

## MEMORANDUM

TO: Honorable Members of the Board of Trustees  
Compton Unified School District  
and  
Kaye Burnside, Superintendent

FROM: Carlos Manrique, Associate Superintendent,  
Curriculum Design & Instructional Improvement

DATE: January 12, 2010

RE: Staff Analysis and Recommendation: Barack Obama Middle School  
Charter School Petition

---

### **Introduction**

The following is a Staff Analysis of the proposed Petition of the Barack Obama Middle School Charter School (“Petition”), which was submitted to the Compton Unified School District (“District”) on **November \_\_, 2009**. A public meeting on this Petition was held at the December 8, 2009 meeting of the District’s Board of Trustees’ (“Board”).

This Staff Analysis sets forth the District’s analysis of the Petition, and a recommendation regarding its disposition. To assist members of the Board in its decision, this analysis includes a brief overview, history and legislative summary of charter schools. Attached is the Petition that was submitted by Ingenium Schools, which will operate Barack Obama Middle School (“BOMS”). Background information regarding charter schools generally was obtained in substantial part from [www.uscharterschools.org](http://www.uscharterschools.org) and [www.cde.ca.gov](http://www.cde.ca.gov).

### **Overview**

Charter schools are nonsectarian public schools of choice that operate with freedom from many of the regulations that apply to traditional public schools. The “charter” establishing each such school is a performance contract detailing the school’s mission, program, goals, students served, methods of assessment, and ways to measure success. The length of time for which charters are granted varies, but most are granted for 3-5 years. At the end of the term, the entity granting the charter may renew the school’s contract. Charter schools are accountable to their sponsor (usually a state or local school board) to produce positive academic results and adhere to the charter contract. The basic concept of charter schools is that they exercise increased autonomy in return for this accountability. They are accountable for both academic results and fiscal practices to several groups: the sponsor that grants them, the parents who choose them, and the public that funds them.

## **Brief History**

The charter school movement has roots in a number of other reform ideas, from alternative schools, to site-based management, magnet schools, public school choice, privatization, and community-parental empowerment. The term “charter” may have originated in the 1970s when New England educator Ray Budde suggested that small groups of teachers be given contracts or “charters” by their local school boards to explore new approaches. Albert Shanker, former president of the American Federation of Teachers, then publicized the idea, suggesting that local boards could charter an entire school with union and teacher approval. In the late 1980s, Philadelphia started a number of schools-within-schools and called them “charters.” Some of them were schools of choice. The idea was further refined in Minnesota and based on three basic values: opportunity, choice, and responsibility for results.

In 1991, Minnesota passed the first charter school law, with California following suit in 1992. By 1995, 19 states had signed laws allowing for the creation of charter schools, and by 1999, that number increased to 36 states, Puerto Rico, and the District of Columbia. Charter schools are one of the fastest growing innovations in education policy, enjoying broad bipartisan support from governors, state legislators, and past and present secretaries of education. President Clinton also supported them, calling in his 1997 State of the Union Address for the creation of 3,000 charter schools by the year 2000 and delivering remarks for the 1999 Charter Schools National Conference. Since 1994, the federal Department of Education has provided grants to support states’ charter school efforts, from \$6 million in fiscal year 1995, to \$100 million in fiscal year 1999.

## **Legislative Summary**

Passed in 1992 and amended several times since then, California's charter school law (Education Code section 47600 et seq., also referred to as the “Charter Schools Act”) allows for an unlimited number of charters to be granted by local school districts and county boards, but sets a statewide cap. Charter terms may be granted for up to 5 years. General purpose and categorical funding for charter schools is comparable with other public schools, and charter schools may receive funds directly from the state. Charter school students are required to take state assessments, including the high school exit exam. The charter school is exempt from state and local education rules and regulations, except as specified in the legislation.

## **General Provisions Regarding Charter Petitions**

Once a charter school petition is approved, the charter generally becomes a controlling document, constituting the agreement between the district and the charter school. For this reason, each of the major terms controlling the operation of the charter school as well as its relationship with the district should be contained in the proposed charter.

In reviewing the charter petition, the District should be aware of certain general provisions of the Charter Schools Act. In section 47605(b), the Legislature made explicit the requirement that school districts reviewing charter petitions bear in mind the

Legislature's intent that charter schools become an integral part of the educational program of California and charter schools should be encouraged. Despite this explicit Legislative intent, a charter school petition must meet various threshold requirements as set forth in Education Code section 47605(a). If a charter school petition meets these threshold requirements, a governing board may still deny the petition if the board makes written factual findings specific to the particular charter petition being reviewed, setting forth facts, which support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school;

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in that petition;

(3) The petition does not contain the number of signatures required by section 47605(a);

(4) The petition does not contain an affirmative statement of various nondiscrimination and admissions requirements; or

(5) The petition does not contain reasonably comprehensive descriptions of sixteen specific items required to be included in a charter petition.

Educ. Code § 47605(b).

Moreover, the State Board of Education has promulgated regulations regarding charter school petitions. See 5 Cal. Code Reg. § 11967.5.1. Although these regulations generally govern appeals on denials of charter petitions at the local level, they shed light on the State Board of Education's understanding of the meaning of the elements specified in Education Code section 47605(b). In addition, these regulations may eventually apply since appeals are part of the full charter petition approval process.

Finally, the Model Charter School Application ("Model Application"), approved by the California State Board of Education at its November 2003 meeting, contains criteria and suggestions on how a petition shall comply with section 47605(b). The Model Application is provided for use by charter petitioners and authorizers as a tool in developing and evaluating charter petitions at all levels of the charter petition approval process. Use of the Model Application does not automatically assure compliance with all applicable laws; nor is it mandatory. It is exemplary and offered to strengthen the processes of charter development and ensure rigor and consistency of the petitions statewide.

## **Staff Analysis of Barack Obama Middle School Charter Petition**

### *A. The Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Set Forth In The Petition.*

Education Code section 47605(b)(2) states that a petition shall be denied if the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

#### 1. Collective Bargaining Agreement.

The Petitioners do not appear to have budgeted for the cost of collective bargaining and/or contract administration. However, since BOMS intends to be a public school employer for purposes of the EERA, BOMS would need to allocate financial resources for this matter.

#### 2. Operational Timeline.

It appears that the timeline described in the Petition for establishing BOMS is not a realistic operational plan. As one way to ensure that an operational plan for operating a charter school is realistic, the Model Application<sup>1</sup> recommends that a charter petition be submitted by September 1<sup>st</sup> of the year preceding the year in which the petitioners seek to have school in operation. (Model Application at 8.) The Petition, however, was submitted in November 2009. BOMS's proposed 2010-2011 school year opening is ambitious, but seemingly unrealistic.

#### 3. Accreditation from the Western Association of Schools and Colleges.

The Western Association of Schools and Colleges ("WASC") is one of six regional associations that accredits public and private schools, colleges, and universities in the United States. WASC covers institutions in California and its Accrediting Commission for Schools and is responsible for the accreditation of schools below the college level, which includes BOMS.

Though not mandated, WASC accreditation (1) certifies to the public that the school is a trustworthy institution of learning and (2) validates the integrity of a school's program and student transcripts. More importantly, credits earned from courses offered by a charter school can be transferred to another school only if the charter school is WASC accredited. See Educ. Code § 47605(b)(5)(A)(ii).

---

<sup>1</sup> Approved by the California State Board of Education at its November 2003 meeting, the Model Charter School Application ("Model Application") is provided for use by charter petitioners and authorizers as a tool in developing and evaluating charter petitions at all levels of the charter petition approval process. Use of the Model Application does not automatically assure compliance with all applicable laws; nor is it mandatory. It is exemplary and offered to strengthen the processes of charter development and ensure rigor and consistency of the petitions statewide.

Although Petitioners state that BOMS will submit a Request for WASC, BOMS has not yet been accredited by WASC. (See Petition at p. 46.)

4. Transportation.

The Model Application indicates that a petition shall “provide a description of the arrangements, if any, to be made for transportation of students, including expected level of need, proposed contracts, and adequate types and levels of insurance.” The Model Application at 20.

The Petition remains silent on the issue of transportation of BOMS’s students. The omission is especially glaring considering the budget also allocates no funds to transportation of pupils. However, it appears reasonably likely that some form of public school transportation would be required for students to attend BOMS.

*B. The Petition Does Not Contain Reasonably Comprehensive Descriptions of Certain Specific Items Required To Be Included In A Charter Petition As Set Forth In Education Code Section 47605(b)(5).*

Education Code section 47605(b)(5) requires that the charter petition contain reasonably comprehensive descriptions of various substantive provisions regarding the proposed program. The Petition fails this requirement in several respects.

1. Special Education.

Education Code section 47605(b)(5)(A) requires that a petition contain reasonably comprehensive descriptions of the educational program of the school. California Code of Regulation Title 5 section 11967.5.1(f)(1)(H) requires that a petition

[s]pecif[y] the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.

5 C.C.R § 11967.5.1(f)(1)(H).

Here, although the Petition states that BOMS will be regarded as a public school of the District for special education purposes and that it will follow the SELPA policies and procedures, it has not explained the process BOMS will use to serve special needs students, as the Petition fails to identify who will implement and carry out the program. According to the documents provided by Petitioners, none of the potential BOMS teachers identified possesses the necessary certifications to teach special education.

Further, the Petition does not appear to have allocated sufficient financial resources for special education. (Petition at Appendix H.) For a charter plan to be financially realistic, the plan must include “in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education[.]” 5 Cal. Code Reg. § 11967.5.1(c)(3)(B)(2). Here, though the Petition indicates that BOMS will provide special education services, the budget has no provisions for special education teachers, counselors, psychologists, and other necessary service providers; rather the budget does not allocate any funds specifically for special education services or supplies.

2. Parental Involvement.

Education Code section 47605(b)(5)(D) requires that a charter petition specify the process to be followed by the school to ensure parental involvement.

Here, BOMS does not have a position on the Board for a parent representative, nor is it apparent that any current Board member is a parent of a potential BOMS student. (See Petition at p. 57.) Rather, the Petition relies on surveys and parental volunteer activities to obtain parental participation in BOMS. Such mechanisms may be not rigorous and effective enough to ensure parental involvement as required by the Education Code.

3. Teacher Qualification.

The Petition does not appear to be realistic when it comes to hiring and retaining highly qualified teachers. Education Code section 47605(b)(5)(E) requires that a charter school petition describe the qualifications that must be met by the individuals who will be employed by the school. Educ. Code § 47605(b)(5)(E). Moreover, the petition must “specify that the requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credential as necessary.” 5 Cal. Code Reg. § 11967.5.1(f)(5)(C).

The Petition provides that the school “will advertise its openings at local university training programs that specialize in producing NCLB-qualified teachers.” (Petition at p. 75.) However, the Petition is not persuasive in how BOMS will be able to recruit and retain highly qualified teachers, especially given the pay scale and budget proposed by BOMS. In terms of attracting and retaining qualified teachers, the Petition indicates that BOMS intends to pay “market rates” to its teachers, and the average salary will be \$45,000 per year. (Petition at p. 76.) This appears to be below current market rate for highly qualified teachers.

Further, obtaining highly qualified teachers is particularly problematic since highly qualified teachers often have multiple offers of teaching positions from public school districts and can obtain tenure under certain circumstances, whereas there is no indication that BOMS teachers will be able to receive any kind of tenure. (See Petition at p. 75.) The Petition does not explain how BOMS will attract and obtain highly qualified teachers, while at the same time competing with public schools that offer tenure-track

positions. This lack of explanation and lack of evidence that any of its teachers are “highly qualified” suggests that the Petitioners are unlikely to successfully implement the program set forth in the Petition.

4. Health and Safety.

Education Code section 47605(b)(5)(F) requires a comprehensive description of “the procedures that the school will follow to ensure the health safety of pupils and staff.” At a minimum this means that a petition must:

“...

(D) Provide for the screening of pupils’ vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.”

5 Cal. Code Reg. § 11967.5.1(f)(6)(C)(D).

The Petition states that “BOMS will adopt and implement full health and safety procedures and risk management policies at our school site...” (Petition at p. 77.) Further, the Petition provides the proposed “Safety Plan.” (See Appendix F to Petition.) However, neither the statement nor the Safety Plan meets the legal requirement that the Petition specifically provide for the screening of pupils’ vision, hearing and for scoliosis. The Petition is deficient in regards to adequately addressing health and safety issues as required by law.

5. Compensation and Benefits.

Education Code section 47605(b)(5)(K) requires that the petition contain “[t]he manner by which staff members of the charter schools will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security.” Educ. Code § 47605(b)(5)(K); 5 C.C.R. § 11967.5.1(f)(11). The Model Application suggests that the petition provide a brief explanation of how the school will structure employee compensation to attract candidates with the necessary skills and experience.

Here, as noted above, although the Petition states that it will pay market rates to its teachers, *i.e.*, teacher salaries are comparable to teacher salaries in neighboring school districts, it lacks concrete plans to ensure that it will hire and retain “highly qualified professionals.” Moreover, the low average teacher salaries to be offered by BOMS is especially problematic as highly qualified teachers can often obtain tenure with teaching positions from public school districts.

Also, Education Code section 47605(b)(5)(K) requires that a charter school petition shall specify the manner in which staff members of the charter school will be covered by the State Teachers’ Retirement System (“STRS”), the Public Employees’ Retirement System (“PERS”), and/or federal social security. At a minimum, the petition must specify the

positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made. See 5 C.C.R. § 11967.5.1(f)(11). Here, Petitioners fail to specify personnel who will carry out the arrangements of the employee retirement systems. Moreover, the budget has not allocated any money for making the PERS arrangements. (See Appendix H to Petition.)

*C. Lack Of Sufficient Resources For Key Management And Administrative Staff.*

The Education Code section 47604(g) requires that a school petition specify the manner in which administrative services of the charter school are to be provided. Here, the Petition indicates that it will hire three administrators for its first year of operation: an Executive Director, Principal and Assistant Principal. (See Appendix H to Petition.) The budget, however, appears to only allocate a total of \$190,167 for the salary of all three positions, which is seemingly below the market rate for qualified persons in similar positions. (Id.) Furthermore, the budget appears to allocate money for only one clerical employee for Year One of operation. (Id.) It will be extremely difficult, if not impossible, for BOMS to provide full-fledged administrative services to a new school of several hundred students with only one clerical employee.

**Conclusion and Recommendation**

As set forth above, the Petition appears deficient in a number of respects. Based on these defects, it is recommended that the Petition be denied.

**Attachment:** Petition Submitted by Ingenium Schools



Compton Unified School District  
501 South Santa Fe Avenue  
Compton, CA 90221  
(310) 639-4321

January 19, 2010

*VIA CERTIFIED MAIL*  
*Article #7008 1830 0002 5934 5892*

**Board of Trustees**

Mrs. Mae Thomas  
*President*

Mr. Micah Ali  
*Vice President*

Ms. Satra Zurita  
*Clerk*

Ms. Margie Garrett  
*Legislative Representative*

Mr. Fred Easter  
*Member*

Ms. Emma Sharif  
*Member*

Mrs. Marjorie Shipp  
*Member*

Kaye E. Burnside, Ed.D.  
*Superintendent*

**Mr. Glenn Noreen, Executive Director  
Barack Obama Charter Middle School  
1502 Webster Avenue  
Claremont, CA 91711-3548**

**Dear Mr. Noreen:**

**This is to report that at its meeting on January 12, 2010, the Board of Trustees took action to deny the charter school proposal that you submitted on November 20, 2009. The proposal was denied for the reasons set forth in the attached staff analysis.**

**Should you have any question regarding this matter, please do not hesitate to contact me.**

**Sincerely,**

A handwritten signature in cursive script that reads "Kaye E. Burnside".

**Kaye E. Burnside, Ed.D.  
Superintendent**

**KEB/vh  
ATTACHMENT**

## MEMORANDUM

TO: Honorable Members of the Board of Trustees  
Compton Unified School District; Kaye Burnside, Superintendent  
Carlos Manrique, Associate Superintendent, Curriculum Design & In-  
structional Improvement

FROM: Glenn Noreen, Barack Obama Middle School

DATE: January 11, 2010

RE: Response to Staff Analysis and Recommendation: Barack Obama Middle  
School Charter School Petition

---

### **Introduction**

In his memorandum with the subject “Staff Analysis and Recommendation: Barack Obama Middle School Charter School Petition” (“Staff Analysis”) dated January 12, 2010, Carlos Manrique recommends denial of the Petition. In this Memorandum, we respond to the Staff Analysis.

### **Background**

Barack Obama Middle School (BOMS) will be operated by Ingenium Schools, the 501c(3) nonprofit corporation that currently operates Barack Obama Charter School (BOCS) (originally named Qued Charter Elementary School) in Compton Unified School District (CUSD). BOCS was approved on appeal by the State Board of Education (SBE) on November 6, 2008. SBE approved a second Ingenium Schools-managed charter school on appeal, Ingenium Charter School (ICS), last Tuesday, January 5; ICS will be in Los Angeles Unified School District.

The BOMS, BOCS, and ICS charter petitions naturally share much of their language (I wrote all three). If SBE has approved a charter with similar language, a Finding of Fact supporting denial of a charter may not be made on that item. In addition, many of the items in the Staff Analysis were in the BOCS Findings of Fact (FOF) made by the CUSD Board when it denied the BOCS petition; these were specifically reversed when SBE approved the BOCS charter.

As noted in the Staff Analysis, “a governing board may only deny a charter petition if the board makes written factual findings specific to the particular charter petition being reviewed, setting forth facts, which support one or more of the following findings:

“(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school;

“(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in that petition;

“(3) The petition does not contain the number of signatures required by section 47605(a);

“(4) The petition does not contain an affirmative statement of various nondiscrimination and admissions requirements; or

“(5) The petition does not contain reasonably comprehensive descriptions of sixteen specific items required to be included in a charter petition.”

The Staff Analysis does not address items 1, 3, or 4 above, so our understanding is that the Staff accepts that the Petition meets the requirements of these items. The only concerns addressed apply to items 2 and 5.

**In order for the CUSD board to deny the BOMS petition, it must therefore make a Finding of Fact supporting a conclusion that “the petitioners are demonstrably unlikely to successfully implement the program” or that “the petition does not contain reasonably comprehensive descriptions.”** The Finding of Fact must be based on fact, not conjecture, and must not contradict previous SBE findings. Below, we reproduce the Staff Analysis in black and provide our specific responses in magenta.

### **Response to Staff Analysis of Barack Obama Middle School Charter Petition**

A. *The Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Set Forth In The Petition.*

1. Collective Bargaining Agreement.

The Petitioners do not appear to have budgeted for the cost of collective bargaining and/or contract administration. However, since BOMS intends to be a public school employer for purposes of the EERA, BOMS would need to allocate financial resources for this matter.

There is no collective bargaining agreement in place at BOCS and none at the vast majority of California’s independent charter schools. The BOCS petition approved by SBE does not contain a budget line item for collective bargaining. This charge was in Compton’s BOCS FOF and was rejected by SBE.<sup>1</sup> **This cannot support a factual finding that “the petitioners are demonstrably unlikely to successfully implement the program.”** Of course, should the employees of one or more of our charter schools petition for exclusive representation, we would make adjustments to those schools’ budgets as needed to cover any costs related to collective bargaining.

2. Operational Timeline.

---

<sup>1</sup> California Department of Education 2008-09 Charter School Petition Review Form, QUED Charter Elementary School, available at <http://www.cde.ca.gov/be/ag/ag/documents/nov08item15.doc>, page 36: “QUED is not required to budget for the cost of collective bargaining.”

It appears that the timeline described in the Petition for establishing BOMS is not a realistic operational plan. As one way to ensure that an operational plan for operating a charter school is realistic, the Model Application recommends that a charter petition be submitted by September 1<sup>st</sup> of the year preceding the year in which the petitioners seek to have school in operation. (Model Application at 8.) The Petition, however, was submitted in November 2009. BOMS's proposed 2010-2011 school year opening is ambitious, but seemingly unrealistic.

A denial has to be supported with facts specific to the petition, not conjecture. The Staff Analysis ignores the fact that Ingenium Schools already operates a successful charter school and thus is knowledgeable and experienced in the start-up process. SBE approved the charter for Ingenium Charter School precisely one week before the date the BOMS petition will be voted on by the Compton board. The SBE clearly agrees with us that the time is sufficient.<sup>2</sup> Due to SBE's approval of a school with an identical timeline, and the experience of Ingenium Schools in the startup process, **this cannot support a factual finding that "the petitioners are demonstrably unlikely to successfully implement the program."**

3. Accreditation from the Western Association of Schools and Colleges.

The Western Association of Schools and Colleges ("WASC") is one of six regional associations that accredits public and private schools, colleges, and universities in the United States. WASC covers institutions in California and its Accrediting Commission for Schools and is responsible for the accreditation of schools below the college level, which includes BOMS.

Though not mandated, WASC accreditation (1) certifies to the public that the school is a trustworthy institution of learning and (2) validates the integrity of a school's program and student transcripts. More importantly, credits earned from courses offered by a charter school can be transferred to another school only if the charter school is WASC accredited. See Educ. Code § 47605(b)(5)(A)(ii).

Although Petitioners state that BOMS will submit a Request for WASC, BOMS has not yet been accredited by WASC. (See Petition at p. 46.)

This charge was also in the Compton BOCS FOF, which SBE rejected when it approved the BOCS charter. Schools may not apply for affiliation with WASC (the first step to accreditation) until they are in their second semester of operation. It is not possible for a school to be accredited by WASC before it opens.<sup>3</sup> **This cannot support a factual find-**

---

<sup>2</sup> See attached "Official Notice of the Assignment of Charter School Number." Also, California Department of Education 2008-09 Charter School Petition Review Form, QUED Charter Elementary School, available at <http://www.cde.ca.gov/be/ag/ag/documents/nov08item15.doc>, page 32: "A Fall 2008 opening was not unrealistic if the petition had been approved on February 26, 2008."

<sup>3</sup> California Department of Education 2008-09 Charter School Petition Review Form, QUED Charter Elementary School, available at <http://www.cde.ca.gov/be/ag/ag/documents/nov08item15.doc>, page 36: "It is not possible to receive WASC accreditation prior to the establishment of the charter school and QUED's

ing that “the petitioners are demonstrably unlikely to successfully implement the program.”

4. Transportation.

The Model Application indicates that a petition shall “provide a description of the arrangements, if any, to be made for transportation of students, including expected level of need, proposed contracts, and adequate types and levels of insurance.” The Model Application at 20.

The Petition remains silent on the issue of transportation of BOMS’s students. The omission is especially glaring considering the budget also allocates no funds to transportation of pupils. However, it appears reasonably likely that some form of public school transportation would be required for students to attend BOMS.

It is obviously quite possible for a charter school to operate without offering student transportation; roughly 90% of existing charter schools in California do so, including BOCS. This charge was in Compton’s BOCS FOF and was rejected by the SBE when it approved the BOCS charter.<sup>4</sup> Even the language of the Staff Analysis is based upon conjecture, “it appears reasonably likely that ....” Accordingly, **this cannot support a factual finding that “the petitioners are demonstrably unlikely to successfully implement the program.”**

*B. The Petition Does Not Contain Reasonably Comprehensive Descriptions of Certain Specific Items Required To Be Included In A Charter Petition As Set Forth In Education Code Section 47605(b)(5).*

1. Special Education.

Education Code section 47605(b)(5)(A) requires that a petition contain reasonably comprehensive descriptions of the educational program of the school. California Code of Regulation Title 5 section 11967.5.1(f)(1)(H) requires that a petition

[s]pecif[y] the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.

---

plan to achieve WASC accreditation appears to be reasonable.” Also, see WASC “Conditions of Eligibility” at [http://www.acswasc.org/pdf\\_general/ConditionsOfEligibility.pdf](http://www.acswasc.org/pdf_general/ConditionsOfEligibility.pdf).

<sup>4</sup> California Department of Education 2008-09 Charter School Petition Review Form, QUED Charter Elementary School, available at <http://www.cde.ca.gov/be/ag/ag/documents/nov08item15.doc>, page 37: “QUED is not required to provide for the transportation of students.”

5 C.C.R § 11967.5.1(f)(1)(H).

Here, although the Petition states that BOMS will be regarded as a public school of the District for special education purposes and that it will follow the SELPA policies and procedures, it has not explained the process BOMS will use to serve special needs students, as the Petition fails to identify who will implement and carry out the program. According to the documents provided by Petitioners, none of the potential BOMS teachers identified possesses the necessary certifications to teach special education.

Further, the Petition does not appear to have allocated sufficient financial resources for special education. (Petition at Appendix H.) For a charter plan to be financially realistic, the plan must include “in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education[.]” 5 Cal. Code Reg. § 11967.5.1(c)(3)(B)(2). Here, though the Petition indicates that BOMS will provide special education services, the budget has no provisions for special education teachers, counselors, psychologists, and other necessary service providers; rather the budget does not allocate any funds specifically for special education services or supplies.

The budget includes a salary for a resource teacher. The special education language in the BOMS petition is identical to the language in the BOCS petition approved by SBE.<sup>5</sup> Furthermore, the District’s staff analysis ignores the legal requirement found in State and Federal law that the District ensure that the student enrolled in a charter school approved by the District be served in the same manner as any other student in the District. Thus, **this cannot support a factual finding that “the petition does not contain reasonably comprehensive descriptions.”**

2. Parental Involvement.

Education Code section 47605(b)(5)(D) requires that a charter petition specify the process to be followed by the school to ensure parental involvement.

Here, BOMS does not have a position on the Board for a parent representative, nor is it apparent that any current Board member is a parent of a potential BOMS student. (See Petition at p. 57.) Rather, the Petition relies on surveys and parental volunteer activities to obtain parental participation in BOMS. Such mechanisms may be not rigorous and effective enough to ensure parental involvement as required by the Education Code.

The parental involvement language in the BOMS petition is identical to the language in the BOCS petition approved by SBE.<sup>6</sup> **This cannot support a factual finding that “the petition does not contain reasonably comprehensive descriptions.”**

---

<sup>5</sup> Qued Charter Elementary School Petition (<http://www.cde.ca.gov/be/ag/ag/documents/nov08item15a3.pdf>), pp. 59-67.

<sup>6</sup> Qued Charter Elementary School Petition (<http://www.cde.ca.gov/be/ag/ag/documents/nov08item15a3.pdf>), p. 91.

### 3. Teacher Qualification.

The Petition does not appear to be realistic when it comes to hiring and retaining highly qualified teachers. Education Code section 47605(b)(5)(E) requires that a charter school petition describe the qualifications that must be met by the individuals who will be employed by the school. Educ. Code § 47605(b)(5)(E). Moreover, the petition must “specify that the requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credential as necessary.” 5 Cal. Code Reg. § 11967.5.1(f)(5)(C).

The Petition provides that the school “will advertise its openings at local university training programs that specialize in producing NCLB-qualified teachers.” (Petition at p. 75.) However, the Petition is not persuasive in how BOMS will be able to recruit and retain highly qualified teachers, especially given the pay scale and budget proposed by BOMS. In terms of attracting and retaining qualified teachers, the Petition indicates that BOMS intends to pay “market rates” to its teachers, and the average salary will be \$45,000 per year. (Petition at p. 76.) This appears to be below current market rate for highly qualified teachers.

Further, obtaining highly qualified teachers is particularly problematic since highly qualified teachers often have multiple offers of teaching positions from public school districts and can obtain tenure under certain circumstances, whereas there is no indication that BOMS teachers will be able to receive any kind of tenure. (See Petition at p. 75.) The Petition does not explain how BOMS will attract and obtain highly qualified teachers, while at the same time competing with public schools that offer tenure-track positions. This lack of explanation and lack of evidence that any of its teachers are “highly qualified” suggests that the Petitioners are unlikely to successfully implement the program set forth in the Petition.

**BOCS has had no problems attracting highly qualified staff at an average salary of \$45,000 and SBE accepted this salary level in both the BOCS and BOMS charters. California currently has a surplus of qualified teachers; see the press release from the Superintendent of Public Instruction.<sup>7</sup> Accordingly, the Staff analysis is conjecture and not fact and **this cannot support a factual finding that “the petition does not contain reasonably comprehensive descriptions.”****

### 4. Health and Safety.

Education Code section 47605(b)(5)(F) requires a comprehensive description of “the procedures that the school will follow to ensure the health safety of pupils and staff.” At a minimum this means that a petition must:

(D) Provide for the screening of pupils’ vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the

---

<sup>7</sup> “Record Number of Teachers Receiving Layoff Notices” <http://www.cde.ca.gov/nr/ne/yr09/yr09rel40.asp>.

pupils attended a non-charter public school.”

5 Cal. Code Reg. § 11967.5.1(f)(6)(C)(D).

The Petition states that “BOMS will adopt and implement full health and safety procedures and risk management policies at our school site...” (Petition at p. 77.) Further, the Petition provides the proposed “Safety Plan.” (See Appendix F to Petition.) However, neither the statement nor the Safety Plan meets the legal requirement that the Petition specifically provide for the screening of pupils’ vision, hearing and for scoliosis. The Petition is deficient in regards to adequately addressing health and safety issues as required by law.

Vision, hearing and for scoliosis screening for pupils is specifically addressed on Page 79 of the Petition, which reads: “VISION/HEARING/SCOLIOSIS: BOMS shall adhere to Education Code §49450 et. seq. as applicable to the grade levels served by BOMS.” This language is identical to the language in the SBE-approved BOCS petition. **This cannot support a factual finding that “the petition does not contain reasonably comprehensive descriptions.”**

#### 5. Compensation and Benefits.

Education Code section 47605(b)(5)(K) requires that the petition contain “[t]he manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.” Educ. Code § 47605(b)(5)(K); 5 C.C.R. § 11967.5.1(f)(11). The Model Application suggests that the petition provide a brief explanation of how the school will structure employee compensation to attract candidates with the necessary skills and experience.

Here, as noted above, although the Petition states that it will pay market rates to its teachers, *i.e.*, teacher salaries are comparable to teacher salaries in neighboring school districts, it lacks concrete plans to ensure that it will hire and retain “highly qualified professionals.” Moreover, the low average teacher salaries to be offered by BOMS is especially problematic as highly qualified teachers can often obtain tenure with teaching positions from public school districts.

As noted above, BOCS has had no difficulty attracting highly qualified teachers at an identical salary. The Staff may not be familiar with current market conditions for teachers; please see the press release from the Superintendent of Public Instruction cited above. Findings of Fact must be based on facts, not conjecture. **This cannot support a factual finding that “the petition does not contain reasonably comprehensive descriptions.”**

Also, Education Code section 47605(b)(5)(K) requires that a charter school petition shall specify the manner in which staff members of the charter school will be covered by the State Teachers’ Retirement System (“STRS”), the Public Employees’ Retirement System (“PERS”), and/or federal social security. At a minimum, the petition must specify the

positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made. See 5 C.C.R. § 11967.5.1(f)(11). Here, Petitioners fail to specify personnel who will carry out the arrangements of the employee retirement systems. Moreover, the budget has not allocated any money for making the PERS arrangements. (See Appendix H to Petition.)

**On Page 77, the Petition states: “Barack Obama Middle School teachers and certificated administrators shall be a part of the State Teachers’ Retirement System. Other employees shall be covered by Social Security.” No budget provision has been made for PERS because the school will not offer it, as clearly stated. This language is identical to that in the SBE-approved BOCS charter. This cannot support a factual finding that “the petition does not contain reasonably comprehensive descriptions.”**

*C. Lack Of Sufficient Resources For Key Management And Administrative Staff.*

The Education Code section 47604(g) requires that a school petition specify the manner in which administrative services of the charter school are to be provided. Here, the Petition indicates that it will hire three administrators for its first year of operation: an Executive Director, Principal and Assistant Principal. (See Appendix H to Petition.) The budget, however, appears to only allocate a total of \$190,167 for the salary of all three positions, which is seemingly below the market rate for qualified persons in similar positions. (Id.) Furthermore, the budget appears to allocate money for only one clerical employee for Year One of operation. (Id.) It will be extremely difficult, if not impossible, for BOMS to provide full-fledged administrative services to a new school of several hundred students with only one clerical employee.

**The Executive Director is shared with two other schools (BOCS and ICS); each pays 1/3 of his \$108,000 annual salary, or \$36,000. The Principal salary is \$90,000 and the Assistant Principal salary is \$70,000 – the same as the current BOCS salaries. However, the Assistant Principal will be hired in August, reducing this salary this first year by one month to \$64,167. These are the same salaries that were in the SBE-approved BOCS and ICS petitions. This cannot support a factual finding that “the petition does not contain reasonably comprehensive descriptions.”**

**Conclusion**

**The Staff Analysis does not contain a single comment that could support a Findings of Fact that “the petitioners are demonstrably unlikely to successfully implement the program” or that “the petition does not contain reasonably comprehensive descriptions.” Accordingly, the CUSD Board must approve the charter petition.**



# MINUTES

## BOARD STUDY SESSION

### **January 12, 2010**

#### **ORDER OF BUSINESS**

#### **A. OPENING**

##### **A.1 CALL TO ORDER**

The meeting was called to order by Mrs. Mae Thomas, Board President, at 5:58 p.m., in the Board Room of the District Education Service Center, 501 South Santa Fe Avenue, Compton, CA 90221.

##### **A.2 ROLL CALL**

**The following Members were present:**

**Micah Ali**  
**Fred Easter**  
**Margie Garrett**  
**Emma Sharif**  
**Marjorie Shipp**  
**Mae Thomas**  
**Satra Zurita**  
**Kaye E. Burnside**  
**Oseas Chavaque**  
*Student Board Member*

##### **A.3 PLEDGE OF ALLEGIANCE**

**Oseas Chavaque, Student Board Member**, led the Pledge of Allegiance to the Flag.

##### **A.4 INVOCATION**

**Elder Herles Holmes** rendered the invocation.

**COMPTON UNIFIED SCHOOL DISTRICT**  
**January 12, 2010**

**Board Member Easter** requested a *Point of Special Privilege*: Stated that at the previous Board of Trustee Meeting a written request was submitted to entertain dialogue regarding the seating arrangement of the Board and Superintendent; offered a motion to hold said discussion; and requested that there be a Roll Call Vote.

09/10-056

**MOTION** by *MR. EASTER*, **SECOND** by *MRS. SHIPP* to Place an Item on the Agenda regarding the seating arrangement on the Dais.

**ROLL CALL VOTE**

**Mr. Ali - No**

**Mr. Easter - Yes**

**Mrs. Garrett - No**

**Mrs. Sharif - Yes**

**Mrs. Shipp - Yes**

**Mrs. Thomas - No**

**Ms. Zurita - No**

**MOTION FAILED**

**Board Member Shipp** reported that she received numerous telephone calls concerning this matter; and requested clarification from the President as to why she chose to remove the Superintendent from the Dais.

**Board President Thomas** stated, "If you look at other school districts, the superintendent does not sit next to the president." Further stated that the seating arrangement came about from another superintendent who decided to sit on the Dais with the Board; commented that it should not matter where a person sits, but it is about the education of the children.

**A.5 PUBLIC COMMENTS – CLOSED SESSION**

The individual referenced below requested to address the Board during Closed Session.

- **MICHAEL FEINBERG**, *Attorney at Law, 6300 West Wilshire Boulevard, Suite 2000, Los Angeles CA 90048*  
Requested to speak on behalf of his client.

09/10-048a B. **CLOSED SESSION**

**MOTION** by *MR. ALI*, **SECOND** by *MS. ZURITA* to recess to Closed Session to consider matters within the purview of the Brown Act.  
(Time: 5:20 p.m.), specifically:

- **PUBLIC EMPLOYEE APPOINTMENTS**  
(Pursuant to Government Code Section 54957)
  - Associate Superintendents
  - Senior Directors
  - Directors
  - Chief Facilities Officer
  - Administrators
  - Deputy Superintendent
  - Communications Coordinator
  - Program Manager
  - Teachers
  - Principals
  - Assistant Principals
  - Intervention Support Coordinator
  - Program Coordinator of Recruiting Services
  - Special Education-Transition Coordinator
  - Principal - Special Assignment
  - Instructional Support Administrators
  - Interim Principal
  - Interim Senior Director
- **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/SUSPENSION/RELEASE/  
NONRELECTION/NONREEMPLOYMENT/LEAVE/RESIGNATION**  
(Pursuant to Government Code Section 54957)
- **CONFERENCE WITH LEGAL COUNSEL - (Existing Litigation)**  
(Pursuant to Government Code Section 54956.9(a))
  - Compton Unified School District v. South Santa Fe Limited Partnership, et al.  
(LASC Case No. BC 297833)  
(Case names unspecified: Disclosure would jeopardize service OF process or existing settlement negotiations)
  - SEHO Case No. SN05-00684; OAH Case Nos. N2005110837 and N2005120325;  
and Federal District Court - Case Nos. CV05-8860 R and CV06-0555R (VBKx)
  - Case No. TC019060 - (Case Name unspecified: Disclosure would jeopardize  
service of process or existing settlement negotiations)
  - Case No. LASC Case No. TCO20906 - (Case Name unspecified: Disclosure would  
jeopardize service of process or existing settlement negotiations)
  - GKK Works v. Compton Unified School District (LASC Case No. BC372955)
  - Compton Unified School District v. GKK Works (LASC Case No. BC 415131)
  - Williams v. Compton Unified School District, Case No. 07K18595
  - USDC Case No. CV08-02819; OAH Case No. N2007070980
  - Case No. TS 011754
  - LITIGATION REPORT:
    - 1) LASC BC 363613; LASC BC 363711; USDC CV-06-4717 AHM;  
OAH Case No. N2005110596; OAH Case No. N2005090626;  
OAH Case No. N2007070013; LASC Case No. CK 14016;  
OAH Case No. N2007070980; OAH Case No. N2007070980;  
OAH Case No. N2007070285; Employee Nos. 4901065; 4900547;  
4900714; 4800005; 4800513; 4901288
    - 2) VC07-5476; BC 368843; TC19128; BC362696; TC018829; TC01932;  
BC355746; TS008862; BC376304; BC374540; TC020906; TC021281;  
07C01470; TC020599; BC306593; BC308127; TC019377
  - In the Matter of the Personnel Commission Appeal - Employee/Client Number 007665.1085
  - 3) Legal Matters Update - Michael Declues - Declues, Burkett & Thompson
  - 4) Superior Court Case No. 0753134JW
- **CONFERENCE WITH LEGAL COUNSEL - (Anticipated Litigation)**  
(Significant exposure to litigation pursuant to Government Code Section 54956.9(b))
  - 4 Potential Cases(Initiation of litigation pursuant to Government Code Section 54956.9(c))
  - 4 Potential Cases
  - 6 Potential Defendants

**COMPTON UNIFIED SCHOOL DISTRICT**  
**January 12, 2010**

**09/10-048a**

**B. CLOSED SESSION**

*(Continued)*

**MOTION** by **MR. ALI**, **SECOND** by **MS. ZURITA** to recess to Closed Session to consider matters within the purview of the Brown Act.

(Time: 5:20 p.m.), specifically:

*(Continued)*

- **STUDENT EXPULSION**

- **CONFERENCE WITH LABOR NEGOTIATORS**

(Pursuant to Government Code Section 54957.6)

Agency Designated Representatives: Mr. Barrett K. Green  
John Tennant

Employee Organizations: California School Employees Association  
American Federation of Teachers  
Police Officers' Association  
Service Employees International Union  
Compton Education Association

Agency Designated Representatives: Mr. Barrett K. Green  
John Tennant

Unrepresented Employee(s): Certificated/Classified Management  
Nonrepresented Classified  
Deputy Superintendent  
Associate Superintendents  
Superintendent  
Chief Facilities Office

- **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

(Pursuant to Government Code Section 54957)

- Superintendent
- Deputy Superintendent
- Associate Superintendents

- **PUBLIC EMPLOYEE COMPLAINTS**

**VOTE ON MOTION TO RECESS TO CLOSED SESSION**

**MOTION CARRIED**

**09/10-048b**

**B. OPEN SESSION**

**MOTION** by **MRS. SHARIF**, **SECOND** by **MRS. GARRETT** to reconvene into Open Session – Time: 6:55 p.m.

**VOTE ON MOTION TO RECONVENE INTO OPEN SESSION**

**MOTION CARRIED**

**B. OPEN SESSION**

*(Continued)*

- **Report Out of Closed Session**  
*(Pursuant to Govt. Code Section 54957.1)*

*Jaffe Dickison, Legal Counsel, read the following report out of Closed Session:*

*In accordance with the Government Code Section 54957.1, this is to report that in closed session, the Board of Trustees took action to:*

1. To give notice of unprofessional conduct/unsatisfactory performance to one (1) certificated employee.

**Roll call vote of the Board was as follows:**

Board Member Fred Easter	Yes
Board Member Margie Garrett	Yes
Board Member Micah Ali	Yes
Board Member Emma Sharif	Yes
Board Member Marjorie Shipp	Yes
Board President Mae Thomas	Yes
Board Member Satra Zurita	Yes

**IN FAVOR**   7   **AGAINST**   0   **ABSTENTION**   0  

2. The approved one (1) student expulsion from Dominguez High School.

**Roll call vote of the Board was as follows:**

Board Member Fred Easter	Yes
Board Member Margie Garrett	Yes
Board Member Micah Ali	Yes
Board Member Emma Sharif	Yes
Board Member Marjorie Shipp	Yes
Board President Mae Thomas	Yes
Board Member Satra Zurita	Yes

**IN FAVOR**   7   **AGAINST**   0   **ABSTENTION**   0  

*This concludes the report out of Closed Session.*

**09/10-050**      **EXPULSION OF STUDENT - Case No. 025**  
*(See report out of Closed Session referenced above.)*

**C. COMMUNICATIONS**

**C.1**      **SUPERINTENDENT'S REPORT**  
- None Scheduled.

**C.2**      **RECOGNITION**

**Superintendent Burnside** presented Marjorie A. Shipp with a Recognitions Award for her Service to the District as President of the Board of Trustees – 2009.

**C. COMMUNICATIONS**

*(Continue)*

**C.3 INFORMATION ITEMS**

- Establishment of New Classification - Textbook/Library Coordinator
- Establishment of New Classification - Instructional Assistant Secondary Transition

**Superintendent Burnside** reported that the above-referenced items did not require action by the Board; but that they were informational items only; and noted that there was a minor modification to the New Classification - Instructional Assistant Secondary Transition position as requested by the California School Employees Association (CSEA).

---

*Board President Thomas adjusted the Agenda to receive the Public Comments.*

---

**E. PUBLIC COMMENTS - AGENDA & NON AGENDA ITEMS**

- **JOANN PEARSALL EVANS**, 446 W. Arbutus Street, Compton, CA 90220  
Introduced the members of the Senior Citizens Scholarship Foundation, Dollarhide Senior Citizens Center, Marvin Hunt, Director; announced that the foundation would be presenting a \$500 scholarship award to Centennial, Compton, Dominguez and Cesar Chavez High Schools; that applications would be delivered to each high school; that the deadline for returning the application is March 5, 2010; that on April 14, 2010, scholarship winners would be notified; and the awards presentation would be held at the Dollarhide Community Center (Date TBA).
- **FRANCELLA HENDERSON**, 1626 Centinela Avenue, #11, Inglewood, CA  
Shared information about her publication, "Hidden Secrets About Black History" in honor of Black History Month.
- **DAMON FIELDS**, President, SEIU Local 99, 12106 S. Wilmington, Compton, CA  
Reported that the payroll checks of January 8, 2010, was not delivered to the school sites in a timely manner; expressed disappointment that the schools did not receive proper notification; and reported that members of the payroll staff were very unprofessional when addressing District employees concerning this matter.

**Superintendent Burnside** stated that upon receiving notification about the problem she promptly sent out an e-mail addressing the matter and assured employees, should this problem happen again, that they would be notified in a timely manner.

- **MARIE TRUBY**, President, CEA, 333 S. Santa Fe Avenue, Compton, CA  
Requested that her three minutes be deferred to Rose Tapp.

**E. PUBLIC COMMENTS - AGENDA & NON AGENDA ITEMS**

*(Continued)*

- **ROSE TAPP**, *Executive Director, CEA, S. Santa Fe Avenue, Compton, CA*  
Addressed the Board regarding the following issues:
  - School Site Concerns  
Informed the Board about harassment and bullying (both verbally and written); that the stress factor that has been placed on teachers should be addressed; and that teachers feel they are not appreciated.
  - Budget Cuts  
Make sure that the information is correct; that the questions were relative to the data that was being provided; and suggested that Board members view the web sites that were available to check the Budget information.
  - Race to the Top (RTTT)  
Stated that in the absence of collaborative efforts, RTTT would not be successful.
  - Public/Community Relations  
Stated that relationships were necessary.
- **ADRIAN CLEVELAND**, *Representative, SEIU Local 99, No Address Provided.*  
Requested that her three minutes be deferred to Ron Bennett
- **RON BENNETT**, *Labor Representative, AFT – Local 6119, No Address Provided.*  
Acknowledged that the Board has serious decisions to consider; expressed hope that the Board would find ways to retain all employees; asked that the Board seek to ensure that the information regarding the Budget was accurate; inquired as to the need for all of the Associate Superintendents, the additional consultants, and fees being paid for administrative coaches; reported on a meeting between AFT and the District; stated that AFT requested a copy of the District's Financial Sheet that indicated the actual amount of funds received from the Obama Stimulus Package; that the amount reported by the Chief Business Officer was different from what was actually received (a difference of \$12 Million); reported that the District received \$21,628,952 from the Stimulus Package; and inquired as to when AFT would receive the requested information.

**D. SPECIAL SESSION**

**D.1 Public Hearing - 7:30 p.m.**

Direct Instruction Achievement Academy Charter School Petition

---

09/10-057a

**MOTION** by *MR. ALI*, **SECOND** by *MRS. SHARIF* to Recess to Open the Public Hearing on the Direct Instruction Achievement Academy Charter School Petition.  
Time: 7:35 p.m.

**MOTION CARRIED**

**Public Comments:**

- **ROUDOLFO RUVELL**, *917 Golden Avenue Street, Compton, CA*  
Stated that it was good to allow parents to have a choice in the learning environment; spoke in support of the charter school proposal; and requested a monthly report regarding the Obama Charter School in the District.

**COMPTON UNIFIED SCHOOL DISTRICT**  
**January 12, 2010**

**D. SPECIAL SESSION**

*(Continued)*

**Public Comments - *(Continued)***

- **LORRAINE CERVANTES**, *Board Member, El Camino College-Compton Center, 425 S. Oleander Street, #507, Compton, CA*  
Stated that it was appropriate procedure to request a presentation from the charter school applicant before receiving comments from the public.
- **LORETTA MCDONALD**, *Lead Petitioner, Direct Instruction Achievement Academy Charter School, 8117 W. Manchester Avenue, Los Angeles, CA*  
Shared the school's mission statement, goals and philosophy; and addressed questions raised by the Board.

The following individuals spoke in support of Direct Instruction Achievement Academy Charter School:

- **MARIA MORSE**, *Board Member, 4515 Valleyridge Avenue, Los Angeles, CA*
- **RAVENDA FRANK**, *Board Member, 1126 Turmont Street, Carson, CA*

09/10-057b

**MOTION** by *MR. ALI*, **SECOND** by *MRS. SHARIF* to Recess to Close the Public Hearing on the Direct Instruction Achievement Academy Charter School Petition.  
Time: 7:55 p.m.

**MOTION CARRIED**



**E. PUBLIC COMMENTS - AGENDA & NON AGENDA ITEMS**

*(Continued)*

- **STACY WARD**, *1913 W. 133<sup>rd</sup> Street, Compton, CA*  
Expressed concern about the classified employees' medical plan; stated that the cost has exceeded the employees' pay scale; that the medical cost was astronomical; and asked what could be done to lower the cost.
- **ELLIS COOKE**, *former CUSD Board Member, 530 W. Raymond Street, Compton, CA*  
Asked how the action of moving the Superintendent from the Dais improved the decision making process of the Board of Trustees and how does the move enhance the education of students.

**Board Member Shipp** stated that she was not aware that the action was going to take place.

**ELLIS COOKE** inquired whether it was a Board action.

**Board Member Shipp** responded that it was not a complete Board action; and that not all Board Members were in agreement with the action taken.

**E. PUBLIC COMMENTS - AGENDA & NON AGENDA ITEMS**

*(Continued)*

**Board President Thomas** stated that the action had nothing to do with children being educated; stated that it does not matter where a person sits; commented that the he has not attended a Board meeting to ask why classrooms were crowded, why classified employees did not have better medical, why the District had so many consultants and Associate Superintendents; but stated that her purpose was to serve and to make sure that no child was left behind.

- **LORRAINE CERVANTES**, *Board Member, El Camino College-Compton Center, 425 S. Oleander Street, #507, Compton, CA*  
Invited everyone to attend the Community College District Board Meeting, Tuesday, January 19, 2010, at 5:00 p.m.; announced that on Friday, January 22, 2010, the Board would be traveling to Sacramento, CA to meet with elected officials; reported on the progress of the college; stated that Governance is a key issue when dealing with accreditation; that disrespectful conduct was the responsibility of all Board Members; and that if one Board member violated his/her responsibility and other Board Members said nothing, all would be in violation.
- **TARA BONNER**, *CUSD Personnel Commissioner, 2129 N. Nestor Avenue, Compton, CA*  
Introduced Jeanne Batey, the new Director of Personnel Commission.
- **GAYNELLE RICHARDSON**, *401 S. Mayo, Compton, CA*  
Spoke in support of the Obama Barak Charter School; requested the District's support for an after school tutorial program at the Salvation Army facility.
- **AARON BARBEE**, *160 W. Dameron Street, Compton, CA*  
Deferred his three minutes to Damon Fields.
- **DAMON FIELDS**, *President, SEIU Local 99, 12106 S. Wilmington, Compton, CA*  
Expressed concern about the selection process for the Facilities Coordinator; asked why SEIU did not receive requested information (relative to questions raised by union members); previously requested that the item be tabled; and commented that another employee, who possessed the required qualifications, was excluded from the selection process due to a mix up in Personnel Commission Administration; and distributed packets to the Board that included the union's concerns.

**Board President Thomas** interjected that she was in agreement with Mr. Field's comments concerning the situation; stated that she never heard of anyone receiving an application for a position that no longer existed; that it was illegal to reopen a position and a receive the application from a single individual if the position was closed; that staff should have known that the position was no longer opened; acknowledged that during the meeting of December 8, 2009, issues did arise; agreed that the item should have been tabled; and reported that the matter was being investigated.

**DAMON FIELDS** also reported that there was no recording device present during the second interviewing process.

**Board Member Ali** requested that the Director of Classified Personnel look into this matter and provide a report and recommendation to the Board at the next Board Meeting.

**E. PUBLIC COMMENTS - AGENDA & NON AGENDA ITEMS**

*(Continued)*

**RON BENNETT**, *Labor Representative, AFT – Local 6119, No Address Provided*

Inquired about the Obama Stimulus money; asked about the amount to which the District received; and requested that AFT receive a copy of the financial sheet that stated the total amount.

**Deborah Willard, Interim Chief Business Officer**, clarified that the \$10 Millions that she specifically referred to as the State Fiscal Stabilization funds, were Unrestricted Funds that could be used to back-fill the loss of revenues; reported that the District received over \$20 Million; that there was \$10 Million allocated for Title I and an additional amount for Special Education (for SELPA - the Special Education Local Plan Area), of which the District could not use; and agreed to provide AFT with the requested information. Mrs. Willard also stated that her department would present a plan as to how the funds would be utilized to back-fill the loss of revenues.

---

*Upon the recommendation of the Superintendent, Board President Thomas adjusted the Agenda to receive the Action Items (Non-Consent and Consent - Section G and H) and return to the Discussion Items (Section F) later in the agenda.*

---

**G. ACTION ITEMS (Non-Consent)**

**MOTION** by **MRS. SHARIF**, **SECOND** by **MRS. GARRETT** to approved Item #09/10-049.

**09/10-049            Application to Attend Professional Conference/School Business Meeting**

*No Discussion*

**VOTE ON MOTION TO APPROVE Item #09/10-049.**

**MOTION CARRIED**

**G. ACTION ITEMS (Non-Consent)**

*(Continued)*

**MOTION by MR. EASTER, SECOND by MR. ALI** to accept staff's recommendation to deny the petition for Item #09/10-052.

**09/10-052      DISCUSSION/ACTION - Barack Obama Middle  
Charter School Proposal  
(Accountability & Compliance)**

**Comment:** Staff analysis and recommendation of the proposed charter school proposal of the Barack Obama Middle Charter School was submitted to the Compton Unified School District on November 20, 2009. The public hearing on this petition was held at the District's Board of Trustees' meeting on December 8, 2009.

**Recommendation:** Approve staff's recommendation to deny the Petition to operate a charter school within the Compton Unified School District boundaries.

**Fiscal Impact:** *No appropriations required.*

*Discussion*

**Board Member Sharif** inquired whether the charter school was connected to the District.

**Carlos Manrique, Associate Superintendent, Accountability and Compliance,** responded that the Barack Obama Middle Charter School was connected to the District and clarified that Item #09/10-053 (Barack H. Obama Leadership Academy Charter School was not).

**VOTE ON MOTION TO ACCEPT STAFF'S  
RECOMMENDATION TO DENY THE PETITION -  
Item #09/10-052.**

**MOTION CARRIED**

G. **ACTION ITEMS (Non-Consent)**  
(Continued)

**MOTION** by *MR. ALI*, **SECOND** by *MS. ZURITA* to accept staff's recommendation to deny the petition for Item #09/10-053.

**09/10-053**      **DISCUSSION/ACTION - Barack H. Obama Leadership Academy Charter School Proposal (Accountability & Compliance)**

**Comment:**            Staff analysis and recommendation of the proposed charter school proposal of the Barack H. Obama Leadership Academy Charter School was submitted to the Compton Unified School District on November 20, 2009. The public hearing on this petition was held at the District's Board of Trustees' meeting on December 8, 2009.

**Recommendation:**    Approve staff's recommendation to deny the Petition to operate a charter school within the Compton Unified School District boundaries.

**Fiscal Impact:**        *No appropriations required.*

*No Discussion*

**VOTE ON MOTION TO ACCEPT STAFF'S RECOMMENDATION TO DENY THE PETITION - Item #09/10-053.**

**MOTION CARRIED**

**MOTION** by *MRS. SHARIF*, **SECOND** by *MS. ZURITA* to approve Item #09/10-055.

**09/10-055**      **CONSIDERATION/ACTION - Clarification of 2008/2009 Salary for Cabinet**

**Discussion**

**Board Member Sharif** requested clarification as to whether action would be taken tonight or at the next Board meeting.

**Board President Thomas** responded that action would be taken at tonight's Board Meeting.

**Jaffe Dickerson, Legal Counsel**, stated that the item was agendaized; that the back-up materials were not included; and the Board agreed, during Closed Session, to Table the item until the next Board meeting.

**MOTION NOT FULLY EXECUTED**

**G. ACTION ITEMS (Non-Consent)**

*(Continued)*

**SUBSEQUENT MOTION** by *MR. EASTER*, **SECOND** by *MR. ALI* to accept the clarification of the 2008/2009 Salary for Cabinet.

**09/10-055            CONSIDERATION/ACTION - Clarification of 2008/2009 Salary for Cabinet**

*Discussion*

**Board Member Sharif** expressed concern about the amount; and stated that the amount to be paid to the specified individuals should have been available to the Board members prior to the voting process.

**Board President Thomas** stated that the figures for each individual would be provided at a later date.

**Board Member Ali** requested that Legal Counsel advise the public, that in the future, that when discussing dollar figures, such discussion should be an Open Session item.

**VOTE ON MOTION TO ACCEPT THE  
CLARIFICATION OF THE 2008/2009 SALARY FOR  
CABINET - Item #09/10-055.**

**MOTION CARRIED**

**MOTION** by *MR. ALI*, **SECOND** by *MS. ZURITA* to approve the Consent Agenda Items (Section H).

**H. BUSINESS/CONSENT ITEMS**

**09/10-051            Resolution No. 09/10-26 In Support of Efforts to Substantially Increase the Ability of Local School Districts to Deliver Content and Services Through the Use of Broadband (Superintendent's Office)**

**Recommendation:** Adoption of Resolution.

**Fiscal Impact:**        *None*

**MOTION** by *MR. ALI*, **SECOND** by *MS. ZURITA* to approve the Consent Agenda Items (Section H).  
(Continued)

**H. BUSINESS/CONSENT ITEMS**  
(Continued)

**09/10-054 Consultant Agreement - Yasinski & Jones, LLP**  
(*Human Resources*)

**Comment:** The Law Firm of Yasinski & Jones was contracted to provide the District with legal services in the areas of negotiations and unfair labor practices. The firm's contract was not renewed for the 2009/10 school year and they were not notified which resulted in them continuing to provide legal services. We currently have approximately \$24,236.82 in outstanding invoices and anticipate incurring additional costs due to a pending unfair labor practice hearing the firm is handling. After this issue is settled, our professional relationship with Yasinski & Jones will end.

**Recommendation:** Approve consultant agreement.

**Fiscal Impact:** *General Fund Budget, not to exceed \$24,236.82.*

**ITEM TABLED**

**09/10-1150 Clinical Affiliation Agreements - Target Pharmacy**  
(*Compton Adult School/Chester Adult Center*)

**Comment:** This agreement will allow Compton Adult School students to participate in the hands-on clinical experience for the Pharmacy Technician training class.

**Recommendation:** Approval affiliation agreement.

**Fiscal Impact:** *No Cost to the District.*

**09/10-1154 Consultant Agreement - Education 2020**  
(*Office of High School Education*)

**Comment:** Education 2020 will provide our High Schools with an electronic web-based access to classes for CAHSEE preparation and credit recovery.

**Recommendation:** Approve consultant agreement

**Fiscal Impact:** *A total amount not to exceed \$176,556 to be funded as follows:  
Enhancing Education through Education (EETT) Grant, in the amount of \$90,000 California High School Exit Exam (CAHSEE) Grant, in the amount of \$86,556.*

**MOTION** by *MR. ALI*, **SECOND** by *MS. ZURITA* to approve the Consent Agenda Items (Section H).  
(Continued)

**H. BUSINESS/CONSENT ITEMS**  
(Continued)

**09/10-1155      Ratification - Travel - Modesto Christian High School,  
Modesto, CA  
(Centennial High School)**

**Comment:** Participation in this tournament will provide the members of the Centennial High School Varsity Boys' Basketball Team an opportunity to expose their athletic talents to college recruiters with the potential of obtaining a college scholarship, and experience playing basketball at a higher and more intensive level of competition outside of their league play.

**Recommendation:** Approval for eleven (11) members of Centennial High School Varsity Boys' Basketball Team and staff to travel to Modesto Christian High School in Modesto, California to participate in the Modesto Christian Holiday Hoop Classic Basketball Tournament.

**Fiscal Impact:** General Fund Budget, in the amount of \$4,550 (cost for transportation). (Costs for accommodations will be borne by Modesto Christian High School and costs for meals will be borne by the Association of Student Body (ASB) Club).

**09/10-1156      Ratification - Travel - Torrey Pines High School, San Diego, CA  
(Compton High School)**

**Comment:** Participation in this tournament will provide the members of the Compton High School Varsity Boys' Basketball Team an opportunity to expose their athletic talents to college recruiters with the potential of obtaining a college scholarship, and experience playing basketball at a higher and more intensive level of competition outside of their league play.

**Recommendation:** Approval for twelve (12) members of Compton High School Varsity Boys' Basketball Team and staff to travel to Torrey Pines High School in San Diego, California to participate in the Torrey Pines MAXPRES HOLIDAY CLASSIC Basketball Tournament.

**Fiscal Impact:** General Fund Budget, in the amount of \$6,494.84 (cost for transportation and accommodations). (Costs for meals will be borne by the Basketball Booster Club).

**MOTION** by *MR. ALI*, **SECOND** by *MS. ZURITA* to approve the Consent Agenda Items (Section H).  
(Continued)

**H. BUSINESS/CONSENT ITEMS**  
(Continued)

**09/10-1158 Memorandum of Understanding - "Ground Zero":  
Free Throw Event**

**Comment:** **Ground Zero:** Free Throw Event at Compton High School is a live event and documentary film Contest that highlights the positive aspects of the Compton community and athletics. This dramatic week of student activities and filming will detail the positive impact of "**one lucky shot**" or "**one lucky break**" can have on the life of a student in Compton. Eight (8) Compton High School Seniors will participate in the Free Throw Event. A \$40,000 college scholarship will be given to the winner of the free throw contest and the other students will receive a \$1,000 participation incentive. Derek Fisher, Lakers basketball star, will host the kick-off event at Compton High School and the documentary will be shown at various film festivals around the country. The goal of the documentary is to show the positive aspects of a student's life in Compton and demonstrate the impact of the "lucky shot" that leads to the \$40,000 scholarship. Students must meet the 3.0 grade point average criteria to participate. This will prove to be an uplifting event for Compton High and the community.

**Recommendation:** Approve Memorandum of Understanding

**Fiscal Impact:** *No appropriations required.*

**ITEM TABLED**

**09/10-1159 Travel - The Bishop's High School, La Jolla, CA  
(Centennial High School)**

**Comment:** Participation in this tournament will provide the members of the Centennial High School Varsity Girls' Basketball Team an opportunity to expose their athletic talents to college recruiters with the potential of obtaining a college scholarship, and experience playing basketball at a higher and more intensive level of competition outside of their league play.

**Recommendation:** Approval for twelve (12) members of Centennial High School Varsity Girls' Basketball Team and staff to travel to The Bishop's High School in La Jolla, California to participate in the San Diego MLK Hoop Fest Basketball Tournament.

**Fiscal Impact:** *General Fund Budget, in the amount of \$800 (cost for transportation).*

**MOTION** by *MR. ALI*, **SECOND** by *MS. ZURITA* to approve the Consent Agenda Items (Section H).  
(Continued)

**H. BUSINESS/CONSENT ITEMS**  
(Continued)

**09/10-4118**      **Amendment No. 7 to Item No. 05/06-4113 (2/14/06) Ratification - Award of Contract (RFP No. 038) - Mobile Mini, Inc. (formerly Royal Wolfe Portable Storage, Inc.) (All District School Sites & District Site located at 501 South Santa Fe Avenue)**

**Comment:**            Original contract was for \$250,000 annually for storage containers at various sites. In FY 08/09, the District initiated a project to return as many leased containers as possible in an effort to reduce cost. At the beginning of FY 09/10, the District only approved a seven month amendment to this contract for \$50,000 through January 31, 2010 to allow the District staff an opportunity to continue to empty and return more leased containers. This amendment amount is for \$30,000 for the period of February 2010 through June 2010. The District is committed to continuing the process of returning leased containers and has the option to return leased containers and stop payment within 30 days of notifying the vendor that a container is no longer needed. The District expects to continue to reduce the amount of this contract during the course of FY 09/10 and significantly reduce the total amount of the contract from the original amount of \$350,000 to a goal of zero annually.

**Recommendation:**    Approve amendment No. 7 to extend the term of the contract and the funding through June 30, 2010 to renew leases for portable storage bins located throughout the District.

**Fiscal Impact:**        *General Fund Budget, in the additional amount of \$30,000.*

**09/10-5026**      **Amendment No. 2 to Item No. 08/09-4125 (2/24/09) Consultant Agreement - Public Economics, Inc. (PEI)**

**Comment:**            Consultant will work with the District to collect the past due redevelopment entitlements.

**Recommendation:**    Approve amendment to extend the term of the contract through June 30, 2010 to allow completion of Phases 2 and 3 to assist the District in collecting redevelopment fees.

**Fiscal Impact:**        *County School Facilities Fund, in the additional amount of \$25,000.*

**H. BUSINESS/CONSENT ITEMS**

*(Continued)*

*Discussion - 09/10-5026*

**Board Member Easter** inquired as to the success of Phase 1 of collecting past due development entitlements.

**Deborah Willard** stated that a Friday memo was sent to the Board that indicated approximately \$2.7 million could possibly be recovered per the consultant; that the first phase was completed; that the item agendaized was Phase 2 of 3; that the amount being presented was the total cost of close-out; that the consultant issued a letter to the City of Compton requesting that the issuance of payment be sent directly to the Compton Unified School District; and as funds for each project is identified, the consultant would attempt to recapture all funds due the District. Mrs. Willard stated that she was uncertain as to the exact amount the District would be receiving from the City for the development fees.

**Board Member Zurita** stated, as published in a Friday memo, that the Los Angeles County Office of Education (LACOE) indicated that the City has a direct relationship with the District; that the City would be paying directly to the District; asked, if the City had a direct relationship with the District in the past, if so, why funds were never received; and recommended that such funds be received through LACOE.

**Deborah Willard** stated that her department was unsuccessful in locating documentation/agreements regarding the City and the District's relationship; stated that the consultant would ensure that the District would receive funds due us.

**Board Member Zurita** clarified that the said funds were redevelopment taxes; and that a portion would be distributed to the local college and the District.

**Board President Thomas** asked what was taking so long for the funds to be sent.

**Board Member Zurita** responded that she was uncertain as to why it was taking so long, but stressed the importance that the District should receive funds as a "pass through" directly from LACOE.

**Deborah Willard** reported that a small payment as been received as a pass through directly from LACOE.

**Board Member Ali** stated that there was an Assembly Bill that directed governmental entities (Redevelopment Development Agencies and County Auditor) to perform a report as it relates to the actual pass through dollars to taxing entities.

*Discussion - 09/10-1155, 1156 and 1159*

**Board Member Sharif** asked if Dominguez High School would be participating in any (travel) tournaments.

**H. BUSINESS/CONSENT ITEMS**

*(Continued)*

*Discussion - 09/10-1155, 1156 and 1159 - (Continued)*

**Dr. Gunn Marie Hansen, Associate Superintendent, High Schools**, reported that Dominguez High School has participated in local weekend tournaments; agreed to check the school's athletic schedule to determine whether requests for travel tournaments were forthcoming; and stated that the information would be provided in a Friday memo.

*Discussion - 09/10-4118*

**Board Member Zurita** inquired about the inventory for the portables.

**David Azcárraga, Chief Facilities Officer**, reported that the inventory was not available in time for the Friday memo; but that the information was now available and would provide copies to the Board; reported that twenty-seven (27) containers have been removed; and that the target was to remove every leased container in the District by the end of the Fiscal year to realize a total savings of \$76,000 starting next year.

**Board Member Ali** requested that the Superintendent direct staff to include any corresponding Friday memos as back-up materials to all agenda items.

**Superintendent Burnside** agreed to provide any correlating information to the Board.

*Discussion – Section C.3 (Information Items)*

**Board Member Ali** inquired as to whether action(s) would be taken during the January 26, 2010, Board of Trustee Meeting for items listed in the Communications Section - C.3, the Establishment of New Classifications.

**Superintendent Burnside** responded in the negative; stated that the items were presented as informational items; further explained that the items have been approved by the Personnel Commission; and that a recommendation would be forthcoming regarding filling said positions.

**Board Ali** inquired of Jeanne Batey, Director, Personnel Commission, whether the Board approves newly established positions and the Personnel Commission approves the minimum qualifications.

**Jeanne Batey** responded that pursuant to the Code, the Board approves duties/responsibilities of any job to be performed in the District; that the Personnel Commission classifies such duties/responsibilities, sets the salary schedule; and stated that this was the first informational item pertaining to the establishment of new classifications.

**H. BUSINESS/CONSENT ITEMS**

*(Continued)*

*Discussion – Section C.3 Information Items – (Continued)*

**Board Member Ali** stated that the proper process/procedures were not followed; that the Board never approved the establishment of the said classification; and suggested that the process be corrected.

**Board Member Sharif** requested clarification.

**Board Member Ali** explained that the Board should ascribe the duties pursuant to the Education Code; the Personnel Commission was responsible for assigning and ascribing the minimum qualifications pursuant to the Personnel Commission Rules and the California Education Code.

**Board President Thomas** interjected that the Board approves everything in the District; that the Commission prepares the job specification, prepares it for classification and testing; and requested that Jeanne Batey conduct a Board Study Session regarding the duties of the Personnel Commission.

**Jeanne Batey** agreed to do so and recommended a joint meeting of the Board and Personnel Commission.

**VOTE ON MOTION TO APPROVE THE INDICATED ITEMS  
IN SECTION H (Exclusive of Item No. 09/10-054 [Tabled] and  
09/10-1158 [Tabled]).**

**MOTION CARRIED**

**F. DISCUSSION ITEMS**

**Presentation      F.1      Budget Reduction Discussions  
(Fiscal Services)**

**Comment:**            The Board will receive recommendations on maintain district solvency and a "Positive Certification", which means that we are able to meet our financial obligations in current year and reductions that may need to take place in order to two (2) subsequent years.

**Recommendation:**    Information only.

**Fiscal Impact:**        None

**NO ACTION TAKEN**

F. **DISCUSSION ITEMS**

(Continued)

Presentation F.2 **"Ground Zero" Free Throw at Compton High School  
(Deputy Superintendent)**

**Comment:** **Ground Zero:** Free Throw Event at Compton High School is a live event and documentary film Contest that highlights the positive aspects of the Compton community and athletics. This dramatic week of student activities and filming will detail the positive impact of "**one lucky shot**" or "**one lucky break**" can have on the life of a student in Compton. Eight (8) Compton High School Seniors will participate in the Free Throw Event. A \$40,000 college scholarship will be given to the winner of the free throw contest and the other students will receive a \$1,000 participation incentive. Derek Fisher, Lakers basketball star, will host the kick-off event at Compton High School and the documentary will be shown at various film festivals around the country. The goal of the documentary is to show the positive aspects of a student's life in Compton and demonstrate the impact of the "lucky shot" that leads to the \$40,000 scholarship. Students must meet the 3.0 grade point average criteria to participate. This will prove to be an uplifting event for Compton High and the community.

**Recommendation:** Information only.

**Fiscal Impact:** None

**NO ACTION REQUIRED**

**At Superintendent Burnside's request, Deborah Willard** provided a detailed PowerPoint presentation on Balancing the Budget for 2010-2011; shared some key components and options to assist the Board with the decision making aspect of balancing the budget; announced that she would be attending a meeting regarding updates to the Governor's Budget Release on January 13, 2010, that a Budget Board Study Session has been scheduled for January 19, 2010; a Budget Update on January 26, 2010, Preliminary Discussion on Budget Reductions; and addressed questions and concerns raised by members of the Board.

**Board Member Shipp** commented that the District's budget deficit was also attributed to the decline in enrollment.

**Carlos Manrique** stated that the District was looking into bringing back programs and services to address CUSD special need students who were currently being serviced by LACOE; and requested that parents with concerns and/or questions should contact Ruth Dickens, Director, Special Education or himself to schedule an appointment.

**Board President Thomas** suggested that there be a Towne Hall Meeting to update the public regarding the Budget; recommended that the employees be involved; and stated that the seniority list and the process must be done right.

## I. COMMENTS OF THE BOARD OF TRUSTEES AND SUPERINTENDENT

- **BOARD MEMBER SHARIF**  
Congratulated Rosecrans and Burche Elementary Schools for being chosen by the California Business for Education Excellence; suggested that the Board give consideration to scheduling a Board/Superintendent Retreat; and requested that she be excused for the remainder of the meeting.
- **STUDENT BOARD MEMBER OSEAS CHVAQUE**  
Reported that many student activities were implemented within and outside of the School District; and thanked the Superintendent for supporting the event at Compton High School.
- **BOARD MEMBER SHIPP**  
Announced the Math Spelling Bee at Enterprise Middle School from 9:00 a.m. to 11:00 a.m., on January 15, 2010; reported on her school site visits; thanked Strategic Planning for keeping the District informed regarding the new bills presented to Assembly Member, Isadore Hall, III, that would provide funding that could be used to benefit the homeless children; acknowledged Rosecrans and Burche Elementary School students, staff and principal; thanked David Azcárraga for his report on the Portables; reported that there were classrooms at Kelly Elementary School (Building H) that were not in use; thanked staff for the information provided in the Friday memos; and requested that the meeting close in memory of Rashon Williams-Ashbury, family member of Assembly Member, Isadore Hall, III.
- **BOARD MEMBER EASTER**  
*No Comments*
- **BOARD MEMBER GARRETT**  
Congratulated Burche and Rosecrans Elementary Schools for making the Honor Roll list for California Business for Education Excellence; reported on her school site visits; recognized the Facilities and Maintenance Departments for preparing the school campuses for the awards that they were going to receive; commended the teacher at Rosecrans Elementary School for her beautiful (mural) artwork; reported on the State Preschool Pancake event on December 19, 2009; acknowledged Mrs. Briones for her leadership efforts; and requested that the meeting close in memory of Michael Douglas, Compton High School Student, Class of 1973.
- **BOARD MEMBER ZURITA**  
Announced that the “*History Comes Alive*” essay winners would be receiving their monetary awards very soon; commended Burche and Rosecrans Elementary Schools on their Honor Roll Recognition for Education Excellence; announced that there would be a Senior Financial Aide Workshop at Centennial High School on January 13, 2010, from 5:00 – 6:00 p.m.; expressed concern that the Outside Classroom has become a great liability; that it should be monitored on a regular basis and locked; reported on “Hub City Living” website and encouraged the community to also visit the website; asked that her colleagues join her in working cohesively to make decisions that are in the best interest of the children and community; and requested that the meeting close in memory of Martha Childs, Senior Queen of the City of Compton.

**MINUTES**

**Board of Trustees**  
**COMPTON UNIFIED SCHOOL DISTRICT**  
**January 12, 2010**

**I. COMMENTS OF THE BOARD OF TRUSTEES AND SUPERINTENDENT**

*(Continued)*

• **BOARD MEMBER ALI**

Requested that the meeting close in memory of Roberto "Bobby" Salcedo, El Monte City School District board member and educator; Nancy Jones, (mother of Fannie Huntley long time Compton resident and the former Lynwood Unified School District Teachers Association President); commended Burche and Rosecrans Elementary Schools; congratulated the Maintenance staff for their efforts in beautifying the school sites; commented on the impending budget cuts; and asked that the community look at the matter and provide suggestions regarding collaborative efforts that could be implemented.

• **SUPERINTENDENT BURNSIDE**

*No Comments*

• **BOARD PRESIDENT THOMAS**

Expressed concern that the back walk-way at Jefferson Adult School was recently cemented; that teachers, staff and students who park in the back parking area, especially in the evening, must walk to the front of the campus to access the parking facility; that it has become a safety issue; stated that the matter should have been discussed with the Board; reported that Emerson Elementary School was still looking badly; commended Adriana for her work at the school sites; and requested that the meeting close in memory of Martha Childs, Nancy Jones, Rashon Williams-Ashbury, Michael Williams and Roberto Salcedo.

**J. THE NEXT SCHEDULED BOARD OF TRUSTEES MEETING**

Education Service Center Board Room - January 26, 2010

**ADJOURNMENT**

**09/10-9011**

**MOTION** by *MRS. SHIPP*, **SECOND** by *MR. ALI* to adjourn the Board Study Session of the Board of Trustees - the time being 10:30 p.m.

*A moment of silence was observed in memory of Martha Childs, Nancy Jones, Rashon Williams-Ashbury, Michael Williams and Roberto Salcedo.*

*Respectfully submitted:*

*Kaye E. Burnside, Ed. D.*  
**Superintendent**

-----

*/bmt*

Board Meeting – March 2, 2010

Item VII. Reports

Report on the Barack Obama Middle School (BOMS), 6<sup>th</sup>-8<sup>th</sup> Grade – Appeal of Previously Denied Petition by Compton Unified School District (Enclosure)

The BOMS petition is presented to the Los Angeles County Board of Education (County Board) pursuant to Education Code Section 47605. Upon denial by Compton Unified School District, the petitioner exercised the statutory right of appeal to the County Board.

The County Board shall evaluate the petition according to the criteria and procedures established in law and may only deny the petition if it provides written findings addressing the reasons for the denial. Reasons for denial are limited to the following:

1. The charter school presents an unsound educational program.
2. The petitioners are demonstrably unlikely to successfully implement the program.
3. The petition does not contain the required number of signatures.
4. The petition does not contain an affirmation of specified assurances.
5. The petition does not contain reasonably comprehensive descriptions of 15 required elements of a charter.

LACOE staff will present a report on the analysis of the BOMS petition.

Los Angeles County Office of Education  
Charter School Office  
March 2, 2010

Report on the *Barack Obama Middle School (BOMS), 6<sup>th</sup>-8<sup>th</sup> Grade*  
Appeal of Previously Denied Petition by Compton Unified School District

The Barack Obama Middle School (BOMS) petition is presented to the Los Angeles County Board of Education (County Board) pursuant to Education Code Section (EC §) 47605. The petition was initially submitted to Compton Unified School District. Upon denial by the School District, the petitioner exercised the statutory right of appeal to the County Board.

The County Board shall evaluate the petition according to the criteria and procedures established in law and may only deny the petition if it provides written findings addressing the reasons for the denial. The reasons for denial are limited to the following:

- (1) The charter school presents an unsound educational program
- (2) The petitioners are demonstrably unlikely to successfully implement the program
- (3) The petition does not contain the required number of signatures
- (4) The petition does not contain an affirmation of specified assurances
- (5) The petition does not contain reasonably comprehensive descriptions of 15 required elements of a charter.

In addition to consideration of the above stated reasons for denial, a charter-granting agency must hold a public hearing to consider the level of support for the petition by teachers, district employees and parents. A Public Hearing to determine support for the petition was held on February 16, 2010. As submitted, the petition for Barack Obama Middle School meets four of five conditions under Education Code 47605.

The petition for Barack Obama Middle School proposes to serve grades six through eight. Enrollment projections are as follows: 150 students for year one, 225 students for year two, and 300 students for year three. The proposed initial site is located at 736 East Compton Boulevard in Compton.

The Los Angeles County Office of Education (LACOE) Charter School Review Team (Review Team) included representatives from the Controller's Office, Business Operations, Division for School Improvement, Curriculum and Instruction, Special Education, Student Support Services, Human Resource Services, Risk Management, Charter School Office, and General Counsel.

The Review Team considered the petition according to the requirements of law, *California Administrative Code* regulations, LACOE Board Policy and Regulations, and petition review procedures.

**Finding 1: The petition presents a sound educational program for students to be enrolled in the school.**

The petition states the school will use the Reinventing Schools Model to continuously improve the delivery of a student-centered quality instructional program. The "school will support strong student achievement in a safe learning environment.... [Students] will learn to become lifetime learners who are continuously accountable for their own progress.... As a result, they will become self-aware and self-reflecting analytical thinkers and independent decision-makers."

The petition states the school "will serve 'normal' community children – it does not plan to seek out students with particular educational interests, backgrounds, or challenges." It further states, "Many of Barack Obama Middle School's targeted students are at risk and lack the academic skills to succeed in school." Additionally, the petition states the school will be prepared to assist students at different

## Report on the Barack Obama Middle School (BOMS)

developmental levels socially and emotionally. "Variation is expected within Barack Obama Middle School's student community."

### **Finding 2: The petitioners may be unlikely to successfully implement the program.**

Should the school be authorized to open for school year 2010-11, it may apply for a two-month planning grant. The California Department of Education informed the LACOE Controller that the school would not receive federal charter school funds until October 2010. The school would need to apply for and receive a revolving loan from the State. If the school cannot obtain sufficient funds, it would not be able to successfully implement the program.

The written findings by Compton Unified School District include the statement that the timeline described in the petition "is not a realistic operational plan." The Review Team shares this concern. The petitioner is opening a state-authorized elementary school in September 2010.

### **Finding 3: The petition contains the required number of signatures.**

### **Finding 4: The petition contains the required affirmations.**

### **Finding 5: The petition does not fully comply with Education Code Section 47605 which requires a reasonably comprehensive description of each of the 15 elements required to be included in a charter.**

**Two of the 15 required elements in the petition are not reasonably comprehensive, per determination of the review team:**

#### **Suspension and Expulsion Procedures: *Not reasonably comprehensive***

The petition fails to provide a reasonably comprehensive description of three of the five criteria the California Department of Education requires in the description of suspension and expulsion procedures. These include, but are not limited to, the list of offenses for which students must and may be suspended or expelled; evidence that procedures serve the best interest of students/parents; and a description of due process demonstrating understanding of the rights of pupils with disabilities.

The petition states the school will follow state and federal law governing discipline of special needs students but provides no explanation of those rights (e.g., need for services after 10 days or requirement for manifestation determination reviews), nor does it make reference to Special Education Local Plan Area (SELPA) policies. The petition indicates that the authorizing body would be involved in the approval of suspension and expulsion of special needs students on page 85. The school, not the authorizer, should make such decisions. The petition does not explain when students may or must be suspended or how conduct will qualify for expulsion; the petition only lists misconduct violations. The petition makes reference to expellable offenses but does not explain what that means. That the administrative hearing panel may have teachers from the school in which the child is enrolled, raises due process concerns. The petition is unclear on which body approves the use of declarations, alternatively citing the school, the Board, the hearing panel, or a designee.

#### **Means to Achieve a Racial and Ethnic Balance: *Not reasonably comprehensive***

The petition submitted for review fails to provide a reasonably comprehensive description of the manner in which the school will achieve a racial and ethnic balance reflective of the community in which it is located. The petition includes a description of the demographic composition of Roosevelt Middle School and Compton Unified School District; states recruitment fliers are available in English and Spanish, and states the school will maintain accurate documentation of recruitment efforts.

This element of the petition is deficient because there is no provision for assisting parents who cannot read or write well enough to complete the complex application form (the petition states parents are responsible for completing the form) or no mention of a Spanish language application form. The petition states, "At least three informational meetings will be held during the winter and spring of 2008..." with no

## Report on the Barack Obama Middle School (BOMS)

mention of recruitment meetings beyond that date. Stated recruitment efforts are generic and lack benchmarks. Stated enrollment preferences may impede the school's ability to attain the racial and ethnic balance reflective of the community.

On February 23, 2010, the petitioner provided a letter containing an analysis of the Barack Obama (Elementary) school's recruitment strategies and a modified plan for the proposed Middle School which addressed some of the deficiencies listed, above. The letter does not include providing parents with assistance for completing the form. Dataquest (California Department of Education) reports that 47% of Compton Unified parents and 54% of Roosevelt Middle School parents do not have a high school degree. The letter from the petitioner states the school would entertain additional ideas for recruitment. The Review Team suggests recruitment should emphasize verbal rather than written strategies, placing ads in *El Clasificado* (a Spanish language equivalent to the *Pennysaver*), and developing an administrative team that is ethnically and racially diverse with at least one Spanish speaking member.

*Should the petitioner wish to submit the February 23, 2010 letter to the County Board as a material revision to the petition, with County Board approval, the element may be considered reasonably comprehensive.*

**The remaining 13 elements in the petition may be considered reasonably comprehensive with the following noted deficiencies, per the review team.**

### **Description of the School's Educational Program:**

The Review Team determined that the overall description of the school's educational program is reasonably comprehensive. The description of the program for academically low achieving students, English learners, and students with special needs provides less detail and specificity than the program for "normal" and high achieving students. The Review Team made specific observations about the program for these subgroups, including but not limited to the following:

Low achieving students: The required after school tutoring program described to support low achieving students is inadequate; it relies on peer, cross-age, and college student tutors to "help [students] complete their work." The petition does not describe how students will be identified for services, how tutors will determine the focus of instruction, how progress will be measured, whether more intensive support will be provided if tutorial is not effective, what happens if a student cannot stay after school, or how tutors will be trained and supervised.

The petition states, "Low achieving students, as with all other students, will set learning goals, create action plans for meeting the goals, and track their learning progress... this process has proven especially effective in Special Education classes and with low achieving students. Individual students do not want to be the ones holding back their class' progress and will work hard to catch up." The Review Team noted that the last sentence appears to confuse student effort with ability and contradicts other statements contained in petition that students will develop their own learning goals to reach their full potential.

English learners: The program for English learners lacks sufficient discussion of how the school will support student access to core subjects. There is no assurance that English learners will be placed with teachers who have English language authorization. There is no discussion of how special education services will be provided to English learners. The professional development plan does not mention a focus on English learners.

Students with special needs: The petition does not state a continuum of services the school will provide outside of a reference to learning disabilities which the petition asserts is frequently a mismatch between teaching and learning styles (Page 31). The budget includes a Resource Specialist; the petition lacks a job description and qualifications for this position.

## Report on the Barack Obama Middle School (BOMS)

The petition does not mention required triennial assessments, parental complaints other than due process issues, the method of assessment, student participation in standardized testing, teacher responsibility for student progress, and suspension and expulsion procedures.

The petition states the school will act as both an LEA and as a “public school” with respect to special education. The petitioner was contacted and clarified that the intent it for the charter to participate in special education as an LEA.

The description of the bell schedule is inconsistent between the narrative and the chart. The petitioner was contacted and is agreeable to providing a corrected bell schedule.

### **Measurable Pupil Outcomes:**

The Review Team determined that the overall description of measurable pupil outcomes is reasonably comprehensive. The petition states measurable outcomes for each subject area.

The Review Team made the following additional observations:

In English-Language Arts, Math, and Science, the petition identifies outcomes for the first and third years, with continual increases each year. The County Board requires annual reports on measurable student outcomes; lack of year-two goals would not allow the County Board to monitor progress.

The petition identifies Roosevelt Middle School in Compton as the comparison school in setting measurable outcomes. Some data regarding Roosevelt Middle School data is inaccurate. For example, the science outcome states that 50% of Barack Obama Middle School students will achieve at the basic level and above on the California Standards Test (CST) the first year in comparison to Roosevelt’s 24%. The 2009 CST data for Roosevelt Middle School shows that 73% of students have scored at basic, proficient and advanced in science. The petitioner will need to revise measureable outcomes for subject areas where data for the comparison school was inaccurate.

The petitioner was contacted and is agreeable to revisions where needed.

### **Governance Structure, including the process to insure parental involvement:**

The governing board does not appear to include a parent representative. The petition states there is a school site council as evidence of a governance structure that ensures active and effective representation of interested parties, including parents/guardians. The petition describes attendance at parent conferences with the goal set at 70% attendance, to increase annually. The annual increase is not defined.

### **Health and Safety Procedures:**

The Review Team determined that the description of health and safety procedures is reasonably comprehensive with the following omissions: the petition does not ensure screening for scoliosis as required by law, and the incorrect Education Code is referenced regarding student medication.

### **Effect on the Authorizer and Financial Projections:**

The Review Team determined that the description of the effect on the authorizer and financial projections are reasonably comprehensive with the following notations: The petition identifies the address for the school as 736 East Compton Blvd, Compton and describes it as an existing Church building. The petition includes a Facility Checklist for Use of Religious Facilities which identifies six items that the school will address to mitigate religious aspects associated with the use of a Church or other religious facility. The petition indicates the school will comply with all local, state and federal building codes, regulations, fire, health, and structural safety requirements and will provide a Certificate of Occupancy no later than 20 days prior to the opening of the school. A site visit was conducted by the LACOE Facilities and Construction Unit on February 19, 2010. It was determined that the site appears to be viable for charter school use for 150 students contingent upon the petitioner enlisting an architect to provide plans and

## Report on the Barack Obama Middle School (BOMS)

obtain approval from the City of Compton. When enrollment exceeds 150 students, the site can accommodate modular classrooms which will require additional city permits.

The petition does not include a draft or executed lease agreement or similar document. The petition includes a budget of \$34,800 (1st yr) up to \$60K (3rd yr) for rent and building repairs but it cannot be determined if such budget is adequate. Separation of the daily use of the facility by adults not related to the charter school will present challenges. The petitioner and the lessor appear to be aware of security, control, and shared restroom issues and will work to resolve.

The submitted first and three year budgets contained information that was unclear and appeared to be inconsistent with the petition. For example, the budget references three management positions, the petition includes two positions, and budget allocation is inconsistent with the positions identified. The written findings from Compton Unified School District included budgetary concerns. The Controller's Office spoke to the petitioner and resolved the inconsistencies. A revised budget would be needed.

Board Meeting – March 16, 2010

Item VI. Recommendations

Action on the *Barack Obama Middle School* petition on appeal

The Superintendent recommends that the Los Angeles County Board of Education (The County Board) take action to approve, subject to conditions, the petition received on appeal from Compton Unified School District, for Barack Obama Middle School (BOMS). Only if all conditions are met by the specified date to the satisfaction of the County Superintendent of Schools may the charter be approved for a term of three (3) years. If the conditions are not met by the specified dates, so as to remedy the written factual findings upon which a reason for denial are based, the charter is deemed denied.

California Education code section 47605(b) requires that the County Board evaluate the petition according to the criteria and procedures established in law and may only deny a petition if it provides written findings addressing the reasons for the denial. The reasons for denial of a petition are limited to the following:

- (1) The charter school presents an unsound educational program
- (2) The petitioners are demonstrably unlikely to successfully implement the program
- (3) The petition does not contain the required number of signatures
- (4) The petition does not contain an affirmation of specified assurances
- (5) The petition does not contain reasonably comprehensive descriptions of 15 required elements of a charter.

**Findings in support of denial of BOMS charter petition unless remedied by the specific conditions set forth below are as follows:**

**Finding 1:** The petitioners may be unlikely to successfully implement the program.

Should the school be authorized to open for school year 2010-11, it may apply for a two-month planning grant. The California Department of Education informed the LACOE Controller that the school would not receive federal charter school funds until October 2010. The school would need to apply for and receive a revolving loan from the State. If the school cannot obtain sufficient funds, it would not be able to successfully implement the program.

The written findings by Compton Unified School District include the statement that the timeline described in the petition “is not a realistic operational plan.” The Review Team shares this concern. The petitioner is opening a state-authorized elementary school in September 2010.

**Finding 2:** The petition does not fully comply with Education Code Section 47605 which requires a reasonably comprehensive description of *all* required elements. Two of the 15 required elements in the petition *are not* reasonably comprehensive:

Suspension and Expulsion Procedures: The petition fails to provide a reasonably comprehensive description of three of the five criteria the California Department of Education requires in the description of suspension and expulsion procedures. These include, but are not limited to, the list of offenses for which students must and may be suspended or expelled; evidence that procedures serve the best interest of students/parents; and a description of due process demonstrating understanding of the rights of pupils with disabilities.

The petitioner reported the suspension and expulsion procedures in the BOMS petition are the same as those in the Barack Obama Elementary School charter. Compton Unified School District Associate Superintendent, Carlos Manrique, reported to the County Board on March 2, 2010, parent concerns about discipline at Barack Obama Elementary School upon transfer of students back to Compton. These documented concerns substantiate the need to correct identified deficiencies in the suspension and expulsion procedures.

Means to Achieve a Racial and Ethnic Balance: The petition submitted for review fails to provide a reasonably comprehensive description of the manner in which the school will achieve a racial and ethnic balance reflective of the community in which it is located. The petition includes a description of the demographic composition of Roosevelt Middle School and Compton Unified School District. It states recruitment fliers are available in English and Spanish, and that the school will maintain accurate documentation of recruitment efforts.

The element is deficient because there is no provision for assisting parents who cannot read or write well enough to complete the complex application form (the petition states parents are responsible for completing the form; half of Compton’s parents are not high school graduates) and there is no mention of a Spanish language application form. Stated recruitment efforts are generic and lack benchmarks including recruitment meetings beyond those prior to the school’s opening. Stated enrollment preferences may impede the school’s

ability to attain the racial and ethnic balance reflective of the community.

On February 23, 2010, the petitioner provided a letter containing an analysis of the Barack Obama (Elementary) school's recruitment strategies and a modified plan for the proposed Middle School which addressed some of the deficiencies listed, above. The letter does not include providing parents with assistance for completing the form. The letter from the petitioner states the school would entertain additional ideas for recruitment. The Review Team suggests recruitment should emphasize verbal rather than written strategies, placing ads in El Clasificado (a Spanish language equivalent to the Pennysaver), and developing an administrative team that is ethnically and racially diverse with at least one Spanish speaking member.

Should the petitioner submit the February 23, 2010, letter to the County Board as a material revision to the petition, with County Board approval, the element may be considered reasonably comprehensive.

In addition to the two required elements found not reasonably comprehensive, the LACOE staff report identified required elements that, while considered reasonably comprehensive, contained specific deficiencies as follows:

Description of the School's Educational Program: Lacked sufficient description of the way in which the educational program will meet the needs of low achieving students, English learners, and students with special needs.

Measurable Pupil Outcomes: Lacked measureable student outcomes for year-two and contained inaccurate data for the comparison school upon which some student outcomes were based. The petitioner was contacted and stated the school was agreeable to revisions where needed.

Health and Safety Procedures: Lacked adequate description to ensure all legally required health and safety requirements are correctly addressed.

Effect on the Authorizer and Financial Projections: Submitted budgets contained information that was unclear and/or inconsistent with the petition. The Controller's Office spoke with the petitioner and verbally resolved the inconsistencies; a revised budget addressing these issues would be needed.

**Remedy to the foregoing findings and conditions for approval are as follows:**

1. By June 30, 2010, submit documentation verifying sufficient funds to open, a first-year operational budget based on documented funding. If the petitioner fails to submit supporting documents by June 30, 2010, demonstrating the school will be fiscally viable to open for school year 2010-11, the school will defer opening to school year 2011-12. Written notification of deferral to the County Board shall be submitted to the LACOE Charter School Office no later than July 30, 2010. If the school does not open by September 30, 2011, approval of the charter is terminated.
2. By May 28, 2010, the petitioner shall submit to the LACOE Charter School Office for review, material changes to the two (2) petition elements deemed not reasonably comprehensive and non-material changes to elements identified as containing deficiencies. Changes shall address the concerns identified in the LACOE staff report to the Board and in this recommendation. The Superintendent of Schools shall determine whether the submitted changes are considered reasonably comprehensive.
3. Submission of the signed *Charter School Agreement (CSA)*-- which specifies the charter responsibilities and reporting activities, including, but not limited to, adequacy and safety of facilities and reporting of academic, fiscal, and governance; and the authorizer's scope of oversight and monitoring--by June 30, 2010, to the LACOE Business Services.
4. Submission of the final charter petition to the LACOE Charter School Office by June 30, 2010, which includes necessary changes to reflect the County Board as the chartering authority; material revisions to two (2) required elements; non-material revisions to four (4) required elements containing specific inadequacies identified in the LACOE staff report; and a revised budget based on documented funding.

Provided that Conditions one(1) through four(4) are met, BOMS charter school would be authorized to open as early as September 2010, but no later than September 2011.

Board Meeting – April 13, 2010

Item VII. Recommendations

Action on the *Barack Obama Middle School* petition on appeal after denial by Compton USD

The Superintendent recommends that the Los Angeles County Board of Education (The County Board) take action to deny the charter petition for Barack Obama Middle School (BOMS), received on appeal and denied by Compton Unified School District.

California Education Code Section 47605(b) requires that the County Board evaluate the petition according to the criteria and procedures established in law and may only deny a petition if it provides written findings addressing the reasons for the denial. The reasons for denying a petition are limited to the following:

- (1) The charter school presents an unsound educational program
- (2) The petitioners are demonstrably unlikely to successfully implement the program
- (3) The petition does not contain the required number of signatures
- (4) The petition does not contain an affirmation of specified assurances
- (5) The petition does not contain reasonably comprehensive descriptions of 15 required elements of a charter.

**Findings in support of denial of BOMS charter petition unless remedied by the specific conditions set forth below are as follows:**

**Finding 1:** The petitioners are demonstrably unlikely to successfully implement the program.

On March 16, 2010, the County Board received a written complaint regarding Barack Obama (Elementary) Charter School in Compton, operated by Ingenium Schools, Inc. Pursuant to the complaint, the Superintendent of Schools initiated an investigation under Education Code 47604.4.

The findings of that investigation include, but are not limited to, the school knowingly employing a teacher with an expired credential, procedural safeguard issues, and playground safety issues both during the school day and during its after-school program.

Based on findings from the Superintendent's investigation and review of the submitted petition, it is determined that the petitioner fails to demonstrate capacity to operate the proposed charter school for the following reasons:

- The petitioners are unfamiliar with the requirements of law that apply to the proposed charter school including laws regarding the hiring of credentialed teachers, school safety, and procedural safeguards. This is evidenced by the employment of a non-credentialed teacher and submission of a petition that is not reasonably comprehensive for Health and Safety Procedures and Suspension and Expulsion Procedures.
- The petitioners have presented an unrealistic financial and operational plan for the proposed charter school based on submission of a petition seeking authorization for school year 2010-11. The California Department of Education informed the LACOE Controller that the school would not receive federal charter school funds until October 2010. The school would need to apply for and receive a revolving loan from the State. If the school cannot obtain sufficient funds, it would not be able to successfully implement the program. Ingenium Schools, Inc. is currently slated to open Ingenium Elementary School in September 2010.

The written findings by Compton Unified School District include the statement that the timeline described in the petition "is not a realistic operational plan." The Review Team shares this concern.

**Finding 2:** The petition does not fully comply with Education Code Section 47605 which requires a reasonably comprehensive description of *all* required elements. Two of the 15 required elements in the petition *are not* reasonably comprehensive:

Suspension and Expulsion Procedures: The petition fails to provide a reasonably comprehensive description of three of the five criteria the California Department of Education requires in the description of suspension and expulsion procedures. These include, but are not limited to, the list of offenses for which students must and may be suspended or expelled; evidence that procedures serve the best interest of students/parents; and a description of due process demonstrating understanding of the rights of pupils with disabilities.

The petitioner reported the suspension and expulsion procedures in the BOMS petition are the same as those in the Barack Obama Elementary School charter. Compton Unified School District Associate Superintendent, Carlos Manrique, reported to the County Board on March 2, 2010, parent concerns about discipline at Barack Obama

Elementary School upon transfer of students back to Compton. These documented concerns substantiate the need to correct identified deficiencies in the suspension and expulsion procedures.

Means to Achieve a Racial and Ethnic Balance: The petition submitted for review fails to provide a reasonably comprehensive description of the manner in which the school will achieve a racial and ethnic balance reflective of the community in which it is located. The petition includes a description of the demographic composition of Roosevelt Middle School and Compton Unified School District. It states recruitment fliers are available in English and Spanish, and that the school will maintain accurate documentation of recruitment efforts.

The element is deficient because there is no provision for assisting parents who cannot read or write well enough to complete the complex application form (the petition states parents are responsible for completing the form; half of Compton's parents are not high school graduates) and there is no mention of a Spanish language application form. Stated recruitment efforts are generic and lack benchmarks including recruitment meetings beyond those prior to the school's opening. Stated enrollment preferences may impede the school's ability to attain the racial and ethnic balance reflective of the community.

On February 23, 2010, the petitioner provided a letter containing an analysis of the Barack Obama (Elementary) school's recruitment strategies and a modified plan for the proposed Middle School which addressed some of the deficiencies listed, above. The letter does not include providing parents with assistance for completing the form. The letter from the petitioner states the school would entertain additional ideas for recruitment. The Review Team suggests recruitment should emphasize verbal rather than written strategies, placing ads in El Clasificado (a Spanish language equivalent to the Pennysaver), and developing an administrative team that is ethnically and racially diverse with at least one Spanish speaking member.

In addition to the two required elements found not reasonably comprehensive, the LACOE staff report identified required elements that, while considered reasonably comprehensive, contained specific deficiencies as follows:

Description of the School's Educational Program: Lacked sufficient description of the way in which the educational program will meet the needs of low achieving students, English learners, and students with special needs.

Measurable Pupil Outcomes: Lacked measureable student outcomes for year-two and contained inaccurate data for the comparison school upon which some student outcomes were based. The petitioner was contacted and stated the school was agreeable to revisions where needed.

Health and Safety Procedures: Lacked adequate description to ensure all legally required health and safety requirements are correctly addressed.

Effect on the Authorizer and Financial Projections: Submitted budgets contained information that was unclear and/or inconsistent with the petition. The Controller's Office spoke with the petitioner and verbally resolved the inconsistencies; a revised budget addressing these issues would be needed.



# Los Angeles County Office of Education

Leading Educators • Supporting Students • Serving Communities

April 15, 2010

Darline P. Robles, Ph.D.  
Superintendent

Los Angeles County  
Board of Education

Angie Papadakis  
President

Thomas A. Saenz  
Vice President

Douglas R. Boyd

Rudell S. Freer

Leslie K. Gilbert-Lurie

Rebecca J. Turrentine

Maria Elena Yepes

Mr. Glenn Noreen  
Barack Obama Middle School  
1502 Webster Avenue  
Claremont, CA 91711

Dear Mr. Noreen:

This letter will serve to confirm the decision of the Los Angeles County Board of Education in the matter of the Barack Obama Middle School.

At its regular meeting held on Tuesday, April 13, 2010, the Los Angeles County Board of Education took action to deny the charter petition on appeal from Compton Unified School District of Barack Obama Middle School. Attached is a copy of the approved Board recommendation.

This action constitutes the final order in this matter by the Los Angeles County Board of Education.

Should you have any questions, please do not hesitate to contact me at (562) 922-8806.

Sincerely,

Janis Isenberg  
Project Director III  
Charter School Office  
Division of Parent and Community Services/Williams Legislation

Jl:ls  
Attachment

- c: Darline P. Robles, Ph.D., Superintendent, LACOE
- Kaye E. Burnside, Ed.D., Superintendent, Compton USD
- Lupe Delgado, Ed.D., Assistant Superintendent, LACOE
- Carlos Manrique, Associate Superintendent, Compton USD
- Yolanda M. Benitez, Director, LACOE
- Michelle Ruskfosky, Acting Director, Charter Schools Division, CDE

APR 13 2010

Board Meeting – April 13, 2010

BY: DPZ:YMB  
Ex Officio Secretary

Item VII. Recommendations

B. Action on the *Barack Obama Middle School* petition on appeal after denial by Compton USD

The Superintendent recommends that the Los Angeles County Board of Education (The County Board) take action to deny the charter petition for Barack Obama Middle School (BOMS), received on appeal and denied by Compton Unified School District.

California Education Code Section 47605(b) requires that the County Board evaluate the petition according to the criteria and procedures established in law and may only deny a petition if it provides written findings addressing the reasons for the denial. The reasons for denying a petition are limited to the following:

- (1) The charter school presents an unsound educational program
- (2) The petitioners are demonstrably unlikely to successfully implement the program
- (3) The petition does not contain the required number of signatures
- (4) The petition does not contain an affirmation of specified assurances
- (5) The petition does not contain reasonably comprehensive descriptions of 15 required elements of a charter.

**Findings in support of denial of BOMS charter petition unless remedied by the specific conditions set forth below are as follows:**

**Finding 1:** The petitioners are demonstrably unlikely to successfully implement the program.

On March 16, 2010, the County Board received a written complaint regarding Barack Obama (Elementary) Charter School in Compton, operated by Ingenium Schools, Inc. Pursuant to the complaint, the Superintendent of Schools initiated an investigation under Education Code 47604.4.

The findings of that investigation include, but are not limited to, the school knowingly employing a teacher with an expired credential, procedural safeguard issues, and playground safety issues both during the school day and during its after-school program.

Based on findings from the Superintendent's investigation and review of the submitted petition, it is determined that the petitioner fails to demonstrate capacity to operate the proposed charter school for the following reasons:

- The petitioners are unfamiliar with the requirements of law that apply to the proposed charter school including laws regarding the hiring of credentialed teachers, school safety, and procedural safeguards. This is evidenced by the employment of a non-credentialed teacher and submission of a petition that is not reasonably comprehensive for Health and Safety Procedures and Suspension and Expulsion Procedures.
- The petitioners have presented an unrealistic financial and operational plan for the proposed charter school based on submission of a petition seeking authorization for school year 2010-11. The California Department of Education informed the LACOE Controller that the school would not receive federal charter school funds until October 2010. The school would need to apply for and receive a revolving loan from the State. If the school cannot obtain sufficient funds, it would not be able to successfully implement the program. Ingenium Schools, Inc. is currently slated to open Ingenium Elementary School in September 2010.

The written findings by Compton Unified School District include the statement that the timeline described in the petition "is not a realistic operational plan." The Review Team shares this concern.

**Finding 2:** The petition does not fully comply with Education Code Section 47605 which requires a reasonably comprehensive description of *all* required elements. Two of the 15 required elements in the petition *are not* reasonably comprehensive:

Suspension and Expulsion Procedures: The petition fails to provide a reasonably comprehensive description of three of the five criteria the California Department of Education requires in the description of suspension and expulsion procedures. These include, but are not limited to, the list of offenses for which students must and may be suspended or expelled; evidence that procedures serve the best interest of students/parents; and a description of due process demonstrating understanding of the rights of pupils with disabilities.

The petitioner reported the suspension and expulsion procedures in the BOMS petition are the same as those in the Barack Obama Elementary School charter. Compton Unified School District Associate Superintendent, Carlos Manrique, reported to the County Board on March 2, 2010, parent concerns about discipline at Barack Obama

Elementary School upon transfer of students back to Compton. These documented concerns substantiate the need to correct identified deficiencies in the suspension and expulsion procedures.

Means to Achieve a Racial and Ethnic Balance: The petition submitted for review fails to provide a reasonably comprehensive description of the manner in which the school will achieve a racial and ethnic balance reflective of the community in which it is located. The petition includes a description of the demographic composition of Roosevelt Middle School and Compton Unified School District. It states recruitment fliers are available in English and Spanish, and that the school will maintain accurate documentation of recruitment efforts.

The element is deficient because there is no provision for assisting parents who cannot read or write well enough to complete the complex application form (the petition states parents are responsible for completing the form; half of Compton's parents are not high school graduates) and there is no mention of a Spanish language application form. Stated recruitment efforts are generic and lack benchmarks including recruitment meetings beyond those prior to the school's opening. Stated enrollment preferences may impede the school's ability to attain the racial and ethnic balance reflective of the community.

On February 23, 2010, the petitioner provided a letter containing an analysis of the Barack Obama (Elementary) school's recruitment strategies and a modified plan for the proposed Middle School which addressed some of the deficiencies listed, above. The letter does not include providing parents with assistance for completing the form. The letter from the petitioner states the school would entertain additional ideas for recruitment. The Review Team suggests recruitment should emphasize verbal rather than written strategies, placing ads in El Clasificado (a Spanish language equivalent to the Pennysaver), and developing an administrative team that is ethnically and racially diverse with at least one Spanish speaking member.

In addition to the two required elements found not reasonably comprehensive, the LACOE staff report identified required elements that, while considered reasonably comprehensive, contained specific deficiencies as follows:

Description of the School's Educational Program: Lacked sufficient description of the way in which the educational program will meet the needs of low achieving students, English learners, and students with special needs.

**Measurable Pupil Outcomes:** Lacked measureable student outcomes for year-two and contained inaccurate data for the comparison school upon which some student outcomes were based. The petitioner was contacted and stated the school was agreeable to revisions where needed.

**Health and Safety Procedures:** Lacked adequate description to ensure all legally required health and safety requirements are correctly addressed.

**Effect on the Authorizer and Financial Projections:** Submitted budgets contained information that was unclear and/or inconsistent with the petition. The Controller's Office spoke with the petitioner and verbally resolved the inconsistencies; a revised budget addressing these issues would be needed.

**APPROVED**  
**NO. 31:2009-10**

**MINUTES**  
**LOS ANGELES COUNTY BOARD OF EDUCATION**  
**9300 Imperial Highway**  
**Downey, California 90242-2890**  
**Tuesday, April 13, 2010**

A meeting of the Los Angeles County Board of Education was held on Tuesday, April 13, 2010 in the Board Room of the Los Angeles County Education Center, 9300 Imperial Highway, Downey, CA 90242-2890.

**PRESENT:** Mr. Douglas R. Boyd, Mrs. Rudell S. Freer, Mrs. Leslie K. Gilbert-Lurie, Mrs. Angie Papadakis, Dr. Rebecca J. Turrentine, and Ms. Maria Elena Yepes

**UNCOMPENSATED ABSENCE:** Mr. Thomas A. Saenz

**OTHERS PRESENT:** Superintendent Darline P. Robles, Ph.D.; Administrative staff; Ms. Michelle Bartolo, Senior Executive Assistant

**PRELIMINARY ACTIVITIES**

**CALL TO ORDER**

Mrs. Papadakis called the meeting to order at 3:00 p.m.

**PLEDGE OF ALLEGIANCE**

Mrs. Freer led the Pledge of Allegiance to the Flag.

**ORDERING OF THE AGENDA**

Superintendent Robles referred to some changes to the agenda that were at each Board member's place.

It was **MOVED** by Mrs. Freer, **SECONDED** by Mrs. Gilbert-Lurie and **CARRIED** to approve the agenda as reordered.

**COMMUNICATIONS: BOARD / SUPERINTENDENT**

**Mrs. Freer**

- Included an article from the *Los Angeles Times* in the folder that she shares among Board members about a student, Tyki Nelworth, who maintained a 4.2 average and was admitted to West Point Academy.
- Attended the ALACOSA luncheon this afternoon.

**Ms. Yepes**

- Attended the ALACOSA luncheon this afternoon.

**Mrs. Gilbert-Lurie**

- This week commemorates Yom Hashoah. A good reminder of the importance of acting as upstanders rather than bystanders when we see problems in the world.

Los Angeles County Board of Education  
Minutes of April 13, 2010  
-2-

**Mr. Boyd**

- Attended the ALACOSA luncheon.

**Dr. Robles**

- Thanked ALACOSA for a great event.
- Head Start Director, Yvette Sanchez, asked LACOE to participate in a video in celebration of 45 years of Head Start. This is a compliment to the Head Start staff.
- Attended the CCSESA meeting. Revenue is expected to be up anywhere between \$1 billion to \$4 billion.

**COMMUNICATIONS: PUBLIC (none)**

**RECOMMENDATIONS**

**ACTION ON THE ENVIRONMENTAL CHARTER MIDDLE SCHOOL PETITION ON APPEAL AFTER DENIAL BY LOS ANGELES UNIFIED SCHOOL DISTRICT**

The Superintendent recommended that the Los Angeles County Board of Education (County Board) take action to approve, subject to conditions, the petition for Environmental Charter Middle School on appeal after denial by Los Angeles Unified School District. If all conditions are met by the specified date to the satisfaction of the County Superintendent of Schools the charter may be approved for a term of four (4) years. If the conditions are not met by the specified dates, the petition is deemed denied.

1. By May 28, 2010, the petitioner shall submit to the LACOE Charter School Office for review, material and non-material changes to the two (2) petition elements deemed not reasonably comprehensive and non-material changes to elements identified as containing inadequacies. Changes shall address the concerns identified in the LACOE staff report to the County Board and in this recommendation. The Superintendent of Schools shall determine whether submitted changes are reasonably comprehensive.
2. By June 30, 2010, the petitioner will submit the final petition to the LACOE Charter School Office including changes necessary to reflect the County Board as the chartering authority; material and non-material revisions to the two (2) elements; non-material revisions to the five (5) elements containing inadequacies identified in the LACOE staff report; the site location; and a revised budget.
3. Submission of the signed Charter School Agreement which specifies the charter responsibilities and reporting activities, including, but not limited to, adequacy and safety of facilities and reporting of academic, fiscal, and governance; and the authorizer's scope of oversight and monitoring by June 30, 2010, to LACOE Business Services.

Provided that Conditions one (1) through three (3) are met, Environmental Charter Middle School would be authorized to open between July 1 and September 30, 2010.

Los Angeles County Board of Education  
Minutes of April 13, 2010  
-3-

It was **MOVED** by Dr. Turrentine and **SECONDED** by Mr. Boyd to approve the Superintendent's recommendation. A roll call vote was taken. Voting yes were Mr. Boyd, Ms. Yepes, Mrs. Gilbert-Lurie, Dr. Turrentine, and Mrs. Papadakis. Mrs. Freer abstained. It was **CARRIED** to approve, subject to conditions, the petition for Environmental Charter Middle School on appeal after denial by Los Angeles Unified School District.

**ACTION ON THE BARACK OBAMA MIDDLE SCHOOL PETITION ON APPEAL AFTER DENIAL BY COMPTON UNIFIED SCHOOL DISTRICT**

The Superintendent recommended that the County Board take action to deny the charter petition for Barack Obama Middle School (BOMS), received on appeal and denied by Compton Unified School District.

There was public comment from Mr. Glen Noreen Who read two letters to the County Board.

It was **MOVED** by Mr. Boyd to grant the charter petition. It was **SECONDED** by Ms. Yepes. Discussion followed.

Mr. Boyd asked the Superintendent why she reversed her recommendation.

Dr. Robles said having a teacher in a classroom without a credential is a serious offense. There are also items of health and safety that are of concern. LACOE is also unsure if the school will be financially ready to begin the school year. The issues are serious enough to deny the appeal.

Mr. Boyd would like to approve the charter petition subject to conditions to open in the 2011-12 school year.

Dr. Turrentine does not feel confident that the children will be well served and feels there may not be administrative practices that are to a standard that she feels comfortable with; therefore, she would vote in favor of the Superintendent's recommendation to deny the charter petition.

Dr. Robles outlined the conditions she would request if the County Board chooses to grant the charter petition and defer the opening to the 2011-12 school year.

It was **MOVED** by Mr. Boyd to grant the charter petition subject to the conditions that Dr. Robles enumerated with an opening date of 2011-12. It was **SECONDED** by Ms. Yepes. At the request of Mr. Boyd, a roll call vote was taken:

Mrs. Freer – Abstain  
Mr. Boyd – Yes  
Ms. Yepes – Abstain  
Mrs. Gilbert-Lurie – No  
Dr. Turrentine – No  
Mrs. Papadakis – No

Los Angeles County Board of Education  
Minutes of April 13, 2010  
-4-

The motion to grant the charter petition subject to the conditions that Dr. Robles enumerated with an opening date of 2011-12 was **NOT CARRIED**.

It was **MOVED** by Dr. Turrentine to deny the charter petition for Barack Obama Middle School received on appeal and denied by Compton Unified School District. It was **SECONDED** by Mrs. Gilbert-Lurie. At the request of Mr. Boyd, a roll call vote was taken:

Mrs. Freer – Abstain  
Mr. Boyd – No  
Ms. Yepes – Abstain  
Mrs. Gilbert-Lurie – Yes  
Dr. Turrentine – Yes  
Mrs. Papadakis – Yes

The motion to deny the charter petition for Barack Obama Middle School received on appeal and denied by Compton Unified School District was **NOT CARRIED**.

It was **MOVED** by Ms. Yepes to bring the motion back to reconsider the vote to deny the charter petition for Barack Obama Middle School received on appeal and denied by Compton Unified School District. It was **SECONDED** by Dr. Turrentine. A roll call vote was taken:

Dr. Turrentine – Yes  
Mrs. Gilbert – Yes  
Ms. Yepes – Yes  
Mr. Boyd – No  
Mrs. Freer – Abstain  
Mrs. Papadakis – Yes

On reconsideration, the motion to deny the charter petition for Barack Obama Middle School received on appeal and denied by Compton Unified School District **WAS CARRIED**.

(A recess was taken from 4:32pm to 4:39pm)

## **DISCUSSION**

### **REVIEW OF POLICY 1380, INTERDISTRICT ATTENDANCE APPEALS**

The Superintendent and LACOE staff held a discussion with the County Board on Interdistrict Attendance Appeals, Policy 1380. Given the significant increase in the number of interdistrict attendance appeals expected to be heard by the County Board, potential options were presented for discussion and consideration.

Dr. Thompson presented the following:

Option 1: Current Board Hearing Practice  
Option 2: Administrative Hearing Panel

Los Angeles County Board of Education  
Minutes of April 13, 2010  
-5-

Option 3: Hearing Officers

Option 4: The Office of Administrative Hearings

Mrs. Gilbert-Lurie would like to look into the procedures that the County Civil Service Commission follows. Parents could appear before a hearing panel and still have the opportunity to appeal to the County Board.

Mrs. Freer is not interested in relinquishing the authority for interdistrict attendance appeals. She indicated that the other options presented would incur additional costs.

Mr. Boyd appreciates staff providing worse case scenario options but does not believe there is a need to choose one right now. He would like to know the cost associated with each of the options provided.

Dr. Turrentine would like to know what the costs for hearing officers are. She would like to make sure that the County Board will make a decision on a policy that will make sense regardless if it is used this year or in the future.

Ms. Yepes asked if there could be additional hearing consultants.

Dr. Thompson responded that he will look into that.

(Mrs. Gilbert-Lurie departed at 5:18 p.m.)

Dr. Turrentine would like to see in policy some kind of trigger so that when permits exceed a certain number then an alternative procedure is followed.

Mr. Boyd said the first thing to be done is to add a fourth Board meeting each month devoted to nothing but interdistrict attendance appeals.

Dr. Robles noted that for now, staff will continue to process interdistrict attendance appeals according to the current procedures.

## **REPORTS**

### **CERTIFACTED STAFFING PLAN**

In order to improve the recruitment, selection, and hiring of teachers for Educational Programs, the Human Resource Services Division (HRS) recently updated its annual staffing plan. This plan outlines the means by which HRS attracts, screens, and hires all teachers for the Office. It also outlines how current practice is aligned to the research, as well as the most recent innovations that continue to enhance the ability to select the highest caliber of teachers for the diverse population that LACOE serves.

The report also demonstrated the gains in securing Speech and Language Pathologists, an area that has long been recognized to have a national shortage. The report also shared a newly-formed

Los Angeles County Board of Education  
Minutes of April 13, 2010  
-6-

partnership with the UCLA Extension Department to provide professional development to new and continuing teachers in Educational Programs.

The slide show presentation and details of the certificated staffing plan were presented by Mr. Jesus Corral and Mr. James Ross.

### **GOVERNMENTAL RELATIONS**

Dr. Robles said the Senate Budget Sub 1 Committee that she was going to attend on Thursday has been pulled and rescheduled for April 29<sup>th</sup>.

### **COMMUNICATIONS: BOARD / SUPERINTENDENT**

There were no communications.

### **BOARD COMMITTEE/LIAISON REPORTS**

Mrs. Freer said there was a Governmental Relations Committee meeting and during the meeting there was a motion to oppose AB 1989.

### **LOS ANGELES COUNTY BOARD OF EDUCATION MEETING SCHEDULE, ESTABLISHMENT OF MEETING TIMES, FUTURE AGENDA ITEMS, FOLLOW UP**

The calendar was presented for discussion, to establish meeting times, and to receive Board members' requests for future agenda items. The calendar was reviewed.

### **CLOSED SESSION**

The County Board adjourned to closed session at 5:52 p.m. on the following items:

1. Conference with Legal Counsel – Existing Litigation – One Case – Pursuant to Government Code Section 54956.9(a)
2. Superintendent's Performance Evaluation, Pursuant to Government Code Section 54957

The County Board returned to open session at 6:08 p.m. There was no action taken in closed session.

### **ADJOURNMENT**

Mrs. Papadakis adjourned the meeting at 6:09 p.m.



**To:** LACOE Board of Trustees  
**From:** Glenn Noreen  
**Date:** April 29, 2010  
**Re:** Barack Obama Middle School Staff Report

**Message:**

We are in receipt of the LACOE Staff Report on Barack Obama Middle School (BOMS). It finds thirteen of the fifteen required elements reasonably comprehensive and two not reasonably comprehensive: "Suspension and Expulsion Procedures" and "Means to Achieve a Racial and Ethnic Balance." It further finds that, should we submit our February 23 letter to the County Board as a material revision, the latter element would be considered reasonably comprehensive. We agree to submit the cited letter as a material revision.

Accordingly, the only element the Staff Report finds not reasonably comprehensive – and therefore potential grounds for denial – is "Suspension and Expulsion Procedures." The Staff report states that "The petition fails to provide a reasonably comprehensive description of three of the five criteria the California Department of Education requires in the description of suspension and expulsion procedures."

**The "Suspension and Expulsion Procedures" in the BOMS are identical to the procedures in the State Board of Education – approved Barack Obama Charter School (BOCS).** See pages 108-116 of the [BOCS petition](#) and compare them to pages 85 to 93 of the BOMS petition. The only changes are the names of the schools.

**In its [Charter School Petition Review Form](#) of BOCS (at the time named "Qued Charter Elementary School"), the California Department of Education (CDE) found that all five criteria were correctly addressed.** The exact text is reproduced in the attachment to this memorandum. The CDE comments on this item were: "The requirement of *CCR, Title 5, Section 11967.5.1(f)(10)(A)* is met. The preliminary list of offenses for which students must or may be suspended is provided. Procedures by which students can be suspended or expelled are identified. Procedures for informing parents/guardians of the suspension or expulsion are identified. Procedures for informing parents and students of due process rights are identified. The petition states that policies and procedures will be amended periodically."

It is not possible to reconcile the Staff Report's finding that the BOMS petition "fails to provide a reasonably comprehensive description of three of the five criteria the California Department of Education requires in the description of suspension and expulsion procedures" with the California Department of Education's finding that these criteria in the identical BOCS petition were reasonably comprehensive. LACOE's denial of the BOMS petition on this ground would be subject to court challenge on the grounds that the decision was arbitrary and capricious.

The staff report also states that the petitioners may be unlikely to successfully implement the program. The law requires a finding that the petitioners are "**demonstrably unlikely** to successfully implement the program" in order to justify a denial. "May be unlikely" is insufficient to support denial.

**As a result, there are no grounds on which the BOMS charter may be denied by LACOE and it must be approved.**



April 29, 2010

Angie Papadakis, President  
Board of Education  
Los Angeles County Office of Education  
9300 Imperial Highway  
Downey, CA 90242-2890

Subject: Superintendent Recommendations on Barack Obama Middle School Charter Petition Appeal

Dear President Papadakis:

We are in receipt of the Superintendent Recommendations: Action on the Barack Obama Middle School (BOMS) Petition on Appeal dated March 16 and April 13.

In her first Recommendation, the Superintendent recommended “that the Los Angeles County Board of Education (The County Board) **take action to approve**, subject to conditions, the petition received on appeal from Compton Unified School District.”

In her second Recommendation, she recommends the County Board “**take action to deny** the charter petition for Barack Obama Middle School, received on appeal and denied by Compton Unified School District.”

In this letter, we explain our understanding of the differences between the two Recommendations and offer our interpretation of the new one.

#### PREVIOUSLY ADEQUATE ELEMENTS NOW INADEQUATE

We are concerned about the integrity of the County Board’s petition process because elements that were found adequate in the first Recommendation are no longer adequate in the second, with no explanation for the changes.

For example, in her first Recommendation, the Superintendent found that “The petitioners may be unlikely to successfully implement the program” due to time and financial restraints but offered a remedy: if the school was unable to open for school year 2010-11, the school could “defer opening to school year 2011-12.” In her second recommendation, **the Superintendent dropped this alternative** (without consulting us; we had suggested the alternative and remain open to deferring opening to 2011-2012). LACOE Board Policies and Regulations Section 6630R states that “A previously denied petition on appeal must be sub-

mitted to the LACOE Board no later than the second Monday of January of the year the petitioners plan to open the school. Petitions received after the second Monday in January will be accepted for review with a presumption that if approved by the LACOE Board the date of opening will be determined by the Superintendent.” The petition was submitted on January 16 – four days after the second Monday of the year – so **the Superintendent may determine that the school should open in 2011-2012, as we have repeatedly indicated a willingness to do.**

In her first recommendation, the Superintendent found that “The petition submitted for review fails to provide a reasonably comprehensive description of the manner in which the school will achieve a racial and ethnic balance reflective of the community in which it is located.” Note that California Education Code Section 47605(b) and LACOE Board Policies and Regulations Section 6630R do not allow denial on this ground; there is no requirement that a “petition provide a reasonably comprehensive description of the manner in which the school will achieve a racial and ethnic balance reflective of the community in which it is located” and petitions may only be denied for specified deficiencies. In any case, the Superintendent stated in her March 16 Recommendation that “Should the petitioner submit the February 23, 2010, letter to the County Board as a material revision to the petition, with County Board approval, the element may be considered reasonably comprehensive.” **This statement was withdrawn from the April 13 recommendation, again without explanation or notifying the Petitioner; we remain willing to submit the letter as a material revision.**

The Superintendent’s first Recommendation found the suspension and expulsion procedures not reasonably comprehensive using a CDE checklist. We disputed the finding; they were **based on a CDE checklist that CDE itself used to determine that the identical BOCS suspension and expulsion procedures were reasonably comprehensive.** However, the Superintendent’s Recommendation indicated these could be remedied by the applicant submitting a revised set of procedures by May 28. We submit them with this document (attached); they are adapted from the Ingenium Charter School (ICS) petition that CDE found reasonably comprehensive and that the State Board of Education approved on January 6. They are more comprehensive than the original BOMS suspension and expulsion procedures and we expect that LACOE staff will find them adequate. However, in the second Recommendation **the suggested remedy was inexplicably withdrawn.**

### **The New Findings**

The Superintendent’s second Recommendation basically makes two wholly new findings. The first is that “The petitioners are demonstrably unlikely to successfully implement the program” because we are “unfamiliar with the requirements of law” as “evidenced by ... submission of a petition that is not reasonably comprehensive for Health and Safety Procedures and Suspension and Expulsion Procedures.”

What makes the Health and Safety Procedures not reasonably comprehensive? Both Recommendations are silent on the specifics. For specificity, we must refer to the Staff Recommendation dated March 2, 2010, which stated:

“The Review Team determined that the description of health and safety procedures is reasonably comprehensive with the following omissions: the petition does not ensure screening for scoliosis as required by law, and the incorrect Education Code is referenced regarding student medication.”

Page 79 of the Petition reads: “VISION/HEARING/SCOLIOSIS: BOMS shall adhere to Education Code §49450 et. seq. as applicable to the grade levels served by BOMS.” This language is identical to the language in the SBE-approved BOCS petition. The Staff Report does not indicate what incorrect Education Code is referenced.

Is this County Board comfortable defending before the State Board a Finding of Fact that “The petitioners are demonstrably unlikely to successfully implement the program” because they are “unfamiliar with the requirements of law” as “evidenced by ... submission of a petition that is not reasonably comprehensive for Health and Safety Procedures” because an “incorrect Education Code is referenced regarding student medication”?

With regards to the Suspension and Expulsion Procedures, the BOMS petition procedures were identical to those in the BOCS petition that was found reasonably comprehensive and recommended for approval by CDE; it was subsequently unanimously approved by SBE. Is the Superintendent implying that CDE and SBE are “unfamiliar with the requirements of law”? Is this County Board comfortable that it can defend before the State Board a Finding of Fact that “The petitioners are demonstrably unlikely to successfully implement the program” because we are “unfamiliar with the requirements of law” as “evidenced by ... submission of reasonably comprehensive ... Suspension and Expulsion Procedures” identical to those in an SBE-approved petition?

The final new charge is that “The petitioners are demonstrably unlikely to successfully implement the program” because we are “unfamiliar with the requirements of law” as “evidenced by ... employing a teacher with an expired credential.”

To this charge we plead “guilty.” Our Principal is a credentialed administrator but has not worked in public schools for over fifteen years. He employed a teacher whose credentials were expired because the teacher told him she was securing a renewal. She did not do so and the Principal did not follow-up. She has been dismissed. The Principal has been admonished and systems have been established to ensure that we never again engage a teacher without a current credential.

We believe that denying the BOMS petition on the grounds that “The petitioners are demonstrably unlikely to successfully implement the program” because we are “unfamiliar with the requirements of law” as “evidenced by ... employing a teacher with an expired credential” is a logical stretch, but agree that is within the County Board’s legitimate discretion to make such a finding.

#### ORTIZ LETTER

In her letter that caused the delay Ms. Ortiz charged that:

- Every class bungalow is filthy and smells of mold. Most have faulty electricity and holes in the roof.

- There is no playground for the students, no balls.
- The fourth, fifth, and sixth grade classes are all overfilled to capacity.
- The teachers have no aide.
- Most of the teachers do not have their teaching credentials.

Ms. Ortiz made a number of other claims. LACOE sent five staff members to investigate the school. The only findings from the investigation appear to be that one teacher's credentials were expired and there were unspecified "procedural safeguard issues, and playground safety issues both during the school day and during its after-school program." Were any of Ms. Ortiz' charges true? Was education occurring at the school? Were there any discipline concerns? What do the LACOE employees at the Southwest SELPA who regularly visit the school say about it?

We believe that what the LACOE investigators saw – and what several expressed to us – was a high-functioning charter school at an unusually advanced state of development for a school that opened only seven months ago. The facilities and grounds are clean and well-tended, the curriculum is state-of-the-art, and we have teachers who have learned the Re-Inventing Schools Model and are effectively deploying it in their classrooms. There is nothing in the Superintendent's Recommendation about the core academic program of our school and how it is doing – a surprising omission.

#### CONCLUSION

Under California Law, we are not given the option of choosing authorizers and must approach LACOE when a district within Los Angeles County denies a charter petition. When LACOE denies our appeal, we may then appeal it to the State, with results you have seen.

As noted above, we believe you have a legitimate Finding of Fact to deny us on, should you decide to do so. My one request is that, should you deny our petition, you send a LACOE representative to the State level when we appeal to defend its denial. Normally, county offices denying petitions on appeal do this as a matter of routine. LACOE chose not to send staff to defend its denials at either the BOCS or the ICS appeal hearings. Based on previous experience, I expect CDE staff and State Board members to ask me why LACOE made findings of fact that we are "demonstrably unlikely to successfully implement the program" as "evidenced by ... submission of a charter petition that is not reasonably comprehensive for Health and Safety Procedures and Suspension and Expulsion Procedures" identical to those in an SBE-approved petition. They will also ask why elements deemed acceptable for the first Recommendation are suddenly not acceptable in the second Recommendation. It is not appropriate for me to attempt to explain LACOE's findings as I have been forced to do in the past.

– 5 –

April 29, 2010

Cordially,

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

Glenn Noreen  
Executive Director

Attachment