

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

ssb-csd-mar18item05

# California State Board of Education March 2018 Agenda Item #20

## Subject

Petition for the Establishment of a Charter School under the Oversight of the State Board of Education: Consideration of the Vista Springs Charter School, which was denied by the Vista Unified School District and no action was taken by the San Diego County Board of Education.

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue(s)

On August 30, 2017, the Vista Unified School District (VUSD) unanimously voted to deny the petition for Vista Springs Charter School (VSCS). On November 8, 2017, the San Diego County Board of Education (SDCBE) took no action on the petition for VSCS.

Pursuant to California *Education Code* (*EC*) Section 47605(j), petitioners for a charter school that have been denied at the local level may petition the State Board of Education (SBE) for approval of the charter, subject to certain conditions.

## Recommendation

The California Department of Education (CDE) recommends that the SBE hold a public hearing to consider the CDE’s recommendation to approve the establishment of VSCS under the oversight of the SBE for a five-year term effective July 1, 2018, through June 30, 2023, based on the CDE’s findings pursuant to *EC* sections47605(b)(1), 47605(b)(2), 47605(b)(3), 47605(b)(4), 47605(b)(5), 47605(b)(6), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5. The meeting notice for the February 7, 2018, Advisory Commission on Charter Schools (ACCS) meeting is located on the SBE ACCS Web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020718.asp>.

## Advisory Commission on Charter Schools Recommendation

The ACCS considered the VSCS petition for establishment at its February 7, 2018, meeting. The ACCS moved CDE staff recommendation to approve the VSCS petition. The motion passed unanimously.

## Brief History of Key Issues

The VSCS petition proposes to create a parent-choice school where the community is the classroom and the mission is to foster the innate curiosity of pupils, empower parents, and promote optimum learning by collaboratively developing a personalized learning program for each pupil. VSCS’s objective is to enable pupils to become self-motivated, competent, and lifelong learners. VSCS provides several options for parents who want to have a more active role in the public education of their children. The VSCS petition proposes four educational programs that include both classroom-based and independent study (IS) programs. The proposed programs are:

* La Fuente Academy: a transitional kindergarten/kindergarten (TK/K) through grade eight classroom-based dual immersion education program.
* Homeschool: a TK/K through grade twelve resource center-supported homeschooling program.
* Keys College and Career Prep High School: a grade nine through grade twelve IS high school with resource center support.
* Mosaic Academy (MA): a TK/K through grade eight, three-day classroom/homeschool hybrid model. MA will open in 2019–20.

VSCS submitted a petition on appeal to the CDE on November 16, 2017. In considering the VSCS petition, CDE staff reviewed the following:

* The VSCS petition and appendices (Attachments 3 and 7 of Agenda Item 05 on the February 7, 2018, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb18item05a3.pdf> and <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb18item05a7.pdf>).
* Educational and demographic data of schools where pupils would otherwise be required to attend (Attachment 2 of Agenda Item 05 on the February 7, 2018, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb18item05a2.docx>).
* The VSCS budget and financial projections (Attachment 4 of Agenda Item 05 on the February 7, 2018, Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb18item05a4.pdf>).
* Description of changes to the petition necessary to reflect the SBE as the authorizing entity (Attachment 10 of Agenda Item 05 on the February 7, 2018, Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb18item05a10>.pdf).
* Board agendas, minutes, and findings from the VUSD and SDCBE regarding the VSCS petition, along with the petitioner’s response to the VUSD and SDCBE findings (Attachment 5 and Attachment 6 of Agenda Item 05 on the February 7, 2018, Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb18item05a5.pdf> and <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb18item05a6.pdf>).

### Ability to Successfully Implement the Intended Program

The CDE finds that the VSCS petition presents a sound educational program for pupils to be enrolled in VSCS and that the petitioner is demonstrably likely to successfully implement the intended program. The CDE notes that the VSCS petition presents a reasonably comprehensive description of most of the required elements. The VSCS petitioner provided numerous documents in the appendices that assisted in the CDE’s analysis of the VSCS educational program. A thorough analysis of the VSCS petition can be found in Attachment 1 of Agenda Item 05 on the February 7, 2018, Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb18item05a1.docx>.

The CDE finds that the VSCS petitioner is demonstrably likely to successfully implement the intended program as the petitioner has presented a multi-year financial plan that is fiscally viable due to projected ending fund balances of $64,378; $274,649; and $506,545 with reserves of 4.6, 14.7, and 23.2 percent for fiscal years 2018–19 to 2020–21, respectively.

The CDE conducts a fiscal analysis pursuant to *EC* Section 45605(b)(2), and 5 *CCR* sections 11967.5.1(c)(B)(2) and (c)(B)(3).

### District and County Office of Education Findings

#### District Findings

On August 30, 2017, the VUSD denied the VSCS petition based on the following findings:

1. The petition presents an unsound educational program for the pupils to be enrolled in the VSCS.
2. Petitioners are demonstrably unlikely to successfully implement the program.
3. The petition does not contain reasonably comprehensive descriptions of the elements required in *EC* Section 47615(b)(5).

#### County Findings

On November 8, 2017, the SDCBE took no action on the VSCS petition on appeal but issued the following draft of findings from the SDCBE petition review (Attachment 6):

1. The petition presents an unsound educational program for the pupils to be enrolled in the Charter School.
2. The petition does not contain reasonably comprehensive descriptions of each of the required charter elements.
3. The VSCS petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of *Government Code* Section 47605(b)(6).

## Summary of Previous State Board of Education Discussion and Action

Currently, 30 charter schools operate under SBE authorization as follows:

* One statewide benefit charter, operating a total of six sites
* Seven districtwide charters, operating a total of 18 sites
* Twenty two charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

## Fiscal Analysis

If approved as an SBE-authorized charter school, the CDE would receive approximately one percent of the revenue of VSCS for the CDE’s oversight activities. However, no additional resources are allocated to the CDE for oversight.

## Attachment

* **Attachment 1:** California State Board of Education Standard Conditions on Opening and Operation (4 Pages)