petition must include a description of how the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the A to G admission criteria may be considered to meet college entrance requirements.
2. The measurable student outcomes identified for use by the charter school. Student outcomes means the extent to which all students of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code § 52060 that apply for the grade levels served or the nature of the program operated by the charter school.
3. The method by which student progress in meeting those student outcomes is to be measured. To the extent practicable, the method for measuring student

outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

4. The governance structure of the charter school, including but not limited to the process to be followed by the school to ensure parent/guardian involvement;
5. The qualifications to be met by all individuals to be employed by the charter school;
6. The procedures that the charter school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary;
7. The means by which the charter school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the county's territorial jurisdiction;
8. Admission Requirements, if applicable;
9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the Sutter County Board of Education;
10. The procedures by which students can be suspended or expelled;
11. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or Federal Social Security;
12. The public school attendance alternatives for students residing within the district or for which the Sutter County Board of Education is responsible for providing education and related services, who choose not to attend the charter school;
13. A description of the rights of any district or Sutter County Superintendent of Schools employee, as applicable upon leaving district or the Sutter County Superintendent of Education employment to work in the charter school, and of any rights of return to the district or Sutter County Superintendent of Schools after employment at the charter school;
14. The procedures to be followed by the charter school and Sutter County Superintendent of Schools to resolve disputes relating to charter provisions;
15. A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of student records. The procedures to be used if the charter school closes shall include but are not limited to:
 - a. Designation of a responsible entity to conduct closure-related activities.
 - b. Notification of the closure to parents/guardians, the Board, the County Superintendent, the Special Education Local Plan area in which the school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:
 - i. The effective date of the closure
 - ii. The name(s) of and contact information for the person(s) to whom

- reasonable inquiries may be made regarding the closure
- iii. The students' districts of residence
 - iv. The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements
- c. Provision of a list of students at each grade level, the classes they have completed, and the students' district of residence to the responsible entity designated in accordance with item #15a above.
 - d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with item #15a above, except for records and/or assessment results that the charter school may require to be transferred to a different entity.
 - e. Transfer and maintenance of personnel records in accordance with applicable law.
 - f. Completion of an independent final audit within six months after the closure of the charter school that includes an accounting of all financial assets and liabilities and an assessment of the disposition of any restricted funds received by or due to the charter school.
 - g. Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed.
 - h. Completion and filing of any required annual reports required.
 - i. Identification of funding for the activities identified in item #15 a-h above.

Charter School Petition Requirements

A reasonably comprehensive description, within the meaning of the Education Code shall include, but not limited to, information that:

1. Is substantive and is not, for example, a listing of topics with little elaboration;
2. Addresses each individual element in those elements that have multiple aspects;
3. Is specific to the charter petition being proposed, not to charter schools or charter petitions in general;
4. Describes, as applicable among the different elements, how the charter school will:
 - a. Improve student's learning.
 - b. Increase learning opportunities for its pupils, particularly students who have been identified as academically low achieving.
 - c. Describe the proposed assessment program as it relates to the school's measurable student outcomes. This description should include a discussion of how the charter school shall meet all statewide standards and conduct required students assessments.
 - d. Provide parents, guardians, and students with expanded educational opportunities.
 - e. Hold itself accountable for measurable, performance-based pupil outcomes.

- f. Provide vigorous competition with other public school options available to parents, guardians, and students.

In addition to the above elements, the petition should include:

1. Information regarding the proposed operation and potential effects of the schools, including but not limited to:
 - a. The addresses and a description of the charter school facilities, located within the geographic boundaries of the county, or the district in the case of a petition initially denied by the governing board of a school district, together with such documentation sufficient to provide reasonable evidence that the charter school facility or facilities are safe, habitable, well-suited for its educational purpose, and that the applicant has secured, or has reasonable assurance of securing the facility or facilities for use by the charter school.
 - b. A description of the proposed charter school's building maintenance, replacement, and expansion policies, including related financial projections. Current financial statements for the charter school, including a detailed balance sheet and statement of income and expenses shall be included in case of a charter renewal application.
2. A summary of the administrative structure and organization of the charter school. The summary should specifically include county liaison, special education, how administrative services are to be provided, and other basic elements of charter school operation. This section should also detail the proposed academic school calendar including: days of instruction, hours of operation, expectation of pupil attendance and annual instructional minutes for each grade level to be served.
3. Potential civil liability effects, if any, upon the charter school and upon the Sutter County Board of Education and the Sutter County Superintendent of Schools.
4. A detailed, complete and fully annotated operational budget with estimates of the charter school revenues and expenditures, cash-flows and reserve positions for the first three years of operation, including start-up costs, and the precise salary and benefits paid and to be paid to each employee of the charter school.
5. The manner, format and content by which the charter school proposes to regularly report to the Sutter County Board of Education, or the Sutter County Superintendent of Schools, concerning the implementation of the approved charter, measurable student progress, as well as the current projected financial viability of the charter school.

Location of Charter School

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the county. A charter school may propose to operate at multiple sites within the county as long as each location is identified in the petition.

A charter school may establish a resource center, meeting space, or other satellite facility located in an adjacent county if both of the following conditions are met:

1. The facility is used exclusively for the educational support of students who are enrolled in non-classroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

In addition to the above referenced requirements, a charter school petition must demonstrate that the charter school shall meet all statewide performance standards authorized in statute and will conduct the required student assessments and any other student assessments applicable to students in non-charter schools.

A charter school petition must also demonstrate that the charter school shall meet all applicable requirements of the Federal Every Student Succeeds Act.

Requirements for Charter Schools

Charter schools are generally exempt from provisions of the Education Code unless they are expressly included in the law. However, charter schools are subject to the terms of their charters, any memorandum of understanding with their chartering authority, and other legal requirements including, but not limited to, requirements that each charter school:

1. Be nonsectarian in its programs, admission policies, employment practices, and all other operations;
2. Not discriminate against any student on the basis of the characteristics listed in in Education Code § 220;
3. Not charge tuition;
4. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools;
5. Adhere to all laws establishing the minimum age for public school attendance;
6. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making “satisfactory progress” toward a high school diplomas as defined in 5 CCR 11965;
7. Serve students with disabilities in the same manner as such students are served in other public schools;
8. Admit all students who wish to attend the school, according to the following criteria and procedures:
 - a. Admission to the charter school shall not be determined according to the student’s place of residence, or that of his/her parents/guardians, within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school’s former attendance area.

If a charter school will be physically located in a public elementary school attendance

area in which 50 percent or more of the student enrollment is eligible for free or reduced-priced meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area.

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing. However, preference shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code § 47614.5.
 - c. Other admissions preferences may be permitted by the chartering district on an individual school basis consistent with law.
9. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code §47605(d);
10. Comply with the requirements of Education code §§ 48850-48859 regarding the enrollment and placement of foster youth;
11. If the school offers a kindergarten program:
 - a. Offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2.
 - b. Ensure that any credentialed teacher first assigned to teach a TK class after July 1, 2015 meets the qualifications specified in Education Code § 48000 by August 1, 2020.
12. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) equivalent to that which a teacher in other public schools would be required to hold;
13. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on their behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment;
14. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law;
15. Report to the Commission on Teacher Credentialing (CTC) any change in a certificated employee's employment status (dismissal, non-re-election, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or re-employ) as a result of an allegation of misconduct or while an allegation of misconduct is pending;
16. Meet the requirement of education Code § 47611 regarding the State Teacher's Retirement System (STRS);
17. Meet the requirement of Government Code §§ 3540-3549.3 related to collective bargaining in public education employment;
18. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy, with specified components;
19. Meet all statewide standards and conduct any statewide assessment applicable to non-charter public schools;
20. Until July 31, 2018, grant a high school diploma to any student who completed grade 12 in the 2003-04 school year or a subsequent school year and who has met all applicable graduation requirements other than the passage of the high

- school exit examination;
21. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school;
 22. If the charter school provides independent study, meet the requirements of Education Code §§ 51745-51749.3, except that the charter school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code § 51745(e);
 23. Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through non-classroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education;
 24. If the charter school offers competitive athletics, annually post on the charter school's website or on the website of the charter operator the total enrollment of the charter school classified by gender, and the number of boys' and girls' teams classified by sport and by competition level;
 25. If the charter school offers an athletic program, annually provide an information sheet about concussion and head injury to athletes and their parents/guardians, which must be signed and returned to the charter school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider and receives written clearance to return to the activity;
 26. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs;
 27. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications;
 28. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection;
 29. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information;
 30. Electronically submit the grade point average of all students in grade 12 to the Student Aid Commission each academic year for use in the Cal Grant program, after notifying the students and their parents/guardians as applicable, by October 15 of each year, of the opportunity to opt out of being deemed a Cal Grant applicant within a specified period of time of at least 30 days;
 31. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions:

- a. The facility complies with the Field Act pursuant to Education Code §§17280-17317 and §§17365-17374.
 - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.
32. Provide reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding;
33. Ensure the availability and proper use of emergency epinephrine auto-injectors by:
 - a. Providing school nurses or other voluntary, trained personnel with at least one regular and one junior device for elementary schools and, for secondary schools, one regular device if there are no students who require a junior device.
 - b. Distributing a notice at least once per school year to all staff requesting volunteers and describing the training that volunteers will receive.
 - c. Providing defense and indemnification to volunteers for any and all civil liability from such administration.
34. Promptly respond to all reasonable inquiries from the Sutter County Superintendent of Schools Office or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the charter school's financial records.
35. Annually prepare and submit financial reports to the Governing Board and the County Superintendent of Schools in accordance with the following reporting cycle:
 - a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code § 47605(g) will satisfy this requirement.
 - b. By July 1 each year, an update of the charter school's goals and the actions to achieve those goals as identified in the charter, developed using the local control and accountability plan template in 5 CCR 15497.5. This report shall include a review of the progress toward the goals, an assessment of the effectiveness of the specific actions toward achieving the goals, a description of changes the school will make to specific actions as a result of the review and assessment, and a listing and description of expenditures for the fiscal year implementing the specific actions.
 - c. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31.
 - d. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.
 - e. By September 15, a final unaudited report for the full prior year. The report submitted to the Sutter County Board of Education shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year.

- f. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year. The audit report shall also be submitted to the State Controller and the California Department of Education.
36. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670;
37. Annually adopt a school accountability report card.

Complaints

Each charter school shall establish and maintain policies and procedures to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4687, alleging the school's non-compliance with Education Code § 47606.5 or § 47607.3.

A complainant who is not satisfied with the decision may appeal the decision to the Superintendent of Public Instruction.

Approval of Charter Petitions

The Sutter County Board of Education may grant a charter for a specified term of up to five years. Upon approval of the Board, the petitioners(s) shall provide written notice of the Sutter County Board of Education's approval and a copy of the charter to the State Department of Education, and the State Board of Education, and (if applicable) to the district in which the charter school will be operating.

1. The Sutter County Board of Education shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to academically low-achieving students according to the standards established by the California Department of Education.
2. Should a charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the Sutter County Board of Education may appoint a representative to serve on the board of directors of the corporation, and the corporation shall confer upon the board's appointee all rights and responsibilities exercised by any other director of the corporation.

Approval or Denial of Petition – Findings of Fact

It is the intent of the Sutter County Board of Education that charter schools with sound educational practice should be encouraged.

The analysis of each charter school petition shall be completed by staff and/or outside agencies designated by the County Superintendent. At the date and time of the public meeting to render its decision on the charter school petition, staff of SCSOS shall provide a brief oral report of its analysis of the petition. The County Superintendent shall provide the recommendation to the Sutter County Board of Education for approval or denial.

The Sutter County Board of Education will deliberate on the recommendation, based on staff analysis, findings of fact and compliance with the requirements of Education Code and Title 5. Following deliberations, the Sutter County Board of Education shall approve or deny a petition. The Sutter County Board of Education shall only deny a petition if the Board makes one or more of the following findings:

1. A charter school does not present a sound education program for the pupils to be enrolled in the charter schools;
2. The petitioners are not demonstrably likely to successfully implement the program set forth in the petition;
3. The petition does not contain the required number of signatures;
4. The petition does not contain an affirmation of each of the conditions set forth in Education Code;
5. The petition does not contain reasonably comprehensive descriptions of all the required charter school elements set forth in Education Code; or
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 of Division 4 of Title I of the Government Code (commencing with Section 3540).

Additionally, for countywide charters, the Sutter County Board of Education may also deny a petition if it makes one or more of the following findings:

7. The petition does not provide reasonable justification for why it could not be established by petition to a school district as provided by law.
8. The petition or proposed program is inconsistent with state law.
9. Any other basis that the Sutter County Board of Education finds justifies the denial of the petition. Additionally, for charter renewals, the Sutter County Board of Education may also deny a renewal petition if it finds that the charter school has not satisfied at least one of the renewal criteria in Education Code 47607(b).

The Sutter County Board of Education shall not deny a charter petition on the actual or potential costs of serving students with exceptional needs.

Monitoring and Supervision of Approved Charters

The Sutter County Office of Education has supervisory and oversight responsibilities over charter schools that have been approved by the Sutter County Board of Education. In order to carry out such responsibilities, the Superintendent or designee may inspect or observe any part of a charter school at any time. The County Superintendent or designee may enter into an agreement with a third party to oversee, monitor, and report to the Sutter County Board of Education on the operations of the charter school.

Such supervisory and oversight responsibilities shall include, but are not limited to, the following:

1. Identification of at least one staff member as a contact person for the charter school.
2. Visiting each charter school at least each semester.

3. Ensuring that each charter school under its authority complies with all reports required of charter schools by law.
4. Monitoring the fiscal condition of each charter school under its authority.
5. Providing timely notification to the State Department of Education if any of the following circumstances occur or will occur with regard to a charter school for which SCSOS is the chartering authority:
 - a. A renewal of the charter is granted or denied.
 - b. The charter is revoked.
 - c. The charter school will cease operation for any reason.
6. The County Superintendent or designee shall attend meetings of the charter school board whenever possible and shall periodically meet with a representative of the charter school.

The Sutter County Board of Education, or designee, shall monitor each charter school to determine whether it is achieving, both school-wide and for all groups of students served by the school, the measurable student outcomes set forth in the charter. This determination shall be based on the measures specified in the approved charter and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its Local Control and Accountability Plan (LCAP).

The Sutter County Board of Education, or designee, shall monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year.

An approved charter school must promptly respond to all reasonable inquiries, including but not limited to, inquiries regarding its financial records, staff qualification, students' progress toward charter school goals and objectives, student progress on state mandated assessments, and compliance with the Every Student Succeeds Act. The charter school shall also consult with the Sutter County Board of Education regarding any inquiries.

The County Superintendent, or designee, shall inspect, not less often than annually, documents on file at the charter school which shall verify that all teachers at the school hold Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which teachers in other public schools would be required to hold.

Technical Assistance/Intervention

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more student subgroups identified in Education Code § 52052, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the Sutter County Superintendent of Schools:

1. Shall provide technical assistance to the charter school using an evaluation rubric

adopted by the State Board of Education (SBE) pursuant to Education Code § 52064.5;

2. May request that the Superintendent of Public Instruction (SPI), with the State Board of Education's (SBE) approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code § 52074.

If a charter school receiving federal Title I funding has been identified for program improvement, it shall implement improvement strategies in accordance with its existing school improvement plan.

In accordance with law, the Sutter County Board of Education may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to the academic achievement of all numerically significant subgroups of students served by the charter school.

BOARD AGENDA ITEM: Second Reading – Policies to Rescind

BOARD MEETING DATE: November 8, 2017

AGENDA ITEM SUBMITTED FOR:

PREPARED BY:

Action

Wendy Bedard

Reports/Presentation

SUBMITTED BY:

Information

Wendy Bedard

Public Hearing

PRESENTING TO BOARD:

Other (specify)

Wendy Bedard

BACKGROUND AND SUMMARY INFORMATION:

Cabinet is recommending the following Board Policies to rescind (second reading):

BP 1312.3, AR-Supt 4144 - Uniform Complaint Procedures

B-AR 1312.3, SP-AR 4144 – Uniform Complaint Procedures

Series 1000 – Community Relations

COMPLAINTS

The Sutter County Superintendent and the Sutter County Board of Education recognize that the county office has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Superintendent and the Board of Education encourage the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Superintendent and the Board of Education shall adopt a uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Uniform Complaint Procedures

The Sutter County Superintendent of Schools (SCSOS) shall follow uniform complaint procedures when addressing the following types of complaints:

Unlawful Discrimination:

- Complaints alleging that a specific action, policy, procedure or practice is discriminatory on any basis specified in the SCSOS nondiscrimination policies (SP 4030; SP/AR 4030).

The Sutter County Superintendent and Sutter County Board of Education acknowledge and respect every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Sutter County Superintendent or designee on a case-by-case basis.

Personnel:

- Complaints from the public against an employee of SCSOS
- Complaint against an employee of the SCSOS by another employee of the SCSOS
- Complaints from employees alleging misapplication of the SCSOS policies, regulations, rules, or procedures

COMPLAINTS (continued)

- “Whistleblower” complaints by an employee or job applicant regarding an improper SCSOS activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger to public health or safety

For complaints regarding working conditions or other subjects of negotiations, the employee may use the grievance procedure specified in the applicable collective bargaining agreement.

Non-UCP Complaints:

The following complaints shall not be subject to the County Office’s Uniform Complaint Process but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging employment discrimination shall be referred to the California Department of Fair Employment and Housing.
3. Any complaint alleging fraud shall be referred to the California Department of Education.
4. In addition, the county’s Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

The Sutter County Superintendent and the Sutter County Board of Education prohibit retaliation in any form for participating in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, student grades, or work assignments of the complainant.

Bullying:

Any complaint alleging bullying in county office programs and activities, regardless of whether the bullying is based on a person’s actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender

COMPLAINTS (continued)

expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics.

Local Control and Accountability Plan (LCAP):

Any complaint alleging that the county office has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075). These legal requirements include, but not limited to: the LCAP must include goals and actions aligned with eight state priorities related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-based instructional materials, and facilities are maintained in good repair; (2) implementation of and student access to state academic content and performance standards; (3) parent/guardian involvement; (4) student achievement; (5) student engagement; (6) school climate; (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for purposes of the local control funding formula); (8) student outcomes in the specified course of study; (9) Foster Youth, (10) Expelled Youth; and other local priorities. Other requirements include consultation with teachers, principals, administrators, other school personnel, bargaining units, parents/guardians, and students in developing the LCAP; and also notification to the public of the opportunity to submit written comments to actions and expenditures. In addition, the budget must include expenditures necessary to implement the LCAP. BP/AR 0460

Program Compliance:

Complaints alleging failure to comply with state and/or federal laws in SCSOS county-operated programs

The Sutter County Superintendent and the Sutter County Board of Education recognize that the Sutter County Superintendent is responsible for complying with applicable state and federal laws and regulations governing educational programs.

Instructional Materials

Complaints concerning the content or use of instructional materials, including textbooks,

COMPLAINTS (continued)

supplementary instructional materials, library materials, or other instructional materials and equipment, shall be properly and fairly considered using established complaint procedures.

The Sutter County Board of Education uses a comprehensive process to adopt instructional materials that is based on selection criteria established by law and SCSOS policy and includes opportunities for the involvement of teachers, administrators, parent/guardians, and community members.

Parents/guardians are encouraged to discuss any concerns regarding instructional materials with their child's teacher and/or the program administrator. If the situation remains unresolved, a complaint may be filed using the process specified in the administrative regulation. Prior to adoption, parents and community members may comment during the viewing period of publicly displayed recommend text materials.

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that present a threat to the health or safety of students or staff, teacher vacancies and misassignments, and compliance with Valenzuela Legislation shall be investigated pursuant to Williams Uniform Complaint procedures.

(cf. 1312.2 – Complaints about Instructional Materials)

(cf. 1312.4 – Williams Complaint Procedure)

Student Fees:

Uniform complaint procedures shall also be used to address any complaint alleging the Sutter County Superintendent of Schools failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs.

Compliance Officers:

The Sutter County Superintendent of Schools and the Sutter County Board of Education designate the following compliance officers to receive and investigate complaints and to ensure compliance with law.

COMPLAINTS (continued)

<u>Unlawful Discrimination and Personnel</u>	<u>Program Compliance or Instructional Materials</u>
Human Resources Director 970 Klamath Lane Yuba City, CA 95993 (530) 822-2900	Asst. Superintendent – Educational Services 970 Klamath Lane Yuba City, CA 95993 (530) 822-2900

The Sutter County Superintendent and the Sutter County Board of Education prohibit retaliation in any form for participating in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*

35186 *Williams uniform complaint procedures*

44110-44114 *Reporting by school employees of improper governmental activity*

GOVERNMENT CODE

3543 *Public school employees' rights*

3543.1 *Rights of employee organizations*

53296-53299 *Disclosure of confidential information; whistleblower*

54957 *Closed session; personnel matters*

LABOR CODE

1102.5-1106 *Whistleblower protections*

CODE OF REGULATIONS, TITLE 5

4900-4965 *Nondiscrimination in district programs and activities*

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Uniform Complaint Procedures

The following procedures shall be used to address all complaints which allege that the Sutter County Superintendent of Schools Office (SCSOS) has violated federal or state laws or regulations.

Before filing a formal, written complaint, the complainant should attempt to resolve the issue by an informal conference with the appropriate administrator. The administrator will make every effort to bring all parties involved together to resolve the complaint at the lowest level. The administrator will provide a verbal response to the complainant. If a satisfactory solution is not achieved at the informal level, the complainant may file a written complaint.

Filing of Written Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the County Office. (5 CCR 4630)

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630)

Compliance officers (BP 1312.3 pg. 3) shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

If a complainant is unable to put a complaint in writing due to conditions such as a disability, non-English speaker, or illiteracy, County Office staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Education Code 49013)

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Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within five (5) work days of receiving the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR 4631)

A complainant's refusal to provide the County Office's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

Response to Complaint

Within thirty (30) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the County Office's investigation and decision, as described in "Final Written Decision" below.

Appeal to the County Superintendent

If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five (5) work days of receipt of the decision, file an appeal in writing to the County Superintendent. The written appeal request shall include a copy of the original complaint, the decisions rendered and a clear concise statement of the reason for the appeal.

The Superintendent shall within sixty (60) work days of the filing of the complaint render a decision which shall be the final decision as described in the "Final Written Decision" below. The superintendent and complainant can agree on using mediation. If the complainant agrees to mediation, the Superintendent shall make all arrangements for this process.

The use of mediation shall not extend the Superintendent's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

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Appeal to the Board of Education

If the complaint is a program compliance or instructional materials complaint and the complainant is dissatisfied with the Superintendent's decision, he/she may, within five (5) work days of receipt of the decision, file an appeal in writing to the County Board of Education. The written appeal request shall include a copy of the original complaint, the decisions rendered and a clear concise statement of the reason for the appeal.

The Board of Education may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board of Education may decide not to hear the complaint, in which case the Superintendent's decision shall be final.

If the Board of Education hears the complaint, the Superintendent shall send the Board's decision to the complainant within 60 days of the County Office's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Final Written Decision

The decision shall be in writing and sent to the complainant. (5 CCR 4631)

The decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

The decision shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)

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Items 6 and 7 below do not apply to personnel complaints.

6. Notice of the complainant's right to appeal the decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (5 CCR 4631)
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (Education Code 262.3)

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of County Office's expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with the County Office's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the County Office's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the County Office's decision. (5 CCR 4632)

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the County Office's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the County Office has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

The CDE may directly intervene in the complaint without waiting for action by the County Office when one of the conditions listed in 5 CCR 4650 exists; including cases in which the County Office has not taken action within 60 days of the date the complaint was filed with the County Office.