

MEMORANDUM

To: Board of Trustees,
Washington Unified School District

From: Steven Lawrence,
Superintendent of Washington Unified School District

Date: November 23, 2009

Re.: Review of CCCTEC Charter School Petition

This memorandum summarizes for the Board of Trustees (the "Board") of the Washington Unified School District (the "District") the findings of the District's staff regarding a petition (the "Petition") to create a charter school named the "California College, Career & Technical Education Center" ("CCCTEC") that was submitted to the District on September 30, 2009.

I. Legal Background.

California law requires school district governing boards to grant charter petitions if the governing board is satisfied that granting the charter is consistent with sound educational practice. Boards may not deny petitions unless they make written factual findings, specific to the petition in question, setting forth specific facts to support one or more findings that the petition fails to meet one or more specific statutory requirements. See Ed. Code § 47605(b).

II. Executive Summary and Recommendation.

The Petition fails to meet a number of specific statutory requirements, and these deficiencies are discussed in detail below. The following are some of the most significant deficiencies:

- The Petition demonstrates that the petitioners are unlikely to successfully implement the proposed program because it, among other things, includes unrealistic job requirements for its teachers and presents a budget based upon unlikely staffing and enrollment assumptions;
- The Petition lacks certain required financial information;
- The Petition does not set out a clear education program or clearly define which student population that CCCTEC intends to serve; and
- The Petition suggests that the petitioners lack the necessary understanding of basic operational matters, such as the operation of financial accounting systems, retirement programs and special education programs.

For these reasons and the other reasons described in this memorandum, it is my opinion that granting the Petition is not consistent with sound educational principles. Consequently, I recommend that the Petition be denied.

III. Detailed Discussion of Findings.

District staff with expertise in each of human resources, finance and curriculum/educational programs reviewed the Petition. The findings of these staff members are set out below.

A. Human Resources

1. Issue: The Petition indicates that the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.

Discussion: California law provides that governing boards may deny a charter petition if the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. The Petition indicates that the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition for a number of reasons, including the following:

- The Petition relies upon cooperative arrangements between CCCTEC and the District, but no discussions have been held or proposed between the parties regarding any such arrangements. Specifically:
 - The Petition states that the District shall “affirmatively collaborate with CCCTEC Charter to announce transfer opportunities and provide descriptions of position opening in a timely fashion.” (Petition, p. 53) There have been no meetings between CCCTEC representatives and the District Human Resources Department to discuss these or any other provisions listed in the Petition with regard to human resources services.
 - While the Petition states that the “CCCTEC may employ staff on-loan from Washington Unified School District”, there have been no meetings between CCCTEC representatives and the District to discuss this provision. (Petition, p.53)

The Petition fails to specify certain basic information about the employment arrangements of CCCTEC employees, including:

- The Petition does not specify whether its employees will be “at will” or if they will gain permanency.
- The Petition does not include information regarding a salary schedule, criteria for staff to be placed on the salary schedule, criteria for what the school considers effective teachers and whether pay increases will be determined by performance or length of service.

The Petition fails to include important information about the processes for hiring and managing employees, including:

- The process for staff recruitment, selection, evaluation and termination lacks specificity.
- The Petition does not discuss consequences for low performance of staff, discipline of staff and how CCCTEC will handle any personnel/labor disputes.
- The Petition does not address how employee complaints will be addressed or the means by which CCCTEC will ensure due process in the event an employee is disciplined.

The Petition sets out a list of job requirements for teachers that are likely unrealistic and internally inconsistent.

- In addition to a full time teaching load, each teacher will be required to:
 - Provide extensive career counseling within advisory period; (Petition, p.25)
 - Spend three hours a week in advisory; (Petition, p.27)
 - Spend an additional five hours a week in individual advisory sessions; 15 minutes each week with each of their 20 students they are to mentor; (Petition, p.27)
 - Attend professional development on analyzing student data; (Petition, p.28)
 - Attend department level meetings; (Petition, p.28)
 - Attend professional development on differentiated instruction;
 - Do one-on-one or small group tutoring; (Petition, p.31)
 - Develop an ILP for every student;
 - Receive 24 hours of Drug Alcohol Recognition training; (Petition, p.36)
 - Monitor students in the summer session by giving assessments.

CCCTEC is not likely to find professional educators who will perform all of the extra duties required of them for the salaries that are budgeted.

- The staffing ratios stated in the Petition are not supported by other statements in the Petition. The Petition states that class sizes will be between 23 and 28 students, yet all core teachers will teach fewer than 100 students. (Petition, p.29) If CCCTEC opens with 250 students, as stated, the school will have to employ at least 12 FTE staff members. The budget does not seem to support that level of staffing. (Petition, p.27)
- The vision of CCCTEC as stated in the Petition and at prior Board meetings is to serve the students that are currently not served by the District. The Petition further describes a number of students that are currently not on track to graduate from a District program as the target population. The staffing listed is not likely to produce positive results with a highly at risk population that enters the school below grade level in the core subject areas.

The Petition fails to include certain key staffing functions. Specifically:

- CCCTEC is scheduled to open with 250 students and the staff listed is a director, office manager, teachers and instructional aides, RS specialist, literacy coordinator and special education director and one counselor. District staff was unable to find reference to campus security staffing or custodial staff. The District's current alternative high school has fewer than 250 students and is staffed with two office staff, one counselor, two campus security, two outreach specialists and a fulltime custodian. The staffing that the Petition lists is unlikely to produce the highly individualized comprehensive college prep education that is the vision of the school.

- The Petition describes an elaborate partnership with ROP, community colleges, partnerships, career tech programs and apprenticeship programs. There is no staffing contained within the Petition to facilitate and implement these programs.

Legal References: Ed. Code § 47605(b)(2); 5 CCR § 11967.5.1(c).

2. Issue: The Petition does not contain a reasonably comprehensive description of the qualifications to be met by CCCTEC employees.

Discussion: California law provides that governing boards may deny a charter petition if the petition does not contain a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the school.¹

The Petition fails to meet this standard for several reasons, including the following:

- Measures of assessment of performance for certificated and classified staff are not listed at all. There are no evaluation forms, criteria or evaluation processes contained within the Petition.
- While the selection process states that all staff will meet the qualifications contained in the job descriptions, the job descriptions lack specificity and the Petition is unclear as to how the teachers will learn the curriculum that will be implemented to support the educational goals outlined in the Petition.
- Within the director’s qualifications there is not a requirement for any human resources experience or knowledge. While there is listed “sufficient understanding of charter school operations to monitor all ‘back office’ operations,” there is no indication that this includes any human resources expertise. There are no other staff under whom HR functions would fall.

Legal References: Ed. Code § 47605(b)(5)(E); 5 CCR § 11967.5.1(f)(5); 5 CCR § 11967.5.1(g).

3. Issue: The Petition does not provide a reasonably comprehensive description of the manner by which staff members at CCCTEC will be covered by certain retirement programs.

Discussion: California law provides that governing boards may deny a charter petition if the petition does not contain a reasonably comprehensive description of the manner by which staff members of the charter school will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security. The Petition fails to meet this standard for a number of reasons, including:

¹ California regulations provide that a “reasonably comprehensive description” must include information that is substantive and not, for example, just a listing of topics with little elaboration. Where an element that has multiple aspects is being described, essentially all aspects must be addressed, and not just selected aspects. Descriptions must be specific to the charter petition being proposed, not to charter schools or charter petitions generally. Finally, descriptions must specifically address, as applicable, how the charter school will: (1) improve pupil learning, (2) increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving, (3) provide parents, guardians, and pupils with expanded educational opportunities, (4) hold itself accountable for measurable, performance-based pupil outcomes and (5) provide vigorous competition with other public school options available to parents, guardians, and students.

- While the Petition states that their CCCTEC Board of Trustees shall determine whether classified employees will participate in retirement programs, such as PERS, it then goes on to say that staff will retain all previously vested right in their retirement systems, which is in conflict with the previous statement. (Petition, p.52)

The Petition also shows that the petitioners have applied incorrect assumptions regarding access by CCCTEC employees to other District retirement plans. Specifically, the Petition states that the petitioners wish to have employees of CCCTEC be eligible to participate in District retirement plans other than PERS / STRS. (Petition, p.52) On page 53 of the Petition, the petitioners note that CCCTEC is the exclusive public school employer of CCCTEC employees. Therefore, employees of the CCCTEC would not qualify for District retirement plans as they are not District employees.

Legal References: Ed. Code § 47605(b)(5)(K); 5 CCR § 11967.5.1(f)(11).

4. Issue: The Petition does not contain a reasonably comprehensive description of the rights of employees in connection with transfers between the District and CCCTEC.

Discussion: California law provides that governing boards may deny a charter petition if the petition does not contain a reasonably comprehensive description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. The Petition fails to meet this standard for a number of reasons, including:

- While the Petition states that employees of CCCTEC shall have the right to return to employment as per District policy and collective bargaining agreements, there have been no such agreements made between the CCCTEC and the District. (Petition, p.53)
- The right of employees of CCCTEC to return to the District has implications with the WTA and the provisions contained in the collective bargaining agreement between the WTA and the District. The WTA has not requested a meeting with the District to negotiate these provisions and the District has not been approached by CCCTEC to meet regarding any negotiable impacts that the Petition may have upon current WTA members.
- The Petition does not contain any provisions regarding the carryover of sick leave or vacation time for employees going to or from CCCTEC.

Legal References: Ed. Code § 47605(b)(5)(M); 5 CCR § 11967.5.1(f)(13).

B. Finance

1. Issue: The Petition does not contain required financial information.

Discussion: California law provides that petitioners shall be required to provide financial statements that include a proposed first-year operational budget, including start-up costs, and cash flow and financial projections for the first three years of operation. A cash flow statement was not presented by the petitioners. Given the current continued deferrals of revenues by the State Legislature, an accurate cash flow projection is crucial to any financial plan.

Legal References: Ed. Code § 47605(g).

2. Issue: The Petition indicates that the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.

Discussion: California law provides that governing boards may deny a charter petition if the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. The Petition indicates that the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition for a number of reasons, including the following.

The budget presented in the Petition is based upon improbable assumptions and is likely unrealistic.

- Given the enrollment noted in the start-up budget of 250 students at an ADA rate of 95%, CCCTEC anticipates annual growth in projected enrollment in 2010-11 to 375 (51.49% increase); projected enrollment in 2011-12 to 500 (34.66% increase); projected enrollment in 2012-13 of 625 (26.25% increase), and an enrollment cap in 2013-14 of 650 (0.99% increase). (Petition, p.27) Furthermore, assumed growth year-over-year presented on page 19 of the Petition is aggressive and is not supported by demographic studies. This growth also assumes 95% ADA as well as 100% of the projected enrollment being achieved on the first day of class.

The budget should be built on an annual enrollment below the goal enrollment, to ensure that the entire endeavor does not fail if enrollment is slow to grow, some initial students return to their home school or students attend less than 95% of the time. Because CCCTEC has not left any room to withstand less than the optimum enrollment, the budget is most likely less stable than presented. The budget should be built on an annual expected enrollment below the final goal.

- One of the concerns in the budget is, assuming the petitioner’s statement of small class sizes and using a ratio of 20:1, the budget as proposed has a reduction in average salary from year 1 to year 2. (Petition, p.96) In addition, the salary used appears to be below the average in the area.

	2010 / 11	2011 / 12
Enrollment	250	379
Certificated FTE @ 20:1	10	15.16
Budgeted Teacher Salaries	\$ 495,000.00	\$ 681,750.00
Average Salary	49,500.00	44,970.32
Maintain Yr 1 Average	49,500.00	49,500.00
Adjusted Salaries	\$ 495,000.00	\$ 750,420.00
Variance	-	\$ (68,670.00)

- An additional concern is the factors used to determine benefits cost. The factors stated on the budget of 10.2% and 16.67% for certificated and classified salaries respectively are understated as the below chart show. In addition, if projected salaries were to be brought into alignment with the small class size ratio, this variance would proportionally increase.

	2010 / 11	2011 / 12	2012 / 13	2013 / 14	2014 / 15
Certificated Salaries	\$ 644,800.00	\$ 840,320.00	\$ 1,233,913.00	\$ 1,717,718.00	\$ 1,734,895.00
Classified Salaries	200,000.00	241,950.00	346,178.00	370,041.00	373,742.00
Benefits @ 10.2 %	65,769.60	85,712.64	125,859.13	175,207.24	176,959.29
Benefits @ 16.67%	33,340.00	40,333.07	57,707.87	61,685.83	62,302.79
Total Benefits	\$ 99,109.60	\$ 126,045.71	\$ 183,567.00	\$ 236,893.07	\$ 239,262.08
Budget Benefits	97,490.00	123,748.00	180,139.00	232,147.00	234,469.00
Additional Cost	\$ 1,619.60	\$ 2,297.70	\$ 3,428.00	\$ 4,746.07	\$ 4,793.08

- The Petition notes that in the components of the small class size and small, personalized learning communities will include a trained counselor to help guide the process, with a student to counselor ratio of 300:1. (Petition, p.27) Given that the projected growth in enrollment from 2010-11 to 2011-12 puts total enrollment at 375, the addition of a second counselor should occur in 2011-12. The budget does not have an increase in certificated support salaries to offset the cost of an additional counselor. This cost would need to be added to the budget.
- The Petition provides for Saturday and Summer School. (Petition, p.36) The cost of Saturday and Summer School does not appear to be included in teacher salaries. The estimated salary using a student to teacher ratio of 25:1 is \$49,500. Assuming a traditional 10-month employee, this salary is below the average. If this salary is for a 12-month employee, then the salary drops even further below the average bringing into question the ability of CCCTEC to attract and retain NCLB compliant teachers.
- The budget assumes an annual per student cost for furniture at \$250 and computers at \$350. Given the ratio in the start-up budget, it appears that CCCTEC will not have allocated sufficient resources to provide a computer lab until year three of operations.

Page 34 of the Petition implies that teachers will have access to technology (computers, presentation systems, etc.), which includes access to web-based programs. Students will also have access to a homework lab. If expenditures in year two through three were strictly for new computers, the ratio of new computers to students is 7:1.

- While it appears that CCCTEC may have the ability to operate for the first year, this could be achieved only with the use of loan proceeds to balance the budget. However, a budget that is “balanced” only with the use of loan proceeds cannot be sustained over time, and the loan would still need to be repaid. In addition, further adjustments for items mentioned above would worsen the situation.

More problematic is the fact that even the above-projected shortfall will grow if the school does not begin the school year with 250 students enrolled on the first day of school who attend 95% of the time. For example, if an average of 100 students are enrolled the first quarter, 175 the second quarter and 250 for the third and fourth quarter, CCCTEC would attain an average enrollment of 193.75 with 95% actually attending daily, or 184 ADA, not the 237.5 budgeted. In dollars that is approximately \$330,000 of revenue that would not be earned in the first year of operation. If CCCTEC’s proposed solution is to enroll more than 250 students in the third and fourth quarter to increase the average, then the budget does not adequately include costs for necessities such as books, furniture, facilities and utilities.

- In regards to special education funding, the Petition fails to address a funding allocation process in detail. There is no mention of how high-cost students will be served. Additionally, the petition assumes funding and services will be administered through the Yolo County SELPA, but does not acknowledge that acceptance in a SELPA is not an automatic process. Without such agreements in place, the likelihood of successfully providing the needed special education services is remote.

The Petition indicates that the petitioners lack an understanding of basic financial operations and systems requirements. Specifically:

- The petitioner notes that the Yolo County Office of Education (“YCOE”) or ExEd is to provide accounting using either the YCOE’s FIS or a comparable accounting system that is compatible with SACS. (Petition, p.65) It is noted that the audited financials will include reconciliation to the District’s financial report for CCCTEC’s fund. This statement implies that the District will be responsible for maintaining fund accounts within the YCOE’s FIS. The District does not have autonomy over the YCOE’s FIS.
- The Petition states that money obtained from fund raising activities will be kept in the school safe and promptly deposited when large amounts are accumulated. (Petition, p.67) The start-up budget is silent on the acquisition of a safe. In addition, making deposits when large amounts are accumulated does not follow generally accepted accounting principles.
- The Petition also briefly discusses how attendance accounting will be tracked. (Petition, p.67) The petitioner notes that CCCTEC “...reserves the right to use the WUSD’s SIS system if necessary....” Such use would have to be negotiated and without the presence of an MOU allowing for such, CCCTEC does not have the authority to reserve the right to use any of the District’s systems.

The Petition does not adequately provide for the acquisition of and budgeting for insurance necessary to operate CCCTEC.

- The Petition notes that CCCTEC will obtain insurance services as part of the YCOE’s insurance programs. (Petition, p.66) This statement shows a lack of understanding of how different types of insurance a school entity must obtain is acquired and/or held.
- The Petition states that CCCTEC will acquire insurance through existing District programs or on its own. (Petition, p.48) As the petitioners note on page 68 of the Petition, CCCTEC will be a direct funded (independent) charter, as well as state on several occasions that CCCTEC will act as its own LEA (local educational agency), then CCCTEC would not have the legal authority or right to access District insurance programs. In conflict with this statement on page 48 of the Petition, CCCTEC makes the same reference to insurance but notes that it will obtain the insurance through the YCOE’s insurance programs. This causes concern as to the intended audience of the petition is meant for.

The Petition does not adequately describe how CCCTEC’s facilities will be funded:

- The Petition notes that a Proposition 39 facility use request would be submitted as needed. (Petition, p.67) The Petition also notes CCCTEC’s intent to begin classes for the 2010/11 academic year. The District has not received a Proposition 39 request for the 2010/11

academic year, and it is therefore assumed that CCCTEC will satisfy its facility use need in some other manner that was not clearly defined in the Petition.

The petitioners show a lack of understanding as to public school finance principles. Specifically:

- The Petition notes that CCCTEC is committed to hold the District harmless from financial obligations “in the event of an unbalanced budget, assuming that legislatively guaranteed income sources arrive, per law, for the School in conformance with the budget.” (Petition, p.48) The statement shows a clear lack of understanding of public school finance. The debt of CCCTEC, regardless of whether the charter school is fully funded as per law by the state or not, remains a debt of the charter school. The District in no way would be responsible to provide any debt relief to CCCTEC in the event that the budget is either “unbalanced” or “cash negative.”

Legal References: Ed. Code § 47605(b)(2); 5 CCR § 11967.5.1(c).

3. Issue: The Petition does not contain a reasonably comprehensive description of certain financial accounting and audit matters.

Discussion: California law provides that governing boards may deny a charter petition if the petition does not contain a reasonably comprehensive description of the manner in which annual independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

The Petition does not include the manner in which audit exceptions and differences will be resolved. (Petition, p.68) The Petition makes note that the dispute resolution process will be used to resolve such differences. Audit exception resolution is not subject to the dispute resolution process as such exceptions can involve internal controls and other GAAP issues and their resolution are not negotiable.

In addition, the Petition notes that the district will perform its supervisory oversight tasks for a fee not to exceed 1% of the average daily attendance funds received by the school. (Petition, p.68) Education Code Section 47613(a) allows for a fee of 1% of total revenues. Therefore, the CCCTEC’s budget has understated the minimum allowable fee of 1%.

Legal References: Ed. Code § 47605(b)(5)(l); 5 CCR § 11967.5.1(f)(9).

C. Curriculum/Educational Programs

1. Issue: The Petition indicates that the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.

Discussion: California law provides that governing boards may deny a charter petition if the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. The Petition indicates that the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition for a number of reasons, including the following.

The Petition relies upon inappropriate financial and operational assumptions, including:

- The enrollment estimate for CCCTEC is unrealistic. (Petition, p.8) The petitioner estimates that the high school will enroll 400 to 800 students, which is a large range. It is unlikely that a charter school will grow that large given competition from the comprehensive high school, Visions, WSECP, and one other independent study charter in town. An unrealistic enrollment projection prevents realistic revenue projections upon which to build both program and budget.
- The Petition states the maximum school size is 650. (Petition, p.27) In the introduction, it says 400 to 800. On page 19 of the Petition, it says 625. Which is it? Budget development depends on accurate enrollment projections.
- There is no evidence in the budget that there is adequate funding for the frequent field trips listed as part of the instructional methods for all courses. (Petition, p.26) This laundry list does not appear to be appropriate for all courses. There is nothing in the schedule to suggest that there is individual mentoring time with instructors.
- The guidance counselor ratio is 1:300, indicating that at least 2.0 FTE counselors should show up in the budget. (Petition, p.27)
- The Petition states that students will meet for three hours a week in groups of 20 with their advisors, every other day. (Petition, p.27) Every other day is inconsistent with three hours a week. Each student will also have a 15 minute meeting with the advisor one on one. This equals 15 minutes x 20 students, or five hours of additional work. This information implies that teachers will spend eight hours a week on advisory duties.
- The Petition states that the school will employ teachers inspired to work in an environment of high stakes accountability. (Petition, p.29) The budget does not reflect adequate funding to offer competitive salaries. How does petitioner propose to keep top teachers without competitive salaries?
- The Petition states on page 29 that teachers will teach a maximum of 100 students, in direct conflict with the 80 to 125 student (plus 20 in advisory) numbers on page 27 of the Petition.

The qualifications of the founding group make it unlikely that they can effectively operate a charter school.

- The role of the founders is unclear. Are they the charter board? Are they going to run the school in staff positions? As a group, they appear to lack experience in curriculum and instruction, and in the design of effective programs to achieve academic outcomes. Given their lack of experience in designing effective instructional programs for students, the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. No petitioner appears to have experience in designing programs to close learning gaps in the core areas, nor knowledge of intervention programs to help at-risk students close the gaps in their basic reading, writing, and math skills that are preventing them from passing the high school exit exam and meaningfully participating in the college preparatory curriculum mentioned in the Petition.

Legal References: Ed. Code § 47605(b)(2); 5 CCR § 11967.5.1(c).

2. Issue: The Petition does not contain a reasonably comprehensive description of CCCTEC's educational program.

Discussion: California law provides that governing boards may deny a charter petition if the petition does not contain a reasonably comprehensive description of the educational program of the school.

The Petition fails to indicate the basic learning environment(s) that CCCTEC will operate.

- The Petition states that the school “envisions itself as a school of daily attendance” but also states that they may provide independent study and home schooling also. (Petition, p.8) This lack of clarity of program runs throughout the Petition.

The Petition fails to indicate with sufficient specificity the instruction approaches that CCCTEC will utilize, including its curriculum and teaching methods. For example:

- The Petition states that each student will graduate from high school college-ready and prepared for a career pathway. There is no comprehensive program description included in the Petition that says how CCCTEC will accomplish this goal.
- The Petition states that “Students will engage in a course of study that blends career, high school and college academics, which will lead to multiple pathways after graduation.” (Petition, p.16) The sentence is unclear. Is an early college program being proposed?
- The Petition states that the grade level outcomes have been backwards mapped and articulated. (Petition, p.17) Where are these outcomes? This Petition is full of vague generalities, but little substantial information. In the next paragraph, the Petition talks about the College Board's Springboard curriculum. What is the relationship between the articulated outcomes and the Springboard curriculum? How will these elements be used to design a coherent program? Most of the Springboard information appears to just be copied from their website and promotional materials.
- Under “How Learning Best Occurs,” the first sentence states, “All students can be successful in science and mathematics, and thrive in rigorous high school courses...” (Petition, p.17) Why are only science and mathematics mentioned? Is this proposal for a science and mathematics academy? Petitioners seem to be unaware that the population they propose serving has significant needs in the area of English/Language Arts, including basic reading instruction. The bullet points appear to be copied from another document and the petitioners did not catch the third bullet from the end on page 18, which appears to be a subheading rather than a point. There is ample evidence in this document that instead of being carefully thought out, it has instead been compiled from other documents to fill the space.
- The petition states that their A to G courses will be “replicated” from UC/CSU accepted courses at River City High School. (Petition, p.18) Petitioners apparently fail to understand that a charter must write course proposals to send to UC for approval, and that approval of courses for the District does not carry over to charter schools.
- The Petition states that the focus of individual student programs is career preparation, and says they “may” include A to G requirements. (Petition, p.26) This statement contradicts

other parts of the Petition that state that college preparation is a goal — as in the subsequent paragraph on page 26.

- On page 30, the Petition states that core proficiency in reading, writing, and math is central, but in other places, career education is central.
- On page 91, the Petition shows three schools, and five academies, but no description of what will be in each academy, or how that curriculum will be delivered.
- On page 92, the Petition states that there will be a challenging UC A to G curriculum. Elsewhere, it states that this is optional. Is there an independent study program or not? How will adult education be funded?
- The graduation requirements listed on page 94 of the Petition do not match the course requirements on page 27 of the Petition, which state that students will take four years of math, English, science and social studies.

The Petition fails to indicate CCCTEC's target student population and contains a number of confusing or contradictory statements about what student population CCCTEC intends to serve. Specifically:

- The Petition states that the school will start with a grades 9 through 12 school, but proposes a school permitting all grades, which is unclear. (Petition, p.8) The Petition also discusses lower grades (Petition, p.8) and there are also mentions of an adult school running throughout the Petition.
- The Petition states that CCTEC is three charter schools: a 9-12 high school, an independent study school, and an adult school. (Petition, p.8) Ed. Code § 47633 indicates that charter funding is for the grade ranges of K through 12 only, and Ed. Code §47612 implies that a pupil over 19 years of age may be enrolled only if making satisfactory progress toward a diploma, like a fifth year senior. This does not seem to permit adult education charters.
- The Petition describes the group of students to be served as heterogeneous. (Petition, p.19) On page 16 of the Petition, in the mission statement, it is implied that students who have not found success in the traditional program are the targeted population. What students does the petitioner propose to serve? Without knowing their characteristics, it is impossible to design a program to meet their needs.
- CCTEC proposes opening with grades 9 and 10, with 125 students per grade level, adding a grade each year, until there are 625 students. (Petition, p.19) This equals five grade levels—does the petitioner propose adding 8th grade to reach that total? If the school has four grade levels 9-12, and there are 125 students per grade level, that's 500 students, not 625. The Petition is unclear on where the other 125 students come from.

The Petition is unclear as to how it will meet the needs of students with disabilities, English language learners and students achieving substantially above or below grade expectations, and other special student populations.

- Summer program is defined as three weeks, four days a week, in August. (Petition, p.36) Is this required? The program is for students who score below basic or far below basic on

state exams. The problem with this, in addition to the question of whether it has been adequately budgeted for, is that test results are not available until after August begins, making it difficult to identify students for this instruction. There is a reference to the instruction being related to the first six weeks of 6th grade courses, which is peculiar. How would a sophomore scoring below basic on the 9th grade CST benefit from repeating material from the first six weeks of sixth grade? In other places, the petition talks about meeting individual learning needs, which takes more diagnosis than this.

- The Petition states that students will be evaluated for special education needs “as early as possible” because of this summer program, demonstrating the petitioner’s lack of knowledge of special education. (Petition, p.37) Students are rarely first identified as being in need of special education services in high school.
- The Petition states that students who are low achieving will be strongly encouraged to enroll in before- or after-school core-competency modules? (Petition, p.37) This statement raises a number of questions. Do they have to participate, or not? If they don’t, how will they be provided with the instruction they need? Can any of this instruction take place within the school day?
- It is unclear how high achieving students will enroll in college courses. (Petition, p.38) Will CCCTEC pay the tuition?
- The plan for English learners set out on page 38 of the Petition is inadequate because it does not address in adequate detail how the needs of English learners will be met. The Petition describes the method as sheltered English immersion, but it looks more like mainstream placement plus ELD. This raises a number of questions. Will there be any SDAIE? How will English learners access core content? How will their proficiency in academic English be improved? There is no realistic plan here to serve English learners.
- The Petition states that the school will be part of the YCOE SELPA initially (it is unclear what “initially” means in this context), but it must apply and be accepted before participating. The Petition should be supported by an MOU with the agency supplying special education services. There are some references to the Yolo County Department of Education as an entity. There is no such agency. Counties are not departments of education. There are other vague references to the school acting as its own LEA in respect to special education and to contracting with the El Dorado County Office of Education Charter SELPA. There is no clear plan for serving special education students.
- There is no clear plan for serving students with 504 plans. (Petition, pp.40 and 41)

Legal References: Ed. Code § 47605(b)(5)(A); 5 CCR § 11967.5.1(f)(1).

3. Issue: The Petition does not contain a reasonably comprehensive description of measurable pupil outcomes and how progress against those outcomes will be measured.

Discussion: California law provides that governing boards may deny a charter petition if the petition does not contain a reasonably comprehensive description of the measurable pupil outcomes identified for use by the charter school or the method by which pupil progress in

meeting those pupil outcomes is to be measured. The Petition fails to meet this requirement for several reasons, including the following.

- Petitioner’s lack of understanding of assessment and measurable student outcomes is evident on page 41 of the Petition. How will the school measure student’s positive attitude toward learning, for example? There is no assessment plan to give the reader an idea of how outcomes will be measured. Questionnaires figure prominently in the assessment measures.
- An example of the problem with assessment is using the CELDT, which measures English language proficiency, and the 9th and 10th grade MAP tests, and the CAHSEE (9th and 10th grade ELA skills) to measure student acquisition of literacy skills necessary to succeed in college. None of those measures extend to a high enough level to measure college readiness, unlike the EAP, and some other assessments of college readiness. Students who have mastered 10th grade content only are unlikely to succeed in college. See the NCES’ longitudinal studies for help with what that preparation looks like.
- The math mentioned on page 43 of the Petition is for career success rather than for a college prep goal. This is inadequate to measure students’ level of college readiness. On page 44 of the Petition, it describes preparation for math up to Algebra II, but there is no plan for helping the population of students that this application seems to address achieve that level of mathematics proficiency.

Legal References: Ed. Code § 47605(b)(5)(B) and (C); 5 CCR § 11967.5.1(f)(2) and (3).

California College, Career & Technical Education Center, Inc



A California Public Charter School
A California Nonprofit Public Benefit Corporation

December 1, 2009

Revised December 29, 2009

Response to the Washington Unified School District's "Review" of CCCTEC's Charter Petition

This document represents California College Career & Technical Education Center's response to the Washington Unified School District's (WUSD) "Review" and rationale for denial of CCCTEC's Charter Petition "Memorandum". The Review of CCCTEC's Charter Petition which was submitted to the district on September 30, 2009 was conducted by the WUSD staff. On November 30, 2009 the WUSD Board of Trustees voted 4-0 to deny the CCCTEC Charter Petition. The denial was based upon the WUSD staff Review of the CCCTEC Charter Petition.

BACKGROUND

On September 30, 2009 the California College, Career & Technical Education Center, Inc. submitted a petition for a 9-12 High School to the WUSD. A cover letter on the petition addressed to the WUSD Board of Trustees and Superintendent of Schools Dr. Steven Lawrence states the following:

"In the unlikely event you feel our petition is missing information, which would cause hesitation or, worse yet, denial of acceptance into the Washington Unified School District, please provide us the professional courtesy to respond and address your concerns."

"CCCTEC pledges to work cooperatively with the District to answer any concerns over this document and to present the District with the strongest possible charter proposal requesting a five-year term. Approval of the charter shall be governed by the standards and criteria in Education Code Section 47605."

From CCCTEC Charter Petition Cover Letter to WUSD September 30, 2009.

Washington Unified School Board Policy (BP) 0420.4 states the following: ***"As needed, the Superintendent or designee may work with charter school petitioners to establish workable plans for technical assistance or contracted services which the district may provide to the proposed charter school."***

CCCTEC's philosophy is to always have a positive working relationship between the Washington Unified School District the Yolo County Office of Education and CCCTEC. CCCTEC is open to discussions regarding any aspect of the Petition and eagerly looks forward to resolving any issues that maybe raised by WUSD or YCOE staff. ***CCCTEC gave a written pledge*** and asked for the WUSD to ***"please provide us the professional courtesy to respond and address your concerns"*** however CCCTEC staff were never contacted during the 60 day period from September 30, 2009 until November 30, 2009 by WUSD staff to clarify or interpret any portion of the CCCTEC Charter.

On October 13, 2009, Paul Preston, Executive Director of CCCTEC contacted Yolo County Assistant Superintendent Dr. Camilla Giometti-May regarding potential special education services, fiscal, and other services and clarifications that could be offered by the school district for a fee paid by CCCTEC. Dr. Camilla Giometti-May suggested that Mr. Preston meet with Diana Blackmon, Special Education Director and Scott Lantsberger, Associate Superintendent for the WUSD. Dr. Camilla Giometti-May facilitated a meeting between Mr. Preston, Dr. Blackmon and Scott Lantsberger on November 12, 2009. Also in attendance was Linda Legnitto, Deputy Superintendent for YCOE. The meeting was positive and productive and made possible by the Yolo County Office of Education and not by any staff members of the WUSD.

CCCTEC is available to meet with WUSD staff anytime regarding the petition and goals of the Charter school.

On October 22, 2009 in accordance with Education Code Section 47605(b), the WUSD held a public hearing on the provisions of the California College, Career & Technical Education Center, Inc., (CCCTEC) Charter Proposal. The WUSD Governing Board considered the level of support for the petition by teachers and other employees employed by the District, and parents. At no time was any member of CCCTEC contacted before the meeting to advise when or where the hearing was to be held.

The hearing started at 5:00 pm when Board President Mary Leland informed members of the public that each person in support of CCCTEC would be given only 3 minutes for testimony. Twelve members of the public including teachers, parents and members of CCCTEC spoke in favor to approve the Charter Petition. No one from the public spoke in opposition of the CCCTEC Charter Petition. There were no questions asked by the WUSD Trustees or district staff of CCCTEC staff or to any of the people who spoke in favor of the CCCTEC Charter Petition. The meeting ended at 5:25 pm.

In a November 4, 2009 issue of the West Sacramento Press Washington Unified School District Board of Trustee Matt Stegman was interviewed regarding the CCCTEC Charter Petition. The article states the following:

“School board member Matt Stegman said the loss of 250 students or more would financially impact the district. State funds are tied to “bodies in seats” and are one reason districts try to keep attendance as high as possible Stegman said, “The answer is yes, WUSD would generally lose the funding for those students, as much of our funding is tied to enrollment.....”

Whether right or wrong, charter law currently does not allow the fiscal impact of a school district to be considered when approving or denying a petition. It appears from Mr. Stegman’s comments that the potential loss of ADA could be a reason for denial. The CCCTEC Petition made it clear that students currently enrolled in WUSD were not the target of the CCCTEC School, but those students that have left the district, are not currently being served, who may be in an independent study program not as rigorous as CCCTEC, and students looking for an alternative educational experience were to be the targeted student group for the school.

The WUSD website was not functioning from Friday, November 27, 2009 until after 9:00 pm on Sunday, November 29, 2009. It wasn’t until after 9:00 pm on November 29 when the website went back on line that the public was made aware of the timing and location of the Special Board Meeting. At no time was any member of CCCTEC contacted before the meeting to advise when or where the hearing was to be held.

On November 30, 2009 a Special Meeting of the WUSD Governing Board, in accordance with Education Code Section 47605(b) met to decide whether to grant or deny the charter school petition of the California College, Career & Technical Education Center, Inc., (CCCTEC). Several members of the CCCTEC staff spoke in support of the CCCTEC Charter Petition. No one spoke in opposition to the CCCTEC Petition. Again like the October 22, 2009 hearing there were no questions asked by the WUSD Trustees or district staff of CCCTEC staff or any of the people who spoke in favor of the CCCTEC Charter Petition. The WUSD staff distributed a fourteen page "Review of CCCTEC Charter Petition" which outlined the reasons for the staff recommendation to deny the CCCTEC Petition. The WUSD Board of Trustees voted 4-0 with one absent to deny the CCCTEC Charter School Petition.

WUSD "MEMORANDUM"

The Review of the CCCTEC Charter School Petition is a fourteen page "MEMORANDUM". Those portions in blue are statements from the "Review of the CCCTEC Charter School" produced by the WUSD staff while "response" statements by CCCTEC staff are found in black. While reading the CCCTEC "response" to the WUSD "review" one must remember that the approval of a charter school petition starts the more detailed communication and planning with the district. CCCTEC welcomes, even anticipates WUSD staff may want to be a part of the Charter for transitional purposes. Additionally CCCTEC views itself as a WUSD "District" public school serving the same students as a positive alternative/option for WUSD students.

The **Executive Summary and Recommendation** portion of the memorandum states the following:

- *The Petition demonstrates that the petitioners are unlikely to successfully implement the proposed program because it, among other things, includes unrealistic job requirements for its teachers and presents a budget based upon unlikely staffing and enrollment assumptions;*
- *The Petition lacks certain required financial information;*
- *The Petition does not set out a clear education program or clearly define which student population that CCCTEC intends to serve; and*
- *The Petition suggests that the petitioners lack the necessary understanding of basic operational matters, such as the operation of financial accounting systems, retirement programs and special education programs.*

The **Executive Summary and Recommendation** cited above are based on inaccurate interpretations of the Charter Petition, conclusions based on erroneous assumptions, a lack of understanding of charter school law, and a misinterpretation of facts this will become evident as we progress through the WUSD "Review of the CCCTEC Charter Petition".

Page 2 "III. Detailed Discussion of Findings" portion of the Review makes the following comments on three statements in regards to "Human Relations":

"The Petition relies upon cooperative arrangements between CCCTEC and the District, but no discussions have been held or proposed between the parties regarding any such arrangements. Specifically:

- *The Petition states that the District shall "affirmatively collaborate with CCCTEC Charter to announce transfer opportunities and provide descriptions of position opening in a timely fashion." (Petition, p. 53) There have been no meetings between CCCTEC representatives and the District Human Resources Department to discuss these or any other provisions listed in the Petition with regard to human resources services.*
- *While the Petition states that the "CCCTEC may employ staff on-loan from*

Washington Unified School District”, there have been no meetings between CCCTEC representatives and the District to discuss this provision. (Petition, p.53)”

The three statements above would have been addressed in a Memorandum of Understanding following authorization by the WUSD. However CCCTEC does share the WUSD’s concern regarding all three items and would have welcomed the opportunity to discuss these or any other issues surrounding the CCCTEC petition with representatives of the WUSD as noted in the original petition. However, staff of the WUSD did not contact CCCTEC staff to make arrangements for these meetings. The CCCTEC Charter School petition as presented to the WUSD meets the necessary and mandatory requirements and goes beyond the legal requirements of Education Code Section 47605 but CCCTEC recognizes that there needs to be close collaboration between WUSD and CCCTEC.

On page 2 the “Review” references:

“The Petition fails to specify certain basic information about the employment arrangements of CCCTEC employees, including:

- The Petition does not specify whether its employees will be “at will” or if they will gain permanency.*
- The Petition does not include information regarding a salary schedule, criteria for staff to be placed on the salary schedule, criteria for what the school considers effective teachers and whether pay increases will be determined by performance or length of service.*

The Petition fails to include important information about the processes for hiring and managing employees, including:

- The process for staff recruitment, selection, evaluation and termination lacks specificity.*
- The Petition does not discuss consequences for low performance of staff, discipline of staff and how CCCTEC will handle any personnel/labor disputes.*
- The Petition does not address how employee complaints will be addressed or the means by which CCCTEC will ensure due process in the event an employee is disciplined.”*

The above statements are once again misleading since the items referred to in the Reasons for Denial would have been addressed in the Memorandum of Understanding following authorization by the WUSD. The District's basis of thought regarding teacher performance objectives is out of line and not relevant. The opportunity for teachers to perform those duties without the hindrance of contract language is one of the attractions for all. CCCTEC would have welcomed the opportunity to discuss these or any other issues surrounding the CCCTEC petition with representatives of the WUSD at anytime however, once again, the staff of WUSD failed to contact CCCTEC staff to make arrangements for these meetings. Outlining these provisions in a petition without the opportunity to consult with WUSD staff would have been presumptuous by CCCTEC and inappropriate to include in the Petition itself.

Page 3 “III. Detailed Discussion of Findings” states:

“The Petition sets out a list of job requirements for teachers that are likely unrealistic and internally inconsistent.

- In addition to a full time teaching load, each teacher will be required to:*
- Provide extensive career counseling within advisory period; (Petition, p.25)*
- Spend three hours a week in advisory; (Petition, p.27)*
- Spend an additional five hours a week in individual advisory sessions; 15 minutes each week with each of their 20 students they are to mentor; (Petition, p.27)*
- Attend professional development on analyzing student data; (Petition, p.28)*
- Attend department level meetings; (Petition, p.28)*
- Attend professional development on differentiated instruction;*
- Do one-on-one or small group tutoring; (Petition, p.31)*

- *Develop an ILP for every student;*
- *Receive 24 hours of Drug Alcohol Recognition training; (Petition, p.36)*
- *Monitor students in the summer session by giving assessments.*

CCCTEC is not likely to find professional educators who will perform all of the extra duties required of them for the salaries that are budgeted.”

CCCTEC has high expectations for its teachers and all staff members. CCCTEC will recruit and find professional educators who will be more than willing to carry out the job requirements in the petition. Charter schools by their nature are flexible in staffing and job requirements. The job requirements for CCCTEC are not unlike that of other charter schools. In addition, CCCTEC has been contacted by numerous NCLB compliant teachers expressing a desire to work for the school once approved. CCCTEC will actually find itself not in a difficult position of being able to find experienced and professional educators and support staff, but having to limit who will be hired from those who desire to work for the school.

Page 3 “III. Detailed Discussion of Findings” further states:

· The staffing ratios stated in the Petition are not supported by other statements in the Petition. The Petition states that class sizes will be between 23 and 28 students, yet all core teachers will teach fewer than 100 students. (Petition, p.29) If CCCTEC opens with 250 students, as stated, the school will have to employ at least 12 FTE staff members. The budget does not seem to support that level of staffing. (Petition, p.27)

At CCCTEC, the number of teachers for the first year will be 11 FTE. With 250 students that is a ratio of 22.73:1 FTE. For ADA purposes, the number of students is 238 with 11 FTE equals a ratio of 21.6 to 1 FTE. The budget more than supports that level of staffing as it states on page 27 of the Petition “Modified scheduling allows for small class size and provides time for individual learning opportunities.” With modifications made to schedule accommodations, a lower student-to-teacher ratio can be achieved. Modified and innovative schedules to accommodate a lower student-to-teacher ratio is common in charter schools.

· The vision of CCCTEC as stated in the Petition and at prior Board meetings is to serve the students that are currently not served by the District. The Petition further describes a number of students that are currently not on track to graduate from a District program as the target population. The staffing listed is not likely to produce positive results with a highly at risk population that enters the school below grade level in the core subject areas.

At CCCTEC, the staffing listed is more likely to produce positive results with “at risk” students because of the student support components at CCCTEC, increased numbers of intervention opportunities for students, accelerated learning plans, and staff with the skills to work with this projected student population, just to mention a few. Others are:

- Small class sizes
- Innovative scheduling to allow for additional individualized tutoring and mentoring;
- Individual and small group attention that focuses on mastering the current learning;
- Mastery learning process that builds in review and reassessment;
- Extended day and year to provide extra learning time;
- Optional extended courses;
- Technology assisted learning through web-based programs;
- Saturday School;
- Summer Intervention Boot Camp;

- SST process; and
- Focus on key students during staff meetings.

See pages 36-38 of the Petition

The Petition fails to include certain key staffing functions. Specifically:

· CCCTEC is scheduled to open with 250 students and the staff listed is a director, office manager, teachers and instructional aides, RS specialist, literacy coordinator and special education director and one counselor. District staff was unable to find reference to campus security staffing or custodial staff. The District's current alternative high school has fewer than 250 students and is staffed with two office staff, one counselor, two campus security, two outreach specialists and a fulltime custodian. The staffing that the Petition lists is unlikely to produce the highly individualized comprehensive college prep education that is the vision of the school.

It's important to note that CCCTEC is not an alternative continuation school in a traditional school environment as referenced above. CCCTEC is designed to be a charter school with all the flexibility found in charter schools. As stated in the Petition CCCTEC will open with grades 9-10 for the first year. The staffing for years one through five is more than adequate to support all aspects of student needs be it "at risk" or college bound students. A priority for CCCTEC is to provide a safe educational opportunity for all students so that a positive learning environment is obtained. Security will be of prime importance and will not be excluded as an important element in maintaining a safe school. The educators who are responsible for putting together CCCTEC have a vast history and knowledge of how to maintain school safety, enforce discipline, create a productive learning environment, and care about what is best for the student. It is our hope that we will have a positive working relationship with the charter overseer to provide services to students that benefits the overseer and provides the necessary assistance to the school whenever possible

C Page 4 "III. Detailed Discussion of Findings"

· The Petition describes an elaborate partnership with ROP, community colleges, partnerships, career tech programs and apprenticeship programs. There is no staffing contained within the Petition to facilitate and implement these programs.

CCCTEC staff and administration will facilitate and implement all aspects of the above referenced programs. This is imbedded throughout the petition. CCCTEC will offer ROP where appropriate and five career academies. Vigorous discussions for staffing non-core classes have already begun with a variety of service providers who will provide technical assistance to the school once it is approved. An example is the agreement with Universal Technical Institute for automotive and marine mechanics. CCCTEC will provide educational services to their students while they will provide the manpower to create the classes CCCTEC will need. This is just one example however there are many undertakings already begun in the area of sports, culinary, and fine arts.

2. Issue: The Petition does not contain a reasonably comprehensive description of the qualifications to be met by CCCTEC employees.

Discussion: California law provides that governing boards may deny a charter petition if the petition does not contain a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the school. The Petition fails to meet this standard for several reasons, including the following:

· Measures of assessment of performance for certificated and classified staff are not listed at all. There are no evaluation forms, criteria or evaluation processes contained within the Petition.

- While the selection process states that all staff will meet the qualifications contained in the job descriptions, the job descriptions lack specificity and the Petition is unclear as to how the teachers will learn the curriculum that will be implemented to support the educational goals outlined in the Petition.
- Within the director's qualifications there is not a requirement for any human resources experience or knowledge. While there is listed "sufficient understanding of charter school operations to monitor all 'back office' operations," there is no indication that this includes any human resources expertise. There are no other staff under whom HR functions would fall.

The CCCTEC Petition meets all the requirements for the purposes of a petition submitted for authorization. Additional items as described by WUSD staff would have been detailed in the Memorandum of Understanding upon authorization. CCCTEC staff and Advisory Board members include two retired superintendents, 7 principals, 3 assistant superintendents 2 CFOs and other educational support members. CCCTEC staff will negotiate evaluations, discipline and termination provisions with staff. It's important to note that the Executive Director of CCCTEC has over thirty seven years experience as an educator in public schools and has had many years of evaluation and human relations experience. Outlining the above provisions in a petition without the opportunity to consult with WUSD staff would have been presumptuous by CCCTEC and inappropriate to include in the Petition itself.

C Page 4 "III. Detailed Discussion of Findings continued

3. Issue: The Petition does not provide a reasonably comprehensive description of the manner by which staff members at CCCTEC will be covered by certain retirement programs.

Discussion: California law provides that governing boards may deny a charter petition if the petition does not contain a reasonably comprehensive description of the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. The Petition fails to meet this standard for a number of reasons, including:

C Page 5 "III. Detailed Discussion of Findings continued

· While the Petition states that their CCCTEC Board of Trustees shall determine whether classified employees will participate in retirement programs, such as PERS, it then goes on to say that staff will retain all previously vested right in their retirement systems, which is in conflict with the previous statement. (Petition, p.52)

The Petition also shows that the petitioners have applied incorrect assumptions regarding access by CCCTEC employees to other District retirement plans. Specifically, the Petition states that the petitioners wish to have employees of CCCTEC be eligible to participate in District retirement plans other than PERS/STRS. (Petition, p.52) On page 53 of the Petition, the petitioners note that CCCTEC is the exclusive public school employer of CCCTEC employees. Therefore, employees of the CCCTEC would not qualify for District retirement plans as they are not District employees.

The CCCTEC Petition states on page 52: "To the extent allowed by law, the CCCTEC Charter board shall cooperate with the District to make participation in STRS and other existing District retirement plans available to teachers and other eligible persons working at CCCTEC Charter. Teachers and other persons working at CCCTEC Charter will retain all previously vested right in their respective retirement systems, including but not limited to STRS, PERS and Social Security. The District agrees to cooperate, if needed, to facilitate participation in these plans by CCCTEC Charter staff. The CCCTEC Charter Board may establish retirement plans for employees that may include, but shall not be limited to, establishment of a section 403(b) plan, and/or contracting with STRS and/or PERS." The CCCTEC Petition meets all the requirements for the purposes of a petition submitted for authorization.

Again if there were concerns, the WUSD had every opportunity to meet with CCCTEC staff to discuss these and others issues. Outlining these provisions in a petition without the opportunity to consult with WUSD staff would have been presumptuous by CCCTEC and inappropriate to include in the Petition itself.

4. Issue: The Petition does not contain a reasonably comprehensive description of the rights of employees in connection with transfers between the District and CCCTEC.

Discussion: California law provides that governing boards may deny a charter petition if the petition does not contain a reasonably comprehensive description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. The Petition fails to meet this standard for a number of reasons, including:

- While the Petition states that employees of CCCTEC shall have the right to return to employment as per District policy and collective bargaining agreements, **there have been no such agreements made between the CCCTEC and the District. (Petition, p.53)**
- The right of employees of CCCTEC to return to the District has implications with the WTA and the provisions contained in the collective bargaining agreement between the WTA and the District. The WTA has not requested a meeting with the District to negotiate these provisions and the District has not been approached by CCCTEC to meet regarding any negotiable impacts that the Petition may have upon current WTA members.
- The Petition does not contain any provisions regarding the carryover of sick leave or vacation time for employees going to or from CCCTEC.

WUSD Administrative Regulation (AR) 0420.4 states the following regarding collective bargaining agreements and charter school approval or denial: **“The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)**

WUSD staff have not read their own Administrative Regulation. Had WUSD staff done so they would have known that outlining these provisions in a Petition without the opportunity to consult with WUSD staff, WTA and CCCTEC staff would have been presumptuous by CCCTEC and inappropriate to include in the Petition itself.

Teachers of the CCCTEC charter school are not required to be WTA or other union employees. Individuals of CCCTEC who want to work for the school shall be provided all the protections negotiated with CCCTEC, Inc. CCCTEC, Inc. will develop and establish contracts and agreements with all staff prior to employment. The proper course of action is to address these items following authorization by the WUSD with a Memorandum of Understanding.

However CCCTEC does recognize the significance of the WUSD’s concern surrounding the rights of employees, return rights, district policy regarding rights of teachers who leave to work in a charter school per a collective bargaining agreement, sick leave/vacation time and will work cooperatively with WUSD to insure that both the WUSD and CCTEC have clear guidelines established regarding employee rights. The CCCTEC Charter School petition as presented to the WUSD meets the necessary and mandatory requirements and goes beyond the legal requirements of Education Code Section 47605.

C Page 6 “III. Detailed Discussion of Findings

2. Issue: The Petition indicates that the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.

Discussion: California law provides that governing boards may deny a charter petition if the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. The Petition indicates that the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition for a number of reasons, including the following.

The budget presented in the Petition is based upon improbable assumptions and is likely unrealistic.

- Given the enrollment noted in the start-up budget of 250 students at an ADA rate of 95%, CCCTEC anticipates annual growth in projected enrollment in 2010-11 to 375 (51.49% increase); projected enrollment in 2011-12 to 500 (34.66% increase); projected enrollment in 2012-13 of 625 (26.25% increase), and an enrollment cap in 2013-14 of 650 (0.99% increase). (Petition, p.27) Furthermore, assumed growth year-over-year presented on page 19 of the Petition is aggressive and is not supported by demographic studies. This growth also assumes 95% ADA as well as 100% of the projected enrollment being achieved on the first day of class. The budget should be built on an annual enrollment below the goal enrollment, to ensure that the entire endeavor does not fail if enrollment is slow to grow, some initial students return to their home school or students attend less than 95% of the time. Because CCCTEC has not left any room to withstand less than the optimum enrollment, the budget is most likely less stable than presented. The budget should be built on an annual expected enrollment below the final goal.

The CCCTEC Petition takes into consideration the high “leave” rate of students from River City and Yolo High Schools as well as the large number of students who have left the Washington Unified School District to attend the 7 charter schools that have established themselves in West Sacramento. Estimates of WUSD students attending these 7 charter schools go as high as 2,800. CCCTEC believes the 250 student enrollment goal for the first year is very low. However CCCTEC is open for discussion with WUSD as to what numbers WUSD in their opinion would be more realistic.

Charter schools are funded at the beginning of the school year based on enrollment projections. As per Education Code Section **47652**;

“a charter school in its first year of operation shall be eligible to receive funding for the advance apportionment based on an estimate of average daily attendance for the current fiscal year, as approved by the local educational agency that granted its charter and the county office of education in which the charter-granting agency is located. For charter schools approved by the state board, estimated average daily attendance shall be submitted directly to, and approved by, the department. Not later than five business days following the end of the first 20 schooldays, a charter school receiving funding pursuant to this section shall report to the department its actual average daily attendance for that first month, and the Superintendent shall adjust immediately, but not later than 45 days, the amount of its advance apportionment accordingly.”

- One of the concerns in the budget is, assuming the petitioner’s statement of small class sizes and using a ratio of 20:1, the budget as proposed has a reduction in average salary from year 1 to year 2. (Petition, p.96) In addition, the salary used appears to be below the average in the area.

Page 96 refers to the “Start-Up Budget”. WUSD staff have misinterpreted these numbers and applied them to the 1st and 2nd year of operation when there will be students enrolled. In fact these numbers apply to the year before CCCTEC is to open when there will be no students and no teaching staff. Funding for the “Start-Up Budget” is provided by the federal government through the California Department of Education Charter School Start-Up Grants.

- An additional concern is the factors used to determine benefits cost. The factors stated on the budget of 10.2% and 16.67% for certificated and classified salaries respectively are understated as the below chart

show. In addition, if projected salaries were to be brought into alignment with the small class size ratio, this variance would proportionally increase.

CCCTEC has not understated the numbers referred to in this statement and believes the numbers in the budget to be fair estimates.

C Page 7 “III. Detailed Discussion of Findings

The Petition notes that in the components of the small class size and small, personalized learning communities will include a trained counselor to help guide the process, with a student to counselor ratio of 300:1. (Petition, p.27) Given that the projected growth in enrollment from 2010-11 to 2011-12 puts total enrollment at 375, the addition of a second counselor should occur in 2011-12. The budget does not have an increase in certificated support salaries to offset the cost of an additional counselor. This cost would need to be added to the budget.

WUSD staff do not recognize a classified administrative position built into the budget. The position serves as an Outreach Counselor/Truancy Officer among other duties. A counselor will be hired in year 1 with an additional counselor if needed by year 3 of operation. The budget reflects these positions. WUSD staff fails to understand that charter schools with flexible and innovative scheduling can and do adopt schedules that reflect lower class loads.

- The Petition provides for Saturday and Summer School. (Petition, p.36) The cost of Saturday and Summer School does not appear to be included in teacher salaries. The estimated salary using a student to teacher ratio of 25:1 is \$49,500. Assuming a traditional 10-month employee, this salary is below the average. If this salary is for a 12-month employee, then the salary drops even further below the average bringing into question the ability of CCCTEC to attract and retain NCLB compliant teachers.

WUSD staff does not understand that charter schools have great flexibility when it comes to teacher salaries and schedules. A lack of understanding of charter schools on the part of WUSD staff is further reflected when they are “Assuming a traditional 10-month employee...”. Charter schools are not bound by the contractual relations found in traditional schools, the WUSD, or Washington Teachers Association (WTA). Employees of CCCTEC will be hired with the understanding that the needs of students come first.

- The budget assumes an annual per student cost for furniture at \$250 and computers at \$350. Given the ratio in the start-up budget, it appears that CCCTEC will not have allocated sufficient resources to provide a computer lab until year three of operations. Page 34 of the Petition implies that teachers will have access to technology (computers, presentation systems, etc.), which includes access to web-based programs. Students will also have access to a homework lab. If expenditures in year two through three were strictly for new computers, the ratio of new computers to students is 7:1.

CCCTEC’s budget is accurate in this assumption. The interpretation regarding computers by WUSD appears to be arbitrary. WUSD staff provides no comparative cost analysis for computers to be utilized which inflate their suggested ratio.

- While it appears that CCCTEC may have the ability to operate for the first year, this could be achieved only with the use of loan proceeds to balance the budget. However, a budget that is “balanced” only with the use of loan proceeds cannot be sustained over time, and the loan would still need to be repaid. In addition, further adjustments for items mentioned above would worsen the situation.

The CCCTEC budget proposed in the petition is balanced and is not dependent upon loans as the WUSD staff incorrectly suggests. Loans in the first two years are for start-up purposes which are allowed for charter schools. The federal government provides charter schools start-up funds appropriated through

the California Department of Education. Once the charter petition is approved, CCCTEC will apply for these funds. Note all loans will be retired by the 5th year of operation thus having no debt.

More problematic is the fact that even the above-projected shortfall will grow if the school does not begin the school year with 250 students enrolled on the first day of school who attend 95% of the time. For example, if an average of 100 students are enrolled the first quarter, 175 the second quarter and 250 for the third and fourth quarter, CCCTEC would attain an average enrollment of 193.75 with 95% actually attending daily, or 184 ADA, not the 237.5 budgeted. In dollars that is approximately \$330,000 of revenue that would not be earned in the first year of operation. If CCCTEC's proposed solution is to enroll more than 250 students in the third and fourth quarter to increase the average, then the budget does not adequately include costs for necessities such as books, furniture, facilities and utilities.

WUSD staff incorrectly assumes low enrollment numbers for CCCTEC. When assuming low numbers, WUSD staff falsely portrays the numbers of students who will come to CCCTEC as a school of choice in the WUSD. CCCTEC believes that the 250 student enrollment goal for the first year is very low. As mentioned on Page 9 of this document, the CCCTEC Petition takes into consideration the high "leave" rate of students from River City and Yolo High Schools as well as the large number of students who have left the Washington Unified School District to attend the 7 charter schools that have established themselves in West Sacramento. Estimates of WUSD students attending these 7 charter schools go as high as 2,800. CCCTEC will also offer the only independent charter school operated in West Sacramento and will market itself to these students.

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· In regards to special education funding, the Petition fails to address a funding allocation process in detail. There is no mention of how high-cost students will be served. Additionally, the petition assumes funding and services will be administered through the Yolo County SELPA, but does not acknowledge that acceptance in a SELPA is not an automatic process. Without such agreements in place, the likelihood of successfully providing the needed special education services is remote.

WUSD staff left out an important event surrounding this topic as noted on Page 2 of this document. On October 13, 2009, Paul Preston, Executive Director of CCCTEC contacted Yolo County Assistant Superintendent Dr. Camilla Giometti-May regarding potential special education services, fiscal, and other services and clarifications that could be offered by the school district for a fee paid by CCCTEC. Dr. Camilla Giometti-May suggested that Mr. Preston meet with Diana Blackmon, Special Education Director and Scott Lantsberger, Associate Superintendent for the WUSD. Dr. Camilla Giometti-May facilitated a meeting between Mr. Preston, Dr. Blackmon and Scott Lantsberger on November 12, 2009. Also in attendance was Linda Legnitto, Deputy Superintendent for YCOE. Agreements regarding these services would be in the form of a Memorandum of Understanding. MOUs would be developed after authorization. Also left out of the discussion is CCCTEC's application to the El Dorado County Charter SELP found in the Appendix as Attachment 10 on page 127 which was made September 4, 2009.

CCCTEC reserves the right to act as its own LEA and in the petition makes the following statement on page 39 regarding Special Education: "The School reserves the right to act as its own Local Education Agency (LEA) or to contract with El Dorado County Office of Education Charter SELPA for the purposes of special education and will make appropriate notification to the Yolo County Office of Education preceding such plans."

The Petition indicates that the petitioners lack an understanding of basic financial operations and systems requirements. Specifically:

- The petitioner notes that the Yolo County Office of Education (“YCOE”) or ExEd is to provide accounting using either the YCOE’s FIS or a comparable accounting system that is compatible with SACS. (Petition, p.65) It is noted that the audited financials will include reconciliation to the District’s financial report for CCCTEC’s fund. This statement implies that the District will be responsible for maintaining fund accounts within the YCOE’s FIS. The District does not have autonomy over the YCOE’s FIS.

The following is from page 65 of the CCCTEC Charter Petition regarding **Financial Reporting**:

“If the School chooses YCOE to do its accounting, the county FIS system will be used to track finances. If the School chooses ExED, a comparable accounting system also using SACS (Standardized Account Code Structure) will be used. All transactions—incoming revenues, purchases, bill payments, payroll and benefits, reimbursements, and transfers—will be entered into the accounting system using SACS numbers to organize the reporting. The September 15 final un-audited report for the previous fiscal year will be prepared by the selected back-office agency from FIS or similar accounting system.”

The statement is clear and does not imply “that the district will be responsible for maintaining fund accounts”

CCCTEC reserves the right to discuss what back office procedures and services will be utilized for all its needs with a variety of providers.

- The Petition states that money obtained from fund raising activities will be kept in the school safe and promptly deposited when large amounts are accumulated. (Petition, p.67)
The start-up budget is silent on the acquisition of a safe. In addition, making deposits when large amounts are accumulated does not follow generally accepted accounting principles.

WUSD staff failed to recognize on page 96 of the “Start-Up Budget” that the purchase of a safe is in the *Office Equipment and Supplies* portion of the budget.

- The Petition also briefly discusses how attendance accounting will be tracked. (Petition, p.67) The petitioner notes that CCCTEC “...reserves the right to use the WUSD’s SIS system if necessary...” Such use would have to be negotiated and without the presence of an MOU allowing for such, CCCTEC does not have the authority to reserve the right to use any of the District’s systems.
The Petition does not adequately provide for the acquisition of and budgeting for insurance necessary to operate CCCTEC.

The above statement is misleading in that the item referred to would be addressed in a Memorandum of Understanding following authorization by the WUSD. CCCTEC would have welcomed the opportunity to discuss these or any other issues surrounding the CCCTEC petition with representatives of the WUSD as noted in the original petition. However, as noted consistently throughout this document, staff of the WUSD failed to contact CCCTEC staff to make arrangements for these meetings. The CCCTEC Charter School petition as presented to the WUSD meets the necessary and mandatory requirements and goes beyond the legal requirements of Education Code Section 47605. At no time during the 60 day period from September 30, 2009 until November 30, 2009 did WUSD staff contact Mr. Preston or any other members of CCCTEC to clarify or interpret any portion of the CCCTEC Charter Petition.

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- The Petition notes that CCCTEC will obtain insurance services as part of the YCOE’s insurance programs. (Petition, p.66) This statement shows a lack of understanding of how different types of insurance a school entity must obtain is acquired and/or held.
- The Petition states that CCCTEC will acquire insurance through existing District programs or on its own. (Petition, p.48) As the petitioners note on page 68 of the Petition, CCCTEC will be a direct funded (independent) charter, as well as state on several occasions that CCCTEC will act as its own LEA (local

educational agency), then CCCTEC would not have the legal authority or right to access District insurance programs. In conflict with this statement on page 48 of the Petition, CCCTEC makes the same reference to insurance but notes that it will obtain the insurance through the YCOE's insurance programs. This causes concern as to the intended audience of the petition is meant for.

The items referred to above would have been addressed in a Memorandum of Understanding following authorization by the WUSD. CCCTEC would have welcomed the opportunity to discuss these or any other issues surrounding the CCCTEC petition with representatives of the WUSD as noted in the original petition. As an LEA, CCCTEC has the authority to negotiate these services with a provider once authorized as a charter school. The CCCTEC Charter School petition as presented to the WUSD meets the necessary and mandatory requirements and goes beyond the legal requirements of Education Code Section 47605.

The Petition does not adequately describe how CCCTEC's facilities will be funded:

- The Petition notes that a Proposition 39 facility use request would be submitted as needed. (Petition, p.67) The Petition also notes CCCTEC's intent to begin classes for the 2010/11 academic year. The District has not received a Proposition 39 request for the 2010/11 academic year, and it is therefore assumed that CCCTEC will satisfy its facility use need in some other manner that was not clearly defined in the Petition.

Charter schools are not required to utilize district facilities. On page 15 of the petition and page 67 refer to the lack of need for district facilities. Page 67 refers to "as needed". *"CCCTEC Charter will be located within the Washington Unified School District, and will submit a facilities request for Prop 39 facility usage as needed."* CCCTEC is not seeking district facilities to house students however should the need arise for CCCTEC to utilize a district facility CCCTEC will apply for Proposition 1a facilities bonds for renovation. As stated in the petition on page 15 under "**E. Present State**, *Currently CCCTEC is refining its educational plan and interim assessment program, working to secure a facility with GRUBB & ELLIS COMMERCIAL REAL ESTATE SERVICES,...*". CCCTEC has already begun discussions with Grubb and Ellis to secure the lease of an existing building located in West Sacramento pursuant to approval of the charter school petition.

The petitioners show a lack of understanding as to public school finance principles. Specifically:

- The Petition notes that CCCTEC is committed to hold the District harmless from financial obligations "in the event of an unbalanced budget, assuming that legislatively guaranteed income sources arrive, per law, for the School in conformance with the budget." (Petition, p.48) The statement shows a clear lack of understanding of public school finance. The debt of CCCTEC, regardless of whether the charter school is fully funded as per law by the state or not, remains a debt of the charter school. The District in no way would be responsible to provide any debt relief to CCCTEC in the event that the budget is either "unbalanced" or "cash negative."

WUSD staff are misrepresenting the facts on page 48 of the charter petition. Below is from page 48 of the charter petition.

"The School further identifies its commitment to hold the WUSD harmless from financial obligation in the event of an unbalanced budget, assuming that legislatively guaranteed income sources arrive, per the law, for the School in conformance with the budget. We look forward to establishing appropriate Memorandum of Understanding with the WUSD subsequent to charter approval to legally establish the specifics of our mutual relationship."

As previously noted, CCCTEC is an LEA, 501 (c)(3), independent charter school. In the unlikely event the budget becomes unbalanced, the charter authorizer is held harmless. All financial responsibilities rest with CCCTEC.

The Petition does not include the manner in which audit exceptions and differences will be resolved. (Petition, p.68) The Petition makes note that the dispute resolution process will be used to resolve such differences. Audit exception resolution is not subject to the dispute resolution process as such exceptions can involve internal controls and other GAAP issues and their resolution are not negotiable.

The following is taken from page 68 of the Charter Petition and clearly communicates the intent of the petitioners to comply with all existing laws. *“An annual fiscal audit, required under the Charter Schools Act, will be conducted by an auditor with experience in education finance and will use generally accepted accounting principles. The School will share the results with the District’s Administrative Director of Business Services or designated staff and any other entities (such as the State Board of Education, the California Department of Education, the County Office of Education, or any other agency as the State Board of Education may direct) as required by law. All exceptions and deficiencies and their remedies and will be communicated to the District in a timely manner.”* page 68.

CCCTEC will resolve those findings by meeting what is required by state ed. code and that which is mutually agreeable by the authorizer and the charter school.

In addition, the Petition notes that the district will perform its supervisory oversight tasks for a fee not to exceed 1% of the average daily attendance funds received by the school. (Petition, p.68) Education Code Section 47613(a) allows for a fee of 1% of total revenues. Therefore, the CCCTEC’s budget has understated the minimum allowable fee of 1%.

The CCCTEC Budget reflects the minimum allowable fee of 1% of all total revenues.

C. Curriculum/Educational Programs

1. Issue: The Petition indicates that the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.

The Petition relies upon inappropriate financial and operational assumptions, including:

· C Page 10 “III. Detailed Discussion of Findings

The enrollment estimate for CCCTEC is unrealistic. (Petition, p.8) The petitioner estimates that the high school will enroll 400 to 800 students, which is a large range. It is unlikely that a charter school will grow that large given competition from the comprehensive high school, Visions, WSECP, and one other independent study charter in town. An unrealistic enrollment projection prevents realistic revenue projections upon which to build both program and budget.

WUSD staff incorrectly assumes low enrollment numbers for CCCTEC. When assuming low numbers, WUSD staff falsely portrays the numbers of students who will come to CCCTEC as a school of choice in the WUSD. CCCTEC believes the 250 student enrollment goal for the first year is very low. The overall range, as WUSD staff state and is in the petition is 400-800 students for CCCTEC. CCCTEC believes that it will see 800 students within 10 years.

The CCCTEC Petition takes into consideration the high “leave” rate of students from River City and Yolo High Schools as well as the large number of students who have left the Washington Unified School District to attend the 7 charter schools that have established themselves in West Sacramento. Another consideration is the large number of students at River City High School who are credit deficient and will need the services of CCCTEC.

To date, the WUSD staff have failed to do an assessment of the number of students who actually attend the 7 charter schools that have a presence within the boundaries of West Sacramento. Over the course of a year, CCCTEC staff have conducted such an assessment and estimate the number of WUSD students attending these 7 charter schools could go as high as 2,800 students. Additional documentation provided by WUSD to the State of California for River City and Yolo High Schools indicate by "Exit Code 160" for the 2006-2007 and 2007-2008 school years a total number of 2289 students have left both schools for "Another" public school.

However CCCTEC would be agreeable to other enrollment contingencies agreeable to both CCCTEC and the WUSD.

- The Petition states the maximum school size is 650. (Petition, p.27) In the introduction, it says 400 to 800. On page 19 of the Petition, it says 625. Which is it? Budget development depends on accurate enrollment projections.

The overall range of students to be served by CCCTEC as WUSD staff state and is in the petition is 400-800 students for CCCTEC. CCCTEC believes that it will see 800 students within 10 years. At the end of five years the maximum enrollment will be 650 students. For budgeting purposes the 4th 5th years have been set at 625 students.

- There is no evidence in the budget that there is adequate funding for the frequent field trips listed as part of the instructional methods for all courses. (Petition, p.26) This laundry list does not appear to be appropriate for all courses. There is nothing in the schedule to suggest that there is individual mentoring time with instructors.

WUSD staff do not take into consideration Object Code 5800 in the CCCTEC Budget. As for the "laundry list" CCCTEC has high standards when it comes to "Instructional Methods". WUSD staff do not understand the flexible nature of the CCCTEC schedule and apparently did not look closely at the CCCTEC "Bell Schedule on pages 104 and 105. Built into the schedules are "Tutorials" Tuesdays thru Fridays, "O" Periods everyday and a 6th period that ends at 2:45 pm giving ample time for individual learning opportunities and "mentoring for students before and after school. Page 27 of the Petition states the following:

"1. Small class sizes and small personalized learning communities ensure that students are well-known by their teachers, administrators and other students. We will have a small overall school size (not more than 650), small grade size (80-125), small class sizes (23-28), and a small teacher load (80-125 students plus advisory), ensuring that no student will go without several adults knowing them well. CCCTEC Charter will use a balance of curricular and instructional methodologies that allow each teacher to adapt to the needs of all students in each subject area with an emphasis on active student-centered learning. Modified scheduling allows for small class size and provides time for individual learning opportunities. "Students need programs and courses that are both more individualized and better able to produce measurable results and standards," (Hanushek, 2006). Curriculum and instruction at CCCTEC Charter is designed to assess and address the needs of individual diverse learners and provide foundation skills in literacy and mathematics so that all students are successful in school and able to pursue careers in science, technology, engineering, and mathematics. The focus on academics (four years of English, social science, mathematics, and science) combined with personal attention to and goal setting for each student suggests a winning combination as students gain motivation through CCCTEC's Career Academy's experience."

WUSD staff do not understand that in charter schools "Modified scheduling" can provide time for additional learning opportunities such as "mentoring". Both the bell schedule and the statements on

page 27 of the petition reflect CCCTEC's commitment to providing students the maximum opportunity to succeed.

- The guidance counselor ratio is 1:300, indicating that at least 2.0 FTE counselors should show up in the budget. (Petition, p.27)

WUSD staff does not recognize a classified administrative position built into the budget. The position serves as an Outreach Counselor/Truancy Officer among other duties. A counselor will be hired in year 1 with an additional counselor if need by year 3 of operation. The budget reflects these positions. WUSD staff does not understand that charter schools with flexible and innovative scheduling can and do adopt schedules that reflect lower class loads.

- The Petition states that students will meet for three hours a week in groups of 20 with their advisors, every other day. (Petition, p.27) Every other day is inconsistent with three hours a week. Each student will also have a 15 minute meeting with the advisor one on one. This equals 15 minutes x 20 students, or five hours of additional work. This information implies that teachers will spend eight hours a week on advisory duties.

CCCTEC staff appreciates the fact WUSD staff understands that advisement at CCCTEC is a major component of student success. Students are to meet every other day with advisors for a total of three hours each week. This is a critical component of this school. Page 27 of the charter clearly outlines the process to be put into place.

- The Petition states that the school will employ teachers inspired to work in an environment of high stakes accountability. (Petition, p.29) The budget does not reflect adequate funding to offer competitive salaries. How does petitioner propose to keep top teachers without competitive salaries?

Charter schools are not bound by union contracts or the many employee concerns associated with contracts in traditional schools. CCCTEC will be a safe school environment for teachers to teach and teachers will be supported by strong administration. Prior to the opening of CCCTEC and the hiring of employees, contracts and procedures will be developed and clearly articulated.

- The Petition states on page 29 that teachers will teach a maximum of 100 students, in direct conflict with the 80 to 125 student (plus 20 in advisory) numbers on page 27 of the Petition.

Charter schools with flexible and innovative scheduling can and do adopt schedules that reflect lower class loads. The number 80-125 is a range and is not in conflict with the numbers on page 27 of the Petition.

The qualifications of the founding group make it unlikely that they can effectively operate a charter school.

- The role of the founders is unclear. Are they the charter board? Are they going to run the school in staff positions? As a group, they appear to lack experience in curriculum and instruction, and in the design of effective programs to achieve academic outcomes. Given their lack of experience in designing effective instructional programs for students, the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. No petitioner appears to have experience in designing programs to close learning gaps in the core areas, nor knowledge of intervention programs to help at-risk students close the gaps in their basic reading, writing, and math skills that are preventing them from passing the high school exit exam and meaningfully participating in the college preparatory curriculum mentioned in the Petition.

WUSD staff did not read the Governance portion of the Petition on page 47 nor the CCCTEC Articles of Incorporation in the Appendix, Attachment 2 on page 74, nor the BYLAWS of CCCTEC in the Appendix, Attachment 2 on page 76. These portions of the charter Petition give a detailed explanation of the

governance of CCCTEC. If WUSD did read the Governance portions then it is clear WUSD does not have an understanding of how corporate governance is to be conducted.

It appears the WUSD staff did not read the resumes of the Founders of CCCTEC nor the titles of the nearly 40 other educators on the CCCTEC Advisory Board found on page 132 of the Petition. CCCTEC staff and Advisory Board members include 2 retired superintendents, 7 principals, 3 assistant superintendents 2 CFOs and other educational support members. It's important to note that the Executive Director of CCCTEC has thirty seven years as an educator in public schools and has had many years of experience designing programs, developing master schedules, budgeting, opening new high schools, etc. Other CCCTEC Founders are experienced educators who possess all the necessary skills in designing programs to close learning gaps in the core areas, knowledge of intervention programs to help at-risk students close the gaps in their basic reading, writing, and math skills that are preventing them from passing the high school exit exam, to meaningfully participate in a college preparatory curriculum, and to provide a safe learning environment.

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2. Issue: The Petition does not contain a reasonably comprehensive description of CCCTEC's educational program.

The Petition fails to indicate the basic learning environment(s) that CCCTEC will operate.

· The Petition states that the school "envisions itself as a school of daily attendance" but also states that they may provide independent study and home schooling also. (Petition, p.8)

This lack of clarity of program runs throughout the Petition.

Once again, it appears the WUSD staff did not read the first sentence of the "cover letter" submitted to the Superintendent and the WUSD Board of Trustees with the CCCTEC 9-12 Petition which states:

"We have enclosed a petition seeking the approval of our California College, Career & Technical Education Center 9-12 High School with the Washington Unified School District."

The CCCTEC Petition submitted to the WUSD for their consideration was for the 9-12 high school. This is very clearly stated in the petition, in the cover letter with the petition and by numerous presentations to the WUSD Board of Trustees by parents, teachers and CCCTEC staff. CCCTEC Petitions for the Independent Study School and the Adult Education School will be submitted to the appropriate authorizers. As with any 9-12 high school, CCCTEC 9-12 high school will permit a limited number of independent study students and students over the age of 18 who are completing their high school diploma requirements.

WUSD staff did not read:

The "Introduction" page 8 which states:

"The California College, Career and Technical Education Center (CCCTEC) is a California nonprofit public benefit Corporation comprised of three charter schools a 9-12 high school, an independent study school and adult education school."

"Part D Timeline" page 15 which states:

"CCCTEC will submit the petition for approval of the CCCTEC Charter School's 9-12 high school in September of 2009 to the Washington Unified School District."

The "Appendix, Attachment 4" page 92 which is a detailed explanation of the three CCCTEC schools and apparently chose not to listen to the three CCCTEC Board members who spoke in support of the CCCTEC 9-12 high school Petition on November 30, 2009 at a "Special Hearing" of the WUSD Board of Trustees.

The Petition fails to indicate with sufficient specificity the instructional approaches that CCCTEC will utilize, including its curriculum and teaching methods. For example:

- The Petition states that each student will graduate from high school college-ready and prepared for a career pathway. There is no comprehensive program description included in the Petition that says how CCCTEC will accomplish this goal.

WUSD staff do not understand the comprehensive nature of the CCCTEC 9-12 high school Charter Petition. Had WUSD staff read the following pages: 16, 17, 18, 19, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 91, 93, 101, 102, 103, 110, 120, 121, 122, 123, 124, and 125, then perhaps WUSD staff would better understand CCCTEC instructional approaches.

- The Petition states that “Students will engage in a course of study that blends career, high school and college academics, which will lead to multiple pathways after graduation.”

(Petition, p.16) The sentence is unclear. Is an early college program being proposed?

WUSD staff does not understand that you can blend career, high school and college academics into one school. This concept is not new as it takes place at literally thousands of traditional high schools and charter schools throughout California and the nation.

- The Petition states that the grade level outcomes have been backwards mapped and articulated. (Petition, p.17) Where are these outcomes? This Petition is full of vague generalities, but little substantial information. In the next paragraph, the Petition talks about the College Board’s Springboard curriculum. What is the relationship between the articulated outcomes and the Springboard curriculum? How will these elements be used to design a coherent program? Most of the Springboard information appears to just be copied from their website and promotional materials.

WUSD staff do not understand the comprehensive nature of the CCCTEC 9-12 high school charter Petition. It’s obvious WUSD staff did not do a thorough read and hence thorough evaluation of the CCCTEC Petition. Had WUSD staff read the following pages: 16, 17, 18, 19, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 91, 93, 101, 102, 103, 110, 120, 121, 122, 123, 124, and 125, then perhaps WUSD staff would better understand CCCTEC instructional approaches including evidence of backward mapping in curricular design and articulated outcomes using the College Board Springboard curriculum.

- Under “How Learning Best Occurs,” the first sentence states, “All students can be successful in science and mathematics, and thrive in rigorous high school courses....” (Petition, p.17)

Why are only science and mathematics mentioned? Is this proposal for a science and mathematics academy? Petitioners seem to be unaware that the population they propose serving has significant needs in the area of English/Language Arts, including basic reading instruction. The bullet points appear to be copied from another document and the petitioners did not catch the third bullet from the end on page 18, which appears to be a subheading rather than a point. There is ample evidence in this document that instead of being carefully thought out, it has instead been compiled from other documents to fill the space.

WUSD staff ask “*Why are only science and mathematics mentioned?*” Science and math have long been recognized as two of the most challenging of subject in schools today and is especially noted in the Petition. CCCTEC charter school will not slight science and math education nor will it slight the other subjects as the statement from the CCCTEC Charter Petition goes on to state: “*and thrive in rigorous high school courses with program, instruction and curricula that meet their personal and academic needs.*” Below is the entire statement from page 17 of the CCCTEC Charter Petition:

“C. HOW LEARNING BEST OCCURS *All students can be successful in science and mathematics and thrive in rigorous high school courses with program, instruction and curricula that meet their personal and academic needs. Students will develop a broad horizon of choices for personal, academic, and career*

goals if they experience a safe, academically challenging high school environment that includes opportunities to experience the world outside the classroom.”

WUSD staff is suggesting by this statement; *“The bullet points appear to be copied from another document and the petitioners did not catch the third bullet from the end on page 18, which appears to be a subheading rather than a point.”* that there is an inconsistency in the third bullet point and it’s a “subheading”. The bullet point referred to by WUSD staff is found in the statement from the petition below. We have underlined and italics the statement. CCCTEC staff believes this statement to be appropriate and consistent as it relates to how learning best occurs.

“In particular, we believe that learning best occurs when:

- Parents, students, and teachers work as an educational team;
- There is strong family involvement in the educational process;
- Class sizes are small within a small school setting;
- Students are given personal attention particularly through the use of tutorials and mentored instruction;
- There exists a safe and supportive learning environment;
- Instruction is student centered - students are maximally involved in the learning process;
- Learning is connected to the student’s personal experience;
- Students are held to high standards and are not allowed to fail;
- When all students take rigorous high school classes;
- *Research and a variety of information resources are emphasized;*
- Technology is fully integrated into the curriculum; and,
- There is strong community support.”

· The petition states that their A to G courses will be “replicated” from UC/CSU accepted courses at River City High School. (Petition, p.18) Petitioners apparently fail to understand that a charter must write course proposals to send to UC for approval, and that approval of courses for the District does not carry over to charter schools.

WUSD staff do not understand the significance of the WASC Accreditation process, WASC candidacy, and the timelines associated with UC approval of UC/CSU a-g courses. It is not uncommon to replicate courses that have already been UC/CSU approved at other schools. CCCTEC staff will write and submit the courses to be UC/CSU approved starting in the first year of operation. The guidelines for UC a-g approval from the UC "a-g" Subject Area Requirements website state: **“It is recommended that new schools develop an "a-g" course list by the time their first class of students are Juniors.”** By the 2011-2012 school year, all necessary a-g courses will have been submitted by CCCTEC to UC for approval.

Section D under “High School Program” page 18 of the CCCTEC Petition states the following:

“UC/CSU course acceptance and WASC accreditation ensures that students are able to transition into college and obtain course acceptance and comparable credits from other high schools. A-G courses are replicated from UC/CSU accepted courses at River City High School. The school will seek WASC affiliation within the first year of operation and candidacy thereafter. WASC candidacy qualifies High schools for a-g course approvals. Parents are to be notified about WASC accreditation, UC/CSU course acceptance and course transfer to other high schools through parent committees, meetings, newsletters, and the school website.”

Given the above statement from page 18 of the CCCTEC Petition it is clear CCCTEC staff understands the process for UC/CSU a-g course approval and for WASC accreditation.

- The Petition states that the focus of individual student programs is career preparation, and says they “may” include A to G requirements. (Petition, p.26) This statement contradicts other parts of the Petition that state that college preparation is a goal — as in the subsequent paragraph on page 26.

CCCTEC will not close the door on students who at some time in their high school career do not consider themselves college bound. Should a student during the course of their high school career decide to focus on a-g courses CCCTEC staff will provide all the necessary counseling to insure the student a successful college bound program. Excluding students from a-g approved course work as the WUSD staff appears to be suggesting will not be a focus at CCCTEC.

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- On page 30, the Petition states that core proficiency in reading, writing, and math is central, but in other places, career education is central.

WUSD staff appears to lack the understanding of the differences between the various categories within the Petition. This is an indication that WUSD staff does not understand the charter school Petition process as outlined by the WUSD Board Policies, Administrative Regulations and California Education Code Section 47605. On pages 29 & 30 the reference is to section F. CURRICULUM AND INSTRUCTIONAL DESIGN “Components of a transparent, accountable public school include” is stated in part:

Components of a transparent, accountable public school include: pages 29 & 30 of the CCCTEC Petition

“CCCTEC Charter is grounded first in the tradition of core proficiency in reading, writing and math, and second in the changing dynamic of what a student needs to know in this globalizing world. By offering students a firm understanding of the core areas of learning, and by training them to be creative, critical thinkers, we will engage them in higher levels of inquiry about the increasingly global society in which they live.”

On page 30 the reference is to section F. CURRICULUM AND INSTRUCTIONAL DESIGN and is specific to English Language Arts & Mathematics:

“English Language Arts & Mathematics:

- *Rigorous content, aligned to standards, will be carefully articulated in a scope and sequence that builds knowledge and skills incrementally in both English Language arts and mathematics. The content is mapped to standards that will prepare students, with the level of knowledge, skills and abilities necessary for success in advanced courses and in college.*
- *Embedded in each lesson, and at the discretion of the teacher, are numerous opportunities to introduce, model, and then practice and evaluate the application of research-based strategies in reading, writing, oral proficiency, collaboration and problem solving. The strategies can be revisited and practiced throughout the entire articulated sequence across the grade levels, and the teacher version of the instructional material signals which strategic approaches might be most appropriate for the task at hand, given the amount of student preparation and differences in learning styles.*
- ***The instructional materials will be grounded in real-world situations and are designed to be engaging and interactive, offering students the opportunity to master knowledge and skills in manageable steps, with tasks that require reading, writing, discussion, problem solving, collaboration, questioning and elaboration.***

- *Standardized formative assessments with scoring rubrics embedded in each lesson with teachers having numerous opportunities to review student work, monitor student talk, and observe cognitive organization in action.*

WUSD staff's lack of knowledge with the charter school Petition process causes WUSD staff to make improper comparisons of statements found in different sections of the Petition. WUSD staff appears to be engaging in an "apples and oranges" comparison process by taking statements out of context.

- On page 91, the Petition shows three schools, and five academies, but no description of what will be in each academy, or how that curriculum will be delivered.

WUSD staff does not understand the comprehensive nature of the CCCTEC 9-12 high school charter Petition. It's obvious WUSD staff did not do a thorough read and hence thorough evaluation of the CCCTEC Petition. Had WUSD staff read the following pages 16, 17, 18, 19, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 91, 93, 101, 102, 103, 110, 120, 121, 122, 123, 124, and 125, then perhaps WUSD staff would better understand CCCTEC's instructional approaches.

- On page 92, the Petition states that there will be a challenging UC A to G curriculum. Elsewhere, it states that this is optional. Is there an independent study program or not? How will adult education be funded?

CCCTEC will not close the door on students who at some time in their high school career do not consider themselves college bound. Should a student during the course of their high school career decide to focus on a-g courses CCTEC staff will provide all the necessary counseling to insure the student a successful college bound program. Excluding students from a-g approved course work as the WUSD staff appears to be suggesting will not be a focus at CCCTEC.

The CCCTEC Petition submitted to the WUSD and is under consideration is for the 9-12 high school. This is very clearly stated in the petition, in the cover letter with the petition and by numerous presentations to the WUSD Board of Trustees by parents, teachers and CCCTEC staff. CCCTEC Petitions for the Independent Study School and the Adult Education School will be submitted to the appropriate authorizers. As with any 9-12 high school CCCTEC 9-12 high school will permit a limited number of independent study students and students over the age of 18 who are completing their high school diploma requirements.

WUSD staff is unfamiliar with the charter school process as it relates to Adult Education Charter Schools that allows federal Workforce Investment funds to be used to teach and train adults. In addition, the Adult Education School is not part of this Petition. Therefore, it is unnecessary for WUSD to comment on the schools they would not have any oversight role over.

WUSD staff did not read the first sentence of the "cover letter" submitted to the Superintendent and the WUSD Board of Trustees with the CCCTEC 9-12 Petition which states:

"We have enclosed a petition seeking the approval of our California College, Career & Technical Education Center 9-12 High School with the Washington Unified School District."

WUSD staff did not read the:

"Introduction" page 8 which states:

"The California College, Career and Technical Education Center (CCCTEC) is a California nonprofit public benefit Corporation comprised of three charter schools a 9-12 high school, an independent study school and adult education school."

"Part D Timeline" page 15 which states:

“CCCTEC will submit the petition for approval of the CCCTEC Charter School’s 9-12 high school in September of 2009 to the Washington Unified School District.”

The “Appendix, Attachment 4” page 92 which is a detailed explanation of the three CCCTEC schools; and apparently the WUSD staff chose not to listen to the 3 CCCTEC Board members who spoke in support of the CCCTEC 9-12 high school Petition on November 30, 2009 at a “Special Hearing” of the WUSD Board of Trustees.

- The graduation requirements listed on page 94 of the Petition do not match the course requirements on page 27 of the Petition, which state that students will take four years of math, English, science and social studies.

WUSD staff have modified the statement made on page 27. The statement referred to by WUSD staff reads as follows in the Petition:

“The focus on academics (four years of English, social science, mathematics, and science) combined with personal attention to and goal setting for each student suggests a winning combination as students gain motivation through CCCTEC’s Career Academy’s experience.”

Note WUSD staff have made the following erroneous statement in their review *“which state that students will take four years of math, English, science and social studies.”*

CCCTEC graduation requirements are consistent throughout of the Petition.

The Petition fails to indicate CCCTEC’s target student population and contains a number of confusing or contradictory statements about what student population CCCTEC intends to serve.

Specifically:

- The Petition states that the school will start with a grade 9 through 12 high school, but proposes a school permitting all grades, which is unclear. (Petition, p.8) The Petition also discusses lower grades (Petition, p.8) and there are also mentions of an adult school running throughout the Petition.

The comments referred to by WUSD staff are found in the introduction of the charter Petition and is a forward looking portion of the Petition. The key word in the introduction is “envisions”. CCCTEC, Inc. will eventually expand into all grade levels. It is clearly stated that the Petition before WUSD is for the 9-12 high school. Page 8 further states:

“While CCCTEC Charter 9-12 high school will start with a ninth through twelfth grade program, it envisions the possibility of expanding into the lower grades. Therefore, this charter proposes a school permitting all grades. CCCTEC Charter estimates that its high school will enroll between 400 and 800 students. And, while CCCTEC Charter envisions itself as a school of daily attendance, this charter also sanctions the possibility of independent study and home schooling as a conceivable adjunct to its regular program.” Page 8

- The Petition states that CCTEC is three charter schools: a 9-12 high school, an independent study school, and an adult school. (Petition, p.8) Ed. Code § 47633 indicates that charter funding is for the grade ranges of K through 12 only, and Ed. Code §47612 implies that a pupil over 19 years of age may be enrolled only if making satisfactory progress toward a diploma, like a fifth year senior. This does not seem to permit adult education charters.

The CCCTEC Petition submitted to the WUSD and is under consideration is for the 9-12 high school. This is very clearly stated in the petition, in the cover letter with the petition and by numerous presentations to the WUSD Board of Trustees by parents, teachers and CCCTEC staff. CCCTEC Petitions for the Independent Study and Adult Education schools will be submitted to the appropriate authorizers. As

with any 9-12 high school CCCTEC 9-12 high school will permit a limited number of independent study students and students over the age of 18 who are completing their high school diploma requirements.

WUSD staff is unfamiliar with the charter school process as it relates to Adult Education Charter Schools that allow federal Workforce Investment funds to be used for this purpose.

- The Petition describes the group of students to be served as heterogeneous. (Petition, p.19)
On page 16 of the Petition, in the mission statement, it is implied that students who have not found success in the traditional program are the targeted population. What students does the petitioner propose to serve? Without knowing their characteristics, it is impossible to design a program to meet their needs.

It appears that WUSD staff either does not understand the circumstances that cause students to become “at risk” and do not acknowledge that there are large numbers of students in their own district that will not graduate. This lack of acknowledgement on the part of WUSD staff is consistent with the of the decrease in API scores across the WUSD, the number of schools in Program Improvement especially River City and Yolo High Schools, where the WUSD offers no choice for parents who want to move their children out of a program improvement schools and into a non-program improvement school.

The CCCTEC petition gives very detailed explanations of the students it will serve throughout the Petition starting with the Introduction on pages 8 & 9, 16 and 19.

- CCTEC proposes opening with grades 9 and 10, with 125 students per grade level, adding a grade each year, until there are 625 students. (Petition, p.19) This equals five grade levels—does the petitioner propose adding 8th grade to reach that total? If the school has four grade levels 9-12, and there are 125 students per grade level, that’s 500 students, not 625. The Petition is unclear on where the other 125 students come from.

The overall range of students to be served by CCCTEC as WUSD staff state and is found in the petition is 400-800 students. CCCTEC believes that it will see 800 students within 10 years. At the end of five years the maximum enrollment will be 650 students. For budgeting purposes the 4th 5th years have been set at 625 students.

- The Petition is unclear as to how it will meet the needs of students with disabilities, English language learners and students achieving substantially above or below grade expectations, and other special student populations.

Pages 40 and 41 give a clear detailed plan for 504 students. WUSD staff failed to mention pages 128 and 129 of the Appendix, Attachment 10 “**SECTION 504/DISABLED PUPILS (Section 504 of the Rehabilitation Act of 1973)**”. WUSD staff would have seen even more detail had they read pages 128 and 129 of the Petition.

The following are specific locations in the Petition that address the issue above:

- | | |
|--|-----------------|
| Plan for Students who are Academically Low Achieving | p.36 |
| Plan for Students who are Academically High Achieving | p.37 |
| Plan for English Learners | p.38 |
| Plan for Special Education, Section 504/Students with Disabilities | p.39, 128 & 129 |

- Summer program is defined as three weeks, four days a week, in August. (Petition, p.36) Is this required? The program is for students who score below basic or far below basic on state exams. The problem with this, in addition to the question of whether it has been adequately budgeted for, is that test results are not available until after August begins, making it difficult to identify students for this instruction. There is a reference to the instruction being related to the first six weeks of 6th grade courses, which is peculiar.

How would a sophomore scoring below basic on the 9th grade CST benefit from repeating material from the first six weeks of sixth grade? In other places, the petition talks about meeting individual learning needs, which takes more diagnosis than this.

Below is from the CCCTEC Petition page 36 regarding CCCTEC's Summer Program:

"CCCTEC's summer program will involve mornings of up to three weeks (M-TH) in August prior to school opening. This program is intended for students who test below basic or far below basic on state exams. It is designed as an intensive reading, writing and math tutorial. Students come to school from 8:30- 10:00 for Math and/or from 10:15-11:45 for English instruction. The tutorials are based on the skills required for the first six weeks of 6th grade English and math classes (content is up through first interim assessment exam). CCCTEC Charter will monitor the progress of students in this summer session by giving an assessment with similar content to the placement exam before school starts. An additional benefit of this program is the ability to evaluate students for special education needs as early as possible. CCCTEC's Special Education Director, Resource Specialist, and Literacy Coordinator will be available during this summer session for appropriate diagnostics. By setting a plan in place before school starts; CCCTEC will be proactive in its child-find responsibility for seeking out, identifying and meeting the needs of students with disabilities."

CCCTEC will utilize the summer program whenever it is indicated a student is below or far below basic. WUSD staff asks: "How would a sophomore scoring below basic on the 9th grade CST benefit from repeating material from the first six weeks of sixth grade?" Tutorials will be adapted to the students skill level which is based on skills at the 6th grade level. The CCCTEC Petition states: *"It is designed as an intensive reading, writing and math tutorial"*. This statement indicates that students who are not performing at grade level above basic will need to go back to prior grade level work.

C Page 13 "III. Detailed Discussion of Findings

- The Petition states that students will be evaluated for special education needs "as early as possible" because of this summer program, demonstrating the petitioner's lack of knowledge of special education. (Petition, p.37) *Students are rarely first identified as being in need of special education services in high school.*

WUSD staff does not understand that students can be referred to special education at any age. To suggest otherwise as the above comment from WUSD staff infers would be illegal.

- The Petition states that students who are low achieving will be strongly encouraged to enroll in before- or after-school core-competency modules? (Petition, p.37) This statement raises a number of questions. Do they have to participate, or not? If they don't, how will they be provided with the instruction they need? Can any of this instruction take place within the school day?

Below is from the CCCTEC Petition page 37 regarding CCCTEC's Summer Program:

"Students who are identified as academically low-achieving in math or English will be strongly encouraged to enroll in before or after-school core-competency modules that will allow them more time on task. These classes will be in addition to a students' regular level math or English classes. The classes will be taught, and supervised by credentialed faculty, using available supplemental resources. Instructors will provide students with extra time to complete their regular coursework and additional assistance to develop missing math and English skills, improve study habits, and improve time management and study skills".

Students will be "encouraged" just like the petition states: *"The classes will be taught, and supervised by credentialed faculty, using available supplemental resources."*

- It is unclear how high achieving students will enroll in college courses. (Petition, p.38) Will CCCTEC pay the tuition?

The CCCTEC Charter Petition states the following under **H. PLAN FOR STUDENTS WHO ARE ACADEMICALLY HIGH ACHIEVING** on page 37:

“As appropriate, high achieving students may have the opportunity to concurrently enroll in college courses for more advanced study.”

“As appropriate” and in conjunction with each student’s personal learning plan (PLP) students can voluntarily enroll in college courses just like students at other high schools can enroll. Tuition if any can be paid by any number of means including grants, scholarships and foundations to mention a few.

- The plan for English learners set out on page 38 of the Petition is inadequate because it does not address in adequate detail how the needs of English learners will be met. The Petition describes the method as sheltered English immersion, but it looks more like mainstream placement plus ELD. This raises a number of questions. Will there be any SDAIE? How will English learners access core content? How will their proficiency in academic English be improved? There is no realistic plan here to serve English learners.

Below is the Plan for the English Language Survey found on pages 38 & 39 from the CCCTEC Petition.

I. PLAN FOR ENGLISH LEARNERS

Indicate how the charter school will identify and respond to the needs of English learners. [Ref Criteria for Review; CCR-5, §11967.5.1(f)(1)(G)]

CCCTEC will meet all applicable legal requirements for English Learners as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirement. **CCCTEC** will implement the following policies to assure proper placement, evaluation, and communication regarding EL’s and the rights of students and parents.

Home Language Survey

CCCTEC will administer the home language survey upon a student’s initial enrollment into **CCCTEC** (on enrollment forms).

CELDT Testing

All students who indicate that their home language is other than English will be CELDT tested within thirty days of initial enrollment and at least annually thereafter between July 1 and October 31st until re-designated as fluent English proficient.

CCCTEC will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from the publisher. The CELDT shall be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing.

Reclassification Procedures

Reclassification procedures utilize multiple criteria in determining whether to classify a pupil as proficient in English including, but not limited to, all of the following:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the California English Language Development Test or CELDT.
- Participation of the pupil’s classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil’s curriculum mastery.
- Parental opinion and consultation, achieved through notice to parents/ guardians of the language reclassification and placement including a description of the reclassification process and the parents opportunity to participate, and encouragement of the participation of parents or guardians in the

reclassification procedure including seeking their opinion and consultation during the reclassification process.

- *Comparison of the pupil's performance in basic skills against an empirically established range of performance and basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.*
- *The Student Oral Language Observation Matrix will be used by teachers to measure progress regarding comprehension, fluency, vocabulary, pronunciation, and grammar usage.*

Strategies for English Language Learner Instruction and Intervention

CCCTEC Charter will serve ELLs at the school site through a sheltered English immersion program. Under this program, the EL student is enrolled in a regular class and receives supplementary instruction in order to learn English.

The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing based upon the date last tested at the prior school of enrollment.

Additional details of the plan can be worked out with the authorizer following authorization in the form of Memorandums of Understanding.

- The Petition states that the school will be part of the YCOE SELPA initially (it is unclear what "initially" means in this context), but it must apply and be accepted before participating. The Petition should be supported by an MOU with the agency supplying special education services. There are some references to the Yolo County Department of Education as an entity. There is no such agency. Counties are not departments of education. There are other vague references to the school acting as its own LEA in respect to special education and to contracting with the El Dorado County Office of Education Charter SELPA. There is no clear plan for serving special education students.
- There is no clear plan for serving students with 504 plans. (Petition, pp.40 and 41)

WUSD staff have not read the CCCTEC Petition. Pages 40 and 41 give a clear detailed plan for 504 students but had WUSD staff given the petition a thorough read and evaluation then WUSD staff would have mentioned pages 128 and 129 of the Appendix, Attachment 10 "**SECTION 504 / DISABLED PUPILS (Section 504 of the Rehabilitation Act of 1973)**". WUSD staff would have seen even more detail had they read pages 128 and 129 of the Petition.

On October 13, 2009, Paul Preston, Executive Director of CCCTEC contacted Yolo County Assistant Superintendent Dr. Camilla Giometti-May regarding potential special education services, fiscal, and other services and clarifications that could be offered by the school district for a fee to CCCTEC. Dr. Camilla Giometti-May suggested that Mr. Preston meet with Diana Blackmon, Special Education Director and Scott Lantsberger, Associate Superintendent for the WUSD. Dr. Camilla Giometti-May facilitated a meeting between Mr. Preston, Dr. Blackmon and Scott Lantsberger on November 12, 2009. Also in attendance was Linda Legnitto, Deputy Superintendent for YCOE. The meeting was positive and productive and was made possible by the Yolo County Office of Education and not by any staff members of the WUSD. Agreements regarding these services would be in the form of Memorandums of Understanding. MOUs would be developed after authorization. Also left out of the discussion is CCCTEC's application to the El Dorado County Charter SELP found in the Appendix as Attachment 10 on page 127 which was made September 4, 2009.

CCCTEC reserves the right to act as its own LEA and in the petition makes the following statement on page 39 regarding Special Education: *“The School reserves the right to act as its own Local Education Agency (LEA) or to contract with El Dorado County Office of Education Charter SELPA for the purposes of special education and will make appropriate notification to the Yolo County Office of Education preceding such plans.”*

3. Issue: The Petition does not contain a reasonably comprehensive description of measurable pupil outcomes and how progress against those outcomes will be measured.

C Page 14 “III. Detailed Discussion of Findings

- Petitioner’s lack of understanding of assessment and measurable student outcomes is evident on page 41 of the Petition. How will the school measure student’s positive attitude toward learning, for example? There is no assessment plan to give the reader an idea of how outcomes will be measured. Questionnaires figure prominently in the assessment measures.
- An example of the problem with assessment is using the CELDT, which measures English language proficiency, and the 9th and 10th grade MAP tests, and the CAHSEE (9th and 10th grade ELA skills) to measure student acquisition of literacy skills necessary to succeed in college. None of those measures extend to a high enough level to measure college readiness, unlike the EAP, and some other assessments of college readiness. Students who have mastered 10th grade content only are unlikely to succeed in college. See the NCES’ longitudinal studies for help with what that preparation looks like.

Pages 41, 42, 43, 44, 45, 46 and 47 specifically address the above issues. The above statement by WUSD staff indicates that they do not understand the function of various assessment instruments. The assessment mentioned on page 43 of the Petition to assess math is but one of several utilized by schools nationwide that not only assess career readiness but also college readiness.

- The math mentioned on page 43 of the Petition is for career success rather than for a college prep goal. This is inadequate to measure students’ level of college readiness. On page 44 of the Petition, it describes preparation for math up to Algebra II, but there is no plan for helping the population of students that this application seems to address, achieve that level of mathematics proficiency.

The Algebra II curriculum – as required for admission to UC and CSU, California’s four-year state colleges referenced on page 44 and throughout the Petition more than adequately serves as a plan to address the needs of college bound and all CCCTEC students.

Conclusion

Upon review of the WUSD staff “Review of the CCCTEC Charter Petition”, CCCTEC staff concludes that the CCCTEC Charter Petition which was created in the format encouraged by the California State Board of Education in its adopted Model Application for Charter Schools goes beyond the legal requirements of Education Code Section 47605. CCCTEC staff concludes that the denial of the CCCTEC Charter Petition by the WUSD Board of Trustees was based on inaccurate interpretations of the Charter Petition, conclusions based on erroneous assumptions, an apparent lack of understanding of WUSD Board Policies, Administrative Regulations, charter school law, and misinterpretation of facts by the WUSD staff who produced the “Review of CCCTEC’s Charter Petition”.

Special note needs to be made that in no part of the WUSD staff “Review of the CCCTEC Charter Petition” does the WUSD staff deny or refute the facts brought forward in the CCCTEC 9-12 high school Charter Petition which lead to the creation of California College, Career & Technical Education Center, Inc. CCCTEC views this as a positive step by the WUSD. CCCTEC staff remain committed to developing a positive/collaborative working relationship with the Washington Unified School District in order to insure a successful California College, Career & Technical Education Center.