

## Item 8 - Attachments

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EXECUTIVE DIRECTOR  
Katrina M. Johantgen

November 4, 2019

Kimberleigh Kopp, Executive Director  
National University Academy Dual Language Institute  
2030 University Dr.  
Vista, CA 92083

RE: Charter School Facility Program Ineligibility Notice

Dear Ms. Kopp:

Thank you for your interest in the Charter School Facility Grant Program (Program). National University Academy Dual Language Institute (NUA Dual Language) (CDS # 37103710138594) did not meet the eligibility threshold for Free or Reduced-Price Meals (FRPM) under the 2018-19 funding round. Pursuant to Education Code, Section 47614.5(c)(2)(A) and (B) and Section 10170.3(d)(1)-(3) of Program regulations. Program eligibility is based on a 55% FRPM student enrollment. The California School Finance Authority (Authority) makes this determination based on Section 10170.3(d)(1)-(3):

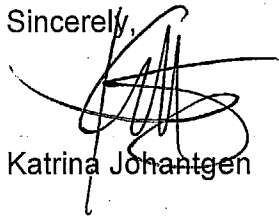
- (1) "Fifty-five percent (55%) or more of the student enrollment at the charter school site is eligible for prior year FRPM; or
- (2) The charter school site for which grant funds are requested is physically located in the attendance area of a public elementary school in which fifty-five percent (55%) or more of the pupil enrollment is eligible for prior year FRPM and the school site gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter school site is located.
- (3) First Year Charter Schools not operational in the prior year shall be eligible in the current year if the school meets the FRPM Eligibility requirements based on current year data."

Based on a review of 2018-19 FRPM data provided by the California Department of Education, NUA Dual Language had an FRPM of 41.47% and NUA Dual Language's local

elementary school, Hannalei Elementary (CDS # 37684520100933), had an FRPM of 90.11%. While Hannalei Elementary's 2018-19 FRPM does meet the 55% threshold, NUA Dual Language's attendance policy during the 2018-19 fiscal year did not give preference in admissions to pupils who attend or reside in the attendance area of Hannalei Elementary, as required by Education Code, Section 47614.5(c)(a)(A). The preference in admission language must give preference to pupils who are currently enrolled in or reside in the elementary school attendance area of the Public elementary school(s) in which NUA Dual Language is located. Therefore NUA Dual Language is ineligible for the 2018-19 funding round based on the FRPM requirement.

Pursuant to Program Regulations Section 10170.10(b) the applicant may appeal staff's determination, by submitting a letter of appeal within 30 calendar days of this notice to the above address. Should you have any questions or need additional information, please feel free to contact Ian Davis (916) 651-7712.

Sincerely,



Katrina Johantgen



LEGAL DEPARTMENT

11355 North Torrey Pines Road, La Jolla, CA 92037-1013  
(858) 642-8853 • fax (858) 642-8711 • www.nusystem.org

December 3, 2019

**Sent via UPS and email (csfa@treasurer.ca.gov)**

Ms. Katrina Johantgen  
California School Finance Authority  
300 S. Spring Street, Suite 8500  
Los Angeles, CA 90013

Re: Appeal of Determination of Ineligibility for NUA Dual Language Institute (37103710138594)

Dear Ms. Johantgen,

My office represents the interests of the NUA Dual Language Institute (“NUA-DLI”) and this correspondence serves as a request for an extension to reply to the Charter School Facility Program Ineligibility Notice dated November 4, 2019, or in the alternative, reconsideration of this decision under Title 4 of the California Code of Regulations section 10170.10(b). In any event, the applicant NUA-DLI is not satisfied with the Authority’s staff final decision and would like to appeal the decision in its November 4 notice.

The reasons underscoring this request are that the Board of Directors for the NUA-DLI have in fact adopted attendance policies offering preference in admissions to pupils who attend or reside in the attendance area of Hannalei Elementary (37684520100933) and did so by quorum on December 18, 2018. Both the policies and the Board meeting minutes reflecting approval of the policies are enclosed for your review. As you may know, the adoption of these policies is considered a material revision to the charter petition for NUA-DLI, which must be approved by NUA-DLI’s authorizer. On July 24, 2019, the San Diego County Board of Education (“SDCBOE”), failed to take action by tabling the decision on approval to a later date.

The consequences of SDCBOE failing to approve these policies cannot be understated. The SDCBOE has represented that they will have a hearing on these policies on or about their January 2020 meeting. Therefore, NUA-DLI is requesting an appeal in order to provide approval by SDCBOE. Failing to grant an appeal based on a decision of ineligibility would effectively jeopardize and punish NUA-DLI for circumstances outside of its control and would prevent critically needed funds from reaching the school.

Given this information, NUA-DLI believes there exists good cause supporting its request for an extension or reconsideration. Because the SDCBOE will not look at these policies until January of 2020, NUA-DLI requests the maximum time afforded under Program Regulations section 10170.10 (f) for an extension

Ms. Katrina Johantgen

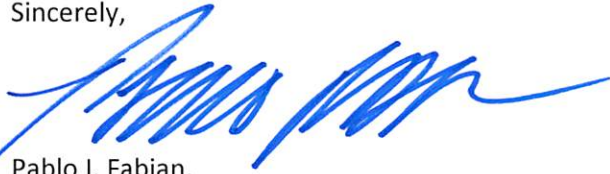
December 3, 2019

Page Two

or reconsideration (not exceeding 120 days). As stated, NUA-DLI depends on these critical funds and the denial of this appeal would be catastrophic for the school.

Please do not hesitate to contact this office with any questions.

Sincerely,



Pablo I. Fabian,  
Associate General Counsel  
National University System

cc: Kimberleigh Kopp, Executive Director

Encl: As Stated

**NUA Dual Language Institute Charter School  
ENROLLMENT POLICY**

**I. PURPOSE**

To define application and admission procedures for enrollment at NUA Dual Language Institute

**II. AUTHORITY**

National University Academy Dual Language Institute (NUA DLI)

**III. BACKGROUND**

NUA DLI may develop and adopt its own procedures for student enrollment consistent with Education Code Section 47605 et.seq

**IV. DEFINITIONS**

a. **Lottery** means the procedure by which applicants' names are randomly picked to determine enrollment in the school after an open enrollment period, in grades that have more applicants than capacity. The lottery also determines placement on an admissions wait list, once impacted grade levels are full.

b. **Priority category** means the assignment of admission priority based on criteria defined by the NUA Board of Directors.

c. **Rank** means the position of an applicant within a priority category.

d. **Order** means the sequence in which applicants are distributed within a priority category.

e. **Capacity** is defined as the maximum possible number of students that can be enrolled in a single grade as established by the Board guided by the recommendations of the Director. When considering grade-level capacity, the Director and Board shall, at a minimum, take into consideration the following: number of returning students and their educational needs, physical constraints of the facility, Academic Program, and fiscal viability.

**f. Grade level placement** means the age parameters that determine in what grade a specific student can enroll. It is determined by birth dates indicated in the NUA DLI Charter and as described below. Exception to grade level placement may be made by the Board, with Director recommendation as determined by pupil assessment.

**g. Open enrollment period:** means from December 1st to February 28th prior a new school year.

## **V. POLICY**

a. All students who reside in San Diego County or a contiguous county are eligible for admission to the NUA DLI.

b. This enrollment policy is guided by the goal of the NUA DLI to provide quality alternative educational service to its students.

## **VI. APPLICATION PROCEDURE**

a. Parents of prospective students shall:

i. Attend a school tour prior to the lottery date

ii. Complete and submit an online application by the established deadline

## **VII. LOTTERY PROCEDURE**

a. After close of the open enrollment period, if there are more applications than spaces available in any grade level, NUA DLI will hold a public, random lottery.

b. NUA DLI will contact every applicant on the prior year wait list by mail to determine their interest in keeping their enrollment application active. Those who confirm their interest will submit a new application by the established deadline. Applicants who do not confirm their interest within the established deadline will be removed from the wait list. Once a lottery is undertaken, the prior year wait list will

expire.

c. All applications shall be separated by grade level and enrollment priority as follows:

i. Existing students at NUA DLI

ii. Children of NUA employees --If there are more employee applicants than available spots in one specific grade, the order of admission will be established through the lottery process. This category applies to all NUA DLI full-time and part-time employees who gain this priority preference upon hire. An employee loses this preference upon termination

iii. Siblings of currently enrolled NUA DLI students--Sibling priority for the applicant becomes effective at the lottery after the enrollment of the first child. If there are more sibling applicants than available spots in one specific grade, the order of admission will be established through the lottery process.

iv. Current year applicants who reside in the boundaries of Hanalei Elementary School. Applicants in this category and below must reside in the boundaries of the Hanalei Elementary School before the enrollment lottery. Acceptable proofs of residence include: Utility bill (current bill within 60 days), Homeowner's or renter's insurance policy (within 60 days), Current property tax bill from County Tax Collector's Office, Official letter or form from a social services or government agency (current within 60 days), Current bank statement with proof of address, Paycheck from employer on official letterhead with proof of address. Proof of residency is not required for homeless youth

v. Current year applicants --)

### **VIII. GRADE LEVEL PLACEMENT (Minimum Age)**

NUA DLI follows a developmental approach based on the implementation of Dual Language pedagogical methods and therefore has different requirements for minimum age in each grade level. Concerns about grade level placement, must be indicated in written form and submitted to the Dual Language Institute Principal.

Grades are determined by the ages and dates listed below.

- Kindergarten (Transitional)



- Must turn 5 years of age between June 2nd and
- December 2nd of the year in which the applicant
- is seeking enrollment
- Kindergarten (Older) 5 years or older by June 1st, prior to the school
- year for which the applicant is seeking
- enrollment
- First Grade 6 years or older by June 1 prior
- Second Grade 7 years or older by June 1 prior
- Third Grade 8 years or older by June 1 prior
- Fourth Grade 9 years or older by June 1 prior
- Fifth Grade 10 years or older by June 1 prior
- Sixth Grade 11 years or older by June 1 prior
- Seventh Grade (available starting 2016-2017) 12 years or older by June 1 prior\*
- Eighth Grade (available starting 2017-2018) 13 years or older by June 1 prior\*

#### **IX. KINDERGARTEN PLACEMENT**

Kindergarten is divided by age criteria into K-A (transitional) and K-B (older). Each year, at the sole discretion of the Director, KA spots could be limited to ensure space for siblings of currently enrolled students , children of employees or board members or new enrollees entering the second year of Kindergarten.

**X. SEVENTH & EIGHTH GRADE ENROLLMENT** Due to the unique nature of the school’s curriculum, seventh and eighth grade enrollment is only available if approved by the Director.

#### **XI. ENROLLMENT PROCEDURE**

a. When an opening occurs during the school year, applicants will be notified via telephone in order of wait-list rank, to determine their interest, and complete the enrollment process. After direct contact has been made, applicants will be given one (1) business day to respond. Should they fail to accept or fail to respond, NUA DLI will offer the opening to the next in rank. Completing the enrollment procedure includes a family intake conference and an orientation.

b. NUA DLI has the right to refuse admission to any child whose birth date falls

outside of the age requirements in each grade level.

c. All steps in the application process must be completed every year for admission consideration. This applies equally to applicants on the prior year wait list.

d. Any information that is misrepresented on the Application for Admission could invalidate eligibility for enrollment in the NUA DLI.

## **XII. AUTHORITY OF DIRECTOR**

The Director shall have the authority to use his or her best judgment or seek Board input on matters related to admission that are not covered under this policy



**DATE:** December 18, 2018

**TIME:** 3:30pm

**MEETING LOCATION:** 2030 University Dr., Vista, CA 92083

**CALL-IN PHONE NUMBER: (515) 604 - 9551 Meeting ID: 782197**

**NOTICES / INFORMATION**

Copies of the agenda materials are available in the Principal’s office. Pursuant to Government Code section 54957.5, writings that are public records that relate to an open session agenda item and that are distributed to a majority of board members less than 72 hours prior to the meeting are available for public inspection at the above address in the Executive Director’s office.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a board meeting, please contact the Principal’s office at (760) 630-4080. Timely notification prior to a meeting will enable the District to make reasonable arrangements to ensure accessibility.

**PUBLIC COMMENTS / PERSONS ADDRESSING THE BOARD**

The board meeting follows rules of decorum. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board’s consideration of the item. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda that are within the jurisdiction of the Board. The Board shall take no action or have discussion on any item not appearing on the posted agenda, except authorized by law. Furthermore, the Board may respond to the public by referring the comment / question to the Executive Director for a response or by asking the Executive Director to report back to the Board concerning the matter.

- I. **Call to Order 3:31PM**
  
- II. **Roll Call of Board**
  - a. Mr. Vincent Vasquez - Present
  - b. Mr. Brian Belasco - Absent
  - c. Dr. Nancy Rohland – Present On-line
  - d. Ms. Amy Armstrong - Present
  - e. OPEN

**III. Routine Business**

- a. Approval of the agenda
  - i. Motion: Vincent Vasquez
  - ii. Second: Amy Armstrong
  - iii. Vote: 3-0
- b. Approval of the Minutes from the October 12, 2018, Meeting
  - i. Motion: Vincent Vasquez
  - ii. Second: Nancy Rohland
  - iii. Vote: 2-0 Amy Armstrong - Abstain
- c. Public Comment
  - i. For items not on the agenda, audience members may address the Board during “Comments from the Public.” When recognized by the Board Chairman, please state your name. Each speaker will have up to three (3) minutes to address the board and a maximum of twenty (20) total minutes will be given to any item. The Board President may extend the speaking time at his/her discretion. Please understand that the Board does not take action on non-agendized items.
 

Susan Meredith – Salary Schedule  
Isaac Magos – Teacher Salary Schedule  
Norma Sarti – Support of Teacher Salary Schedule

**IV. Information / Presentation**

- a. School Operations Updates and Induction Report—Presented by Kimberleigh Kopp

**Enrollment**

262 Students—no change

**What’s New**

We are nearly half-way through the year and things are going well. We have been keeping up with new charter paperwork—the last of it for the year are our action items today and am pleased to share that we have our CDS Code and Charter number.

In lieu of property tax funds are coming in from VUSD.

Unfortunately, we did not receive the charter school start-up grant, but we were able to appeal and I got the appeal in by the deadline.

I’ve been attending SELPA meetings for the El Dorado SELPA.

We have experienced our first oversight visit from SDCOE and by all accounts we feel it went well. The visiting team traveled around to every classroom and spoke with Mallory and I. They will be sharing with us their report and any recommendations they have most likely when we get back from our holiday break.

Mallory and her team have been doing all kinds of outreach and extracurricular activities, reinforcing our presence in the Vista community—very grateful for our Board Member Brian, who attended the parade!

We have submitted our initial WASC document to WASC and it looks like we will have our visit in January. I will confirm the date once we hear more from our chair. You are certainly invited to attend—just let me know if three or more of you will be there as we will need to post the gathering.

One thing I would like to keep on your radar is we are running out of space. The building next door, once occupied by Brightwood College, is now available. We would like to rent some additional rooms to make room for our expanding school.

Lastly, we have a credentials audit to go through and we will be working on that in the weeks to come.

Also, the SB740 Grant needs an appraisal of the building. I reached out to NU for this information.

b. School Budget Updates –Presented by Zach Wolfe

- Sent Interim report to the board
- Only changes is the budget was based on 280 students and I made the adjustment to the 262 students we now have enrolled
- School is financially healthy
- Has a healthy reserve
- Working on securing the facilities Grand SB740. Needs the building appraisal. Reached out to Kim.
- Interim report due to the District in December

c. School Site Updates –Presented by Mallory Goodman

- On October 17 1<sup>st</sup> Family Literacy Night
- November 14 Bake Sale sponsored by the PTO. The money goes to field trips.
- November 15 – Bread of Life
- November 29 – Spelling Bee. The 2 top students will go on to compete at NUA 1001
- The Vista Christmas Parade was successful and fun.
- Jan. 18 – Town Hall
  - LCAP
  - Working on improving student outcome
  - Increase Test scores
  - Safe School

V. **Action Items Summary:**

- a. Approval of the Community Member to the Board - **Tabled**
- b. Approval of the Interim Budget
- c. Approval of the Charter Schools Fund 39 (City Treasury)
- d. Approval of the SDCOE Agreement for Charter School Retirement Reporting Services
- e. Approval of CALSTRS Activation
- f. Approval of the CalSTRS Redeposit Payroll Resolution
- g. Approval of CALPERS Resolution
- h. Approval of the CALPERS Application

- i. Approval of the NUA DLI Enrollment Policy
- j. Approval of the IRC 414(h)(2)
- k. Approval of the Contract with Waisman Consulting
- l. Approval of the LCAP

#### ACTION ITEMS

- a. Item: Approval of the Community Member to the NUA DLI Board  
Presenter: Kimberleigh Kopp & Mallory Goodman  
Recommended Action: Approve  
Background: NUA staff solicited interest from the Vista Community to support the Community Member position on the Board. The resumes of interested persons have been provided to the current Board members for consideration.

Motion was made to Table this Action Item to the next Board Meeting

Motion: Amy Armstrong  
Second: Nancy Rohland  
Vote: 3-0

- b. Item: Approval of the Interim Budget  
Presenter: Zach Wolfe  
Recommended Action: Approve  
Background: CSMC has prepared our Interim Budget for your review.

Motion: Vincent Vasquez  
Second: Amy Armstrong  
Vote: 3-0

- c. Item: Approval of the Charter School Fund 39 (City Treasury)  
Presenter: Kimberleigh Kopp  
Recommended Action: Approve  
Background: SDCOE has requested our Board review and approve this document so that we can have a City Treasury Account.

Motion: Amy Armstrong  
Second: Nancy Rohland  
Vote: 3-0

- d. Item: Approval of SDCOE Agreement for Charter School Retirement Reporting Services  
Presenter: Kimberleigh Kopp  
Recommended Action: Approve  
Background: SDCOE has requested the Board review and approve this agreement for Charter School Retirement Reporting.

Motion: Vincent Vasquez  
Second: Amy Armstrong  
Vote: 3-0

- e. Item: Approval of CalSTRS Activation  
Presenter: Kimberleigh Kopp  
Recommended Action: Approve  
Background: SDCOE has requested the Board review and approve this agreement for CalSTRS Activation.  
  
Motion: Amy Armstrong  
Second: Vincent Vasquez  
Vote: 3-0
- f. Item: Approval of the CalSTRS Redeposit Payroll Resolution  
Presenter: Kimberleigh Kopp  
Recommended Action: Approve  
Background: SDCOE has requested the Board review and approve this agreement for CalSTRS Redeposit Payroll Resolution  
  
Motion: Vincent Vasquez  
Second: Amy Armstrong  
Vote: 3-0
- g. Approval of the CalPERS Resolution  
Presenter: Kimberleigh Kopp  
Recommended Action: Approve  
Background: SDCOE has requested the Board review and approve the CalPERS Resolution.  
  
Motion: Amy Armstrong  
Second: Vincent Vasquez  
Vote: 3-0
- h. Approval of the CalPERS Application  
Presenter: Kimberleigh Kopp  
Recommended Action: Approve  
Background: SDCOE has requested the Board review and approve the CalPERS Application.  
  
Motion: Vincent Vasquez  
Second: Nancy Rohland  
Vote: 3-0
- i. Item: Approval of the NUA Dual Language Institute Enrollment Policy  
Presenter: Kimberleigh Kopp  
Recommended Action: Approve  
Background: In order for us to qualify for the SB740 Grant, we need to update our enrollment policy as presented to the Board.  
  
Motion: Vincent Vasquez  
Second: Amy Armstrong  
Vote: 3-0

- j. Item: Approval of the IRC 414(h)(2)  
 Presenter: Kimberleigh Kopp  
 Recommended Action: Approve  
 Background: SDCOE has requested the Board review and approve the IRC 414(h)(2).

Motion: Vincent Vasquez  
 Second: Nancy Rohland  
 Vote: 3-0
- k. Item: Approval of the contract with Waisman Consulting  
 Presenter: Kimberleigh Kopp  
 Recommended Action: Approve  
 Background: This contract with Waisman Consulting helps to support our students with Special Needs and also compliments our membership with the El Dorado SELPA.

Motion: Amy Armstrong  
 Second: Vincent Vasquez  
 Vote: 3-0
- l. Item: Approval of the LCAP  
 Presenter: Mallory Goodman and Kimberleigh Kopp  
 Recommended Action: Approve  
 Background: This LCAP was vetted as part of our charter petition to SDCOE and included the goals we are measuring our growth with in conjunction with the 8 State Priorities.

Motion: Vincent Vasquez  
 Second: Amy Armstrong  
 Vote: 3-0

VI. Closed Session

a. None

The board voted to include "Other Business" on the agenda

Motion: Amy Armstrong  
 Second: Nancy Rohland  
 Vote: 3-0

OTHER BUSINESS

- The board would like a sub committee to look at the salary schedule. Sub Committee not formed as of this meeting.

VII. Adjournment 5:12PM





## CALIFORNIA SCHOOL FINANCE AUTHORITY

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Sacramento, CA 95814  
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www.treasurer.ca.gov/CSFA

December 18, 2019

Kimberleigh Kopp, Executive Director  
National University Academy Dual Language Institute  
2030 University Dr.  
Vista, CA 92083

Re: Appeal response

Ms. Kopp:

Based on Free and Reduced Price Meal (FRPM) data reported by the California Department of Education (CDE), National University Academy Dual Language Institute (NUA Dual Language) CDS 37103710138594 was found ineligible for grant funds under the 2018-19 funding round of the Charter School Facility Grant Program (Program). While Hannalei Elementary's 2018-19 FRPM of 90.11% does meet the 55% threshold, NUA Dual Language's attendance policy during the 2018-19 fiscal year did not give preference in admissions to pupils who attend or reside in the attendance area of Hannalei Elementary, as required by Education Code, Section 47614.5(c)(a)(A). For this reason, on November 4, 2019, the California School Finance Authority (CSFA) notified NUA Dual Language Institute of its ineligibility.

In its December 3, 2019 appeal to CSFA, NUA Dual Language Institute contends that NUA Dual Language Institute has, "adopted policies offering preference in admissions to pupils who attend or reside in the attendance area of Hannalei Elementary (37684520100933) and did so by quorum on December 18, 2018." However, on July 24, 2019, NUA Dual Language Institute's Authorizer, the San Diego County Board of Education ("SDCBOE"), "failed to take action by tabling the decision on approval to a later date."

Representatives of NUA Dual Language Institute requested that CSFA staff grant NUA Dual Language Institute maximum time afforded to reply to CSFA under Program regulations section 10170.10(f). However, maximum time permitted for an extension is only 30 calendar days. Further any change to the school's preference in admissions approved by the Authorizer after the 2018-19 fiscal year would not be admissible for the 2018-19 Program's eligibility determination.

### MEMBERS

FIONA MA, CPA, CHAIRMAN  
State Treasurer

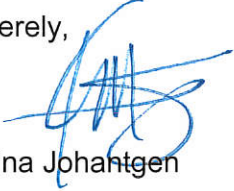
TONY THURMOND  
State Superintendent of  
Public Instruction

KEELY MARTIN BOSLER  
Director of Finance

EXECUTIVE DIRECTOR  
Katrina M. Johantgen

At this time, CSFA's finding of ineligibility stands and the extension shall not be granted due to statutory obligations to disburse the remaining 2018-19 funds in a timely manner. Pursuant to Program regulations Section 10170.10(d), the applicant may appeal the matter to the CSFA Board, by submitting a letter of appeal within 30 calendar days of this notice to the above address. Should you have any questions or need additional information, please feel free to contact Ian Davis (916) 651-7710.

Sincerely,



Katrina Johantgen



LEGAL DEPARTMENT

11355 North Torrey Pines Road, La Jolla, CA 92037-1013  
(858) 642-8853 • fax (858) 642-8711 • www.nusystem.org

January 16, 2020

Via US Mail and Email  
[CSFA@trasurer.ca.gov](mailto:CSFA@trasurer.ca.gov)  
[sb740@treasurer.ca.gov](mailto:sb740@treasurer.ca.gov)

California School Finance Authority Board  
915 Capitol Mall, Suite 500  
Sacramento, CA 95814

**RE: Notice of Appeal of Denial of Charter School Facility Grant Program Funds**

To the California School Finance Authority Board:

The purpose of this letter is to appeal the determination of the California School Finance Authority (“CSFA” or the “Authority”) that National University Academy Dual Language Institute (“NUA DLI” or the “Charter School”) is ineligible to receive Charter School Facility Grant Program (the “Grant”) funds for the 2018-19 school year. We respectfully request that the CSFA Board overturn the Authority’s decision.

The Charter School recognizes that the composition of student population is an eligibility requirement for the Grant. NUA DLI also acknowledges that its own student population composition does not meet the eligibility requirement. For this reason, on December 18, 2018, the NUA DLI Board unanimously revised the Charter School’s admission policy lottery preferences to include a preference for students who attend or reside in the attendance area of Hannalei Elementary School. NUA DLI is physically located within the Hannalei Elementary School attendance boundary.

The statement in the Authority’s reconsideration denial letter of December 18, 2019, that NUA DLI’s admission policy during the 2018-19 fiscal year did not give preference in admission to students who attend or reside in the attendance area of Hannalei Elementary School, which forms the basis for its denial, is factually untrue. Again, the preference was added to the admission policy on December 18, 2018. Therefore, because the admission preference was added to NUA DLI’s admission policy, and then utilized during the admission lottery, the Charter School met this eligibility requirement for the Grant. (4 CCR 10170.3(d)(2).)

For reasons that were not shared with NUA DLI, its authorizer, the San Diego County Office of Education (“SDCOE”, declined to take action on the Charter School’s request to materially revise its charter to add the admission preference for students who attend or reside in the attendance area of Hannalei Elementary School. The Charter School has been working

diligently to secure approval from the SDCOE, but it does not have the authority to mandate SDCOE action. Lack of action from the authorizer, which is out of the Charter School's control, has jeopardized receipt of Grant funding.

Charter schools do not receive state funding for facilities as a matter of course. For NUA DLI, as for every charter school eligible for these funds, receipt of Grant funds is a vital component of the Charter School's ability to deliver its education program to its students. The approximately \$228,000.00 NUA DLI sought from the Grant represents the program's offerings for NUA DLI. Without the funds, this program cannot be offered.

We ask the CSFA Board to recognize that NUA DLI took all of the steps within its control to meet eligibility requirements, including revising its admission policy, and to overturn the Authority's denial of Grant funding for 2018-19. We are available to answer questions at your convenience.

Sincerely,



Pablo I. Fabian  
Counsel  
National University Academy  
Dual Language Institute

cc: Kimberleigh Kopp, Executive Director

## **Attachment #5 – Education Code 47605(d)(2)(B)(i)**

B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

## SAN DIEGO COUNTY OFFICE OF EDUCATION

### Minutes of Regular Board Meeting July 24, 2019 – 6 p.m.

Ernest J. Dronenberg, Jr. Board Room  
(Joe Rindone Regional Technology Center)

#### 1. OPENING PROVISIONS

- 1.a. Call to order and roll call taken at 6 p.m.

Members present: Donnellon, González, Muñoz, Powell, Shea  
Secretary: Gothold  
Recording secretary: Aguilar

- 1.b. Pledge of Allegiance

- 1.c. Approval of Agenda

MSC (Powell/Muñoz) to approve the agenda. Motion passed by unanimous vote (5-0).

- 1.d. Introduction of Student Representative on County Board of Education

1.d.1. The Juvenile Court and Community Schools student representative for the July 24 Board meeting was Esther Servin from Lindsay Community School. Principal Theresa Fox introduced Esther to the board, and Vice President Powell presented a plaque to Esther commemorating her participation on the board.

#### 2. RECOGNITIONS AND PRESENTATIONS

- 2.a. Recognition: Outstanding Student in the Juvenile Court and Community Schools

The Juvenile Court and Community Schools program presents students to the County Board of Education for recognition of outstanding progress and achievement. Each student recognized receives a Winners' Circle Award. Principal Theresa Fox introduced Maria Carrillo, grade 10, from Lindsay Community School as the Winner's Circle recipient and outstanding student for this quarter. Board member Powell presented Maria an engraved plaque on behalf of the Board and commended her for her progress and achievement.

- 2.b. Recognition: Honoring Ninth District PTA President Peter 'Derby' Pattengill

Member Shea spoke to the role of the Parent Teacher Association (PTA) and of the PTA president. On behalf of the Board of Education, he thanked President Pattengill for his service and dedication.

- 2.b.1. Adopt Resolution Honoring Ninth District PTA President Peter "Derby" Pattengill

MSC (Shea/Muñoz) to adopt the resolution honoring Ninth District PTA President Peter "Derby" Pattengill. Motion passed by unanimous vote (5-0).

#### 3. PUBLIC COMMENT – Agenda and Non-agenda Items

The following representatives from the San Ysidro School District spoke to express appreciation for the support provided by the San Diego County of Education and County Board of Education: 1) Superintendent Gina Potter; 2) San Ysidro Board President Irene Lopez; 3) Executive Director

Manuela Colom; 4) Principal Connie Rodriguez; 5) Principal Efrain Burciaga; 6) Coordinator Omar Calleros; 7) Principal Russell Little; and 8) Principal Manuel Bojorquez. Ms. Nereida Mejia spoke to her concerns regarding the upcoming closure of the Learn 4 Life charter school, where her daughter attends school.

#### **4. APPROVAL OF CONSENT ITEMS**

MSC (Muñoz/Shea) to approve Consent items 4.a. through 4.d. The motion passed by unanimous vote (5-0).

4.a. Approval: Minutes of Regular Meeting on June 12, 2019

4.b. Approval: Budget Adjustments

4.c. Approval: Distribution of Forest Reserve Funds

4.d. Accept: Williams Uniform Complaint Policy Quarterly Report

#### **5. ASSOCIATIONS COMMENTARY**

CSEA Chapter 568 Vice President of Legislation Lorraine Hamann reported the Chapter has six delegates attending the 2019 Annual CSEA Conference in Las Vegas. She also shared negotiations with SDCOE leadership will resume on Aug 16 and hope to finalize a contract.

#### **6. CONVENE A MEETING OF THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION**

President Donnellon convened a meeting of the County Committee on school district organization.

6.a. Transmittal of Resolutions Related to Proposed Change to By-Trustee-Area Elections for the Governing Board of South Bay Union School District and Establishment of Date for Public Hearing

Deputy Superintendent Mike Simonson provided background information.

MSC (González/Powell) to establish date, time, and location for public hearing for Aug. 12, 2019, 6 p.m., at the district office of South Bay Union School District. Motion passed by unanimous vote (5-0).

6.b. Transmittal of Resolutions Related to Proposed Change to By-Trustee-Area Elections for the Governing Board of Vallecitos School District and Establishment of Date for Public Hearing

Deputy Superintendent Mike Simonson provided background information and summarized the actions available to the County Committee.

MSC (Shea/Muñoz) to establish date, time, and location for public hearing for Aug. 19, 2019, 6 p.m., at the district office of Vallecitos School District. Motion passed by unanimous vote (5-0).

6.c. Transmittal of Resolutions Related to Proposed Change to By-Trustee-Area Elections for the Governing Board of Valley Center-Pauma Unified School District and Establishment of Date for Public Hearing

Deputy Superintendent Mike Simonson provided background information and summarized the actions available to the County Committee.

MSC (González/Muñoz) to establish date, time, and location for public hearing for Aug. 20, 2019, 6 p.m., at Valley Center-Pauma Unified School District. Motion passed by unanimous vote (5-0).

## **7. PUBLIC HEARING: Administrative Change to Enrollment Policies of National University Academy - Dual Language Institute**

President Donnellon opened the hearing at 6:30 p.m. Deputy Superintendent Mike Simonson presented the opening remarks.

The San Diego County Board of Education is the authorizing agency for the National University Academy-Dual Language Institute. National University Academy has submitted a request for an administrative change to enrollment preferences and policies.

Vista Unified School District Board Member Martha Alvarado and Executive Director of Student Support Services Mr. Craig Wiblemo spoke opposing National University Academy's request.

Board member Shea expressed concern over the impacted district, Vista Unified, not being contacted regarding tonight's public hearing and suggested postponing taking action on this item. Member González stated she also has concerns on the progress made by NAU and would like to review this before taking action.

President Donnellon closed the public hearing.

MSC (Shea/González) to not take action on this item and refer to a future agenda. Motion passed by unanimous vote (5-0).

## **8. ACTION ITEMS**

### **8.a. Taking Action on the Administrative Change to Enrollment Policies of National University Academy - Dual Language Institute**

Item not discussed based on motion presented and passed under agenda item 7.

### **8.b. Acceptance of Board Policy 4020.1 for First Reading and Adoption**

Deputy Superintendent Mike Simonson provided background information.

Member González shared that districts are requesting this policy and would like to have it in place before the start of the 2019-20 school year.

MSC (González/Shea) to accept Board Policy 4020.1 for first reading and adoption. Motion passed by unanimous vote (5-0).

### **8.c. Approval of Temporary Loan to the Sweetwater Union High School District to Repay Community Facilities District Fund**

Deputy Superintendent Mike Simonson provided detailed background information. He explained why the need for the loan, the involvement of the San Diego County Office of Education (SDCOE), and how the funds would be repaid to SDCOE. Mr. Simonson answered various clarifying questions asked by Board members. The Board expressed their concerns and opinions on this matter.



MSC (González/Muñoz) to approve a temporary loan to the Sweetwater Union High School District for \$12,000,000 payable on or before June 30, 2020, to cure the violation of Education Code Section 42603. Motion passed (4-1) with the following vote: Yes: Donnellon, González, Muñoz, and Shea; No: Powell

## **9. INFORMATION ITEMS - NO ACTION**

### **9.a. Information: California Education Code 1302: \$10,000 Rule (Classified Management and Confidential Support)**

Superintendent Gothold provided the Board information regarding the salary reallocation, effective July 1, 2019, of the following staff members resulting in an annual salary increase of more than \$10,000:

- Susan Thorne, employee benefits technician, to grade 058, step 6 from grade 052, step 6 of the confidential support salary schedule
- Dan Puplava, deferred compensation program manager, to grade 047, step 5 from grade 044, step 5 of the classified management salary schedule
- Andrienne Loree, executive director, internal business services, from grade 056, step 2 to grade 056, step 4 of the classified management salary schedule

### **9.b.. Legislative Update**

Superintendent Gothold provided an update on key legislation affecting education.

## **10. BOARD REPORTS – Communication from Board Members**

Vice president Powell has enjoyed his summer spending time with family, and, has been busy working behind-the-scenes on various issues. He has done some research on AB 1505 and briefly shared some information.

Board member Muñoz shared she attended a Latino Legislative Caucus Foundation scholarship reception, along with Member González and Superintendent Gothold.

Board member Rick Shea reported he attended the San Pasqual Academy graduation and a farewell reception for retiring Superintendent Tim Baird of Encinitas Unified School District. He also attended the annual meeting of the San Diego County Educational Facilities Authority No. 2, and met with Encinitas Mayor Catherine Blakespear concerning an upcoming visit from Japan exchange students.

Board member González also attended the San Pasqual Academy graduation and the Latino Legislative Caucus Foundation scholarship reception. She attended the National Association of Latino Elected Officials conference where among some of the topics discussed were the 2020 census and the growing crisis for affordable housing.

President Donnellon also attended the San Pasqual Academy graduation along with her county board member colleagues. She and Member Powell presented scholarships on behalf of the Escondido and La Jolla Sunrise Rotaries respectively. President Donnellon also attended a recent Classroom of the Future Foundation board meeting and thanked all the volunteers of the foundation.

## **11. FUTURE AGENDA ITEMS**

Member Shea requested a follow-up on providing support to troubled small school districts, such as Dehesa, in particular support to the students.

## **12. NEXT MEETING DATES**

- 12.a. Special Board Meeting - Board Governance Workshop, Tues., July 30, 2019, 9 a.m., Jack Port Board Room 508
- 12.b. Special Board Meeting-Public Hearing, Mon., Aug. 12, 2019, 6 p.m., South Bay Union High School District
- 12.c. Special Board Meeting-Interdistrict Transfer Appeal, Wed., Aug. 14, 2019, 3:30 p.m., Jack Port Board Room 508
- 12.d. Regular Board Meeting, Wed., Aug. 14, 2019, 6 p.m., Joe Rindone Regional Technology Center
- 12.e. Special Board Meeting-Public Hearing, Mon., Aug. 19, 2019, 6 p.m. Vallecitos School District
- 12.f. Special Board Meeting-Public Hearing, Tues., Aug. 20, 2019, 6 p.m., Valley Center-Pauma Unified School District

## **13. ADJOURNMENT**

MSC (González/Shea) to adjourn at 7:27 p.m. Motion passed by unanimous vote (5-0).