"Maintaining Excellence"

SOUTHERN KERN UNIFIED SCHOOL DISTRICT

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Chief Business Officer
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September 23, 2013

Rosamond Community Charter School
Kim L. Oliver
2836 Petro Place
Lancaster, California 93536

Dear Mrs. Oliver,

On September 16, 2013, Mr. Oliver delivered to the Southern Kern Unified School District ("District") office a charter petition ("Petition") for the proposed Rosamond Community Charter School ("RCCS"). Receipt by the District of the Petition will be included on the agenda for the District's regular meeting of October 2, 2013, which is the next regularly scheduled District board meeting following the Petition's delivery for which the agenda deadline has not already passed. During the October 2, 2013 meeting, you may make a public comment regarding the Petition should you so choose (please note such comments are generally limited to three minutes per speaker).

In accordance with Education Code section 47605(b), after receipt by the District of the Petition on October 2, 2013, the Petition will be set for both a public hearing and action by the District Governing Board to approve or deny the Petition. At this time, the public hearing is anticipated to be at the regular board meeting on November 6, 2013.

During the November 6, 2013 public hearing, the Petitioners will be provided approximately 20 minutes to make a presentation to the District Governing Board. Please submit any written materials and/or visual slides to be included in the presentation to the District 48 hours prior to that board meeting.

At this time, it is anticipated that the District Governing Board will take action to approve or deny RCCS's Petition at the regular meeting scheduled for December 11, 2013, unless the statutory timeline is extended by mutual agreement of the District and the Petitioners.

Please contact my office to address any questions or concerns or if you need additional information at this time.

Sincerely,
Southern Kern Unified School District

Jeff Weinstein,
Chief Administrative Officer
Acting Superintendent

cc: Sukhi Ahluwalia, Esq.

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SOUTHERN KERN UNIFIED SCHOOL DISTRICT

TO: Governing Board

FROM: Jeffrey Weinstein, Chief Administrative Officer

TITLE: Board Resolution Denying the Petition for Rosamond Community Charter Elementary School

DATE OF MEETING: December 11, 2013

BACKGROUND

On or about September 16, 2013, Kim Oliver, on behalf of Rosamond Community Charter Elementary School ("RCCES" or "School"), submitted a charter petition and supporting documentation ("Petition"), incorporated herein by reference, to the Southern Kern Unified School District ("District") seeking the granting of a petition for establishment of a charter school, which proposed to offer an educational program for grades K-5. This is Ms. Oliver's third submittal of the Petition to the District.

Pursuant to Education Code section 47605, the Governing Board of the District ("Governing Board") shall hold a public hearing on the provisions of the Petition, at which time the Governing Board shall consider the level of support for the Petition from teachers employed by the District, other employees of the District, and parents. In order to fulfill this requirement, at a Board Meeting on November 12, 2013, a public hearing was held by the District Governing Board of Trustees. The lead petitioner made a presentation to the Governing Board. No other persons spoke on behalf of the School.

The District administrative staff has the responsibility of providing the Governing Board of Trustees with a comprehensive recommendation regarding the RCCES proposal. The proposal has been assessed against the standards and requirements, as set forth in the Education Code, in order to develop final recommendations.

Pursuant to Education Code section 47605(b), the governing board of a school district shall not deny a petition for the establishment of a charter school unless it is not satisfied that granting the charter is consistent with sound educational practice and it makes written factual findings, specific to the particular petition, setting forth specific facts to 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 the petition.

3. The petition does not include the required number of signatures.

4. The petition does not contain required non-discrimination and enrollment affirmations.

5. The petition does not contain reasonably comprehensive descriptions of sixteen (16) required elements.

Working as a collaborative professional team, District administration and legal counsel from the law firm of Atkinson, Andelson, Loya, Ruud and Romo submit that the recommendation to the Governing Board of the District is well-documented and based upon solid criteria. Furthermore, the staff recommendation and subsequent Governing Board action falls within the required timeline parameters, as set forth in the California Education Code and applicable state and federal laws.

District administrative staff has noted a number of issues and concerns. Several of the most significant of the concerns noted by the District administrative team and legal counsel are included as proposed findings in the recommended Resolution of Denial (*attached*). The specific factual findings in the recommended Resolution are within the following statutory findings for denial of the Petition:

1. The Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code section 47605(b)(5)]

2. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. [Education Code section 47605(b)(2)]

3. The Petition does not contain an affirmation of each of the conditions described in Education Code Section 47605(d). [Education Code Section 47605(b)(4)]

RECOMMENDATION:

Having fully considered and extensively reviewed the elements of the RCCES Petition, the District administrative staff hereby recommends that the Governing Board of Trustees of the Southern Kern Unified School District take action to adopt the attached Board Resolution denying the Charter Petition.

RESOLUTION NO. 13-14-13
BOARD OF EDUCATION
SOUTHERN KERN UNIFIED SCHOOL DISTRICT
KERN COUNTY, CALIFORNIA

DENYING CHARTER SCHOOL PETITION FOR
ROSAMOND COMMUNITY CHARTER ELEMENTARY SCHOOL

WHEREAS, pursuant to Education Code section 47605, *et seq.*, the Board of Education of the Southern Kern Unified School District ("Board" or "District") is required to review and authorize creation and/or renewal of charter schools; and

WHEREAS, Petitioners for the Rosamond Community Charter Elementary School ("RCCES" or "School") submitted to the District a Charter School Petition ("Petition"), in December 2011; and

WHEREAS, on January 4, 2012, a public hearing on the provisions of the Petition was conducted in accordance with the provisions of Education Code section 47605, at which time the District Board considered the level of public support for this Petition by teachers employed by the District, other employees of the District and parents. At that public hearing, Ms. Kim Oliver, lead petitioner, spoke in support of the Petition. No other persons spoke in favor of the Petition; and

WHEREAS, the Petition was denied on February 1, 2012, by the District Board as set forth in the resolution adopted by the Governing Board; and

WHEREAS, in February 2013, the Petitioners submitted a revised Petition to the District; and

WHEREAS, on March 23, 2013, a public hearing on the provisions of the Petition was conducted in accordance with the provisions of Education Code section 47605, at which time the District Board considered the level of public support for this Petition by teachers employed by the District, other employees of the District and parents. At that public hearing, Ms. Oliver again, as the lead petitioner, made a presentation to the Board and spoke in support of the Petition and no other persons spoke in favor of the School; and

WHEREAS, the Petition was denied on April 24, 2013, by the District Board as set forth in the resolution adopted by the Governing Board; and

WHEREAS, Ms. Oliver appealed the District's denial of the Petition to the Kern County Office of Education ("KCOE" or the "County"). The KCOE, in reviewing Ms. Oliver's Petition, determined there were numerous deficiencies with the Petition, particularly with respect to the fiscal program proffered in the Petition; and

WHEREAS, the KCOE denied the appeal on June 26, 2013, finding that the Petitioners were demonstrably unlikely to successfully implement the program; and

WHEREAS, on September 16, 2013, Ms. Oliver resubmitted yet another revised charter petition to the District; and

WHEREAS, in accordance with the Charter Schools Act of 1992, the Petition was brought to the District Governing Board meeting of October 2, 2013, at which time it was received by the District Governing Board, thereby commencing the timelines for District Governing Board action thereon; and

WHEREAS, on November 6, 2013, a public hearing on the provisions of the Petition was conducted in accordance with the provisions of Education Code section 47605, at which time the District Board considered the level of public support for this Petition by teachers employed by the District, other employees of the District and parents. At that public hearing, Ms. Oliver, made a presentation to the Board. Once again, no other persons spoke on behalf of the Petition; and

WHEREAS, in reviewing each of the three Petitions, the Board has been cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

WHEREAS, in reviewing each of the Petitions, the District staff from the areas of Curriculum & Instruction, Human Resources, and Business, working collaboratively with District legal counsel, have reviewed and analyzed all of the information with respect to the Petition, including information related to the operation and potential effects of the proposed charter school and made a recommendation to the District Board that the Petition be denied based on that review; and

WHEREAS, the District has invested significant time and resources in considering three slightly different versions of the Petition, only to have the Petitioners resubmit after making changes primarily to the concerns noted in the resolutions adopted by the District and in this instance findings made by the County Board; and

WHEREAS, it has been explained to the Petitioners the District's resources are not best expended assisting charter petitioners in the development of charters, but instead, it is the responsibility of charter petitioners to develop, through their own expertise, consultants, and resources, a full, complete, and educationally sound charter for consideration by the District prior to submitting a petition to the District; and

WHEREAS, the Petitioners have submitted essentially the same proposal three times, which proposal is not educationally sound and is demonstrably unlikely to be successfully implemented. Moreover, the Petitioners have been unable, even after repeatedly receiving information regarding the concerns of the District and County, to substantially to remedy the deficiencies in their Petition; and

WHEREAS, the District has determined that it is appropriate to make a record of the District's numerous concerns regarding the Petition and the factual findings supporting denial of the Petition which the District analyzed; and

WHEREAS, the District Board of Education has fully considered RCCES' Petition and the District staff's recommendation; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the District Board of Education finds the above recitals to be true and correct and incorporates them herein by this reference; and

BE IT FURTHER RESOLVED AND ORDERED that the District Board of Education, having fully considered and evaluated the Petition for RCCES, hereby denies the Petition pursuant to Education Code section 47605 as not consistent with sound educational practice based upon the following findings:

1. The Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code section 47605(b)(5)]

2. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. [Education Code section 47605(b)(2)]

3. The Petition does not contain an affirmation of each of the conditions described in Education Code Section 47605(d). [Education Code Section 47605(b)(4)]

BE IT FURTHER RESOLVED AND ORDERED that the District Board of Education hereby determines the foregoing findings are supported by the following specific facts:

I. THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION. [Education Code section 47605(b)(2)

A. The Petition's description of facilities is inadequate. On page 125 of the Petition, the petitioners indicate that the School's intends to pursue facilities from the District through a Proposition 39 Request ("Request") and, in fact, a timely Request for facilities was submitted by the petitioners. The District conducted a comprehensive review of that Request and determined Petitioners do not meet the statutory requirements for allocation of a District facility for the 2014-2015 school year, and thus the District will not be offering a facility for the 2014-2015 school year. The Petition makes no mention of an alternative facility nor did Ms. Oliver mention an alternative facility at the public hearing. Thus, the Petitioners have failed to comply with the provisions of Education Code section 47605(g) which requires the Petitioners to specify the site at which the proposed school is to be located.

B. The budget documents that were submitted leave open issues and present what may be an unworkable budget. The following are some specific examples of areas of concern in the budget documents provided.

1. Special education projected expenses are too low. The District averages $447 per ADA for special education but the RCCES budget estimates only $300 per ADA for encroachment.

2. The starting enrollment of 175 students in the first year appears to be unrealistically high for a new and unproven school. If the enrollment fails to materialize as projected, revenues for the School will go down.

3. The Petition lacks an adequate description of a plan to track employee work hours and ensure that non-exempt workers are paid appropriate overtime compensation and receive the benefits and protection of other applicable wage and hour laws, including the federal Fair Labor Standards Act.

4. The School does not plan to provide transportation to any students except for special education students whose IEP's call for such transportation. The failure to provide transportation may result in many of the local students not being able to attend the school as the District currently transports many of its students given the geographical size of the school district.

5. The Petition assumes approval of a Public Charter School Grant of $575,000 that may be used to offset expenses involved in the opening of the charter school. Start-up grants are limited and are given priority to those charters whose petitions "develop and open high-quality charter schools for the educationally disadvantaged children in both urban and rural areas." Continued disbursement of funds is also contingent on the completion of benchmark requirements, including the submission of various documents. The Petition provides no back-up plan for securing the operational funds needed if they are unable to obtain this funding.

II. THE PETITION DOES NOT CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF ALL OF THE REQUIRED ELEMENTS. [Education Code section 47605(b)(5)

The Petitioners are required to set forth in the Petition reasonably comprehensive descriptions of sixteen elements as described in Education Code section 47605(b)(5). The District Board of Education finds that there are serious deficiencies/concerns in the several of these required elements as more fully discussed below.

A. The Governance Structure of the Charter School, Including, but Not Limited to, the Process to Ensure Parental Involvement. [Education Code section 47605(b)(5)(D)]

1. The Petition now provides that RCCES and Teaching Works, Inc., its oversight corporation will comply with the provisions of Government Code 1090, yet the by-laws of the corporation contain contrary language.

Specifically, the Bylaws of the corporation indicate:

> "No persons serving on the Board of Trustees may be interested persons. An interested person is (a) any person

compensated by the corporation for services rendered to it within the previous 12 months, whether full-time or part-time employee, independent contractor, or otherwise; and (b) an brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of such person. *However, any violation of this paragraph shall not affect the validity or enforceability of transaction entered into by the corporation. The Board may adopt other policies circumscribing potential conflicts of interests.*

(Emphasis added.)

2. While such an arrangement may be permissible pursuant to the rules governing nonprofit public benefit corporations, charter schools are public entities and part of the public school system and, as such, this provision may violate the more stringent conflict of interest laws, including Government Code Section 1090 *et seq.*, the Political Reform Act of 1974, applicable to charter schools as well as the common law rules against conflicts.

3. The Petition also does not provide an affirmation or assurance that the charter school will comply with the incompatible public office provisions of Government Code section 1126. Legal and administrative considerations, combined with the experience of charter schools operators who have engaged in self-dealing with public funds, lead to a policy of requiring petitions to not only pledge compliance with all conflict of interest laws that govern public agencies generally, but to have written policies and bylaws supporting the petition that demonstrate actual compliance.

B. The Procedures to be used by the District and the Charter School for Resolving Disputes Relating to Provisions of the Charter. [Education Code section 47605(b)(5)(N)]

1. The Charter Schools Act requires the Petitioners to set forth the manner in which disputes arising between the chartering agency and the school will be resolved. The dispute resolution process set forth in the Petition places unnecessary and cumbersome obligations upon the District, which are not required by the provisions of the Education Code.

The petitioners were specifically advised in the prior resolution adopted by this Board that the District would not agree to a dispute resolution process that contemplates numerous meetings and submission of the matter to a mediator if the process does not result in a resolution of the matter as such a process does not provide for a prompt resolution of differences between a chartering entity and the School and therefore, may contribute to a

failure in governance. Instead of addressing the concerns of the District and accordingly revising the dispute resolution language, the Petitioners simply inserted the phrase "the proposed language is a starting point for discussion..." Such a statement is simply insufficient in a scenario such as this where Petitioners have been specifically advised of the District's concerns. The failure to address this concern prior to resubmittal causes the District serious concern about its ability to carry out its oversight functions, which require cooperation and compliance by the School were the Petition to be approved, when the petitioners failed to revise this required element of the Petition prior to resubmittal.

C. Admission requirements, if applicable. [Ed. Code §47605(b)(5)(H)]

As with other findings discussed above, in the last resolution adopted by the Board, the petitioners were advised that the admission preferences are unacceptable and violate the Charter Schools Act of 1992. Specifically, the Act provides that if the number of students desiring to attend the school exceeds capacity; preference "shall" be extended to pupils currently attending the school and residents of the school district. The hierarchy of preferences set forth in the Petition again puts current students of the District behind children of employees of the School, in violation of the Education Code. The petitioners failed to revise the Petition to ensure this required element is in compliance with the Charter Schools Act. This is quite troubling as it indicates either a fundamental lack of understanding of charter law or an implied refusal to comply with the same even after being made aware of the violation.

The Petition also provides that parents will be "required" to volunteer at least 20 hours of service per year. Such a requirement may have a detrimental impact on low income or dual wage earner households who are not able to fulfill the volunteer hours.

III. THE PETITION DOES NOT CONTAIN AN AFFIRMATION OF EACH OF THE CONDITIONS DESCRIBED IN EDUCATION CODE SECTION 47605(d). [Education Code Section 47605(b)(4)]

While the Petition includes several statements that the Charter School will not discriminate, the list of protected characteristics in some instances is incomplete and inadequate. This is more than a technical violation both because those persons who have protected characteristics are not identified in the Petition and are entitled to legal protection, and the Legislature determined that the inclusion of such affirmations is vital to a charter's approval as failure to include the specified affirmations is one of only five statutory grounds for denial. Thus, the failure to include the required affirmations is a serious flaw in the Petition.

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BE IT FURTHER RESOLVED AND ORDERED that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings is invalid, the remaining findings and/or factual determinations and the denial of the Petition renewal shall remain in full force and effect. In this regard, the District Board of Education specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

The foregoing resolution was considered, passed, and adopted by this Board at its regular meeting of December 11, 2013.

DENYING THE CHARTER SCHOOL PETITION FOR ROSAMOND COMMUNITY CHARTER SCHOOL

By: _____
President of the Board of Education of the Southern Kern Unified School District

Attest:

By: _____
Clerk

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December 30, 2013

To: KCSOS School Board of Education
Christine Frazier, Superintendent of KCSOS
Charter School Division of KCSOS

Re: Rosamond Community Charter Elementary School – Response to Proposed Resolution 13-14-13 from Southern Kern Unified School District to Deny Charter Petition for Rosamond Community Charter Elementary School

Dear Christine Frazier, Superintendent of KCSOS, the KCSOS Charter School Division and members of the KCSOS Board:

Rosamond Community Charter Elementary School ("RCCES" or the "Charter School") submitted a petition for the establishment of a charter school to the Southern Kern Unified School District (the "District") in September 16, 2013. I am in receipt of the District Board of Education's proposed Resolution No. 13-14-13 and written findings of fact for denial ("Board Resolution"), which are to be considered at the District Board of Education's meeting. The purpose of this letter is to remind KCSOS that SKUSD is a statistically and historically failed district. KCSOS has tried to send independent agents to improve education without success, but RCCES is a team of educational specialists from Rosamond, legal and fiscal professionals of nationwide charter schools; who can improve education at our cost and expense; and we want the job. Additionally, RCCES will demonstrate the nonfactual and legal inaccuracies in the proposed Board Resolution and respectfully request your support for approval of the RCCES charter on or before February 2, 2013.

The language and flavor of the findings from SKUSD are not charter friendly. It is clear that there is an unwillingness to share education in Rosamond. There are many non-sequitur duplicated findings that are still nonfactual or are a non-legal basis for denial. RCCES realizes that there will be additional loss of enrollment for SKUSD, but SKUSD is a historical failed elementary school district and charter schools are meant to share and improve education as apart of the educational fabric of California. **RCCES is hopeful that the enrollment of students into RCCES will not jeopardize an approval of the RCCES petition. Additionally, RCCES is hopeful that KCSOS will not have a tainted opinion or motivation to deny the RCCES charter petition because of any financial discomfort in the ADA of SKUSD.** SKUSD is a small district in a small town of 70% + free lunch students and educational decisions have been given the appearance of being corrupt with a disregard to educational excellence. SKUSD has been a low performance elementary district before the requirements of 'No child Left Behind' and they still have made no major strides in improvement. We believe KCSOS needs RCCES to help SKUSD.

SKUSD needs KCSOS to recognize the creative innovation of acquiring RCCES to support the educational system, special education, district administrative staff costs, transportation costs and building architecture design. For example, it is clear that there is a trade off to enrollment for the first two years of approval, but by the third year the students of RCCES become the middle school students of SKUSD. Additionally, RCCES projects that

by year 5 the current 75 kindergarten students will become an automatic increase in ADA enrollment for SKUSD. 75 students for the sixth grade level, who will be versed in reading comprehension and proficient in algebra. RCCES will bring elementary students back to SKUSD and improve ADA for SKUSD, immediately. RCCES brings students to the SKUSD middle school, when many parents leave SKUSD by the middle school level. RCCES will improve significant student achievement for the current poor middle school level achievement in all areas. The innovation of this reality lies in the ability to think outside the box to improve middle school education; where there would be no necessities to rattle middle school teacher performance, union negotiations, staff costs or additional testing assessment performance expectations. RCCES will provide all of the foundation and success for students entering middle school curriculum.

RCCES asks for the approval and authorization of KCSOS to force a paradigm change for the students of Rosamond. Further RCCES asks that KCSOS demonstrate leadership and direction to the new wave of how educational excellence can be applied with the help of RCCES. RCCES is a more important use of public funding for the education of the students of Rosamond, then to allow the failures to continue. RCCES can guarantee immediate excellence in year one and explosive change by year 5.

It is true that this is the third petition submission; but RCCES has stayed within California Educational Charter Code; especially, when SKUSD has continued educational failure in Rosamond. RCCES has provided solid arguments with good faith and direction from the California Educational Code. Many times in this petition the repeated findings lacked legal basis for denial and there was no opportunity for a MOU (Memorandum of Understanding). RCCES invited SKUSD to meet and there was no response.

RCCES has had to submit three times because SKUSD has fought three different times to keep RCCES from being approved. SKUSD has feared the inevitable of having to be accountable for the student achievement for the students in Rosamond. For example, the parent signatures…"Signatures of Meaningful Interest", were not difficult to receive, because every parent and citizen who was asked to support a better educational system in Rosamond signed our petition without doubt or equivocation.

This is the third submission and SKUSD is still a failed small elementary district. During this process RCCES has compiled every recommendation; (legal or otherwise) from SKUSD and KCSOS in 2013. RCCES has been within Calif. Ed. Code. RCCES has taken the time to do all that has been asked and required. It is true that SKUSD did not have to collaborate with RCCES, but the findings of this third petition are clearly a higher cost of district abashment to the integrity of education, in exchange for obvious pragmatic non-sequitur findings. RCCES would like KCSOS to help SKUSD recognize the help that RCCES can provide to SKUSD.

This petition is a manifesto of excellence. The legal team is a nation wide icon for charter school law. Our fiscal team is also a nation wide fiscal developer and manager of financial systems for charter schools. The lead petitioners are classified and certified/licensed educational professionals and specialist for special education and regular education students.

Respectfully, RCCES requests charter approval of our petition. RCCES is hopeful that KCSOS will have the courage to approve RCCES despite the fact that parents will want

to take advantage of 'School Choice' by enrolling their students in RCCES. RCCES is ideally hopeful that KCSOS can see the silver lining of educational change in Rosamond. During our previous June 10, 2013 public hearing with KCSOS, RCCES was encouraged when two KCSOS board members gestured to allow collaboration between our RCCES team and the KCSOS charter team, but the intent of their suggestion to collaborate was quickly quashed by Christine Frazier, Superintendent of KCSOS, and a final vote was urged to deny. The members were recollected as Mr. Donald P. Cowan and Mr. Michael J. Butcher.
Below are: The Onset, The reviewing, Education Code and the Governing Board, all are conditions that RCCES should have a opportunity to share education in Rosamond, yet the denial findings represent previous mods, illegal inaccuracies, findings outside of the California Charter Ed. Code and non-factual conjectures.

At the outset, we point out that the Education Code provides specific guidance to school district governing boards to approve the establishment of charter schools. Education Code Section 47605(b) states:

In reviewing petitions for the establishment of charter schools … the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. (Emphasis added.)

Education Code Section 47605(b) also provides the legal basis for the denial of a charter petition as follows:

The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes **written factual findings**, specific to the particular petition. SKUSD has set forth **specific facts** to support one or more of the following findings:

(1.) The Petition does not contain reasonably comprehensive descriptions of all of the required components. Education Code section 47605(b)(5)

(2.) The Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. Education Code section 47605(b)(2)

(3.) The Petition does not contain an affirmation of each of the conditions described in Education Code Section 47605(d) and 47605 (b)(4)

Additionally, accordingly, the law is written such that the **default position for a school district governing board is to approve a charter petition, unless it makes written findings of fact to support a denial.**

The SKUSD Board Resolution has findings that do not meet the legal standards for denial of a charter petition, and most all are repeat findings that were not legal or accurate in a prior submission. Additionally, SKUSD did not call RCCES to communicate and collaborate, even after we requested. RCCES has been at the subjective mercy of the SKUSD Board's authority and power. All of the findings that can be found in the petition are a resolvable matter that SKUSD could have developed a memorandum of understanding, or an agreement of contingency. It is clear that SKUSD does not want a charter in Rosamond, California.

The following below constitutes historical examples of SKUSD's type of past impermissible basis for denial of the RCCES charter:

1. SKUSD has denied/ based a claim that RCCES lacked of fiscal representation even when RCCES named and declared CSMC a nationwide reputable company, Charter School Management Corporation. An example without legal basis for a denial of charter petition.

2. SKUSD based a claim for denial that RCCES did not specify school facilities or give a adequate description; when a location was given and RCCES legally has 30 days before school opens to provide a lease agreement and the description of RCCES, which was specified explicitly in the charter. An example without legal basis for a denial of charter petition.

3. SKUSD based a claim for denial that RCCES did not provide parental involvement within its governance structure, when the petition explicitly inked its Conflict of Interest rules and our legal team explicitly identified to the SKUSD board the non-requirement of RCCES to Government 1090 and 1126; again RCCES is exempt. An example without legal basis for a denial of charter petition.

4. Repeated findings in two submissions, where SKUSD based a claim that RCCES presented a dispute plan that was detrimentally untimely, but refused to collaborate a amicable agreement. Additionally, SKUSD claimed that the prevention plan that RCCES provided was harmful to prompt resolution possibilities. An example without legal basis. Additionally, RCCES offered possible verbiage and collaboration.

5. Repeated findings in two submissions, where SKUSD based a claim that RCCES did not distinguish educational and job requirement for the principal, the designated administrator and other employees; when there were designations explicitly in the petition…given the page number of the petition easily and available. An example without legal basis for a denial of charter petition. The information was explicitly in the petition. .

6. SKUSD based a claim that RCCES would accept its employee children over and above children from the district; when RCCES demonstrated clear compliance to Ed code 47605(d)(2)(B) where there are no mandates to admission other than current students. Additionally, a collaboration could have been determined between RCCES and SKUSD.

It is not apparent that student achievement is a factor, but the rejections have no legal basis or concern for the persistent low achievement of the school district.

Resolution 13-14-13

Resolution 13-14-13 from Southern Kern Unified School District denies the request for approval for 'RCCES' Rosamond Community Charter Elementary School. SKUSD has provided a history of the journey of RCCES through the charter process in Kern County. It seems that SKUSD has tried to discredit RCCES. RCCES has answered all requests and asked for collaborative meetings. RCCES has been compliant and diligent. SKUSD continues to be a failed district since before the inception of RCCES. SKUSD can not celebrate the failures and inability to improve education for the students in Rosamond. SKUSD is a 3-year PI school district and 5-year elementary school district for both schools. SKUSD has made approval arbitrary, and has avoided every opportunity to collaborate and partner with RCCES to share education in the city of Rosamond.

RCCES is hopeful that KCSOS will grant approval of RCCES as a footprint in the intended excellence for education in Rosamond. By this time RCCES has given KCSOS an historical flowchart of continued failures using past and present test scores, failure in administrative leaderships and reasons for declining enrollment due to low student performance. SKUSD viewed the RCCES petition that has every current modification from KCSOS and SKUSD; and that includes LCFF budgeting and Common Core Implementation. RCCES has been compliant and gracious even when there have been many incorrect fact finds, items lacking legal basis for denial, avoidances of an MOU or stipulating a contingency; for a dying district that has historical low student achievement. It is diligence, to return for moral cause; it is a failure to be discouraged and scared away. There has been no history of petition failure, but every attempt to co existence and help/share education in the city of Rosamond. The following is response to the 'Where as' of Resolution 13-14-13.SKUSD had demonstrated a continual hostile attitude towards RCCES. There has been vigorous attempts to stop RCCES from existence in Rosamond. SKUSD states that RCCES has 'numerous deficiencies" within the RCCES petition when most all of their findings are non sequiturs.

1. The first submission for RCCES began on **December 11, 2011** under the first superintendent of SKUSD, Mr. Ken Taylor. In October of 2011 a meeting was initiated by the RCCES team with Mr. Taylor and the Board. The RCCES team discussed the merits of the petition that would support the high percentage of (14-15%) special education and the elementary low achieving students. None of the board members attended. Mr. Taylor was non receptive, he became angry and refused to discuss RCCES in any fashion.

2. RCCES submitted the first petition **December, 2011**. The first public hearing was held on **January 4, 2012** there were 60 parents in attendance. A Spanish translator was provided for the EL and Migrant parents in the audience. A Spanish interpreter spoke alternately to translate the power point presentation, which described the educational plan. The RCCES team discussed the budget, special education and the low proficiencies of the regular education elementary students. The board did not ask a single question. Several parents spoke to the board in Spanish and English; in approval for RCCES, and the need for improved student achievement and 'School Choice' in Rosamond. There were no supporters to deny. None.

3. Despite the high volume of parent participation and historical low achieving statistical presentation, the board of SKUSD denied the RCCES petition on February 1, 2012. RCCES completed the appeal process with KCSOS and began to revise the RCCES petition according to the specifications of SKUSD, KCSOS and assistance of the CDE for language and the most current specifications of approved charter petitions.

4. In February 2013, RCCES resubmitted a second petition to the SKUSD board with the second appointed district superintendent/chief administrator, Mr. Jeffrey Weinstein. Mr. Weinstein, who is not familiar with charter educational code, was not aware that a public hearing was mandatory according to Education code 47605. RCCES had to request/initiate a public hearing to be scheduled during the closest board meeting, but Mr. Weinstein refused and scheduled the public hearing beyond the Ed. Code 47605, timeline without the approval of RCCES. Mr. Weinstein has done this twice. RCCES has been at the mercy of SKUSD. Thereafter, Mr. Weinstein scheduled a public hearing on a Saturday, March 23, 2013 at 5pm; (an unheard of act) with RCCES and the board only; where RCCES was notified two days prior to March 23, 2013. It was an early antic to discourage RCCES and steal time within the charter timeline process. The public hearing consisted of the SKUSD board, RCCES and an SKUSD board member's husband, Mr. Kirk.

   Mr. Weinstein gave no opportunity for the parents of SKUSD to be notified of a public hearing for RCCES with any reasonable time and notification. RCCES requested the district's telephonic blast to the SKUSD elementary parents; notifying all parents in the SKUSD, but Mr. Weinstein refused our request. There was also no online website notification of the Saturday public hearing meeting and no school flyers were allowed from RCCES to the elementary students in the district.

5. On April 24, 2013 RCCES was denied again for the second time by SKUSD. SKUSD reference the RCCES budget being of significant deficit. The legal team for SKUSD fails to mention that the original petition submitted a budget that was forthcoming to the governor's signed state budget requirements. Infact, the budget was immaculate. The third and current submission of this petition included yet another immaculate budget based on the LCFF requirements. Note, there are no budget findings for this petition. In fact, on of the reasons that RCCES submitted for a third time was to demonstrate a good budget using the LCFF requirements for RCCES.

6. RCCES sought the appeal process with KCSOS. KCSOS reviewed the second petition. During the June 26, 2013 Public Hearing with KCSOS the RCCES team was accompanied by 30 parents, Lisa Corr of 'Young, Minney and Corr, Steve Holquin of 'Charter School Management Corporation', 2 RCCES board members and 2 RCCES spokes persons addressed the KCSOS board.
   Items addressed:
   a. **The proposed student to teacher ratio.**
   b. **The proposed teacher salary.**
   c. **The proposed administrator to student ratio.**
   d. **Adequate program for children with special needs.**

The team's discussion and response during the public hearing on June 26, 2013 was powerful. The KCSOS board did not applaud the RCCES petition for having inclusive provisions for instruction and assessment for special education students; in a district where the special education population is double that of most districts at 14-15%.It was noted that the petition was designed for special education students and would not survive the special education costs, even if KCSOS was the authorizing district and SELPA. This was against charter school education code. Close to the end of the public hearing the KCSOS school board had two members, presumed to be, Mr. Donald P. Cowan and Michael J. Butcher, who where willing to collaborate with the RCCES team, as the findings were significant to be attached to an MOU. As the meeting progressed into two hours it was plausible that many of the findings could have been resolved, as they were not items that constituted denial; but Christine Frazier, superintendent of Kern County Superintendent of Schools took authorization to stop any further conversations; and during the public hearing discussion with the two members and our team, or anyone else, thus the notion was closed down immediately and put to an immediate vote into form, and the entire board denied the petition for RCCES thereafter. The following are summarized responses to the KCSOS's findings

a. **The proposed student to teacher ratio.**
c. **The proposed administrator to student ratio.**
The team redirected the KCSOS board to the location of the petition's clear distinction that two administrators would share a part time teacher/administrator position for a single grade level, which would actually decrease the actual student to teacher ration. Lisa Corr, of Young, Minney and Corr described to the KCSOS board how the finding lacked factual basis and could not be used as a basis for denial. Additionally, a lack of review of the petition by the KCSOS board was evident especially, with information explicitly in the petition.

b. **The proposed teacher salaries.**
The team directed the KCSOS board to the petition and the nature of the first year teacher's salary being an 'average' salary with an intensive progressive merit pay provision in the budget and Budget Narrative. The team described how the perception of the RCCES program provided incorrect facts and conjecture and was not a reason for denial. The budget narrative, petition and budget were explicit representations.

d. **Adequate program for children with special needs**.
The team discussed and directed the KCSOS board to the facts that were incorrect and explicitly, stated in the "Petition Element : Plan for Serving with Disabilities (pages 39-48). The RCCES team reminded the KCSOS board of the RCCES team of special education credentialed teachers and administrators, listed in the petition with credentials and special education Masters; degreed professionals with a total of 30+ years of special education experience; from curriculum, instruction and administration leadership. Additionally, RCCES requested to be an independent LEA with the El Dorado charter SELPA or an MOU. KCSOS expressed denial based on special ed. student enrollment, again, which is against charter law and Ca. Ed. Code. Essentially, KCSOS revoked the inclusivity of children with special needs alongside students without special needs.

7. On September 16, 2013 RCCES resubmitted a petition version with all of the requests from both SKUSD, KCSOS, the current LCFF budgeting requirements mandated from the 2013 state budget in school accounting and the most current Common Core implementation. Upon receiving the RCCES petition on September 16, 2013, SKUSD held the petition without the permission of RCCES for an additional two weeks; to October 2, 2012. Yet another antic to scrutinize the timeline, they did not follow the protocol of previous submissions, but chose to interpret the California Education Code 47605 loosely, unlike, the two prior submissions, where both KCSOS and SKUSD showed good faith and began the time line from the exact day of submission to the district.

8. On November 6, 2013 SKUSD held a public hearing for RCCES, two weeks late. Yet, with another antic, RCCES has been delicate with serious concerns regarding Southern Kern's documented historic district managerial misconduct and continued instability in administrative leadership. RCCES has always graciously feared SKUSD's ability to lead and authorize a charter school and has had to avoid professional conflict Unfortunately, California Ed. Code does not allow for charter petitioners to pick their authorizers. With this opportunity, it is fair to speak of the continual lack of competent leadership. Mr. Jeffrey Weinstein is the third superintendent in four years. He could have not passed a paper screening. Mr. Weinstein had/has no certificated college documents or credentialed experience with low performance student achievement and he had no formal Administrative credential in Administrative leadership. He was hired as a CBO, but **given** the position of superintendent, yet called a chief administrator. He was not required to demonstrate leadership in student achievement, but within 1 year he was **given** an extended contract with a $30,000.00 salary increase; all before he raised a single test score. Mr.Weinsten's phenomenon is the documented historic lack of competence and administrative leadership in the Southern Kern Unified School District. Mr. Weinstein was the second superintendent in the charter process of RCCES. Additionally, SKUSD continues to have administrative lack with staff and cabinet who have not balanced competent student achievement skills and accountable educational student results. RCCES does not believe SKUSD can improve student achievement in light of the continual shifting of admin staff. As the lack of educational competency travels so does parent confidence. It is clear that SKUSD does not want RCCES to be an integral part of the public school institution and share education with the students of Rosamond.

9. Every petition is new. This petition includes everything requested…whether a conjecture or inaccuracy, within a single timeline. RCCES has worked closely with it's team to develop a good product. It is apparent that SKUSD has used the same legal service to find/create conjectures, lack of legal basis and any legal connotation for denial, as they are a paid service. There has been no history of petition failure, but every attempt to stop the co existence to share education in the city of Rosamond. SKUSD has scrambled and grasped for straws for findings. SKUSD has not had to instruct RCCES on how to develop our petition, but their conjectures are clear fears of the fiscal consequences that SKUSD will experience

with the opening of a successful charter entity, upon the approval of KCSOS. RCCES has had to submit three times because SKUSD has fought three different times to keep RCCES from being approved. SKUSD has feared the inevitable of having to be accountable for the student achievement for the students in Rosamond. For example, the parent signatures…"Signatures of Meaningful Interest", were not difficult to receive, because every parent and citizen who was asked to support a better educational system in Rosamond signed our petition without doubt or equivocation.

Note: At the end of these supposed findings the legal team for SKUSD provides a disclaimer that is an admission of non factual alleges, illegal basis for denial or irrefutable fabrications of truthful findings, and takes full accountability to the integrity of its fabrications, even at the educational expense of the students of Rosamond, California. The findings bear out the admission that many of the findings are illegal and unfounded with no legal basis for denial. The fear of the legal team of SKUSD demonstrates their admission that the Petition is good, and there is no course of argument. RCCES has demonstrated diligence, to return for moral a cause. Rosamond Community Charter Elementary School urgently, request that KCSOS use RCCES as a tool to turn the tide of systemic failure that has been a generation norm in Rosamond.

RCCES requests charter approval from KCSOS. RCCES would like KCSOS to be the authorizing district for our charter petition. RCCES would like to invite KCSOS to an honest frank discussion about approving our charter prior to the public hearing on or before February 2, 2014.

Below, please find excerpts from the proposed Board Resolution, in the order in which they were presented, immediately followed by the RCCES response. Note: The SKUSD attorney has referenced the reasons for denial out of order from the actual response.

Finding I:	**The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. [Education Code Section 47605(b)(2)]**

Finding #I.A

A. The Petition's description of facilities inadequate. On page 125 of the Petition the petitioners indicate that the School's intends to pursue facilities from the District through a Prop 39 Request ("Request") and, in fact a timely Request for facilities was submitted by the petitioners. The district conducted a comprehensive review of that Request and determined Petitioner do not meet the statutory requirements for allocation of a District facility for the 2014-2015 school year, and thus the district will not be offering a facility for the 2014-2015 school year.

The Petition made no mention of the alternative facility nor did Ms. Oliver mention an alternative facility at the public hearing. Thus, the Petitioners have failed to comply with the provision of Education code section 47605(g) which requires the Petitioners to specify the site at which the proposed school is to be located.

Finding #I.A RCCES Response

RCCES has designated that Hamilton Elementary as the intended facility, according to Education code section 47605(g) which requires the Petitioners to specify the site at which the proposed school is to be located.

The designated legal counsel for SKUSD, Sukhi Ahluwalia conducted the review of Prop 39. Sukhi Ahluwalia has requested a response from RCCES for the Prop 39 request for Hamilton Elementary School. SKUSD has not given a final response that denys RCCES under the specifications of Prop 39.

As such, the finding is not a legal basis for denial of the charter petition.

Further, the District's finding goes beyond the requirements of the law. Education Code Section 47605(g) does not require the petition to include the specific address of the proposed Charter School. To read the law otherwise would lead to an illogical conclusion, as the Charter School has not been approved and therefore certainly cannot yet enter into a facilities lease. To do so would be fiscally and operationally irresponsible. RCCES will obviously be required to acquire facilities and all necessary clearances prior to opening and will provide such assurances to the chartering authority upon approval of its charter petition.

As such, the finding is not a legal basis for denial of the charter petition.

Additionally, Hamilton Elementary School is a perfect accommodation for the existence of students of RCCES. The closure of Hamilton Elementary School in 2008 by SKUSD occurred during the educational flight of many students seeking a better education abroad of Rosamond. HES has been vacant since 2008. It seems ludicrous that SKUSD would deny occupancy to children of Rosamond in light of the SKUSD historical educational failures. It would be such a waste of an intended use of public funds as an original structure designed for student learning. But…since 2008 classroom doors are locked, windows are boarded, some of the rooms are used for cluttered storage, cats and small rodents live in the under classroom wells of the foundation of the classroom, the sandbox is seedy and needs sifting, the weeds and landscape need a manicure and the soccer and

soft/baseball fields need care and refurbishing for the students of RCCES.

The initial denial of the use of Hamilton for the students of Rosamond is another example of how SKUSD continues to avoid 'School Choice' for the students of Rosamond and yet demonstrate another failed educational decision for the students of Rosamond and a continued failed use of public funding for the education of children. Hamilton Elementary School is a school designated for elementary school students and should be the most appropriate environment for school in session.

As a foreword for the use of HES; the support of another elementary school was found and interpreted in the 2010 FCMAT report required by KCSOS-Kern County Superintendent of Schools. It showed substantial enrollment growth, but…contrary to the light of the FCMAT projections, SKUSD has continued to have an historical failed educational program that parents have fled. RCCES can and will sustain positive enrollment with a superior educational program.

As such, the finding is not a legal or moral basis for denial of the RCCES petition.

As Hamilton is a very good site, if SKUSD finds moral and legal justification to continue a denial RCCES will secure a site and shall provide a Certificate of Occupancy. The designated legal counsel for SKUSD, Sukhi Ahluwalia has been formally notified that the intent by the petitioners is for facilities zoned for school occupancy, within a site formally used as a public school at 2881 "C" Street, Rosamond, California.

RCCES shall secure a site and sign a facilities lease and shall provide the District a Certificate of Occupancy and proper clearances, as applicable to charter schools, no later than 30 days prior to the school's opening date or by a date otherwise agreed to between the parties. The Charter School's facilities requirements include, but are not limited to, the following:
- 12 classrooms
- 1 multi-purpose room/area
- 1 cafeteria
- 1 lobby/main office space
- 3 student female and 3 student male restrooms are paid appropriate
- 2 large rooms for students with special needs and special access.
- 2 Female/male adult restroom facilities"

Again, the finding goes beyond the requirements of the law. As such, the finding is not a legal basis for denial of the charter petition.

Finding #I.B.1-5

B. The budget documents that were submitted leave open issues and present what may be an unworkable budget. The following are some specific examples of areas of concern in the budget documents provided.

1. Special education projected expenses are too low. The District averages $447 per ADA for special education but the RCCES budget estimates only $300 per ADA for encroachment.

2. The starting enrollment of 175 students in the first year appears to be unrealistically high for a new and unproven school. If the enrollment fails to materialize as projected, revenues for the School will go down.

3. The Petition lacks a adequate description of a plan to track employee works hours and ensure that non-exempt workers are paid appropriate overtime compensation and receive the benefits and protection of other applicable wage and hour laws, including the federal Fair Labor Standards Act.

4. The School does not plan to provide transportation to any students except for special education students whose IEP's call for such transportation. The failure to provide transportation may result in many of the local students not being able to attend the school as the District currently transports many of its students given the geographical size of the school district.

5. The Petition assumes approval of the Public Charter School Grant of 575,000.00 that may be used to offset expenses involved in the opening of the charter school. Start-up grants are limited and are given priority to those charters whose petitions "develop and open high-quality charter schools for the educationally disadvantaged children in both urban and rural areas." Continued disbursement of funds is also contingent on the completion of benchmark requirements, including the submission of various documents. The Petition provides no backup plan for securing the operational funds needed in them are unable to obtain this funding.

Finding #I.B.1-5 RCCES Response

The California Education Code Section 47605(b)(2)] requires the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. Overall the legal team is grasping at straws with findings. It is true that this petition is the third submission to the local and county district. But likewise, this petition contains all of the recommendations inside and outside of California education code that the local and county has requested even if the recommendations were not a basis for denial; where an offer of an MOU or contingency offer to demonstrate consideration for the need of an additional education program that can share the education of elementary students in the city of Rosamond. The bottomline is that the local SKUSD, and KCSOS has seen all of the modifications in this petition. The legal teams findings are based on incorrect facts, lacks basis of denial under law, lacks factual basis that support denial and include conjecture.

1. It is clear that reasonable assumptions and all documents apart of the charter process for the length of the process. The special education projections are projections. CSMC

has created the financial plan for RCCES, making themselves available to review all aspects of the budget. The legal team for SKUSD did not contact CSMC for more specific information.

CSMC- Charter School Management Corporation was founded in 2001. CSMC is competent and the largest provider of back office support. CSMC is a high quality contracted service vendor, supporting charter schools seeking to outsource all school business services.

The petition states the following on approximately page 60…the following *Contribution to Encroachment*

The Charter School shall contribute its fair share to offset special education's encroachment upon the District's general fund. Accordingly, the Charter School shall pay to the District a pro-rata share of the District's unfunded special education costs ("Encroachment"). **At the end of each fiscal year, the District shall invoice the Charter School for the Charter School's pro-rata share of the District-wide Encroachment for that year as calculated by the total unfunded special education costs of the District** (including those costs attributable to Charter School) divided by the total number of District ADA (including Charter School students), and multiplied by the total number of Charter School ADA. The Charter School ADA shall include all Charter School students, regardless of home district.

Natural modifications will be implemented at the approval of the petition whereby the authorizing district can collaborate on actual budget mods to show the current $447 district average per ADA for encroachment.

Unfounded finding and no basis for denial for charter RCCES

2. The starting enrollment of 175 students is conservative preparation to implement the RCCES educational plan. The RCCES team is a collaboration of SKUSD teachers who are experienced and proven educational specialists in student achievement.

   The 2010 Kern County FCMAT report was a substantial document that provided an intense evaluation into the educational and fiscal failures. It showed where SKUSD has lost an approximate estimation of 550 students since 2006; 550 students that the district has never reclaimed due to their historical educational failure for the students of Rosamond. It is reasonable to assume that these students are RCCES students.

   The decline is enrollment is the response from the parents of Rosamond where SKUSD has had historical failed education. Since the start of the RCCES idea in 2010, RCCES has accumulated 350 signatures, many disadvantaged parents and students. The RCCES team is a proven group of educational specialists. The lead petitioners have become natives of the Rosamond community and have ties with many of the parents with at-risk students and students with special needs and severe disabilities.

3. CSMC- Charter School Management Corporation was founded in 2001. CSMC is competent and the largest provider of back office support. CSMC is a high quality contracted service vendor, supporting charter schools seeking to outsource all school business services.

   CSMC will provide has an adequate plan to track employee works hours and ensure that non-exempt workers are paid appropriate overtime compensation and receive the benefits and protection of other applicable wage and hour laws, including the federal Fair Labor Standards Act.

4. RCCES plans to provide transportation to students and students with special needs whose IEP's call for transportation. The legal team for SKUSD neglected to read the budget narrative and the start up budget planning for transportation. Transportation has already been provided by a private source of RCCEs upon approval of the RCCES petition. RCCES recognizes the geographic need for bus transportation. The bus transportation will accommodate students with and without disabilities.

5. RCCES is waiting approval for the Public Charter School Grant of 575,000.00. The RCCES petition is developed as high-quality charter schools for the educationally disadvantaged children in both the urban and rural areas of Rosamond, California of the SKUSD.

   All have no basis for denial for charter RCCES

Finding #II	**The petition does not contain reasonable comprehensive descriptions of all of the required elements. Educational Code section 47605(b)(5)**

Finding #II.A.1-3

A. The Governance Structure of the Charter School, Including, but Not Limited to, the Process to Ensure Parental Involvement. Education Code section 47605(b)(5)(D

1. The Petition now provides that RCCES and Teaching Works, Inc., its oversight corporation will comply with the provisions of Government Code 1090, yet the by-laws of the corporation contain in contrary language. The Bylaws of the corporation indicate," No persons serving on the Board of Trustee may be interested persons. An interested person is (a) any person compensated by the corporation for services rendered to it within the provisions 12 months, whether fulltime or part time employee, independent contractor, or otherwise; and (b) an brother, sister, ancestor, descendent, spouse, mother in-law, or father-in-law in-law of such person. However, any violation of this paragraph shall not affect the validity of enforceable of transaction entered into by the corporation. The Board may adopt other policies circumscribing potential conflicts of interests.

2. While such an arrangement may be permissible pursuant to the rules governing non-profit public benefit corporations, charter schools are public entities and part of the public school system and ,as such, this provision may violate the more stringent conflict of interest laws, including Government Code section 1090 et seq., the Political Reform Act of 1974 applicable charter school as well as the common law rules against conflicts.

3. The Petition also does not provide an affirmation assurance that the charter school will comply with the incompatible public office provision of Government Code section 1126. Legal and administrative considerations, combined with the experience of charter schools operations who have engaged in self dealing with public funds, lead to policy of requiring petition to not only pledge compliance with all conflict of interest laws that govern public agencies generally, but to have written policies and bylaws supporting the petition that demonstrate actual compliance.

Finding #II.A.1-3 RCCES Response

Overall these findings are repeat replicas, manually copied from a former submission; **and the findings continue to go beyond legal requirements, have been addressed by RCCES and are not basis for denial.**

1. Teaching Works Inc. has always been operated by RCCES. In a former submission, Rosamond Community Charter Elementary School was inadvertently replaced in a typo error for the name, 'Teaching Works Inc.' SKUSD is aware of the typo. RCCES has and continues to apologize for the typo. Additionally, this finding is not a reason for denial.

2-3. This is an abashment. The district is grasping at straws to condemn this petition by using old findings from a former submission, all that are still not legal for denial Further, RCCES reminds SKUSD again that' The Education code does not require charter schools to comply with Government Code Sections 1090 and 1126. In fact 1090 Government Code Section 1090 and 1126 only apply to school districts through a provision of Educational code Section 35233, from which charter school are exempt pursuant to Education Code Section 47610. As such, this finding is incorrect and thus cannot form a legal basis for denial of the charter petition.' Additionally, SKUSD has been formally notified in a former submission of this identical finding, that, the RCCES charter petition commits the School's board of Director to adopt a Conflict of Interest Code, which complies with the Political Reform Act and the Corporations Code Conflicts of Interest rules, upon approval of the charter petition.'

Finding #II.B

B. The Procedures to be used by the District and the Charter School for Resolving Disputes Relating to Provision of the Charter Education Code section 47605 (b)(5)(N)

1. The Charter Schools Act requires the Petitioners to set forth the manner in which disputes arising between the chartering agency and the school will be resolved. The dispute resolution process set forth in the Petition places unnecessary and cumbersome obligations upon the District, which are not required by the provision of the Education code.

   The petitioners were specifically advised in the prior resolution adopted by this Board that the District would not agree to a dispute resolution process that contemplates numerous meetings and submission of the matter to a mediator if the process does not result in a resolution of the matter as such a process does not provide for a prompt resolution of differences between a chartering entity and the

School and therefore, may contribute to a failure in governance. Instead of addressing the concerns of the District and accordingly revising the dispute resolution language, the Petitioners simply inserted the phrase "the propose language is a starting point for discussion… Such a statement is simply insufficient in a scenario such as this where Petitioners have been specifically advised of the District's concerns. The failure to address this concern prior to resubmission causes the District serious concern about it ability to carry out it oversight functions, which require cooperation and compliance by the School were the Petition to be approved, when the petitioners failed to revise this required element of the Petition prior to resubmission.

Finding #II.B RCCES Response

This finding is an example of an identical finding copied from a former submission.
This is a curious request in light that SKUSD has initiated a number of fiascos to prohibit the submission and approval of RCCES to share education in Rosamond. SKUSD has refused to meet with the RCCES team. Additionally, SKUSD took an additional two weeks from the timeframe to review the petition without the permission of RCCES under duress of the petition timeline.

The finding is based on inaccurate facts and goes beyond the requirements of the law. Education code Section 47605(b)(5)(N) requires the charter petition to include a reasonably comprehensive description of 'the procedures to be followed by the charter school and entity granting the charter to resolve disputes relating to provision of the charter."

The procedures for dispute resolution of RCCES charter petition meet the reasonable comprehensive standard of Education Code Section 47605(b)(5)(N). A 60-day timeline proposal is not considered unnecessary and cumbersome, especially in light of the questionable charter process good faith dealings thus far. The petition have been at the mercy and duress of the charter process to gain approval when most all findings are illegal and/or not basis for denial where the children of Rosamond are the disposal reciprocal. But still, as the process beckons camaraderie from both sides, RCCES is willing to revise upon a mutual agreement between the charter and the authorizing district. SKUSD has never sought to resolve a resolvable matter. The introduction to the Dispute Resolution section of the RCCES charter petition clearly states that the procedures are a starting point for discussion and the Charter School is open to the District's suggestions for mutually agreeable dispute resolution procedure.

Again, the RCCES team reiterates the following, "SKUSD's finding presents no evidence that the proposed dispute resolution procedures "impede the Stat Administrator's ability to effectively oversee the school". Has SKUSD been placed under state receivership and been assigned a State Administrator by the State Superintendent of Public Instruction? We question whether the failure in governance, alleged against the Charter School in this finding, lies with the District and not the Charter School."

Finding #II.C RCCES Response

C. Admissions requirements, if applicable Ed. Code 47605(b)(5)(H)
As with other findings discussed above, in the last resolution adopted by the Board, the petitioners were advised that the admission preferences are unacceptable and violate the Charter Schools Act of 1992. Specifically, the Act provides that if the number of students desiring to attend the school exceeds capacity; preference "shall' be extended to pupils currently attending the school and residents of the school district. The hierarchy of preferences set forth in the Petition again puts current students of the District behind children of employees of the school in violation of the Education Code. The petitioners failed to revise the Petition to ensure this required element is in compliance with the Charter Schools Act. This is quite troubling as it indicates either a fundamental lack of understanding of charter law or an implies refusal to comply with the same even after being made aware of the violation.

The Petition also provided that parents will be 'required " to volunteer at least 20 hours of service per year. Such a requirement may have a detrimental impact onlow income or dual wage earner households who are not able to fulfill the volunteer hours.

Finding #II.C RCCES Response

Yet another copy of a finding from former petition. This finding has already been addressed using law and goes beyond requirement. There are not basis for denial.

Educational code 47605(d)(2)(B) states the following, " If the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of th charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for a in section 47614.5. Other preferences may be permitted the chartering authority on an individual basis and only if consistent with the law".

The law requires that preference in admission be extended to current students and residents of the District.

The RCCES charter petition includes the following admissions preferences in the event the school reaches capacity and must hold a lottery:
1. All students currently enrolled in RCCES
2. Siblings of currently enrolled students at RCCES
3. Children of employees at RCCES
4. Residents of the District
5. All other applicants

The above list meets the requirements of Education Code Section 47605(d)(2)(B) by extending a preference in admissions to current students (priority #1) and residents of the District (priority #4). We fail to understand the District's argument in claiming otherwise and the District has cited no legal authority to support its finding. There is absolutely no requirement in the Education Code that mandates the *order* in which the admissions preferences must be offered; only that *a* preference must be extended to current students and residents of the District. Thus, RCCES has met the requirements of the Education Code by including both current students and residents of the District amongst its list of admissions preferences.

We also point out that RCCES has included two additional preferences in its charter petition – one for siblings of current students (priority #2) and for children of RCCES employees (priority #3). These preferences are allowable pursuant to Education Code Section 47605(d)(2)(B) as they are "other preferences [that] may be permitted by the chartering authority on an individual school basis and only if consistent with the law." As these preferences are not discriminatory, and as established above, are legally permissible to be included amongst the list of admissions preferences, they may be approved by the District as presented in the RCCES charter petition.

Accordingly, this finding is not a legal basis for denial of the charter petition.

Finding #III Petition does not contain an affirmation of each of the conditions described in education code section 47605(d). Education Code Section 47605(b)(4)

While the Petition includes several statements that the Charter School will not discriminate, the list of protected characteristics in some instances is incomplete and inadequate. This is more than a technical violation both because those parsons who have protected characteristics are not indentified in the Petition and are entitle to legal protection, and the legislature determined that the inclusion of such affirmations is vital to a charter's approval as failure to include the specified affirmations in one of only five statutory grounds for denial. Thus, the failure include the required affirmations is a serious flaw in the Petition.

Finding #III RCCES Response

In every use of Section 220 in the petition, there is a list of characteristics and a clear reference to Section 220, which states inclusion of all characteristics of Section 220.
See the examples below.

1. For example, "Assurances and Affirmations" - the verbiage reads the following…" The Charter School shall not discriminate on the basis of the **characteristics listed in Education Code Section 220"** (actual or perceived disability, gender, gender expression, gender identity, nationality, race or ethnicity, religion, sexual orientation, **<u>or any other</u> characteristic.**

2. For example, "Employee Qualifications" - RCCES will not discriminate against any applicant on the basis of his/her race, creed, color, national origin, age, gender, gender expression, gender identity, disability, **<u>or any other</u>** basis prohibited by Education Code Section 220.

3. For example, "Racial and Ethnic Balance" - RCCES shall not discriminate **on the basis <u>of the characteristics listed</u> in Section 220** (actual or perceived disability, gender, gender expression, gender identity, nationality, race or ethnicity, religion, sexual orientation, or any other.

4. For example, "Admission Requirements" - RCCES will be nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition nor discriminate against any student **<u>based upon any</u>** of the characteristics listed in Education Code Section 220.

This is the legally required affirmation per Ed code section 47605(d), thus the District's finding is incorrect and cannot be used as a legal basis for denial of the charter.

On behalf of the students, parents, staff and entire RCCES community, we appreciate your time and consideration of this response. As demonstrated, many of the District's findings are repeated incorrect facts, conjectures, or go beyond the requirements set forth in law. The findings constitute an impermissible basis for denial of the RCCES charter.

We realize that the approval of RCCES means a decrease in enrollment for SKUSD, but it can not be ignored that the current public funding is being used for historically low student performance. Parents have fled Rosamond to protest low student performance… RCCES can bring the students in Rosamond back to Rosamond for an exemplifier education. RCCES is an opportunity for KCSOS to save SKUSD.

We respectfully request that the Board of Education for KCSOS approve the RCCES charter petition in accordance with Education Code Section 47605(b). Should you have any questions, please do not hesitate to contact me anytime.

Sincerely,
Kim Oliver,

On behalf of the students, parents, staff and entire RCCES community, we appreciate your time and consideration of this response. As demonstrated, many of the District's findings are repeated incorrect facts, conjectures, or go beyond the requirements set forth in law. The findings constitute an impermissible basis for denial of the RCCES charter.

We realize that the approval of RCCES means a decrease in enrollment for SKUSD, but it can not be ignored that the current public funding is being used for historically low student performance. Parents have fled Rosamond to protest low student performance… RCCES can bring the students in Rosamond back to Rosamond for an exemplifier education. RCCES is an opportunity for KCSOS to save SKUSD.

We respectfully request that the Board of Education for KCSOS approve the RCCES charter petition in accordance with Education Code Section 47605(b). Should you have any questions, please do not hesitate to contact me anytime.

Sincerely,
Kim Oliver,

OFFICE OF CHRISTINE LIZARDI FRAZIER
KERN COUNTY SUPERINTENDENT OF SCHOOLS OFFICE
Advocates for Children

Rosamond Community Charter Elementary School Review by KCSOS Staff

KCSOS staff has review the petition for the Rosamond Community Charter Elementary School submitted to the County Board of Education following a denial of the petition by the Southern Kern Unified School District. The following are staff's findings in accordance with Education Code section 47605, along with evidence from the petition (including appendices containing, among other matters, the proposed 5-year budget).

The statutory standard for review is as follows:

***"The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings":* {47605(b)}**

Examining the petition in accordance with these standards, staff finds:

I. <u>Unsound educational program</u> {47605(b)(1)}

"The charter school presents an unsound educational program for the pupils to be enrolled in the charter school."

- Teachers
  - Proposed teacher salaries and benefits
    - Compensation is not competitive and will not attract or retain quality teachers.
      - *The budget consistently reflects an average teacher salary of $42,500. (budget)*
        - *Average salaries for the district and state are $66,164 and $68,030 respectively. (2011-12 Ed-Data, CDE)*
      - *The budget reflects a teacher benefit package costing $6,000 each. (budget)*
        - *The district offers a benefit package to teachers that averages $14,120 per teacher. (Southern Kern Unified School District)*
      - *Salaries for the charter school's teachers would range from 31% to 38% less than the average teacher salary in California and the district, depending on whether or not the charter school teacher received the possible 12% bonus, and 58% less for health benefits than the district. (it should be noted that the budget does not show any teacher performance bonus funds for year 1)*
- Administrators
  - Proposed administrator staffing is excessive
    - This level of administration is over 3 times (3.2) that of other public schools.
      - *The charter school appears to propose at least 2.0 FTE administrators in its first year of operation, and appears to increase per pupil administrative staffing in subsequent years.*

        - *This staffing level would translate into a students to administrator ratio that is less than 88 to 1, compared to 279.2 at the district and 265.9 at the county levels.*
    - This concern is amplified by the intent of the charter to pay for Professional Consulting Services to handle many of the tasks that would generally be the responsibility of the administration. *(budget narrative)*
- Special Education
    - The charter school would not be able to provide an adequate and legally compliant program for special needs students based on the funding allocated for these students.
        - The funding the charter would receive for special education services ($108,325 in year 1) would fall far short of up to $579,800 in actual costs that should exist, based on a 2013 analysis of special education costs by the California Legislative Analyst's Office. The charter school budget only includes $300 per pupil, which is a small percentage of the actual encroachment that would exist to operate a legally compliant special education program.
        - The instructional strategies proposed in the charter require qualified special education staff with student to staff ratios that are very small and with appropriate staff training. The budget is built on underpaid staff carrying a large student load, which will generate a failed special education environment for the students.

II. <u>Unlikely to successfully implement program</u> {47605(b)(2)}

"The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition."

- Teachers
    - The charter states "… we are fully confident that we will be able to attract and retain very highly qualified teachers and staff". *(budget narrative, page 4)*
        - *A school that only pays its teachers less than two thirds of what other teachers throughout the state receive and has an administrator staffing level that is three times that of other public schools is not likely to be able to hire and retain minimally qualified teachers.*
- Enrollment and attendance
    - Enrollment levels projected in the charter school petition would require that 31.2% of students currently enrolled in SKUSD grades K-5 leave the district and enroll in the charter school. Attendance rates and projected incomes for the charter school are based on a projected attendance rate of 95%. *(pages 12 & 13, budget narrative, page 1)*
        - *The charter school does not intend to provide transportation to any students, unless the student is a special education student who has transportation included in the IEP. (page 125)*
        - *Southern Kern Unified School District is a rural school district with an enrollment of 3,043 students that transports an average of 1,999 students daily at a cost of $388.67 per student annually. (Ed Data, Kern County Superintendent of Schools Office Transportation Database)*
        - *A charter school that does not provide transportation in a rural community is not likely to draw one third of the students from the district that does provide transportation or generate a 95% attendance rate.*
- Special education
    - Teachers
        - There is a shortage of special education teachers in California and the budgeted $42,500 salary for teachers is inadequate.

        - There is nothing in the budget to support the low student to teacher ratio required (sometimes 1 to 1 ratio) to implement the instructional strategies proposed in the charter.
        - The budget does not adequately address the cost of training for intensive interventions.
    - Program
        - The charter does not describe and the budget does not support a full range of services required to be legally compliant for special education students.
        - There are inadequate budgeting for salaries, levels of classified staffing, specialized equipment and materials and contracting with outside agencies.
- Instructional program
    - Petitioners do not appear to have an adequate depth of understanding associated with the new and existing state requirements related to curriculum, instruction and assessment, as evidenced by faulty language in the charter.
        - The proposed materials do not align with current common core state standards or subject matter targeted.
        - The pacing guides and goals are unrealistic and not aligned with common core state standards.
    - The instructional program and instructional strategies described in the charter require significantly lower than normal student to teacher ratios for successful implementation.
        - These are often used for special education students, but are here proposed for a general education population.
    - Budget support for instructional materials and textbooks is inadequate.
        - The proposed start-up budget for instructional materials is $15,000, which is far short of a conservative estimate of $90,000 that would be required for textbooks alone. This $75,000 shortfall does not include supplemental materials necessary to satisfy the new common core state standards or the additional math textbook described in the charter.
- Budget
    - The budget is built on overstated incomes, understated expenditures and significant debt. Corrections would result in an unsound budget.
        - Special education
            - The SKUSD has a current level of students with special needs that is 14.6%.
            - Even though the proposed charter appears to devote a great deal of attention to special education services, the charter school only budgets an encroachment that is 33% less that the budget commitment made to these students by the district and a small percentage of the anticipated costs based on the California Legislative Analyst's Office.
            - Even though the charter makes a commitment to provide transportation to special education students, the budget does not support that commitment.
                - The budget reflects $25,000 to purchase a school bus, but this amount is inadequate to meet the needs of 14.6% of the first year enrollment of 175 and there is no bus driver in the description of staff or any funding budgeted for a bus driver.
            - There is a shortage of special education teachers and the proposed salary for teachers would be inadequate to hire and retain qualified teachers.
        - Books and supplies are not adequately budgeted
            - Books and supplies detail indicates $122,010 (735 per ADA), but only $71,000 budgeted. Kern County Superintendent of Schools Office Curriculum and Instruction staff agree that $71,000 could not come close to funding the books and supplies necessary to operate a legally compliant school.
        - No costs are budgeted in the start-up year for Finance and Operations.

- There are inconsistencies throughout the budget that are not aligned to commitments made in the body of the charter petition or the budget narrative.
  - Teacher salaries
    - Charter – "… a mix of salaries and benefits, commensurate with location and experience, necessary to attract and retain well-trained teachers …"
    - Budget Narrative – "Average full time teacher salary $45,000 with up to an additional 12% in merit bonus."
    - Budget – "$42,500" teacher salaries with no merit bonus budgeted in year 1.
  - Retirement
    - Charter – "Non-certificated employees shall participate in PERS, or the federal social security system …"
    - Budget Narrative – "… full time classified participation in a group 403b program; in lieu of PERS."
    - Budget – Unclear and inconsistent funding that doesn't correspond to either of the above.
  - Borrowing
    - Budget Narrative – "… a short term cash infusion … for $250,000. That amount is projected to be re-paid throughout the first year, plus interest and processing fees."
    - Budget – An initial start-up loan of $250,000 was taken to address the charter school's cash flow issues with repayment showing an additional $21,273 in fees. An additional $191,455 is being borrowed against future receivables putting the charter at risk should revenues not materialize *(previous concern about enrollment projections)*.
- Cash flow continues to be seriously flawed.
  - Years 1 through 3 were built on aggressive borrowing/repayment structures with a cost of borrowing at 11%. Even with these aggressive borrowing patterns, there continue to be serious cash flow problems in which the cash flow is negative for at least half of year two.
    - This concern has been brought to the attention of the petitioners previously, with no resolution other than borrowing additional money.
- The proposed budget is built on the assumption that the charter school will receive a $575,000 Public Charter Schools Grant, but the California Department of Education Charter Schools Unit has confirmed that their 2013 PSPGP application was not approved, and that the charter school "…could not reapply until fall of 2014" at the earliest.
  - All of the above listed concerns were based on the budget that included the $575,000 grant. Exclusion of $575,000 of grant income amplifies all of these problems and makes the proposed budget completely unrealistic and unacceptable from any perspective.

III. <u>Petition does not Satisfy Signature Requirement</u> {47605(b)(3)}

"The petition does not contain the number of signatures required by subdivision (a)."

- Teacher signatures – The charter requires 4 valid signatures and contains none.
  - Year 1 teacher staffing is projected to be 7. *(Page 90 of charter and the "RCCES Staffing Plan – Year 1")*
  - *The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. {CA Education Code 47605(a)(1)(B)}*
- Parent signatures – Requires 88 valid signatures and only contains fewer than 80.

- Year 1 enrollment is projected to be 175. *(Pages 12 and 13 of charter and the attached budget)*
- *"The petition has been signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation." {CA Education Code 47605(a)(1)(A)}*

IV. <u>Lacks Reasonably Comprehensive Program Descriptions</u> {47605(b)(5)}

"The petition does not contain reasonably comprehensive descriptions of all of the following:"

- Instructional program
  - Does not align with the budget, and is not adequately supported by the budget.
  - Instructional strategies and approaches lack a depth of understanding of the new common core state standards or practicality.
  - Special education services are not adequately described and are not supported by the budget.
- Governance
  - The "Principal" appears to be the "President" of the Board.
    - "The President, also known as the Principal, shall be the general day-to-day manager of the corporation and shall supervise, direct and control the corporation's activities, affairs, and officers …" "The President shall serve in an officer capacity only and shall not serve as a director (Board member)."
    - Inconsistencies and conflicts.
  - The petition promises compliance with California Government Code Section 1090 conflict of interest requirements, but the conflict of interest provisions in Appendix F only require compliance with the Fair Political Practices Act. Although that Act would prohibit the Principal, as a board officer, from participating in or attempting to influence any board action regarding his or her compensation (which is not a public salary since it comes from a nonprofit corporation and is therefore not excluded from the definition of income under the Act) this does not address the Section 1090 absolute ban on contractual conflicts.
  - Changes could be made to bylaws, without material revision to the charter and therefore without authorizer approval.
  - The charter is inconsistent in its provisions on conflicts of interest.
- Qualifications of employees
  - Teachers, administrators and compensation are not dealt with consistently within the budget and the non-profit corporation bylaws.
  - There is no bus driver described, even though a bus is budgeted and transportation is to be provided to special education students.
- Retirement coverage for employees
  - There are contradictions between the charter, the budget narrative and the budget related to how retirement coverage would be handled for classified staff.
- Suspension and expulsion
  - The petition would allow changes without these being treated as a material revision requiring authorizer approval.

Rosamond Community Charter Elementary School
March 27, 2014

Dr. Michael Kirst, State Board President

Dr. Ilene Straus, State Board Vice President

California State Board of Education members

California Charter Advisory Board

Re: Rosamond Community Charter Elementary School – Response to the Recommendation and Denial findings from County-Kern County Superintendent of Schools

Rosamond Community Charter Elementary School ("RCCES" or the "Charter School") submitted an appeal of the denial of its charter petition to the Kern County Board of Education ("County") and the county denied it on February 11, 2014.

- Our charter petition presents a sound educational program, supported by a balanced budget, and attention to Common Core Standards to meet the unique needs of the Rosamond elementary student population. RCCES seeks to serve students in the Rosamond community that are not adequately served by traditional schools. We believe that students from all ethnic and socioeconomic backgrounds can benefit from a small school of choice. We also believe that students with learning and other disabilities can thrive socially and academically in our innovative educational environment.

- The County staff's findings do not meet the legal standard for denial of a charter petition. A majority of the findings concern resolvable matters that the County could have more appropriately dealt with by meeting with the RCCES petitioners and requesting clarifying information, or imposing conditions on the school's opening and operation via a separate memorandum of understanding.

- Our charter petition meets or exceeds all Education Code requirements for the establishment of a charter school. Moreover, as demonstrated below, the staff's findings are based on incorrect facts, conjecture, or go beyond the requirements set forth in law, and therefore the findings constitute an impermissible basis for denial of the RCCES charter.

  At the outset, we point out that the Education Code provides specific guidance to

county boards of education to approve the establishment of charter schools on appeal of a denial by a school district. Education Code Section 47605(b) states:

In reviewing petitions for the establishment of charter schools the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system <u>and that establishment of charter schools should be encouraged.</u>

Education Code Section 47605(b) also provides the legal basis for the denial of a charter petition as follows:

> The [county board of education] shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district <u>shall not deny</u> a petition for the establishment of a charter school unless it makes <u>written factual findings</u>, <u>specific to the particular petition</u>, <u>setting forth specific facts</u> to 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 the petition.
>
> (3) The petition does not contain the number of signatures required by subdivision (a) [of Education Code Section 47605].
>
> (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) [of Education Code Section 47605].
>
> (5) The petition does not contain reasonably comprehensive descriptions of [the 16 required elements]. (Emphasis added.)

Accordingly, the law is written such that the default position for a county board of education is to approve a charter petition, unless it makes written findings of fact to support a denial. The purpose of this letter is to demonstrate the factual and legal inaccuracies in the County staff's findings. This is the third attempt to gain approval through the local district SKUSD. It is the second attempt to gain approval through the county, and the second time to gain approval from the SBE. Below, please find excerpts from the staff's findings with the responses immediately followed by the RCCES response.

Finding #I. The petitioners are demonstrable unlikely to successfully implement the program set forth in the petition. Education code Section 47605(b)(2).

A. Teachers - Proposed teacher salaries and benefits/Compensation is not competitive and will not attract or retain quality teachers.

1. The budget consistently reflects an average teacher salary of $42,500.
a. Average salaries for the district and state are $66,164 and $68,030 respectively. (2011-12 Ed-Data, CDE)

2. The budget reflects a teacher benefit package costing $6,000 each.
a. The district offers a benefit package to teachers, that averages $14,120 per teacher. (Southern Kern Unified School District)

3. Salaries for the charter school's teachers would range from 31% to 38% less than the average teacher salary in California and the district, depending on whether or not the charter school teacher received the possible 12% bonus, and 58% less for health benefits than the district. (it should be noted that the budget does not show any teacher performance bonus funds for year 1).

RCCES Response 1.A.1.a.2.a.3.

I.A.1.a The Staff's finding is also based on incorrect facts.
This is based on the funding projection of what was available using the previous pre-LCFF estimates. New charters rarely come close to the average state and district salaries because it is less likely that charters have a significant number of teachers on the higher end of the scale raising the average. Merit pay is received at the end of the school year pending testing results, assignments or services. In year 1 the teacher/admin positions of the two founders are significant and

I.A.2.a
The budget reflects a teacher benefit package costing $6,000.00 each (budget). This is correct and the average charter school pays in the range of $5000-$9000 per FTE for Health and Wellness Benefits. It has never been the intent to match SKUSD's package but rather a comprehension package that is in line with charter school norms throughout the State.

I.A.3.
RCCES will create its own salary range for its various positions, and compensation will be based on experience, skill sets, position demand, and other factors. It has never been the intent to match SKUSD's package but rather a comprehension package that is in line with charter school norms throughout the State. As RCCES becomes fiscally stable and state funding improves, RCCES has every intention of compensating its staff accordingly.

These findings are not basis for legal denial.

Finding #I.B Administrators

B. Administrators proposed administrator staffing is excessive.

1. This level of administration is over 3 times (3.2) that of other public schools.
a. The charter school appears to propose at least 2.0 FTE administrators in its first year of operation, and appears to increase per pupil administrative staffing in subsequent years.
b. This staffing level would translate into a students to administrator ratio that is less than 88 to

1, compared to 279.2 at the district and 265.9 at the county levels.

2. This concern is amplified by the intent of the charter to pay for Professional Consulting Services to handle many of the tasks that would generally be the responsibility of the administration.

RCCES Response I.B.1.2.

I.B.1.a-b The staff's finding does not provide any analysis regarding the purported student to teacher ratio and how it may be present "an unsound educational program for pupils enrolled in the charter school" for purposes of denial of the RCCES charter petition. Charter schools are permitted by law to establish student to teacher ratios that align with the educational program offered at the school. Unlike traditional public schools, charter schools are afforded flexibility from the "one size fits all approach." RCCES's small student to teacher ratio will meet the needs of its student population and also provides RCCES a balanced and fiscally sustainable budget for the first five years of operation.

RCCES will have two part-time administrators who will share a teaching position The staff at KCSOS is incorrect and ignores the actual content of the charter petition; and the budget. This finding is not a reason for denial. Additionally, the charter schools that KCSOS authorizes (Paramount and Grimmway charters) have administrators who are part-time counselors, teachers and coaches. These schools have found the effectiveness of multitasking, adequate scheduling and technical organization.

I.B.2 RCCES will employ two part-time administrators who will share a teacher position. The administrators will perform/share administrative duties and teacher duties 50% of the school day. The administrators start off with a base and share a teacher salary. The RCCES "School Assumptions Budget" shows two administrators for a base salary of $70,000 each, and a teacher base salary that is split and added to an administrator's salary This formula is created for future means of supporting administrative salaries for future certified administrative staff as RCCES grows.

I.2.1.1.The staff's finding also cites a false concern regarding RCCES's budgeted Professional & Consulting Services in the budget. In fact, the annual budgeted amounts for such services are from the 5000 Series Expense Breakdown, which includes legal services, business services, the annual independent audit, IT services, students field strips, and the Student Information System. Contrary to the staff's finding, these are all services that a school administrator would <u>not</u> normally handle nor be expected to handle in any school environment.

These findings are not a legal reason to deny a charter petition.

Finding # I.C.1-2.

C. Special Education - The charter school would not be able to provide an adequate and legally compliant program for special needs students based on the funding allocated.

1. The funding the charter would receive for special education services ($108,325 in year 1) would fall far short of up to $579,800 in actual costs that should exist, based on a 2013 analysis of special education costs by the California Legislative Analyst's Office. The charter school budget only includes $300 per pupil, which is a small percentage of the actual encroachment that would exist to operate a legally compliant special education program.

2. The instructional strategies proposed in the charter require qualified special education staff with student to staff ratios that are very small and with appropriate staff training. The budget is built on underpaid staff carrying a large student load, which will generate a failed special education environment for the students.

RCCES Response I.C.1.

1.C.1 The staff's finding is based on incorrect facts. As noted in our charter petition appeal packet to KCSOS, the petitioners are required to list relevant and appropriate changes to the charter petition that are necessary to reflect approval by the the County (see 5 CCR Section 11967(b)(4).

"The Charter School proposes to become an LEA member of the Kern County SELPA, an LEA member of an alternative SELPA, or enter into a Memorandum of Understanding with the County for a suitable arrangement for special education services. The charter would be amended to reflect the applicable arrangement." RCCES is currently being considerted for El Dorado SELPA, as of 3/28/2014. Lisa Donaldson is the evaluating contact at1-530-295-2462.

As such, the staff's finding is irrelevant given the revised arrangments for special education services that RCCES would be required to make if the charter petition is approved by the County Board (or the State Board of Education, on apppeal of denial by the County Board). Specifically regarding funding for the RCCES special education program as an independent LEA member of a SELPA, RCCES understands that it will be subject to the allocation plan of the SELPA. RCCES would be required to apply directly for membership in a SELPA in conformity with Education Code Section 47641(a), and will provide notice to the County that it has been accepted into SELPA prior to the commencement of instruction in the 2014-15 school year. Upon request, RCCES would be pleased to provide the County an updated budget to reflect its membership and funding status as a independent LEA member of a SELPA.

As demonstrated above, the staff's finding is irrelevant based on the changes required of a charter petitioner's plan for special education services upon appeal to the SBE.

RCCES Response I.C.2.

1.C.2 The staff's finding is factually inaccurate. Indeed, the description of our plan for serving students with disabilities as provided in the RCCES charter petition exceeds the legal requirement for a "reasonably comprehensive description" as required by Education Code Section 47605(b)(5)(A).

The founders of RCCES are special eduction professionals, with the credentials for a Masters in special Eduction, Multiple Subject, Mild Moderate and Moderate server, Administrative leadership and Masters in education; all full credential and rich in practical experience. The California Common Core Standards (CCCS) are the framework of our curriculum, direct instruction, assessment program, and professional development plans. Under the structure of Smarter Balanced Assessment Consortium RCCES will work collaboratively to develop a student assessment system aligned with the CCCS academic content standards for English language arts/literacy and mathematics, as a part of our Task Analysis and Response to Intervention strategies. We are qualified to provide instruction, training and most all profesional development for all of the paraprofessionals. All

paraprofessionals will be highly qualified and trained in every area of our eductional plan. (Smarter Balanced Assessment, RTI, Common Core, behavioral assessment and managmeent, SEIS-Individual Educational Planning, instructional teaching and interventive tutoting and RTI monitoring). Our paraprofessionals will be proficient in every aspect of our educational plan. Additionally, RCCES has committed specialized service providers who will be on staff providing dual part-time services.

In addition to the staffing model described above, our charter petition includes a detailed plan for service delivery of special education services, which can be found in the RCCES charter. (See Common Core) All students will measure student progress for readiness and preparation for State testing. To that end, RCCES shall create a CCSS steering committee to align instructional materials and curricular units to the CCSS and redesign data, assessment and accountability systems to reflect the expectations in the CCSS The strategies and interventions are not merely listed. Instead, they are adequately explained, including the purpose for utilizing each strategy as necessary to meet the needs of our targeted student population. We plan explicit delivery.

RCCES has prepared a program that is for an inclusive environment. (See Common Core) We welcome the learning opportunities the Common Core State Standards and Smarter Balance Assessment Consortium will bring to our school. RCCES has developed a CCSS Implementation Plan that follows the CCSS Systems Implementation Plan for California as approved by the State Board of Education on March 7, 2102 (http://www.cde.ca.gov/re/cc/documents/ccsssysimpplanforcaapr13.doc).

Every aspect of our petition incorporates the special education student population in the educational program of the school. Many times students from SKUSD who have learning disabilities, particularly kindergarten and first grade students, have gone undetected due to the lack of instruction and intervention rigor of an RTi system, that RCCES will provide; where students are easily identified as outliners, as they progress slower than students who move quickly through the more advanced tiers or proficiency. The inclusiveness of the special education population at RCCES shall include English Learners in every capacity of student achievement.

This finding is based on incorrect facts and conjecture and is not a legal basis for denial.

Finding #II. The petitioners are demonstrable unlikely to successfully implement the program set forth in the petition. Education code Section 47605(b)(2).

A. Teachers

1 . The charter states "… we are fully confident that we will be able to attract and retain very highly qualified teachers and staff".

a. A school that only pays its teachers less than two thirds of what other teachers throughout the state receive and has an administrator staffing level that is three times that of other public schools is not likely to be able to hire and retain minimally qualified teachers.

B. Enrollment and attendance

1. Enrollment levels projected in the charter school petition would require that 31.2% of Students currently enrolled in SKUSD grades K-5 leave the district and enroll in the charter school. Attendance rates and projected incomes for the charter school are based on a projected attendance rate of 95%.

a. The charter school does not intend to provide transportation to any students, unless the student is a special education student who has transportation included in the IEP.

b. Southern Kern Unified School District is a rural school district with an enrollment of 3,043 students that transports an average of 1,999 students daily at a cost of $388.67 per student annually. (Ed Data, Kern County Superintendent of Schools Office Transportation Database)

c. A charter school that does not provide transportation in a rural community is not likely to draw one third of the students from the district that does provide transportation or generate a 95% attendance rate.

C. Special Education

1. Teachers

a. There is a shortage of special education teachers in California and the budgeted $42,500 salary for teachers is inadequate.

b. There is nothing in the budget to support the low student to teacher ratio required (sometimes 1 to 1 ratio) to implement the instructional strategies proposed in the charter.

c. The budget does not adequately address the cost of training for intensive interventions.

2 . Program

a. The charter does not describe and the budget does not support a full range of services required to be legally compliant for special education students.

b. There are inadequate budgeting for salaries, levels of classified staffing, specialized equipment and materials and contracting with outside agencies. .

D. Instructional program

1. Petitioners do not appear to have an adequate depth of understanding associated with the new and existing state requirements related to curriculum, instruction and assessment, as evidenced by faulty language in the charter**.**

a. The proposed materials do not align with current common core state standards or subject matter targeted.

b. The pacing guides and goals are unrealistic and not aligned with Common Core state standards.

2. The Instructional program and instructional strategies described in the charter require significantly lower than normal student to teacher ratios for successful implementation.
a. These are often used for special education students, but are here proposed for a general education population.

3. Budget support for instructional materials and textbooks is inadequate.
a. The proposed start-up budget for instructional materials is $15,000, which is far short of a conservative estimate of $90,000 that would be required for textbooks alone. This $75,000 shortfall does not include supplemental materials necessary to satisfy the new Common Core state standards or the additional math textbook described in the charter.

E. The Budget

1. The is built on overstated incomes, understated expenditures and significant debt. Corrections would result in an unsound budget.

a. Special education
1. The SKUSD has a current level of students with special needs that is 14.6%.
2. Even though the proposed charter appears to devote a great deal of attention to special education services, the charter school only budgets an encroachment that is 33% less that the budget commitment made to these students by the district and a small percentage of the anticipated costs based on the California Legislative Analyst's Office.
3. Even though the charter makes a commitment to provide transportation to special education students, the budget does not support that commitment.
a. The budget reflects $25,000 to purchase a school bus, but this amount is inadequate to meet the needs of 14.6% of the first year enrollment of 175 and there is no bus driver in the description of staff or any funding budgeted for a bus driver.
4. There is a shortage of special education teachers and the proposed salary for teachers would be inadequate to hire and retain qualified teachers.

b. Books and supplies are not adequately budgeted
1. Books and supplies detail indicates $122,010 (735 per ADA), but only $71,000 budgeted. Kern County Superintendent of Schools Office Curriculum and Instruction staff agree that $71,000 could not come close to funding the books and supplies necessary to operate a legally compliant school.

c. No costs are budgeted in the start-up year for Finance and Operations.
1. There are inconsistencies throughout the budget that are not aligned to commitments made in the body of the charter petition or the budget narrative.

F. There are inconsistencies throughout the budget that are not aligned to commitments made in the body of the charter petition of the budget narrative.
a. Teacher salaries
1.. Charter – "… a mix of salaries and benefits, commensurate with location and experience, necessary to attract and retain well-trained teachers …"
2. Budget Narrative – "Average full time teacher salary $45,000 with up to an additional 12% in merit bonus."
3. Budget – "$42,500" teacher salaries with no merit bonus budgeted in year 1.

b. Retirement
1. Charter – "Non-certificated employees shall participate in PERS, or the federal social security system …"
2. Budget Narrative – "… full time classified participation in a group 403b program; in lieu of PERS."
3. Budget – Unclear and inconsistent funding that doesn't correspond to either of the above.

c. Borrowing
1. Budget Narrative – "… a short term cash infusion … for $250,000. That amount is projected to be re-paid throughout the first year, plus interest and processing fees."
2. Budget – An initial start-up loan of $250,000 was taken to address the charter school's cash flow issues with repayment showing an additional $21,273 in fees. An additional $191,455 is being borrowed against future receivables putting the charter at risk should revenues not materialize.

G. Cash flow continues to be seriously flawed.
a. Years 1 through 3 were built on aggressive borrowing/repayment structures with a cost of borrowing at 11%. Even with these aggressive borrowing patterns, there continue to be serious cash flow problems in which the cash flow is negative for at least half of year two.
b. This concern has been brought to the attention of the petitioners previously, with no resolution other than borrowing additional money.

H. The proposed budget is built on the assumption that the charter school will receive a $575,000 Public Charter Schools Grant, but the California Department of Education Charter Schools Unit has confirmed that their 2013 PSPGP application was not approved, and that the charter school …could not reapply until fall of 2014" at the earliest.
a. All of the above listed concerns were based on the budget that included the $575,000 grant. Exclusion of $575,000 of grant income amplifies all of these problems and makes the proposed budget completely unrealistic and unacceptable from any perspective.

RCCES Response II.A.B.C.D.E.F.G.H.G.H.

II.A.1.a. Teachers
Our salaries are based on the funding projection of what was available using the previous pre-LCFF estimates. New charter rarely come close to the average state and district salaries because it is less like ly that charter have significant number of teachers on the higher end of the scale raising the average**.**

We state that we are, " fully confident that we will be able to attract and retain very highly qualified teachers and stave". We have five colleges and universities between the Antelope Valley and Kern County. Many of our supporters are administrators and instructors of the universities and colleges awaiting our opening to collaborate with us and support their credentialed teachers, mentor teachers, free interns and master teachers. We will be the master teachers of RCCES and we will teach all of our teachers how to teach and facilitate our educational plan. Teachers are a surplus between the Antelope Valley and Kern County. SKUSD is currently recognized as a dysfunctional school district; and teacher turn over is high. Many of the old timers are stuck in quicksand and they do not know how to improve education in the SKUSD. RCCES will bring light to the city of Rosamond.

Additionally, while Rosamond Community Charter Elementary School does realize that our salaries and health benefits, for founders as well, may be lower than Southern Kern Unified School District Unified's average. We are fully confident that we will be able to attract and retain very highly qualified teachers and staff. We believe that, "if we build it they will come." As Rosamond Community Charter Elementary School becomes fiscally stable and state funding improves, Rosamond Community Charter Elementary School will become a major contender of Kern and the Antelope Valley for teacher preference with competitive salaries.

II.B.1.a-c Enrollment and Attendance

The finding refers to 31.2% of SKUSD students would leave SKUSD from grades K-5. The chart below states the projected enrollment rates by grade. 31.2 % is a misleading percentage. RCCES is unsure what total amount 31.2% represents. For example: SKUSD had a total enrollment of 3035 in 2012-2013. 31.2 of 3035 is approximately 947 students. 947 does not appear to be relevant to anything

RCCES Projected Enrollment

GRADE LEVEL	ANTICIPATED ENROLLMENT YEAR 1 2014-15	ANTICIPATED ENROLLMENT YEAR 2 2015-16	ANTICIPATED ENROLLMENT YEAR 3 2016-17	ANTICIPATED ENROLLMENT YEAR 4 2017-2018	ANTICIPATED ENROLLMENT YEAR 5 2018-2019
K	50	75	75	75	75
1	75	50	75	75	75
2	25	75	50	75	75
3	25	25	75	50	75
4		25	25	75	50
5			25	25	75
TOTAL	**175**	**250**	**325**	**375**	**425**

The perception that SKUSD needs saving from RCCES because RCCES will take the enrollment is not a basis for denial of this petition for RCCES. SKUSD is a historically low performing school district. RCCES has gathered over 300 signatures where parents are fed up with a bad education system. SKUSD is seeing parents exercising their right to protest education through RCCES**.**

As evidence RCCES offers substantial proof that enrollment is available in Rosamond, but the 'buts in seats" can not be counted because parents are leaving SKUSD and going where they can get a good education.

There are enough students to attend RCCES. The current residents do not choose to attend SKUSD. Education has not been a priority. RCCES gathered over 300 signatures from the city of Rosamond. Education is like oxygen. The poor know it…the middle class simply drive outside the city of Rosamond; others home school their students and many of the parents of special needs students do not send their students to school. We gathered signatures while standing at the city's major grocery store, walking the residential neighborhoods, attending house parties of parents living in dilapidated mobile trailers, standing in front of the only water store, the community bodega and strip laundry mats of rural Rosamond. Parents, grandparents and former students wanted to sign our petition and tell their desperate stories of going to school in Rosamond. The scores since 2002 bear

out their opinions, anger and experiences of attending an historically low performing school district. RCCES will be successful because we will intentionally provide a better product.

The following sheds light on the fact that the students are in Rosamond, but the parents are refusing to bring their students to the district, thus there is a low enrollment. Parents are willing to homeschool, move away from the clean lifestyle of Rosamond, or transport their students outside of Rosamond for education.

In 2011 KERN ordered a FCMAT management review on SKUSD. A FCMAT evaluated SKUSD as they were in fiscal hardship turmoil, much like the current student achievement turmoil. In February 2011 Kern County Superintendent of Schools and the **Fiscal Crisis and Management Assistance Team (FCMAT**) entered into an agreement for a management assistance review of the Southern Kern Unified School District. **KCSOS retained FCMAT** to conduct an external and independent review of the Southern Kern Unified School District's 2010-11 general fund budget and develop a multiyear financial projection (MYFP); included in the evaluation was the projections for the ADA requirements.

As proper enrollment tracking and analysis of ADA are essential to providing a solid foundation for budget planning, a good education (API and AYP) should be a component of ADA analysis; because the district's primary funding is based on the total number of student attendance days, monitoring and projecting student enrollment and attendance is a crucial function and is essential for budget planning.

To project the district's future enrollment for grades one through 12, FCMAT used the **Cohort Survival Method**, which groups students by grade level upon entry and tracks them through each year that they stay in school. This method evaluates the longitudinal relationship of the number of students passing from one grade to the next in a subsequent year. This method closely accounts for retention, dropouts and **student transfers to and from the district grade by grade**. Although other enrollment projection methods are available, **the cohort survival method usually is the best choice for school districts because of its sensitivity to incremental changes in several key variables. Percentages are calculated from historical enrollment data to determine a reliable weighted average percentage of increase or decrease in enrollment between any two grades over the projection period**. Ratios are calculated between grade levels from year to year, usually using data from the last five years. Enrollment variables include the following: Birth rates and trends, historical ratio of enrollment progression between grade levels, Changes in educational programs, Interdistrict and intradistrict transfers, Migration patterns, Changes in local and regional demographics, Industry changes such as a new industry coming to the area or an industry leaving, Housing starts and the generation factor per household and attendance at charter schools.

To project the district's future kindergarten enrollment, FCMAT used county birth rate statistics. Although other factors such as housing construction influence local population growth, in a **stable and developed local a strong correlation can be made between birth rates and kindergarten enrollment five years later**. Birth rate data is available by county from the California Department of Public Health (CDPH) website at
increase in birth rates in Kern County over the past several year, for future expected projections.

Comparing the district's kindergarten enrollment to birth rates five years prior allows FCMAT to develop a relationship between birth rates and future kindergarten populations. For example, birth rate data in the year 2001 indicates 11,723 births in Kern County. **Five years later the district's kindergarten enrollment was 220 students or 1.88% of births. Performing this calculation for**

several years shows that the district's kindergarten enrollment varies between 2.19% and 1.76% of countywide births.

ADA is used to calculate the district's revenue limit and many other federal and state revenue sources. A district's revenue limit apportionments are based on the greater of current or prior year second period principal apportionment (P-2) ADA.

FCMAT reviewed the district's enrollment and ADA for 2005-06 through 2010-11. **The review** compared October California Basic Educational Data System (CBEDS) Califfornia Longitudinal Pupil Achievement Data System (CALPADS) student enrollment counts to the P-2 ADA to determine the average enrollment-to-ADA ratios. **Historical data indicates that the district's enrollment has declined since 2008-09. DATAQUEST shows the decline in enrollment began in 2006, the graph charting shows a constant decine line until now….2104…eight years later. And, while student achievement has not improved, parents continue to take their children to other forms of education. FCMAT projected there would be decline, that would level off in 2 years, but it has not.**

FCMAT suggested that SKUSD monitor, enrollment and ADA should be carefully. FCMAT should have suggested that student achievement be a major component to student enrollment. But their report warned SKUSD to explore options to attract and retain students and to increase its ratio of student attendance to enrollment.

Unfortunately, student achievement has not been a priority for SKUSD. The concern for the enrollment for SKUSD is not a legal reason to deny the petition for RCCES. Further, the findings of the county can not cloud the fact that SKUSD is an historical low performing district, that has not been able to prepare for the future of 21st Century education.

RCCES has a moderate donor and supporter for our transportation. A bus has been donated and (2) qualified experienced bus drivers will volunteer to drive the bus for free, for any extended amount of time for which services are needed. See the 5000 Series Breakdown for expenditure assignment. The 5000 Series Breakdown form is a compilation of all the Services and other Operating Expenses we project to have throughout the 5 years of operation. The Narrative states that the Start-up budget included in this petition reflects those costs that RCCES projects to spend prior to opening its doors for year 1. Those costs are not projected to be exhausted amounts that RCCES expects to pay within the various line items, but rather the amounts needed to paid up front, such as down a payment or deposits.

RCCES will provide transportation for all of the students of Rosamond that attend RCCES.

The county has provided inaccurate facts and conjectures that are not grounds for denial.

II.C.1.a-C.2.a-b. Special Education

The staff's finding is also based on incorrect facts and conjecture. In the Budget Narrative provided with our charter petition, we state salary for our first year teachers. Our budget is not based on the average pay for SKUSD. RCCES will begin with a teacher salary. Our pay will include an opportunity for incentive pay found in the RCCES budget notes a "performance pay incentive" is available beginning in year 2, for up to 12% of a teacher's pay. (See 5-year projected budget –

expenditures – certificated salaries). The incentive pay is designed for future administrative leadership consideration. Our incentive pay is also used for part-time dual service providers who may be teachers with other certified credentials.

The School Assumptions Worksheet" demonstrates that salaries increase each of the first five years of operation by a 2% COLA. Moreover, higher teacher salaries are identified for teachers with enrichment classes (PE, Music, Art, etc.), beginning in year 1 of operation with a salary that will increase annually by a 2% COLA. As our administrators share a grade; RCCES will open fiscal timelines to. prepare for salaries for additional teachers or a budget for exceptional instructional services that may not require a teacher for instructional services that will support our educational plan .

II.C.1.b-c

SKUSD has a high special education population. It is believed that most of the students suffer from a lack of instruction from SKUSD. Special education is used as a dumping ground for students, who of no fault of their own, were not able to master the academic pacing guides. The RCCES will be prepared to receive low achieving students, by training the paraprofessional, as the supplemental support. The paraprofessionals will be trained by the SPED founders. We will use our credentials for intensive instructional strategies, such as (i.e. Susan Barton reading, DTT, Dataworks, Discrete Trial and the Behavioral support strategies), as well as the use of free organizations as in the California Diagnostic Center. All of our instructional strategies will embedded into the daily lessons plans and paraprofessionals will circulate amoung the primary grades and the most intensive classroom to support student educational planning. These strategies are researched-based and are beneficial for all students within an inclusive setting; therefore, implementation does not require any additional instructional minutes. Our paras will become the heartbeat of the success of RCCES.

II.C.2.a-c

SKUSD has a current special education population is 14.6% and it is reasonable to expect the same amount of enrollment at RCCES. We also expect some range of student disabilities to be represented at RCCES, based on their primary disability. We expect to improve the majority or at least 50% of the SLD-Specific Learning Disability, as we suspect these students suffer from a lack of instruction and grade level retention…not a disability. The hourly rate and salaries of the paraprofessional are significant and will always give our paraprofessionals a competitive edge as classified staff in any school setting.

The petitioners for RCCES include special education professionals with over 25 years of experience serving students with disabilities. The instructional strategies detailed in the charter petition are apart of the petitioners' credentialing curriculum. The petitioners' entire teaching career has been used to establish tools to ensure that students meet their goals and objectives.

Thus, these findings is based on incorrect facts and conjecture and may not be used as a legal basis for denial of the RCCES charter petition.

II.D.1.a-b.2.a.3.a Instructional Program

RCCES is aware of the depth of understanding associated with Common Core pacing, rigor, and available teaching materials. The state has given leniency for schools to determine the type of technology, Direct instructional tools and available materials. For example RCCES has chosen to use, Go Math by Houghton Mifflin as our primary math materials. It is suitable for an inclusive enviornment and pacing schedule, as an adopted tool, that is diverse and offers all of our students a tool that may require much supplements for the students and teacher development.

Common core has been established as the leading eductional tool for our students to become proficient in a global economy and diverse culture. Our pacing guides reflect the Common Core and Smarter Balanced Assessment curriculum that demonstrates the rigor that our studetnts will demonstrate proficiency that will begin with a kinder foundational level using traditional student responses that include computer savvy. Our pacing schedule will be evaluated weekly and matched with our weekly student testing results from our Task Analysis.

The embedded instructional strategies described in our charter petition are considered best practices and good teaching. Our educational plan supports all of our students. Additionally, our paraprofessionals will support our educational plan. Students will learn the norms of a good teaching environment.

Teaching tools have become diverse in the 21 Century of Common Core. There is a variety of tools that are available to suit the different types of classrooms, computer interaction, instructional deliveries and effective means of casting students' attention towards wanting to learn. RCCES has built a repertoire of learning tools for students and economical variety for teachers. For example, a flipped classroom will become the norm of home work assignments. Groups lessons of interaction using ipads, elmos, internet and computers. Teacher Share opportunities between charter school partnerships will bring diversity and 21st century staff usage. The wave of technology will reduce the number of paper back books being used and possibly referenced. There are enough ways to deliver and access the Common Core curriculum economically; and gradually decrease expense yearly without having to repurchase. Our gradual grade level increment will allow for gradual increase.

$76,125 is the total amount budgeted for start-up and Year 1. For an enrollment of 175, that is about $435 per students, which is more than sufficient for the actual cost of K-6 books and supplies. The county was provided with the following web/dropbox with the most current budget files: https://www.dropbox.com/sh/z4plszjjvlh15ig/dMUen5w4YJ. The budget was also provided to the county in a hardcopy form.

II.E.1.a.1-4 Budget

Special Education rate of 14.6

RCCES can not improve the historical academic failures of SKUSD, as a district, but we will demonstrate how to teach children to read, write and perform math skills at RCCES. RCCES will not have a special education rate of 14.6. We predict less than the norms of 8%-9% percent by Year 3 for all of our kiddos.

Encroachment
The county has admitted their confidence in RCCES to demonstrate a successful inclusive education product within the findings of this document, ("Even though the proposed charter appears to devote a great deal of attention to special education services"). Despite their negative conjectures and suggestions of insufficiencies, CSMS, our fiscal team, will comply and rectify our budget with SBE and El Dorado SELPA.

Transportation
This is a duplicate finding and has been addressed in the former of this response document. RCCES has a committed donor and (2) driver volunteers for transportation. Our drivers are qualified drivers with the appropriate class licensing. Both will provide free driver services for any extended amount of time.

Teacher shortage
The following finding is another duplicate finding statement, ("There is a shortage of special education teachers and the proposed salary for teachers would be inadequate to hire and retain qualified teachers"). As a matter of record in our petition, RCCES begins its opening with three fully credentialed/mastered special education teachers for 175 students; when most elementary schools with student populations of 700 have 3 or less. RCCES only wants hungry teachers who want to teacher and be apart of the new millennium of the 21 Century of Common Core; using the innovations of technology and alternative instructions. RCCES will find teachers who have not lost their fire for teaching and who will allow students to take the credit for receiving usable data and instruction. Teacher supply is in surplus, as with Teacher Share opportunities between charter school partnerships will bring diversity and 21st century staff usage.

II.E.1.b.1

Book and Supplies
$76,125 is the total amount budgeted for start-up and Year 1. For an enrollment of 175, that is about $435 per students, which is more than sufficient for the actual cost of K-6 books and supplies. The county was provided with the following web/dropbox with the most current budget files: https://www.dropbox.com/sh/z4plszjjvlh15ig/dMUen5w4YJ. The budget was also provided to the county in a hardcopy form.

II.E.1.c.1

Costs
CSMS does not charge fees prior to the school year opening.

II.F.1.a.1-3
The county has provided a list of what they called, a list of inconsistencies throughout the budget'. They appear to be ambiguous references and lists that the county says reflect "commitments that are not aligned within the body of the petition". There is not distinction of Where, When, How or what. As teachers our initial response began with When, Where and How? Their lists appear to be

rhetorical in nature. The lists make assertions but, do not elicit the expectation of a reply or answer. They simply look like strategic meaningless blasts. It looks like stonewalling or an attempt to increase the page count of their findings. They are also duplicates.

These finding is based on incorrect facts and conjecture not used as a legal basis.

RCCES will proceed with great caution in an attempt to explain with delicacy while imposing our best interpretation of what the county has presented as their best. Considerably, most of the things on the list have been answered in earlier questions. Prior to these findings; our team called the superintendent of KCSOS, Christine Frazier and requested open meetings; at our expense and time, **where KCSOS, could clarify their findings to establish good questions. Our request was denied.**

"inconsistencies", teacher salaries. Retirement, finance, borrowing, cash flow and budget assumptions

II.F.1.a.1-3 Teacher salaries

See above Teacher Salaries.

II.F.1.b.1-3 Retirement

PERS is not an option at this time.

II.F.1.b.1-3 and Borrowing

With Cash draconian cash deferrals, this type of short term financing is the option available for new charter schools. As the deferrals continue to decrease and state funding improves, the likelihood is school required to sell receivable will diminish.

II.G.1.a Cash Flow

With Cash draconian cash deferrals, this type of short term financing is the option available for new charter schools. As the deferrals continue to decrease and state funding improves, the likelihood is school required to sell receivable will diminish.

II.H.1.a

<u>The 2013 PSPGP application for RCCES will be resubmitted. Our budget was accepted without any flaws, but that of our description for Community Involvement needed addition rubric specs.</u> Our application status is submitted with this appeal packet. <u>RCCES will reapply in the fall of 2014..</u>

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Finding # III Petition does not satisfy signature requirement (47605(b)(3) "The petition does not contain the number of signatures required by subdivision (a)"

A. Teacher signatures – The charter requires 4 valid signatures and contains none.

1. Year 1 teacher staffing is projected to be 7. (Page 90 of charter and the "RCCES Staffing Plan – Year 1")
2. The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. {CA Education Code 47605(a)(1)(B)}

B. Parent signatures – Requires 88 valid signatures and only contains fewer than 80.

1. Year 1 enrollment is projected to be 175. (Pages 12 and 13 of charter and the attached budget)
2."The petition has been signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will will enroll in the school for its first year of operation." {CA Education Code 47605(a)(1)(A)}.

RCCES Response 3.A.B.

3.A.
This is a gross representation of negligence by the county. RCCES has submitted through the petition process three times. Each time the teacher signatures have been present, along with their credentials and resumes. RCCES has verified from the hardcopy received from the county (Kern), which was Fedex'd; from the county; that the signatures of the teachers was present in the petition packet. Further, as a habit the petition packer (hardcopy) has been personally delivered to the KCSOS school district office hand-over-hand. The petition packet contained the valid teacher signatures and teacher information. This is a fabrication by the county.

3.B.
Note: the teacher signatures were in the petition packet. It was hardcopy, delivered to the county (Kern) RCCES has accumulated over 300 signatures. RCCES received signatures for two years in the city of Rosamond. Both KCSOS and SKUSD have ignored the public interest for RCCES. The fact is RCCES gathered over 10% of the total student population of SKUSD (3045), and parents are hungry for a good education.

There is no basis for denial. It is clear that KCSOS has fabricated this finding.

Finding #4. Lacks Reasonably Comprehensive Program Descriptions {47605(b)(5)}
"The petition does not contain reasonably comprehensive descriptions of all of the following:"

A. Instructional program

1. Does not align with the budget, and is not adequately supported by the budget.
2. Instructional strategies and approaches lack a depth of understanding of the new Common Core state standards or practicality.
3. Special education services are not adequately described and are not supported by the budget

RCCES Response 4.A.

4.A.
The petition demonstrates the instructional program that aligns with the budget. The instructional strategies support good instructional practices and good teaching. RCCES plans an inclusive environment where the educational plan is developed for students with special needs and students of the regular education population.

B. Governance

1. The "Principal" appears to be the "President" of the Board." The President, also known as the Principal, shall be the general day-to-day manager of the corporation and shall supervise, direct and control the corporation's activities, affairs, and officers …" "The President shall serve in an officer capacity only and shall not serve as a director (Board member)."

2. Inconsistencies and conflicts.

3. The petition promises compliance with California Government Code Section 1090 conflict of interest requirements, but the conflict of interest provisions in only require compliance with the Fair Political Practices Act. Although that Act would prohibit the Principal, as a board officer, from participating in or attempting to influence any board action regarding his or her compensation (which is not a public salary since it comes from a nonprofit corporation and is therefore not excluded from the definition of income under the Act) this does not address the Section 1090 absolute ban on contractual conflicts.

4. Changes could be made to bylaws, without material revision to the charter and therefore without authorizer approval.

5. The charter is inconsistent in its provisions on conflicts of interest.

C. Qualifications of employees

1. Teachers, administrators and compensation are not dealt with consistently within the budget and the non-profit corporation bylaws.

2. There is no bus driver described, even though a bus is budgeted and transportation is to be provided to special education students.

D. Retirement coverage for employees

1. There are contradictions between the charter, the budget narrative and the budget related to how retirement coverage would be handled for classified staff.

E. Suspension and expulsion

1. The petition would allow changes without these being treated as a material revision requiring

authorizer approval.

RCCES Response 4..B.C.D.E

4.B.1.2.3.4.5

The president of the board for RCCES is John Berry. The founders of RCCES will perform the day to day administrative duties. The founders will be the administrators and, they will service as part-time teachers. Both will share the administrative positions and duties. The principal will never be a board member.

RCCES is unsure what "inconsistencies and conflicts" references. This appears to be another rhetorical approach to disingenuous notations.

The staff's finding is based on pure conjecture and presents no facts of legal significance. The Board of Directors of nonprofit public benefit corporation that shall govern RCCES, *Teaching Works, Inc.*, shall be governed by its bylaws and applicable California law upon approval of the charter petition.

The draft bylaws, as included with the RCCES charter petition, do not currently include "unacceptable" conflict of interest provisions, nor should the County staff assume that they would be amended otherwise in the future.

Further, the RCCES charter petition commits the school's Board of Directors to adopt a Conflict of Interest Code, which complies with the Political Reform Act and the Corporations Code Conflicts of Interest rules, upon approval of the charter petition (see RCCES charter petition, pages 56-57). A copy of the draft Conflict of Interest Code is included in the RCCES charter appendix. Therefore, the RCCES charter petition includes a reasonably comprehensive description of the conflicts laws that are applicable to a charter school under current state law, and commits accordingly to follow such laws. The County staff cannot base its findings on facts that are not present in the charter petition, thus this finding may nto be used as a legal basis for denial of the RCCES charter petition.

4.C.

The teachers and administrators compensation is address in the budget. The petition contains complete description for the non-profit corporation bylaws

There will be (2) bus drivers.

The staff findings are among the continual duplications. These finding are not basis for denial.

4.D

The petition completely describes the retirement process in the petition. There is no reason for change or modification.

These finding are not basis for denial.

4.E

The petition does not need to be treated as a material revision. The suspension and expulsion are appropriate**.**

The staff findings are among the continual duplications. These finding are not basis for denial.

On behalf of the students, parents, staff and entire RCCES community, we appreciate your time and consideration of this response. As demonstrated, the County staff's findings for denial are based on many incorrect facts, conjecture, or go beyond the requirements set forth in law and the findings do not constitute an impermissible basis for denial of the RCCES charter. We respectfully request that CDE, ACC and SBE approve the RCCES charter petition in accordance with Education Code Section 47605(b). Should you have any questions, please do not hesitate to contact me anytime

Sincerely,

Name: Kim Oliver
Lead Petitioner

Signature: Kim Oliver

Rosamond Community Charter Elementary School