



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** February 13, 2018

From: John Brown, Town Attorney **Item No:** 14
Best, Best & Krieger

Subject: APPEAL OF THE INTENT TO REVOKE BUSINESS LICENSE
#00013688 ISSUED TO BRIGHT FUTURES ACADEMY, LLC.

Location: 15757 SAINT TIMOTHY Road, Apple Valley, CA 92307

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

Either: (1) **Dismiss** the revocation action; or (2) **Continue** the item until the August 14, 2018 meeting of the Town Council on the condition that Bright Futures Academy continues to provide a monthly status report on its remediation efforts to the Town Manager, with a copy to the Town Attorney, on the first of each month until August 1, 2018.

SUMMARY:

On April 6, 2017, the Town Manager issued a notice of intent to revoke Bright Futures Academy's business license. Bright Futures Academy is operating out of a facility located at 15757 Saint Timothy Road since December, 2015. Almost immediately after opening, Bright Futures's operations began to have a significant impact on the Town's law enforcement services. In a 16-month period from December 29, 2015 through March 11, 2017, Bright Futures generated 132 Calls For Service (CFS) to the Sheriff's department. The 132 CFS ranged from audible alarms, AWOL/RAJ, gang activity, medical aids, riots, simple assaults, assaults with significant injuries, sexual batteries, thefts and unlawful sex with minors. Bright Futures has filed an appeal within the time allotted requesting a hearing before the Town Council.

On June 13, 2017, the Town Council continued the item to the meeting of August 8, 2017 and instructed Bright Futures to prepare and present a status report on its remediation efforts to date. The report is attached hereto as Attachment 5.

At its August 8, 2017 meeting, the Town Council again continued the item until tonight's meeting and instructed Bright Futures to prepare a monthly status report on its continued remediation efforts. Bright Futures has substantially complied with this request. In consultation with the Sheriff's Department, Town staff has concluded that Bright Futures has mitigated many of the concerns that prompted the revocation proceedings. For example, over a 16-month period from December 2015 to March 2016, the Sheriff's Department received over 130 calls for service on Bright Futures. In contrast, over the last six months, the Sheriff's Department received just eleven calls, the majority of which were for information.

BACKGROUND:

Bright Futures Academy has been operating as a school at a leased facility located 15757 Saint Timothy Road since December 2015. Their website describes the school as a "non-public school certified by the California Department of Education serving special education students..." Almost immediately after opening, Bright Futures's operations began to have a significant impact on the Town's law enforcement services. In a 16-month period from December 29, 2015 through March 11, 2017, Bright Futures generated 132 Calls For Service (CFS) to the Sheriff's department. The 132 CFS ranged from audible alarms, AWOL/RAJ, gang activity, medical aids, riots, simple assaults, assaults with significant injuries, sexual batteries, thefts and unlawful sex with minors. The 39 audible alarms were false and many were the result of unlocked doors and gates. Multiple batteries were reported and one assault resulted in a student with a broken jaw. Staff have been repeatedly assaulted and injured. In one sexual battery (student/student), the victim claimed to be sleeping and the suspect twice fondled and unzipped the victim's pants and propositioned the victim. A student aide engaged in sexual behavior with a student on the bus. Staff members have been sexually battered by students. Students have repeatedly rioted or engaged in multi-person fights. They have overturned tables, jumped from roofs and thrown cinder blocks. Frequently, incidents are reported after the fact. Even when incidents were reported timely, students involved were allowed to leave prior to deputies arriving. Many of these reports have required multiple follow-up investigations from deputies and detectives. This abnormally high call volume has resulted in a disproportionate allocation of resources which resulted in the recommendation to terminate Bright Futures' business license.

The Apple Valley Municipal Code provides that a business license may be revoked under special circumstances, as provided below:

5.02.230 Revocation

(a) All licenses issued under the provisions of this Chapter shall be in compliance with all applicable laws of the State of California and the United States of America. Any license granted through the provisions of this Chapter may be revoked by the Town Manager if he determines either (1) that it was fraudulently or wrongfully issued or obtained, or (2) that the information provided in the application was misleading or false in any material respect, or (3) that the business is operating in violation of any statute, ordinance or law, or (4) that the revocation is necessary to health, safety or welfare of the community, subject to the provisions of Subsection (b) below.

The Apple Valley Municipal Code also provides that prior to revocation a business owner may file an appeal as provided below in section 5.02.230 (b).

(b) Prior to any revocation of license, the Town Manager shall give the license holder fifteen days notice of intent to revoke such license. Within fifteen days of such notice, the license holder may file a written request with the Town Clerk to appear before the Town Council, and when a hearing is thereafter scheduled by the Town Clerk, the license holder may appear and show cause before the Town Council why such license should not be revoked. Upon the failure of the license holder to file a written request to appear within fifteen days, or if after the hearing of the Council, the Council finds good and sufficient cause of revocation, the license shall be revoked. No refund of any license shall be made following revocation.

On April 6, 2017, the Town of Apple Valley, by certified mail, notified Bright Futures Academy of its intent to revoke Business License Number 00013688 per the Town of Apple Valley Municipal Code section 5.02.230 (a) "All licenses issued under the provisions of this Chapter shall be in compliance with all applicable laws of the State of California and the United States of America."

On April 11, 2017, Pamela Lamberth, Chief Operating Officer for Bright Futures, filed an appeal within the time allotted requesting a hearing by the Town Council.

On June 13, 2017, the Town Council held a public hearing on the proposed revocation. Bright Futures Academy and its representatives were provided the opportunity to formally present information to the Town Council regarding this matter and stated their reasons why the business license should not be revoked. The Town Council continued the item to its August 8, 2017 meeting and instructed Bright Futures to prepare and present a status report on its remediation efforts to date. The report is attached hereto as Attachment 5. In the report, Bright Futures indicates that it is currently in escrow for a property in the City of Adelanto at which it intends to establish a new campus to which

it will transfer students with emotional disturbance. The new campus is expected to open on or before October 31, 2017. In addition, over the course of August 7, 8, and 9, Bright Futures will be providing additional training to its staff. Further, Bright Futures has retained the services of a campus security contractor. Finally, Bright Futures continues to maintain a general liability insurance policy of \$1,000,000.

At its August 8, 2017 meeting, the Town Council again continued the matter to tonight's meeting and instructed Bright Futures to prepare a monthly status report on its continued remediation efforts. Bright Futures has substantially complied with the Town Council's request. Since August 1, 2017, the Apple Valley Station of the San Bernardino County Sheriff has received eleven calls from Bright Futures – a sharp reduction in the number of calls since this item was first before the Town Council. The majority of these calls were for information – a sharp reduction in the severity of calls. Town staff have consulted with the Sheriff's Department about the matter and have concluded that Bright Futures appear to have mitigated the earlier issues through a combination of training, increased security, and expulsion of problem students. Since August 2017, false alarm calls have essentially been eliminated, no assaults have been reported on staff, and only one case of a student leaving the campus without permission (AWOL) has been reported. Prior to August, these issues were occurring somewhat regularly. The most recent status report, dated January 29, 2018, indicates that Bright Futures has recently completed a remodel of the campus, hired new security staff, and sent its staff to an additional half-day of training. The January 29, 2018 report is attached hereto as Attachment 6. Regardless of what action the Town Council takes tonight, the Sheriff's Department will continue to monitor calls for service and advise if they increase again.

ALTERNATIVES:

1. Option #1 – Recommended Approach – Dismiss the Matter. Dismiss the revocation proceedings, finding that the earlier issues have been mitigated sufficiently; or
2. Option #2 – Continue the Item. Continue the item until the August 14, 2018 meeting of the Town Council on the condition that Bright Futures Academy continue to provide a monthly status report on its remediation efforts to the Town Manager, with a copy to the Town Attorney, on the first of each month until the August 1, 2018; or
3. Option #3 – Revocation: Find the Facts presented within the staff report for the Council hearings of June 13, 2017, August 8, 2017, and February 13, 2018 hearings and the record as a whole as discussed by the Council, support the recommendation to revoke Business License #000013688 and deny the appeal of Bright Futures Academy, LLC, and uphold the earlier recommendation of Town staff.

ATTACHMENTS:

1. Letter from Frank Robinson, Town Manager, to Bright Futures Academy dated April 6, 2017.
2. Letter from Pamela Lamberth, Bright Futures, requesting an appeal dated April 11, 2017.
3. Letter from LaVonda Pearson, Town Clerk, notifying Bright Futures of the date of the appeal dated April 24, 2017.
4. Memo from Noah Green dated June 8, 2017, Attorney for Bright Futures, opposing revocation.
5. Status Report of Bright Futures dated July 13, 2017.
6. Status Report of Bright Futures dated January 29, 2018.



Town of Apple Valley

A Better Way of Life

April 6, 2017

Bright Futures Academy, LLC
9994 Country Farm Rd
Riverside, CA 92503-3518

Certified Mail No. 7014 2870 0000 3537 4333

Re: Business license No. 00013688

Located: 15757 Saint Timothy Rd.

Dear Administrator,

Please be advised that you are herewith given fifteen days notice of the Town's intent to revoke Business License No. 00013688 issued to Bright Futures Academy, LLC-Apple Valley operating from 15757 Saint Timothy Rd. in Apple Valley CA.

This action is being taken, in part, due to the following issues:

1. Failure to provide safe environment to students, aides, and curricular administration.
2. Reported incidents, ranging from simple assaults to sexual battery, including gang activity, theft and rioting.
3. High increase of calls to local emergency dispatch disproportionate allocation of resources to law enforcement agencies.

The Apple Valley Municipal Code provides that a business license may be revoked under special circumstances, in this instance see item (4) of 5.02.230.

5.02.230 Revocation

- (a) All licenses issued under the provisions of this Chapter shall be in compliance with all applicable laws of the State of California and the United States of America. Any license granted through the provisions of this Chapter may be revoked by the Town Manager if he determines either (1) that it was fraudulently or wrongfully issued or obtained, or (2) that the information provided in the application was misleading or false in any material respect, or (3) that the business is operating in violation of any statute, ordinance or law, or (4) that the revocation is necessary to health, safety or welfare of the community, subject to the provisions of Subsection (b) below.

www.AppleValley.org

14955 Dale Evans Parkway • Apple Valley, California 92307 • 760.240.7000

ATTACHMENT 1

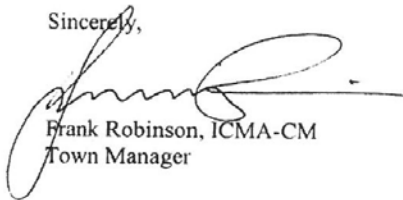
The Apple Valley Municipal Code also provides that prior to revocation a business owner may file an appeal as provided below in 5.02.230 (b).

- (b) Prior to any revocation of license, the Town Manager shall give the license holder fifteen days notice of intent to revoke such license. Within fifteen days of such notice, the license holder may file a written request with the Town Clerk to appear before the Town Council, and when a hearing is thereafter scheduled by the Town Clerk, the license holder may appear and show cause before the Town Council why such license should not be revoked. Upon the failure of the license holder to file a written request to appear within fifteen days, or if after the hearing of the Council, the Council finds good and sufficient cause of revocation, the license shall be revoked. No refund of any license shall be made following revocation.

Be further advised that you cannot conduct business in the Town of Apple Valley without a valid Business License issued by the Town.

For further questions, please contact Dawn Simmons at (760) 240-7000 ext. 7707.

Sincerely,



Frank Robinson, ICMA-CM
Town Manager

xc: Finance Department
Police Department
Town Attorney
File



BRIGHT FUTURES
Academy

April 11, 2017

IaVonda Pearson
Town Clerk
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Received By	Town Clerk
Date	4-11-17
Time	1:39 pm
Town of Apple Valley	

RE: Business License 00013688

Dear Ms. Pearson,

In reference to the letter dated April 6, 2017, advising Bright Futures Academy with the intent to revoke the Business License No. 00013688, we respectfully would like to file an appeal. It is my understanding that this written communication will suffice to start the appeal process.

We believe, Bright Futures is part of the fabric of the community and help benefit its economy. Many of our staff live in the area and we provide jobs to our students over the summer. We have a 10-year lease on our building that infuses \$1.8 million back into the Town and we utilize local vendors for supplies, gas, insurance, repairs and short-term housing for our teachers. With this being said, we also understand that tighter controls and a different staffing pattern may be required to provide a better structured program which should eliminate the strain on the Police and Sheriff department's resources.

Bright Futures wants to be a good neighbor while also providing a vital service to the community. We implore you to keep our business license active and we have formed a plan to reduce calls to the Town's police department and provide a safe, education enriched program.

Bright Futures Academy has been serving children in the High Desert for more than 25 years. As a non-public school, we provide year-round care, special education and behavioral services to children with exceptional needs that can't be met in a public school setting. We contract with Apple Valley Unified School District and others to provide these services.

Our highly trained teachers, staff and administrators nurture children from the community who have autism, developmental disabilities, and emotional and conduct disorders. We specialize in teaching children with the most challenging behaviors, many of whom have exhausted all other educational options.

9994 County Farm Road, Riverside, CA 92503
951.785.0504



BRIGHT FUTURES Academy

We encourage the Town Council and its representatives to speak with the Desert Mountain SELPA (Special Education Local Plan Area) concerning our lengthy and outstanding reputation for providing services to special needs students.

Bright Futures Academy would like to work with the Town of Apple Valley and its police department to solve any outstanding issues and continue contributing to the community and its residents. We want to work with you to resolve any issues and ensure that students in the community who are most in need continue to have a place close-by where they can learn and thrive.

Please accept our request for an appeal of the Town's intent to revoke our Business License. You may contact me directly at my direct phone # 951-373-3795 or email at p.lamberth@brightfuturesnps.com.

Respectfully

A handwritten signature in black ink that reads "Pamela Lamberth". The signature is written in a cursive, flowing style.

Pamela Lamberth
Chief Operating Officer

9991 County Farm Road, Riverside, CA 92503
951.782.6300

ATTACHMENT 3



A Better Way of Life

April 24, 2017

Pamela Lamberth
Chief Operating Officer
Bright Futures Academy, LLC
Riverside, CA 92503-3518

RE: Business License No. 00013688

Located at: 15757 Saint Timothy Rd.

Dear Ms. Lamberth,


On April 11, 2017, you presented a letter to the Town of Apple Valley in response to the Town's initiation of the revocation process for Business License number 00013688 issued to Bright Futures Academy, LLC. The Apple Valley Municipal Code Section 5.02.230(b) allows the license holder fifteen (15) days to file a written request with the Town Clerk to appear before the Town Council and show cause as to why such license should not be revoked. Your letter satisfies that requirement.

Your hearing before the Town Council has been scheduled for Tuesday, June 13, 2017 at 6:30 p.m. in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, CA. If after the hearing, the Town Council finds good and sufficient cause to support revocation, or if you choose not to attend the hearing as scheduled, your license shall be revoked.

If you have any questions or concerns regarding this action, please contact the undersigned at (760) 240-7000, ext. 7800.

Sincerely,

**TOWN OF APPLE VALLEY
OFFICE OF THE TOWN CLERK**



Linda Vonda M. Pearson
Town Clerk

Sent Registered Mail

www.AppleValley.org

14955 Dale Evans Parkway • Apple Valley, California 92307 • 760.240.7000

1 **LEE GREEN & STEWART**
2 Noah Green, Esq. (State Bar No. 218643)
3 301 E. Colorado Boulevard, Suite 705
4 Pasadena, CA 91101
5 (626) 395-7686
6 noah@lgsattorneys.com

7 Attorneys for License Holder, Bright Futures Academy, LLC

8 **BEFORE THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA**

9 **In re BRIGHT FUTURES ACADEMY,**
10 **LLC, license holder**

11 **License No. 0013688**

12 **AMENDED MEMORANDUM OF**
13 **BRIGHT FUTURES ACADEMY, LLC,**
14 **DEMONSTRATING GOOD CAUSE AS**
15 **TO WHY ITS BUSINESS LICENSE**
16 **SHOULD NOT BE REVOKED**

17 DATE: June 13, 2017
18 TIME: 6:30 p.m.

19 TO THE HONORABLE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY,
20 CALIFORNIA:

21 Bright Futures Academy, LLC ("BFA"), who is the holder of Business License Number
22 00013688 ("License"), hereby submits the following Memorandum demonstrating good cause as
23 to why its License should not be revoked. As detailed below, BFA comes before the Town to
24 openly address the security issues related to its Apple Valley Campus over the past year and
25 discuss the nature of the problem, the steps it has taken thus far, the effects that would be felt
26 throughout the community if BFA's license is revoked and the school is forced to shut down.
27 BFA would also like to go on record as being ready, willing and able to adopt other
28 recommendations from the Town or other agencies and stakeholders as to how it might address

1 these issues.

2 I.

3 **BACKGROUND INFORMATION REGARDING BRIGHT FUTURES ACADEMY**

4 In 2006, Universal Health Services, Inc. purchased nonpublic schools and youth
5 residential treatment centers across the United States from Keystone Corporation. Prior to this
6 acquisition the California nonpublic schools and residential treatment centers were owned by
7 several corporations beginning in 1989. In June 2012, Betti Colucci, Pamela Lamberth, and
8 Jeffrey LeComte purchased from Universal Health Services four schools and started Bright
9 Futures Academy. The schools were located in 1) Rancho Cucamonga; 2) Riverside;
10 3) Twentynine Palms; and 4) Victorville. They have been successfully operating the schools
11 ever since
12

13
14 Betti Colucci served as Universal's Regional Vice President and oversaw the operation of
15 nineteen nonpublic schools across the region from 2006-2012. Pamela Lamberth served as
16 Universal's Director of Human Resources with Colucci from 2007-2012. Jeffrey LeComte
17 served as a teacher and eventually became the principal of the Victorville school from 2001-
18 2012.
19

20 In February 2016, BFA moved the Victorville campus to its current location at 15757
21 Saint Timothy Road in Apple Valley where it rents space from St. Timothy's Episcopal Church
22 at the site of the church's old school.
23

24 The Apple Valley ("AV") campus employs 30 residents and has 58 students in grades K-
25 22.² Approximately 50% of the students at the AV campus are residents of the Town of Apple
26 Valley.
27

28 _____
² Grade "22" refers to post-High School education.

1 BFA operates an Intensive Instructional Support Program ("IISP") at the AV campus,
2 which comprises about 20% of the student body. This program's mission is the education of
3 emotionally disturbed and other at-risk students. The remainder of the student body is comprised
4 of 40% students with autism and 40% students with emotional disturbance.

5 The staff at BFA is well-aware of the fact that they are dealing with emotionally
6 disturbed students in the IISP program. The staff knows that there is always a risk of injury
7 when dealing with these students, but they knowingly assume that risk and are specially trained
8 to cope with it. These educators are amongst the most devoted and selfless and in their field.
9

10 **II.**

11 **SPIKE IN CALLS TO SHERIFF'S DEPARTMENT**

12 From approximately October 2015 through March 2017, BFA employed a Security
13 Officer at its Victorville and AV campus. That security officer is responsible for handling all
14 safety issues and the school's "first responder" in emergency cases.
15

16 Realizing that additional safety personnel were required at the AV campus, BFA
17 contacted the Apple Valley Unified School District ("AVUSD") approximately one year ago to
18 inquire about hiring AVUSD police officers or AV Town police officers to serve at the AV
19 campus. In June 2016 AVUSD declined stating they did not have jurisdiction and directed BFA
20 to the San Bernardino County Sheriff's Office. After receiving the letter terminating the
21 business license for the Apple Valley campus the BFA owners requested a formal meeting with
22 Deputy Chief Lana Tomlin and Captain Frank Bell to discuss their safety concerns with the
23 school. BFA again addressed the interest in contracting with them for a certified school police
24 officer. Sheriff's Office, by and through Captain Frank Bell, advised BFA that the cost of
25 stationing a full-time sheriff in a patrol car at the AV campus would be \$204,000 per year.
26 However, Bell indicated that the Sheriff could not contract for these services directly with BFA,
27
28

1 and that the contract would have to be negotiated and paid for through the Town of Apple Valley
2 ("the Town") and the County of San Bernardino. BFA was unable to make arrangements with
3 the Town or County for the additional personnel from the Sheriff's Department and hired two
4 Security Officers as school employees for the 2016 school year.

5 Over the next 13 months, i.e., from February 2016 to March 2017, BFA's security officer
6 at the AV campus made approximately 104 calls to the Apple Valley Sheriff's station. This
7 point must be underscored: All of these calls to the Sheriff were made by BFA itself. None of
8 the calls were made by parents, students, or even neighbors.

9
10 **III.**

11 **INVESTIGATION REGARDING THE SPIKE IN CALLS TO THE SHERIFF**

12 A closer examination of what appears to be a concerning number of calls reveals that the
13 vast majority were either false alarms, or incidents that BFA is legally required to report to law
14 enforcement as mandatory reporters. In particular, of the 132 calls, only 30 were serious enough
15 for the Sheriff's office to generate reports. The other 102 calls were therefore relatively
16 insignificant and did not merit the generation of a formal report by the Sheriff's Department. See
17 Exhibit 1.

18 Of the 30 calls that led to reporting by the Sheriff, all consisted entirely of fights between
19 students or injuries suffered by staff that were caused by students. These calls led to a total of
20 eight (8) arrests.

21 Captain Bell of the AV Sheriff's station – with some justification - felt that this call
22 volume was a burden on his department and a drain on public resources. In or about March
23 2017, Captain Bell reported the problem to the Town and asked that the Town consider revoking
24 BFA's License. Based on Captain Bell's report, the Town notified BFA on April 6, 2017 that it
25 intended to revoke its License within 15 days under Apple Valley Municipal Code

1 §5.02.230(a)(4), in that it found that License revocation was necessary to protect the “health,
2 safety or welfare of the community.” See Exhibit 2. On April 11, 2017, BFA duly filed an
3 appeal of the Town’s decision and asked for an open hearing on the matter before the Town
4 Council. See Exhibit 3.

5
6 Captain Bell also took it upon himself to notify the California Department of Education
7 (“CDE”). CDE temporarily suspended BFA’s certification at Apple Valley pending its review,
8 effectively preventing BFA from enrolling new students until the review is concluded in
9 December 2017. Captain Bell also notified the media, providing call logs that served as the basis
10 for several articles in local outlets and, ultimately, one Los Angeles television station that cast
11 the school in a negative light. In addition, Captain Bell called BFA’s funding source and
12 provided information about the calls in what appears to be an attempt to disrupt the school’s
13 financing. Needless to say, these actions have put an additional strain on BFA’s resources in the
14 form of diminished enrollment and financial risk.

15
16
17 **IV.**

18 **REMEDIAL MEASURES ALREADY UNDERTAKEN BY BRIGHT FUTURES**

19 BFA strongly believes in good corporate citizenship and recognizes that it must do its
20 part to address the issues raised by the Sheriff regarding safety at the AV campus. As a result, it
21 has already undertaken substantial efforts to remediate the problem, as outlined below.

22
23 **1. Re-Training BFA Security Personnel**

24 First and foremost, the BFA has reviewed its security officer’s training and realized that
25 he was making many unnecessary calls to the Sheriff. That officer’s employment with BFA
26 ended in May 2017.

27 ///

28 ///

1 As for the 30 employees of BFA at the AV campus, some will be transferred to other
2 campuses, but many will lose their jobs. In addition, St. Timothy's will lose its tenant and its
3 school campus will be left vacant indefinitely. In total, the economic impact to the local
4 economy is estimated at \$2.4 million.

5
6 VI.

7 CONCLUSION

8 In light of the foregoing, BFA respectfully requests that the Town reinstate BFA's
9 License. In the alternative, BFA asks that the License be temporarily reinstated pending a
10 further investigation by the Town and other agencies regarding BFA's efforts to remediate the
11 issues related to security at the BFA's AV campus, and continue to the hearing of this matter 90
12 to 180 days.

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16 Dated: June 8, 2017

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By: 

NOAH GREEN
Attorney for Bright Futures Academy, LLC

Exhibit 1



JOHN McMAHON, SHERIFF-CORONER



8, 2016 - present

May 3, 2017

Bright Futures Academy
Attn: Roy Monge
Via E-mail Only: r.monge@brightfuturesnps.com

Re: Public Records Act request – *Calls for Service*

Dear Mr. Monge:

The San Bernardino County Sheriff's Department ("Department") has concluded its review of the Public Records Act request, wherein you seek: "All CAD print outs, for all calls for service at the Bright Futures Academy from August 2016 to present date; to include nature of call, who requested the call, and what was the final disposition of each call."

The Department has located four (4) pages that may be responsive to your request. Duplication costs have been waived. Any other records associated with this request, if they exist, constitute confidential investigative records compiled for law enforcement purposes. Government Code section 6254(f) exempts from public records act disclosure "any investigatory...files compiled by any...local agency for...law enforcement purposes." These records are exempt from disclosure, whether or not the prospect of enforcement proceedings is concrete and definite (*Haynie v. Superior Court* (2001) 26 Cal. 4th 1061,1069; *Black Panther Party v. Kehoe* (1974) 42 Cal.App.3d 645,654; *Younger v. Berkeley City Council* (1st Dist. 1975) 45 Cal.App.3d 825,833; *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440), and remain protected from disclosure, even after an investigation has concluded. (*Williams v. Superior Court* (1993) 5 Cal.4th 337,355-362.) Additionally, the release of such records could violate the privacy rights of involved police officers, witnesses, victims, and other persons named and/or depicted therein. These privacy rights are protected by the California Constitution, and are a fundamental interest recognized by the Public Records Act. (Cal. Const., Art I, Section I; Gov. Code §§ 6254, Subds. (c) & (k), and 6255.) Finally, information gathered by a government agency under the assurance of confidentiality are exempt from disclosure pursuant to Government Code section 6254(k), to the extent that they may contain privileged information as defined in Evidence Code section 1040.

If you have any questions or concerns, or would like to discuss this matter further, please contact me.

Sincerely,

MILES A. KOWALSKI
General Legal Counsel
San Bernardino County Sheriff's Department

MAK/ct
Encl.(4 pgs.)

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
665 East Third Street • San Bernardino, California 92415-0061 • Post Office Box 569 • San Bernardino, California 92402-0569



SHERIFF'S CALL HISTORY

From 8/1/2016 To 4/12/2017

APPLE VALLEY POLICE / SHERIFF STATION
15757 St. Timothy Road, Apple Valley, CA



Date & Time	Initial Cal	Final Cal	Call Description	Location	Apt	Disposition	Incident #	Report #
Call Type: 911 FOLLOW UP								
11/04/16 01:52:22PM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD,APP		Necessary action taken	AP163090085	
12/02/16 02:26:54PM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD,APP		Cancel	AP163370107	
02/19/17 09:24:26PM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD, APP		Cancel	AP170500129	
02/23/17 02:31:16AM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD, APP		Cancel	AP170540013	
02/28/17 06:23:43PM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD, APP		False Alarm	AP170590121	
03/01/17 02:21:27PM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD, APP		Cancel	AP170600116	
03/02/17 09:24:30AM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD, APP		Cancel	AP170610056	
03/02/17 11:27:32AM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD, APP		Cancel	AP170610081	
911 FOLLOW UP		Total: 8						
Call Type: ABSENT W/O LEAVE								
09/14/16 01:25:40PM	AWOL	AWOL	ABSENT W/O LEAVE	15757 ST TIMOTHY RD,APP		Cancel	AP162580076	
02/10/17 10:34:55AM	AWOL	AWOL	ABSENT W/O LEAVE	15757 ST TIMOTHY RD, APP		Cancel	AP170410045	
02/27/17 10:21:48AM	AWOL	AWOL	ABSENT W/O LEAVE	15757 ST TIMOTHY RD, APP		Cancel	AP170580049	
ABSENT W/O LEAVE		Total: 3						
Call Type: ASSAULT J/O								
10/25/16 07:35:51AM	242R	242	ASSAULT J/O	15757 ST TIMOTHY RD,APP		Report to follow	AP162990022	APR1606594
10/25/16 10:17:03AM	242	242	ASSAULT J/O	15757 ST TIMOTHY RD,APP		Report to follow	AP162990037	APR1606599
11/02/16 11:45:25AM	FU	242	ASSAULT J/O	15757 ST TIMOTHY RD,APP		Report to follow	AP163070061	APR1606772
ASSAULT J/O		Total: 3						
Call Type: ASSAULT RPT								
09/02/16 03:13:19PM	242	242	ASSAULT RPT	15757 ST TIMOTHY RD,APP		Necessary action taken	AP162460123	
11/02/16 11:41:07AM	242	242	ASSAULT RPT	15757 ST TIMOTHY RD,APP			AP163070060	
01/11/17 12:10:39PM	242	242	ASSAULT RPT	15757 ST TIMOTHY RD, APP		Gone on Arrival	AP170110062	
01/12/17 11:34:59AM	242	242	ASSAULT RPT	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170120069	
ASSAULT RPT		Total: 4						
Call Type: ASSAULT W/S INJS								
11/14/16 03:02:39PM	242	243D	ASSAULT W/S INJS	15757 ST TIMOTHY RD,APP		Arrest	AP163190107	APR1607050
01/24/17 10:41:35AM	242R	243D	ASSAULT W/S INJS	15757 ST TIMOTHY RD, APP		Report to follow	AP170240073	APR1700469
ASSAULT W/S INJS		Total: 2						
Call Type: ASSAULT W/WEAPON								
09/14/16 01:30:33PM	AWOL	245	ASSAULT W/WEAPON	15757 ST TIMOTHY RD,APP		Arrest	AP162580077	APR1605722
ASSAULT W/WEAPON		Total: 1						
Call Type: ASSIST OTHR DEPT								
10/17/16 02:33:40PM	AOD	AOD	ASSIST OTHR DEPT	15757 ST TIMOTHY RD,APP		Other Agency Assist	AP162910066	
ASSIST OTHR DEPT		Total: 1						
Call Type: AUDIBLE ALARM								
08/16/16 04:09:34PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		Cancel	AP162290108	
10/15/16 01:45:00AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		False Alarm	AP162890008	

Date & Time	Initial Cal	Final Cal	Call Description	Location	Apt	Disposition	Incident #	Report #
Call Type: AUDIBLE ALARM								
10/16/16 05:17:39AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP162900024	
10/17/16 12:57:38AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Cancel	AP162910003	
10/18/16 02:52:37AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Cancel	AP162920004	
10/21/16 01:05:46AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Necessary action taken	AP162950004	
10/21/16 04:37:29PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Cancel	AP162950138	
10/27/16 01:06:40AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP163010006	
10/28/16 01:04:26AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Necessary action taken	AP163020007	
10/28/16 04:12:48PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP163020117	
10/29/16 01:05:20AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Necessary action taken	AP163030008	
11/12/16 01:06:14AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Necessary action taken	AP163170011	
11/15/16 01:07:34AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Cancel	AP163200002	
11/24/16 08:28:18PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP163290139	
12/08/16 01:05:10AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Necessary action taken	AP163430002	
12/09/16 01:04:53AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Cancel	AP163440008	
12/10/16 01:11:06AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP163450009	
12/20/16 01:03:22AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP163550005	
01/16/17 12:06:51PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170160068	
01/18/17 05:19:16PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170180160	
02/14/17 03:38:36AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170450014	
02/21/17 06:28:47PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170520149	
02/28/17 09:29:14PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170590143	
03/04/17 06:26:16AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Cancel	AP170630029	
03/11/17 01:48:27PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Cancel	AP170700079	
03/15/17 01:11:46AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170740013	
03/17/17 09:29:23PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170760176	
03/18/17 02:16:14PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170770108	
AUDIBLE ALARM Total: 28								
Call Type: COMMERCIAL BURG JO								
02/19/17 09:21:59AM	459CR	459C	COMMERCIAL BURG JO	15757 ST TIMOTHY RD, APP		Report to follow	AP170500040	APR1701003
COMMERCIAL BURG JO Total: 1								
Call Type: CPS FOLLOW UP								
10/11/16 12:08:44PM	CPSFU	CPSFU	CPS FOLLOW UP	15757 ST TIMOTHY RD, APP		Report to follow	AP162850085	APR1606353
CPS FOLLOW UP Total: 1								
Call Type: CRUELTY TO CHILD								
02/09/17 11:06:59AM	273A	273A	CRUELTY TO CHILD	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170400054	
CRUELTY TO CHILD Total: 1								
Call Type: DISTURBANCE								
03/28/17 10:32:40AM	MISPER	415	DISTURBANCE	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170870043	
DISTURBANCE Total: 1								
Call Type: DISTURBNCE JUVIE								
09/07/16 12:41:53PM	415J	415J	DISTURBNCE JUVIE	15757 ST TIMOTHY RD, APP		Necessary action taken	AP162510071	
03/24/17 11:08:33AM	415J	415J	DISTURBNCE JUVIE	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170830056	
DISTURBNCE JUVIE Total: 2								
Call Type: FOLLOW UP								
09/30/16 08:45:54AM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD, APP		Supplemental	AP162740040	
Prepared By: M. Kelly, CA Supv. - Public Use								

Date & Time	Initial Cal	Final Cal	Call Description	Location	Apt	Disposition	Incident #	Report #
Call Type: FOLLOW UP								
10/05/16 01:37:57PM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD,APP		Necessary action taken	PO162790108	
11/02/16 03:08:12PM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD,APP		Report to follow	AP163070092	
11/18/16 12:08:58PM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD,APP		Necessary action taken	AP163230073	
11/26/16 01:11:32PM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD,APP		Supplemental	AP163310085	
02/01/17 11:59:26AM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD, APP		Supplemental	AP170320076	
02/24/17 08:17:48AM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD, APP		Supplemental	AP170550041	
FOLLOW UP		Total: 7						
Call Type: INDECENT EXPOSUR								
12/08/16 11:07:47AM	314	314	INDECENT EXPOSUR	15757 ST TIMOTHY RD, APP		Report to follow	AP163430070	APR1607508
INDECENT EXPOSUR		Total: 1						
Call Type: INFORMATION CALL								
08/13/16 05:32:38PM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD,APP		Necessary action taken	AP162260104	
09/22/16 04:19:56PM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD,APP		Necessary action taken	AP162660123	
10/03/16 11:19:32AM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD,APP		Necessary action taken	AP162770050	
10/31/16 11:21:38AM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD,APP		Other Agency Assist	AP163050068	
01/24/17 09:50:34AM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170240064	
02/03/17 02:18:44PM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170340094	
03/09/17 07:19:18PM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170680160	
INFORMATION CALL		Total: 7						
Call Type: MISC ALARM								
10/28/16 04:22:07PM	ALARM	ALARM	MISC ALARM	15757 ST TIMOTHY RD,APP		Necessary action taken	AP163020120	
MISC ALARM		Total: 1						
Call Type: MISC INCIDENT								
09/28/16 01:49:51PM	243.4	INC	MISC INCIDENT	15757 ST TIMOTHY RD,APP		Report to follow	AP162720089	APR1606049
12/13/16 09:09:02AM	417	INC	MISC INCIDENT	15757 ST TIMOTHY RD, APP		Report to follow	AP163480053	APR1607816
12/15/16 05:59:46PM	INC	INC	MISC INCIDENT	BRIGHT FUTURES ACADEMY		Necessary action taken	AP163500154	
12/20/16 11:27:03AM	242	INC	MISC INCIDENT	15757 ST TIMOTHY RD, APP		Report to follow	AD163550022	APR1607762
02/08/17 07:31:01PM	INC	INC	MISC INCIDENT	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170390155	
03/06/17 12:11:54PM	626	INC	MISC INCIDENT	15757 ST TIMOTHY RD, APP		Report to follow	AP170650062	APR1701282
MISC INCIDENT		Total: 6						
Call Type: MISPER								
09/23/16 01:33:28PM	MISPER	MISPER	MISPER	15757 ST TIMOTHY RD,APP		Cancel	AP162670091	
MISPER		Total: 1						
Call Type: PSYCHE INV/EVAL								
03/14/17 11:18:09AM	415J	5150	PSYCHE INV/EVAL	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170730058	
PSYCHE INV/EVAL		Total: 1						
Call Type: RAJ REPORT								
02/24/17 09:49:51AM	AREACK	RAJ	RAJ REPORT	15757 ST TIMOTHY RD, APP		Report to follow	AP170550056	APR1701113
RAJ REPORT		Total: 1						
Call Type: SCHOOL CRIME RPT								
09/29/16 01:08:29PM	626		SCHOOL CRIME RPT	15757 ST TIMOTHY RD,APP		Necessary action taken	AP162730078	
SCHOOL CRIME RPT		Total: 1						
Call Type: SCHOOL VISIT								
08/24/16 02:39:24PM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD,APP		Arrest	PO162370224	

Prepared By: M. Kelly, CA Supv. - Public Use

Page 1 of 4

Thursday, April 13, 2017

Date & Time	Initial Cal	Final Cal	Call Description	Location	App	Disposition	Incident #	Report #
Call Type: SCHOOL VISIT								
09/07/16 09:41:43AM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO162510026	
10/05/16 11:32:04AM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO162790077	
10/14/16 10:44:23AM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO162880042	
10/18/16 10:05:11AM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO162920017	
10/25/16 10:43:19AM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO162990052	
12/08/16 01:45:30PM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO163430109	
01/09/17 03:30:25PM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Arrest	PO170090103	
01/10/17 12:42:24PM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO170100088	
03/21/17 10:25:35AM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO170800056	
03/23/17 12:01:05PM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO170820068	
SCHOOL VISIT			Total: 11					
Call Type: Security Check								
03/27/17 06:49:09PM	SECCK	SECCK	Security Check	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170860122	
Security Check			Total: 1					
Call Type: SEXUAL BATTERY								
09/29/16 01:14:38PM	243.4	243.4	SEXUAL BATTERY	15757 ST TIMOTHY RD, APP		Arrest	AP162730080	APR1606075
SEXUAL BATTERY			Total: 1					
Call Type: SEXUAL BATTERY RP								
09/13/16 09:53:28AM	INC	243.4	SEXUAL BATTERY RP	15757 ST TIMOTHY RD, APP		Report to follow	AP162570033	APR1605693
SEXUAL BATTERY RP			Total: 1					
Call Type: SUBJECT DISTURB								
10/05/16 10:50:31AM	415S	415S	SUBJECT DISTURB	15757 ST TIMOTHY RD, APP		Service Rendered	AP162790067	
03/27/17 04:17:12PM	415S	415S	SUBJECT DISTURB	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170860100	
SUBJECT DISTURB			Total: 2					
Call Type: SUSPECT CONTACT								
11/10/16 11:29:21AM	SUSCON	SUSCON	SUSPECT CONTACT	15757 ST TIMOTHY RD, APP		Arrest	AP163150063	
SUSPECT CONTACT			Total: 1					
Call Type: TERR THREATS RPT								
02/15/17 10:19:28AM	422	422	TERR THREATS RPT	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170460037	
02/23/17 02:00:13PM	422	422	TERR THREATS RPT	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170540082	
TERR THREATS RPT			Total: 2					
Call Type: TERRORST THREATS								
12/15/16 09:35:17AM	415S	422	TERRORST THREATS	15757 ST TIMOTHY RD, APP		Arrest	AP163500050	APR1607659
02/15/17 11:31:47AM	415	422	TERRORST THREATS	15757 ST TIMOTHY RD, APP		Report to follow	AP170460048	APR1700905
TERRORST THREATS			Total: 2					
Call Type: WELFARE CHECK								
02/23/17 05:35:36PM	WELCK	WELCK	WELFARE CHECK	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170540116	
WELFARE CHECK			Total: 1					

Total Calls for Service:	104
Total Deputy Reports:	19

Exhibit 2



Town of Apple Valley

A Better Way of Life

April 6, 2017

Bright Futures Academy, LLC
9994 Country Farm Rd
Riverside, CA 92503-3518

Certified Mail No. 7014 2870 0000 3537 4333

Re: Business license No. 00013688

Located: 15757 Saint Timothy Rd.

Dear Administrator,

Please be advised that you are herewith given fifteen days notice of the Town's intent to revoke Business License No. 00013688 issued to Bright Futures Academy, LLC-Apple Valley operating from 15757 Saint Timothy Rd. in Apple Valley CA.

This action is being taken, in part, due to the following issues:

1. Failure to provide safe environment to students, aides, and curricular administration.
2. Reported incidents, ranging from simple assaults to sexual battery, including gang activity, theft and rioting.
3. High increase of calls to local emergency dispatch disproportionate allocation of resources to law enforcement agencies.

The Apple Valley Municipal Code provides that a business license may be revoked under special circumstances, in this instance see item (4) of 5.02.230.

5.02.230 Revocation

- (a) All licenses issued under the provisions of this Chapter shall be in compliance with all applicable laws of the State of California and the United States of America. Any license granted through the provisions of this Chapter may be revoked by the Town Manager if he determines either (1) that it was fraudulently or wrongfully issued or obtained, or (2) that the information provided in the application was misleading or false in any material respect, or (3) that the business is operating in violation of any statute, ordinance or law, or (4) that the revocation is necessary to health, safety or welfare of the community, subject to the provisions of Subsection (b) below.

www.AppleValley.org

14955 Dale Evans Parkway • Apple Valley, California 92307 • 760.240.7000

Page 2

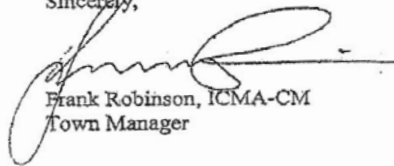
The Apple Valley Municipal Code also provides that prior to revocation a business owner may file an appeal as provided below in 5.02.230 (b).

- (b) Prior to any revocation of license, the Town Manager shall give the license holder fifteen days notice of intent to revoke such license. Within fifteen days of such notice, the license holder may file a written request with the Town Clerk to appear before the Town Council, and when a hearing is thereafter scheduled by the Town Clerk, the license holder may appear and show cause before the Town Council why such license should not be revoked. Upon the failure of the license holder to file a written request to appear within fifteen days, or if after the hearing of the Council, the Council finds good and sufficient cause of revocation, the license shall be revoked. No refund of any license shall be made following revocation.

Be further advised that you cannot conduct business in the Town of Apple Valley without a valid Business License issued by the Town.

For further questions, please contact Dawn Simmons at (760) 240-7000 ext. 7707.

Sincerely,



Frank Robinson, ICMA-CM
Town Manager

xc: Finance Department
Police Department
Town Attorney
File

Exhibit 3



BRIGHT FUTURES

Academy

April 11, 2017

LaVonda Pearson
Town Clerk
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

RE: Business License 00013688

Dear Ms. Pearson,

In reference to the letter dated April 6, 2017, advising Bright Futures Academy with the intent to revoke the Business License No. 00013688, we respectfully would like to file an appeal. It is my understanding that this written communication will suffice to start the appeal process.

We believe, Bright Futures is part of the fabric of the community and help benefit its economy. Many of our staff live in the area and we provide jobs to our students over the summer. We have a 10-year lease on our building that infuses \$1.8 million back into the Town and we utilize local vendors for supplies, gas, insurance, repairs and short-term housing for our teachers. With this being said, we also understand that tighter controls and a different staffing pattern may be required to provide a better structured program which should eliminate the strain on the Police and Sheriff department's resources.

Bright Futures wants to be a good neighbor while also providing a vital service to the community. We implore you to keep our business license active and we have formed a plan to reduce calls to the Town's police department and provide a safe, education enriched program.

Bright Futures Academy has been serving children in the High Desert for more than 25 years. As a non-public school, we provide year-round care, special education and behavioral services to children with exceptional needs that can't be met in a public school setting. We contract with Apple Valley Unified School District and others to provide these services.

Our highly trained teachers, staff and administrators nurture children from the community who have autism, developmental disabilities, and emotional and conduct disorders. We specialize in teaching children with the most challenging behaviors, many of whom have exhausted all other educational options.

9994 County Farm Road, Riverside, CA 92503
951.785.0504



BRIGHT FUTURES

Academy

We encourage the Town Council and its representatives to speak with the Desert Mountain SELPA (Special Education Local Plan Area) concerning our lengthy and outstanding reputation for providing services to special needs students.

Bright Futures Academy would like to work with the Town of Apple Valley and its police department to solve any outstanding issues and continue contributing to the community and its residents. We want to work with you to resolve any issues and ensure that students in the community who are most in need continue to have a place close-by where they can learn and thrive.

Please accept our request for an appeal of the Town's intent to revoke our Business License. You may contact me directly at my direct phone # 951-373-3795 or email at p.lamberth@brightfuturesnps.com.

Respectfully

Pamela Lamberth
Chief Operating Officer

9994 County Farm Road, Riverside, CA 92503
951.785.0504

LEE GREEN & STEWART

Noah Green, Esq. (State Bar No. 218643)
301 E. Colorado Boulevard, Suite 705
Pasadena, CA 91101
(626) 395-7686
noah@lgsattorneys.com

Attorneys for License Holder, Bright Futures Academy, LLC

BEFORE THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA

In re BRIGHT FUTURES ACADEMY, LLC, license holder

License No. 0013688

STATUS REPORT OF BRIGHT FUTURES ACADEMY, LLC, RE PROGRESS OF REMEDIATION EFFORTS ORDERED BY TOWN COUNCIL

DATE: August 8, 2017
TIME: 6:30 p.m.

TO THE HONORABLE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA:

Bright Futures Academy, LLC ("BFA"), who is the holder of Business License Number 00013688 ("License"), hereby submits the following Status Report summarizing its progress in implementing certain remedial efforts that BFA was ordered to undertake at the Town Council's meeting on June 13, 2017.

I.

INTRODUCTION

BFA operates three non-public schools in the Inland Empire and High Desert for students with emotional disturbance or have autism/intellectual disabilities. Captain Frank Bell of the Apple Valley station of the San Bernardino County Sheriff's Department reported a substantial

1 spike in service calls to his station from BFA's Apple Valley campus from February 2016 to
2 March 2017, stating this volume created a drain on the Sheriff's limited resources and raising
3 concerns about whether BFA's operations presented a risk to the health, safety and welfare of the
4 town. Considering these facts, the Town Manager's recommendation was that BFA's business
5 license should be revoked under Apple Valley Municipal Code §5.02.230(a)(4). The matter was
6 then set for public comment before the Town Council on June 13, 2017.
7

8 BFA came to that hearing and presented its case as to why its license should not be
9 revoked. In sum, BFA acknowledged its failings, took responsibility and offer apologies to the
10 Sheriff's Department, the Town Council, and the community at large for the volume of calls.
11 BFA then outlined several remedial steps that it had undertaken prior the hearing, which
12 included the following:
13

- 14 • Repairing a malfunctioning alarm system that was triggering false alarms and
15 automatic calls for service to the Sheriff.
- 16 • Hiring an outside security contractor, Blue Nite Protection Agency, to serve as a
17 buffer between school staff and the police;
- 18 • Re-training BFA security personnel on how to better handle student aggression;
- 19 • Removal of a handful of students that were the cause of most of the calls to the
20 Sheriff;
- 21 • Initiating the purchase of a new campus in Adelanto for the purpose of segregating its
22 population of students with emotional disturbance, who tend to be responsible for
23 most security issues. In particular, the students with emotional disturbance would be
24 transferred to BFA's new Adelanto campus while the students with autism and
25 intellectual disabilities would remain at the Apple Valley campus.
26
27
28

///

1 At that June 13, 2017 hearing, the Council ruled that it would take the question of
2 revoking BFA's license under submission pending the completion of a six-month probationary
3 period by BFA. During said probationary period, BFA was ordered to continue the remediation
4 efforts outlined above. In addition, BFA was to present a report to the Council prior to its
5 regular meeting on August 8, 2017 as to the status of those remediation efforts. That report is
6 presented herein and described in greater detail below.
7

8 **II.**

9 **STATUS OF REMEDIATION EFFORTS**

10 To date, BFA has undertaken the following steps to remediate security at its Apple
11 Valley campus:
12

13 **1. Adelanto Campus**

14 BFA's new Adelanto campus, which currently is in escrow, is scheduled to open no
15 later than October 31, 2017 pending an onsite visit by the California Department of
16 Education ("CDE") to validate the new school. The school is also currently working
17 on the zoning and business license clearance as it moves forward in the process. The
18 portion of BFA's student body at the Apple Valley campus that are students with
19 emotionally-disturbance will be fully transferred there by the projected date.
20

21 **2. Re-Training of Staff**

22 The BFA classroom and transportation staff have annual staff development training
23 on August 7, 8, and 9th. The trainings will include topics such as verbal de-escalation
24 of students with verbal and physical aggression, classroom behavior management
25 strategies and techniques, and Positive Behavior Intervention and Supports.
26

27 Additionally PRO-ACT Training for staff who require a refresher course or are newly
28 hired will occur in three separate three day trainings from July 24- August 6th.

ATTACHMENT 4



BRIGHT FUTURES Academy

January 29, 2018

Town Of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

To the Honorable Mayor and Town Council members:

This report provides information on Bright Futures Academy, Apple Valley campus for the month of January 2018.

Adelanto Campus - Progress on new school

Status of the Adelanto property:

- New School Property: 17960 Adelanto Rd Adelanto, CA 92301.
- CDE conducted an on-site Validation review on January 25th.
- The campus remodel is completed and anticipated to open February 5th.
- In place of the security/safety officer model, Bright Futures Academy has hired two credentialed Cadet Core instructors. These teachers are in addition to three special education teachers. The Cadet Core classroom instruction will teach:
 1. Loyalty – to self, others, and civic and government institutions.
 2. Education – The success of all cadets in the academic endeavors, including staying in school and pursuing higher education.
 3. Ambition – striving for excellence and lofty goals.
 4. Duty – lifelong habits of responsible behavior, excellent attendance and punctuality.
 5. Enthusiasm – a zest for life’s challenges.
 6. Respect – cooperation with school and public policies, regulations, and laws and respect for the dignity of all persons as well as an appreciation for the rich heritage of America and California.
 7. Service – to others, our state, and our nation and world.
 8. Health – fitness, and wellness, including avoidance of gangs, illegal drugs, alcohol and tobacco.
 9. Integrity – positive choices by cadets with regards to private and public behavior.
 10. Personal courage – say no to that which is wrong and stand up for what is right

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OBJECTIVES: The six California Cadet Corps Objectives are to:

1. Develop LEADERSHIP.
2. Engender CITIZENSHIP.
3. Encourage PATRIOTISM.
4. Foster ACADEMIC EXCELLENCE.
5. Teach BASIC MILITARY KNOWLEDGE.
6. Promote HEALTH, FITNESS, AND WELLNESS

Behavioral Data

For the month of January, there was 1 incident that required an Incident Report dated 1/26.

- One (1) emotionally disturbed (ED) student was responsible for 1 IR. He eloped from campus and was shadowed by staff. Police were called and they picked him up and took him home.

Maintenance

Safety hazard walks are completed daily by the Safety Officers. Regional maintenance crew completed all repair requests.

Professional Development/Staff Training

Bright Futures Academy Apple Valley staff participated in one half day of staff development on January 10th. Our training was done in partnership with the Desert Mt. SELPA and included:

- Part Two of Benchmark assessments tools

Sheriff Department Calls

There was one call to the Sheriff's department this month for the incident.

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Staffing

All staffing remains in place this month. The opening of the Adelanto campus will provide staffing at each campus as listed below:

Apple Valley Campus

- 1 - Principal
- 1 - Administrative Assistant
- 2 - Behavior Assistants
- 3 - Teachers
- 2 - Teaching Assistants w/sub credentials
- 1:1 Aides as required by students Individual Education Plan. Currently have nine (9) 1:1 Aides.
- Speech/Occupational Therapy/Counseling
- 2 - Bus Drivers
- 2 - Bus Aides

Adelanto Campus

- 1 - Principal
- 1 - Program Director
- 1 - Administrative Assistant
- 1 - Behavior Specialist
- 3 - Teaching Assistant
- 1:1 Aides as required by students Individual Education Plan.
- 2 - Cadet Core Instructors
- 3 - Special education Teachers
- 2 - Bus Drivers
- 2 - Bus Aides

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