

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

## BOARD OF EDUCATION

### CSBA Professional Governance Standards

*Adopted by the Santa Maria Joint Union High School District April 11, 2001*

#### THE BOARD

School districts and county offices of education are governed by boards, not by individual trustees. While understanding their separate roles, the board and superintendent work together as a “governance team.” This team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively.

#### **To operate effectively, the board must have a unity of purpose and:**

- Keep the district focused on learning and achievement for all students.
- Communicate a common vision.
- Operate openly, with trust and integrity.
- Govern in a dignified and professional manner, treating everyone with civility and respect.
- Govern within board-adopted policies and procedures.
- Take collective responsibility for the board’s performance.
- Periodically evaluate its own effectiveness.
- Ensure opportunities for the diverse range of views in the community to inform board deliberations.

#### THE INDIVIDUAL TRUSTEE

In California’s public education system, a trustee is a person elected or appointed to serve on a school district or county board of education. Individual trustees bring unique skills, values and beliefs to their board. In order to govern effectively, individual trustees must work with each other and the superintendent to ensure that a high quality education is provided to each student.

#### **To be effective, an individual trustee:**

- Keeps learning and achievement for *all* students as the primary focus.
- Values, supports and advocates for public education.
- Recognizes and respects differences of perspective and style on the board and among staff, students, parents and the community.
- Acts with dignity, and understands the implications of demeanor and behavior.
- Keeps confidential matters confidential.
- Participates in professional development and commits the time and energy necessary to be an informed and effective leader.
- Understands the distinctions between board and staff roles, and refrains from performing management functions that are the responsibility of the superintendent and staff.
- Understands that authority rests with the board as a whole and not with individuals.



**Board of Trustees Action Plans**  
Santa Maria Joint Union High School District

- **Maximize Student Success**
- **Develop and Maintain a Districtwide Accountability System**
- **Enhance Student Support Services: Facilities, Technology, Safe, Clean, Nurturing Environment; Expand Food Services**
- **Foster Partnerships**
- **Manage Rapid District Growth**

## **RESPONSIBILITIES OF THE BOARD**

The primary responsibilities of the board are to set a direction for the district, provide a structure by establishing policies, ensure accountability and provide community leadership on behalf of the district and public education. To fulfill these responsibilities, there are a number of specific jobs that effective boards must carry out.

### **Effective boards:**

- Involve the community, parents, students and staff in developing a common vision for the district focused on learning and achievement and responsive to the needs of all students.
- Adopt, evaluate and update policies consistent with the law and the district's vision and goals.
- Maintain accountability for student learning by adopting the district curriculum and monitoring student progress.
- Hire and support the superintendent so that the vision, goals and policies of the district can be implemented.
- Conduct regular and timely evaluations of the superintendent based on the vision, goals and performance of the district, and ensure that the superintendent holds district personnel accountable.
- Adopt a fiscally responsible budget based on the district's vision and goals, and regularly monitor the fiscal health of the district.
- Ensure that a safe and appropriate educational environment is provided to all students.
- Establish a framework for the district's collective bargaining process and adopt responsible agreements.
- Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state and federal levels.

**SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT  
BOARD OF EDUCATION**

**Regular Meeting**

**April 11, 2017**

**Santa Maria Joint Union High School District  
2560 Skyway Drive, Santa Maria, California 93455**

**5:30 p.m. Closed Session/6:30 p.m. General Session**

*The Santa Maria Joint Union High School District mission is,  
“We prepare all learners to become productive citizens and college/career ready by  
providing challenging learning experiences and establishing high expectations for achievement.”*

*Any materials required by law to be made available to the public prior to a meeting of the Board of Education of the District can be inspected at the above address during normal business hours.*

*Individuals who require special accommodation including, but not limited to, American Sign Language Interpreter, accessible seating or documentation in accessible formats should contact the superintendent or designee within a reasonable amount of time before the meeting date.*

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**I. OPEN SESSION**

A. Call to Order

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**II. ADJOURN TO CLOSED SESSION**

Note: The Board will consider and may act upon any of the following items in closed session. They will report any action taken publicly at the end of the closed session as required by law.

- A. Certificated and Classified Personnel Actions** – Government Code Section 54957. The Board will be asked to review and approve hiring, transfers, promotions, evaluations, terminations, and resignations as reported by the Assistant Superintendent, Human Resources. **Appendix A**
- B. Conference with Labor Negotiators** - The Board will be provided a review of negotiations with the Faculty Association (California Teachers Association) and the California School Employees Association (CSEA).
- C. Conference with Legal Counsel** – Existing Litigation  
Public Employment Relations Board, Case No. LA-CO-1682

**III. RECONVENE IN OPEN SESSION**

**A. Call to Order/Flag Salute**

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**IV. ANNOUNCE CLOSED SESSION ACTIONS – Dr. Richardson**

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**V. REPORTS**

- A. Student Reports**
  - B. Board Member Reports**
  - C. Superintendent’s Report**
  - D. Principal Report – Joe Domingues**
    - SMHS Varsity Soccer Team
- 

**VI. PRESENTATIONS**

- A. CFW Student Scholarship – Barbara Renteria/CFW**
  - B. Classified Employee of the Year Recognition**
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**VII. ITEMS SCHEDULED FOR ACTION**

**A. General**

- 1. Adoption of Resolution No. 17-2016-2017 Denying the Petition to Establish the Olive Grove Charter School: Orcutt/Santa Maria – *Appendix F***

The Petition to establish the Olive Grove Charter School: Orcutt/Santa Maria was submitted to the District seeking approval for a five year term commencing July 1, 2017. At the February 14, 2017, meeting, the District’s Board formally received the petition to commence the Education Code charter petition process. Pursuant to Education Code section 47605, the District’s Board held a public hearing on March 14, 2017, at which time the Board heard and considered the level of support for the petition.

The District’s Board shall either grant or deny the charter petition within 60 days of receipt of the petition. Education Code section 47605 and its im-

plementing regulations set forth the legal requirements for the establishment of charter schools. Section 47605 prohibits the District's Board from denying any charter petition unless it makes written factual findings, specific to the particular charter school, setting forth facts to support one or more of the findings listed in Section 47605, which include, the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; and the petition does not contain reasonably comprehensive descriptions of all 15 elements required in Section 47605(b)(5).

The District's staff, with assistance from legal counsel, reviewed and analyzed the Petition and supporting documents for legal sufficiency, and have identified numerous deficiencies in, and concerns related to, the Petition and the proposed Charter School's operations. As a result, staff and legal counsel recommend denial of the Petition.

Resource Person: William Schuetz, Jr.

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education adopt Resolution No. 17-2016-2017 and the Findings of Fact attached as Appendix F - Exhibit "A" to the Resolution and deny the Petition to establish the Olive Grove Charter School: Orcutt/Santa Maria.

**Moved** \_\_\_\_\_ **Second** \_\_\_\_\_

**A Roll Call Vote is Required:**

Dr. Karamitsos	_____
Ms. Perez	_____
Mr. Palera	_____
Ms. Lopez	_____
Dr. Garvin	_____

**RESOLUTION DENYING THE CHARTER PETITION TO ESTABLISH THE  
OLIVE GROVE CHARTER SCHOOL: ORCUTT/SANTA MARIA  
SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT  
RESOLUTION NO: 17-2016-2017**

**WHEREAS**, the establishment of charter schools is governed by the Charter Schools Act of 1992, as subsequently amended, Education Code section 47600 et seq., and implementing Title 5 California Code of Regulations;

**WHEREAS**, Olive Grove Charter Schools, Inc. submitted a Petition for the establishment of the Olive Grove Charter School: Orcutt/Santa Maria (“Charter School”) to the Santa Maria Joint Union High School District (“District”) with a charter term commencing July 1, 2017, and running through June 30, 2022;

**WHEREAS**, at the February 24, 2017, meeting the District’s Board of Trustees formally received the petition to commence the Education Code charter petition process;

**WHEREAS**, a public hearing pursuant to Education Code section 47605 was held on March 14, 2017, at which time the District’s Board heard and considered the level of support for the Petition;

**WHEREAS**, on April 11, 2017, the District’s Board has convened to consider whether to grant or deny the Petition to establish the Charter School;

**WHEREAS**, approval of charter petitions is governed by the standards and criteria set forth in Education Code section 47605 and implementing Title 5 of the California Code of Regulations, and Education Code section 47605 subdivision (b) prohibits the District Board from denying any charter petition unless it makes written factual findings, specific to the particular charter school, setting forth facts to support one or more findings, which include:

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 required by Education Code section 47605 subdivision (a);
4. The petition does not contain an affirmation of each of the conditions described in Education Code section 47605 subdivision (d);
5. The petition does not contain reasonably comprehensive descriptions of all 15 elements required in Education Code section 47605 subdivision (b)(5);
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 the Educational Employment Relations Act.

**WHEREAS**, the District staff, with assistance from legal counsel, reviewed and analyzed the Petition and supporting documents for legal sufficiency, and have identified numerous deficiencies in, and concerns related to, the Petition and the Charter School's proposed operations, and therefore recommends that the District Board adopt the Findings of Fact, attached hereto as Exhibit "A" and incorporated herein by this reference, and deny the Petition to establish the Charter School.

**THEREFORE BE IT RESOLVED**, the Santa Maria Joint Union High School District Board of Trustees hereby adopts the Findings of Fact, attached hereto as Exhibit "A," and denies the Petition to establish the Olive Grove Charter School: Orcutt/Santa Maria.

**APPROVED, PASSED AND ADOPTED** by the Santa Maria Joint Union High School District Board of Trustees on this 11th day of April 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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President/Secretary/Clerk of the Board of Education  
Santa Maria Joint Union High School District

**2. Board Policies – First Reading**

The administration is asking the Board to review the proposed additions or revisions to the SMJUHSD Board Policies as listed below. The new or revised policies will be on the next board agenda for approval.

<b>BP 0460</b> <i>Revised</i>	<b>LOCAL CONTROL AND ACCOUNTABILITY PLAN</b>
Policy updated to reflect <b>NEW LAW</b> (Proposition 58, 2016) which requires the local control accountability plan (LCAP) development process to include solicitation of parent/guardian and community input on effective and appropriate instructional methods, including language acquisition programs. Policy also reflects the State Board of Education’s (SBE) adoption of evaluation rubrics (the “California School Dashboard”) that will assist districts in evaluating progress toward their LCAP goals.	

Resource Person: Mark Richardson, Superintendent

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education review the revised Board policies.

**Moved** \_\_\_\_\_                      **Second** \_\_\_\_\_                      **Vote** \_\_\_\_\_

**3. Initial Proposal for Reopener Negotiations from the SMJUHSD Faculty Association to the District 2017-18 – Appendix C**  
**INFORMATION ONLY/NO ACTION NEEDED**

The Contract with the Santa Maria Joint Union High School District Faculty Association allows the parties to reopen articles for negotiation. In order to commence negotiations with SMJUHSD Faculty Association and to fulfill conditions of the Rodda Act, the Board needs to acknowledge receipt of the proposal from the SMJUHSD Faculty Association. This presentation fulfills the public notice requirements of the Educational Employment Relations Act (EERA or “Rodda Act”) at Government Code Section 3547.

- The proposal from SMJUHSD Faculty Association includes,
- Article 2, Compensation
  - Article 15, Hiring Ratio

A copy of the proposals is attached in Appendix C.

Resource Person: Kevin Platt, Assistant Superintendent/Human Resources



**4. Public Hearing on Reopener Proposals for Negotiations with CSEA 2017-18**

At the March 14, 2017 meeting, the District presented their Reopener Proposals for Negotiations to the California School Employees Association (CSEA) for public review as required by Government Code 3547. A public hearing is required at this time to provide an opportunity for members of the public to directly address the Board on this topic.

**A PUBLIC HEARING IS REQUIRED.**

1. Open Public Hearing
2. Take Public Comment
3. Close Public Hearing

Resource Person: Joni McDonald, Human Resources Manager

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education approve the District's Initial Proposal to CSEA as presented.

**Moved** \_\_\_\_\_                      **Second** \_\_\_\_\_                      **Vote** \_\_\_\_\_

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**5. Initial Proposal for Reopener Negotiations from the District to the SMJUHSD Faculty Association 2017-18 – Appendix D**

The Contract with the Santa Maria Joint Union High School District Faculty Association allows the parties to reopen articles for negotiation. In order to commence negotiations with SMJUHSD Faculty Association and to fulfill conditions of the Rodda Act, the Board needs to acknowledge receipt of the following proposal from the District. This presentation fulfills the public notice requirements of the Educational Employment Relations Act (EERA or "Rodda Act") at Government Code Section 3547.

The proposal from the District includes,

- Article 2, Compensation
- Article 4, Hours

A public hearing is required at this time. A copy of the proposal is attached.

**A PUBLIC HEARING IS REQUIRED.**

1. Open Public Hearing
2. Take Public Comment
3. Close Public Hearing

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education adopt the District’s initial proposal to the SMJUHS Faculty Association.

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

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**B. INSTRUCTION**

**1. Quarterly Report on Williams Uniform Complaints**

Pursuant to Education Code Section 35186, the governing board of a school district must conduct a public hearing to report the quarterly report that was submitted in April 2017 on the Williams Uniform Complaints for the months of January – March 2017. Each school site has reported that there have been no complaints in the general subject areas of Textbooks and Instructional Materials, Teacher Vacancy or Misassignments, Facilities Conditions or Valenzuela/CAHSEE Intensive Instruction and Services.

Resource Person: John Davis, Asst. Supt. of Curriculum

**A PUBLIC HEARING IS REQUIRED.**

- 1. Open Public Hearing
- 2. Take Public Comments
- 3. Close Public Hearing

\*\*\* **IT IS RECOMMENDED THAT the Board of Education** approve the Williams Quarterly Report as presented.

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

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**C. BUSINESS**

**1. Consider approval of Resolution No. 18-2016-2017 (“Adopting Prequalification Process for Prime Contractors and MEP Subcontractors Pursuant to Public Contract Code section 20111.6”) – Appendix E**

Public Contract Code section 20111.6 requires prequalification of potential prime contractors and first-tier electrical, mechanical or plumbing contractors holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and/or C-46 licenses (“MEP subcontractors”) for lease-leaseback projects or any project using funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from any future state school

bond for a public project that involves a projected expenditure of one million dollars (\$1,000,000) or more.

Previous prequalification processes adopted by the Board of Education only allowed potential prime contractors and MEP subcontractors to apply for prequalification at one time during the calendar year. The District now seeks to open the annual process to allow potential prime contractors and MEP subcontractors to apply for prequalification at any time during the calendar year.

The following prequalification documents are enclosed as Appendix E:

- Resolution No. 18-2016-2017
- Exhibit “A”: Prequalification Questionnaire
- Exhibit “B”: Prequalification Rating System, including both (i) Application Scoring Rules and (ii) Interview Questions and Scoring
- Exhibit “C”: Prequalification Procedures, including appeal process.

Resource Person: Gary Wuitschick, Director of Support Services

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education approve Resolution No. 18-2016-2017, adopting a prequalification process for prime contractors and MEP subcontractors, pursuant to Public Contract Code section 20111.6, and authorize District staff to proceed with the prequalification process.

**Moved** \_\_\_\_\_ **Second** \_\_\_\_\_

**A Roll Call Vote is Required:**

Dr. Karamitsos \_\_\_\_\_  
Ms. Perez \_\_\_\_\_  
Mr. Palera \_\_\_\_\_  
Ms. Lopez \_\_\_\_\_  
Dr. Garvin \_\_\_\_\_

**VIII. CONSENT ITEMS**

**\*\*\* IT IS RECOMMENDED THAT the Board of Education approve the following consent items as presented.**

*All items listed are considered to be routine and may be enacted by approval of a single vote. There will be no separate discussion of these items; however, any item may be removed from the consent agenda upon request of any member of the board and acted upon separately.*

**Moved \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_**

A. Approval of Minutes

Regular Board Meeting – March 14, 2017

B. Approval of Warrants for the Month of March 2017

Payroll	\$6,851,406.80
Warrants	<u>2,773,057.30</u>
<b>Total</b>	<b>\$ 9,624,464.10</b>

C. Attendance Report

Mrs. Yolanda Ortiz, Assistant Superintendent of Business Services, will be available to answer questions regarding the 2016-2017 seventh month attendance report presented on the last page of this agenda.

D. Facility Report – **Appendix B**

E. Athletic Training Services for Pioneer Valley, Righetti and Santa Maria High Schools

The Board of Education previously approved a 2-year contract for services to provide Athletic Training Services through the 2016-2017 school year. Santa Maria Valley Physical Therapy (SMVPT) provides services at Righetti, Pioneer Valley and Santa Maria High Schools. The services have been mutually beneficial to the schools and SMVPT and District administration recommends a 3-year contract extension, through the 2019-2020 school year. Additionally, the contracts shall increase by \$1,000 per year.

F. SIPE Representatives

The district participates in a Joint Powers Agency for Self-Funding of Workers' Compensation. Each district appoints one Director and one alternate Director to

the SIPE (Self-Insurance Program for Employees) Board of Directors. They are authorized to sign documents and perform all functions pertaining to the interest of the SIPE Board, as a legislative body pursuant to the terms of the agreement. District administration recommends Reese Thompson as the Director and Kevin Platt as the Alternate Director.

- G. Authorization to Utilize California Multiple Award Schedule (CMAS) for the Purchase of Synthetic Track Surfacing and Field Turf

Section 10299 of the Public Contract Code provides an alternative for obtaining supplies, furniture, and equipment, whereby notwithstanding Section 20111 and 20112 of the Public Contract Code, “school districts may, without competitive bidding, utilize contracts, master agreements, multiple award schedules...established by the department [DGS] for the acquisition of information of information technology, goods, and services.” Section 10299 further authorizes state and local agencies to “contract with suppliers awarded the contracts without further competitive bidding.”

The district is in the development stages of the Pioneer Valley High School stadium project which also includes the synthetic turf and track. District administration recommends the purchase of Synthetic Track Surfacing and Field Turf from FieldTurf USA, Inc., pursuant to CMAS Contract #4-06-78-0031A, term dates October 7, 2016 – November 30, 2021

- H. Authorization to Utilize Amazon Services, LLC for District-wide Online Marketplace for the Purchases of Products and Services for the length of the Contract through January 18, 2022

Section 10299 of the Public Contract Code provides an alternative for obtaining supplies, furniture, and equipment, whereby notwithstanding Section 20111 and 20112 of the Public Contract Code, “school districts may, without competitive bidding, utilize contracts, master agreements, multiple award schedules...established by the department [DGS] for the acquisition of information technology, goods, and services.” Section 10299 further authorizes state and local agencies to “contract with suppliers awarded the contracts without further competitive bidding.” The district administration recommends utilizing Amazon Services, LLC (the servicing vendor) district-wide for On-Line Marketplace for the Purchases of Products and Services per the provisions of the public contract code that allow purchasing through the U.S. Communities Government Purchasing Alliance, Contract #R-TC-17006, effective January 19, 2017 to January 18, 2022.

I. Textbook Approval

The following textbook is presented to the Board of Education for approval. It was previewed at the February 14, 2017 meeting.

***SMHS Science Department/Tina Bennett & Sheila Devine***

Title	Environmental Science Sustaining Your World
Author	G. Tyler Miller/Scott E. Spoolman
Publisher	Cengage Learning/Nat. Geographic Lrn.
Copyright	2017

J. Textbook Discard

The following textbooks were submitted for discard. The administration is requesting that the Board approve the discard of the textbooks below:

Title	Copyright	# of Copies
Realidades 1	2004	520

K. Purchase Orders

PO #	Vendor	Amount	Description/Funding
PO17-01222	Vernier Software & Technology	\$ 78,329.56	Software & equipment Environmental Science Lab/RHS General Fund CTEIG grant
PO17-01258	Apple Computer, Inc.	\$ 78,127.70	Macintosh computers Graphic Arts lab/SMHS General Fund CTEIG grant
PO17-01287	FieldTurf USA, Inc.	\$ 899,853.00	PVHS Track & Turf replacement/Fund 25 Developer Fees – Track/Fund 40 Special Reserve - Turf
PO17-01288	Caldwell Flores Winters, Inc.	\$ 723,684.00	District reconfiguration & facility program management fees/Fund 25 Developer Fees
PO18-00001	Lenovo	\$ 1,082,104.00	Tablets for incoming freshmen/General Fund LCAP Goal 5 Technology

L. Acceptance of Gifts

<b>Pioneer Valley High School</b>		
<u>Donor</u>	<u>Recipient</u>	<u>Amount</u>
PG & E	Link Crew Club	\$120.00
PG & E	Watkins	\$104.00
<b>Total Pioneer Valley High School</b>		<b><u>\$224.00</u></b>
<b>Righetti High School</b>		
<u>Donor</u>	<u>Recipient</u>	<u>Amount</u>
Patrick Brannon	Songwriting Class	\$80.00
<b>Total Righetti High School</b>		<b><u>\$80.00</u></b>
<b>Santa Maria High School</b>		
<u>Donor</u>	<u>Recipient</u>	<u>Amount</u>
Santa Marcos Equine	FFA	\$100.00
Jim's Burger	Athletics	\$100.00
Fischer's Fine Jewelry	Athletics	\$100.00
Mike Draper Memorial Fund	FFA Sheep	\$1,400.00
Women's Fund of Northern Santa Barbara	J Gallardo Scholarship	\$650.00
<b>Total Santa Maria High School</b>		<b><u>\$2,350.00</u></b>
<b>Delta High School</b>		
<u>Donor</u>	<u>Recipient</u>	<u>Amount</u>
Emma/Frank Rodriguez	Gradnite Account	\$70.00
Mark Richardson	Gradnite Account	\$135.00
John Davis	Gradnite Account	\$135.00
Dominick Palera	Gradnite Account	\$135.00
Diana Perez	Gradnite Account	\$135.00
Jack Garvin	Gradnite Account	\$135.00
Carol Karamitsos	Gradnite Account	\$270.00
Lisa Adams	Gradnite Account	\$68.00
Holly Real	Gradnite Account	\$67.50
Brandon Harper Memorial Scholarship	Gradnite Account	\$135.00
Glynda Maddaleno	Gradnite Account	\$135.00
Paul Collier	Gradnite Account	\$67.50
Ohhelper, LLC	Gradnite Account	\$270.00
Jeff Cooper	Gradnite Account	\$270.00
Esther Prieto-Chavez	Gradnite Account	\$135.00
<b>Total Santa Maria High School</b>		<b><u>\$2,163.00</u></b>

**IX. REPORTS FROM EMPLOYEE ORGANIZATIONS**

**X. OPEN SESSION PUBLIC COMMENTS**

The public may address the Board on any matter (except personnel) concerning the District and not on the agenda. Note: The time limit to address the Board may not exceed two minutes. The Board is not required to respond to the Public Comment. The public may also address the Board on each item on the Agenda as the Board takes up those items. Persons wishing to speak should complete a blue request form and hand it to the Board secretary.

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**XI. ITEMS NOT ON THE AGENDA**

Note: The law generally prohibits the Board from discussing items not on the agenda. Under limited circumstances, the Board may discuss and act on items not on the agenda if they involve an emergency affecting safety of persons or property, or a work stoppage, or if the need to act came to the attention of the District too late to include on the posted agenda.

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**XII. NEXT MEETING DATE**

Unless otherwise announced, the next regular meeting of the Board of Education will be held May 16, 2017. Closed session begins at 5:30 p.m. Open session begins at 6:30 p.m. The meeting will be held at the District Support Services Center.

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**XIII. FUTURE REGULAR BOARD MEETINGS FOR 2017**

June 13, 2017	August 1, 2017	November 14, 2017
June 20, 2017	September 12, 2017	December 12, 2017
July 11, 2017	October 10, 2017	

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**XIV. ADJOURN**

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SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT  
MONTHLY REPORT OF ATTENDANCE  
SEVENTH MONTH OF 2016-17

January 30, 2017 through February 24, 2017

	Seventh Month 2015-16			Seventh Month 2016-17			Accumulated ADA			
	Ending Enrollment	ADA	ADA % of Poss. Enroll.	Ending Enrollment	ADA	ADA % of Poss. Enroll.	Prior Year		Current Year	
							ADA % to CBEDS	ADA	ADA % to CBEDS	ADA
<b>ERNEST RIGHETTI HIGH</b>										
Regular	1945	1855.33	94.8%	1980	1879.61	94.6%		1894.77		1940.78
Special Education	69	64.94	93.4%	78	72.78	91.9%		69.79		73.88
Independent Study	28	12.89	55.6%	27	19.78	76.4%		8.95		13.20
Independent Study 12+	0	0.00	---	0	0.00	---		0.00		0.00
Independent Study Spec Ed	0	0.00	---	0	0.00	---		0.61		0.14
CTE Program	6	5.72	95.4%	7	4.28	71.3%		6.19		4.86
Home and Hospital-Reg Ed	3	1.00	48.6%	3	2.44	81.5%		1.06		1.83
Home and Hospital-Spec Ed	4	1.83	38.8%	2	0.61	44.0%		2.88		2.13
<b>TOTAL RIGHETTI</b>	<b>2055</b>	<b>1941.71</b>	<b>94.8%</b>	<b>2097</b>	<b>1979.50</b>	<b>94.5%</b>		<b>1984.25</b>		<b>2036.82</b>
<b>SANTA MARIA HIGH</b>										
Regular	2383	2288.94	96.4%	2350	2210.33	94.3%		2367.25		2288.04
Special Education	83	77.11	93.7%	89	82.44	92.3%		78.35		87.16
Independent Study	30	24.83	85.6%	27	23.00	88.3%		21.00		19.67
Independent Study 12+	1	1.00	100.0%	0	0.00	---		1.09		0.00
Independent Study Spec Ed	1	1.33	66.7%	0	0.00	---		0.51		0.10
CTE Program	7	6.11	85.9%	8	6.83	85.4%		5.91		6.79
Home and Hospital-Reg Ed	11	9.33	85.7%	8	7.17	85.4%		7.28		4.78
Home and Hospital-Spec Ed	1	1.53	88.5%	4	0.00	98.2%		0.96		1.87
<b>TOTAL SANTA MARIA</b>	<b>2517</b>	<b>2410.18</b>	<b>96.3%</b>	<b>2486</b>	<b>2329.78</b>	<b>94.2%</b>		<b>2482.35</b>		<b>2408.41</b>
<b>PIONEER VALLEY HIGH</b>										
Regular	2479	2405.44	96.7%	2536	2423.06	95.2%		2453.18		2487.30
Special Education	112	104.61	93.7%	99	92.22	92.3%		104.14		96.72
Independent Study	10	5.28	50.0%	22	12.28	71.3%		4.32		6.29
Independent Study Spec Ed	1	0.83	83.3%	3	2.06	68.5%		1.82		1.90
Home and Hospital-Reg Ed	22	14.72	85.5%	10	7.83	81.0%		10.21		6.35
Home and Hospital-Spec Ed	0	0.00	---	1	0.00	100.0%		0.00		1.69
<b>TOTAL PIONEER VALLEY</b>	<b>2624</b>	<b>2530.88</b>	<b>96.6%</b>	<b>2671</b>	<b>2537.44</b>	<b>95.1%</b>		<b>2573.67</b>		<b>2600.25</b>
<b>DAY TREATMENT @ LINCOLN STREET</b>	<b>5</b>	<b>3.17</b>	<b>63.3%</b>	<b>5</b>	<b>3.44</b>	<b>68.9%</b>		<b>4.31</b>		<b>4.53</b>
<b>DISTRICT SPECIAL ED TRANSITION</b>	<b>21</b>	<b>20.61</b>	<b>94.4%</b>	<b>25</b>	<b>23.33</b>	<b>93.3%</b>		<b>22.12</b>		<b>26.40</b>
<b>DISTRICT SPECIAL ED TRANS/VOC MM</b>	<b>16</b>	<b>15.06</b>	<b>99.3%</b>	<b>11</b>	<b>11.00</b>	<b>100.0%</b>		<b>15.19</b>		<b>15.53</b>
<b>ALTERNATIVE EDUCATION</b>										
Delta Continuation	299	256.12	84.5%	320	233.53	73.2%		257.08		263.82
Delta 12+	1	0.62	62.0%	0	0.00	---		0.87		0.00
Delta Independent Study	32	31.28	96.1%	21	17.26	89.5%		19.79		6.46
Delta Independent Study 12+	8	8.11	85.9%	3	3.06	98.2%		14.24		8.80
Delta Independent Study Spec Ed	2	0.72	36.1%	0	0.00	---		0.97		0.00
Home & Hospital Reg Ed	0	0.41	104.0%	2	1.38	68.8%		0.62		0.53
Reach Program--DHS	0	0.00	---	0	0.00	0.0%		0.00		0.00
Reach Program--SMHS	10	8.00	83.7%	10	7.06	74.7%		6.43		3.43
Reach Program--PVHS	15	10.83	86.3%	14	9.67	78.7%		5.46		8.93
Home School @ Library Program	48	41.89	88.5%	39	34.11	89.8%		40.44		28.75
Delta HS I.S. Program P	25	23.90	85.9%	23	20.45	89.5%		23.19		15.45
<b>TOTAL ALTERNATIVE EDUCATION</b>	<b>440</b>	<b>381.88</b>	<b>86.9%</b>	<b>432</b>	<b>326.50</b>	<b>75.6%</b>		<b>369.09</b>		<b>336.18</b>
<b>TOTAL HIGH SCHOOL DISTRICT</b>	<b>7678</b>	<b>7303.49</b>	<b>95.0%</b>	<b>7727</b>	<b>7211.00</b>	<b>93.3%</b>	<b>94.3%</b>	<b>7450.98</b>	<b>94.0%</b>	<b>7428.12</b>

April 11, 2017

**CLASSIFIED PERSONNEL ACTIONS**

Name	Action	Assignment	Site	Effective	Pay Rate	Hours
	Employ	Grounds Maintenance I	SMHS	4/10/17	16/A	8
	Increase Hours	Food Service Worker I	PVHS	4/5/17	9/A	2 to 3
	Employ	Custodian - 12 months	PVHS	3/15/17	15/A	8
	Employ	Custodian - 9.5 months	SMHS	3/16/17	15/A	8
	Resign	Food Service Worker I	PVHS	3/31/17	9/A	3
	Resign	Instructional Assistant-Spec Ed II	PVHS	4/24/17	15/B	6
	Increase Hours	Food Service Worker I	PVHS	4/5/17	9/A	2.50 to 3
	Resign	School/Community Liaison	RHS	4/7/17	20/A	8
	Employ	Food Service Worker I	SMHS	3/13/17	9/A	2
	Employ	Instructional Assistant-Spec Ed II	RHS	4/3/17	15/A	6
	Employ	School Support Secretary	RHS	4/7/17	16/A	8
	Employ	Instructional Assistant-Spec Ed II	RHS	3/27/17	15/A	6.5

**CERTIFICATED PERSONNEL ACTIONS**

Name	Action	Assignment	Site	Effective	Salary	FTE
	Resignation	Counselor	DHS	6/7/17	3/V, +5 Days	1.0
	Teacher Prep Period	Social Science	DHS	3/20/17-6/7/17	26/V	0.2
	Employ	TOSA/Tech	SMHS	9/6/16-11/17/16	4/V	0.2
	LOA	Physical Education	SMHS	2017-18	9/V	0.4
	LOA	International Language	SMHS	2017-18	14/V	0.2
	LOA	Mathematics	RHS	2017-18	29/V	0.2
	LOA	Agriculture	SMHS	2017-18	18/V	0.2
	Teacher Prep Period	Mathematics	DHS	3/20/17-6/7/17	7/V	0.2
	Resignation	Science	SMHS	6/7/17	2/V	1.0
	Teacher Prep Period	English	DHS	3/20/17-6/7/17	17/V	0.2
	Stipend	Freshman Class Advisor	RHS	2016-17	2%, 1,1	~~
	Temp Contract Ended	Woodshop	RHS	6/7/17	7/V	0.4
	Teacher Prep Period	Science	DHS	3/20/17-6/7/17	21/V	0.2
	LOA	Physical Education	SMHS	2017-18	13/V	0.2

**COACHING PERSONNEL ACTIONS**

Name	Action	Assignment	Site	Effective	District	ASB/Booster
	Stipend	Asst. Varsity Girls Swim	RHS	2016-2017		\$500.00
	Stipend	Asst. Varsity Girls Swim	RHS	2016-2017		\$500.00
	Stipend	Asst. Varsity Girls Swim	RHS	2016-2017		\$500.00

## Appendix B

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT FACILITIES REPORT

March 2017

## 1. Santa Maria High School Construction Projects

### **SMHS EPA Marquee Replacement – Support Services**

- The project submittal process is underway. Offsite steel structure fabrication is in progress. Construction is now expected to commence April 5, 2017 and is expected to complete in late May.

### **SMHS Paving Areas A, B, C – Flowers and Associates**

- Project design and schedule development is underway. Construction is anticipated to occur during late summer of 2017.

## 2. Ernest Righetti High School Construction Projects

### **ERHS New 38-Classroom Building – Rachlin Partners**

- Site construction activities occurring this period include continued rerouting of existing utilities, footprint excavation, over excavation, and installation of column anchor bolt grids. **(Photos)**

### **ERHS Cafeteria Walk-In Freezer Project – Rachlin Partners**

- The bidding schedule was moved to mid-April to allow final development of bid documents. Construction is to start in June.

### **ERHS Maintenance and Operations Building Project – Rachlin Partners**

- The final District Architectural services agreement, including the RP proposal, continues under development.

### **ERHS Concourse Concrete Replacement – Rachlin Partners**

- A District Architectural services agreement is under development. Construction is anticipated to occur during summer 2017.

### 3. Pioneer Valley High School Construction Projects

#### **C2004 District Performing Arts Center – BCA Architects**

- Site construction activities occurring this period include the continuation of the upper grid system installation, roof paneling installation, electrical finish, plumbing finish, bathroom fixtures, data wiring, drywall, insulation, painting, drop ceiling grids, fire sprinklers, concrete floor finish, finish lighting, and exterior sidewalks. Design changes to meet site conditions related to approved DSA plans continues under review. The substantial completion date is now June 2017. **(Photos)**

#### **Stadium Scoreboard Replacement – Ravatt –Albrecht Architects**

- DSA approval of this project has been received. This project is closed.

#### **PVHS Pool Lighting and Column Repair – WLC Architects**

- An agreement for architectural services has been completed. Design work is underway. Construction is currently estimated to occur during the summer of 2017.

#### **PVHS Track and Field Renovations – Support Services**

- Evaluations of available CMAS Track and Field products and vendors are complete. A vendor recommendation will be presented to the Board during the April meeting. Construction work is expected to begin in June and last through the end of summer.

#### **PVHS Gymnasium Floor Repair and Resurface – Support Services**

- Bid documents are under development. Construction is expected to occur during summer of 2017. Construction work is expected commence at school end and last throughout the summer.

### 4. New Facility

#### **C2004 New Facility School CTE Component – PMSM Architects**

- A final pre-Division of State Architect (DSA) “page-turn” plan review was held March 16, 2017 with PMSM, CFW, and District staff. Following the review CFW directed PMSM to finalize the DSA submittal package and schedule an intake meeting. The plans were submitted March 30, 2017. The DSA review period is anticipated to last a minimum of six months. Additionally, CFW held meetings with District staff and Ag Department Chairs to review programmatic items and plan details.

## 5. District Wide and Support Services Center

### District Wide Energy Upgrade – Johnson Controls Inc.

- The District has issued the contract required Final Notice of Completion form. Final contract documents closeout activities continue.

### District Wide Project Closeout – Support Services

- Review of project closeout issues continues. Projects under current review and their status are as follows:
  - PVHS 12 Modular Classrooms: Coordination of modifications to the fire sprinkler system continues. Corrective work scheduling is under review.
  - The following legacy projects closeout packages have been certified by DSA as closed:
    - 03-51892 – RHS Construction of Classroom Building 1989
  - The following legacy project closeout package is under review by DSA:
    - 03-53240 – RHS Emergency Relocatable Classroom 1989

### District Wide Security Camera Installation – Support Services

- All construction activities are finished and a Notice of Completion has been issued. This project is closed.

### SSC New West Parking Area – Flowers and Associates

- The City of Santa Maria Planning department requested significant adjustments and modifications to the submitted plans including additional hydrology and hydraulic calculations, revision of Storm Water Control measures to comply with new 2017 standards, increase to proposed bio-filtration area, change in proposed sidewalk location, and modifications to proposed landscaping plan. The consultant is working on the new requirements and is waiting for City response regarding an estimated review timeline. Bidding and construction scheduling will occur following City approval.

### SSC Commodities Walk-In Freezer Project – Rachlin Architects (Photo)

- A final punch list walk occurred March 30 including the Health Department review. Food transfer is to occur April 4 to make way for the demolition of the two old freezers. Construction is expected to complete April 7, 2017.

### 2017 Portable Roofing SMHS, RHS, PVHS – Support Services

- Bid documents are under development for the replacement of six portable classroom roofs (2 each at SMHS, RHS, and PVHS). Construction is expected to occur during July.

### Proposition 39 District Wide Electrical Upgrades – PCE (Electrical Consultant)

- Bid documents are under development for upgrade of lighting throughout District facilities. Construction is expected to occur during summer of 2017.

REGULAR MEETING

April 11, 2017

**Proposition 39 District Wide Mechanical Upgrades – Ravatt-Albrecht Architects**

- Bid documents are under development for upgrade of lighting throughout District facilities. Construction is expected to occur during summer of 2017.

**6. Summer Activities**

**District Wide Summer Projects Planning**

- Evaluations of proposed projects for 2017/2018 will commence in October 2017.

Gary Wuitschick  
Director – Support Services

## Maintenance & Operations

### SMHS

- Groomed the stadium turf.
- Pressure washed the pool deck slot drain.
- Rebuilt the home side pitchers' bullpen.
- Replaced the flag pole pulley and rope.
- Repaired the baseball field scoreboard.
- Fertilized the front lawns.
- Prepared the stadium for the 2017 track season. **(Photo)**
- Completed inspection and certification of campus water backflow prevention valves.
- Completed the soccer season by storing the equipment.
- Painted new logos on the west stadium restroom. **(Photo)**
- Repaired extensive damage to interior walls in classroom 830.
- Replaced light ballasts in administration room 122B; classrooms 213, 310, 411; and Ethel Pope Auditorium.
- Repaired the low voltage lighting on the exterior of the Broadway Classroom building.
- Repaired failed LED lights in the Broadway Classroom 108.
- Repaired the emergency lighting in Wilson Gymnasium.
- Installed additional electrical circuits in room 910 at the Migrant Multi-Lingual Center.
- Installed new data drops in classroom 339.
- Installed a new washing machine in Home Economics classroom 210.
- Installed additional white boards in classroom 320.
- Performed HVAC preventive maintenance.
- Repaired HVAC in classrooms 310, 420, 440, 443, and Wilson Gymnasium.
- Reinstalled lettering above the school entrance. The lettering was removed for repainting. **(Photo)**
- Completed weekly ADA chair lift inspections.
- Completed monthly fire extinguisher inspection.
- Completed roof repairs on classrooms 336, 339, 420, and 514.
- Repaired door hardware in the Wilson Gymnasium team room, District Transportation Office, and the Public Information Officer's office.
- Cleaned roof drains on the roofs of classrooms 334-339.
- Repaired the water heater for the pool showers.
- Completed door repairs in the following areas: 106, 111, 112, 220, 232, 233, and 330B.
- Repaired the pool gates at the Multi-Purpose Room.
- Tested and repaired computer projectors in classrooms 431, 521, and 621.
- Cleaned a water leak in the administration basement.
- Collected obsolete equipment from the library, classroom 230, 331, 340, and 514.
- Repaired paper product dispensers in classroom 334 kitchen, classroom 460 kitchen, and the library men's restroom.
- Relocated furniture in the mail room as well as classrooms 122 and 33.
- Setup several events – SMHS boys and girls' soccer, tennis, track & field, baseball, softball 9th grade testing, counselor meetings, Un Cafecito, W.A.R. presentation, Parents on a Mission, Junior High School registration, Taco Tuesday, ELPPAC, EAOP, Truancy meeting, Higher education week (HEW), DELAC, MPAC, Migrant Speech & Debate, Link Crew, Spring Fair, Banquets, outside group use of EPA, Mexican consulate.
- Preventive work order hours – 76
- Routine work order hours – 80
- Total work orders completed – 193
- Event setup hours – 297

## REGULAR MEETING

April 11, 2017

### PVHS

- Prepared soccer fields for weekly games.
- Prepared varsity and junior varsity softball fields for practices.
- Prepared varsity and junior varsity baseball fields for games. **(Photo)**
- Prepared tennis courts for spring matches.
- Relocated the mobile concession from football to the softball fields.
- Installed a new gate for baseball. **(Photo)**
- Extended the gate on the south side of the varsity baseball field.
- Installed new computer projectors in classrooms 412 and 615.
- Setup a new computer for controlling the campus irrigation system. This unit replaces the computer installed when the school was opened in 2004.
- Repaired the varsity baseball scoreboard.
- Re-routed computer cable in the girls' P.E. office.
- Installed a new safety cage for the discus pad. **(Photo)**
- Assisted the ASB with decorating for a fashion show.
- Installed new identification signs for the counselors in the administration office.
- Installed new stoves in classrooms 333 and 433.
- Repaired the Formica in the mail room.
- Repaired broken handrail on the gymnasium bleachers.
- Repaired a broken basketball hoop in the gymnasium.
- Replaced the door sweeps in the health office.
- Replaced the thermostat in the science building upstairs hallway.
- Replaced a failed exhaust fan motor in the library electrical room.
- Re-keyed the walk-in refrigerator in the cafeteria kitchen.
- Relocated furniture in the girls' locker room office.
- Relocated computers from classroom 103 to 608.
- Completed monthly inspections: fire extinguishers and AEDs.
- Serviced computer projectors in classrooms 207, 212, 301, 453, and 612.
- Performed quarterly service on 29 portable classrooms as well as maintenance computer HVAC split system and maintenance office HVAC system.
- Setup several events – ASM Meeting, PE Presentation, After School Tutoring, 11th Grade Parent Night, AHC START Test, Higher Education Day, ASVAB Testing, AVID Parent Night, Panther Forum meeting, PSAT Testing, Donut Fundraiser Distribution, Blood Drive Sign-ups + Blood Drive, Link Crew Meeting, All School Rally, FFA Meeting, Athletic Meetings, Boys Basketball Banquet, Volleyball Games, and Crosspointe Church.
- Preventive work order hours – 43
- Routine work order hours – 80
- Total work orders completed – 177
- Event setup hours – 238



## REGULAR MEETING

April 11, 2017

### ERHS

- Revised the entrance to the varsity baseball field. **(Photos)**
- Prepared baseball, softball, track and field, and tennis venues for spring season.
- Installed the temporary outfield fence for varsity softball.
- Cleaned roof gutters in the main campus buildings.
- Relocated sprinkler heads to accommodate the 38 Classroom Building construction.
- Completed electrical work for ironworker and TIG welder in the welding shop.
- Completed touch-up painting in the cafeteria and in the 200 and 300 classroom buildings.
- Repainted the evacuation assembly numbers at the outdoor volleyball area.
- Installed motion activated lights on the south side of the press box to facilitate custodians' night time access to the temporary maintenance office.
- Replaced lights in the baseball and softball scoreboards. **(Photo)**
- Replaced doors in the gymnasium lobby.
- Completed monthly inspections: fire extinguishers, AEDs, emergency showers, emergency lighting.
- Performed quarterly HVAC service at ERHS administration building and Delta High School.
- Replaced single restroom signage to comply with new laws.
- Diagnosed heating problems caused by power shutdown. Found fans operating in reverse; had to revise wires to correct fan direction.
- Installed bulletin boards in classrooms 323 and 403.
- Completed the spring earthquake and fire drill.
- Setup several events – 8th grade registration, Drama production, TIP meeting, PIQUE, ASM, EAOP, ASVAB testing, LCAP meeting, Fighting Back Santa Maria, Coffeehouse Performance, Animal Lover's Movie Night, Drama Dinner Theater, Career Fair, Warrior Welcome, College Fair, FFA, Link Crew, CIF basketball, sports banquets, volleyball.
- Preventive work order hours – 16
- Routine work order hours – 220
- Total work orders completed – 165
- Event setup hours – 137

### Graffiti & Vandalism

- **DHS**                 \$    160
- **ERHS**                \$    130
- **SMHS**                \$    300
- **PVHS**                \$     20

Reese Thompson  
Director – Facilities and Operations

### Photo Gallery – Major Projects



ERHS 38 Classroom Building – Excavation for Footings Underway



ERHS 38 Classroom Building – Architect Placed for Perspective on the Size of Footings



PVHS Performing Arts Center – Interior Painting and Electrical Work Underway



PVHS Performing Arts Center – Exterior Walkways are Taking Shape



Support Services Center – New Efficient Freezer Replaces Two Older Units for Food Service Program

## Photo Gallery – Maintenance & Operations



SMHS – Stadium Setup for Track & Field Season



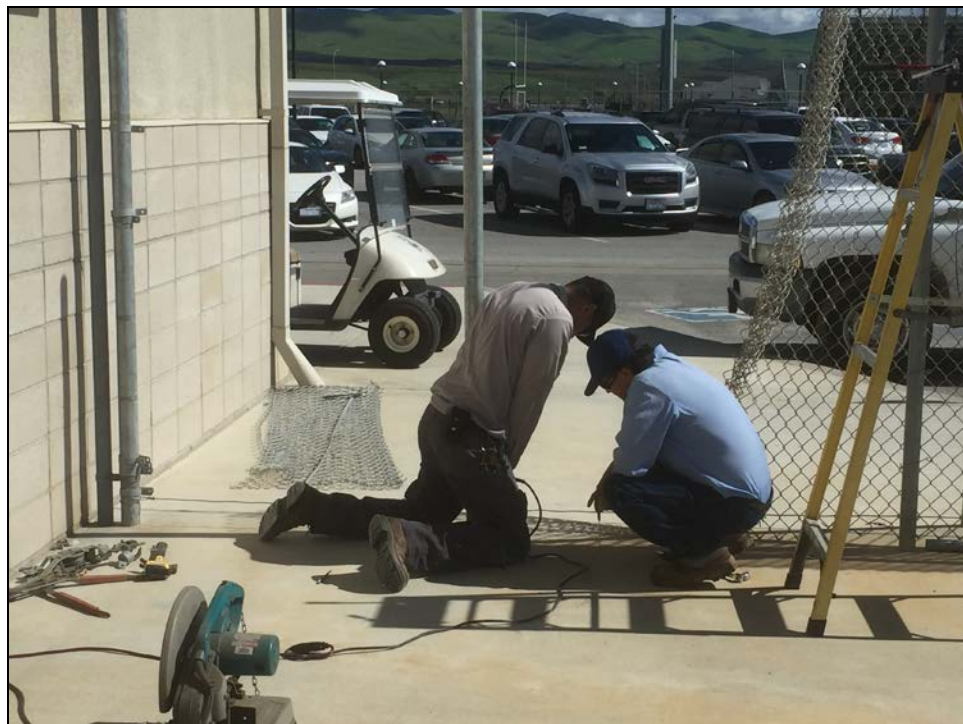
SMHS – Stadium West Restrooms Received New School Logos



SMHS – School Entrance Letters Reapplied after New Paint



PVHS – José Gamino Prepares the Junior Varsity Baseball Infield for a Game



PVHS – José Gamino and Pepé Gutierrez Install a New Gate for Baseball Spectators



ERHS – Pepé Gutierrez and Elias Comacho Install a Safety Cage at the Discus Pad



ERHS - Denton Tilley Compacts the Walkway to Varsity Baseball Bleachers



ERHS - Revised Entrance to the Varsity Baseball Field





ERHS - Bernie Rayner Replaces Lights in the Baseball Scoreboard

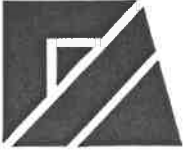


ERHS - Bernie Rayner Services a Heating Boiler

REGULAR MEETING  
April 11, 2017

## APPENDIX C

Initial Proposal for Reopener Negotiations from  
the SMJUHSD Faculty Association to the  
District 2017-18



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# Santa Maria Joint Union High School Faculty Association

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**Executive  
Board**

*Matt Provost,*  
President

*Tanya Guiremand*  
Vice President

*Rebecca Masuda,*  
Recording Sec.

*Mike Emerson,*  
Corresponding  
Secretary

*Patty Peinado,*  
Treasurer

**Negotiators:**

*Tanya Guiremand*

*Patty Peinado*

*Lorene Yoshihara*

*Mike Glenn*

*Aaron Nesper*

April 3, 2017

To: Santa Maria Joint Union High School District Board of Trustees

From: Lorene Yoshihara, Chair, SMJUHSDFA Bargaining Team

RE: Sunshine of reopeners

To whom it may concern:

The Santa Maria Joint Union High School District Faculty Association has determined that, for the purposes of meeting to bargain reopeners for the 2017-18 school year, per Article 16.4.1 of the Collective Bargaining Agreement, we respectfully demand to bargain:

1. Article 2, Compensation, Salary Schedule and Employee Benefits Program, in order to recruit and retain a well-qualified, high quality workforce, and:
2. Article 15, Hiring Ratio, in order to provide class sizes that support the best possible learning and working environment for students and educators.

Thank you for your attention to this matter.

Lorene Yoshihara, Chair  
SMJUHSDFA Bargaining Team

REGULAR MEETING

April 11, 2017

## APPENDIX D

Initial Proposal for Reopener Negotiations  
from the District to  
the SMJUHSD Faculty Association 2017-18



## **Santa Maria Joint Union High School District**

2560 SKYWAY DRIVE • SANTA MARIA CA 93455  
(805) 922-4573

### **TO THE SMJUHSF FACULTY ASSOCIATION from the SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT**

#### **INITIAL PROPOSAL 2017-2018 RE-OPENERS**

The Santa Maria Joint Union High School District (SMJUHSF) proposes to negotiate the following Articles for the 2017-2018 Re-Opener Negotiations:

#### **AUTOMATIC RE-OPENERS:**

##### ARTICLE 2 – COMPENSATION

The District has an interest in negotiating changes to the Activity Stipends, Coaching Stipends, and Extra-pay positions as they apply to summer school.

#### **SMJUHSF RE-OPENERS:**

##### ARTICLE 4 – HOURS

The District has an interest in discussing changes to the process of selection, assignment, and number of Preparation Period teaching assignments.

The District reserves the right to amend, delete, or otherwise modify its initial proposal.

Dated: April 3, 2017

# **APPENDIX E**

April 11, 2017

## **RESOLUTION #18-2016-2017 Adopting Prequalification Process for Prime Contractors and MEP Subcontractors Pursuant to Public Contract Code section 20111.6**

### **EXHIBIT A – PREQUALIFICATION QUESTIONNAIRE**

#### **EXHIBIT B – RATING SYSTEM**

- **APPLICATION SCORING AND RULES**
- **INTERVIEW QUESTIONS AND SCORING**

### **EXHIBIT C – PREQUALIFICATION PROCEDURES**

**SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT  
RESOLUTION NUMBER 18- 2016-2017**

**ADOPTING PREQUALIFICATION PROCESS FOR  
PRIME CONTRACTORS AND MEP SUBCONTRACTORS  
PURSUANT TO PUBLIC CONTRACT CODE SECTION 20111.6**

**WHEREAS**, the Santa Maria Joint Union High School District (“District”) desires to prequalify both potential prime contractors and potential first-tier electrical, mechanical or plumbing contractors holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and/or C-46 licenses (“MEP subcontractors”) for lease-leaseback projects and/or projects using funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds received, including funds reimbursed, from any future state school bond for a public project that involves a projected expenditure of one million dollars (\$1,000,000) or more;

**WHEREAS**, school districts are required to prequalify prime contractors and MEP subcontractors for all contracts for the aforementioned district projects using the requirements described in Section 20111.6 of the Public Contract Code;

**WHEREAS**, Public Contract Code section 20111.6 directs school districts to require prospective prime contractors and prospective MEP subcontractors to submit a standardized prequalification questionnaire and financial statement (collectively “Prequalification Package”) prior to submitting a bid/proposal for the aforementioned district projects;

**WHEREAS**, Public Contract Code section 20111.6(g) authorizes school districts to establish a uniform system of rating prospective contractors based upon the completed Prequalification Packages (“Prequalification Process”);

**WHEREAS**, District staff have selected a standardized questionnaire in accordance with Public Contract Code section 20111.6 attached hereto as **Exhibit “A”** (“Questionnaire”);

**WHEREAS**, District staff have selected a uniform system of rating potential prime contractors and potential MEP subcontractors based upon the completed Questionnaires in accordance with Public Contract Code section 20111.6, which includes both (i) Application Scoring Rules and (ii) Interview Questions and Scoring (together, “Rating System”), attached hereto as **Exhibit “B”**;

**WHEREAS**, District staff have developed prequalification procedures, including appeal procedures whereby prospective prime contractors and MEP subcontractors may appeal certain decisions with respect to the Prequalification Process, attached hereto as **Exhibit “C”** (“Procedures”); and

**WHEREAS**, District desires to adopt the Prequalification Process, including the Questionnaire, Rating System, and Procedures, which shall supersede all prior prequalification processes adopted by the District.

**NOW, THEREFORE**, the Governing Board of the Santa Maria Joint Union High School District hereby finds, determines, declares, orders and resolves as follows:

**Section 1.** That the above recitals are true and correct.

**Section 2.** That the Prequalification Process, including the Questionnaire, the Rating System, and the Procedures, is authorized pursuant to Public Contract Code section 20111.6, and supersedes all prior prequalification processes adopted by the District.

**Section 3.** That the District's Superintendent, or designee, is authorized to implement the Prequalification Process, including accepting lists of prequalified prime contractors and prequalified MEP subcontractors, consistent with Public Contract Code section 20111.6.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of April, 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

President/Secretary/Clerk of the Board of Education  
Santa Maria Joint Union High School District



**EXHIBIT A – PREQUALIFICATION QUESTIONNAIRE**

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

## Prequalification Questionnaire

**Note:** \* = required fields.

### Step 1

#### Prequalification

##### Contractor Information\*

- a. Firm Name
- b. Contact Person
- c. Address
- d. Phone Number
- e. Fax Number
- f. Email Address
- g. Contractor's License No. (program links to Contractor's State License Board page for that license #)
- h. Drop down menus to enter multiple License Classifications.

##### Qualification\*

Essential Yes/No questions *(See Step 5 Supplemental Questions Section for additional Essential Yes/No Questions)*:

1. Does Contractor possess a valid and current California Contractor's license for the project or projects for which it intends to submit a bid?
2. Does Contractor have a liability insurance policy in accordance with minimum State requirements?\*
3. Does Contractor have current workers compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et seq.?
4. Has your firm or any of its owners or officers ever been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?\*
5. Has any contractor's license held by your firm, or its responsible managing employee ("RME") or responsible managing officer ("RMO") been suspended or revoked at any time in the last five years?\*

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

## Step 2

### General Requirements

#### Business Structure\*

6. Select Business type (drop down menu)

#### Business Information

7. Please upload a copy of your latest reviewed or audited financial statement with accompanying notes and supplemental information. (Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is no more than 25 percent of the qualifying amount provided in section 14837(d)(1). As of January 1, 2001, the qualifying amount is \$10 million, and 25 percent of that amount, therefore, is \$2.5 million) Note: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.
8. Has your firm or any firm with which any of your company's owners, officers or partners was associated, ever been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?\* If yes, a drop down form opens requesting more information (company, year of event, owner of the project, etc.)
9. Has your firm ever been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder? If yes, a drop down form opens requesting more information (company, year of event, owner of the project, etc.)
10. The following three questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about pass-through disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.
11. Has any claim against your firm concerning your firm's work on a Construction project ever been filed in court or arbitration?\* If yes, a drop down form opens requesting more information (project name, date of claim, name of claimant, description)
12. Has your firm ever made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?\* If yes, a drop down form opens requesting more information (project name, date of claim, name of entity claimed filed against, description, etc.)
13. Has your firm ever had a contract for a public work of improvement that was terminated for cause by a public entity, or terminated in whole or in part with your consent? Note: you need not answer yes if the public entity terminated the contract for convenience.\* If yes, a drop down form opens requesting more information (owner's name, name of bonding company, original contract value, value of the work terminated, description of circumstances leading to termination)

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

14. Has your firm ever agreed with a public entity that your firm would not bid on future projects advertised by the public entity for a specified period of time?\* If yes, a drop down form opens requesting more information (name of public entity, year of agreement, period of time during which your firm agreed not to bid)
15. Has any surety company ever made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?\* If yes, a drop down form opens requesting more information (amount of such claim, name of claimant, telephone number of claimant, date of claim, grounds for the claim, present status of claim, date of resolution of such claim if resolved, method by which claim was resolved if resolved, nature of the resolution, amount of resolution)
16. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?\* If yes, a drop down form opens requesting more information (Name of people involved, name of public agency, date of investigation, grounds for the finding, name of claimant, telephone number of claimant)
17. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?\* If yes, a drop down form opens requesting more information (name of people involved, name of public agency, date of conviction, grounds for conviction)
18. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?\* If yes, a drop down form opens requesting more information (name of person convicted, name of the court, year of event, description of criminal conduct)
19. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?\* If yes, a drop down form opens requesting more information (date denied coverage, name of company or companies which denied coverage, the period during which no surety bond was in place)
20. Within the last five years has there ever been a period when your firm had employees but was without workers compensation insurance or state-approved self-insurance? If No, please upload a statement by your current workers compensation insurance carrier that verifies periods of workers compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, attach a statement by your workers compensation insurance carrier verifying continuous workers compensation insurance coverage for the period that your firm has been in the construction business.)\*

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

## Step 3

### History and Performance

#### Company History

21. Has there been any change in ownership of the firm at any time during the last three years? Note: A corporation whose shares are publicly traded is not required to answer this question. If yes, a drop down form opens requesting more information (year of change in ownership and area to provide explanation)
22. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?\* If yes, a drop down form opens requesting more information (area to provide explanation)
23. Are any corporate officers, partners or owners connected to any other construction firms?\* If yes, a drop down form opens requesting more information (area to provide explanation)
24. Gross revenue (drop downs to add three or more years of gross revenue)
25. How many years has your organization been in business in California as a contractor under your present business name and license number?\* Drop down selection menu
26. Is your firm currently the debtor in a bankruptcy case? If so, please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed\* Upload bankruptcy petition.
27. Was your firm in bankruptcy at any time during the last five years? If so, please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and please attach a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued\*

#### Licenses

28. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license. If yes, a drop down area opens to provide explanation
29. Has your firm changed names or license number in the past five years?\* If yes, drop down area opens to provide explanation
30. Has any owner, partner or (for corporations) officer of your firm operated a construction firm under any other name in the last five years?\* If yes, drop down area opens to provide explanation

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

## Disputes

31. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?\* If yes, drop down opens: Enter information about projects in which your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner. Press the 'Add Project' button to add additional projects
32. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?\* If yes, a drop down form opens requesting more information (name of insurance carrier, form of insurance, year of refusal)
33. In the last three years has your firm held a public works contract on which more than three (3) stop payment notices were served against your firm?\* If yes, a drop down form opens up requesting more information (name of project, dollar value of project. Did any Stop Payment Notice result in a claim against your Payment Bond?)

## Bonding

34. Firm's current maximum bonding capacity\*
35. Provide the name and address of bonding company\*
36. Was your firm required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years?\* If yes, provide percentage firm was required to pay\* (drop down menu to select percentage and area for explanation)
37. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds\* (area to provide explanation)

## Compliance

38. Has CAL OSHA cited and assessed penalties against your firm for any serious, willful or repeat violations of its safety or health regulations in the past five years?\* If yes, number of CAL OSHA penalties (drop down selection menu) and area to provide description, dates of citation and area to provide nature of violation, name of project, amount of penalty
39. Was citation appealed to the Occupation Safety and Health Appeals Board?\* If yes, drop down form opens up for case number, status of decision, decision, date of decision.
40. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?\* If yes, number of Federal Occupational Safety and Health Administration citations \* (drop down to select) and area for description of citation(s)
41. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?\* If yes, drop down for number of citations and area for description of citation(s), date of citation
42. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?\* Drop down to select frequency.
43. List your firm's Experience Modification Rate (EMR) (California workers compensation insurance) for each of the past three premium years. Press the 'Add EMR Rate' button to add each year and rate.\*
44. Was your EMR for any of these three years 1.00 or higher?\* If yes, drop down opens for area to provide explanation.

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

45. Has there been an occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws? If the answer is yes enter one or more wage violations by press the 'ADD STATE WAGE VIOLATION' button below NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor. Drop down opens for name of project, nature of violation, public agency name, number of employees, penalty and back wages paid. Press ADD to add additional violations.
46. During the last five years, has there been an occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements?\* If yes, drop down opens: Number of occasions in which your own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements \* Drop down to select number and area to add description of each violation, name of project, date of completion, name of public agency, number of employees who were initially underpaid, amount of back wages and penalties required to pay.
47. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?\* If yes, drop down opens for number of apprenticeship law violations and date(s) of such findings.

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

## Step 4

### Recent Construction Projects

#### Project History

48. Provide the information requested below for the six largest public works projects and three largest private works of improvement on which you have completed your scope of work in the last five years. If you do not have six projects in education, list those first then all other public works. "Largest" means highest contract dollar value, including change orders. Names and references must be current and verifiable. Only list projects your firm performed as the general contractor in charge of all trades for the construction of a building. Provide email addresses for all references where feasible. Press the ADD PROJECT button to add detailed information about each relevant project your company has worked on. If you are a MEP Subcontractor, list your largest projects in both categories. \*

- Project name \*
- Project type\*
- Location\*
- Owner \*
- Owner Contact (Name and Current Phone #) \*
- Owner Contact Email \*
- Architect or Engineer \*
- Architect or Engineer Contact (Name and Current Phone #) \*
- Architect or Engineer Contact Email \*
- Construction Manager \*
- Construction Manager Contact (Name and Current Phone #) \*
- Construction Manager Email \*
- Description of Project, Scope of Work Performed \*
- Total Value of Construction (including change orders) \*
- Original Value of Construction \*
- Original Scheduled Completion Date \*
- Time extension s granted (# of days) \*
- Actual date of completion \*



# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

## Step 5

### Supplemental Questions

#### Step 1 Prequalification, Qualification - Essential Yes/No Questions

49. **General and first-tier MEP Subcontractor response required.** Has your Firm contracted for and completed construction of a minimum of two (2) California K-12 public school district construction projects; each with a value of at least \$1 million dollars (\$1,000,000) if applying as a General Contractor OR at least \$100,000 if applying as a first-tier Subcontractor for mechanical, electrical, or plumbing components of a Project; and all within the past ten (10) years? NOTE: You must list these projects in the "Contractor Project References" Section.\*

## **EXHIBIT B – RATING SYSTEM**

- **APPLICATION SCORING AND RULES**
- **INTERVIEW QUESTIONS AND SCORING**

# Santa Maria Joint Union High School District

## Application Scoring Rules

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### **Prime Contractor Scoring Summary (135 Points Total / Passing = 75%)**

**Qualification-Essential Questions (Pass/Fail – Automatic Disqualification if required information is not included, incomplete, misleading, or incorrect)**

**Qualification/Licenses (5 points total)**

**Business Information (50 points total)**

**Company History (15 points total)**

**Disputes (20 points total)**

**Bonding (5 points total)**

**Compliance (40 points total)**

**Supplemental Questions [Additional Essential Questions] (Pass/Fail – Automatic Disqualification if required information is not included, incomplete, misleading, or incorrect)**

### **Mechanical/Electrical/Plumbing Subcontractor Scoring Summary (70 Points Total / Passing = 75%)**

**Company History (15 points total)**

**Disputes (15 points total)**

**Compliance (40 points total)**

**Supplemental Questions (Pass/Fail – Automatic Disqualification if required information is not included, incomplete, misleading, or incorrect)**

Questions 6, 7, 10, 14, 15, 21, 22, 23, 24, 28, 29, 30, 34, 35, 37, 39, 43 are for information only and are not scored.

# Prime Contractor Scoring Detail

## (135 points available)

### Qualification

1-4. **Essential Questions (Pass/Fail – Automatic Disqualification if required information is not included, incomplete, misleading, or incorrect)**

5. **Licenses (5 points total)**

### Business Information (50 points total)

8. Disbarred/Disqualified from Government Agency/Public Works Projects

- No = 5
- Yes = 0

9. Denied as Non-Responsible Bidder

- No = 5
- Yes = 0

11. Claim Against Firm:

- If Average Gross Rev < 2M
  - No = 5
  - Yes w/ 1 Instance = 4
  - Yes w/ 2 Instances = 3
  - Yes w/ 3+ Instances = 0
- If Average Gross Rev > 2M
  - No = 5
  - Yes w/ 1 Instance = 4
  - Yes w/ 2 Instances = 2
  - Yes w/ 3+ Instances = 0

12. Claim Against Owner:

- If Average Gross Rev < 2M
  - No = 5
  - Yes w/ 1 Instance = 4
  - Yes w/ 2 Instances = 3
  - Yes w/ 3+ Instances = 0
- If Average Gross Rev > 2M
  - No = 5
  - Yes w/ 1 Instance = 4
  - Yes w/ 2 Instances = 2
  - Yes w/ 3+ Instances = 0

13. Contract Termination for Cause

- No = 5
- Yes = -5

16. Liable in Civil Suit

- No = 5
- Yes = -5

17. Convicted of a Crime Related to Construction

- No = 5
- Yes = -5

18. Convicted of Fraud

- No = 5
- Yes = -5

19. Denied or Lapse of Bond Coverage Within Last Five Years

- No = 5
- Yes = 0

20. Workman's Compensation Lapse within Last Five Years

- No = 5
- One Instance = 4
- Other = 0

**Company History (15 points total)**

25. Years in Business

- 6+ = 5
- 5 = 4
- 4 = 3
- 3 = 2
- 2 or Less = 1

26. Current Bankruptcy

- No = 5
- Yes = 0

27. Bankruptcy Within Last Five Years

- No = 5
- Yes = 0

**Disputes (20 points total)**

31. Liquidated Damages Within Last Five Years

- 1 or Less = 5
- 2 = 3
- Other = 0

32. Insurance Refusal to Renew Within Last Five Years

- No = 5
- Yes = 0

33a. More Than Three (3) Stop Payment Notices per Contract within Last Three Years

- No = 5
- Yes = 0

33b. Stop Payment Notices Resulting in Claim Against Payment Bond

- No = 5
- Yes = 0

**Bonding (5 points total)**

36. Required to Pay a Premium < 1%

- No = 5
- 1-1.25% = 4
- 1.25-1.5% = 3
- <1.5% = 0

**Compliance (40 points total)**

38. CAL OSHA Violations within Last Five Years = Serious, Willful or Repeat

- If Average Gross Rev < 2M
  - No = 5
  - Yes w/ 1 Instance = 4
  - Yes w/ 2 Instances = 3
  - Yes w/ 3+ Instances = 0
- If Average Gross Rev > 2M
  - No = 5
  - Yes w/ 1 Instance = 4
  - Yes w/ 2 Instances = 2
  - Yes w/ 3+ Instances = 0

40. Federal OSHA Violations within Last Five Years

- If Average Gross Rev < 2M
  - No = 5
  - Yes w/ 1 Instance = 4
  - Yes w/ 2 Instances = 3
  - Yes w/ 3+ Instances = 0
- If Average Gross Rev > 2M
  - No = 5
  - Yes w/ 1 Instance = 4
  - Yes w/ 2 Instances = 2
  - Yes w/ 3+ Instances = 0

41. EPA, Air Quality or Regional Water Quality Control Board Penalties within Last Five Years

- If Average Gross Rev < 2M
  - No = 5
  - Yes w/ 1 Instance = 4
  - Yes w/ 2 Instances = 3
  - Yes w/ 3+ Instances = 0
- If Average Gross Rev > 2M
  - No = 5
  - Yes w/ 1 Instance = 4
  - Yes w/ 2 Instances = 2
  - Yes w/ 3+ Instances = 0

42. Safety Meetings

- Weekly = 5
- Monthly = 4
- Quarterly = 2
- Other = 0

44. Experience Modification Rate

- EMR .95 or Less = 5
- EMR .95-1 = 3
- Other = 0

45. Required to pay back wages (States Prevailing Wages)

- If Avg Gross Rev < 2M
  - No = 5
  - Yes w/ 1-2 Instance = 4
  - Yes w/ 3 Instances = 3
  - Yes w/ 4+ Instances = 0
- If Avg Gross Rev > 2M
  - No = 5
  - Yes w/ 1-2 Instance = 4
  - Yes w/ 3 Instances = 2
  - Yes w/ 4+ Instances = 0

46. Required to pay back wages (Federal = Davis-Bacon Prevailing Wages)

- If Average Gross Rev < 2M
  - No = 5
  - Yes w/ 1-2 Instance = 4
  - Yes w/ 3 Instances = 3
  - Yes w/ 4+ Instances = 0
- If Average Gross Rev > 2M
  - No = 5
  - Yes w/ 1-2 Instance = 4
  - Yes w/ 3 Instances = 2
  - Yes w/ 4+ Instances = 0

47. Apprentice Violations

- If Average Gross Rev < 2M
  - No = 5
  - Yes w/ 1-2 Instance = 4
  - Yes w/ 3 Instances = 3
  - Yes w/ 4+ Instances = 0
- If Average Gross Rev > 2M
  - No = 5
  - Yes w/ 1-2 Instance = 4
  - Yes w/ 3 Instances = 2
  - Yes w/ 4+ Instances = 0

**Supplemental Questions (Pass/Fail – Automatic Disqualification if required information is not included, incomplete, misleading, or incorrect)**

# Mechanical/Electrical/Plumbing Subcontractor Scoring Detail (70 points total available)

## Company History (15 points total)

- 25. Years in Business
  - 6+ = 5
  - 5 = 4
  - 4 = 3
  - 3 = 2
  - 2 or Less = 1
- 26. Current Bankruptcy
  - No = 5
  - Yes = 0
- 27. Bankruptcy Within Last Five Years
  - No = 5
  - Yes = 0

## Disputes (15 points total)

- 31. Liquidated Damages Within Last Five Years
  - 1 or Less = 5
  - 2 = 3
  - Other = 0
- 32. Insurance Refusal to Renew Within Last Five Years
  - No = 5
  - Yes = 0
- 33. Stop Payment Notices Resulting in Claim Against Payment Bond
  - No = 5
  - Yes = 0

## Compliance (40 points total)

- 38. CAL OSHA Violations within Last Five Years = Serious, Willful or Repeat
  - If Average Gross Rev < 2M
    - No = 5
    - Yes w/ 1 Instance = 4
    - Yes w/ 2 Instances = 3
    - Yes w/ 3+ Instances = 0
  - If Average Gross Rev > 2M
    - No = 5
    - Yes w/ 1 Instance = 4
    - Yes w/ 2 Instances = 2
    - Yes w/ 3+ Instances = 0
- 40. Federal OSHA Violations within Last Five Years
  - If Average Gross Rev < 2M
    - No = 5
    - Yes w/ 1 Instance = 4
    - Yes w/ 2 Instances = 3
    - Yes w/ 3+ Instances = 0
  - If Average Gross Rev > 2M
    - No = 5
    - Yes w/ 1 Instance = 4
    - Yes w/ 2 Instances = 2
    - Yes w/ 3+ Instances = 0



41. EPA, Air Quality or Regional Water Quality Control Board Penalties within Last Five Years

- If Average Gross Rev < 2M
  - No = 5
  - Yes w/ 1 Instance = 4
  - Yes w/ 2 Instances = 3
  - Yes w/ 3+ Instances = 0
- If Average Gross Rev > 2M
  - No = 5
  - Yes w/ 1 Instance = 4
  - Yes w/ 2 Instances = 2
  - Yes w/ 3+ Instances = 0

42. Safety Meetings

- Weekly = 5
- Monthly = 4
- Quarterly = 2
- Other = 0

44. Experience Modification Rate

- EMR .95 or Less = 5
- EMR .95-1 = 3
- Other = 0

45. Required to pay back wages (States Prevailing Wages)

- If Avg Gross Rev < 2M
  - No = 5
  - Yes w/ 1-2 Instance = 4
  - Yes w/ 3 Instances = 3
  - Yes w/ 4+ Instances = 0
- If Avg Gross Rev > 2M
  - No = 5
  - Yes w/ 1-2 Instance = 4
  - Yes w/ 3 Instances = 2
  - Yes w/ 4+ Instances = 0

46. Required to pay back wages (Federal = Davis-Bacon Prevailing Wages)

- If Average Gross Rev < 2M
  - No = 5
  - Yes w/ 1-2 Instance = 4
  - Yes w/ 3 Instances = 3
  - Yes w/ 4+ Instances = 0
- If Average Gross Rev > 2M
  - No = 5
  - Yes w/ 1-2 Instance = 4
  - Yes w/ 3 Instances = 2
  - Yes w/ 4+ Instances = 0

47. Apprentice Violations

- If Average Gross Rev < 2M
  - No = 5
  - Yes w/ 1-2 Instance = 4
  - Yes w/ 3 Instances = 3
  - Yes w/ 4+ Instances = 0
- If Average Gross Rev > 2M
  - No = 5
  - Yes w/ 1-2 Instance = 4
  - Yes w/ 3 Instances = 2
  - Yes w/ 4+ Instances = 0

**Supplemental Questions (Pass/Fail – Automatic Disqualification if required information is not included, incomplete, misleading, or incorrect)**

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

## INTERVIEW QUESTIONS AND SCORING

If the contractor passes the questionnaire, then Santa Maria Joint Union High School District or its designee ("District") will conduct interviews. No action by the contractor is necessary for this portion of the prequalification process.

The following questions will be used to interview randomly selected contacts from at least two completed projects:

1. Please give a brief description of the project.
2. Are there any outstanding stop notices, liens, or claims by the contractor that are currently unresolved on contracts for which notices of completion were recorded more than 120 days ago? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points.)
3. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel?
4. On a scale of 1-10, with 10 being the best, did the contractor provide adequate supervision?
5. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job?
6. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates?
7. On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your [agency] [business] approved?
8. Was the project completed on time? (10 points if the answer is "Yes.")
  - If the answer to Question #8 is "no," then, on a scale of 1-10, with 10 being the best, to what extent was the contractor responsible for the delay in completion?
9. On a scale of 1-10, with 10 being the best, rate the contractor on the timely submission of reasonable cost and time estimates to perform change order work.
10. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed the work after a change order was issued, and how well the contractor integrated the change order work into the existing work.
11. On a scale of 1-10, with 10 being the best, rate how has the contractor been performing in the area of turning in Operation & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items?
12. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were an unusually high number of claims, given the nature of the project, or unusual difficulty in resolving them.
13. On a scale of 1-10, with 10 being the highest, rate the contractor with respect to timely payments by the contractor to either subcontractors or suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be "10.")
14. On a scale of 1-10, with 10 being the best, how would you rate the quality of the work overall?

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

The highest possible score per project is 120 points. A contractor must have two completed projects with an interview score of 72 or higher to be prequalified. If a contractor receives a score of between 56 and 72 on for a completed project, the District has the discretion to interview the manager of another completed project. The District reserves the right to determine how many additional interviews that it will conduct. A score less than 55 points for any project means that the contractor will not be prequalified for District projects.

**EXHIBIT C – PREQUALIFICATION PROCEDURES**

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

## Contractor Prequalification Procedures

### I. INTRODUCTION

For any public project, as defined in subdivision (c) of Section 22002 of the Public Contract Code, for which the District (1) uses the lease-leaseback project delivery method or (2) uses funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1 of the Education Code) or any funds from any future state school bond for a public project that involves a projected expenditure of one million dollars (\$1,000,000) or more, the Board shall require that prospective general contractors and, if utilized, prospective electrical, mechanical and/or plumbing first-tier subcontractors holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and/or C-46 licenses (collectively, "Contractors") complete and submit a standardized prequalification questionnaire and financial statement, verified under oath.

The Board hereby separately adopts a uniform system of rating Contractors on the basis of the completed questionnaires and financial statements.

### II. PREQUALIFICATION PROCEDURES

The information provided in response to the prequalification questionnaire shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code § 20111.6)

The prequalification process is open through December 31, 2017, and Contractors may submit the prequalification questionnaire and financial statement at any time during the calendar year. In order to be prequalified in time to bid or propose on a particular project, however, Contractors must submit the prequalification questionnaire and financial statement, and be prequalified, no later than the deadlines set forth below:

#### A. **Deadlines for Competitive Bid Projects**

Prospective Contractors for a competitive bid project shall submit the prequalification questionnaire and financial statement not less than ten (10) business days before the date fixed for public opening of sealed bids for the project and must be deemed prequalified by the District not less than five (5) business days before the date fixed for public opening of sealed bids for the project. (Public Contract Code § 20111.6)

#### B. **Deadlines for Lease-Leaseback Projects**

Prospective developers/general contractors for a lease-leaseback project that is selected based on the best value to the District shall submit the questionnaire and financial statement at least thirty (30) calendar days before the date fixed for the award of contract for the project and must be deemed prequalified by the District at least twenty-five (25) calendar days before the date fixed for the award of contract for the project.

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

Prospective electrical, mechanical and plumbing subcontractors for a lease-leaseback project that is selected based on the best value to the District shall submit the questionnaire and financial statement at least sixty (60) calendar days before the date fixed for the award of contract for the project and must be deemed prequalified by the District at least thirty-five (35) calendar days before the award of contract for the project. (Public Contract Code § 20111.6)

## III. APPEAL PROCEDURES

Contractors will be allowed to appeal a negative prequalification determination in accordance with California Public Contract Code section 20101(d). There is no appeal from a finding that a Contractor is not prequalified because of a failure to submit required information, but re-application is permitted. A Contractor may appeal the District's decision with respect to the Contractor's request for prequalification by giving written notice to the District no later than five (5) business days after receipt of notice of its prequalification status. Contractor should submit all evidence that it believes supports a finding that the District's determination should be changed. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of the District, whether by administrative or judicial process or any other legal process or proceeding.

The District hereby establishes a Contractor Prequalification Appeals Panel ("Appeals Panel") consisting of the following three members, or their designee(s):

1. Assistant Superintendent of Business Services
2. Director of Maintenance and Operations
3. Director of Support Services

In response to a timely appeal, the Appeals Panel shall provide the Contractor with a written explanation of the Contractor's disqualification and any supporting evidence. Within three (3) business days from receipt of the Appeals Panel's written explanation, Contractor may submit a written request for reconsideration by the Appeals Panel.

The sole issue before the Appeals Panel shall be the scoring of a Contractor. The decision of the Appeals Panel shall be the District's final administrative decision. The date for submission and opening of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process.

## IV. RENEWAL OF PREQUALIFICATION STATUS

Prequalification shall be valid for one calendar year following the date of initial prequalification. Each prequalified Contractor shall be required to renew their prequalified status every calendar year by submitting a new prequalification questionnaire and financial statement to the District.

**Exhibit "A"**  
**Findings of Fact**

**Resolution Number**  
**17-2016-2017**



**EXHIBIT “A”  
FINDINGS OF FACT**

**A. The petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.**

1. The petitioners have presented an unrealistic financial and operational plan for the proposed Charter School:

(a) The enrollment projections represent enrollment amounts which the District staff believes is overinflated. The ability of the Charter School to be able to obtain these enrollment projections may be impacted by the following, but not limited to, circumstances:

(i) Per the budget narrative submitted with the Petition, the petitioners are projecting a total enrollment of 400 students in 2017-2018 for locations in Santa Barbara, Lompoc, Buellton, and Orcutt/Santa Maria to be operated by Olive Grove Charter Schools, Inc. The projected enrollment represents a 220% increase from the 125 total enrollment reported by Olive Grove Charter School in CALPADS for 2015-2016.

(ii) The Charter School’s budget assumes an ADA rate of 97%. This rate is higher than historical rates for independent study in the District which is 70-80%. With over 72% of the Charter School’s projected enrollment to be in grades 9-12, the ADA rate is extremely ambitious. This is exacerbated by the fact that the an independent study program offered by the District to high school students is already operating in the geographic area to be served by the Charter School which may further impact the Charter School’s ability to obtain enrollment projections.

(iii) The Petition states that parent involvement is an integral part of the Charter School program’s success, particularly in grades TK-8, where parents are relied upon to provide instruction to students in the home. There is concern that the heightened parent involvement component may discourage families who lack the means to provide the level of parent involvement necessary for their students to be successful in the Charter School from enrolling in the first place impacting the ability of the petitioners to reach the enrollment numbers they project.

Since the Charter School’s budget is premised on its overinflated enrollment projections, the entire projected budget will be

impacted when enrollment amounts are not realized, likely resulting in a deficit budget jeopardizing the ability of the petitioners to successfully implement and operate their program.

- (b) The California Court of Appeals in *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal.App.5th 262 (“*Anderson*”), confirmed that Olive Grove Charter Schools, Inc.’s current operation of “resource centers” at its Santa Barbara, Lompoc, Buellton, and Orcutt/Santa Maria locations is unlawful. Since Olive Grove Charter Schools, Inc. is currently operating the Olive Grove Charter School at these four locations contrary to controlling applicable law, it submitted charter petitions to multiple school districts seeking authorization to establish new charter schools to avoid closure of its existing locations. The projected budget submitted by Olive Grove Charter Schools, Inc., as the purported charter management organization (CMO), assumes that all four current locations will remain in operation. Because the Charter School’s budget is premised on anticipated enrollment projections from all locations, if one or more locations close, the CMO’s entire projected budget will be impacted, likely resulting in a deficit budget jeopardizing the ability of the petitioners to successfully implement the education program of the proposed Charter School.
- (c) The petitioners admit in the Petition that their current lease agreements for all of their “resource center” locations do not have an “out clause” that would allow them to terminate the lease agreement prior to the end of its term. Therefore, if they had to close their locations because of the *Anderson* ruling it “would thus cost the school millions of dollars in lease fees for facilities we cannot use for student instruction, essentially bankrupting the school.” Furthermore, on December 16, 2016, after the *Anderson* ruling was issued, Olive Grove Charter School, Inc. entered into a third lease addendum to add 720 square feet to their space at the Orcutt/Santa Maria location. The fact that the petitioners executed the Lease Addendum while knowing there was uncertainty regarding the lawful operation of their current locations, demonstrates poor management and calls into question the ability of the Charter School’s governing board and Executive Director to successfully operate the Charter School.
- (d) The petitioners state that if the Olive Grove Charter School’s current resource centers were to close it would jeopardize their current “resource center” in San Luis Obispo County “affecting another 100 students.” Petitioners do not identify the location of this San Luis Obispo County “resource center” in the Petition, and the costs and revenue related to such location do not seem to be

reflected in the proposed Charter School's budget. Despite this lack of information, it is reasonably foreseeable that the operations of the CMO and the proposed Charter School will be significantly impacted should the San Luis Obispo location close.

- (e) The projected cash flow statement submitted with the Petition appears to reflect that the Charter School will have long term debt of \$150,000 in year 1 and \$55,000 in year 2, however, there is no mention of this loan in the budget narrative.
- (f) The Charter School's cash flow is projected to have a cash balance of only \$375 in the second month of operation and \$2,665 in the fifth month. In year 2, the third month cash balance is projected at \$1,266. These cash balances are extremely low and not fiscally sound. Since the Charter School has budgeted based on incorrect CalSTRS rates for budget years 2017-18, 2018-19, 2019-20, 2020-21, and 2021-22, the costs of the Charter School will be significantly greater than that reflected in its projected budget likely requiring budget reductions in other line items and/or the need for larger loans. This will impact the Charter School's projected cash balance potentially impacting its fiscal solvency.
- (g) The projected budgets for 2016-17 and 2017-18 are identical, meaning the budget for 2017-18 does not include assumptions for increased CalSTRS rates, salary increases, or any other operational increases, including the current lease.
- (h) Assumptions provided in the budget narrative are for the operation of the Olive Grove Charter School with all of its current locations. The District is unable to isolate the assumptions used that are specifically for the Orcutt/Santa Maria location. As a result, the District is unable to determine if the assumptions are accurately reflected in the budget for expenses.
- (i) Current year operating expenses (5000 series expenses) listed in items 1-11 on pages 2 and 3 of the budget narrative equals \$945,900. This amount differs from the amount listed in item 12 as total operating expenses of \$1,086,756. The variance of \$140,856 is significant and may negatively impact the Charter School's operations.
- (j) While it is unclear how many special education students the Charter School anticipates serving, the budget does not reflect any special education related expenses. Typically, the cost to provide special education services exceeds the revenue provided. Further, while the Petition references the Charter School's intent to employ necessary special education staff including special education

teachers, paraprofessionals, resource specialists, speech therapists, occupational therapists, behavioral therapists, and psychologists, the budget does not allocate sufficient funding for these employment positions.

- (k) Payments made to CharterSAFE for insurance were \$36,225 for the fiscal year ended June 30, 2016. The CMO budget for insurance (all sites) is \$30,000. There is no explanation for the decrease in premium expense. Additionally, it is unclear whether there is sufficient coverage.
  - (l) All salaries and benefits represent 55.68% of the budget in 2017-18. The District believes this is under-budgeted considering, salaries and benefits generally represent 80-85% of a school's budget.
  - (m) Outside professional and educational consultants are budgeted at \$103,633 in the first year. This amount, representing 8% of the total budget in 2017-18, appears to be high in comparison to the overall budget and size of the Charter School.
  - (n) The Budget Narrative submitted with the Petition states: "Grant, foundation, and corporate monies as well as in-house fundraising may be used to support and enhance learning opportunities and provide extra activities and events." However, the sources and amounts of such speculative revenue is not identified or reflected in the budget.
2. The Petition contains inconsistent references to the name of the Charter School throughout creating confusion as to which charter school the contents of the Petition applies. This not only causes the District concern with regard to the care that was used in preparing the Petition which is intended to control the development and operation of the Charter School, but also calls into question the qualifications and experience of those proposing to open and operate the Charter School.
3. In determining whether petitioners are demonstrably likely to successfully implement the program, the District may consider the success or failure of petitioners' past history with charter schools. The petitioners anticipate preserving the same educational program as that currently implemented with the operation of Olive Grove Charter School, therefore the past operation of that existing charter school is relevant to whether the new proposed Charter School will be successful. The following, but not limited to, facts related to the past unsuccessful history of Olive Grove Charter School causes the District concern about the future success of the petitioners and the students it intends to serve:

- (a) Per the Petition the Charter School will continue to offer a full UC A-G approved list of courses. However, California Department of Education data regarding UC/CSU ready Charter School graduates grads is appallingly low (2014-15: 1 out of 78 graduates were UC eligible).
  - (b) The cohort graduation rate data from the California Department of Education shows significantly lower rates both for overall graduates and Hispanic/Latino populations than the District’s data.
  - (c) The Olive Grove Charter’s 2016 California Assessment of Student Performance and Progress (CAASPP) results for mathematics reflect that 73% of students school-wide failed to meet the standard. The results reflect that 79% of all economically disadvantaged students failed to meet the mathematics standards which is particularly concerning since the Charter School anticipates that 70% of its student population will be socioeconomically disadvantaged.
- 4. The Olive Grove Charter School operated by the petitioners is unlawfully operating “resource centers” at multiple locations in Santa Barbara County, including their location in Orcutt/Santa Maria.
  - 5. Since parent involvement is critical to the success of the proposed Charter School, there is concern that should the necessary level of parent involvement not be realized the success of the Charter School will be impacted.

**II. THE PETITION DOES NOT CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF THE ELEMENTS REQUIRED IN EDUCATION CODE SECTION 47605.**

**A. The Petition does not contain a reasonably comprehensive description of the Charter School’s Educational Program (Element 1).**

- 1. The Petition states that at grades TK-5 and in most cases at grades 6-8, the Charter School is structured as a home school program where teachers support parents to provide instruction in the home. However, the Petition does not sufficiently describe how it will support those students whose parents are not able to provide instruction and/or students who do not learn best independently.
- 2. The Petition states that parents will be the “primary deliverers of the education program” and that it is essential that parents, guardians, or a responsible adult designee be available to “instruct” students on a daily basis. However, the Petition does not describe how parents will be trained and prepared to meet these responsibilities.

3. The Petition does not adequately address how the Charter School will serve the needs of English Language Learner (ELL) students, for reasons including the following:
  - (a) The Petition does not mention scaffolds and supports for English learners in the core curriculum at grades 9-12, only in grades K-5.
  - (b) There is very little mention of universal access strategies for ELL students in content areas as described in all recently adopted curriculum frameworks. (e.g., reciprocal teaching, text reconstruction).
  - (c) The Charter School's overall goal to have 10% of ELL students achieving growth on the English Language Proficiency Assessments is not in line with federal or State target and does not differentiate by time in United States schools as required by state and federal measures.
  - (d) There is no mention of an alternative language assessment procedure for special education students (e.g., VCALPPS).
  - (e) The reclassification procedures described in the Petition are missing Criteria #2: Comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age.
4. The Petition does not adequately describe how the proposed Charter School will serve socioeconomically disadvantaged students. For example, although the Petition plans to implement a home school independent study based program utilizing "numerous online platforms" and resources to support student learning, including Pearson Gradpoint, ALEKS Mathematics, Lexia Core 5 ELA, Reading Plus, Dreambox Learning, Mathspace, Splash Math, and Khan Academy, the Charter School does not address how students who do not have access to hardware and the Internet will access these resources. This is of particular concern considering the Petition states that 70% of the students the Charter School intends to serve will qualify for the federal Free and Reduced Meal program.
5. The Petition does not sufficiently address how the Charter School will serve the needs of special education students. While the Petition indicates that it will apply to the El Dorado Charter SELPA for services to address the needs of student with disabilities, the petitioners do not demonstrate their understanding of the Charter School's responsibilities under the law for special education students, and how the Charter School intends to meet those responsibilities. For example, the description of how the Charter

School will meet the needs of students eligible under the Individuals with Disabilities Education Act (IDEA) is mostly a listing of legal requirements with no description of how the Charter School will meet those requirements. The Petition fails to demonstrate how the Charter School will deliver a substantive free appropriate public education to students with disabilities through its home study program if their unique needs require adaptations, modifications, accommodations, or supplemental aids and services within that program. This is especially so in light of the unique nature of the Charter School's program, through which the majority of instruction is provided within the home.

Also, the Petition indicates the Charter School will be responsible for hiring, training and employment of site staff and itinerant staff necessary to provide special education services to its students, however, little mention is made of how the Charter School intends on making available a continuum of program options as required by federal and state law. Additionally, while the Petition references the Charter School's intent to employ necessary special education staff including special education teachers, paraprofessionals, resource specialists, speech therapists, occupational therapists, behavioral therapists, and psychologists, the budget documents submitted with the Petition do not allocate sufficient funding for these employment positions, further calling into question the Charter School's ability to implement the special education services it proposes to provide.

6. The Petition's description of the Charter School's obligations to students under Section 504 of the Rehabilitation Act of 1973 (Section 504) is incomplete. For example, the law requires a due process procedure under Section 504 as a procedural safeguard for parents, but the Petition is silent on how it will implement or provide for Section 504 due process.
7. While the Lead Petitioner at the public hearing regarding the Petition on March 14, 2017, represented to the District that the Charter School will serve at-risk students including those who are habitually truant and who have been expelled, the Petition does not describe how it will meet the needs of these specific populations of students to be served by the Charter School.
8. The Petition does not present a reasonably comprehensive description of the educational program for high school students, for reasons, including the following:
  - (a) The Petition does not describe high school graduation requirements.
  - (b) The Petition makes no mention of instruction in Visual/Performing Arts or Foreign Language, and the staff identified in the Petition do

not appear to be credentialed in several core areas including Physical Science, Social Studies, Physical Education or English Language Arts.

- (c) While the Charter School’s educational program is described as independent study based for grades 9-12, with “numerous online platforms” available, there are no descriptions or examples given of what this looks like in a 9-12 environment.
- (d) The Petition states that grades 9-12 students “have options to earn vocational educational credits through an OCCS program, through an OGCS service-learning program, and through enrolling in Regional Occupation Program courses.” However, no examples of these referenced options are provided.
- (e) The Petition mentions UC A-G requirements and various online platforms, but does not specifically address how participants are able to transfer to other public high schools or post-secondary institutions and provides no data on the number of participants engaging in A-G coursework.

**B. The Petition does not contain a reasonably comprehensive description of the Charter School’s Measurable Pupil Outcomes (Element 2).**

1. The Petition is vague regarding how the Charter School will measure pupil progress: “In addition to attaining specific content area and grade/skill standards, students will also demonstrate their overall progress towards graduation readiness through a series of ‘benchmark’ performances at various points throughout their experience at OGCS.” No examples given for what these “benchmark” performances are, and/or when, or how often, they will be measured.
2. The Petition does not describe the annual goals aligned with the eight state priorities, actions to achieve those goals, and measurable pupil outcomes for each numerically significant subgroup of pupils to be served by the Charter School. For example, even though the Petition indicates that about 70% of the students it will serve qualify for the federal Free and Reduced Meal program, the Petition does not describe the annual goals, actions to achieve those goals, and measurable pupil outcomes for this numerically significant pupil subgroup. The Petition confusingly states that its goals, actions, and measurable pupil outcomes “may include Socioeconomically Disadvantaged subgroup.”



**C. The Petition does not contain a reasonably comprehensive description of the Charter School’s Governance Structure (Element 4).**

1. The Charter School does not provide sufficient assurance that Olive Grove Charter Schools, Inc. will comply with the Ralph M. Brown Act’s open meeting laws. While the Charter School assures that it will comply with the Brown Act and that the Olive Grove Charter Schools, Inc. Board Bylaws shall be consistent with the terms of the Charter, the Board Bylaws submitted with the Petition allow the corporate board to operate in a manner which is inconsistent with the requirements of the Brown Act. For instance, the Bylaws allow the Board to take action without the presence of a quorum which conflicts with the requirements of the Brown Act.
2. The Olive Grove Charter Schools, Inc. Bylaws submitted with the Petition allow for practices that may run contrary to conflict of interest laws, and public policy and good practices aimed at preventing public officials from having any potential conflict of interest when conducting their official duties. For instance, the Bylaws allow the Board to approve a transaction in which a director has a material financial interest. While such practices may be permissible pursuant to the rules governing nonprofit public benefit corporations, they are not consistent with conflict of interest laws and contrary to public policy and good practices which the Charter School as part of the public school system should follow.
3. The Olive Grove Charter Schools, Inc. Bylaws state that Board meetings shall be held at the Corporation’s principal office and if designated by the Board, may be held “at any place within the boundaries of any current public charter school operated by the Corporation...” Since this allows the Board to hold meetings from locations outside boundaries of the District, there is concern about whether Board meetings will be open and accessible to all interested stakeholders.
4. The Budget Narrative submitted with the Petition states that the Charter School is now adopting a Charter Management Organization (CMO) model to “manage the organization as a whole” and “consolidate the various charters within Santa Barbara County.” This referenced CMO governance structure is not described in the Petition.
5. The Petition does not sufficiently describe the responsibilities and functions of the Charter School’s governing Board.
6. The Petition identifies the “Advisory Council” as an example of how it will ensure parent involvement in the operation of the Charter School, but does not provide any details about how members of the Advisory Council are selected, when it will meet to support parent involvement, or how it

will advise the Board and be involved in governance of the Charter School.

**D. The Petition does not present a reasonably comprehensive description of the Charter School’s Health and Safety Procedures (Element 6)**

1. The Petition does not describe the amounts of insurance coverage that will be maintained by the Charter School, preventing the District from being able to ascertain whether such coverage will be sufficient enough to protect the students and staff of the Charter School and the District from potential liability of the Charter School and the acts, errors, and omissions of the Charter School’s board of directors. For instance, the Charter School does not commit to any levels of insurance coverage, and does not assure that the District will be named as an additional insured on such policies.

**E. The Petition does not present a reasonably comprehensive description of the Means for Achieving Racial and Ethnic Balance (Element 7).**

1. The Petition does not provide a reasonably comprehensive description of the means by which Charter School will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the District. For instance, the Petition does not describe what geographic areas will be targeted or what languages will be used in the outreach efforts. Particularly, even though the Charter School anticipates that about 47% of its student population will be Hispanic/Latino, there is no mention of Spanish translation of promotional and informational materials.

**F. The Petition does not present a reasonably comprehensive description of Charter School’s Admission Requirements (Element 8).**

1. The Petition does not include a reasonably comprehensive description of the manner in which the Charter School will implement a public random drawing in the event that applications for enrollment exceed school capacity. Among other things, the Petition does not specify where and when the lottery will occur to ensure that all interested parties will be able to attend.
2. The Petition does not include a reasonably comprehensive description of the admission preferences that will be implemented by the Charter School in the event that a lottery process is required.

**G. The Petition does not present a reasonably comprehensive description of the Charter School’s Financial Audit Procedures (Element 9).**

1. The Petition does not provide a reasonably comprehensive description of the Charter School’s annual independent financial audit procedures and the manner in which audit exceptions and deficiencies will be resolved to the satisfaction of the District. For instance, the Petition does not specify the timelines in which audit exceptions will typically be addressed by the Charter School and the process that the Charter School will follow to address audit findings.
2. The Petition does not specify who from the Charter School is responsible for contracting and overseeing the independent audit.

**H. The Petition does not present a reasonably comprehensive description of the Charter School’s Student Suspension and Expulsion Procedures (Element 10).**

1. The Charter School includes in its list of discretionary suspension offenses and discretionary expellable offenses several offenses for which the Education Code requires mandatory suspension and/or expulsion recommendations, including robbery/extortion, and sexual assault. While the Charter School is not obligated to follow the Education Code discipline procedures, not requiring suspension and expulsion recommendations for the more severe offenses listed in the Petition, causes the District to question whether the Charter School sufficiently considered whether its proposed list of offenses and procedures for suspension/expulsion provides adequate safety for students and staff.
2. The Petition inconsistently identifies how parents/guardians and students will be informed about the Charter School's discipline policies and procedures.
3. The Charter School does not afford students any appeal rights following a decision to expel which may impact their due process rights.
4. The Petition does not sufficiently describe the responsibilities of the Charter School for facilitating post-expulsion placements to ensure expelled students are not lost in the system or drop out of school, and improperly places the burden on parents/guardians to find an alternative placement for their child following expulsion.

**I. The Petition does not present a reasonably comprehensive description of the Charter School’s Dispute Resolution Procedures (Element 14).**

1. There is concern that the dispute resolution process described in the Petition may inhibit the District’s right to pursue revocation of the Charter School for reasons allowable under applicable law.

**J. The Petition does not present a reasonably comprehensive description of Closure Procedures (Element 15).**

1. The closure procedures described in the Petition do not provide a reasonably comprehensive description of how the Charter School's board will ensure the proper disposition of all assets and liabilities of the Charter School upon closure. The Petition specifies that upon closure of the Charter School, all assets of the Charter School, including "all ADA apportionments and other revenues generated by students attending the Charter School" remain the "sole property of the nonprofit public benefit corporation" and "upon the dissolution of the non-profit public benefit corporation shall be distributed in accordance with the Articles of Incorporation." However, the Petition does not describe what happens to the remaining funds should the corporation not dissolve upon closure of the Charter School.