

**Staff Report and Proposed Findings of Fact
Regarding Southern California Charter Schools
(June 16 2009)**

Introduction

The Adelanto Elementary School District (“District”) received a charter Petition (“Petition”) on March 20, 2009, proposing the creation of an independent charter school called Southern California Charter Schools (“Charter School”). The Charter School would ultimately serve students in grades K-12, with a maximum enrollment by 2013 of 2,050 students. The focus of the Charter School would be science, technology, engineering and mathematics (which the petitioners refer to as “STEM”). The Petition claims that the Charter School will open in July 2009 with 380 students in grades 7-10. Grade 11 will be added for the 2010-2011 school year, Grade 12 in the 2011-2012 school year, grades 4-6 in 2012-2013, and grades K-3 in 2013-2014. A very similar petition (which did not contemplate offering the elementary grades) was submitted to Victor Valley Union High School District (“VUUHSD”) earlier this year, and was rejected by the governing board of VUUHSD about two weeks before the Petition was submitted to the District. The Petition states that the Charter School will draw most of its enrollment from Silverado High School (“Silverado”) in VUUHSD and Silverado’s feeder schools.

A public hearing was held on this matter on April 14, 2009. On May 12, 2009, the Board considered the petition at a regular public meeting. At that meeting, the Board and the petitioners agreed to extend the time for the District to approve or deny the petition until June 18, 2009. Petitioners submitted a revised form of the petition. District staff and legal counsel have reviewed both the original Petition and the revised Petition, and this report summarizes staff’s findings. Staff recommends that the Board (1) adopt the findings of this report as their own and (2) deny the Petition on the basis of those findings.

Staff’s Findings of Fact

It is the staff’s recommendation that the Board deny the Petition on the following grounds, pursuant to Education Code section 47605, subdivision (b)(1-5):

- (1) The Petition 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 signatures that comply with the requirements of Education Code section 47605, subdivision (a)(3); and

- (4) The Petition does not contain reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605, subdivisions (b)(5)(A), (B), (C), (D), (E), (F), (J) and (P).

In order to deny the Petition on the grounds set forth above, Education Code section 47605, subdivision (b) requires the Board of Trustees to make “written factual findings, specific to the particular Petition, setting forth specific facts to support one or more” of the grounds for denying the charter. Staff recommends that the Board adopt the following findings as its own.

The following findings of fact have been grouped for convenience under the four grounds for denying the Petition, although some findings of fact support more than one ground for denial.

(1) The Petition presents an unsound educational program for the pupils to be enrolled in the Charter School.

Generally. The description of the educational program lacks needed clarity and does not provide reasonably comprehensive detail on the program. For instance, in many places the Petition emphasizes a focus on “STEM” (science, technology, engineering and mathematics) but at the same time the Petition promises “state standards-based objectives” (page 16), which would imply a more general program than the science and math focus indicated elsewhere. The curriculum (which is detailed on pages 17 and 18) does indeed track the a-g requirements. (See discussion of these requirements below.) However, even here there are some confusing elements. For instance, the Petition promises that 7th and 8th graders will take Chinese, but then states that “Foreign language classes will include *themes* such as French, Spanish, Latin / Greek, and other languages.” (Page 17, emphasis added.) It is not clear whether the term “themes” means that the Charter School will offer instruction in all of these languages to students. If so, it is not clear that the Charter School has budgeted for sufficient staffing to provide such an array of foreign language courses (see discussion of budget below).

A particularly troubling omission is a lack of detail regarding curriculum in grades K-6 (see, e.g., page 16, where the Petition lists courses to be offered in the upper grades but does not provide detail on the elementary program). The sense that the Petition was drafted with only older students in mind is reinforced by other references in the Petition (see, e.g., page 38, where the Petition promises that non-credentialed teachers hired by the Charter School should show “ability to work with adolescents”). The failure to detail a curriculum for K-6 students by itself constitutes grounds to find that the Petition does not contain a reasonable comprehensive description of the educational program. Without further detail, the District cannot assess the soundness of the academic program for elementary students, and the only reasonable conclusion is that the Petition presents an unsound educational program for these students.

Career Technical Academies. In several places, the Petition references students’ participation in “career academies”. (For instance, “Students participating in career

academies will learn important social skills while building friendships”, page 15.) The Petition contains very little detail about these career academies. On page 17, the Petition explains that students in grades 9-12 will participate in four years of “Career Technical Education” in a career academy of choice. The six career academies will apparently be Aviation and Space, Business, Culinary Arts, Medical, Multi-Media, and Teaching. This list is curious, since only two of the identified career academies – Aviation and Space and Medical – seem to be specifically linked to the Charter School’s promise to focus on science, technology, engineering and mathematics. While providing focused education in Business or Culinary Arts, for instance, is laudable, the choice of these subjects, rather than, say, Engineering or Computer Science, is surprising for a school program that is supposedly focused on science, technology, engineering and mathematics.

A further concern about the “career academies” aspect of the educational program is that it is unclear how the academies will function. It appears that a student will take certain courses in association with his or her participation in a career academy, but how extensive this commitment will be is unclear. Also, the staffing plan anticipates only two teachers assigned to the career technical academies in the school’s first several years, which makes it difficult to understand what instruction students will gain from the academies. Since the Petition already details a heavy load of courses for the average student, it is not apparent how many courses will be tied to the career academy of a student’s choice. Furthermore, it is not clear how the academies will be structured and administered, and how exactly membership in an “academy” will form a part of each student’s daily experience.

A-G Requirements. The Charter School certainly has ambitious goals. The Petition states (at page 15): “All students will complete A-G requirements for admission to UC / CSU. Support will be provided, whatever it takes, so that all students will graduate with the opportunity to attend university.” While the petitioners are to be applauded for their aspirations, such goals may not be realistic for a public school serving all students who apply. The Education Code requires that high school students complete certain coursework, while the University of California (“UC”) and California State University (“CSU”) require that students applying for admission have completed more courses than required by the Education Code (these requirements for admission are commonly called the “a-g requirements”). For instance, the Education Code (Ed. Code § 51224.5) requires that high school students complete two years of mathematics for graduation, while the UC expects at least three years of mathematics from applicants.

According to publicly available statistics from the California Department of Education (“CDE”), for the 2006-2007 school year Silverado graduated 513 students. Of these, only 46 (or 9%) had completed the a-g requirements. The statistic was even lower for VVUHSD as a whole, with only 7.6% of students graduating in 2006-2007 having completed the a-g requirements. It should be noted that in the same year, 26% of students county-wide attained the requirements prior to graduation (state-wide, the total was 35.5%). These figures are relevant because the Petition states that the Charter School will target Silverado students for enrollment. While numerous factors could account for such a relatively low achievement rate, they are provided here to give a frame

of reference to the Charter School's promise that 99% of its students will complete the a-g coursework. It may be that the Charter School can and will implement an academic program that will dramatically improve the course completion rates of its students, but how the Charter School plans to achieve this is not explained by the Petition, other than the vague promise "whatever it takes". (The Petition does state at page 14 that the Charter School will "utilize career academies, parent involvement, instructional technology, small class sizes, small school, and other strategies to graduate 99% of its students fulfilling A-G requirements", but does not flesh out these promises by explaining how each of these strategies will be implemented and how they will produce the desired result.)

Furthermore, it should be noted that among special education students the completion of the a-g requirements is generally lower. The CDE does not publish statistics showing how many students who have completed the a-g requirements received special education services during high school. However, statistics on passage of the California High School Exit Exam ("CAHSEE") are informative, since the CAHSEE measures a lower level of academic achievement than is reflected by completion of the a-g requirements. In 2008, 79% of Silverado's tenth graders passed the CAHSEE, but only 26% of its special education students in that grade passed the test. It appears reasonable that a lower percentage of special education students than general education students will meet the a-g requirements, a fact that is not reflected in the Petition's promise that 99% of students attending the Charter School will complete that coursework.

Scheduling and Distance Learning. The Petition promises an eight-hour school day Monday through Thursday, and a 200-day school year (from July through June, making the program essentially year-round). (See page 15.) It is not clear whether and how the planned school year would be tied to the Charter School's academic goals, since beyond a few references to the school's plan to adopt a year-round calendar (see page 16; a proposed calendar for the initial year appears on page 26), the Petition does not explain the purpose of such scheduling.

The Petition further states that "Students will be accountable to participate in a scheduled seven hours of distance learning on Fridays during which time the staff will collaboratively develop lessons." (Page 14.) Charter schools with a program that is essentially classroom-based may offer up to 20 percent of the program in a non-classroom-based setting; however, if any more of than 20 percent of the program is non-classroom-based, a charter school's funding will be reviewed and may be reduced by CDE. (See Ed. Code §§ 47612.5, 47634.2.) It appears that the Charter School's plan to provide 330 minutes of distance learning one day per week, with 330 minutes of classroom-based instruction occurring the remaining four days of the week (see page 27 of the Petition for the Charter School's daily schedule), will not trigger a funding review by CDE.

However, attendance in that portion of a charter school's program that is not classroom-based is subject to different attendance accounting rules than the classroom-based portion of a program. According to the Education Code, charter schools may only claim

apportionment credit for nonclassroom work to the extent of the time value of student work, as personally judged in each instance by a certificated teacher. (Ed. Code § 51747.5(b).) Also, the student and the teacher must verify in writing that the student participated in educational activity for each day that attendance is claimed. (Cal. Code Regs., tit. 5, § 19852(d)(3).) The Petition nowhere indicates that the Charter School is aware of and prepared to comply with these rules. Failure to do so could significantly impact the Charter School's funding.

In addition, the Petition does not explain what the curriculum will be for these distance learning days, or how it will be administered and assessed by Charter School staff. The Petition goes on to state that "Up to less than 20% of the school population will participate in home school programs." (See page 15.) However, the Petition provides no further explanation regarding the Charter School's independent study offerings or the curriculum for students who elect such an option.

Community Partnerships. The Charter School has significant aspirations for partnerships with businesses in the community. The Petition states that the Charter School "will partner" with Victor Valley College and Emery-Riddle University to enhance the educational program. It further states that various companies (Boeing, General Electric, etc.) "present opportunities for mentoring" and that others (Verizon, NASA-JPL, the Dodgers, etc.) "will be sought for partnerships". The current extent of the Charter School's relationships with any of these named entities is not clear. Based on the language (such as "will be sought for partnerships") it appears that the Charter School does not have existing arrangements for these various entities to provide the support to the Charter School envisioned by the Petition.

Aviation Courses. The Petition anticipates that some Charter School students will participate in aircraft mechanics classes and that some will obtain their private pilot licenses. These plans raise potential liability issues that the Petition does not discuss. For instance, it is not at all certain that the Charter School will be able to obtain insurance coverage to adequately protect the Charter School from liability with respect to students who wish to seek their private pilot licenses. Likewise, the Charter School's health and safety policies do not appear to take into account the health and safety implications of students flying small aircraft.

WASC Accreditation. As a new charter school, the Charter School is not yet accredited by WASC. The Petition (page 13) indicates that the Charter School will start the accreditation process in the fall of 2009, and that the process will take at least three years. However, given the deficiencies in the educational program as reviewed herein, it is uncertain whether the Charter School will be able to obtain WASC accreditation during the term of the charter. This could have very serious consequences for students enrolling in the Charter School with the expectation of transferring to college or to other public school programs.

Student Study Teams. It seems that the Charter School intends to convene a Student Study Team for every student, or at least for academically low achievers (page 28: "A

Student Study Team will be conducted to identify the needs of every student.”), academically high achievers (also on page 28: “A Student Study Team will be conducted to identify the needs of every student.”), English learners (page 28 again: “A Student Study Team will be conducted to identify the needs of every student.”), and students with special needs (page 29: the Charter School “will conduct a Student Success / Assistance Team comprised of the student, parent or guardians, teachers, staff and other school professionals.”). Except in the last instance, however, the Petition gives little detail as to what a Student Study Team consists of and how it will promote an individual student’s academic success. Furthermore, the Petition lists the same list of solutions for both academically low achievers and academically high achievers: “small class sizes, extended school day, year-round schedule, collaborative study hours, hands-on experiments, technology-assisted learning, parental involvement, project-based learning, mentoring and individualized support.” (See page 28, where the above list appears under both “Plan for Academically Low Achievers” and “Plan for Academically High Achievers”.) While each of these could be a positive strategy to assist the targeted students, the rePetition seems to indicate a lack of a structured plan for meeting such educational needs.

Other Details. Many other details seem to require further development. For instance, the Petition promises that “Parent involvement will support student engagement, effective completion of homework, and overall academic achievement.” (See page 15.) However, the Petition does not explain what involvement will be expected of parents or how the Charter School will ensure such involvement. Likewise, the Petition states that “Students in small learning communities will enjoy the process of creating significant educational outcomes.” (Page 15.) It is not clear whether the “small learning communities” are distinct from the career academies discussed above, or whether the reference is to some other part of the academic program, and if so how “small learning communities” would be part of a student’s educational experience.

Plan for Special Education. The Petition devotes only a single page (page 29) to its plan for special education, and most of that is expended in describing how the Charter School will identify students with special needs; there is almost no detail on how the Charter School will provide services to such students. The Petition does include broad statements as to the Charter School’s understanding of its legal responsibilities to students under both the Individuals with Disabilities Education Improvement Act of 2004 and Section 504 of the Rehabilitation Act of 1973, yet it fails to address specifically how the Charter School will provide or access special education programs and related services.

The Petition states that the Charter School will serve as its own local education agency (“LEA”); however, the Petition then cites 20 U.S.C. § 1413(a)(5) for the proposition that it will serve students with disabilities in the same manner as students with disabilities are served in schools in the District. The cited code section is applicable to charter schools that are public schools of the local educational agency. If the Charter School were operating as its own LEA, this code section would be inapplicable. The error raises questions regarding the Charter School’s understanding of the laws applicable to educating students with disabilities.

Furthermore, it is typically very difficult for a charter school to be accepted by a special education local plan area ("SELPA") as its own LEA in its first year of operation, and virtually all new charter schools operate as schools of their chartering districts for purposes of special education services during at least the first year. In fact, although the Petition states that the Charter School will serve as its own LEA, the Petition does not specify whether the Charter School is currently a member of a SELPA, or whether the Charter School has begun discussions with a SELPA regarding the Charter School's membership. It would probably be more realistic if the Petition stated that the Charter School would act as a school of the District during at least its first year, but reserved the right to seek membership in a SELPA as an LEA during the term of the charter.

As noted, the portion of the Petition dealing with special education issues focuses almost exclusively on the identification of students needing such services. Nevertheless, the Petition's child find process is flawed. The Petition states that the Charter School will use a Student Success/Assistance Team ("SST"). The school will then screen all children with behavioral and academic difficulties to determine referrals for special education evaluations. Parental requests or immediate needs as determined by teachers will also be considered for referrals. However, under Education Code section 56302, educational agencies shall utilize referrals from teachers, parents, agencies, professional persons, and other members of the public. The Petition therefore incorrectly limits the sources from which referrals may come.

Next, the Petition incorrectly states that the mandated time frame to conduct an initial assessment and convene an individualized education program ("IEP") team meeting is 50 days. Under Education Code section 56302.1, an initial assessment and IEP team meeting must be convened within 60 days of receipt of parental consent for assessment. The Petition also does not contain sufficient information regarding the legal criteria by which a student is considered a "child with a disability" and thereby eligible to receive special education and related services. The Petition merely states that the team will determine whether the student qualifies for the thirteen federally mandated eligibilities.

The Petition states that student progress will be reviewed annually. However, Education Code sections 56341.1 and 56343 require that an IEP meet periodically, but not less frequently than annually. An IEP team meeting may be held whenever a pupil receives an assessment, demonstrates a lack of anticipated progress, or when a parent requests a meeting. Thus, the Petition's requirement of only an annual review is a legally inaccurate limitation.

The Petition does not contain any information regarding how Charter School personnel will refer students for reevaluations. There is no information specifying how the Charter School will determine if an eligible student requires reevaluation and the process by which a reevaluation assessment will be developed. Reevaluation is essential to ensure that students are receiving appropriate and effective programs and services. The failure to address reevaluations demonstrates a lack of understanding of how to appropriately serve students with special needs. Further, the Petition incorrectly limits reassessment to

every three years. Education Code section 56381 states that reassessment shall not occur more frequently than once per year, unless the parent and the LEA agree otherwise. Additionally, although reassessment should occur at a minimum of every three years, student's parents and the LEA may agree that reassessment is unnecessary. Contrary to the information set forth in the Petition, reassessment may occur more frequently than every three years. Accordingly, the Petition's mandate for only triennial reassessment is inconsistent with the law.

As noted above, the Petition provides almost no detail on how the Charter School will provide special education services, including what staff the Charter School will engage to work with special education students. With such a large student body contemplated by the Petition, the Charter School is likely to have a significant population of students needing such services, yet the staffing plan does not indicate provision for such staff. Interestingly, the Petition does note (on page 46) that "SELPA and the Adelanto School District may provide additional support for special education students."

The special education portion of the Petition contains numerous other glaring omissions. The Petition does not provide any information regarding the distribution of procedural safeguards to student's parents. The Petition fails to provide any information regarding excusals of mandatory IEP team members from IEP team meetings. Finally, the Petition fails to address how the Charter School will respond to parent requests for independent educational evaluations ("IEEs").

Lastly, the Petition does not contain any information regarding the District's obligation to develop and provide interim placements to special education students. Under Education Code section 56325, when a student with special needs transfers from a school not operating programs under the same SELPA, the new school is obligated to provide the student with comparable services for a period not to exceed 30 days. Thereafter, the school may either adopt the previous IEP or develop and adopt a new IEP. The Petition fails to identify the Charter School's obligation to provide comparable services or convene an IEP team meeting. The Petition fails to address behavioral assessments, including the circumstances under which a referral for a functional behavioral assessment ("FBA") or functional analysis assessment ("FAA") may be warranted. Similarly, the Petition fails to include any discussion regarding behavior support plans ("BSPs") or behavior intervention plans ("BIPs"). Behavioral assessments are an essential part of the assessment and identification process and disciplinary procedures. Accordingly, the failure to include such provisions in the Petition raises questions about the sufficiency of the Charter School's educational program for students with special needs.

The Petition indicates that the Charter School will serve its students with special needs by utilizing small class sizes, extended school day, year-round schedule, and other interventions. However, the Petition does not identify the continuum of program options that will be available at the Charter School. Further, there is no information regarding whether SCCS will contract with service providers (i.e. nonpublic service agencies) or have qualified staff employed by the Charter School to provide related services (i.e. occupational therapy, speech and language therapy, applied behavioral analysis, etc.).

Conclusion Regarding Educational Program. Because of the deficiencies described above, the Petition presents an unsound educational program for students to be enrolled at the school, particularly elementary students.

(2) The petitioners are demonstrably unlikely to implement the program set forth in the Petition.

A. Petitioners.

The Petition lists a two-member founding group consisting of Dr. Gary Wilkins and Georgette Phillips (see pages 4-5). According to the Petition, Dr. Wilkins is a marriage and family therapist and an educator, with 15 years of experience in teaching. Ms. Phillips has been a teacher for 25 years, has “directed a major corporate childcare program”, and has “developed career academies”. While both individuals have experience and training in education, neither appears to possess any significant experience in school administration, and no other person with such experience is listed in the Petition. Such lack of experience would likely prove detrimental in the development and operation of a school as large and ambitious as that proposed by the Petition. (The Petition states at page 60 that the Charter School will be led by experienced administrators, but does not state who these persons will be.)

B. Timing of Submission.

The Petition was not submitted until March 2009, yet the petitioners claim that they will open in July 2009. If the District were to approve the charter Petition in May 2009, the Charter School would have only two months to prepare for opening. The Charter School plans to enroll 380 students in a summer program that will open in July 2009, and to enroll nearly 200 more students by October 2009, when the regular year will start. Yet there are numerous gaps in the Petition, reflecting a lack of preparedness on the part of the petitioners to open so soon (for instance, it is not clear where the Charter School will locate initially, and the Petition contains two conflicting budgets – more on these issues below). Among other things, it seems very unlikely that the Charter School could adequately staff the program and train new employees in time for a July 2009 opening.

The most damaging effect of the late submission of the Petition, however, is that even if the District approves the Petition in May 2009, it is likely to be too late for the petitioners to submit the approved Petition to the State Board of Education (“SBE”) in order to receive a charter school number and be eligible for funding for the 2009-2010 school year. The SBE must issue each new charter school a school number at one of SBE’s regular meetings (every other month) as a prerequisite to receiving state funding. Normally SBE does not accept new charter schools for inclusion on its regular agendas after March of each year. Even if SBE made an exception in this case, its next meeting is not until July, and the deadline for submitting a request for a charter school number on that agenda was April 28, 2009.

Other issues regarding timing are sprinkled throughout the Petition. For instance, the Petition states, at page 47, that the Charter School will conduct presentations in the community to recruit students. However, given the lateness of the submission of the Petition, it does not seem that such presentations would be well-timed.

C. Plan for Growth/Elementary Grade Curriculum

The Petition sets forth the following plan for enrollment at the Charter School:

July 2009	380 students	Grades 7-10
October 2009	570 students	Grades 7-10
July 2010	820 students	Grades 7-11
July 2011	980 students	Grades 7-12
July 2012	1440 students	Grades 4-12
July 2013	2050 students	Grades K-12

Assuming for the sake of discussion that the phase-in of grade levels described above is consistent with Education Code section 47605(a)(6) (which states that “a Petition to establish a charter school may not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the Petition, unless the Petition proposes to serve pupils in all of the grade levels served by that school district”), the Petition sets forth a very ambitious growth plan, and it is not at all clear (1) whether the Charter School can meet such targets and (2) whether the Charter School could adequately serve so many students.

First, it is not certain that the Charter School could recruit 380 high school students between now and July 2009, let alone nearly double that enrollment by October (see discussion below regarding the reservation forms submitted with the Petition). The Petition claims that these students will be recruited from Silverado in VVUSD. According to the Petition and CDE statistics, Silverado’s enrollment has been increasing over the past several years. Statistics available on CDE’s website show that enrollment at Silverado was 3,225 in 2003-2004, and totals 3,670 in 2008-2009. While this is steady growth, it is not quite as dramatic as implied by the Petition (which states that Silverado’s current enrollment is “just under 4,000”). Without citing a source for its information, the Petition states that Silverado’s enrollment “would be projected to grow” to 4,800 in the 2011-2012 school year. The Petition states that “SCCS enrollment will be approximately equal to the projected population increase of SHS [Silverado] and its feeder schools.” (See page 14.) In other words, the Charter School expects to capture *all* enrollment growth at Silverado and nearby elementary schools over the next five years.

These expectations are overly optimistic at best. Even if Silverado’s enrollment grows at the rate predicted by the Petition, it is not realistic to anticipate that a number of students equivalent to Silverado’s enrollment growth will choose the Charter School’s program. Parents may not be interested in placing their students in a new, untested environment. Also, the program is planned to specialize in science, technology, engineering and mathematics, subjects that may not appeal to all students.

Furthermore, whether the Charter School could adequately serve the enrollment predicted by the Petition is difficult to determine. As discussed herein, the Charter School's educational plan, projected budgets, facilities plan and many other aspects of the Petition reflect inadequate planning, and it appears that the petitioners are demonstrably unlikely to succeed with the program as outlined by the charter Petition. The plan for dramatic growth exacerbates the weaknesses of the Petition.

Finally, as explored herein, the Petition provides almost no detail on the educational program to be offered in grades K-6 and is therefore entirely incomplete in this regard. The petitioners are therefore unlikely to succeed in implementing a curriculum for elementary students.

The overly ambitious growth plan, in addition to the inadequacies of the Petition as reviewed herein, particularly its failure to detail a plan for grades K-6, constitute grounds to find that the petitioners are demonstrably unlikely to successfully implement the Charter School's program.

D. Location

The information included in the Petition about the Charter School's plan for its facilities is confusing. On page 6, the Petition states that the Charter School will occupy a "state-of-the-art facility that will be purpose-built to provide authentic and engaging experiences". On page 14, the Petition indicates that the Charter School "will be located on 20 acres of land at the corner of George and Eagle at the Southern California Logistics Airport in Victorville, California." Finally, in a discussion on page 57, the Charter School states that the school will "have 50,000 square feet of buildings constructed at a cost of 6.1 million dollars". When this will occur, and how the Charter School will finance the design and construction of such a facility, is not explained.

As an initial matter, the Charter School's plan to locate on a portion of a functioning airport is by itself a matter for significant concern. Education Code section 17215 requires charter schools (like school districts) to give CDE notice prior to purchasing or leasing property for a school site that "is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site." (Ed. Code § 17215(a).) The CDE then informs the State's Department of Transportation ("DOT"), and the DOT conducts an investigation of the site and issues a report. "If the report does not favor the acquisition or lease of the property for a schoolsite or an addition to a present schoolsite, the governing board or charter school may not acquire title to or lease the property." (Ed. Code § 17215(d).) Furthermore, State funds may not be apportioned or expended for the purchase or lease of such a site if the DOT does not support the plan. (Ed. Code § 17215(e).)

It is not clear from the Petition whether the petitioners have complied with Education Code section 17215, or even if they are aware of its potential applicability to the site for the Charter School proposed by the Petition. (The Petition does state, at page 57, that

school facilities “will comply” with “requirements for schools located near airports or highways”. However, it is not clear if the Charter School has taken any steps to comply with section 17215.) If the site is more than two miles away from any runway or planned runway at the airport, it is possible that the statute does not apply; however, at a minimum the Petition should indicate that the petitioners have investigated the statute’s applicability and consulted with CDE. If the statute does apply, the petitioners have not yet consulted with CDE, and the Petitioners wish to proceed with using the site, compliance with Education Code section 17215 could delay opening of the school in July 2009 as contemplated by the Petition. For these reasons, the proposed location and petitioners’ failure to indicate plans to comply with Education Code section 17215 indicate that petitioners are demonstrably unlikely to successfully implement the plan for facilities.

In addition to such concerns, it is not at all clear how the Charter School plans to finance construction of the facility that the Petition describes in such detail (see page 57). The Petition states that the cost of the 50,000 square foot facility will be \$6.1 million, and that the buildings will be located on 10 acres valued at \$2.4 million. According to the description on page 57, the facility will feature at least 30 oversized classrooms (36’ x 36’), six laboratories, and two offices. The planned facility will include a gymnasium with a half-size Olympic swimming pool, as well as a cafeteria that can seat 980 students. Yet the Petition, and the two budgets included with it (discussed below), nowhere adequately explain how the Charter School intends to fund the purchase of the land or the anticipated construction. In fact, given the extent of the plans, it is questionable whether construction of such a facility can actually be financed for the relatively low price of \$6.1 million, since in most cases the construction of entirely new school facilities, especially those serving high school districts, averages in the tens of millions of dollars.

The Petition also does not explain at what stage the planning and construction of this facility currently stands. It is not clear whether the petitioners have engaged an architect (nor how such a professional’s fee has been or will be paid), whether the petitioners have title to the land on which they plan to construct this facility (and if not, what is the current status of such a purchase), and when construction is anticipated to start and finish. A facility of the size envisioned by the Petition could take at least a year to complete. The Petition does not explain where the Charter School will locate prior to completion of the facility.

Finally, the Petition states that in 2012 the school will be expanded to add 42 classrooms and other facilities. The Petition does not provide an estimate for this construction nor an explanation as to how it will be financed. (Page 57.)

The lack of sufficient detail on the Charter School’s facilities plans, including convincing information on how the facility will be financed, and the absence of information on where the Charter School will locate prior to completion of construction, constitute grounds to find that the petitioners are demonstrably unlikely to successfully implement the Charter School’s program.

E. Financial Planning (Pages 54 – 56 and Attachment A)

Education Code section 47605, subdivision (g) requires a charter Petition to include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operations. On pages 54-55, the Petition sketches a rough budget, which raises more questions than it answers about how the Charter School expects to finance its operations and run the proposed program. To make matters even more confusing, a different budget appears in Appendix A, and the information appearing there conflicts with the budget in the Petition. (For ease of reference in this discussion, we will refer to the budget in the Petition (pages 54-55) as the “Petition Budget” and the budget in Attachment A as the “Attachment Budget.”) We note the following discrepancies between the two budgets:

Petition Budget (Pages 54-55)	Attachment Budget (Attachment A)
<i>Staffing</i>	
Salaries and benefits for 24 employees; according to staffing plan at page 40, 22 of these will be teachers, which means <u>only two</u> would be non-teaching employees	Budget includes salaries for principals, assistant principals, and office managers, indicating that <u>more than two</u> non-teaching employees would be hired
Average salary of \$85,000 x 22 teachers = <u>\$1.87 million</u> in teacher salaries	Certificated salaries = <u>\$1.24 million</u>
Apparently only two non-teaching positions, with average salaries of \$85,000 for all staff	Principal salaries = \$238,000 Assistant principal salaries = \$297,000 Office manager salaries = \$98,000
Employee benefits budgeted at <u>\$300,000</u>	Employee benefits budgeted at <u>\$420,000</u>
No custodial, maintenance or food service positions	No custodial, maintenance or food service positions
<i>Facilities</i>	
Projects <u>\$780,000</u> in total annual costs for facilities. This includes: <ul style="list-style-type: none"> • \$40,000 per month in facilities costs (how this figure is derived and what costs it will cover is not clear) • \$25,000 per month in costs for land (how this figure is derived and what costs it will cover is not clear) 	First year budget for “Leases, repairs, building” = <u>\$1.02 million</u> in first year of operation
<i>Revenue Sources</i>	
Assumes 95% attendance and total general-	Anticipates State general purpose funding

purpose funding of <u>\$3.8 million</u> Assumes 570 students enrolled throughout 200-day school year, even though Charter School will initially open in July 2009 with 380 students, increasing to 570 by October 2009	at <u>\$3.5 million</u> in the first year
Does not mention State categorical block grant	Estimates State categorical block grant funding at \$218,592
References Walton Grant and CDE Implementation Grant	Does not include any grant funding
<i>Other Expenditures</i>	
<u>Laptops</u> – Estimates \$650,000 in first year	No corresponding line item, unless it is “equipment” at \$600,000 (if so, second and third year projections for equipment do not correspond to Petition Budget’s estimate of laptop purchases during the same years)
<u>Utilities</u> – Estimates \$90,000 in first year	Estimates <u>\$25,000</u> for first year
<u>Supplies</u> – <u>\$900,000</u> budgeted for first year	Lists items that might constitute supplies (e.g., textbooks, “other supplies”) with a total value of about <u>\$117,000</u>
No mention of insurance, consultants, and District’s oversight fee	Includes figures for insurance, consultants, and District’s oversight fee

These are glaring inconsistencies. It is impossible to understand which budget is authoritative and accurately reflects the Charter School’s financial plans for its first three years, as required by Education Code section 47605, subdivision (g). Taken alone, neither budget explains how many employees the Charter School will engage or in what capacities, how the Charter School will finance its ambitious facilities plan, and how the Charter School will fund other aspects of its program (such as laptops).

The failure of the Petition to comply with Education Code section 47605, subdivision (g) by providing realistic and internally consistent budget information indicates a very troubling lack of preparedness to operate a public school, and constitutes grounds to find that the petitioners are demonstrably unlikely to successfully implement the Charter School’s program.

F. Legal Status of Charter School

The Petition states that the Charter School “will be” a nonprofit public benefit corporation (page 34). It is not clear whether the petitioners have taken steps to actually create a nonprofit corporation. As the Petition correctly notes, Education Code section 47604, subdivision (c) states that a school district or other authority that grants a charter for a charter school to be operated by a nonprofit public benefit corporation is not liable for the debts of the charter school or for any claims arising from the charter school’s operations. However, if the District were to approve the Petition prior to the creation of a nonprofit corporation to operate the Charter School, the District could be exposed to liability for the period of time between charter approval and the formation of a nonprofit corporation. Likewise, if the petitioners have not so far formed a nonprofit corporation, that failure is troubling, since the Charter School hopes to open in July 2009, leaving little time to form a corporation.

Unless the petitioners are able to demonstrate that the Charter School will be operated by a nonprofit corporation existing at the time of the District’s consideration of approval of the Petition, the Petition should be denied on the grounds that the petitioners are demonstrably unlikely to succeed, because they have not taken necessary steps to secure themselves and the District against civil liability.

G. Insufficient Detail in Staffing Plan.

As reviewed below, the Petition does not provide clarity regarding the petitioners’ plans for staffing the Charter School. This indicates that they are demonstrably unlikely to succeed in implementing the Charter School’s program.

(3) The Petition does not contain signatures that comply with the requirements of Education Code section 47605, subdivision (a)(3).

Education Code section 47605(a)(1)(A) states that one of the criteria for approval of a charter Petition is that it be signed by a number of parents or legal guardians that is equal to at least one half the number of students that the Charter School anticipates enrolling in its first year of operation. Education Code section 47605(a)(3) states that a charter Petition shall include a prominent statement that a signature on the Petition means that the parent or legal guardian is “meaningfully interested” in having his or her child attend the charter school, and requires that the charter Petition be attached, so that the signatures can assess the Petition for themselves. The Petition as submitted fails to comply with these requirements of the law.

Appendix C is labeled “Signatures”, and behind this divider appear about 207 forms, each labeled “Reservation Form”. Each Reservation Form contains the name of a student, and is purportedly signed by a parent or legal guardian. However, none of these forms complies with the requirements of Education Code section 47605(a)(3), since none contains a statement that the parent signing the form is meaningfully interested in attending the Charter School. Therefore, it is impossible to assess whether the parents and guardians submitting these forms are actually interested in enrolling their students at the Charter School, and whether they had an opportunity to review the Petition.

Also attached to the Petition at Appendix B behind a divider marked “Reservations” are the names of 581 students. The Petition does not explain who these students are and what the purpose is of including their names with the Petition. The list is somewhat confusing, in that next to each student’s name there appears a year. Most of these are marked 2009, but many are later years in the anticipated term of the charter (such as 2012). It is possible, though not certain, that these dates indicate when each student would be interested in enrolling. However, among the names marked with “2009”, many do not appear on the reservation forms attached at Appendix C, although some student names do appear in both places.

The failure to submit signatures that comply with Education Code section (a)(3) constitutes grounds to deny the Petition.

(4) The Petition does not contain reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605, subdivision (b)(5)(A-P).

A. Element A – Educational Program.

As reviewed above in detail under section (1), the educational program presented by the Petition is unsound. For all the reasons set forth in that section, the Petition also fails to provide a reasonably comprehensive description of the Charter School’s educational program.

B. Elements B and C – Measurable Pupil Outcomes.

The primary accountability measure that the Petition identifies is the Academic Performance Index (API). The Petition states that the Charter School will “do whatever it takes to exceed 900 API.” (Page 30.) As with other promises regarding the Charter School’s academic program, this statement is unsupported by concrete information sufficient to convince a reader that the petitioners are capable of achieving what they intend.

In fact, much of the discussion of assessment tools is difficult to understand. For instance, the Petition states that the Charter School will “Monitor progress towards targeted goals by utilizing dashboard.” (Page 30.) The term “dashboard” is undefined. (At page 33 the Petition similarly states: “Dashboard performance data will be available to all staff at all times”, a reference that is also unclear.) The Petition states that “Instructional interventions will be data driven in compliance with Education Code 47605.” (Page 31.) Education Code section 47605 is a lengthy statute dealing with the approval of charter Petitions; it is not clear what portion of that statute the Petition intends to reference. The Petition goes on to assert that “Student academic performance will be evaluated using [undefined] benchmarks and rubrics.” (Page 31.) The Petition further promises that “On-going school-wide performance accountability using six week benchmark assessments in compliance with Ed Code 47601” will be used. The reference

to a six week benchmark assessment is hard to understand, particularly since Education Code section 47601 merely sets forth the Legislature's intent in adopting the Charter Schools Act, and says nothing about performance assessments. As these examples demonstrate, the discussion of performance assessments contains many buzzwords, but not enough explanation of how the Charter School will achieve its ambitious academic goals. On the other hand, the Petition does set out some concrete assessment tools that will be used to assess the Charter School's academic performance (see page 32), such as Measures of Academic Progress (MAP) tests for 7-10 graders in math and English and CST tests in the sciences for 9-12 graders.

In fact, the "whatever it takes" attitude is somewhat troubling. The Petition states that transcripts will show that all students have earned a C or better in math and science courses (page 32). Since the traditional A-F grading scale is usually used to indicate a range of student performance, by itself this statement raises concerns that teachers will face pressure to manipulate student grades in order to meet academic performance targets. The Petition also does not explain what the remedy is for students who do not earn C grades or better in these courses.

Finally, it should be noted that the Petition states that "formative and summative data" will be presented to the District "in 2011 and again in 2013 (twice during the school's first five years)". This schedule is not sufficient; as the chartering authority responsible for oversight of the Charter School, the District should receive at least annual updates on the Charter School's academic performance.

The Petition's failure to fully explain how the Charter School will meet its lofty academic goals means that the Petition presents an unsound educational program, and fails to provide a reasonably comprehensive description of the measurable student outcomes for the Charter School's program.

C. Element D – Governance Structure

As noted above, the Petition is ambiguous on the question of whether the Charter School would be operated by a nonprofit corporation that is currently in operation. If the District were to approve the Petition prior to the creation of a nonprofit corporation to operate the Charter School, the District could be exposed to liability for the period of time between charter approval and the formation of a nonprofit corporation.

The Petition also states the Charter School will adhere to the conflict of interest law applicable to nonprofit corporations (page 34). Since the Charter School will be a public agency operated with public funds, this is not sufficient. The Petition should state that the Charter School will comply with all conflict of interest laws applicable to public agencies, including Government Code section 1090. (The Petition does affirm that the Charter School will comply with the Brown Act – see page 35.)

The Petition states that the Charter School will be governed by a non-elected five member Board of Directors. (Page 35.) It also sets forth the matters that will be subject

to the Board of Directors' review and action. (Page 36.) The Petition does not explain how the initial board will be selected, but does state that new members will be nominated by an advisory committee and selected by a majority vote of the existing Board of Directors (it is not clear how a tie would be broken if, say, one seat is vacant and the remaining four members are attempting to fill it). It is also noteworthy that the Petition does not provide for the participation on the board of a representative of the District. However, pursuant to Education Code section 47604, subdivision (b) the governing board of a district that grants a charter to a nonprofit corporation is entitled to a representative on the board of directors of that corporation.

According to the Petition, the Charter School contemplates entering into a memorandum of understanding ("MOU") with the District setting forth the working relationship between the two entities. (Page 37.) Such an operational document is typical between charter schools and their chartering entities. However, in an ambiguous statement in the paragraph concerning the MOU, the Charter School states "This information regarding the operation of the school and the effect upon the district fulfills the requirements of Ed Code 47605." Since, as noted elsewhere, Education Code section 47605 is a lengthy statute that details the requirements of approving a charter Petition, this statement requires clarification; it is unclear what portion of Education Code section 47605 the Charter School believes is satisfied by the paragraph in question.

For the reasons noted above, the Petition fails to provide a reasonably comprehensive description of the Charter School's governance program.

D. Element E – Employee Qualifications and Staffing Plan.

The Petition states that the Charter School will hire "Executive Directors" but does not state how many such positions will be filled. (Page 38.) Executive Directors will also have teaching assignments, but it is not clear whether the Charter School will require Executive Directors to possess administrative credentials (charter schools are not required to employ only persons with administrative credentials in leadership positions, although such a requirement may strengthen a charter school's chances of success). It is also not clear whether the Executive Directors are included in the staffing plan that begins on page 40, and shows the number of teachers the Charter School intends to engage.

Next, the Petition states that the Charter School will hire "Office Managers", but does not specify how many. The Petition also contemplates the hiring of "Directors", but again the number of such persons is not set forth. The "Directors" will have a somewhat confusing role, since they are "responsible for the safe and respectful behaviors of the students" and "responsible for the data management of the school" (page 39). It is therefore not clear whether these are administrative positions (e.g., assistant principal) or more clerical. For instance, on page 52, the Petition provides that the Executive Directors or "the Director" (the reference in this case is to a single Director) will be responsible for student discipline decisions. Elsewhere (at page 54) the Petition states that the Director (again, referencing only a single employee) will be responsible for the Charter School's budget.

A staffing plan for teachers is set forth on page 40 of the Petition. The plan contemplates the hiring of 22 certificated employees in the first school year, with 6 more added during each of the next two years. As in other parts of the Petition, the details regarding the K-6 program (to be implemented in years 4 and 5 of the charter's term) are very few. The staffing plan merely states that the Charter School will hire 17 teachers to teach grades 4-6 in year 4 and an additional 22 to teach grades K-3 in year 5, but does not explain how many classes at each grade the Charter School contemplates, nor what the curriculum will be in those grades. Therefore, there is no assurance that the Charter School will be able to staff appropriately credentialed teachers with its planned classroom ratio of 23:1. As noted elsewhere, the staffing plan taken as a whole does not include provision for hiring certificated employees specializing in serving students with special needs, so it is not clear how the Charter School plans to serve such students as its own LEA.

Finally, in certain regards, the staffing plan does not correspond to promises made elsewhere regarding the academic program. For instance, the Petition indicates that the Charter School will hire two foreign language teachers, teaching Chinese I and Chinese II, for its first year. After that, the staffing plan does not anticipate hiring any other foreign language teachers, despite indications elsewhere that languages other than Chinese will be offered (see page 17). Also confusing is that the staffing plan anticipates hiring only two teachers in the first year to staff the six career technical academies, and to add one more each of the next two years, so that the six academies will eventually be served by four teachers. Since it appears (see page 17) that the purpose of the career technical academies is to offer students' specialized training in a field of choice, the decision to not hire at least one specialist for each academy is surprising. Also, as noted elsewhere, no detail is provided as to how the career technical academies will actually work, and whether students will receive instruction within their academy of choice.

Additional confusion about the Charter School's staffing plan arises from the information contained in the Petition Budget (pages 54-55), reviewed above. It appears from the Petition Budget that the Charter School will employ only two non-teaching employees through its third year of operation, since the budgets for those years indicate only two positions in addition to the number of teachers the Petition states on page 40 will be employed during those years. This is troubling, since by its third year the Charter School anticipates enrolling 980 students, yet expects to conduct the administration of the school with only two employees. In its fourth year, the budget anticipates three non-teaching employees (serving 1,440 students) and in its fifth year, a total of four non-teaching employees will be employed (for 2,050 students).

It seems highly unlikely that such a small number of non-teaching employees could adequately serve the anticipated student body, and support the teaching staff. For instance, the Charter School anticipates conducting virtually all of its administrative functions by itself, including attendance accounting, budget management, payroll, benefits, purchasing and accounting. (See page 56.) These are functions that a school district of similar size would require several people to perform adequately and competently. In addition, of course, the Charter School's non-teaching employees would

presumably perform such functions as student discipline, community relations, staff evaluations, and support of the academic program. It appears unlikely that two or three people could adequately perform all of these functions for a school of the anticipated size.

Finally, the Petition states that employees shall have the right to return to work in the District if they were employed there when hired by the Charter School, at the same status as when they left the District. (Page 42.) This is not acceptable to the District, since it would require the District to accept for reemployment employees who leave the District for the Charter School and return at their own or the Charter School's choosing, regardless of the District's staffing needs at the time.

The Petition's failure to adequately explain the Charter School's staffing plan and to detail the staff's work functions means that the Petition fails to provide a reasonably comprehensive description of its employees' qualifications.

E. Element F – Health and Safety

The Charter School has not yet adopted actual health and safety policies, and instead apparently plans to do so at some unspecified point in the future (e.g., the Charter School “*will have* full health and safety procedures and risk management policies”, the Charter School “*will have* an Emergency Preparedness Handbook”, the Charter School “*will have* a plan to comply with federal and state standards regarding blood-borne pathogens and potentially infectious materials”; see page 43 (emphasis added)). The failure to actually put forth health and safety procedures with the Petition, particularly when the Charter School anticipates opening so soon after its approval, is troubling. Therefore, the Petition fails to set forth a reasonably comprehensive description of the Charter School's health and safety procedures.

F. Element J - Student Suspension/Expulsion

The Petition sets forth acts for which a student may be disciplined and procedures for such discipline. However, it is not clear what the standard is for expulsion from the Charter School. The list of offenses (pages 50-51) does not explain under what circumstances a particular act may give rise to expulsion rather than suspension, nor do the disciplinary procedures explain how the administrator will decide if a particular offense will subject a student to suspension or expulsion. This crucial point should be addressed by the Petition.

The Petition does acknowledge that students with special needs may be entitled to additional procedures when subject to discipline. In some respects, however, the Petition uses awkward terminology with regard to the discipline of special education students or students with Section 504 plans, which would seem to indicate a lack of in-depth knowledge regarding procedures applicable to such students. The Petition states that within ten days of a violation of the suspension and expulsion policy, an IEP team meeting shall be conducted to “make a manifest determination.” In fact, the process is

normally called a manifestation determination. Next, the Petition incorrectly refers to an IEP as an “Individual Education Plan” rather than an Individualized Education Program as identified in both federal and state law. (See 20 U.S.C. § 1414 *et. seq.*; Cal. Ed. Code § 56000 *et. seq.*) Further, the Petition incorrectly indicates that a manifestation determination will be conducted “[w]ithin ten days of a violation of suspension and expulsion policy... the school will conduct an Individual Education Plan...” However, special education students may be removed from their current placement for up to 10 days without being entitled to educational services, an IEP team meeting regarding behavior interventions, or a manifestation determination. The Petition appears to incorrectly indicate that the Charter School will conduct an IEP meeting and a manifestation determination within ten days anytime a student with special needs is subject to disciplinary action. Additionally, the Petition does not correctly identify the conditions under which a student may be placed in an interim alternative educational setting.

Finally, it is not entirely clear whether this section of the Petition is intended to set forth all of the disciplinary procedures, or whether the Charter School intends to develop further policies at some later time. The section begins, “This disciplinary policy is established to promote learning and to protect the safety and well being of all SCCS students” but later states “A written copy of the disciplinary policy and procedures will be provided to parents or guardians at the time of enrollment”. (See page 49.) Whether the policy to be provided to parents and guardians will be identical to this section of the Petition ought to be clarified, since if the Charter School intends to adopt a disciplinary policy beyond that set forth here, the District should have an opportunity to review it. The deficiencies in this section, particularly the lack of clarity regarding when an offense results in expulsion, means that the Petition fails to provide a reasonably comprehensive description of the Charter School’s procedures for the suspension and expulsion of students.

G. Element P – Closure Procedures

The closure procedures do not meet all the requirements of applicable regulations, which state that a charter Petition must, among other things, designate a responsible entity in the event of closure of the school and provide for completion of an independent final audit within six months after the school’s closure. (See Cal. Code Regs., tit. 5, § 11962.)

Recommendation

Based on the findings of fact, set forth above, District staff recommends that the District Board of Education formally adopt the proposed findings of fact set forth above, as its own, and deny the Petition on the basis of these findings.

Agenda Item

9.01 New Business - Deny Resolution 08-09-39 Charter School Petition -Southern California Charter School and Career Academies for Science, Technology, Engineering, and Mathematics

Meeting: 06/16/2009 Regular Board Meeting

Category: 9. NEW BUSINESS

Agenda Action

Type:

Agenda Item Content

ADELANTO SCHOOL DISTRICT

Mission

**Our students achieve at high academic levels,
contribute to their community,
identify individual interests,
and reach personal goals.**

DATE: June 16, 2009

TO: Board of Trustees

FROM: Christopher van Zee, Superintendent

SUBMITTED

AND

PREPARED BY: Christopher van Zee, Superintendent

SUBJECT: Deny Resolution 08-09-39 Charter School Petition - Southern California Charter School and Career Academies for Science, Technology, Engineering, and Mathematics

BACKGROUND

On or near March 20, 2009, the Adelanto School District received a Charter School proposal for a K-12 Charter School to be called the "Southern California Charter Schools". Education Code 47605 reads in part "...No later than 30 days after receiving a petition...the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents. Following review of the petition and the public hearing, the governing

board shall either grant or deny the charter within 60 days (May 19) of receipt of the petition.”

The above mentioned charter proposal has been reviewed by legal counsel and a written report from legal counsel has been provided to the Board of Trustees of the Adelanto School District for their consideration.

A public hearing was conducted on April 14, 2009 by the Adelanto Elementary School District Board of Trustees at West Creek Elementary School.

E.C. 47605 Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. In reviewing petitions for the establishment of charter schools pursuant to this section, 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. 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, 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 contain the number of signatures required by subdivision (a). (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d). (5) The petition does not contain reasonably comprehensive descriptions of all of the following: (A) (i) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the

21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. (ii) If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements. (B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program. (C) The method by which pupil progress in meeting those pupil outcomes is to be measured. (D) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement. (E) The qualifications to be met by individuals to be employed by the school. (F) The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237. (G) The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. (H) Admission requirements, if applicable. (I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. (J) The procedures by which pupils can be suspended or expelled. (K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. (L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. (M) A

description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. (N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter. (O) A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code. (P) A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

ANALYSIS

Education Codes 47605-47608 are attached. The Board will grant or deny the charter at the June 16th Board Meeting. Revisions were submitted to the Adelanto School District in May.

This petition was submitted to District Legal Counsel (Lozano/Smith) in March 2009 with a request for a complete written review of the petition against the criteria stated in the California Education Code 47605. Legal counsel has recommended that the District not approve the petition as submitted, because (1) the petition presents an unsound educational program for the students 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 signatures that comply with the requirements of 47605(a)(3); and (4) the petition does not contain reasonably comprehensive descriptions of the following required elements: the educational program, measurable student outcomes, governing structure, staffing plan, health and safety procedures, student discipline, and closure procedures." A resolution adopting findings of fact to deny the petition, in accordance with Education Code section 47605(b), will be considered by the Board at the May 19, 2009 Board meeting.

Cabinet has reviewed the amended petition and concurs with the

conclusions of legal counsel.

FISCAL IMPACT AND FUNDING SOURCE

None to deny the petition.

RECOMMENDATION

The Superintendent recommends that the Adelanto School District Board of Trustees deny the charter petition entitled Southern California Charter Schools & Career Academies for Science, Technology, Engineering, & Mathematics "Home of The Flying Tigers".



Fact Finding - Home of the Flying Tigers.pdf

Action Agenda Details

Motion:

Motioned by Christine Turner and seconded by Lisa M Garcia not to accept the Superintendent's recommendations and approve the Charter School Petition.

Vote: Not Passed

YEA: Christine Turner, Lisa M Garcia,
NAY: Elaine Gonzales, Carlos Mendoza, Holly Eckes

Motion By:	Second:
Carlos Mendoza	Elaine Gonzales
Action:	Pass

Voting Record

Holly Eckes	Yea
Christine Turner	Nay
Lisa M Garcia	Nay
Carlos Mendoza	Yea
Elaine Gonzales	Yea



Adelanto School District

11824 Air Expressway Road, Adelanto, California 92301

Voice: 760.246-8691 Fax: 760.246.8295

BOARD OF TRUSTEES

Holly Eckes, President

Lisa Marie Garcia, Clerk

Christine Turner, Member

Carlos Mendoza, Member

Elaine Gonzales, Member

CERTIFICATE OF MINUTES

Governing Board of the Adelanto School District

The Regular Board of Trustees Meeting on July 14, 2009, was called to order by President Eckes at 4:40 p.m. in the Multi-Purpose Room at West Creek School, located at 15763 Cobalt Road, Victorville, CA 92395

Members: Mrs. Holly Eckes, Mrs. Lisa Marie Garcia, Mrs. Christine Turner,
Mr. Carlos Mendoza (vacation), Mrs. Elaine Gonzales

Superintendent and Executive Cabinet Members: Mr. Chris van Zee, (absent)
Mr. Darin Brawley, Mr. Ross Swearingen (vacation), Ms. Martha Navarrete

The Board of Trustees approved the Minutes for Regular Board Meeting of June 16, 2009, Item 9.01

Superintendent's recommendation: Deny Resolution 08-09-39 Charter School Petition- Southern California Charter School and Career Academies for Science, Technology, Engineering, and Mathematics

Motioned by Christine Turner and seconded by Lisa M Garcia not to accept the Superintendent's recommendations and approve the Charter School Petition.

Vote: Not Passed

YEA: Christine Turner, Lisa M Garcia,
NAY: Elaine Gonzales, Carlos Mendoza, Holly Eckes

It was moved by Carlos Mendoza and seconded by Elaine Gonzales to approve the Superintendent's Recommendation and Deny the Charter School Petition.

The result of the vote was Pass

Yea: Holly Eckes, Carlos Mendoza, Elaine Gonzales
Nay: Christine Turner, Lisa M Garcia

Chris van Zee Clerk/Secretary of the Governing Board of the Adelanto School District of San Bernardino County do hereby certify that the above is a true and correct copy of the motion duly made, adopted, and entered on the minutes of the Governing Board of said school July 14, 2009

Dated: June 14, 2009 Signed: Darin Brawley Deputy Superintendent for Secretary



Adelanto School District

11824 Air Expressway Road, Adelanto, California 92301
Voice: 760.246-8691 Fax: 760.246.8295

BOARD OF TRUSTEES
Holly Eckes, President
Lisa Marie Garcia, Clerk
Christine Turner, Member
Carlos Mendoza, Member
Elaine Gonzales, Member

RESOLUTION NO 08-09-39

Resolution to Deny the Charter Petition of Southern California Charter Schools

RESOLVED by the Adelanto Elementary School District Board of Education, that:

WHEREAS, on March 20, 2009, the Board of Education of Adelanto Elementary School District received a charter school petition ("Petition") for the opening of a charter school, Southern California Charter Schools ("Charter School"), in the 2009-10 school year, and

WHEREAS, a public hearing was held on April 14, 2009, as required by law, and

WHEREAS, the Board has considered the level of public support for the Charter School and has reviewed the Petition and all information received with respect to the Petition, including all exhibits and supporting documentation, and has considered information related to the operation and potential effects of the proposed Charter School, and

WHEREAS, in reviewing the Petition, the Board has been guided by the intent of the California Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged, and

WHEREAS, after analysis of the proposed charter and input from legal counsel, District staff determined that the proposed charter contained numerous deficiencies, and

WHEREAS, based on the analysis by staff, the Superintendent has recommended denial of the charter,

NOW, THEREFORE, the Board hereby adopts the findings and conclusions set forth in the attached Superintendent's Report dated May 19, 2009, and the Board further finds as follows:

- (1) The Petition 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;

June 16, 2009

President, Holly Eckes

Clerk, Lisa Marie Garcia

Member, Christine Turner

Member, Carlos Mendoza

Member, Elaine Gonzales

Southern California Charter Schools

Responses to Counsel – Charter School Petition

- p5 plural: elementary, middle, and high schools**
administration experience: experienced and credentialed administrators
locate initially: warehouse or portables on 10 acres
- p6 July 6, September 16, September 30 per CDE**
K-12 school in K-8 district per EC 47605 (6):“petition proposes to serve pupils in all of the grade levels served by that school district.”
- p7 “ambitious growth plan:” we have 400 plus for 2009**
“capture *all* enrollment:” 800 of 4,800, not 800 of 800
K-6 detail: involvement of parents (3 years away)
- p8 airport permit: completed**
construction finance: Charter Fund, Providence (two letters)
- p9 cafeteria that can seat 980: seat 50, service 980; seating distributed**
facility: six months, 6.1 million per contractor
- p10 grant funding: none except implementation funding (conservative)**
- p11 how will fund laptops: ADA covers all including laptops**
signatures: EC (a)(3) parent meaningfully interested; reservation; “a prominent statement,” not exact wording (“a,” not “the”)
- p12 “constitutes grounds to deny:” different than a need or requirement**
how will fund small class sizes: ADA covers all including class sizes

Responses to Counsel (continued)

- P13 standards imply general program: technology / engineering and standards
staffing for array of languages: technology such as Rosetta Stone
ability to work with adolescents: non-credentialed in high school grades
inconsistent: academies build to internships / mentorships**
- p15 home schooling explanation: individualized instruction
existing partnerships: charter necessary for commitment**
- p16 liability: obtain private pilot license beyond school
WASC accreditation: full six-year accreditation twice
repetition of low, high interventions: research-based effective**
- p17 currently a member of SELPA: charter necessary prerequisite**
- p18 significant population of SE students: actual less than 2%**
- p20 whatever it takes: Lezotte, DuFour, Victor Elementary ...
incorporation: completed**
- p21 non-elected board: initial appointed, board elects future members
MOU is common between charter and district (we agree)
administrative credentials: experienced and credentialed administrators**
- p22 two CTE teachers: six CTE teachers in staffing plan**
- p23 small number of non-teaching employees: may contract for services
not yet adopted policies: charter a prerequisite to adoption**
- p25 expulsion under what circumstances: individual cases, matters of degree**
- p27 potential loss of ADA is not a reason for a district to deny (we agree)**



14 April 2009

Board of Trustees
Adelanto School District
11824 Air Expressway
Adelanto, CA 92301

Dear Adelanto School Board Members,

My name is Jim Worsham. I work at Southern California Logistics Airport reporting to Jim Cox, Victorville City Manager. For the past nine years, my assignment has been to grow and develop our Southern California Logistics Airport Complex ... bring in companies and generate jobs. We have made substantial progress, and are well on the way towards generating at least 25,000 jobs at the SCLA Airport Complex within the next 10 -15 years.

We have 8500 acres at our airport, are strategically located, have perfect weather and a tremendous opportunity. Our ability to secure companies has been demonstrated. The challenge is to properly train our locals so that they can fill the available jobs.

Let me illustrate. Three of our major aerospace companies at SCLA are Federal Express, Boeing and General Electric. Boeing, in particular, has four major aerospace programs at SCLA. All of these companies must bring in trained workers from their home bases, since we have no such people here. For the last four years, in partnership with the FAA, we have been developing an Aerospace School to train Airframe & Powerplant Technicians. Our aerospace companies here need at least 200 such people per annum. This program requires two years of intensive training. The average age of a licensed A&P technician in the US is 56 years. There will be a world - wide need for at least 400,000 properly trained A&P Technicians in the next 15 years. Currently the beginning salary is \$45,000 per annum, after two years training.

To qualify for the FAA program, one must have a high school diploma, be fluent in written and conversational English, not have been in serious trouble with the law and have had high school algebra, geometry, trig., chemistry and physics. I have worked extensively with the local high schools. Very few High School graduates currently meet our criteria.

SOUTHERN CALIFORNIA LOGISTICS AIRPORT
18374 Phantom / Victorville, CA 92394
t: 760.243.1900 / f: 760.243.1929 / www.globalaccessvcv.com

The ray of sunshine for us is Dr. Wilkins Charter School and the enthusiasm demonstrated by the parents of his potential students. I have attended the Charter School information meetings at SCLA. This Charter School concept, that Dr. Wilkins and Georgette Phillips have created, is exactly what we need to provide satisfying lifetime careers for our youngsters. I have complete confidence that they can bring to fruition a quality program for the youth in the High Desert.

Even in this period of economic meltdown we are turning away aviation maintenance repair and overhaul business because of lack of properly trained people. For example, one of our companies here at the airport recently traveled to Trinidad ... hired 100 licensed A&P's, paid their transportation, housed them in local hotels and gave them jobs.

Our potential students are recent high school graduates, returning veterans from the military and "retreads", locals transferring from jobs in other industries (i.e. construction).

I sincerely congratulate you, the Adelanto School District and Dr. Wilkins on what you are doing. Please make it successful.

Such a program is desperately needed. We will do everything we can to help. Another very positive aspect to our program is that we are tied in with Embry-Riddle Aeronautical University, the #1 Aeronautical College in the world. Embry – Riddle teaches classes here at our airport and offers credit towards a Bachelors Degree for the time spent in our A&P Technicians program. In other words, if you can provide us properly trained high school graduates we can train them as A&P's here, provide them excellent careers at our airport, and should they be interested, offer them the opportunity to obtain a Bachelor and Master Degree.

It is win, win, win, but we desperately need for you to provide us properly trained high school graduates. I will be happy to talk with you further and assist you in any way possible.

Thank you very much,

Jim Worsham
Southern California Logistics Airport
Aviation Marketing & Business Development
18374 Phantom
Victorville Ca 92394
T: 760-243-1905
C: 760-559-5634
F: 760-243-1929

Cc: Dr. Gary Wilkins
Georgette Phillips



25373 Playa Serena Drive
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E-Mail: jason@providencefinancialco.com

Voice (661) 753-6330
Fax (866) 899-9437

April 9th, 2009

Dear Adelanto School District,

On behalf of Southern California Charter Schools (SCCS), I would like to share with you our support of the charter school petition presented to your district by SCCS.

Providence Financial Company (PFC) has been a pioneer in promoting advantageous methods to finance charter school facilities since 2003. PFC is the largest charter school financial advisor in the country, having worked on over \$300 million of charter school financings.

Charter schools have historically had significant difficulty financing facility purchases as they do not have access to proceeds from general obligation bond issues and usually do not have adequate equity and cash flows to meet bank lending requirements. PFC has been a pioneer in structuring financing programs to benefit charter schools through the use of various financial products and enhancements including tax-exempt conduit bond issues, bank letter of credit-enhanced bond issues, rated bond offerings, USDA-guaranteed loan/bond hybrid structures, syndicated mini-perm bank loans, new market tax credits and government funded enhancements. PFC has the knowledge and experience to help individual charter schools access the financing product that fits their needs and qualifications.

As the financial advisor to SCCS, we are excited to support the school as we have introduced them to an investor group that will be working with charter school to purchase land and construct a school located at the Southern California Logistical Airport. The investor group is the Charter School Fund.

Due to the great demand from parents and students in your area, an incredible curriculum that will only give your district more educational options, and the strong educational experience of the core leadership group, it is my belief that SCCS will be an outstanding charter program for the High Desert and worthy of sponsorship by your district. My belief is with an emphasis of teaching leadership and commitment by the SCCS program, this will only strengthen the quality of the students in your community and district.

Please contact me personally if you have any direct questions or would like to learn more about the value my organization brings to SCCS.

Best Regards,

Jason

Jason Lane
Providence Financial Company
25373 Playa Serena Drive
Valencia, CA 91381
Phone (661) 753-6330
<http://www.providencefinancialco.com/>

April 7, 2009
Board of Trustees
Adelanto School District
11824 Air Expressway
Adelanto, CA 92301

The Charter School Fund is proud to write this letter of support for SCCS. It is our opinion that SCCS has a very unique model, which will address a real need within the targeted community. SCCS has assembled a very talented leadership team with a depth and breadth of experience which is rarely if ever seen at this stage of charter development.

There are many schools that have approached us for assistance with their facility construction and development but there are few projects that we get as excited about as this one.

Best regards,

Ryan Van Alfen

California State Senate



SENATOR GEORGE RUNNER
REPUBLICAN CAUCUS CHAIR
SEVENTEENTH SENATE DISTRICT

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LANCASTER, CA 93534
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FAX (760) 843-8348

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23920 VALENCIA BLVD., SUITE 250
SANTA CLARITA, CA 91355
TEL (661) 286-1471
TEL (661) 286-1472
FAX (661) 286-2543

April 27, 2009

Adelanto School District
Att: Board of Trustees
11824 Air Expressway
Adelanto, CA 92301

Board of Trustees:

I am pleased to support Southern California Charter School's mission to provide the cities of the High Desert with a school of choice, help manage the overcrowding in our schools, and maintain the county's high standards for the education of our youth.

I am excited by the prospect of this new school and am hopeful that you will agree that an emphasis on liberal arts, mathematics, technology and science adds intrinsic, instrumental, and enduring values which are vital to a well-rounded education in this age of a global community. Moreover, the schools commitment to personal growth and social awareness will enable all students to successfully advance to the post secondary educational level.

For these reasons, I wholeheartedly support Southern California Charter School and its mission to integrate technology into its curriculum and I encourage you to give their petition your utmost consideration. If you have any comments or questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Runner".

GEORGE C. RUNNER, JR.
Senator, 17th District

GCR:mrt

CC: Dr. Gary Wilkins