

Los Angeles Unified School District and Los Angeles County Board
of Education Findings for Denial and Petitioner's Responses

**Multicultural Achievement Technology Teaching & Innovative Experiences
Academy of Change Charter School (M.A.T.T.I.E.) Charter Petition
Findings of Fact for Denial of Petition
By the Los Angeles Unified School District**

July 12, 2011

<p>The charter review process requires the authorizer to evaluate whether the charter petition meets the criteria for approval. Education Code Section 47605 (b) states the required petition elements and conditions for denial. Education Code Section 47605 outlines additional petition criteria.</p>

The Petition of Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change Charter School (“MATTIE” or “Charter School”) does not meet the criteria under Education Code section 47605(b).

Education Code section 47605(b) states: A school district governing board 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. Education code section 47605(b) provides that the governing board 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) of Education Code 47605.
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) of Education Code 47605.
- (5) The petition does not contain a reasonably comprehensive description of all required elements.

LAUSD’s analysis of the charter petition submitted on or about May 16, 2011, to LAUSD by MATTIE indicates:

Regarding #2 above:

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

- The Charter School’s budget submitted with its petition contains multiple fiscal problems including:
 - (a) The school’s start up budget includes the receipt of a Public Charter School Grant in the amount of \$600,000. The receipt is projected to be \$300,000 prior to the opening of the school. Based on communications with the California Department of Education the state is not accepting applications after March 31, 2011. The school could receive the grant but it would not be until well into the school year before the funds are available. The grant cannot be used as a start up grant.
 - (b) The Charter School’s proposed budget assumes receipt of “other grants” totaling \$1.4 million over a five-year period as well as over \$3 million in “other local revenues”, without providing details regarding the sources of these funds or evidence that the Charter school will be able to secure allocation from these sources. Since the assumed revenue amounts represent a significant portion of the Charter School’s budget, should the Charter School not receive the amount of funds it assumes, its ability to successfully implement its program will be impacted.
 - (c) The Charter School’s proposed start up budget includes \$250,000 from Loan Financing. If this money is from the State of California Charter School Revolving Loan Program the money will not be available for start up expenses. If the revolving loan application is approved the money will not be received until several months into the fiscal year. If the Loan Financing is from a source other than the State of California Charter School Revolving Loan Program, the charter school has submitted no documentation as to the source of the loan.
- The lead petitioners are the same administrative team of a previous MATTIE charter school revoked by Long Beach Unified School District on September 16, 2008 after only one year of operation. The school had a 2008 Base API of just 365. Long Beach Unified School District findings included the following:
 - Only one of MATTIE’s teachers was currently credentialed,
 - MATTIE employees were hired and initiated employment without requisite clearances, including one individual with a criminal history that made him ineligible to work with students,
 - MATTIE did not comply with the curriculum requirements of the charter to use current, grade level specific textbooks used by LBUSD. Unaudited actuals showed that MATTIE spent less than \$20 per student on textbooks in 2007-2008,
 - The school did not obtain Conditional Use Permits for sites housing students,
 - MATTIE failed to pay large sums to vendors,
 - Unaccounted for loans with unknown terms were made to the CEO and two employees, while at the same time the school was in debt to its teachers for salaries, health benefits, and contributions for work already performed,

- Board minutes and agendas were changed without official action.

The school initially appealed the revocation to the State Board of Education Advisory Commission on Charter Schools but withdrew the appeal on February 10, 2010. California Department of Education staff found that MATTIE submitted rebuttals to only 8 of LBUSD's 27 findings. CDE staff did not find in favor of any of MATTIE's arguments. This information was obtained from the minutes of the February 10, 2010 meeting of the State Board of Education Advisory Commission on Charter Schools.

- On April 5, 2011 the Los Angeles Unified School District Board of Education denied a MATTIE petition that contained multiple inaccuracies, inconsistencies, and substantive deficiencies in certain provisions of its charter petition. For instance, the petition referenced a different inapplicable charter school ("New Hope Academy") multiple times and provides organizational charts that present inconsistent governance structures. The inaccuracies and inconsistencies not only caused LAUSD concern with regard to the lack of diligence that was used in preparing the petition which is intended to control the development and operation of the Charter School, but also called into question the qualifications or experience of those proposing to open and operate the Charter School.
- MATTIE has contracted with EdFutures, a for-profit management company, for the purpose of having EdFutures manage and administer the charter school. Based on the stated relationship between the charter school and EdFutures in the Agreement between the parties, it is not clear to LAUSD whether the MATTIE board of directors itself will actually be operating the charter school. Not only does the management agreement delegate or create the mechanism to delegate all charter school-related operations, management and administrative functions to EdFutures, but it inappropriately gives EdFutures control over areas that should be the responsibility of school site staff and the charter school's governing board (for example, identifying and developing curriculum, and coordinating student assessments).
- MATTIE has failed to submit any documentation/information in or with the petition to evidence EdFuture's past and continued successful management/ administration of charter schools. While EdFutures manages several charter schools in Florida, MATTIE would be the first school that EdFutures will have ever managed In California. This is of particular concern to LAUSD considering that, per the petition and Agreement, EdFutures will have extensive responsibilities critical to the successful continued operation of the charter school.

Regarding #5 above:

The petition does not contain a reasonably comprehensive description of all of the elements required in EC § 47605 (b) based on the following findings of fact:

Description of the School's Educational Program (Element 1)

The petition does not contain a reasonably comprehensive description of the charter school's educational program.

- The petition contains no course descriptions and fails to adequately identify the scope and sequence of courses by grade levels and core content areas to successfully attain realistic school-wide and student achievement progress for the proposed targeted populations.
- The petition fails to name the instructional materials, with the exception of materials for English Language Development that will be used by the students. This is of particular concern as unaudited actuals showed that MATTIE spent less than \$20 per student on textbooks in 2007-2008. Page 31 the petition explicitly states that, “The school will have the flexibility of using any state-adopted textbooks, whether current or obsolete.” No rationale is provided as why the school would knowingly choose to issue students obsolete textbooks.
- The petition fails to sufficiently describe the nature of the independent study program it mentions on pages 36 and 37. It is not clear what percentage of students will be engaged in independent study at any time and how it will be ensured that these students will be provided a program of adequate academic rigor.

Measurable Pupil Outcomes (Element 2)

The petition does not contain a reasonably comprehensive description of measurable pupil outcomes.

- The petition fails to identify a baseline API target.

Employee Qualifications (Element 5)

The petition does not contain a reasonably comprehensive description of employee qualifications.

- The petition fails to describe procedures it will follow for monitoring teacher credentials.

Health and Safety Procedures (Element 6)

The petition does not contain a reasonably comprehensive description of the charter school’s health and safety procedures.

- The petition fails to assure that the Charter School will provide for the screening of its students for vision, hearing and scoliosis to the same extent as would be required if the students were attending a non-charter public school.
- The petition fails to sufficiently assure that the Charter School will require immunization of its students as a condition of school attendance to the same extent as would apply if pupils attended a non-charter public school.

Means to Achieve a Reflective Racial and Ethnic Balance (Element 7)

The petition does not contain a reasonably comprehensive description of the means for achieving racial and ethnic balance.

- The petition fails to describe the specifics of the Charter School's written plan to achieve and maintain LAUSD's ethnic balance ratio goal pursuant to the Crawford Court Order, including dates and locations of meeting and events.

Admission Requirements (Element 8)

The petition does not present a reasonably comprehensive description of admission requirements.

- The petition fails to sufficiently affirm, as required under Education Code section 47605(d)(1), that the Charter School shall not discriminate against any pupil for any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code.

Annual Independent Financial Audits (Element 9)

The petition does not present a reasonably comprehensive description of annual independent financial audits.

- The petition fails to specify who is responsible for contracting and overseeing annual independent financial audits and fails to specify that the auditor whom the Charter School will contract with to conduct an independent audit will have experience in education finance.
- The petition fails to specify the timeline by which audit exceptions will typically be resolved.

Suspension and Expulsion Procedures (Element 10)

The petition does not present a reasonably comprehensive description of student suspension and expulsion procedures.

- The petition fails to provide a reasonably comprehensive description of the Charter School's student discipline procedures necessary to afford the charter school's students adequate due process. Clearly described/outlined procedures are necessary to avoid inconsistent, capricious, and unfair student disciplinary practices and necessary to afford students adequate due process. For instance, the petition confusingly includes offenses for which students will be recommended for suspension and expulsion in its list of offenses for which students may be subject to suspension/expulsion; it fails to sufficiently describe suspension procedures; and fails to provide any description of the Charter School's student expulsion procedures.
- The petition fails to identify the procedures by which parents/guardians and students will be informed about reasons for suspension and expulsion and their corresponding due process rights.



Los Angeles County Office of Education

Leading Educators • Supporting Students • Serving Communities

December 8, 2011

Arturo Delgado, Ed.D.
Superintendent

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Board of Education

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Gabriella Hoyt

María Reza

Thomas A. Saenz

Rebecca J. Turrentine

Dr. Denice Price
M.A.T.T.I.E. Academy of Change Charter School
17710 Sycamore St.
Carson, CA 90746

Dear Dr. Price:

This letter serves as confirmation of the action taken by the Los Angeles County Board of Education (County Board) on the petition for the M.A.T.T.I.E. (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change Charter School.

At its regular meeting held Tuesday, December 6, 2011, the County Board took action to deny the petition for M.A.T.T.I.E. Academy of Change Charter School received on appeal from Los Angeles Unified School District.

Attached is a copy of the approved action taken by the County Board, which constitutes the final order in this matter.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Janis Isenberg".

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

Jl:ls
Attachment

c: Julie Baltazar, Director, Charter Schools Division, CDE
John Deasy, Ph.D., Superintendent, LAUSD
José J. Cole-Gutiérrez, Director, LAUSD
Arturo Delgado, Ed.D., Superintendent, LACOE
Yolanda M. Benitez, Interim Assistant Superintendent, LACOE

APPROVED
LOS ANGELES COUNTY
BOARD OF EDUCATION

DEC 06 2011

BY: AD:RC
Ex Officio Secretary

Board Meeting – December 6, 2011

Item VIII. Recommendations

- A. Action on the M.A.T.T.I.E. (*Multicultural Achievement Technology Teaching & Innovative Experiences*) Academy of Change Charter School, Grades 6-12 – Appeal of a Petition Previously Denied by Los Angeles Unified School District Board of Education

The Superintendent recommends that the Los Angeles County Board of Education (County Board) adopt the Findings of Fact in the Report and take action to deny the charter petition for MATTIE Academy of Change Charter School received on appeal following denial by Los Angeles Unified School District Board of Education.

California *Education Code (EC)* section 47605(b) requires the County Board to evaluate the petition according to the criteria and procedures established in law and may only deny a petition if it provides written findings addressing the reasons for the denial. Per *EC*, denial of a petition is limited to the following reasons:

- (1) The charter school presents an unsound educational program
- (2) The petitioners are demonstrably unlikely to successfully implement the program
- (3) The petition does not contain the required number of signatures
- (4) The petition does not contain an affirmation of specified assurances
- (5) The petition does not contain reasonably comprehensive descriptions of the 16 required elements of a charter.

The recommendation to deny the MATTIE Academy of Change Charter School petition is in accordance with *EC* section 47605(b) (1), (2), and (5) above.

Summary of Key Findings in support of denial:

Finding 1: The petition presents an **unsound educational program**. The described educational program is not *consistent with sound educational practice likely to be of educational benefit to pupils who attend*:

Board Meeting – December 6, 2011
Action on the MATTIE Academy of Change Charter School Petition
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- (1) There is no description of research-based instructional strategies, coursework, or the independent study program, and no outline of instructional materials to be used except “the school will have the flexibility of using any state-adopted textbooks, whether current or obsolete.”
- (2) The mission statement that the school expects “to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing,” [sic] is unclear and could result in a program that will not support the matriculation of English learners, students with disabilities, and other student populations.
- (3) There are no details supporting the intention to open “an innovative and progressive learning center,” and Academic Course Requirements do not support a program that would prepare students to score in the “top 10% nationally” on standardized exams.

A detailed report of the findings is provided under Finding 5, Element 1 (Educational Program), 2 (Measurable Pupil Outcomes), and Element 3 (Means for Measuring Student Progress), all of which are not reasonably comprehensive.

Finding 2: The petitioner is unlikely to successfully implement the program. The petitioners:

- *Have a history of involvement in charter schools that was unsuccessful; the petitioners were associated with a charter school of which the charter was revoked for fiscal mismanagement in 2008. The Long Beach Unified School District (LBUSD) Board of Education made nine (9) findings that MATTIE engaged in fiscal mismanagement:*
 - (1) Failure to comply with financial reporting requirements;
 - (2) Failure to pay large sums owed to multiple vendors;
 - (3) Negative net assets of \$909,504 as of May 31, 2008;
 - (4) Failure to provide a second interim budget and business plan;
 - (5) Failure to pay employee salary and benefits;
 - (6) Failure to maintain employee medical benefits;
 - (7) Failure to maintain workers compensation insurance;
 - (8) Failure to employ credentialed staff; and
 - (9) Failure to demonstrate a legitimate budget/business plan for school year 2008-09.

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The revocation was appealed to the State Board of Education (SBE), but was withdrawn after being heard by the Advisory Commission on Charter Schools (Commission). The California Department of Education (CDE) report to the Commission found, "...the evidence presented to the SBE... to be substantial, and adequate to support the written factual findings of the Long Beach USD Board's Final Decision. Accordingly, the CDE recommends that the SBE uphold the decision... to revoke the MATTIE charter pursuant to *EC* Section 47607(f)(4)." The petitioner/CEO, principal, members of the leadership team, and board president were associated with the MATTIE charter school revoked by the LBUSD Board of Education. The petitioners also have a history of failing to comply with closure requirements under *EC* § 47605(b)(5)(P) including failure to have an audit report completed for the fiscal year 2007-2008.

- *The petitioners are unfamiliar with requirements of law that apply to the proposed charter school* with respect to independent study, English learners, due process requirements for suspension and expulsion including specific rights for students with disabilities, closure procedures, the Brown Act, and the Government Code.
- *The petitioners have presented an unrealistic financial and operational plan.* Deficiencies include:
 - (1) Unrealistic and unsubstantiated enrollment projections;
 - (2) A budget that relies on non-guaranteed, unsecured, or unidentified funding sources; inadequate budgeting of expenditures for facilities, capital outlay, utilities, loan repayment, and management services;
 - (3) Cash flow projections insufficient for start-up and on-going operations;
 - (4) Insufficient administrative and back-office support, which includes an insufficient financial commitment from EdFutures start-up costs budgeted at over \$500,000, and on-going operational costs due to deferrals; and
 - (5) A different understanding of the agreement with EdFutures than does the management company based on LACOE interview with both parties. The parties do not agree on the amount of start-up funds EdFutures will provide, how administrative and teacher positions for the school will be recruited and filled, and the reporting relationship between EdFutures and the MATTIE Board.
- *The petitioners lack the necessary background in curriculum, instruction, assessment, and finance and business management and do not have a plan to secure the services of individuals with the*

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Action on the MATTIE Academy of Change Charter School Petition
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necessary background. The petitioners' lack of background in *curriculum, instruction, assessment* are documented above and in Finding 5, Elements 1, 2 and 3.

- The petitioners lack background in *finance and business management and do not have a plan to secure the services of individuals who have the necessary background.* The petitioners' lack of background is documented above and in Finding 5, Elements 9 and 11. Their plan to relieve concerns regarding their past performance by securing the services of EdFutures does not achieve that outcome and results in additional concerns:
 - (1) EdFutures and its CEO have a history of unsuccessful charter school operation in several states including revocations, school closures, and a currently operated charter school in Florida which has an "F" academic rating;
 - (2) EdFutures lacks the personnel in California to support the school; and
 - (3) The agreement between EdFutures and MATTIE makes it unclear whether the school will retain fiscal control including how the excess revenues (profits) would be directed and whether the board would approve material changes to the budget. The school's leadership team and governing board stated at the Capacity Interview that it had not researched the record of EdFutures.

A detailed report of the findings are provided in the attached Report under Finding 2, pages 4 – 10.

Finding 5: The petition **lacks a reasonably comprehensive description of eleven (11) of the 16 required elements.**

- Proposed **educational program** contains deficiencies in all eight (8) areas identified under 5 CCR § 11967.5.1(f)(1) rendering the educational program deficient for low-achieving and socio-economically disadvantaged students, students with disabilities, English learners and students who participate in independent study.
- Proposed **measurable pupil outcomes** cannot be assessed by objective means that are *frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress.* Deficiencies include:
 - (1) No measurable outcomes for year one, two, or four for performance on the California Standards Test (CST);
 - (2) No outcomes for End of Course CST exams at the high school level or for required science and social studies CSTs at the middle and high school levels;

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Action on the MATTIE Academy of Change Charter School Petition

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- (3) No baseline for the API target, which could be established by analyzing the performance of comparison schools identified in the charter to determine whether the goal is adequate for the school to make statutory renewal criteria; and
 - (4) No mention of CAHSEE participation rate, which is essential to a high school's meeting Adequate Yearly Progress (AYP). Lack of adequate measurable pupil outcomes limits the school's ability to determine the effectiveness of its educational program and authorizer's ability to monitor the school.
- Additional elements that are not reasonably comprehensive: Means for Measuring Student Progress, Governance Structure, Employee Qualifications, Means to Achieve a Racial and Ethnic Balance, Submission of Independent Audit, Suspension and Expulsion Procedures, Identification of Retirement Systems, Dispute Resolution, and Closure Procedures.

The MATTIE Academy of Change Charter School Report on the Findings of Fact is attached.

Los Angeles County Office of Education
Charter School Office
Date: December 6, 2011

Report on the *MATTIE (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change Charter School Petition, Grades 6-12*
Appeal of a Petition Previously Denied by Los Angeles Unified School District Board of Education

Background Information

The petition for the *MATTIE (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change Charter School* (MATTIE) proposes to establish a sixth through twelfth grade charter school. The charter states the school will enroll 525 students. There is no year-by-year build-out plan for grade levels or enrollment.

The charter school’s mission and vision is provided on page 25 of the charter as follows:

The MATTIE (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change is an innovative and progressive learning center that embraces cultural, linguistically, and developmental differences of its student body. The mission of this innovative charter school is to promote academic success in each grade 6-12 student through thinking, problem solving and in-dept [sic] learning at the secondary and post-secondary level. We expect to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing [sic].

The petition further states the school is designed to “collaborate with communities, agencies and colleges...that students should be actively engaged in the community...be prepared to successfully compete for college admission and career performance and promotion.”

The petition describes 2008-09 academic performance and demographic information of local elementary, middle, and high schools located in Carson, where the school proposes to locate (Appendix H). Carson is located in Los Angeles Unified School District (LAUSD) Local District 8. The chart summarizes 2010-11 key academic and demographic data for Local District 8 and comparison middle and high schools.

2010-11 Key Academic & Demographic Data	LAUSD Local District 8 (HS) ¹	LAUSD Local District 8 (MS) ¹	Banning HS ²	Carson HS ²	Carnegie MS ²	Curtiss MS ²
Growth API			658	652	701	705
Black or African American	19%	18%	4%	17%	19%	59%
Asian	2%	2%	0%	2%	1%	0%
Filipino	6%	7%	0%	22%	15%	0%
Hispanic or Latino	65%	65%	91%	50%	54%	38%
Native Hawaiian or Pacific Islander	2%	2%	2%	5%	7%	0%
White	5%	5%	2%	3%	2%	1%
Free & Reduced Price Lunch			72%	54%	77%	73%
English Learners	13%	13%	19%	9%	9%	7%
Parent Education Level			1.84*	2.63*	2.47*	2.60*

¹Source: LAUSD Local District 8 School Report Cards [http://getreportcard.lausd.net/reportcards/...](http://getreportcard.lausd.net/reportcards/)

²Source: 2010 Accountability Progress Report (STAR) *1 represents “Not a HS graduate”; 5 represents “Graduate school”

Report on the MATTIE Academy of Change Charter School

Reason for Denial by the Local District

The LAUSD Board of Education denied the petition based on written findings of fact in compliance with the following sections of the Charter School Act:

EC § 47605(b)(2) The petitioners are demonstrably unlikely to successfully implement the program:

1. The budget submitted with the petition contains multiple fiscal problems pertaining to receipts of the Public Charter School Grant; the assumption of "other grants" (totaling \$1.4 million over a five-year period) and "other local revenues" (totaling over \$3 million) without detail as to the sources of the funds or evidence of being able to secure the resources; and a start up budget which includes \$250,000 in loans without specifying the source or the timing of the loan receipt.
2. The lead petitioners comprise the same administrative team of a previous MATTIE charter school revoked by Long Beach Unified School District (LBUSD) on September 16, 2008, after only one (1) year of operation. The school's 2008 Base API was 365. LBUSD findings of fact at the time of revocation included lack of credentialed teachers¹; hiring teachers without requisite clearances, including one individual with a criminal history, making him ineligible to work with students; failure to comply with curriculum requirements of the charter; failure to obtain Conditional Use Permits for sites housing students; failure to pay large sums to vendors; unaccounted for loans with unknown terms were made to the Chief Executive Officer (CEO) and two (2) employees while at the same time the school was in debt to its teachers for salaries, health benefits, and contributions for work already performed; and board minutes and agendas that were changed without official action.
3. The school appealed the revocation to the State Board of Education, but withdrew it on February 10, 2010, prior to action by the Advisory Commission on Charter Schools. California Department of Education (CDE) staff found MATTIE submitted rebuttals to only eight (8) of LBUSD's 27 findings and did not find in favor of any of MATTIE's arguments. (Cited Source: Minutes of the February 10, 2010, meeting of the State Board of Education Advisory Commission on Charter Schools)
4. On July 12, 2011, the LAUSD Board of Education denied a MATTIE petition that contained multiple inaccuracies, inconsistencies, and substantive deficiencies, including multiple references to a different inapplicable charter and organizational charts that presented inconsistent governance structures. LAUSD stated the inaccuracies and inconsistencies caused concern regarding the lack of diligence that was used in preparing the petition, which is intended to control the development and operation of the Charter School, and the qualifications/experience of the petitioners.
5. MATTIE contracted with the for-profit company, EdFutures, for the management and administration of the school. Based on the Agreement, it is not clear whether the MATTIE board of directors itself will operate the charter school. The Agreement delegates or creates the mechanism to delegate all charter school-related operations, management and administrative functions to EdFutures, and inappropriately gives EdFutures control over areas that should be the responsibility of school site staff and the charter school's governing board.
6. MATTIE failed to submit evidence of EdFutures' past and continued record of management/administration of charter schools. EdFutures manages no charter schools in California, yet will have extensive responsibility for the operation and administration of MATTIE.

¹ LACOE corroborated that MATTIE's teachers lacked appropriate credentials. Two letters were issued by the LACOE certification section of the District Personnel Information Services Unit. The letters indicated MATTIE teachers were not properly credentialed for 2007-08, and should not have been issued temporary county certificates because the employees had never filed credentialing applications with the California Commission on Teacher Credentialing. LACOE cancelled the temporary county certificates for eight (8) teachers.

Report on the MATTIE Academy of Change Charter School

EC § 47605(b)(5) The petition fails to provide a reasonably comprehensive description of eight (8) of the sixteen (16) required elements:

Element 1: Description of the Educational Program	Element 7: Means for Achieving a Racial and Ethnic Balance
Element 2: Measurable Pupil Outcomes	Element 8: Admission Requirements
Element 5: Employee Qualifications	Element 9: Submission of Independent Audit
Element 6: Health and Safety Procedures	Element 10: Suspension and Expulsion

Any of the LAUSD Board of Education findings may be cause for denial under *EC § 47605(b)*.

Response from the Petitioner

The petitioner provided a written response to the findings of the local board and submitted it as part of the petition package. The response was considered during the review process.

Appeal to the Los Angeles County Board of Education

The Los Angeles County Board of Education (County Board) held a Public Hearing to determine support for the petition on November 8, 2011.

The Los Angeles County Office of Education (LACOE) Charter School Office sent letters to fifteen (15) teachers who signed a petition of support for the charter to determine authenticity of their interest in teaching at the school. Five (5) confirmed interest; one (1) letter was returned as undeliverable.

LACOE Review Process

The LACOE Charter School Review Team (Review Team) considered the petition according to the requirements of law, *California Administrative Code of Regulations (CCR)*, County Board Policy and Regulations, and LACOE review procedures. LACOE has adopted the *CCR* established by the CDE for the purpose of charter review with modifications as necessary to reflect the needs of the County Board and County Office of Education.

The Review Team included staff from the Controller's Office, Business Operations, Business Services, Risk Management, Divisions for School Improvement, Curriculum and Instructional Services, Special Education, Student Support Services, Office of General Counsel, and the Charter School Office.

Findings are based on a review of the same petition submitted to the local district, supporting documents submitted by the petitioner, information obtained through the Capacity Interview and communications with the proposed management company. The petitioner submitted proposed changes to the petition necessary to reflect the County Board as the potential authorizer. These changes should reflect the statutory, policy, and structural differences between a county office of education and a local district. Differences include, but are not limited to, the statutory authority of the County Superintendent of Schools to investigate complaints as well as structural differences with regard to special education services. Proposed changes provided by the petitioner were considered by the Review Team.

Findings also take into account that the petition was initially submitted to a local district and contains specific references to that district. The Charter School Office confirmed with LAUSD that the local district did require the petitioner to include specific language or content into the petition. This requirement was considered by the Review Team.

Report on the MATTIE Academy of Change Charter School

Findings of Fact

Finding 1: The petition provides an unsound educational program for students to be enrolled in the school. [EC § 47605(b)(1)]

The petition fails to meet evaluation criteria of *CCR*, Title 5, Section 11967.5.1(a) which states, "...a charter petition shall be 'consistent with sound educational practice' if 'it is likely to be of educational benefit to pupils who attend...'"

The Review Team provided the following findings on the proposed educational program with respect to students the school intends to serve:

1. There are insufficient details in the description of the instructional program for it to be considered "of educational benefit to the pupils who attend." There is no description of research-based instructional strategies, coursework, or the independent study program, and no outline of instructional materials to be used except a statement on page 31 that "the school will have the flexibility of using any state-adopted textbooks, whether current or obsolete."
2. The mission statement that the school expects "to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing," [sic] is unclear and could result in a program that only seeks to matriculation students who are in the top 10% nationally and not all students who attend the school.
3. The petition does not provide details supporting its intention to open "an innovative and progressive learning center," and the Academic Course Requirements do not provide for an academic program that would prepare students to score in the "top 10% nationally" on standardized exams.

A complete analysis of the deficiencies of the proposed educational program is provided under Finding 5, Elements 1, 2, and 3.

Finding 2: The petitioners are demonstrably unlikely to successfully implement the program. [EC § 47605(b)(2)]

Based on review of the petition, supporting documents, the Capacity Interview with the school's leadership team, and information regarding the proposed charter management company, the petition does not meet the criteria established in *CCR, Title 5, § 11967.5.1(c)*. The petitioners:

1. *Have a past history of involvement in charter schools that was unsuccessful; the petitioners were associated with a charter school of which the charter was revoked.*
 - a. The petitioner/CEO, principal, members of the leadership team, and the board president were associated with the MATTIE charter school revoked by LBUSD Board of Education in 2008. The revocation was appealed to the State Board of Education (SBE), but withdrawn after being heard by the Advisory Commission on Charter Schools (Commission).
 - i. The CDE report to the Commission stated, "The CDE finds the evidence presented to the SBE on appeal to be substantial, and adequate to support the written factual findings of the Long Beach USD Board's Final Decision. Accordingly, the CDE recommends that the SBE uphold the decision of the Long Beach USD Board to revoke the MATTIE charter pursuant to EC Section 47607(f)(4)." The substantial findings were summarized as follows:

The Board made nine (9) findings demonstrating that MATTIE engaged in fiscal mismanagement within the meaning of EC Section 47607(c)(3) as follows: (1) MATTIE failed to comply with financial reporting requirements;

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(2) MATTIE failed to pay large sums owed to multiple vendors; (3) MATTIE had negative net assets of \$909,504 as of May 31, 2008; (4) MATTIE failed to provide a second interim budget and business plan; (5) MATTIE failed to pay employees and currently owes employee salary and benefits; (6) MATTIE failed to maintain employee medical benefits; (7) MATTIE failed to maintain workers compensation insurance; (8) MATTIE failed to employ credentialed staff; and (9) MATTIE failed to demonstrate a legitimate budget and/or business plan for the 2008-2009 school year.

...the CDE finds that the evidence presented to the SBE on appeal is substantial and supports the Board's nine findings that MATTIE engaged in fiscal mismanagement (AR 0534-0543 (Notice of Intent to Revoke); 2838-2843 (Resolution); 2642-2653 (District's Reply); and 0564-2618).

- ii. Mark Kushner, Commission member, stated at the February 10, 2010, meeting that if MATTIE chose to withdraw its revocation appeal it would still have a revocation on record. (Source: Minutes of the February 10, 2010 meeting of the California State Board of Education Advisory Commission on Charter Schools. Attachment)
- b. Have a history of failing to comply with the closure requirements under *EC* § 47605(b)(5)(P) and other requirements of law.
 - i. The MATTIE revoked by LBUSD failed to have an audit report completed for the fiscal year 2007-2008, including an accounting and deposition of all assets and liabilities and any residual interests. The CEO for the proposed MATTIE charter school petition under consideration stated at the Capacity Interview that she was responsible for overseeing and conducting the closure process for the revoked MATTIE charter school. She stated MATTIE did not have the funds to pay the auditor, so the audit was not completed.
 - ii. The MATTIE revoked by LBUSD failed to file IRS Form 990-Return of Organization Exempt from Income for that year.
2. *Are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school.* The petition demonstrates the petitioners lack of understanding of:
 - a. The core concepts of independent study, including specific requirements of law. (See Finding 5, Element 1 pages 12)
 - b. The requirements of law regarding English learners. (See Finding 5, Element 1 pages 14)
 - c. The due process requirements for suspension and expulsion, including the specific rights for students with disabilities. (See Finding 4 page 10 and Finding 5, Element 10 pages 18-20)
 - d. The requirements of law regarding closure procedures (See Finding 5, Element 16 pages 21-22) in addition to the petitioner's unsuccessful history of following the requirements of law regarding closure.
 - e. The petition and accompanying bylaws demonstrate a lack of understanding of the Brown Act and Government Code. (See Finding 5, Element 4 page 16-17)
3. *Have presented an unrealistic financial and operational plan for the proposed charter school.*

Deficiencies in the financial plan:

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- a. Enrollment projections are unrealistic based on information provided. First year projected enrollment is 525 students, growing to 550 students in the second year, and remaining at that level through year five (5). There is no evidence of outreach or parental interest supporting the enrollment projections.
- b. The budget relies on unsecured/unidentified funding sources, which are not guaranteed:
 - i. The Public Charter School (PCS) grant of \$600,000 for planning and implementation (start-up) activities. The budgeted amount exceeds the maximum grant amount of \$575,000, and is a competitive grant with no guarantee of being awarded.
 - ii. CDE Revolving Loan of \$250,000 to be received by September of the first year. The school will likely not have access to this loan, if approved, until later in the fiscal year. This will lead to cash flow burden for the school.
 - iii. Unidentified source of grants of \$400,000 in the first year and \$250,000 annually thereafter. The school relies on other grants totaling \$1.4 million over a five-year period without providing details or evidence of the source of grants.
 - iv. Unspecified source of local revenues in the amount of \$625,000 in the first year, growing to \$695,000 in year five (5). The school did not identify the source of local revenues totaling over \$3.3 million over a five-year period. No evidence was provided to support this source of revenues.
- c. Budgeted expenditures is inadequate for the following areas:
 - i. There is no budget for facility lease, repairs, or renovation costs for the five-year period.
 - ii. Only \$1,500 total is budgeted for capital outlay including furniture for all five (5) years.
 - iii. There is no budget for power/utilities, water, or custodial services for the five-year period.
 - iv. \$800,000 is budgeted in the first year for Ed Futures' management fees and services without sufficient details or the breakdown and basis for these costs. The total management fees and services is over \$4.1 million over the five-year period.
 - v. The budget does not include loan repayment and related interest expense for the CDE Revolving Loan of \$250,000.
 - vi. The loan from EdFutures and the repayment of principal and interest expense are not reflected in the budget.
- d. Cash flow projections are unrealistic and do not provide for the necessary funds for start-up and on-going operations.
 - i. Cash flow projections do not follow the established apportionment schedule and fail to consider state deferrals; the entire revenues for the general purpose funding is unrealistically projected to be received in three (3) installments without any plan for deferrals into the following fiscal year. For the fiscal year 2011-12, School Services of California, Inc. estimates the deferral of cash flows into the following fiscal year to be approximately 38%.

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- ii. The petitioner relies on the Public Charter School grant for start-up costs, but is unlikely to have access to these funds for start-up activities. The school projects full cash receipt from the PCS grant of \$600,000 (exceeding \$575,000 maximum) toward the beginning of its first year of operation, which is unlikely based on recent years disbursement pattern.

Deficiencies in the operational plan:

- a. The plan for administrative and back-office support is insufficient for successful implementation.
 - i. MATTIE executed an agreement with EdFutures to manage the school's operations and fiscal requirements. The CEO of EdFutures acknowledged it has no charter school clients in California and currently does not have the full complement of staffing to manage and support MATTIE's operation.
 - ii. EdFutures did not provide audited financial statements to LACOE, contrary to the petition's *Description of Changes to Petition for LACOE* (page 32), which states EdFutures will submit its audited financial statements to LACOE.
 - iii. EdFutures commitment of financial support is insufficient for the school's start-up costs budgeted at over \$500,000 as well as on-going operational costs due to deferrals. The petition (page 6) and the agreement with EdFutures states the management company will be responsible for all operating activities and cash flow needs and will cover any deficits; however, the CEO of EdFutures stated it will only commit to loan the school a maximum of \$250,000 with interest rates between 8% and 10%.
 - iv. There is a different understanding of the agreement between MATTIE and EdFutures, which is likely to result in the same type of relationship outcomes between the charter and the management company cited in the Oakland Unified School District report cited on page 8. The Review Team interviewed both parties separately regarding the agreement and identified different understandings of the terms including the following: (1) There is a discrepant understanding of the amount of start-up funds EdFutures will provide as described above; (2) The petitioner stated members of the executive team (executive director, principal, special education, curriculum, and English learner leads) have been identified by the board of directors; EdFutures stated it will recruit for all administrative and teacher positions to ensure the school has qualified staff; and (3) The petitioner stated (and is corroborated by the petition's organizational chart) that EdFutures will report to the Executive Director; EdFutures stated it will report directly to the school's governing board.
- 4. *Lack the necessary background in and do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.*
 - a. The petitioners' lack of background in *curriculum, instruction, assessment* are documented under the findings presented in #2 above and in Finding 5, Elements 1, 2, and 3.
 - b. The petitioners lack background in *finance and business management and do not have a plan to secure the services of individuals who have the necessary background.* The petitioners' lack of background is documented in #3 above and in Finding 5, Elements 9 and 11. The petitioner's plan to relieve concerns regarding their past performance by securing the services of EdFutures' does not achieve that outcome and results in additional concerns:

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- i. EdFutures and its CEO have a history of unsuccessful charter school operation documented in the findings of fact presented in the Oakland Unified School District² (Oakland) report on Peacemaker Leadership Academy. Oakland's Board of Education denied the petition, in part, because the involvement of EdFutures violated *Education Code § 47605: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.* The staff report includes the following facts:
- EdFutures' founder, Eugene Ruffin previously founded and was CEO of School Futures Research Foundation (School Futures), a non-profit charter management organization funded by John Walton³. School Futures was awarded five (5) charters by Oakland's Board of Education in 1999. Three (3) charter petitions were abandoned, and two (2) opened as Dolores Huerta Learning Academy (closed 2009) and EC Reems Academy of Technology and Arts. These charters indicated School Futures had poor fiscal management, lack of financial oversight or checks and balances, and persistently problematic communication.
 - The two (2) Oakland charters and an East Palo Alto charter school operated by School Futures discontinued association and operation with School Futures and established their own non-profit status. School Futures dissolved.
 - Bannekar Charter, operated by Ruffin's School Futures, was revoked in 2001. An audit critical of the school's operation cited failure to (1) follow state school accounting procedures; (2) provide detailed financial information to the school's own board; (3) do criminal background checks on teachers; and (4) inform the university when a student brought a gun to class; and that the school had (4) "persistent and pervasive problems" paying teachers and vendors and could face a \$1 million deficit....
 - A July 23, 2002, San Diego City Schools staff report outlined the dissolution of the relationship between School Futures and Holly Drive Leadership Academy. The report indicated that, following an external audit, the district had concerns about the "school's governance structure" and "financial and academic viability."
 - EdFutures website stated in February 15, 2008, that it "operates four start-up charter schools" in Georgia, Florida, and Hesperia, California. Oakland confirmed with the Hesperia school that the school renounced its consulting contract with EdFutures due to significant communication and fiscal issues.
 - In 2005, the Nevada State Board of Education denied a petition for Marion Bennett Leadership Academy to be operated by EdFutures. The subcommittee's recommendation for denial included concerns about the school's lack of curriculum and specifically cited concerns about financial aspects of the application involving EdFutures.⁴

² Source: Oakland Unified School District Report on Peacemaker Charter School Petition April 2008. Retrieved November 14, 2011, from http://www.weebly.com/uploads/4/1/6/1/41611/plastaff_reportv10.pdf

³ John Walton ended his relationship with School Futures Research Foundation in 2000 when its directors decided it should become a for-profit company. Source: Business Week Online, February 2000. Retrieved November 14, 2011, from www.businessweek.com/2000/00_06/b3667008.htm?scriptFramed Mr. B. Philpot, Director of the Walton Family Foundation, confirmed via telephone that it did not fund School Futures Research Foundation after 1999.

⁴ The Review Team reviewed the minutes of the October 2005 Board Minutes of the Nevada State Board of Education meeting and corroborated the findings in the Oakland staff report. Additional concerns noted in the Oakland report were that the petition, "fashioned" by EdFutures, was missing a budget, and did not comply with

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- The State of Louisiana revoked charters awarded to EdFutures just weeks before the start of school in 2006 citing “philosophical differences” between EdFutures and a social services organization with whom they proposed to open the school.
 - A 2006 staff report to the Tennessee State Board of Education recommending denial of a petition states, “EdFutures apparently has charter schools operating in Georgia and Florida. Its website states, ‘In 2005 EdFutures will operate schools in California, Tennessee, Texas, Michigan and Nevada. In 2006 Louisiana and Arizona will be added.’ However, as of January 2006, EdFutures did not have schools operating in any of those states. Nor have any applications been approved in those states.”
 - The EdFutures annual report letter states its University Community Academy received the Georgia School of Excellence award for 2006. Oakland researched the 2005, 2006, and 2007 schools receiving the award; University Community Academy was not listed.
 - The EdFutures 2007 annual report letter states that its *Good Schools for All* charter school in Delray, Florida was closed in 2007 due to low enrollment.
- c. The LACOE Review Team identified additional concerns regarding EdFutures as follows:
- i. The management company currently operates no charter schools in California and currently lacks capacity to do so.
 - ii. It currently operates Lee Charter Academy in Florida, which has an unsuccessful academic achievement ranking. The 2011 school rating from the Florida Department of Education was an “F” according to the state’s website. Concerns regarding the school under the operation of EdFutures can be found in a June 30, 2011, Florida News-Press article. (Retrieved November 10, 2011, from <http://charterschoolscandals.blogspot.com/2011/07/lee-charter-academy.html>)
 - iii. By Nevada state law, (Nevada Revised Statutes Section 78.150; NRS 78.150) all Nevada Corporations and Limited Liability Corporations (LLC) are required to file an “Annual List” at the end of the month following the month that the business entity was formed. Then, each year on the anniversary date of the formation, a new Annual List must be filed. That same website maintains an electronic filing of the “Annual List” report. According to the report, as of September 2011, EdFutures had *dissolved* in November 2000. (Retrieved November 10, 2011, from <http://www.nvannualreport.com/entities-DPC-ED-FUTURES-INC.aspx>)
 - iv. It is unclear whether the EdFutures agreement with MATTIE allows the school’s governing board to retain fiscal control.
 - The agreement fails to specify how excess revenues (profits) would be directed and whether the board retains any control over how the funds would be directed. It grants the management “authority to capture and direct the utilization of any excess of revenues over expenditures.” (page 7)
 - The agreement only requires EdFutures to notify the governing board of material changes to the budget rather than obtain its approval. It states, EdFutures “expenditures in

state application requirements. Meeting minutes also provide witness testimony that teachers of schools managed by EdFutures in San Francisco were not paid, and that one school lost \$250,000. The charter was not approved.

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connection with the operation of the charter school shall not deviate materially from the submitted proposed budget without prior notice to the board.” (page 7)

The school’s leadership team and governing board stated at the Capacity Interview that it had not researched the record of EdFutures.

Finding 3: The petition contains the required number of signatures. [EC § 47605(b)(3)]

Finding 4: The petition does not contain an affirmation of all specified assurances. [EC § 47605(b)(4); EC § 47605(d)]

The petition fails to comply with the required affirmation as follows:

If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days....

The petition states (page 94) that the school will provide the information upon request and in a timely manner, not that they will notify the district within the required 30 days.

Finding 5: The petition does not contain a reasonably comprehensive description of all required elements. [EC § 47605(b)(5)(A)-(P)]

Based on *Education Code* and criteria established in the *California Code of Regulations, Title 5, (5 CCR)* eleven (11) of the 16 elements are not reasonably comprehensive.

Element 1: Description of the Educational Program. *Not reasonably comprehensive*

The 5 CCR § 11967.5.1(f)(1) requires the petition to address eight (8) requirements. The petition fails to meet these evaluation criteria rendering aspects of the educational program deficient for specific populations of students: Low-achieving and socio-economically disadvantaged students, students with disabilities, English learners, and students who participate in independent study. Findings are as follows:

1. There are deficiencies in the description of *the school’s target student population which must, at a minimum, include grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.*
 - a. The targeted student population is not clear. The petition states on page 24, “We have determined and have developed instructional strategies for students not on alternate curriculum in community based instruction students not expected to pass the CAHSEE and are working on alternate graduation standards, students who are deaf and hard of hearing, and students with learning disabilities, using grade level standards.” However, on page 25 it states, “We expect to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performances on standardized testing.”
 - b. The petition does not comply with the requirement to identify the specific educational interests, backgrounds, or challenges of the 50% of the student population likely to be English learners or other student populations the school proposes to serve.
2. The petition fails to specify *a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners’ definition of an “educated person” in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.*

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- a. The mission statement is not clearly linked to the needs of English learners or students with disabilities. Additionally, the petition states (page 25) the school expects to matriculate “students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing,” which contradicts the statement (page 24) that the school proposes to serve students who would not meet this criteria.
 - b. The petitioner’s definition of an educated person in the 21st Century is not coherent and does not reflect current educational pedagogy on this issue. The following analysis highlights a few of the deficiencies in the definition of an educated 21st Century learner:
 - i. The statement, “The purpose of education in the beginning of the 21st Century is to prepare people to lead productive lives, to enjoy their constitutional rights of ‘life, liberty, and the pursuit of happiness’” lacks the broad scope of knowledge, competencies, and dispositions necessary to develop global awareness, environmental literacy, health literacy, civic literacy, environmental literacy; be able to collaborate, communicate in diverse settings, use and apply information in innovative ways to meet complex challenges, etc.
 - ii. In the statement, “With the emphasis on performance-based learning, students will emerge from the school as competent as measured by state and national tests.” there is no explanation of how performance-based learning translates to competency on state and national tests, which are not performance-based assessments. The petition reflects a lack of understanding of the term “competency” in the 21st Century. Current state and national tests largely measure knowledge of content, not skills and competencies needed for success in college and career in the 21st Century.
 - c. There is no integration of the definition of “What it means to be an educated person in the 21st century” with the proposed instructional design.
3. The petition lacks *a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.*
- a. The lack of a clearly defined target population makes it difficult to determine how the instructional design is aligned to meet the needs of the students the school will serve. The petition does not explain how the proposed instructional design is aligned to meet the needs of each population of students the petition is required to address including English learners, students with disabilities, and academically high and low achieving students.
 - b. There is no description of how the school will determine when, for what purpose, or for which student populations the list of instructional strategies will be utilized or the reason for the choice of strategies, identified as “student investigations, cooperative/collaborative learning, whole group instruction, independent and self-directed learning, peer coaching, graphing, concept mapping, self-assessment, research and simulations.”
 - c. Information provided about the instructional program is inconsistent. For example, on page 8, the petition describes a “weekly Intervention Day” where students select a subject that interest them. Later in the petition, it indicates student data will be used to make instructional decisions. Allowing a student to select a subject for “Intervention” does not guarantee the intervention will meet the student’s academic needs and ensure progress toward meeting state standards.
 - d. There is no description of how the program of independent study proposed in the petition is aligned with the academic needs of specific subgroups of students to be served. (See #4, below)

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4. There are deficiencies in how the program will be implemented through *the basic learning environment or environments* identified in the petition.

Deficiencies regarding independent study: The Independent Study Program (ISP) demonstrates lack of understanding of the core concepts of independent study, including requirements of law. The following deficiencies provide evidence the proposed ISP will not be implemented successfully for benefit of the students.

- a. The petition misrepresents the purpose of ISP and violates specific requirements of law.
 - i. The described ISP violates the requirement that it be strictly voluntary. The petition states special education students will be referred to ISP and that ISP may be used as an administrative remedy to student problems.
 - ii. The petition states (page 38), "In ISP the student's performance, measured by the terms of the agreement, is converted by the supervising teacher into school days. The computed schooldays are reported as if the student were physically in attendance." This statement is problematic in two (2) ways: First, the student's academic performance shall in no way be the determining factor for apportionment (school days), which may be based solely on the completion of work and the time equivalent that the supervising teacher determines the value to be. Second, the last sentence "...as if the student were physically in attendance" misrepresents the purpose of independent study.
 - iii. There is no provision for maintaining activity logs or other documentation required by law. Apportionment can only be claimed for those days that the student is engaged in educational activities.
 - iv. There is no evidence of employing credentialed teachers as required by law. The petition references students reporting to a "counselor/coordinator" without assurance the individuals will be credentialed in the appropriate subjects.
- b. The proposed ISP conflicts with the requirement that Independent Study be substantially equivalent to a classroom-based program. The description of the ISP indicates the components are not shared by the classroom program.
- c. The proposed ISP lacks an instructional design that can meet the needs of high risk students. ISP is described as a "self-study" program, which is unlikely to meet the needs of high risk students who typically need intensive, high-quality, direct instruction provided by highly qualified teachers.

Deficiencies regarding instructional minutes:

- a. No bell schedule is provided for grades 6-8. The sample bell schedule (page 43) was for grades 9-12 only. Without the bell schedule, it cannot be determined whether the school would meet the minimum annual instructional minutes for grades 6-8.
- b. It cannot be determined whether the school would provide an adequate number of instructional minutes. The sample bell schedule included a minimum day schedule. However, the annual instructional calendar (Appendix G-3) does not indicate when minimum days would be held.
- c. The bell schedule is inconsistent. On page 44, the petition indicates the block schedule format will consist of three 90-minute classes per day. The block schedule included indicates 95, 98, 95,

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and 50 minute periods. Passing times included in the schedule are inconsistent. They are indicated in the schedule for the times 1:40 - 1:50 PM, but not indicated for the space of time between nutrition and period 3, and Lunch period 5.

Deficiencies regarding attendance accounting and state reporting: The petition does not indicate how attendance accounting and state reporting will be done or by whom. The EdFutures contract does not specify whether it will provide attendance accounting or state reporting preparation.

- a. The petition fails to indicate *the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to EC § 60605 and to achieve the objectives specified in the charter.*
 - i. There is no description of the instructional strategies the school will use to deliver curriculum. The petition provides a list of strategies, but does not differentiate their purpose or application. While the petition states in several places that it will use research-based techniques, it fails to identify the research or describe those techniques.
 - ii. The stated flexibility of using any state-adopted textbooks, whether current or obsolete (page 33) lacks adequate explanation of how the school would ensure the educational program addresses required content standards if obsolete textbooks are utilized. No state-adopted textbooks are identified with the exception of the English learner curriculum.
 - iii. The plan for delivering curricular goals identified in the petition is unclear and inadequate. Curriculum descriptions of the four core areas (and PE) found on pages 34-38 are copied and pasted from portions of the *California State Frameworks* for Reading/Language Arts, Mathematics, History-Social Science, Science, and Physical Education. The petition does not explain how the goals taken from these documents will be addressed.
 - iv. There is no description of how the school's curricular approach will meet the needs of English learners and students with disabilities.
 - v. The petition fails to demonstrate understanding of Service Learning as an instructional strategy connected to academic learning. It describes activities that are examples of community service or volunteerism, demonstrating a lack of understanding that Service Learning is an instructional approach to increase academic achievement.
 - vi. The proposed use of technology (page 141) is unclear and confusing. For example, the petition does not describe how curriculum will be differentiated by using computers; lacks examples to illustrate assertions regarding the use of computers; and does not explain how computers will lead to the development of critical or higher-order thinking skills as asserted.
 - vii. The description of Project Based Learning (pages 141-142) does not describe how it will be used within or across subject areas.
 - viii. The professional development plan (page 144) appears ambitious; it is unclear how professional development will be effectively delivered in the short time spans stated in the petition.
 - ix. There is no proposed plan to prepare the school for the transition to the Common Core State Standards or how the school will access "Bridge" documents ensuring instruction is aligned with the Common Core State Standards.

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5. The petition fails to indicate *how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.*
 - a. There is no indication how the school will identify and respond to the needs of the students who are not achieving at or above expected levels; there is no description of the intervention plan to be offered during the school day, only before and after school.
 - b. There is inadequate description of how curriculum and instruction will be differentiated to meet the needs of students not achieving at or above expected levels.
 - c. There is insufficient description of how the school will identify “at-risk” students beyond that described for the California High School Exit Exam (CAHSEE).
6. There is insufficient indication of *how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.*
 - a. *Deficiencies regarding the plan for meeting the needs of English learners:*
 - i. The petition fails to ensure that all English learners will have full access and make progress toward meeting required content standards. It states, “All English learners will participate in the core standards-based curriculum appropriate for their grade level *as fully as their English language fluency will allow.*” (Emphasis added)
 - ii. Procedures for completing and utilizing information from the Home Language Survey are incorrect. The petition (page 46) indicates all *students* (emphasis added) will complete a Home Language Survey and that students will be assessed if they indicate another language spoken in the home. First, students do not complete the Home Language Survey, parents do, and second, the Survey is required for students when they first enter a school in California, not upon entry to each new school. The correct procedure is for the school to evaluate student transfer records to determine if the student was identified as an English learner. Assessing all students based on completion of the Home Language Survey, would result in the misidentification of English learners, including students who have been reclassified.
 - iii. There is no description of the assessments that will be used to monitor the progress of English learners. The petition indicates teachers will meet every two weeks to discuss and evaluate the progress of English learners and make adjustments to their program, however, only state mandated assessments are identified for that purpose. State mandated assessments are only administered annually and do not provide sufficient feedback for the bi-weekly program adjustments stated in the charter.
 - iv. There is no description of how the school will address the needs of English learners with disabilities or English learners identified for referral for special education assessment.
 - v. The staff development plan fails to ensure that the needs of all English learners are met. The petition indicates, “staff development on good teaching practices that address the ELL learning needs” (page 47) will be provided. Evidence of “good teaching” is insufficient to prepare *students achieving substantially below grade level* to prepare for college.
 - b. *Deficiencies regarding the plan for meeting the needs of students with disabilities, especially those performing substantially below grade level:*

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- i. The petition indicates lack of knowledge regarding special education curriculum and assessment. It states general education curriculum as well as “California Alternative Program Standards” will be used to provide students with special cognitive needs an enriching and engaging learning experience on an on going basis. The *California Alternate Performance Assessment (CAPA)*, designed to assess students with severe cognitive disabilities, is linked directly to California academic content standards at each grade level. The Review Team was unable to determine what the petition is referencing in its use of the term “California Alternative Program Standards.”
 - ii. The staff development plan fails to ensure that the needs of students with disabilities are met.
- c. *Additional Concerns:*
 - i. The petition does not describe how the school will address the needs of socioeconomically disadvantaged students.
 - ii. It is unclear whether the school intends to ensure that all students will matriculate. The petition states only students in the top 10% will be matriculated.
7. There is inadequate description of *the charter school’s special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of EC § 47641, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.*
 - a. The means by which the school will implement special education services for all types of disabilities is not addressed. The petition implies the school will only address students with learning disabilities and those who are hearing impaired; there are 11 other categories of disabilities not addressed in the petition. The scope of needs of students with disabilities the school has planned to serve is finite and limited.
 - b. There is inadequate description of the services and programs the school will provide once the identification process is complete.
8. The description of *how parents will be informed about transferability of courses to other public high schools* fails to demonstrate understanding that courses must be submitted to, and approved by, the University of California before they are accepted by the UC/CSU system for student admission.

Element 2: Measurable Pupil Outcomes. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(2)* as follows:

It does not specify skills, knowledge, and attitudes that reflect the school’s educational objectives and can be assessed...by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. ... vary according to such factors as grade level, subject matter, the outcome of previous objective measurements... To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.

The educational objectives are not frequent or sufficiently detailed enough to determine whether pupils are making satisfactory progress and the measures do not vary according to factors such as grade level.

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1. There are no measurable outcomes stated for year one (1), two (2), or four (4) for performance on the California Standards Test (CST). The petition states, "California Standards Test: A target of 60% proficient in year 3 increasing to 75% proficient in year 5 students scoring proficient or above in English/Language Arts and Math" (page 49)
2. There are no outcomes for End of Course CST exams administered at the high school level or for required science and social studies CSTs administered at the middle and high school levels.
3. There is no baseline for the API target. A baseline can be established by analyzing the performance of the comparison schools identified in the charter to determine whether the stated goal is adequate for the school to make renewal criteria established in law or show evidence of performance that is at least comparable to the comparison schools.
4. There is no mention of the CAHSEE participation rate, which is essential to a high school's meeting Adequate Yearly Progress (AYP) targets. Participation rate is stated only for the CST (page 49).

Element 3: Method for Measuring Pupil Progress. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(3)* as follows:

1. It does not describe how the provided list of assessments is *consistent with the measurable pupil outcomes* identified in Element 2. (Page 53)
2. It lacks explanation of how *annual assessment results from the Statewide Testing and Reporting (STAR) program* will be used to measure student progress.
3. It fails to *outline a plan for reporting data on pupil achievement to pupils' parents and guardians*. Additionally, the petition does not outline the *plan for collecting specific data or the instruments to be used for measuring the progress of students with disabilities*.

Element 4: Governance Structure. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(4)* as follows:

1. It does not *include evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:*
 - a. *The charter school will become and remain a viable enterprise* (See Finding 2)
 - b. *The educational program will be successful*. (See Finding 2 and Finding 5, Element 1)
2. The petition does not comply with specific requirements of law regarding governance:
 - a. While the petition states (page 56) that it will comply with the Brown Act, the bylaws create confusion as to whether the Board will comply with the Brown Act requirements.
 - b. Article 3, Section 7, Place of Meetings, and Section 9, Special Meetings, do not establish that meetings not designated by the Board must still be within the jurisdiction of the District. Government Code § 54954(b)-(e) addresses all exceptions to this.
 - c. In addition to the primary meeting location, the notice and agenda must also be placed at all locales in which a Board member is participating via teleconferencing. *Government Code § 54953* requires that each of these locations must also be identified in the notice and agenda as

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well, and each of these locations must be fully accessible to the public. Also, the bylaws fail to require that a quorum must participate within the body's jurisdiction for other members to participate via teleconference, which is required by the Brown Act.

- d. Article 3, Section 11, Contents of Notice, doesn't provide for disability accommodations within the agenda. Government Code § 54954.2(a) requires that the agenda must contain information on how to request disability accommodations or modifications in order to participate in a meeting.

Element 5: Employee Qualifications. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(5)* as follows:

It lacks *general qualifications for the various categories of employees the school anticipates and fails to provide qualifications sufficient to ensure the health and safety of the school's faculty, staff, and pupils.*

1. Qualifications of teachers and the special education teachers are described in general terms without specifying which must have CLAD or BCLAD certification, whether any staff will be bilingual, or the type of credential special education teacher(s) will hold.
2. There is no statement of qualifications for non-core teachers.
3. Several key positions, including the CEO and the program facilitator do not require any knowledge of educational practices.
4. There is no description of duties and responsibilities for the program facilitator.
5. There is no description of staff duties for the positions of psychologist, social worker, nurse, parent community liaison, technology assistant, or fiscal management coordinator (as presented in the handout given to the County Board at Public Hearing).
6. There is no explanation of the difference between a staff assistant and an instructional assistant, although the budget reflects different pay levels.
7. There is no description or qualifications for tutors for the After School Enrichment Program.
8. The Code of Ethics which "all staff must meet and maintain" is not included in the petition.

Element 6: Health and Safety Procedures. *Reasonably comprehensive with specific deficiencies*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(6)* as follows:

It does not *provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.*

Element 7: Means to Achieve a Reflective Racial and Ethnic Balance. *Not reasonably comprehensive*

The petition fails to meet *CCR, Title 5, Section 11967.5.1(f)(7)* in that the standard of the regulation states it "...shall be presumed to have been met, absent specific information to the contrary." Evidence to the contrary is as follows:

Described outreach efforts are insufficient to determine whether the plan can achieve a student population reflective of the racial and ethnic diversity of the district in which the school intends to locate. Outreach is described in general terms, and it lacks benchmarks by which the school can determine whether it will achieve the desired outcome. The plan to specify which newspapers the school will use to conduct

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outreach and actual venues where information will be disseminated, which would have provided evidence that the plan would likely result in enrollment reflecting the diversity of the community.

Element 8: Admission Requirements. *Reasonably comprehensive with one deficiency*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(8)* as follows:

There is a noted contradiction in the enrollment preferences stated in the petition. On page 85, the children of the school's founders are listed as having preference over children of staff or employees, while on page 86 the order of preference is reversed.

Element 9: Annual Independent Financial Audits. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(9)* as it does not *specify who is responsible for contracting and overseeing the independent audit or that the auditor will have experience in education finance.*

The petition does not comply with the following criteria:

1. It does not *specify the auditor shall be on the State controller's list of educational auditors,*
2. It does not *specify the auditor shall be hired by the Board of Directors of the charter school, and*
3. It does not *ensure financial reporting to charter agency would be carried out in pursuant to EC § 47604.33*

Element 10: Suspension and Expulsion Procedures. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(10)* as follows:

1. It does not *identify a preliminary list of the offenses for which students in the charter school must and may be suspended and, separately, the offenses for which students in the charter school must or may be expelled, providing evidence that the petitioner reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools, and*
2. It does not *identify the procedures by which pupils can be suspended or expelled.*

The petition contains contradictions regarding the actions for which students can be suspended and/or expelled and the processes and procedures for suspension and expulsion that would result in due process violations. There are no procedures for expulsion. These deficiencies provide evidence that *the petitioners failed to review the offenses for which students must or may be suspended or expelled in non-charter public schools,* and that the petitioners are not familiar with the requirements of law with regard to suspension and expulsion.

- a. It describes processes and procedures for suspension and expulsion that are not aligned with the sections of *Education Code* cited in the petition.
- b. It describes actions for suspension and expulsion that are not aligned with cited sections of *Education Code*. The list of offenses provided in Categories I, II and III (pages 91-92) do not differentiate between discretionary and non-discretionary offenses.
- c. There is lack of specificity on procedural aspects of suspension and expulsion including timelines for notification and scheduling of expulsion hearings, which would lead to due process violations.

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- d. It does not identify who will hear expulsion cases or how an expulsion decision can be appealed.
 - e. The petition is unclear as to the number of consecutive days a student may be suspended. The legal limit is five (5) consecutive days. The petition on page 90 states students may be suspended for up to ten (10) consecutive days. Another contradiction arises on page 92 where it indicates a student could be suspended for “more than five (5) consecutive days to twenty (20) total days within the year.” The petition is unclear whether a student is still enrolled in the school after multiple suspensions that occur consecutively, without any reference to the violations themselves.
 - f. There are no guidelines or procedures established for the suspension of a student by a teacher, which could lead to unfair practice as to how and why students are suspended in this manner. On page 91, the petition only mentions that a teacher may suspend a student for one (1) day.
 - g. The suspension appeal process could keep a student out of class for up to fifty (50) days. On page 92, the petition states that a student could be suspended for up to 20 consecutive days. Given the 30 day timeline for when the board will hear the appeal, a student could be out of school, or in an alternative setting, for up to 50 days.
 - h. The petition is unclear about alternatives to suspension. On page 91, it states the school will send the student to another site as an alternative to home suspension, but no mention is made of where the other site may be or if it will be grade appropriate.
3. The petition fails to *identify procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights regarding suspension or expulsion.*
 - a. It fails to describe how parents and pupils will be informed about the school’s suspension and expulsion policies and procedures.
 - b. As the petition contains no procedures for expulsion, the procedures cannot be communicated to a student or parent.
 - c. There are numerous contradictory statements; therefore it is not possible to expect students and parents to understand the procedures, which violates due process rights.
 4. It does not *provide evidence that in preparing the lists of offenses and the procedures, the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, provide evidence the petitioners believe the proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school, and serve the best interests of the school’s pupils and their parents (guardians).*
 - a. The lists provided in the petition contain several contradictions and omit some very serious offenses. For example, Category III lists four (4) of the offenses citing *EC* § 48900.2, .3, .4, and .7, but the other lists do not refer to the corresponding sections of the *Education Code*. There is no information regarding offenses related to bullying or cyber bullying.
 5. It does not provide for *due process for all pupils and demonstrate an understanding of rights of pupils with disabilities in...regard to suspension and expulsion.*
 - a. The petition refers to students with an IEP or a 504 accommodation plan, but fails to explain the expulsion procedures for pupils with disabilities, which results in the petition’s failure to

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demonstrate an understanding of rights of pupils with disabilities in...regard to suspension and expulsion.

6. It does not outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.
 - a. The petition states that there will be a review, but it does not include the procedures that will be used to modify the list of offenses.

Element 11: STRS, PERS, and Social Security. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(11)* as follows:

1. It does not provide a clear statement of *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, as required by EC § 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.*
 - a. There is contradictory information regarding participation in the California State Teachers' Retirement System (*CalSTRS*) for certificated staff. It indicates the school will participate in *CalSTRS* but employees who elect to participate in *CalSTRS* may remain in the chosen system during their employment, unless a two-thirds majority of the of the permanent teaching staff votes for an alternative retirement system. This statement does not provide the clear language required by *CalSTRS*. Petition language must clearly reflect one of the following choices: Choice 1: Coverage will be offered to eligible employees; Choice 2: The school retains the option to elect the coverage at a future date, or Choice 3: The school will not offer the coverage. *CalSTRS* retains the right to reject charter language that does not clearly specify the school's choice.

Element 12: Public School Attendance Alternatives. *Reasonably comprehensive*

Element 13: Post-Employment Rights of Employees. *Reasonably comprehensive*

Element 14: Dispute Resolution Procedures. *Not reasonably comprehensive*

1. The petition fails to clearly articulate that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC § 47607*, the matter will be addressed at the County Board's discretion granted under provisions of law and any regulations pertaining thereto and not subject to the dispute resolution procedure stated under Element 14 of the petition.
2. The Dispute Resolution Procedures as set forth in the petition imposes the following requirements to which the county office cannot agree:
 - a. It imposes a 120 day timeline for mediation from the date following the Issue Conference, which is an unreasonable interval of time.
 - b. It commits LACOE to "binding arbitration" and requires that any party who fails or refuses to submit to arbitration to bear all attorney's fees, costs and expenses incurred by such other party in compelling arbitration of any controversy or claim. This section would expose LACOE to unnecessary and costly litigation.

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3. The petitioner proposes a wholesale change to the dispute resolution procedure in its "Description of Changes to Petition for LACOE." Given the substantial departure from the Element 14 stated in the original petition, the proposed changes constitute a material change to the petition. The following underscore the reasons that the proposed changes are *not reasonably comprehensive*:
 - a. The new process requires LACOE to refer complaints it receives to the Executive Director of the charter school for resolution to be handled internally. This requirement would strip the Dispute Resolution Process of any meaning and does not acknowledge the right of the County Superintendent to investigate complaints under EC § 47604.4. The petition fails to acknowledge the requirement of EC § 47604.4 which states, "*In addition to the authority granted by sections 1241.5 and 47604.3, a county superintendent of schools may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a charter school located within that county and conduct an investigation into the operations of that charter school.*"
 - b. The proposed changes to Element 14 contains the following ambiguity, "The dispute resolution provision does not apply to issues that may trigger the revocation process... in the event that LACOE believes that the dispute relates to an issue that could lead to revocation of the charter, this shall be specifically noted in the written dispute statement." If issues that trigger the revocation process are exempted from the dispute resolution process, it is not clear why a written dispute statement would be required.

Element 15: Exclusive Public Employer. *Reasonably comprehensive*

Element 16: Closure Procedures. *Not reasonably comprehensive*

The petition fails to meet the requirements defined by CCR, Title 5, § 11962 as follows:

1. It does not indicate the school will comply with all the requirements of closure notification *including informing federal social security and the pupils' school districts of residence; providing the effective date of the closure and the manner in which parents (guardians) may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.*
2. It fails to indicate that upon closure, the school will provide for the *transfer and maintenance of all pupil records, all state assessment results, and any special education records to the custody of the authorizer or the transfer and maintenance of personnel records in accordance with applicable law.*
3. It does not *indicate the independent final audit will include at least the following*:
 - a. *An accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value.*
 - b. *An accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation.*
 - c. *An assessment of the disposition of any restricted funds received by or due to the charter school.*
4. It does not specify *that the disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed, will include*:
 - a. *The return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of*

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final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports.

- b. *The return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.*

Finding 6: The petition does not satisfy all of the Required Assurances of Education Code section 47605(c), (e) through (j), (l), and (m) as follows:

Standards, Assessments and Parent Consultation. *Does not meet the condition*

EC § 47605(c) requires charter schools to:

1. *Meet all statewide standards and conduct the pupil assessments required pursuant to EC § 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.* The petition fails to meet the requirement for the following reasons:
 - a. It indicates the school “will attempt” to have 95% of students participate in the California Standards Test (CST) administration. Acceptance of federal funds requires a 95% participation rate on the CSTs and the 10th grade CAHSEE census administration.
 - b. It provides evidence the petitioners do not understand the intent and purpose of the California English Language Development Test (CELDT).
2. *Consult with their parents and teachers regarding the school's educational programs on a regular basis.* The petition fails to meet the requirement for the following reasons:
 - a. It does not describe how parents of English learners will receive notification in writing of their child's English proficiency assessment results, the parent exception waiver, or give input on services for English learners.
 - b. It states, “parents will be informed,” (page 49) but provides no clear plan for informing parents or consulting with parents about the school's educational program.

Employment is Voluntary. *Meets the condition*

Pupil Attendance is Voluntary. *Meets the condition*

Effect on the Authorizer and Financial Projections. *Does not provide the necessary evidence*

EC § 47605(g) requires the petitioners to provide information regarding the proposed operation and potential effects of the school. The petition does not comply with the requirement as follows:

1. It does not fully *identify the facilities to be utilized by the school including where the school intends to locate.* A site is proposed, but not confirmed; how the site would be managed (i.e. purchase, lease, or any other agreement) is not identified; and there are no provisions for leasing in the proposed first-year operational budget, startup cost, or financial projections for the first three (3) years of operation.
2. It does not adequately *identify the manner in which administrative services of the school are to be provided.* The petition proposes to contract services to a management organization, but the contract between the school and the management company is insufficient as described in Finding 2.

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3. *The provided financial statements that include a proposed first-year operational budget, including startup costs, and cash-flow and financial projections for the first three years of operation are inadequate to reasonably ensure successful implementation of the school as described in Finding 2.*
4. There are concerns regarding the *potential civil liability effects, if any upon the school and the County Office of Education. Education Code § 47604 (c)* states that “[a]n authority that grants a charter to a charter school to be operated by, or as, a nonprofit public benefit corporation is not liable for the debts or obligations of the charter school, or for claims arising from the performance of acts, errors, or omissions by the charter school, if the authority has complied with all oversight responsibilities required by law...” Due to LACOE’s knowledge of substantiated findings of fiscal mismanagement against the petitioner and allegations of such against the proposed management company, there is the potential that authorization of this school might expose the authorizer and the county office of education to potential civil and fiscal liability. For example:
 - a. In 2008, a writ of attachment was filed against the revoked MATTIE by Charter School Capital for over \$250,000 for failure to make payments on a loan. The writ, filed against MATTIE, was served on LACOE.
 - b. To date, LACOE continues to receive complaints from unpaid teachers of the revoked MATTIE.

Preference to Academically Low Performing Students. *Does not meet the condition*

EC § 47605(h) states authorizers shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified as academically low achieving...

The petition does not meet the criteria for this preference due to the lack of a comprehensive plan for providing *learning experiences to the pupils identified by the petitioners as academically low achieving.*

1. There is no clear plan stating the interventions to be provided during the school day to support academically low achieving students. Program supports appear to be provided by outside entities and/or are listed as “opportunities to participate,” thereby not ensuring all students who need that support will have access to the support. (pages 6-8, 28, 30-32, 34, 40, 44, 45, 48)
2. The petition mentions Response to Intervention, but does not describe the tiered process adopted by the school to support all students. (page 49)
3. Interventions for English learners are provided only for the CAHSEE. (page 32)

Teacher Credentialing Requirement. *Meets the condition with specific concerns*

EC § 47605(l) requires that teachers in charter schools shall be required to hold a CCTC certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold...It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses.

The petition does not identify that the special education coordinator and service providers must be appropriately credentialed.

Transmission of Audit Report. *Meets the condition with specific concerns*

EC § 47605(m) requires charter schools to transmit a copy of its annual independent financial audit report for the preceding fiscal year... to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited..., and the CDE by December 15 of each year.

Met with the following concern:

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While the petition states the requirement for the transmission of audit report, the MATTIE charter revoked by LBUSD failed to have a financial audit completed for the year it operated or comply with *EC* § 47605(b)(5)(P) regarding closure procedures in spite of complying with this statement in its previous charter. The CEO for revoked charter who was responsible for overseeing the closure process for the revoked MATTIE charter school is the same person who would be responsible for the proposed charter school current under consideration.

ACCS Meeting Notes for February 10, 2010 - Advisory Commission on Charter Schools (CA Dept of Education)

California Department of Education (<http://www.cde.ca.gov/be/cc/cs/accsmtgnotes021010.asp>)
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ACCS Meeting Notes for February 10, 2010

Meeting notes taken at the ACCS meeting on February 10, 2010.

Advisory Commission on Charter Schools An Advisory Body to the State Board of Education

California Department of Education
1430 N Street, Room 1101
Sacramento, CA 95814-5901

Wednesday, February 10, 2010

Members Present

Beth Hunkapiller, Chair
Dr. Vicki Barber
Carol Barkley*
Dr. Paul Cartas
Gary Davis
Mark Kushner
Corri Ravare
Curtis L. Washington

Members Absent

Brian Bauer

*Carol Barkley is the State Superintendent of Public Instruction's designee.

Principal Staff to the Advisory Commission

Iqbal Badwalz, Consultant, CDE Charter Schools Division
Julie Klein Briggs, Consultant, CDE Charter Schools Division
Matthew Dunkle, Consultant, CDE Charter Schools Division
Angela Duvane, Staff Services Analyst, CDE Charter Schools Division
Bonnie Galloway, Consultant, CDE Charter Schools Division
Darrell Parsons, Consultant, CDE Charter Schools Division
Michelle Ruskofsky, Consultant, CDE Charter Schools Division

Call to Order

Chair Hunkapiller called the meeting to order at 10:28 a.m.

Flag Salute

Corri Ravare led the members, staff, and audience in the Pledge of Allegiance.

Agenda Order

Chair Hunkapiller announced that the agenda would be followed today as printed.

Approval of Meeting Notes

Chair Hunkapiller called for a motion to approve the meeting notes from August 25, 2009. June 17, 2009, ACCS meeting notes.

Action: Dr. Barber moved that notes of the meeting held on August 25, 2009, ACCS be approved as presented.
Ms. Ravare seconded the motion. The motion was approved unanimously.

ACCS Meeting Notes for February 10, 2010 - Advisory Commission on Charter Schools (CA Dept of Education)

Public Comment

Chair Hunkapiller called for public comment.

Dave Patterson, Executive Director of Western Sierra Collegiate Academy, thanked the Advisory Commission on Charter Schools (ACCS) for their hard work and support of the school and invited ACCS members to visit the campus.

Item 1: Schedule 2010 Meeting Dates.

Ms. Barkley presented the calendar indicating available dates for ACCS meetings at the California Department of Education (CDE). Dr. Cartas stated that he has a scheduling conflict with June 9, 2010, and August 11, 2010. Mr. Washington stated that he will likely miss a meeting held on April 6, 2010.

Action: Mr. Kushner moved to approve April 6, 2010, October 5, 2010, and December 9, 2010, as future meeting dates. Dr. Cartas seconded the motion. The motion was approved unanimously.

Item 2: California Department of Education Projects and Priorities – to include, but not be limited to, an update on charter school issues discussed at the January State Board of Education meeting, an update on the Public Charter Schools Grant Program, and Clarification of Mitigating Circumstances under Senate Bill 740.

Ms. Barkley explained why the ACCS items in December were carried forward to the SBE without a recommendation from the ACCS. She further explained that the SBE did not act differently than the ACCS on the December 2009 agenda items with the exception of the material revision of Livermore Valley Charter School.

Ms. Barkley gave an overview of the Public Charter Schools Grant Program and stated that a stakeholders meeting comprised of representatives of the SBE and major organizations will be held to discuss grant applications. Chair Hunkapiller asked if public comments would be accepted. Ms. Barkley asked that any public comments be sent to her, or the Charter Schools Division.

Ms. Barkley explained that according to current regulations charter schools can request mitigating factors in a current or prospective period and clarified that there is no blanket policy as to what will or will not be approved by the ACCS.

Dr. Cartas asked for clarification on grant application dates. Ms. Barkley stated that no dates have been set.

Item 3: Appeals of Charter Petitions That Have Been Non-renewed: Approve Commencement of the Rulemaking Process for Amendments to California Code of Regulations, Title 5, sections 11967, 11967.5, and 11067.5.1.

Chair Hunkapiller clarified that this item is for discussion only. Ms. Barkley introduced Matthew Dunkle, a Consultant in the Charter Schools Division, to present this item. Mr. Dunkle explained that SBE requested these regulations be drafted at its January 2009 meeting. Mr. Dunkle gave an overview of the draft regulations. Mr. Dunkle notified the ACCS that stakeholder meetings will be held to revise the draft regulations and welcomed commissioners and members of the public to contact him to provide input on the draft regulations.

Dr. Barber asked for clarification on the timeline for completing the draft regulations.

Mr. Dunkle stated that the goal is to have the draft regulations to the SBE at the May 2010 meeting.

Dr. Barber then clarified that if the draft regulations were given to the SBE in May 2010, then they should be presented to the ACCS at the April 2010 meeting. Dr. Barber expressed concern that this would not give the ACCS time to add substantive input on the document and that the timeline was optimistic.

Chair Hunkapiller stated that the time for input and involvement is now.

Ms. Barkley clarified for Dr. Barber that the current discussion was on the draft of the non-renewal regulations, not the draft of the revocation regulations.

Note: At this point in the agenda, the petitioners for Item 4 were not present in the meeting room; therefore, the ACCS postponed hearing Item 4 until all parties could be present.

Item 5: Consideration of Mitigating Circumstances Impacting the Current Funding Determinations for Options For Youth Public Charter Schools and Opportunities For Learning Public Charter Schools.

Ms. Barkley introduced Iqbal Badwalz, a Consultant in the Charter Schools Division, to present this item. Ms. Barkley explained that this is the same item presented at the December 2009 meeting and requires ACCS approval. Mr. Badwalz gave an overview of the item and the mitigating factors for Options For Youth (OFY) and Opportunities For Learning (OFL) Public Charter Schools.

ACCS Meeting Notes for February 10, 2010 - Advisory Commission on Charter Schools (CA Dept of Education)

Representatives from the OFY and OFL Public Charter Schools were present and addressed the ACCS on the impact of the mitigating factors on both schools.

Action: Dr. Barber moved to approve the mitigating circumstances for OFY Public Charter Schools and OFL Public Charter Schools. Ms. Ravare seconded the motion. The motion was approved by a vote of six in favor and two opposed.

Item 6: Consideration of Requests for Determination of Funding Rates as Required for Nonclassroom-based charter schools.

Carol Barkley introduced Angela Duvane, an Analyst in the Charter Schools Division, to present the item. Ms. Duvane presented 46 requests for funding determinations and reported that 15 of these requests were from new schools. Ms. Duvane also stated that 3 of the requests were from OFY and OFL schools requested 100 percent approval with mitigating circumstances.

Dr. Barber requested a discussion on the requests for funding determinations from OFY and OFL. Dr. Barber expressed concern that this particular operator was asking to open with a 100 percent funding rate instead of the normal 85 percent funding rate. Ms. Duvane explained they had a different set of mitigating factors. Mr. Badwaiz stated that the schools are being conservative in their budgets and referred to the attachments provided by the schools to supporting their request. Chair Hunkapiller clarified that the California *Education Code* allows for 100 percent funding of new schools. Chair Hunkapiller suggested the ACCS vote on the 15 new schools and vote on OFY and OFL as a separate item.

Action: Dr. Cartas moved to approve all but the OFY and OFL schools. Mr. Davis seconded the motion. The motion was approved unanimously.

Chair Hunkapiller asked for public comment on OFY and OFL.

Colin Miller representing the California Charter Schools Association (CCSA) noted that the law requires a five-year span for continuing schools and asked if, in these cases, the motion could be to give schools five-year approvals.

Jan Miller representing the California Teachers Association (CTA) pointed to the 2005 extraordinary audit for OFY and OFL and questioned their mitigating factors. Mr. Miller further requested an update on last year's action and advised that giving out more funds when some funds were still in dispute was not wise.

Mr. Kushner requested a report on Jan Miller's request for an update on last year's action.

Chair Hunkapiller directed CDE staff to present each OFY and OFL school for consideration separately.

Action: Dr. Barber moved that schools numbered 1130, 1131, and 1132 be approved for 85 percent funding for two years. Mr. Kushner seconded the motion.

There was a discussion amongst the ACCS members regarding schools numbered 1130, 1131, and 1132. Mr. Kushner asked if a funding determination could be reopened at a later date. Ms. Barkley confirmed that a funding determination could always be reopened.

Mr. Washington expressed concern that these funding determinations were not posted to the Web for public access prior to the ACCS meeting. He would like clarification on how the public can access this information before meetings. Ms. Barkley explained that all documents were available at the CDE ten days prior to the ACCS meeting. Mr. Washington requested a solution on how members of the public can access information without coming to Sacramento. Chair Hunkapiller and Ms. Barkley both acknowledged Mr. Washington's concern and explained that they were working to improve this process.

Chair Hunkapiller asked for representatives from OFY and OFL to address the ACCS.

Representatives from OFY and OFL explained to the ACCS that the 3 schools in question are stand-alone charters and therefore qualify for the full 100 percent funding. They also asked if they 100 percent funding rate was not approved, would the school have an opportunity to come back and justify the 100 percent funding rate at a later date? Chair Hunkapiller confirmed that OFY and OFL could appeal a less than 100 percent funding determination a later date. Dr. Barber asked for further evidence that these new schools would not have the same issues that are being questioned, or litigated, with the existing schools.

Action: Dr. Cartas moved that schools numbered 1130, 1131, and 1132 be approved for 85 percent funding for two years. Mr. Kushner seconded the motion. The motion was approved by a vote of seven in favor and one opposed.

Ms. Duvane introduced a group of schools recommended for a five-year determination based on decile ranking. Ms. Duvane clarified the terms that qualified these schools for a 100 percent funding rate.

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Action: Dr. Cartas moved to approve the staff recommendation for 100 percent funding for five years. Mr. Davis seconded the motion. The motion was approved unanimously.

Ms. Duvane presented a group of schools for 100 percent funding for four years and clarified that school number 730 should be funded for four years instead of five years. She further stated that schools numbered 146, 723, 730, 873, 939, and 1056 have mitigating factors.

Chair Hunkapiller asked if any ACCS members would like to remove any of the schools listed by Ms. Duvane from the current staff recommendation. Chair Hunkapiller asked for clarification on whether any of the schools listed could be funded for a different length of time at the discretion of the ACCS. Ms. Barkley confirmed that the ACCS has this discretion. Dr. Barber asked if any of the schools listed for this funding determination were schools classified under the Alternative Schools Accountability Model (ASAM). Ms. Duvane did not have this information at hand.

Action: Dr. Barber moved to approve the staff recommendation for 100 percent funding for 4 years. Mr. Davis seconded the motion. The motion was approved unanimously.

Chair Hunkapiller advised the ACCS that charter number 285, Gorman Learning Center has been pulled from the agenda.

Ms. Duvane presented the next group of schools for consideration and explained that these schools required determinations for prior years due to audit findings. The commissioners discussed the process for determining funding determinations and audits.

Chair Hunkapiller asked for motion.

Action: Dr. Barber moved to approve the staff recommendation for 100 percent funding for these schools. Dr. Cartas seconded the motion. The motion was approved unanimously.

The commissioners discussed mitigating factors as they applied to funding determinations. Ms. Barkley stated that there may be a need for CDE staff to report back to the ACCS next year on the schools that had mitigating factors

Item 4: Consideration of the Appeal to the Revocation of MATTIE Charter School, Which Was Revoked by the Long Beach Unified School District

Chair Hunkapiller explained in detail the role of the ACCS in regard to making recommendations to the SBE. Chair Hunkapiller clarified that the SBE makes the actual decision to overturn or uphold a charter revocation if it deems the revocation is based on substantial evidence. Chair Hunkapiller further stated that when making a decision on revocation, the ACCS is legally obligated to only consider the administrative record as submitted to the SBE.

Chair Hunkapiller invited Michelle Ruskofsky, a Consultant in the Charter Schools Division, to review the California Education Code as it pertains to the requirements for a chartering authority to revoke a charter and review the CDE staff report for the Multicultural Achievement Technology Teaching Innovative Experiences Academy Charter School (MATTIE). Ms. Ruskofsky also provided an overview of the time line of the MATTIE revocation appeal to the SBE and the 27 findings for revocation made by the Long Beach Unified School District (LBUSD). Ms. Ruskofsky reported that the CDE recommends that the ACCS recommend that the SBE uphold the decision made by the LBUSD to revoke the MATTIE charter.

Ms. Barber reminded her fellow commissioners that at the December 2009 meeting the commissioners had asked MATTIE representatives to provide a specific rebuttal matrix to the 27 findings and asked if MATTIE had in fact submitted this matrix to the CDE. Ms. Ruskofsky stated that the CDE had received a letter from Dr. Denise Price on January 26, 2010, that was included in each commissioners' packet of information.

After advising representatives from MATTIE and members of the audience on the 15-minute time limit for presenting information to the ACCS, Chair Hunkapiller clarified that the public comment period would follow presentations, and then commissioners would deliberate on the appeal.

Chair Hunkapiller invited representatives from MATTIE to come forward and present their evidence. Chair Hunkapiller also advised that it would be most helpful for MATTIE representatives to focus on the 27 findings made by the LBUSD, and the evidence in the administrative record.

MATTIE representatives Dr. Denise Price, Eric McKee, former state legislator Mervyn Dymally, and parents of former MATTIE students stated that the claims from the LBUSD of fiscal mismanagement were unfounded as MATTIE had supplied documentation refuting these allegations. Dr. Price reviewed the January 26, 2010, letter to Chair Hunkapiller and stated that she was disappointed that MATTIE was advised by the CDE to have their response materials submitted to the CDE by January 27, 2010, in order for these materials to be distributed to the commissioners.

Dr. Price expressed that MATTIE representatives feel that LBUSD did not give MATTIE proper time to remedy the 27 findings for revocation. MATTIE representatives expressed concern that many former MATTIE students are not currently enrolled in school

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due to a dispute between MATTIE and LBUSD regarding student records. MATTIE further stated that LBUSD violated charter law by not providing support to MATTIE or adequate time to respond to LBUSD's 27 findings for revocation.

Several speakers on behalf of MATTIE addressed the ACCS regarding the need for MATTIE in the community. They expressed concern that when the school was closed, the students had a hard time getting back into school because most of them had been expelled from other schools. All speakers appealed to the ACCS to reopen MATTIE. Dr. Price stated MATTIE has done everything in their power to do what they were asked and that MATTIE was not given a chance to prove the difference they were making with the students.

Chair Hunkapiller asked if the commissioners had any questions.

Dr. Cartas asked MATTIE representatives if any of the 27 findings of facts from LBUSD were accurate and if MATTIE had evidence to refute any of the 27 findings. A discussion ensued in which Dr. Price stated that LBUSD rushed MATTIE to open in the fall of 2007 and was promised money that the district did not deliver. Dr. Price then stated that Mr. Suarez [from LBUSD] encouraged MATTIE to borrow money from Charter Schools Capital. Dr. Price expressed that MATTIE representatives trusted the district's oversight and that they now felt like they were misled. Dr. Cartas asked if MATTIE had a plan to remedy the items identified in the 27 findings from LBUSD. Dr Price stated that they did have a plan, but that everything they submitted to LBUSD was ignored by LBUSD.

Dr. Barber asked for clarification on when MATTIE was given a charter number and when the school actually opened. Dr. Price responded that the school was approved by LSBUSD in August 2007. She further stated that MATTIE opened on September 3, 2007, and was shut down on September 16, 2008. Dr. Barber asked if the school received an API score. Mr. Kushner accessed the CDE Web site to retrieve data on MATTIE. Mr. Kushner advised his fellow commissioners and the audience that in 2008-09, 54 students were tested and that MATTIE received an API score of 365, and a statewide rank of 1. Dr. Barber expressed her concern that MATTIE representatives feel they had a school that was working, but that the data does not substantiate that the school was in fact successful.

Dr. Barber also expressed concern regarding financial information that showed MATTIE had a \$900,000 deficit at the time MATTIE was closed. Dr. Price stated that the \$900,000 deficit was incorrect. Dr. Price stated that MATTIE's funds were held up because of LBUSD's actions and because of a court judgment brought against MATTIE by the Charter School Capital. Dr Price stated that MATTIE was financially current at the time of revocation. Dr. Barber asked Dr. Price if MATTIE could afford to open immediately if the SBE voted to overturn the revocation. Dr. Price replied that MATTIE has reorganized their board and are currently working on getting funding, but that MATTIE could open one site immediately.

Chair Hunkapiller invited representatives from LBUSD to address the commission. James Suarez, Assistant Director of Special Projects at LBUSD, came forward and expressed that LBUSD has a very positive and fruitful relationship with their charter schools. Mr. Suarez acknowledged that MATTIE served a high-needs population of students and that in the beginning, LBUSD held high hopes for MATTIE. Mr. Suarez stated that in regards to MATTIE, LBUSD went above and beyond the law related to charter school authorizers. Mr. Suarez refuted the allegations made by MATTIE representatives. Mr. Suarez stated that he did not recommend that MATTIE use Charter School Capital and that he advised them to get information from Charter School Capital in writing. Mr. Suarez stated that LBUSD held meetings with MATTIE, advised them on board policies, and provided an MOU for MATTIE. Mr. Suarez further noted that LBUSD sent a retired curriculum specialist to work with MATTIE and offered to pay outside consultants to help with board governance issues, but was refused twice. Mr. Suarez expressed that LBUSD has no desire to close schools, but when the LBUSD board was presented with overwhelming evidence, they had no choice but to revoke MATTIE's charter.

Dr. Cartas asked if MATTIE had admitted accountability to any of the 27 findings. Sue Ann Evans, legal counsel for LBUSD, responded that MATTIE representatives had admitted accountability for several of the 27 findings. Dr. Cartas and Ms. Evans went through several of the 27 findings and asked for clarification on several points of LBUSD's evidence. Dr. Cartas asked if MATTIE provided evidence of resolution of any of the 27 findings. Ms. Evans stated that none of the findings were resolved.

Mr. Washington asked for clarification from LBUSD regarding the student population of MATTIE in regards to the number of students who were expelled from other schools, the number of special education students, and the ethnic comparison to other schools in the area. Mr. Suarez explained that LBUSD only had 15 students expelled in 2007-08, so MATTIE's claim about serving large numbers of expelled students is untrue and that LBUSD never intended MATTIE to be a feeder school for expelled students or special education students. Mr. Washington asked how MATTIE's student population compared to other charter schools demographically. Mr. Suarez stated that MATTIE was very comparable to other schools in the area.

Dr. Barber asked for clarification as to why LBUSD allowed MATTIE to open so quickly without adequate planning. Mr. Suarez responded that LBUSD had done extensive planning with the Minister's Alliance, an affiliate of MATTIE, and that it was the MATTIE representatives who wanted to rush the opening of the school. Dr. Barber and Mr. Suarez engaged in a discussion regarding MATTIE's timeline for opening, student testing and scores, teacher credentialing, and MATTIE's financial status at the time of revocation.

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Mr. Washington inquired about the status of former MATTIE students that are currently not enrolled in a district school because of MATTIE's closure. Mr. Suarez stated that LBUSD has made several attempts to get student records from MATTIE and had not yet received any records. Mr. Suarez stated that LBUSD performed home visits and wrote to MATTIE's attorney to try to find information on these students, but LBUSD never received any response from MATTIE or their attorney.

Chair Hunkapiller asked for public comment.

Mrs. De La Cruz, a parent of a former MATTIE student, spoke to the ACCS about her son. Mrs. De La Cruz stated that she has not been contacted by LBUSD. Mr. Kushner asked why Mrs. De La Cruz had not enrolled her son in another school in the district. Mrs. De La Cruz explained that she had tried to enroll her son in other schools, but due to his age and special needs, she has not been successful.

Monique May, a counselor from MATTIE, presented a letter signed by LBUSD verifying that she delivered documents to LBUSD.

Dr. Greta Price, a consultant for MATTIE, spoke about the activities currently going on at MATTIE. Dr. Greta Price explained that she has been an educator for 25 years. She further stated that it takes more than a year to see something perfected and she believes that, if given an opportunity, things would be corrected at MATTIE.

A MATTIE counselor commented about student test scores and explained that low test scores were due to the fact that some students were constantly rotating in and out of school. She further stated that many of the students were from probation camps, or were special education students that may have only been enrolled in MATTIE for a week and the school did not always have copies of their IEPs.

Hearing no additional public comment, Chair Hunkapiller returned the discussion to ACCS members. Chair Hunkapiller reminded the ACCS members that their duty is to weigh the evidence presented in the administrative record and discussed in today's proceedings. Chair Hunkapiller asked if any members had questions about the substantiality of the evidence presented by LBUSD in support of its revocation decision.

Dr. Cartas asked CDE staff if there were any findings of fact in which the school admitted fault. Ms. Ruskofsky stated that MATTIE submitted to the CDE arguments regarding 8 of LBUSD's 27 total findings, which the CDE found to not refute LBUSD's evidence in support of revocation. Mr. Kushner asked if MATTIE could prepare and submit a new charter for approval by LBUSD. Chair Hunkapiller confirmed that MATTIE, just like any charter petitioning group, could prepare and submit a new charter to LBUSD.

Chair Hunkapiller asked ACCS members for any additional questions about any of the findings of fact. Hearing none, Chair Hunkapiller addressed MATTIE representatives and stated that if the ACCS voted right now, it would most likely uphold the revocation. She further informed MATTIE representatives that they could consider withdrawing their appeal before a motion is brought before the ACCS and pursue other options to serve students in the community.

Dr. Barber stated that since MATTIE came before the ACCS in December 2009 and now in February, the ACCS should make a recommendation to the SBE. She further expressed that the 27 findings are serious allegations and an official vote needs to be made for the record. Chair Hunkapiller noted that MATTIE has the right to withdraw their appeal at any point in time. Dr. Barber reiterated that the ACCS should act on the appeal. Mr. Kushner asked for clarification in that by pulling their appeal, MATTIE could not file another appeal at a later point and come before the ACCS again. Chair Hunkapiller responded that Mr. Kushner was correct in his statement.

Dr. Price asked for clarification about the consequences should MATTIE withdraw its revocation appeal.

Jonathan Williams, Member of the State Board of Education, explained that withdrawing the appeal from consideration by the ACCS meant that MATTIE could go back to their stakeholders and community and make a fresh start with a new charter. Mr. Kushner clarified that if MATTIE chooses to withdraw its revocation appeal today, MATTIE will still have a revocation on record from LBUSD.

Dr. Price expressed her "dismay" regarding MATTIE's revocation and stated that she was disheartened because she believes MATTIE was "sabotaged." After a brief discussion with MATTIE representatives, Dr. Price stated that MATTIE will withdraw their appeal.

Adjournment

Chair Hunkapiller adjourned the meeting at 1:06 p.m.

Next ACCS Meeting

The next meeting will be held on Tuesday, April 6, 2010, at the CDE Building, 1430 N Street, Room 1101, Sacramento.

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Questions: Charter Schools Division | charters@cde.ca.gov | 916-322-6029

Last Reviewed: Monday, August 02, 2010

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Charter Schools Division

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Submitted on: December 30, 2011

California Department of Education Appeal

Los Angeles Unified School District (LAUSD) Findings 07/12/2011	M.A.T.T.I.E. (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change Charter School Responses 09/30/2011
<p>The Petition of Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change Charter School (“MATTIE” or “Charter School”) does not meet the criteria under Education Code section 47605(b).</p> <p>Education Code section 47605(b) states: A school district governing board 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. Education code section 47605(b) provides that the governing board 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:</p> <p>(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.</p>	<p>MATTIE Academy of Change petitioners unequivocally dispute the findings relative to” MATTIE’s demonstrated ability to successfully implement the program —Please see disputation and responses below:</p> <p>To respond to the need of a course description that includes the scope and sequence of courses by grade levels and core content areas we can present our curriculum schedule for students of all grades upon request. Pages 27-30 of petition fully describes course offerings and the scope and sequence of courses by grade levels and core content areas. Page 27 of petition states MATTIE’s instructional program will be based substantially on the California State Content Standards, Curriculum Frameworks, and Instructional Materials for Grades 6-12, including learning expectations, accomplishments and benchmarks. Subject areas will include English Language arts, Math, History-Social Sciences, Science, Physical Education, Independent Study, Social Studies, and Foreign Language, Career Development and Technology. The California Department of Education Content Standards, Curriculum Frameworks, and Instructional Materials for Grades 6-12 is taken directly from the website of California Department of Education: www.cde.ca.gov. In addition, Page 31 of petition states that —the curriculum has been designed to meet or exceed the California Curriculum Standards as well as comply with the federal mandate specified in No Child Left Behind. In addition, up-to-date</p>

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	<p>textbook materials, published ancillary resources, and Internet learning sites will challenge students and make real-world connections to instruction. The school will have the flexibility of using any state-adopted textbooks, whether current or obsolete. Furthermore, the instructional program is designed to meet the needs of students, provide developmentally appropriate challenges, and support personal growth through mentoring.”</p> <p>In reference to the use of obsolete textbooks, MATTIE would like to respond that we utilize current and obsolete textbooks knowing that the material in obsolete textbooks is still useful. Obsolete textbooks will not be used as the core textbooks but as supplementary textbook that can aid in the students’ learning process. Furthermore, these books can offer new perspectives of learning as well as varying explanations that students may understand better than current textbooks. (However, this finding is insignificant as charter schools are not obligated to use textbooks.</p> <p>As to the erroneous claim that unaudited actuals showed that MATTIE spent less than \$20 per student on textbooks in 2007-2008 is an unsubstantiated claim. As stated above, this is a new petition and the district must only consider the current petition and elements addressed in the new petition. Thus, none of the points made referring to the previous MATTIE revocation should be used as findings related to the current petition for the charter school. In addition, Page 31 states that —In addition, up-to-date textbook materials, published ancillary resources, and Internet learning sites will challenge students and make real-world connections to instruction. The school will have the flexibility of using any state-adopted textbooks, whether current or obsolete.”</p>
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	<p>The petition did not fail to describe the nature of the Independent Study Program (ISP). Page 37 of the petition starts by describing the students the program would be offered to and the purpose of the program. The specific percentage of students engaged in this program is not specified because this program would only be offered for short-term period to students with chronic attendance problems or extenuating circumstances. This is a program that would only be offered on a case by case basis and therefore does not have a set percentage of students who would actively be involved in this program at any given time of the academic year. In addition, the petition mentions how each student in the Independent Study Program will follow instruction that is consistent with the schools course of study and not an alternative curriculum (page 36). This ensures that students in this program receive the same academic rigor as other students.</p>
<p>(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.</p>	
<p>(3) The petition does not contain the number of signatures required by subdivision (a) of Education Code 47605.</p>	
<p>(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) of Education Code 47605.</p>	
<p>LAUSD's analysis of the charter petition submitted on or about May 16, 2011, to LAUSD by MATTIE indicates:</p> <p>Regarding #2 above: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition:</p> <p>The Charter School's budget submitted with its petition</p>	<p>Since MATTIE will not be opening in 2011, application for this grant will be submitted in March 2012. By this time, Management team expects to have an approved charter, and —the grant CAN and WILL be used as a start up grant.”</p>

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<p>contains multiple fiscal problems including:</p> <p>(a) The school's start up budget includes the receipt of a Public Charter School Grant in the amount of \$600,000. The receipt is projected to be \$300,000 prior to the opening of the school. Based on communications with the California Department of Education the state is not accepting applications after March 31, 2011. The school could receive the grant but it would not be until well into the school year before the funds are available. The grant cannot be used as a start up grant.</p>	
<p>(b) The Charter School's proposed budget assumes receipt of other grants" totaling \$1.4 million over a five-year period as well as over \$3 million in other local revenues", without providing details regarding the sources of these funds or evidence that the Charter school will be able to secure allocation from these sources. Since the assumed revenue amounts represent a significant portion of the Charter School's budget, should the Charter School not receive the amount of funds it assumes, its ability to successfully implement its program will be impacted.</p>	<p>MATTIE is organized as a 501c(3) non-profit entity. It is not unreasonable to expect the MATTIE organization to raise \$1.4 million over a 5 year period. There are many charitable organizations and foundations that provide funding for educational programs to be provided by MATTIE. The worksheet used to calculate the MATTIE budget was derived from the Charter Schools Association Budget template, and recommended usage by LAUSD for Charter Schools. The template contains calculations for the Local (\$3 million), State, and Federal revenues. LAUSD issued bulletins for specific changes to line items in this worksheet (such as COLA percentages, start-up items, etc.). This is a budget proposal." Upon approval of the charter, revisions to the budget would be made based on updated financial information received. LAUSD totally ignored the Accounting process that required monthly reporting of budgets versus actual; which allows any organization to manage its revenues and expenses.</p>

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<p>(c) The Charter School’s proposed start up budget includes \$250,000 from Loan Financing. If this money is from the State of California Charter School Revolving Loan Program the money will not be available for start up expenses. If the revolving loan application is approved the money will not be received until several months into the fiscal year. If the Loan Financing is from a source other than the State of California Charter School Revolving Loan Program, the charter school has submitted no documentation as to the source of the loan.</p>	<p>Since MATTIE will not be opening in 2011, application for this grant will be submitted in March 2012. By this time, Management team expects to have an approved charter, and —the grant CAN and WILL be used as a start up grant.”</p>
<p>The lead petitioners are the same administrative team of a previous MATTIE charter school revoked by Long Beach Unified School District on September 16, 2008 after only one year of operation. The school had a 2008 Base API of just 365. Long Beach Unified School District findings included the following:</p> <ul style="list-style-type: none"> • Only one of MATTIE’s teachers was currently credentialed, • MATTIE employees were hired and initiated employment without requisite, clearances, including one individual with a criminal history that made him ineligible to work with students, • MATTIE did not comply with the curriculum requirements of the charter to use current, grade level specific textbooks used by LBUSD. Unaudited actuals showed that MATTIE spent less than \$20 per student on textbooks in 2007-2008, • The school did not obtain Conditional Use Permits for sites housing students, • MATTIE failed to pay large sums to vendors, • Unaccounted for loans with unknown terms were made to the CEO and two employees, while at the same time the 	<p>In response to the statements regarding the qualifications and experience of those proposing to open the Charter School, we would like to note that the petitioners proposing to operate MATTIE Charter School are highly qualified Educators with over 20 years of experience in Education and school reform. Charter School petitioners possess strong leadership skills, as well as excellent communication, organization, facilitation, and knowledge of —Best Practices” in Education. These individuals have the unique ability to inspire and motivate others and provide unity and direction in implementing goals. Charter School petitioners are very visible, approachable; therefore, have excellent rapport with teachers, students, parents, and the community. These individuals have impeccable records, integrity and are well respected in the community. (See Community Support Letters from Mayor Jim Dear, Dr. Mervyn Dymally, Assemblyman Warren Furutani, HARD Foundation, National Congress of Black Women, Congresswoman Laura Richardson in Section II Charter Petition).</p> <p>Statements referencing the previous MATTIE Charter School revocation are not valid reasons for denial of a petition.</p>

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<p>school was in debt to its teachers for salaries, health benefits, and contributions for work already performed,</p> <ul style="list-style-type: none"> • Board minutes and agendas were changed without official action. 	<p>According to Deputy State Superintendent, Governmental Affairs and Charter Schools, Lupita Alcala, the former LBUSD revocation should not be used as reason for denial. The LAUSD district must only consider the current petition and elements addressed in NEW petition. Thus, none of the points made referring to the previous MATTIE revocation should be used as findings related to the current petition for the charter school. Furthermore, the findings that reference the revocation from LBUSD are erroneous, slanderous, and misrepresent the reasons for revocation. Such statements have been clarified in a letter to LAUSD Superintendent Dr. John Deasy, dated July 11, 2011 from MATTIE Board President Naomi Ferns. (Exhibit 5).</p>
<p>The school initially appealed the revocation to the State Board of Education Advisory Commission on Charter Schools but withdrew the appeal on February 10, 2010.</p> <p>California Department of Education staff found that MATTIE submitted rebuttals to only 8 of LBUSD's 27 findings. CDE staff did not find in favor of any of MATTIE's arguments. This information was obtained from the minutes of the February 10, 2010 meeting of the State Board of Education Advisory Commission on Charter Schools.</p>	<p>On February 10, 2010, The California Department of Education Advisory Commission on Charter Schools (ACCS) voted to allow MATTIE petitioners to withdraw the Appeal and return to their stakeholders and community to reorganize and to" start fresh" with a new charter school (see Exhibit 4- Excerpts from ACCS Hearing minutes February 10, 2010- pages 21-22)</p> <p>As a result of the February 10, 2010 ACCS Hearing MATTIE petitioners have made the following changes and /or amendments to the charter school:</p> <ul style="list-style-type: none"> • New Articles of Incorporation name changed to MATTIE Academy of Change(see MATTIE Charter petition) • Reorganized Board - changed from eleven member Board to six (New Members) (MATTIE Charter petition) • New By Laws /Conflict of Interest Policy (MATTIE Charter Petition)

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	<ul style="list-style-type: none"> • Non-profit status(MATTIE Charter Petition) • Changed location from eight church sites to one public school site(MATTIE Charter Petition) • Signed Contract agreement with Educational Management Organization (EMO) EDFUTURES, INC. (See Contract ED FUTURES) • Obtained financial commitment and fiscal support with Ed FUTURES, INC.(See Ed FUTURES Letter). • Obtained over 50% of signatures, credentials and resumes, of teachers interested in teaching at MATTIE Charter School. (See MATTIE Petition).
<p>On April 5, 2011 the Los Angeles Unified School District Board of Education denied a MATTIE petition that contained multiple inaccuracies, inconsistencies, and substantive deficiencies in certain provisions of its charter petition. For instance, the petition referenced a different inapplicable charter school (“New Hope Academy”) multiple times and provides organizational charts that present inconsistent governance structures. The inaccuracies and inconsistencies not only caused LAUSD concern with regard to the lack of diligence that was used in preparing the petition which is intended to control the development and operation of the Charter School, but also called into question the qualifications or experience of those proposing to open and operate the Charter School.</p>	<p>The statement regarding the petition that was denied April 5, 2011 is inconsequential and trivial given that the new petition made no mention of “New Hope Academy”. This is erroneous and irrelevant to the findings of the revised version turned in May 16, 2011. Thus, such findings cannot be used to deny the revised MATTIE petition.</p>
<p>MATTIE has contracted with EdFutures, a for-profit management company, for the purpose of having EdFutures manage and administer the charter school. Based on the stated relationship between the charter school and EdFutures in the Agreement between the parties, it is not clear to LAUSD whether the MATTIE board of directors itself will actually be operating the charter school. Not only does the management agreement delegate or create the mechanism to</p>	<p>To address LAUSD’s claim of “multiple fiscal problems found”, MATTIE included a Letter of Commitment and Financial Support with the proposal (Exhibit 9, EdFutures Letter of Commitment and Financial Support) from Eugene S. Ruffin, CEO of EdFutures, Inc. dated May 6, 2011. This letter states that —Per our contract: It shall be EDF duty and obligation, to provide start-up and continuing development and operational services that support the</p>

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<p>delegate all charter school-related operations, management and administrative functions to EdFutures, but it inappropriately gives EdFutures control over areas that should be the responsibility of school site staff and the charter school's governing board (for example, identifying and developing curriculum, and coordinating student assessments).</p>	<p>administration of the Charter School on behalf of the Charter School Board. EDF shall be responsible for all operational activities, including start up needs, such as personnel, equipment, books, supplies, materials, and cash flow.”</p> <p>—From the revenues managed by EDF on behalf of the Charter School, EDF shall pay all costs associated with operating the Charter School and the EDF school program. This shall include but not be limited to such items as salaries and benefits of personnel, the purchase of curriculum materials, textbooks, computer and other equipment, software, supplies, attorney's fees, materials, and other necessary cash flow.” Furthermore, EdFutures Inc., is also committed to seeking further funding for the school through reasonable efforts to raise funds nationally and within the charter school community (Exhibit 10, EdFutures Contract, Article 6, page 7).</p> <p>We would like to emphasize that Jose Cole- Gutierrez, LAUSD Director of ICSD told us that if we showed evidence and commitment of financial support, LAUSD would recommend approval of petition. Despite our ability to secure support and a strong commitment from ED FUTURES, Inc. an EMO that has over a decade of experience in developing and operating charter schools, LAUSD still found erroneous and unsubstantiated reasons to deny approval of petition. We have definitely demonstrated that we have a sound fiscal plan necessary to ensure year-round funding for all expenses.</p>
<p>MATTIE has failed to submit any documentation/information in or with the petition to evidence EdFutures past and continued successful management/ administration of charter schools. While EdFutures manages several charter schools in Florida, MATTIE would be the first school that EdFutures will</p>	<p>In reference to the management structure of MATTIE, the Organizational Chart, included in the petition (page 128), clearly delineates the role of the MATTIE Board of Directors. Additionally, the contract agreement. (Exhibit 10, EdFutures Contract, Article 3, pages 3-4, Article 4, page 5, Article 6,</p>

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have ever managed in California. This is of particular concern to LAUSD considering that, per the petition and Agreement, EdFutures will have extensive responsibilities critical to the successful continued operation of the charter school.

page 7, Article 7, page 8). Included in the petition, describes the responsibilities of both MATTIE and Ed Futures. This document, along with the commitment letter from EdFutures clearly states the responsibilities of Ed Futures, Inc. These documents state that MATTIE will be fully responsible for the educational and instructional program and EdFutures, Inc. will be responsible for all fiscal oversight. See contract agreement signed by MATTIE CEO Dr. Denice Price and Eugene Ruffin the CEO of EdFutures, Inc. **(Exhibit 10, EdFutures Contract, Article 3, pages 3-4, Article 4, page 5, Article 6, page 7, and Article 7, page 8).**

The information below addresses the LAUSD concerns raised about Ed Future's past and continued successful management/ administration of charter schools. We have provided details of the schools that are currently being managed by EdFutures, Inc.

- Lee Charter Academy, Ft. Myers, FL
 - •150 students, K-8, traditional program
 - •Operated since 2004
 - •Managed since 2007
- Lehigh Charter School of Excellence, Ft. Myers, FL
 - 85 students, K-5, integrated arts
 - Managed and Opened August 2011
- Burns Science/Technology Charter School, Oak Hill, FL
 - 300 students, K-8, STEM
 - Managed and Opened August 2011
- Ivy Hawn Charter School of the Arts, Lake Helen, FL
 - 280 students, K-8, full arts program
 - Managed and Opened August 2011
- A. Dixon Charter School of Excellence, Pensacola, FL
 - 200 students, K-6 integrated arts
 - Opened August 2010 with consultant help from EdFutures, Inc.

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	<ul style="list-style-type: none"> ○ Approved for management August 2011 <p>Lee Charter Academy, one of the schools managed by EdFutures, Inc. for the longest term, has received an “A” grade in academic performance for three consecutive years since 2007.</p> <p>We would like to note that although these schools are on the East Coast. EdFutures, Inc. is presently developing new schools in California and partnering with existing schools that face uncertainty during the economic down turn. EdFutures, Inc. is also partnering with schools experiencing financial challenges and excellent academic programs such as MATTIE. They are familiar with laws and regulations pertaining to charter schools including California. We are very confident that EdFutures, Inc. will provide the necessary tools and financial stability that will ensure the success of the MATTIE Academy of Change.</p>
<p>Measurable Pupil Outcomes (Element 2): The petition does not contain a reasonably comprehensive description of measurable pupil outcomes.</p>	<p>To address the point of not identifying a baseline API target, MATTIE would like to refer to page 49 of the petition that identifies a baseline API target. The language is as follows:</p> <ul style="list-style-type: none"> • MATTIE Academy for Change is held to the same accountability requirements for API and AYP AMOs as any other public school. MATTIE Academy’s school-wide goals are to outperform the nearest schools - Curtis Middle School, Carnegie Middle School, Banning High School and Carson High School – as the school strives to meet the state and federal performance targets: • API score of 800 (or growth as required, if applicable). • AYP AMOs as required, currently to reach 100% by 2013-14. • All subgroups make at least 80% of the school target. <p>CST participation rate of at least 95%</p>

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<p>Employee Qualifications (Element 5): The petition does not contain a reasonably comprehensive description of employee qualifications.</p>	<p>MATTIE along with EdFutures will follow the federal and state laws, rules, and regulations pertaining to monitoring Teachers credentials. (Exhibit 11, EdFutures Contract Article 7.1, Page 8).</p>
<p>Health and Safety Procedures (Element 6): The petition does not contain a reasonably comprehensive description of the charter school's health and safety procedures.</p>	<p>The response to the Health and Safety issues raised are directly addressed in the original petition on page 64. The charter school assures that they will require all students enrolled will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Section 6000-6075.</p>
<p>Means to Achieve a Reflective Racial and Ethnic Balance (Element 7): The petition does not contain a reasonably comprehensive description of the means for achieving racial and ethnic balance.</p>	<p>As stated in the petition on Pages 78,-81 MATTIE Academy states that the school will provide a written plan to achieve and maintain LAUSD's ethnic balance ratio goal pursuant to the Crawford Court Order of 70:30 or 30:70 upon request of the District. Thus, the petition did not fail to describe specifics of the plan given that a plan. A plan was to be presented upon request.</p>
<p>Admission Requirements (Element 8): The petition does not present a reasonably comprehensive description of admission requirements.</p>	<p>MATTIE would like to affirm, as required under Education Code section 47605(d)(1), that the charter school shall not discriminate against any pupil for any other characteristics that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code. (see page 2, 9, 64, and 98).</p>
<p>Annual Independent Financial Audits (Element 9): The petition does not present a reasonably comprehensive description of annual independent financial audits.</p>	<p>As explained in the petition page 87, MATTIE Academy has partnered with EdFutures, Inc. who will be responsible for contracting and overseeing annual independent financial audits. MATTIE will ensure the auditor contracted has prior experience in education finance. As such, MATTIE will utilize the same independent auditor that other EdFutures school uses. Furthermore, a timeline by which audit exceptions will</p>

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	typically be resolved by will be presented to the school district upon request.
Suspension and Expulsion Procedures (Element 10): The petition does not present a reasonably comprehensive description of student suspension and expulsion procedures	Suspension and Expulsion Procedures- The petition adequately addresses and expounds on the due process for disciplinary procedures which is described on pages 88 through 95. This section clearly outlines categories of offenses and their repercussions as well as procedures for suspensions (page 89-90). It is clearly stated in the petition that parents/guardians and students will be informed about reasons of suspension and expulsion by writing prior to suspension/expulsion (bottom of page 89). Following notice, there will be a committee that will hold a hearing process that will allow the students and their advocates to give their testimony and documentation prior to suspension.

<p align="center">Los Angeles County Office of Education Findings (LACOE) 12/06/2011</p>	<p align="center">M.A.T.T.I.E. (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change Charter School Responses 12/30/2011</p>
<p>Finding 1: The petition provides an unsound educational program for students to be enrolled in the school. [EC § 47605(b)(1)].</p> <p>The petition fails to meet evaluation criteria of CCR, Title 5, Section 11967.5.1(a) which states, —a charter petition shall be <u>consistent</u> with sound educational practice' if <u>it</u> is likely to be of educational benefit to pupils who attend...”The Review Team provided the following findings on the proposed educational program with respect to students the school intends to serve:</p> <p>1. There are insufficient details in the description of the instructional program for it to be considered of educational benefit to the pupils who attend.” There is no description of research-based instructional strategies, coursework, or the independent study program, and no outline of instructional materials to be used except a statement on page 31 that —theschool will have the flexibility of using any state adopted textbooks, whether current or obsolete.”</p>	<p>MATTIE’s instructional program will be based substantially on the California Curriculum Standards for Grades 6-12, including content standards, learning expectations, accomplishments and benchmarks. Subject areas will include English Language arts, Math, History-Social Sciences, Science, Physical Education, Independent Study, Social Studies, and Foreign Language, Career Development and Technology.</p> <p>The instructional models that MATTIE will employ to ensure that the general education students, English Language Learners, and special needs students have academic success with the core curriculum will be (UDL) Universal Design for Learning (Strangman and Hall, 2003), (SIOP) Sheltered Instruction Observation Protocol, (Muir, 2006). MATTIE will utilize online learning for credit recovery, course options, independent study, and dropout prevention (Watson, Gemin, 2008). Also, UCLA, Cal State Long Beach, and Cal State Dominguez Hills have agreed to provide expertise for professional development, establishing learning communities at the school site as well as providing college prep advisement to students who attend MATTIE ACADEMY. See pages 23-30 of the petition.</p>
<p>2. The mission statement that the school expects at matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing,” [sic] is</p>	<p>The entire mission statement and motto can be found on pages 25-26 of the petition n. Additionally, the breakdown of enrollment can be found on page 25 of the petition. The MATTIE Academy Charter Briefing on page 2 of the petition</p>

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<p>unclear and could result in a program that only seeks to matriculation students who are in the top 10% nationally and not all students who attend the school.</p>	<p>describes the population and demographics of the students we will serve. MATTIE expects to prepare these at-risk students to become college and career ready and to score in the top 10% on nationally standardized exams.</p>
<p>3. The petition does not provide details supporting its intention to open —aninnovative and progressive learning center,” and the Academic Course Requirements do not provide for an academic program that would prepare students to score in the —to 10% nationally” on standardized exams.</p>	<p>MATTIE will provide a high quality, standards and research-based instructional program focused on the students achieving and exceeding state academic standards. In addition to the core instructional program, enrichment, extended learning and intervention activities will be provided to support student learning and give students an opportunity to develop a personal understanding and appreciation of the world outside the classroom. See pages 27-35 of the petition.</p>
<p>Finding 2: The petitioners are demonstrably unlikely to successfully implement the program. [EC § 47605(b)(2)].</p> <p>Based on review of the petition, supporting documents, the Capacity Interview with the school’s leadership team, and information regarding the proposed charter management company, the petition does not meet the criteria established in CCR, Title 5, § 11967.5.1(c). The petitioners:</p> <p>1. Have a past history of involvement in charter schools that was unsuccessful; the petitioners were associated with a charter school of which the charter was revoked.</p>	<p>MATTIE petitioners are highly qualified educators who have worked in large, urban school districts and have expertise in best practices for increasing student achievement. In fact, MATTIE CEO and principal have both been recognized for their work in increasing the academic performance in low-performing public schools. MATTIE CEO wrote an article published —D The Right Thing”, published in Thrust for Educational Leadership; Oct 96, Vol. 26 Issue 2, p18-20.</p> <p>Exhibit A.</p> <p>The article describes what she did as the school principal to successfully lead a school in a troubled community and raise test scores at Stephen C. Foster Elementary School in Compton, California. Some of what she did included improvement of the instructional program; increase of parental involvement; teacher selection; professional development and special recognition of students and staff. MATTIE CEO was also selected by Turning Point magazine in February 1997 as a living history maker in education.</p> <p>The MATTIE Principal was featured by Education Week on</p>

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	<p>February 1, 1996 for his accomplishments of increasing test scores and high academic student performance at Willowbrook Middle School in Compton, CA.</p>
<p>a. The petitioner/CEO, principal, members of the leadership team, and the board president were associated with the MATTIE charter school revoked by LBUSD Board of Education in 2008. The revocation was appealed to the State Board of Education (SBE), but withdrawn after being heard by the Advisory Commission on Charter Schools (Commission).</p> <p>i. The CDE report to the Commission stated, “The CDE finds the evidence presented to the SBE on appeal to be substantial, and adequate to support the written factual findings of the Long Beach USD Board’s Final Decision. Accordingly, the CDE recommends that the SBE uphold the decision of the Long Beach USD Board to revoke the MATTIE charter pursuant to EC Section 47607(f)(4).” The substantial findings were summarized as follows:</p>	<p>MATTIE petitioners, CEO, principal, and parents appeared before the ACCS advisory board on February 10, 2010 and stated that LBUSD shared the responsibility for the revocation of the charter as LBUSD (a). Did not grant MATTIE adequate time for planning prior to opening of school. Charter was approved on August 10, 2007 and directed to open on September 24, 2007 in order to enroll only level three camp returnees, high at-risk and special needs students. (b). LBUSD violated Charter Law by controlling MATTIE student enrollment. All student camp returnees returning to LBUSD were placed and assigned to MATTIE by LBUSD Student Placement Center under the direction of Assistant Superintendent of Student Services. ACCS Commissioner questioned LBUSD as to why MATTIE was allowed to open so quickly without planning. See Exhibit B, ACCS Hearing Notes, 02/10/10, page 21.</p> <p>The MATTIE petitioners have re-organized the board and plans to contract with an EMO for business management.</p> <p>LBUSD revoked the charter without considering the needs of the special education students and violated federal and state laws and regulations pertaining to the education of students with disabilities. The District failed to meet the requirements of EC Section 56043(i). The District is out of compliance. See Exhibit C, OCR Report, 12 of petition and Exhibit D, CDE Report, Case #09-01910-F. As a result of this, the ACCS offered MATTIE petitioners an opportunity to withdraw appeal and to start over fresh. MATTIE petitioners agreed to withdraw appeal and “start fresh”. See Exhibit B, ACCS</p>

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	Hearing Minutes 02/10/10, page 11.
<p>The Board made nine (9) findings demonstrating that MATTIE engaged in fiscal mismanagement within the meaning of EC Section 47607(c)(3) as follows:</p> <p>(1) MATTIE failed to comply with financial reporting requirements; Report on the MATTIE Academy of Change Charter School.</p> <p>(2) MATTIE failed to pay large sums owed to multiple vendors;</p> <p>(3) MATTIE had negative net assets of \$909,504 as of May 31, 2008; (4)MATTIE failed to provide a second interim budget and business plan; (5) MATIE failed to pay employees and currently owes employee salary and benefits;</p> <p>(6) MATTIE failed to maintain employee medical benefits;</p> <p>(7) MATTIE failed to maintain workers compensation insurance;</p> <p>(8) MATTIE failed to employ credentialed staff; and</p> <p>(9) MATTIE failed to demonstrate a legitimate budget and/or business plan for the 2008-2009 school year.</p>	<p>These alleged financial mismanagement findings were disputed in the correspondence from the Law Offices of Spector, Middleton, Young, Minney (SMYM). See Exhibit E, Letters from SMYM dated 08/19/2008, 09/08/2008, and 09/11/2008. Also, LACOE did not release PSCGP grant fund of \$250,000 approved by the CDE Charter Schools Director, State Controller's Office, issued to LA County on 01/13/09, warrant #04-323444 per Charter Schools Division. See email from CDE, Hilda Garcia, Staff Services Analyst and Angela Duvane. Exhibit F.</p>

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<p>2. Are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school. The petition demonstrates the petitioners lack of understanding of:</p> <p>a. The core concepts of independent study, including specific requirements of law. (See Finding 5, Element 1 pages 12).</p>	<p>Independent study will be an alternative to classroom instruction consistent with the school's course of study and is not an alternative curriculum. ISP will provide individual students with a choice of ways to acquire the values, skills, and knowledge all students should gain as verified in a written agreement. See page 36-37 of the petition.</p>
<p>b. The requirements of law regarding English learners. (See Finding 5, Element 1 pages 14).</p>	<p>The instructional models that MATTIE will employ to ensure that the general education students, English Language Learners, and special needs students have academic success with the core curriculum will be (UDL) Universal Design for Learning (Strangman and Hall, 2003), (SIOP) Sheltered Instruction Observation Protocol, (Muir, 2006). MATTIE will utilize online learning for credit recovery, course options, independent study, and dropout prevention (Watson, Gemin, 2008) . Also, UCLA, Cal State Long Beach, and Cal State Dominguez Hills have agreed to provide expertise for professional development, establishing learning communities at the school site as well as providing college prep advisement to students who attend MATTIE.</p>
<p>c. The due process requirements for suspension and expulsion, including the specific rights for students with disabilities. (See Finding 4 page 10 and Finding 5, Element 10 pages 18-20).</p>	<p>The due process requirements for suspension including rights for students with disabilities are fully in compliance with LACOE's policies and procedures and fully explained in Element 10, pages 88-89 in the petition.</p>
<p>d. The requirements of law regarding closure procedures (See Finding 5, Element 16 pages 21-22) in addition to the petitioner's unsuccessful history of following the requirements of law regarding closure.</p>	<p>MATTIE's school closure procedures described in the petition on pages 102-105, is mandatory LAUSD boiler plate language specific to LAUSD. However, in the Description of Changes in petition to LACOE, page 38-39 describes in detail the administration, disposition of assets, notification, and transfer of records.</p>

<p>e. The petition and accompanying bylaws demonstrate a lack of understanding of the Brown Act and Government Code. (See Finding 5, Element 4 page 16-17).</p>	<p>See MATTIE bylaws, Appendix B, pages 3-15 as well as pages 56-57 of the petition that describes in detail MATTIE's compliance with the Brown Act and Government Codes.</p>
<p>3. Have presented an unrealistic financial and operational plan for the proposed charter school.</p> <p>Deficiencies in the financial plan:</p> <p>a. Enrollment projections are unrealistic based on information provided. First year projected enrollment is 525 students, growing to 550 students in the second year, and remaining at that level through year five (5). There is no evidence of outreach or parental interest supporting the enrollment projections.</p>	<p>MATTIE has been working with Parents Choice, the Carson Mobile Home Owners Organization, NCBW (National Congress of Black Women), and NAACP. These special interest groups have written letters of support for MATTIE to operate Curtiss Middle School, an LAUSD middle school which has consistent low API and APY scores. Curtiss has a current population of 600 students. See letters of support Exhibit G.</p>
<p>i. The Public Charter School (PCS) grant of \$600,000 for planning and implementation (startup) activities. The budgeted amount exceeds the maximum grant amount of \$575,000, and is a competitive grant with no guarantee of being awarded.</p>	<p>The Public Charter School (PCS) grant of \$600,000 for planning and implementation was submitted with petition to LAUSD in May 2011. It appears the award was decreased in August 2011, however, we can adjust the budget using the award amount of \$575,000. We are also aware that this is a very competitive grant and MATTIE petitioners have been successful in obtaining this start-up grant using the same educational program, mission, and goals in 2008 as a charter in Long Beach Unified School District. See Public Charter Schools Grant Program (PCSGP) Grant Award Notification Letter. Exhibit H.</p>
<p>ii. CDE Revolving Loan of \$250,000 to be received by September of the first year. The school will likely not have access to this loan, if approved, until later in the fiscal year. This will lead to cash flow burden for the school.</p> <p>iii. Unidentified source of grants of \$400,000 in the first year and \$250,000 annually thereafter. The school relies on other</p>	<p>MATTIE petitioners are aware that if the CDE revolving loan is approved, funds will not be available until later in the fiscal year. We have developed additional sources of funding that includes applying to several private foundations—the S. Mark Taper Foundation, Americorps, Annenberg, Weingart, the Charter Augmentation Grant Program and the California Community Foundation. MATTIE also plans to host several</p>

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<p>grants totaling \$1.4 million over a five-year period without providing details or evidence of the source of grants.</p> <p>iv. Unspecified source of local revenues in the amount of \$625,000 in the first year, growing to \$695,000 in year five (5). The school did not identify the source of local revenues totaling over \$3.3 million over a five-year period. No evidence was provided to support this source of revenues.</p>	<p>fundraisers throughout the year as well as solicit private donations.</p>
<p>c. Budgeted expenditures is inadequate for the following areas:</p> <p>i. There is no budget for facility lease, repairs, or renovation costs for the five-year period.</p> <p>ii. Only \$1,500 total is budgeted for capital outlay including furniture for all five (5) years.</p> <p>iii. There is no budget for power/utilities, water, or custodial services for the five-year period.</p> <p>iv. \$800,000 is budgeted in the first year for Ed Futures' management fees and services without sufficient details or the breakdown and basis for these costs. The total management fees and services is over \$4.1 million over the five-year period.</p>	<p>The original spreadsheet used for budget for all 5 years was provided by the charter school association. CPA did final review of budget detail. Cash flow shows money disbursed at the time original petition was submitted in May 2011. See detailed financial statement on pages 129-137 of petition.</p>
<p>vi. The loan from EdFutures and the repayment of principal and interest expense are not reflected in the budget.</p>	<p>There is no loan from EdFutures listed in this budget. See detailed financial statement on pages 129-137 of petition.</p>
<p>v. The budget does not include loan repayment and related interest expense for the CDE Revolving Loan of \$250,000.</p>	<p>The fact that the budget is unrealistic is subjective. The original spreadsheet used for budget for all 5 years was provided by the charter school association. CPA did final review of budget detail. Cash flow shows money disbursed at the time original petition was submitted in May 2011. See detailed financial statement on pages 129-137 of petition.</p>
<p>d. Cash flow projections are unrealistic and do not provide for the necessary funds for start-up and on-going operations.</p>	<p>The fact that the budget is unrealistic is subjective. The original spreadsheet used for budget for all 5 years was</p>

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<p>i. Cash flow projections do not follow the established apportionment schedule and fail to consider state deferrals; the entire revenues for the general purpose funding is unrealistically projected to be received in three (3) installments without any plan for deferrals into the following fiscal year. For the fiscal year 2011-12, School Services of California, Inc. estimates the deferral of cash flows into the following fiscal year to be approximately 38%.</p>	<p>provided by the charter school association. CPA did final review of budget detail. Cash flow shows money disbursed at the time original petition was submitted in May 2011. See detailed financial statement on pages 129-137 of petition.</p>
<p>ii. The petitioner relies on the Public Charter School grant for start-up costs, but is unlikely to have access to these funds for start-up activities. The school projects full cash receipt from the PCS grant of \$600,000 (exceeding \$575,000 maximum) toward the beginning of its first year of operation, which is unlikely based on recent years disbursement pattern.</p>	<p>The Public Charter School (PCS) grant of \$600,000 for planning and implementation was submitted with petition to LAUSD in May 2011. It appears the award was decreased in August 2011, however, we can adjust the budget using the award amount of \$575,000. We are also aware that this is a very competitive grant and MATTIE petitioners have been successful in obtaining this start-up grant using the same educational program, mission, and goals in 2008 as a charter in Long Beach Unified School District.</p>
<p>Deficiencies in the operational plan: a. The plan for administrative and back-office support is insufficient for successful implementation. i. MATTIE executed an agreement with EdFutures to manage the school's operations and fiscal requirements. The CEO of EdFutures acknowledged it has no charter school clients in California and currently does not have the full complement of staffing to manage and support MATTIE's operation.</p>	<p>ExED will be providing back office services for MATTIE Academy of Change. ExED will perform all accounting, financial statement reporting, budgeting and payroll functions. ExED will prepare weekly cash position reports for the school, monthly financial statements that include an income statement, balance sheet, cash flow forecast and a financial dashboard. ExED will present these financials at the school's board meetings at least quarterly. ExED will perform all audit preparation services at the end of the year. ExED will establish strong internal controls at the school site so that assets are safeguarded and train all school staff on cash handling, segregation of duties, bill procurement, and purchasing processes. The budgeting process will begin in February of the year prior to the fiscal year and will include all key stakeholders. The budget will be board approved prior to the start of the fiscal year. All financial reporting required by</p>

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	the State will be performed by ExED including the first interim, second interim, unaudited actuals and budget report. See email from ExED Chief Operating Officer. See Exhibit I
ii. EdFutures did not provide audited financial statements to LACOE, contrary to the petition's Description of Changes to Petition for LACOE (page 32), which states EdFutures will submit its audited financial statements to LACOE.	EdFutures did in fact submit financial statements to LACOE, specifically Vo Chan, Financial Operations Consultant in the Los Angeles County of Education's Controller's Office on Tuesday, November 22, 2011. Please see email strands from Vo Chan and the CPA of EdFutures. Vo Chan also sent email confirmation to MATTIE CEO as to the receipt of financial statements from EdFutures CPA. See Exhibit J
iii. EdFutures commitment of financial support is insufficient for the school's start-up costs budgeted at over \$500,000 as well as on-going operational costs due to deferrals. The petition (page 6) and the agreement with EdFutures states the management company will be responsible for all operating activities and cash flow needs and will cover any deficits; however, the CEO of EdFutures stated it will only commit to loan the school a maximum of \$250,000 with interest rates between 8% and 10%.	See EdFutures Letter of Commitment dated 05/06/2011 and contract dated 05/16/2011 describe in detail as to the support EdFutures will provide MATTIE. EDF shall be responsible for all operational activities, including start up needs, such as personnel, equipment, books, supplies, materials and cash flow. It is understood that while EDF is responsible for obtaining such funds all funds will either be grant, operating or debt capital. See Exhibits K and L
iv. There is a different understanding of the agreement between MATTIE and EdFutures, which is likely to result in the same type of relationship outcomes between the charter and the management company cited in the Oakland Unified School District report cited on page 8. The Review Team interviewed both parties separately regarding the agreement and identified different understandings of the terms including the following: (1) There is a discrepant understanding of the amount of start-up funds EdFutures will provide as described above; (2) The petitioner stated members of the executive team (executive director, principal, special education, curriculum, and English learner leads) have been identified by the board of directors; EdFutures stated it will recruit for all	LACOE's statement as to MATTIE and EdFutures having differences in understanding of their agreement is purely speculative and biased, as the outcomes cannot be predicted by LACOE, MATTIE, or EdFutures. Furthermore, LACOE has never interviewed MATTIE or EdFutures about their agreement, so their statements as to the outcomes in Oakland Unified School District are irrelevant to MATTIE's petition. MATTIE petitioners and Oakland Unified are two completely different organizations, established by two entirely different entities. So for LACOE to compare MATTIE to Oakland Unified and make the following statement is likely to result in

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<p>administrative and teacher positions to ensure the school has qualified staff; and (3) The petitioner stated (and is corroborated by the petition's organizational chart) that EdFutures will report to the Executive Director; EdFutures stated it will report directly to the school's governing board.</p>	<p>the same type of relationship outcomes" infers that MATTIE petitioners have the same experiences and backgrounds is purely biased and unfair.</p>
<p>4. Lack the necessary background in and do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.</p> <p>a. The petitioners' lack of background in curriculum, instruction, assessment are documented under the findings presented in #2 above and in Finding 5, Elements 1, 2, and 3.</p>	<p>MATTIE petitioners are highly qualified educators who have worked in large, urban school districts and have expertise in "best practices" for increasing student achievement. In fact, MATTIE CEO and principal have both been recognized for their work in increasing the academic performance in low-performing public schools. MATTIE CEO wrote an article published — "The Right Thing", published in <u>Thrust for Educational Leadership</u>; Oct 96, Vol. 26 Issue 2, p18-20.</p> <p>Exhibit M</p> <p>The article describes what she did as the school principal to successfully lead a school in a troubled community and raise test scores at Stephen C. Foster Elementary School in Compton, California. Some of what she did included improvement of the instructional program; increase of parental involvement; teacher selection; professional development and special recognition of students and staff. MATTIE CEO was also selected by <u>Turning Point</u> in magazine in February 1997 as a living history maker in education.</p> <p>The MATTIE Principal was featured by <u>Education Week</u> on February 1, 1996 for his accomplishments of increasing test scores and high academic student performance at Willowbrook Middle School in Compton, CA.</p>
<p>b. The petitioners lack background in finance and business management and do not have a plan to secure the services of individuals who have the necessary background. The</p>	<p>This is an assumption that is not true, as one of MATTIE's petitioners, the Project Facilitator, has a Bachelor of Science degree in Business Administration and Certification in Project</p>

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<p>petitioners' lack of background is documented in #3 above and in Finding 5, Elements 9 and 11. The petitioner's plan to relieve concerns regarding their past performance by securing the services of EdFutures' does not achieve that outcome and results in additional concerns:</p>	<p>Management.</p> <p>She a business management professional with over 30 years experience encompassing various aspects of business operations: Project Management and Strategic Planning, Customer Relations and Client Interface, System and Business Analysis, Financial and Tax Accounting, and Disaster Recovery Planning.</p> <p>She has also served as Treasurer and CFO for an Education Technology Foundation for 7 years. She also served 4 years as the National Finance Director for the National BDPA IT Thought Leaders.</p>
<p>i. EdFutures and its CEO have a history of unsuccessful charter school operation documented in the findings of fact presented in the Oakland Unified School District (Oakland) report on Peacemaker Leadership Academy. Oakland's Board of Education denied the petition, in part, because the involvement of EdFutures violated Education Code § 47605: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. The staff report includes the following facts:</p>	<p>EdFutures CEO co-founded and served as CEO of School Futures Research Foundation and American Education Reform with John Walton as co-founder and Chairman. The Walton Family Foundation provided the support required to develop extensive public education research and analysis while supporting charter schools. EdFutures was founded in 2001 after developing and operating server charter schools. In essence, EdFutures find visionary leadership and other stakeholders and provide the necessary tools to ensure success. See website: www. http://www.edfuturesinc.com.</p>
<ul style="list-style-type: none"> EdFutures' founder, Eugene Ruffin previously founded and was CEO of School Futures Research Foundation (School Futures), a non-profit charter management organization funded by John Walton. School Futures was awarded five (5) charters by Oakland's Board of Education in 1999. Three (3) charter petitions were abandoned, and two (2) opened as Dolores Huerta Learning Academy (closed 2009) and EC Reems Academy of Technology and Arts. These charters indicated School Futures had 	<p>EdFutures CEO co-founded and served as CEO of School Futures Research Foundation and American Education Reform with John Walton as co-founder and Chairman. The Walton Family Foundation provided the support required to develop extensive public education research and analysis while supporting charter schools. EdFutures was founded in 2001 after developing and operating server charter schools. In essence, EdFutures find visionary leadership and other stakeholders and provide the necessary tools to ensure success. See website: www. http://www.edfuturesinc.com.</p>

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<p>poor fiscal management, lack of financial oversight or checks and balances, and persistently problematic communication.</p>	
<ul style="list-style-type: none"> The two (2) Oakland charters and an East Palo Alto charter school operated by School Futures discontinued association and operation with School Futures and established their own non-profit status. School Futures dissolved. Bannekar Charter, operated by Ruffin's School Futures, was revoked in 2001. An audit critical of the school's operation cited failure to (1) follow state school accounting procedures; (2) provide detailed financial information to the school's own board; (3) do criminal background checks on teachers; and (4) inform the university when a student brought a gun to class; and that the school had (4) —persistent and pervasive problems” paying teachers and vendors and could face a \$1 million deficit.... 	<p>EdFutures CEO co-founded and served as CEO of School Futures Research Foundation and American Education Reform with John Walton as co-founder and Chairman. The Walton Family Foundation provided the support required to develop extensive public education research and analysis while supporting charter schools. EdFutures was founded in 2001 after developing and operating server charter schools. In essence, EdFutures find visionary leadership and other stakeholders and provide the necessary tools to ensure success. See website: www. http://www.edfuturesinc.com.</p>
<ul style="list-style-type: none"> A July 23, 2002, San Diego City Schools staff report outlined the dissolution of the relationship between School Futures and Holly Drive Leadership Academy. The report indicated that, following an external audit, the district had concerns about the —school's governance structure” and —financial and academic viability.” 	<p>EdFutures CEO co-founded and served as CEO of School Futures Research Foundation and American Education Reform with John Walton as co-founder and Chairman. The Walton Family Foundation provided the support required to develop extensive public education research and analysis while supporting charter schools. EdFutures was founded in 2001 after developing and operating server charter schools. In essence, EdFutures find visionary leadership and other stakeholders and provide the necessary tools to ensure success. See website: www. http://www.edfuturesinc.com.</p>
<ul style="list-style-type: none"> EdFutures website stated in February 15, 2008, that it —operates four start-up charter schools” in Georgia, Florida, and Hesperia, California. Oakland confirmed with the Hesperia school that the school renounced its consulting contract with EdFutures due to significant 	<p>Statement as to this allegation from EdFutures: The founder of the school in Hesperia chose to renounce its contract with EdFutures, Inc., immediately after EdFutures education staff conducted an on-site review of the school. That review indicated that uncertified teachers were on staff</p>

<p>communication and fiscal issues.</p>	<p>including the founder’s husband, that the school was not providing sufficient instructional materials including textbooks, that instructional practices of many teachers were inconsistent with high quality instruction and high expectations for students, that the founder (who served as the school’s principal) and her husband (social studies teacher) were periodically taking one month leave of absences without either having salary reduced for the absences, and that the site was unsafe for students. The district closed the school within one year after EdFutures stopped providing services to the school.</p>
<ul style="list-style-type: none"> In 2005, the Nevada State Board of Education denied a petition for Marion Bennett Leadership Academy to be operated by EdFutures. The subcommittee’s recommendation for denial included concerns about the school’s lack of curriculum and specifically cited concerns about financial aspects of the application involving EdFutures. 	<p>Statement as to this allegation from EdFutures: Clark County, Nevada, clearly did not want a charter school in the district and at the time had no charter schools. The newly appointed charter school coordinator, who had no prior charter school experience and limited knowledge of curriculum and instructional practices provided erroneous information to the superintendent and the board of education, including that the school would not use approved textbooks, that the management contract was illegal despite EdFutures pointing out that it was nearly identical to its current contract with Edison Education that was providing management services to several underperforming schools, that the school would charge parents for services, that the school would hire uncertified teachers, that the school would not follow state testing schedules, and that the petition contained typographical errors. These and other inaccuracies were presented to the Nevada State Board of Education during an appeal and the state board committee simply accepted Clark County’s recommendation for denial.</p>
<ul style="list-style-type: none"> The State of Louisiana revoked charters awarded to EdFutures just weeks before the start of school in 2006 	<p>Statement as to this allegation from EdFutures: EdFutures prepared a charter petition for three charter schools in New Orleans and during the review, the charter</p>

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<p>citing —philosophical differences” between EdFutures and a social services organization with whom they proposed to open the school.</p>	<p>review committee indicated that the petition was the best they had seen. EdFutures was actively involved in preparing to open the school and had invested heavily in the three schools. Sometime after the school was approved, the newly appointed charter school board began usurping EdFutures’ operational authority for preparing to open the schools including reducing management fees, discarding the approved administrative selection procedures, and otherwise compromising the agreed upon management contract provisions. Recognizing that working under such conditions would likely limit effective management and school success, EdFutures voluntarily withdrew. Consequently, the charter was revoked with the state charter school citing that the charter school board did not have the expertise or background needed to operate three successful charter schools.</p>
<ul style="list-style-type: none"> • A 2006 staff report to the Tennessee State Board of Education recommending denial of a petition states, —EdFutures apparently has charter schools operating in Georgia and Florida. Its website states, “In 2005 EdFutures will operate schools in California, Tennessee, Texas, Michigan and Nevada. In 2006 Louisiana and Arizona will be added.” However, as of January 2006, EdFutures did not have schools operating in any of those states. Nor have any applications been approved in those states.” 	<p>Statement as to this allegation from EdFutures: EdFutures posted plans on its website to open charter schools in the near future with expectations that such charter schools would be approved. While EdFutures did work with several groups and assisted in the preparation and submission of charter petitions, many were not approved and those in Louisiana that were approved did not open as stated above. The process of preparing charters and actually opening charters is recognized as a challenging and difficult process and it is not unusual for planned charters to not open.</p>
<ul style="list-style-type: none"> • The EdFutures annual report letter states its University Community Academy received the Georgia School of Excellence award for 2006. Oakland researched the 2005, 2006, and 2007 schools receiving the award; University Community Academy was not listed. 	<p>Statement as to this allegation from EdFutures: University Community Academy in Atlanta, Georgia was a highly successful school and indeed earned the Georgia Distinguished School award for three consecutive years (2007, 2008, and 2009). Additionally the school achieved federal AYP for five consecutive years (2005, 2006, 2007,</p>

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	<p>2008, and 2009). Below is a report from the Georgia Department of Education of 2008-2009 Title I Distinguished School Awards with University Community Academy appearing on Page 13. EXHIBIT N</p>
<ul style="list-style-type: none"> • The EdFutures 2007 annual report letter states that its Good Schools for All charter school in Delray, Florida was closed in 2007 due to low enrollment. 	<p>Statement as to this allegation from EdFutures: EdFutures did operate Good Schools for All in Delray Beach, Florida for two years despite low enrollment. To do so, EdFutures invested heavily in the school as it has always been committed to serving at-risk and low performing students. After two years of providing such services and resources, EdFutures recommended to the school's charter school board that the school be closed. The board approved the recommendation and EdFutures worked closely with the district to return all property purchased with state funds, send all student records to the district, and communicate with parents.</p>
<p>c. The LACOE Review Team identified additional concerns regarding EdFutures as follows:</p> <ul style="list-style-type: none"> i. The management company currently operates no charter schools in California and currently lacks capacity to do so. 	<p>A July 23, 2002, San Diego City Schools staff report outlined the dissolution of the relationship between School Futures and Holly Drive Leadership Academy. The report indicated that, following an external audit, the district had concerns about the —school's governance structure” and —financial and academic viability.”</p>
<ul style="list-style-type: none"> ii. It currently operates Lee Charter Academy in Florida, which has an unsuccessful academic achievement ranking. The 2011 school rating from the Florida Department of Education was an —F according to the state's website. Concerns regarding the school under the operation of EdFutures can be found in a June 30, 2011, Florida News-Press article. 	<p>Lee Charter Academy in Ft. Myers, Florida serves a highly at-risk population with significant economic challenges. Following state school ratings of F and D under another management company, the school was rated as an A school for three consecutive years. This was accomplished by improving performance in reading of low performing students and writing of all students and qualifying under Safe Harbor provisions of Florida's school rating process. Following the 2011 school year, the state increased rigor in writing and reading requirements; consequently, the school did not</p>

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	<p>qualify for Safe Harbor and received an F rating. Considering the low enrollment and challenged population being served, such a rating is not unusual. Parents and community are solidly behind the school and the principal, and enrollment has been maintained for the 2011-2012 school year. The CharterSchoolsScandals.com blog is not considered a reliable source of information as it reports unsubstantiated allegations. It can be noted that none of the allegations have been confirmed by the Florida State Department of Education and the Lee County (Florida) Public Schools.</p>
<p>iii. By Nevada state law, (Nevada Revised Statutes Section 78.150; NRS 78.150) all Nevada Corporations and Limited Liability Corporations (LLC) are required to file an —Annual List” at the end of the month following the month that the business entity was formed. Then, each year on the anniversary date of the formation, a new Annual List must be filed. That same website maintains an electronic filing of the —Annual List” report. According to the report, as of September 2011, EdFutures had dissolved in November 2000.</p>	<p>According to the California Secretary of State business portal, EdFutures, Inc. is an active corporation established on January 01, 2008, Entity Number C3088029. See attachment from California Business Entity Detail. Exhibit O</p>
<p>iv. It is unclear whether the EdFutures agreement with MATTIE allows the school's governing board to retain fiscal control.</p>	<p>The organizational chart clearly shows that MATTIE Board of Directors and makes the ultimate decision. See page 128 in petition.</p>
<ul style="list-style-type: none"> • The agreement fails to specify how excess revenues (profits) would be directed and whether the board retains any control over how the funds would be directed. It grants the management —authority to capture and direct the utilization of any excess of revenues over expenditures.” (page 7) 	<p>The organizational chart clearly shows that MATTIE Board of Directors and makes the ultimate decision. See page 128 in petition.</p>
<ul style="list-style-type: none"> • The agreement only requires EdFutures to notify the governing board of material changes to the budget rather than obtain its approval. It states, EdFutures —expenditures in connection with the operation of the charter school shall 	<p>MATTIE Leadership Team and Board have been meeting with EdFutures since January 2009 and have designed a model to assist MATTIE to overcome their financial challenges and accomplish their goal of operating a</p>

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<p>not deviate materially from the submitted proposed budget without prior notice to the board.” (page 7). The school’s leadership team and governing board stated at the Capacity Interview that it had not researched the record of EdFutures.:</p>	<p>successful charter school to serve the at-risk students in targeted, low performing school communities.</p>
<p>Finding 3: The petition contains the required number of signatures. [EC § 47605(b)(3)].</p>	<p>This finding appears to be unclear as petition does, in fact, contains all required number of signatures per [EC § 47605(b)(3)].</p>
<p>Finding 4: The petition does not contain an affirmation of all specified assurances. [EC § 47605(b)(4); EC § 47605(d)].</p>	<p>The petition clearly states on page 9 the following affirmations and assurances: In accordance with Education Code Section 48200, if a pupil is expelled or leaves the charter school without graduation or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information.</p>
<p>Finding 5: The petition does not contain a reasonably comprehensive description of all required elements. [EC § 47605(b)(5)(A)-(P)].</p> <p>Element 1: Description of the Educational Program. Not reasonably comprehensive.</p> <p>The 5 CCR § 11967.5.1(f)(1) requires the petition to address eight (8) requirements. The petition fails to meet these evaluation criteria rendering aspects of the educational program deficient for specific populations of students: Low-achieving and socio-economically disadvantaged students, students with disabilities, English learners, and students who participate in independent study. Findings are as follows:</p>	<p>The targeted student population and demographics can be found on pages 24-28, 37-40. MATTIE will serve 525 or more inner-city, at risk students in Carson grades 6 thru 12 in a No Child Left Behind, Title I area. The student population includes African-American, Asian, American Indian, Filipino, Hispanic, Pacific Islanders, White, Special Education, Gifted and talented, English Language Learners, and economically disadvantaged students. MATTIE expects to prepare these at-risk students to become college and career ready and to score at the top 10% of the national standardized testing.</p> <p>An educated person will be well versed in the trends driven by the transition from a product-oriented society to that of an information society - one in which access, management, and application of large amounts of information for services-</p>

<p>1. There are deficiencies in the description of the school's target student population which must, at a minimum, include grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.</p> <p>a. The targeted student population is not clear. The petition states on page 24, "We have determined and have developed instructional strategies for students not on alternate curriculum in community based instruction students not expected to pass the CAHSEE and are working on alternate graduation standards, students who are deaf and hard of hearing, and students with learning disabilities, using grade level standards." However, on page 25 it states, "We expect to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performances on standardized testing."</p> <p>b. The petition does not comply with the requirement to identify the specific educational interests, backgrounds, or challenges of the 50% of the student population likely to be English learners or other student populations the school proposes to serve.</p>	<p>related productivity will be paramount. The educated person will have a practical and theoretical grasp of technology in its many forms and will be capable of seeing opportunities for technology applications to new and emerging problems of a social and personal nature. This person will also understand how to search for understanding and answers to life's challenges, and will do so with a keen eye towards the diverse constellation of culture, gender, and other influences. The mission statement can be found on pages 25-26 of the petition.</p>
<p>2. The petition fails to specify a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.</p>	

<p>a. The mission statement is not clearly linked to the needs of English learners or students with disabilities. Additionally, the petition states (page 25) the school expects to matriculate “students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing,” which contradicts the statement (page 24) that the school proposes to serve students who would not meet this criteria.</p> <p>b. The petitioner’s definition of an educated person in the 21st Century is not coherent and does not reflect current educational pedagogy on this issue. The following analysis highlights a few of the deficiencies in the definition of an educated 21st Century learner:</p> <p>i. The statement, “The purpose of education in the beginning of the 21st Century is to prepare people to lead productive lives, to enjoy their constitutional rights of „life, liberty, and the pursuit of happiness”” lacks the broad scope of knowledge, competencies, and dispositions necessary to develop global awareness, environmental literacy, health literacy, civic literacy, environmental literacy; be able to collaborate, communicate in diverse settings, use and apply information in innovative ways to meet complex challenges, etc.:</p>	
<p>ii. In the statement, “With the emphasis on performance-based learning, students will emerge from the school as competent as measured by state and national tests.” there is no explanation of how performance-based learning translates to competency on state and national tests, which are not performance-based assessments.</p>	<p>This statement is very opinionated and subjective.</p>

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<p>The petition reflects a lack of understanding of the term “competency” in the 21st Century. Current state and national tests largely measure knowledge of content, not skills and competencies needed for success in college and career in the 21st Century.</p>	
<p>c. There is no integration of the definition of “What it means to be an educated person in the 21st century” with the proposed instructional design.</p>	<p>This statement is very opinionated and subjective.</p>
<p>3. The petition lacks a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.</p> <p>a. The lack of a clearly defined target population makes it difficult to determine how the instructional design is aligned to meet the needs of the students the school will serve. The petition does not explain how the proposed instructional design is aligned to meet the needs of each population of students the petition is required to address including English learners, students with disabilities, and academically high and low achieving students.</p>	<p>The targeted student population and demographics can be found on pages 24-28, 37-40. MATTIE will serve 525 or more inner-city, at risk students in Carson grades 6 thru 12 in a No Child Left Behind, Title I area. The student population includes African-American, Asian, American Indian, Filipino, Hispanic, Pacific Islanders, White, Special Education, Gifted and talented, English Language Learners, and economically disadvantaged students. MATTIE expects to prepare these at-risk students to become college and career ready and to score at the top 10% of the national standardized testing. This statement is very opinionated and subjective.</p>
<p>b. There is no description of how the school will determine when, for what purpose, or for which student populations the list of instructional strategies will be utilized or the reason for the choice of strategies, identified as “student investigations, cooperative/collaborative learning, whole group instruction, independent and self-directed learning, peer coaching, graphing, concept mapping, self-assessment, research and simulations.”</p>	<p>Students learn through a variety of experiences. They learn when they are challenged and given the necessary support and resources that enable them to meet expected goals and objectives as required in an academically rigorous yet motivational environment. This environment must include emphasis on the arts, ethical values, the social, physical and emotional well being of each student and experiences that give meaning to what the student is taught. The school will provide a high quality, standards- and research- based instructional program focused on the students achieving and exceeding state academic standards. In addition to the core</p>

	<p>instructional program, enrichment, extended learning and intervention activities will be provided to support student learning and give students an opportunity to develop a personal understanding and appreciation of the world outside the classroom. See pages 25-27 of the petition.</p>
<p>c. Information provided about the instructional program is inconsistent. For example, on page 8, the petition describes a “weekly Intervention Day” where students select a subject that interests them. Later in the petition, it indicates student data will be used to make instructional decisions. Allowing a student to select a subject for “Intervention” does not guarantee the intervention will meet the student’s academic needs and ensure progress toward meeting state standards.</p>	<p>On the weekly Intervention Day, students may select an area of interest they want to explore, or receive additional help or coaching to improve in the selected area of interest.</p> <p>Teachers will use student data such as test data, weekly quizzes, chapter tests, or to drive instruction.</p>
<p>d. There is no description of how the program of independent study proposed in the petition is aligned with the academic needs of specific subgroups of students to be served.</p>	<p>ISP will be a short-term program designed for all students with chronic attendance problems, extenuating, or —Special circumstances. See page 37 of the petition.</p> <p>In addition, MATTIE will offer a virtual program courses designed for students in grades 6-12 including college prep, honors and advanced placement courses. Students will have 24-hour access to learning from a computer at any location. See pages 35-37 of the petition.</p>
<p>4. There are deficiencies in how the program will be implemented through the basic learning environment or environments identified in the petition. Deficiencies regarding independent study: The Independent Study Program (ISP) demonstrates lack of understanding of the core concepts of independent study, including requirements of law. The following deficiencies provide evidence the proposed ISP will not be implemented successfully for benefit of the students. 138-140</p>	<p>MATTIE’s Independent study Program will be an alternative to classroom instruction consistent with the school’s course of study and is not an alternative curriculum. ISP will provide individual students with a choice of ways to acquire the values, skills, and knowledge all students should gain as verified in a written agreement. Refer to pages 36-37 and 45-46 of the petition.</p>

<p>a. The petition misrepresents the purpose of ISP and violates specific requirements of law.</p>	
<p>i. The described ISP violates the requirement that it be strictly voluntary. The petition states special education students will be referred to ISP and that ISP may be used as an administrative remedy to student problems.</p>	<p>Participation in independent study must be voluntary: a choice made by the student, parent, guardian, or caregiver, and the teachers—not an administrative decision of last resort. Refer to page 36 in the petition.</p>
<p>ii. The petition states (page 38), “In ISP the student’s performance, measured by the terms of the agreement, is converted by the supervising teacher into school days. The computed schooldays are reported as if the student were physically in attendance.” This statement is problematic in two (2) ways: First, the student’s academic performance shall in no way be the determining factor for apportionment (school days), which may be based solely on the completion of work and the time equivalent that the supervising teacher determines the value to be. Second, the last sentence “...as if the student were physically in attendance” misrepresents the purpose of independent study.</p>	<p>This finding is unclear, as this statement was not made on page of the petition.</p> <p>However, page 36-37 addresses the attendance policies for ISP students. Attendance records will be based on a student’s work within the terms and conditions of his or her written agreement and not on traditional —seat-time. In ISP the student’s performance, measured by the terms in the agreement, is converted by the supervising teacher into school days. The computed schooldays are reported as if the student were physically in attendance.</p> <p>Therefore, in addition to the requirements of compulsory school attendance, independent study must be the voluntary choice of each student, and each student must be motivated to study on his or her own as prescribed by the agreement. These are essential components for a student’s progress and educational success.</p>
<p>iii. There is no provision for maintaining activity logs or other documentation required by law. Apportionment can only be claimed for those days that the student is engaged in educational activities.</p>	<p>Students will report to an assigned coordinator/counselor weekly to turn in and pick up weekly assignments. Students will sign in and out. The coordinator/counselor will keep track/record of students’ attendance and will be responsible for grading students’ work. See page 37 of the petition.</p>
<p>iv. There is no evidence of employing credentialed teachers as required by law. The petition references students reporting to a “counselor/coordinator” without</p>	<p>MATTIE petitioners are highly qualified educators who have worked in large, urban school districts and have expertise in best practices for increasing student achievement. In fact,</p>

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<p>assurance the individuals will be credentialed in the appropriate subjects.</p>	<p>MATTIE CEO and principal have both been recognized for their work in increasing the academic performance in low-performing public schools.</p> <p>The teachers hired for the MATTIE ACADEMY will be highly qualified as stipulated by NCLB and the CTC. Each hired teacher will have earned their BA Degree as well as have passed the CBEST, CSET 1-3. CLAD, and RICA. All Resource Specialists and will also have passed the CBEST, CSET 1-3, RICA, and Added Authorization of Autism by June 2013. Additionally, all hired teachers will be assigned to teach subject per their credential authorization.</p> <p>All school staff will be required to undergo a criminal background check and fingerprinting through the local police department prior to hiring. Please see pages 38-38 and 63-73 of the petition for job descriptions and qualifications.</p>
<p>b. The proposed ISP conflicts with the requirement that Independent Study be substantially equivalent to a classroom-based program. The description of the ISP indicates the components are not shared by the classroom program.</p>	<p>This is an inaccurate statement, as a complete description of the ISP program can be found page 36-38 of the petition.</p> <p>As a recognized alternative to regular classroom study, ISP will equal or be superior in quality to classroom instruction.</p> <p>Instruction through Independent Study:</p> <ul style="list-style-type: none"> • Allows students to study at their own pace within the limits of compulsory attendance requirements. • Creates a bridge between the school and the community. • Challenges each student to excel in his or her area of special interest and abilities. • Provides an alternative for students to achieve competency and mastery in basic skills. • Allows children to be educated at home. • Encourages the student's resourcefulness.

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	<ul style="list-style-type: none"> • Facilitates the student’s active participation in his or her own education. • Offers real flexibility in the design of an educational program, including the grouping of independent study students to focus on common educational objectives. • Offers effective educational choices to students and families. • Participation in independent study must be voluntary: a choice made by the student, parent, guardian, or caregiver, and the teachers—not an administrative decision of last resort.
<p>c. The proposed ISP lacks an instructional design that can meet the needs of high risk students. ISP is described as a “self-study” program, which is unlikely to meet the needs of high risk students who typically need intensive, high-quality, direct instruction provided by highly qualified teachers.</p>	<p>This is an inaccurate statement, as a complete description of the ISP program can be found page 36-38 of the petition.</p>
<p>Deficiencies regarding instructional minutes:</p> <p>a. No bell schedule is provided for grades 6-8. The sample bell schedule (page 43) was for grades 9-12 only. Without the bell schedule, it cannot be determined whether the school would meet the minimum annual instructional minutes for grades 6-8.</p>	<p>The school’s academic calendar and sample daily schedule, which explain the rationale for allocation of instructional time to different subject matter areas, as well as an assurance that the school will offer, at minimum, the number of minutes of instruction set forth in Education Code § 47612.5. Grades 6-8 and 9-12 will use the same bell schedule. Please see bell schedule on pages 41-42 of the petition.</p>
<p>b. It cannot be determined whether the school would provide an adequate number of instructional minutes. The sample bell schedule included a minimum day schedule. However, the annual instructional calendar (Appendix G-3) does not indicate when minimum days would be held.</p>	<p>LAUSD had not set their 2011-2012 calendars. At the time of original submission. The school will comply with and/or exceed the state minimum requirements for 6th – 8th grade level of 54,000 instructional minutes and 64,800 instructional minutes for grades nine through twelve. MATTIE Academy of Change will include all educational time under immediate supervision of a certified teacher and tutorial time in the middle of the day with a closed campus. See page 42 of the</p>

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	<p>petition.</p> <p>The school will comply with and/or exceed the state minimum requirements for 6th – 8th grade level of 54,000 instructional minutes and 64,800 instructional minutes for grades nine through twelve. MATTIE Academy of Change will include all educational time under immediate supervision of a certified teacher and tutorial time in the middle of the day with a —closed campus. Please see page 42 of the petition that describes the instructional minutes.</p>
<p>c. The bell schedule is inconsistent. On page 44, the petition indicates the block schedule format will consist of three 90-minute classes per day. The block schedule included indicates 95, 98, 95, and 50 minute periods. Passing times included in the schedule are inconsistent. They are indicated in the schedule for the times 1:40 - 1:50 PM, but not indicated for the space of time between nutrition and period 3, and Lunch period 5.</p>	<p>The petition does not state the bell schedule on page 44. Bell schedule for grades 6-8 and 9-12 can be found on page 41 of the petition. Students will follow block schedule format with three 90 minute classes per day plus a nutrition and lunch break. See pages 41-43 of the petition for complete bell schedule.</p>
<p>Deficiencies regarding attendance accounting and state reporting: The petition does not indicate how attendance accounting and state reporting will be done or by whom. The EdFutures contract does not specify whether it will provide attendance accounting or state reporting preparation.</p>	<p>See EdFutures letter of commitment and contract. It states –It shall be EDF duty and obligation, to provide start-up and continuing development and operational services that support the administration of the Charter school on behalf of the Charter School's Board”.</p>
<p>a. The petition fails to indicate the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to EC § 60605 and to achieve the objectives specified in the charter.</p>	<p>Mattie Academy will incorporate a wide variety of instructional strategies designed to address the different learning styles (kinesthetic, auditory, visual) and the developmental needs of students ages 12-18 that will be served. The school will provide the teachers with the students' academic strengths and weaknesses based on the 2010-2011 CST scores of the last school that the students attended. The transition planning strategies will be determined when the special</p>

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	<p>education student is 16 years old. The transition planning will be determined by ensuring dates and procedures for the student to apply for a Social Security card, driver's license, and allowing the student to explore difference career development paths and to participate in the community service learning programs as well as internships. Pages 24-62 and 138-140 of petition.</p>
<p>i. There is no description of the instructional strategies the school will use to deliver curriculum. The petition provides a list of strategies, but does not differentiate their purpose or application. While the petition states in several places that it will use research-based techniques, it fails to identify the research or describe those techniques.</p>	<p>MATTIE Academy will incorporate a wide variety of instructional strategies designed to address the different learning styles (kinesthetic, auditory, and visual) and the developmental needs of students ages 12-18 that will be served. The school will provide the teachers with the students' academic strengths and weaknesses based on the 2010-2011 CST scores of the last school that the students attended. The transition planning strategies will be determined when the special education student is 16 years old. The transition planning will be determined by ensuring dates and procedures for the student to apply for a Social Security card, driver's license, and allowing the student to explore difference career development paths and to participate in the community service learning programs as well as internships. See pages 24-62 and 138-140 of petition.</p>
<p>ii. The stated flexibility of using any state-adopted textbooks, whether current or obsolete (page 33) lacks adequate explanation of how the school would ensure the educational program addresses required content standards if obsolete textbooks are utilized. No state-adopted textbooks are identified with the exception of the English learner curriculum:</p>	<p>The school will have the flexibility of using any state-adopted textbooks, whether current or obsolete. Furthermore, the instructional program is designed to meet the needs of students, provide developmentally appropriate challenges, and support personal growth through mentoring. Note that textbooks are to be used to support the overall curriculum and California Content Standards. Textbooks are not the curriculum but are important resources to teachers to address required content and skills. In addition, MATTIE will offer a virtual program courses designed for students in grades 6-12 including college prep, honors and advanced placement</p>

	<p>courses. Students will have 24-hour access to learning from a computer at any location. See pages 31-40 of petition.</p>
<p>iii. The plan for delivering curricular goals identified in the petition is unclear and inadequate. Curriculum descriptions of the four core areas (and PE) found on pages 34-38 are copied and pasted from portions of the California State Frameworks for Reading/Language Arts, Mathematics, History-Social Science, Science, and Physical Education. The petition does not explain how the goals taken from these documents will be addressed.</p>	<p>The teachers in the school's daily instructional program will implement the California State Content Standards for each core subject. MATTIE will instill this practice to be in compliance with the California Educational Subject Frameworks. This practice will ensure that our students are learning what is expected for each subject at their grade level. See page 7 of the petition.</p>
<p>iv. There is no description of how the school's curricular approach will meet the needs of English learners and students with disabilities.</p>	<p>The instructional models that MATTIE will employ to ensure that the general education students, English Language Learners, and special needs students have academic success with the core curriculum will be (UDL) Universal Design for Learning (Strangman and Hall, 2003), (SIOP) Sheltered Instruction Observation Protocol, (Muir, 2006). MATTIE will utilize online learning for credit recovery, course options, independent study, and dropout prevention (Watson, Gemin, 2008) . Also, UCLA, Cal State Long Beach, and Cal State Dominguez Hills have agreed to provide expertise for professional development, establishing learning communities at the school site as well as providing college prep advisement to students who attend MATTIE ACADEMY.</p> <p>Special needs students will be placed in the least restrictive environment in accordance with the IDEA Laws 1997 & 2004. Special needs student will be instructed in the core curriculum. Based on their cognitive needs on their Individual Educational Plan special needs will receive designated services from the Resource Specialists either in class or in a learning center. If special needs students do not make adequate academic progress, on assessments such as CBM (Curriculum Based Measurement) or progress monitoring, the</p>

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	special needs students will be participants in the RTi model for supportive intervention for 45 minutes per day.
<p>v. The petition fails to demonstrate understanding of Service Learning as an instructional strategy connected to academic learning. It describes activities that are examples of community service or volunteerism, demonstrating a lack of understanding that Service Learning is an instructional approach to increase academic achievement.</p>	<p>Mattie Academy will provide community service learning opportunities, internships and career development throughout the surrounding community. The learning opportunities will be focused be on essential problem-solving skills, leadership development, and on professional learning communities with strategies to close the achievement gaps of special education needs students. See page 28-30, and 37 of the petition.</p>
<p>vi. The proposed use of technology (page 141) is unclear and confusing. For example, the petition does not describe how curriculum will be differentiated by using computers; lacks examples to illustrate assertions regarding the use of computers; and does not explain how computers will lead to the development of critical or higher-order thinking skills as asserted.</p>	<p>There is no mention on the use of technology on page 141 of the petition. However, pages 138-139 describes how technology will be infused with learning at MATTIE Academy.</p> <p>Computer technology will become a prominent part of the classroom; the teacher will no longer serve as the sole expert with absolute mastery and control of content knowledge and instructional procedures. Instead, with the help of the computer, learning will become more interactive with responsibility shared among teachers and students. The teachers no longer function solely as transmitters of content knowledge. Instead, they become facilitators of learning. Students play a more active role in their own learning.</p>
<p>vii. The description of Project Based Learning (pages 141-142) does not describe how it will be used within or across subject areas.</p>	<p>There is no mention of project-based instruction on pages 140-141 in the petition. However, pages 139-140 describes MATTIE's Project Based Learning.</p> <p>MATTIE will use project-based learning as an instructional approach to engage students in sustained, cooperative investigation. Within its framework students collaborate, working together to make sense of what is going on. Additionally, project-based instruction emphasizes students' own artifact construction to represent what is being learned.</p>

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<p>viii. The professional development plan (page 144) appears ambitious; it is unclear how professional development will be effectively delivered in the short time spans stated in the petition.</p>	<p>This statement is subjective. MATTIE has set high standards for all staff as well as students. Our Curriculum Administrator has completed the Association of California School Administrators (ACSA) Curriculum & Instruction Academy and Superintendents Academy.</p>
<p>ix. There is no proposed plan to prepare the school for the transition to the Common Core State Standards or how the school will access “Bridge” documents ensuring instruction is aligned with the Common Core State Standards.</p>	<p>At time of developing and submitting this petition to LAUSD, the Common Core was not a federal or state mandate. However, MATTIE petitioners will work with the State and provide professional development to faculty.</p>
<p>5. The petition fails to indicate how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.</p> <p>a. There is no indication how the school will identify and respond to the needs of the students who are not achieving at or above expected levels; there is no description of the intervention plan to be offered during the school day, only before and after school.</p>	<p>Intervention Program for English Language Arts & Mathematics:</p> <p>Response to intervention (RTI) is the data-driven approach has proven to be most effective as it relates to documenting the interventions utilized to assist academic growth as well as improve the instructional strategies provided to the students by teachers. The three levels of RTi are; Tier 1 (Core Level without intervention) , Teachers will you the core textbook and instructional materials), But students who are placed in either Tier 2 (Small Group Instruction with some intervention) , or Tier 3 (Small Group with intense intervention) would use an intervention programs approved by the State Department of Education . Also, the incorporation of computer assisted programs will be used.</p> <p>Mattie Academy’s principal and faculty will determine participants in Tier 1, 2, and 3 by reviewing multiple assessment measures. Administrators and teachers will determine participants of each Tier by scheduled Benchmark assessments 3 times a year and by progress monitoring assessments every 6 weeks. Students whose data scores indicate Below Basic will be in Tier 2 and students whose</p>

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	<p>data scores Far Below Basic will be in be instructed in Tier 3. See pages 8, 26, and Appendix D, pages 119-123 of the petition.</p>
<p>b. There is inadequate description of how curriculum and instruction will be differentiated to meet the needs of students not achieving at or above expected levels.</p>	<p>MATTIE teachers will incorporate a wide variety of instructional strategies designed to address the different learning styles and developmental needs of students ages 11-18. Some of the instructional strategies include student investigations, cooperative/collaborative learning, whole group instruction, independent and self directed learning, peer coaching, graphing, concept mapping, self assessment, research and simulations. See page 45 of the petition.</p>
<p>c. There is insufficient description of how the school will identify “at-risk” students beyond that described for the California High School Exit Exam (CAHSEE).</p>	<p>Instructional Plan includes data driven instructional decision making differentiated instruction with early identification of —at-risk students for the CAHSEE. Test data will be analyzed to determine areas of strengths and areas in need of improvement. Each teacher will submit a student achievement plan to the department chair of subject area and will collaborate with department chair to create a student achievement plan for each department. Counselors will work with at-risk students to provide additional support advisement and monitor progress of students. Students will be given opportunity to select a college or career path. Students and parents will be involved in selecting a career, advisement, and counseling. See pages 30 and Appendix D, page 121 of petition.</p>
<p>6. There is insufficient indication of how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.</p> <p>a. Deficiencies regarding the plan for meeting the needs</p>	<p>We anticipate enrolling some students who are limited English-speaking students. If students have attended a California school prior to enrolling in our Charter School, we will request their —ansfer records” from their prior school in order to determine the proper instructional program for them based on their CELDT Level of English Proficiency. If this is the students first time enrolling in a California school, we will</p>

of English learners:

i. The petition fails to ensure that all English learners will have full access and make progress toward meeting required content standards. It states, "All English learners will participate in the core standards-based curriculum appropriate for their grade level as fully as their English language fluency will allow." (Emphasis added).

have the parents fill out the Home Language Survey and have the student take the CELDT in order to determine student's level of English proficiency so that the student can be placed in an instructional program that is appropriate. It is the school's intent to meet all the Federal law requirements relative to equal access to curriculum for English learners.

In order to provide an appropriate instructional program will be provided in English with the goal of improving the English Learners language proficiency acquisition growth of English by one year as evidenced by the student's yearly CELDT results as well as increasing their academic cognitive growth.

All English learners will participate in the core standards-based curriculum appropriate for their grade level with the support of SDAIE (Specifically Designed Academic Instruction in English) special techniques and strategies that assist in developing the students' language proficiency and academic acquisition. To accelerate learning English and the mastery of the standards-based curriculum, teachers will provide special assistance to them during regular classroom instruction and if needed, tutorial assistance will be provided for them outside of core class time.

Students at beginning ELD levels (Beginning Level, Early Intermediate Level) will be placed in a 50 minute English class with a certificated teacher who is trained in SDAIE teaching practices. The goal of this class is to provide instructional practices that focus on the students' development of English proficiency and mastery of academic concepts. The California State Framework for English-Language Development and the Language Arts Framework will be the foundation of promoting the students' instructional

	<p>program as well as the approved textbooks that have been identified by the State of California.</p> <p>During the rest of the school day, these EL students will be mainstreamed with fluent English speaking students and fluent bilingual students in order to support English language development and comprehension of instructional concepts with the assistance of the other students helping the EL by the teacher forming small learning groups that provide the EL student the opportunity to participate in the learning activity during the instructional period.</p> <p>In order to enhance EL students' vocabulary development, teachers will regularly work with them in small groups that will be determined by the ELD level of the students. We will delineate 45 minutes during the school day for focused English language development. This instruction will emphasize vocabulary development, phonemic awareness, grammar rules, and oral and writing English fluency. See pages 43-44 of the petition. See page 7, 29, 43-44, Appendix D, Special Education Plan, page 119 of the petition.</p>
<p>ii. Procedures for completing and utilizing information from the Home Language Survey are incorrect. The petition (page 46) indicates all students (emphasis added) will complete a Home Language Survey and that students will be assessed if they indicate another language spoken in the home. First, students do not complete the Home Language Survey, parents do, and second, the Survey is required for students when they first enter a school in California, not upon entry to each new school. The correct procedure is for the school to evaluate student transfer records to determine if the student was identified as an English learner. Assessing</p>	<p>Page 46 of the petition does not indicate anything about the Home Language Survey as stated in the findings, however page 44 of the petition indicates the procedures for administering the Home Language Survey. Since charter schools can enroll students from any area, we feel that it is best to have parents/guardians upon initial enrollment into the charter school. We are aware of the procedures for admission as the CEO and principal have served as guidance counselors at both the middle and high school levels. Experiences have been that student transfer records are not always accessible or complete for at-risk transient students. It is ideal to have the parent/guardian complete the home</p>

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<p>all students based on completion of the Home Language Survey, would result in the misidentification of English learners, including students who have been reclassified.</p>	<p>language survey upon enrollment into the school. See page 44 of the petition.</p>
<p>iii. There is no description of the assessments that will be used to monitor the progress of English learners. The petition indicates teachers will meet every two weeks to discuss and evaluate the progress of English learners and make adjustments to their program, however, only state mandated assessments are identified for that purpose. State mandated assessments are only administered annually and do not provide sufficient feedback for the bi-weekly program adjustments stated in the charter.</p>	<p>The design of the ELD instructional program will implement the State adopted textbooks and the embedded ongoing assessment of student progress as determined by the results of chapter tests and unit tests to determine each student's acquisition of English proficiency and cognitive development as well as authentic assessments. See pages 44-46 of the petition.</p>
<p>iv. There is no description of how the school will address the needs of English learners with disabilities or English learners identified for referral for special education assessment.</p>	<p>Curriculum will be presented to English learners at beginning ELD levels in English utilizing Specially Designed Academic Instruction in English (SDAIE) techniques. This will include instruction utilizing sheltered English, cooperative learning groups and small group instruction. Sheltered English includes strategies that make language comprehensible. This requires an awareness of the student's prior knowledge and experiences, consistently building on background knowledge, using visuals, focusing on 1-2 major concepts and drawing out the main points. Cooperative grouping of students will encourage a peer coaching atmosphere and a high level of motivation to communicate that, which might not otherwise exist. Small group instruction will allow opportunity for individualizing the instruction to the needs of those particular students who have additional needs.</p> <p>Support and services regarding special need students will be determined based on each student's special education eligibility and on supportive services that will be determined by the consensus of the IEP team. See pages 43-45 of the</p>

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<p>v. The staff development plan fails to ensure that the needs of all English learners are met. The petition indicates, “staff development on good teaching practices that address the ELL learning needs” (page 47) will be provided. Evidence of “good teaching” is insufficient to prepare students achieving substantially below grade level to prepare for college.</p>	<p>petition.</p> <p>All English learners will participate in the core standards-based curriculum appropriate for their grade level as fully as their English language fluency will allow. To accelerate learning English and the mastery of the standards-based curriculum, teachers will provide special assistance to them during regular classroom instruction and if needed, tutorial assistance will be provided for them outside of core class time. Students at beginning ELD levels will be mainstreamed with fluent English speaking students and fluent bilingual students in order to support English language development and comprehension of instructional input. In order to enhance EL students' vocabulary development, teachers will regularly work with them in small groups that will be determined by the ELD level of the students. We will delineate 45 minutes during the school day for focused English language development. This instruction will emphasize vocabulary development, phonemic awareness, and oral and writing English fluency. See pages 43-44, 47 of the petition.</p>
<p>b. Deficiencies regarding the plan for meeting the needs of students with disabilities, especially those performing substantially below grade level:</p> <p>i. The petition indicates lack of knowledge regarding special education curriculum and assessment. It states general education curriculum as well as “California Alternative Program Standards” will be used to provide students with special cognitive needs an enriching and engaging learning experience on an on-going basis. The California Alternate Performance Assessment (CAPA), designed to assess students with severe cognitive disabilities, is linked directly to California academic content standards at each grade level. The Review Team</p>	<p>Special needs students will be placed in the least restrictive environment in accordance with the IDEA Laws 1997 & 2004. Special needs student will be instructed in the core curriculum. Based on their cognitive needs on their Individual Educational Plan special needs will receive designated services from the Resource Specialists either in class or in a learning center. If special needs students do not make adequate academic progress, on assessments such as CBM (Curriculum Based Measurement) or progress monitoring, the special needs students will be participants in the RTi model for supportive intervention for 45 minutes per day. See page 47 of the petition.</p>

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<p>was unable to determine what the petition is referencing in its use of the term “California Alternative Program Standards.”</p>	
<p>ii. The staff development plan fails to ensure that the needs of students with disabilities are met.</p>	<p>A pushed - in model of inclusion will be implemented at the MATTIE Academy in order to address the instructional needs of learning disabled students who behaviorally and who academically would benefit from an inclusive learning environment. General education teachers and special education teachers will receive highly qualified professional development on effective inclusion models in order to determine the collaborative format for co-teaching models based on educational research. The administration will schedule time for general education teachers and special education teachers to collaborate and to plan lessons that integrate research based instructional strategies to meet the learning style needs of special need learners. See pages 46-47 of the petition.</p>
<p>c. Additional Concerns: i. The petition does not describe how the school will address the needs of socioeconomically disadvantaged students.</p>	<p>MATTIE teachers will incorporate a wide variety of instructional strategies designed to address the different learning styles and developmental needs of students ages 11-18. Some of the instructional strategies include student investigations, cooperative/collaborative learning, whole group instruction, independent and self directed learning, peer coaching, graphing, concept mapping, self assessment, research and simulations. See page 45 of the petition.</p>
<p>ii. It is unclear whether the school intends to ensure that all students will matriculate. The petition states only students in the top 10% will be matriculated.</p>	<p>The targeted student population and demographics can be found on pages 24-28, 37-40. MATTIE expects to prepare these at-risk students to become college and career ready and to score at the top 10% of the national standardized testing.</p>
<p>7. There is inadequate description of the charter school’s special education plan, including, but not</p>	<p>Petition address plans to serve and address the needs of all learning disabled students. Page 27-29, 33, 35, 46, 47, and</p>

<p>limited to, the means by which the charter school will comply with the provisions of EC § 47641, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.</p> <p>a. The means by which the school will implement special education services for all types of disabilities is not addressed. The petition implies the school will only address students with learning disabilities and those who are hearing impaired; there are 11 other categories of disabilities not addressed in the petition. The scope of needs of students with disabilities the school has planned to serve is finite and limited.</p>	<p>119 of the petition.</p>
<p>b. There is inadequate description of the services and programs the school will provide once the identification process is complete.</p>	<p>During extended school year, academic and social goals outlined in the individual students IEP will be implemented, and the instructional plan will be aligned with general education rigor and expectations. Students may receive accommodations and/or modifications based on the consensus of the IEP team. Page 37, 123,</p>
<p>8. The description of how parents will be informed about transferability of courses to other public high schools fails to demonstrate understanding that courses must be submitted to, and approved by, the University of California before they are accepted by the UC/CSU system for student admission.</p>	<p>Parents will be informed about the transferability of course credits to neighboring public schools, and if the courses meet entrance requirements to the UC and CSU systems. Parents informed through Parent Rights Handbook, newsletters, parent meetings, career day, college bound day. See page 47 of the petition.</p>
<p>Element 2: Measurable Pupil Outcomes. Not reasonably comprehensive The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(2) as follows:</p>	<p>MATTIE Academy holds the following goals:</p> <ul style="list-style-type: none"> • California Standards Test: A target of 60% proficient in year 3 increasing to 75% proficient in year 5 students scoring proficient or above in English/Language Arts and

<p>It does not specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed...by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress.... vary according to such factors as grade level, subject matter, the outcome of previous objective measurements....To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.</p> <p>The educational objectives are not frequent or sufficiently detailed enough to determine whether pupils are making satisfactory progress and the measures do not vary according to factors such as grade level.</p>	<p>Math</p> <ul style="list-style-type: none"> • CAHSEE: Passing rates of 90% or higher by grade 12 • Graduation: Rates 90% or higher • English Learners: English Learners at MATTIE will progress on average one band increase on the CELDT each year. • Special Education Students: Special education students will demonstrate appropriate progress toward goals in their IEPs each year. • Student Attendance: MATTIE Academy will maintain at least 95% Average Daily Attendance. • Parent Satisfaction: MATTIE Academy will demonstrate a high level of parent satisfaction -- 80% or higher -- based on surveys. <p>Specific measureable outcomes are detailed in pages 49-50 of the petition.</p>
<p>1. There are no measurable outcomes stated for year one (1), two (2), or four (4) for performance on the California Standards Test (CST). The petition states, "California Standards Test: A target of 60% proficient in year 3 increasing to 75% proficient in year 5 students scoring proficient or above in English/Language Arts and Math" (page 49).</p>	<p>MATTIE is held to the same accountability requirements for API and AYP AMOs as any other public school. MATTIE Academy's school-wide goals are to outperform the nearest schools - Curtis Middle School, Carnegie Middle School, Banning High School and Carson High School -- as the school strives to meet the state and federal performance targets:</p> <ul style="list-style-type: none"> • API score of 800 (or growth as required, if applicable) • AYP AMOs as required, currently to reach 100% by 2013-14 • All subgroups make at least 80% of the school target • CST participation rate of at least 95% <p>Specific measureable outcomes are detailed in pages 49-53 of the petition.</p>

<p>2. There are no outcomes for End of Course CST exams administered at the high school level or for required science and social studies CSTs administered at the middle and high school levels.</p>	<p>MATTIE is held to the same accountability requirements for API and AYP AMOs as any other public school. MATTIE Academy's school-wide goals are to outperform the nearest schools - Curtis Middle School, Carnegie Middle School, Banning High School and Carson High School – as the school strives to meet the state and federal performance targets:</p> <ul style="list-style-type: none"> • API score of 800 (or growth as required, if applicable) • AYP AMOs as required, currently to reach 100% by 2013-14 • All subgroups make at least 80% of the school target • CST participation rate of at least 95% <p>Specific measureable outcomes are detailed in pages 49-53 of the petition.</p>
<p>3. There is no baseline for the API target. A baseline can be established by analyzing the performance of the comparison schools identified in the charter to determine whether the stated goal is adequate for the school to make renewal criteria established in law or show evidence of performance that is at least comparable to the comparison schools.</p>	<p>To address the point of not identifying a baseline API target, MATTIE would like to refer to page 49 of the petition that identifies a baseline API target. The language is as follows:</p> <p>MATTIE Academy for Change is held to the same accountability requirements for API and AYP AMOs as any other public school. MATTIE Academy's school-wide goals are to outperform the nearest schools - Curtis Middle School, Carnegie Middle School, Banning High School and Carson High School – as the school strives to meet the state and federal performance targets:</p> <ul style="list-style-type: none"> • API score of 800 (or growth as required, if applicable). • AYP AMOs as required, currently to reach 100% by 2013-14. • All subgroups make at least 80% of the school target.

	<ul style="list-style-type: none"> • CST participation rate of at least 95%.
<p>4. There is no mention of the CAHSEE participation rate, which is essential to a high school's meeting Adequate Yearly Progress (AYP) targets. Participation rate is stated only for the CST (page 49).</p>	<p>CALIFORNIA CODE OF REGULATIONS, TITLE 5, SECTIONS 11967.5&11967.5.1 does not specifically mention the CAHSEE, but MATTIE petitioners are aware that this is a required test for graduation and will follow the state guidelines that students first take this test in grade ten. If they do not pass the test in grade ten, they have more chances to take the test. In grade eleven, they can take the test two times. In grade twelve, they will have up to five times to take the test. See pages 49-53 of the petition.</p>
<p>Element 3: Method for Measuring Pupil Progress. Not reasonably comprehensive The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(3) as follows:</p> <p>1. It does not describe how the provided list of assessments is consistent with the measurable pupil outcomes identified in Element 2. (Page 53)</p>	<p>There is no mention of this on page 53 of the petition. MATTIE petitioners feel they have sufficiently addressed this item, see page 52 in the petition. LAUSD also felt that we adequately answered this item, as this was not a finding.</p>
<p>2. It lacks explanation of how annual assessment results from the Statewide Testing and Reporting (STAR) program will be used to measure student progress.</p> <p>3. It fails to outline a plan for reporting data on pupil achievement to pupils' parents and guardians. Additionally, the petition does not outline the plan for collecting specific data or the instruments to be used for measuring the progress of students with disabilities.</p>	<p>MATTIE Academy will assess core student performance using state assessment instruments, which are consistent with the school's mission and instructional program. See page 51 of the petition.</p> <p>MATTIE will follow all state and federal regulations with reporting data on pupil achievement. Additionally, MATTIE will follow all federal and state regulations with collecting specific data or instruments used to measure progress on students with disabilities. See pages 51-53 of the petition.</p>
<p>Element 4: Governance Structure. Not reasonably comprehensive</p> <p>The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(4) as follows:</p>	<p>MATTIE Academy of Change and/or its non-profit corporation is a separate legal entity and will be solely responsible for the debts and obligations of the Charter School.</p> <p>Members of the [Charter School's] executive board, any</p>

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<p>1. It does not include evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:</p> <p>a. The charter school will become and remain a viable enterprise (See Finding 2).</p> <p>b. The educational program will be successful.(See Finding 2 and Finding 5, Element 1).</p>	<p>administrators, managers or employees, and any other committees of the School shall comply with all federal and state laws, nonprofit integrity standards and SBE'S Charter School policies and regulations regarding ethics and conflicts of interest. See pages 54-56 of the petition.</p>
<p>2. The petition does not comply with specific requirements of law regarding governance:</p> <p>a. While the petition states (page 56) that it will comply with the Brown Act, the bylaws create confusion as to whether the Board will comply with the Brown Act requirements.</p>	<p>The MATTIE Academy of Change Charter School will comply with the Brown Act as stated on page 54 of the petition.</p>
<p>b. Article 3, Section 7, Place of Meetings, and Section 9, Special Meetings, do not establish that meetings not designated by the Board must still be within the jurisdiction of the District. Government Code § 54954(b)-(e) addresses all exceptions to this.</p>	<p>Article 3, Section 7, Place of Meetings, and Section 9, Special Meetings, does in fact establish that meetings not designated by the Board must still be within the jurisdiction of the District. See MATTIE Approved Bylaws, page 3, Exhibit P</p>
<p>c. In addition to the primary meeting location, the notice and agenda must also be placed at all locales in which a Board member is participating via teleconferencing. Government Code §54953 requires that each of these locations must also be identified in the notice and agenda as well, and each of these locations must be fully accessible to the public. Also, the bylaws fail to require that a quorum must participate within the body's jurisdiction for other members to participate via teleconference, which is required by the Brown Act.</p>	<p>The MATTIE Academy of Change Charter School will comply with the Brown Act as stated on page 54 of the petition.</p>

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<p>d. Article 3, Section 11, Contents of Notice, doesn't provide for disability accommodations within the agenda. Government Code § 54954.2(a) requires that the agenda must contain information on how to request disability accommodations or modifications in order to participate in a meeting.</p>	<p>Article 3, Section 11, Contents of Notice, does in fact provide for disability accommodations within the agenda. See MATTIE Approved Bylaws, page 4, Exhibit Q</p>
<p>Element 5: Employee Qualifications. Not reasonably comprehensive The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(5) as follows:</p> <p>It lacks general qualifications for the various categories of employees the school anticipates and fails to provide qualifications sufficient to ensure the health and safety of the school's faculty, staff, and pupils.</p> <ol style="list-style-type: none"> 1. Qualifications of teachers and the special education teachers are described in general terms without specifying which must have CLAD or BCLAD certification, whether any staff will be bilingual, or the type of credential special education teacher(s) will hold. 2. There is no statement of qualifications for non-core teachers. 3. Several key positions, including the CEO and the program facilitator do not require any knowledge of educational practices. 4. There is no description of duties and responsibilities for the program facilitator. 5. There is no description of staff duties for the positions of psychologist, social worker, nurse, parent community liaison, technology assistant, or 	<p>MATTIE Academy believes that all persons are entitled to equal employment opportunity. Charter School shall not discriminate against qualified applicants or employees on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, or any other characteristic protected by California or federal law. Equal employment opportunity shall be extended to all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and dismissal from employment.</p> <p>The teachers hired for the MATTIE ACADEMY will be highly qualified as stipulated by NCLB and the CTC. Each hired teacher will have earned their BA Degree as well as have passed the CBEST, CSET 1-3, CLAD, and RICA. All Resource Specialists and will also have passed the CBEST, CSET 1-3, RICA, and Added Authorization of Autism by June 2013. Additionally, all hired teachers will be assigned to teach subject per their credential authorization.</p> <p>The CEO and all administrators will hold a master's degree and administrative credentials. See position descriptions, including Program Facilitator, Nurse (Health Services</p>

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<p>fiscal management coordinator (as presented in the handout given to the County Board at Public Hearing).</p>	<p>Coordinator), Parent Community Liaison, Technology Assistant, or Fiscal Management Coordinator/Program Facilitator on pages 63-73 of the petition. Nurse is called Health Services Coordinator.</p> <p>All school staff will be required to undergo a criminal background check and fingerprint clearance through the DOJ prior to hiring. Please see pages 63-73 of the petition.</p>
<p>6. There is no explanation of the difference between a staff assistant and an instructional assistant, although the budget reflects different pay levels.</p>	<p>The Staff Assistants and Instructional Assistants are on the same pay scale, however, the Staff Assistant Supervisor beginning salary is slightly higher. See budget on pages 131-137 in the petition.</p>
<p>7. There is no description or qualifications for tutors for the After School Enrichment Program.</p>	<p>MATTIE will utilize volunteers, cross-age tutors, peer tutors, and college interns for the After School Program. MATTIE will also utilize teachers to tutor on a rotational basis as part of an adjunct duty. This will be built into the teachers' flex schedule. Employee handbook available upon request.</p>
<p>8. The Code of Ethics which "all staff must meet and maintain" is not included in the petition.</p>	<p>Page 69 of the petition. In addition it can be found in the MATTIE Employee handbook, available upon request.</p>
<p>Element 6: Health and Safety Procedures. Reasonably comprehensive with specific deficiencies The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(6) as follows:</p> <p>It does not provide for the screening of pupils"vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.</p>	<p>The response to the Health and Safety issues raised are directly addressed in the original petition on page 64. The charter school assures that they will require all students enrolled will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Section 6000-6075. See page 64 of the petition. In addition, parents and staff will be provided with handbook with policies and procedures in place to ensure a safe and orderly school environment. Petitioners will furnish copy of MATTIE School Safety plan upon request.</p>
<p>Element 7: Means to Achieve a Reflective Racial and Ethnic Balance. Not reasonably comprehensive The</p>	<p>MATTIE Academy of Change petitioners are committed to providing all students with quality educational alternatives in</p>

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<p>petition fails to meet CCR, Title 5, Section 11967.5.1(f)(7) in that the standard of the regulation states it "...shall be presumed to have been met, absent specific information to the contrary." Evidence to the contrary is as follows:</p> <p>Described outreach efforts are insufficient to determine whether the plan can achieve a student population reflective of the racial and ethnic diversity of the district in which the school intends to locate. Outreach is described in general terms, and it lacks benchmarks by which the school can determine whether it will achieve the desired outcome. The plan to specify which newspapers the school will use to conduct outreach and actual venues where information will be disseminated, which would have provided evidence that the plan would likely result in enrollment reflecting the diversity of the community.</p>	<p>compliance with all federal and state laws, including students who are enrolled in schools of the District identified by the California Department of Education as in need of Program Improvement. As stated in the petition on Pages 78-81 MATTIE Academy also states specific language relative to LAUSD that the school will provide a written plan to achieve and maintain LAUSD's ethnic balance ratio goal pursuant to the Crawford Court Order of 70:30 or 30:70 upon request of the District. Thus, the petition did not fail to describe specifics of the plan given that a plan. A plan is to be presented upon request.</p>
<p>Element 8: Admission Requirements. Reasonably comprehensive with one deficiency. The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(8) as follows:</p> <p>There is a noted contradiction in the enrollment preferences stated in the petition. On page 85, the children of the school's founders are listed as having preference over children of staff or employees, while on page 86 the order of preference is reversed.</p>	<p>There is no mention of enrollment preferences on pages 85 or 86 of the petition, however, page 84 of the petition describes enrollment preferences. However this was not a concern or finding for LAUSD.</p>
<p>Element 9: Annual Independent Financial Audits. Not reasonably comprehensive The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(9) as it does not specify who is responsible for contracting and overseeing the independent audit or that the auditor will</p>	<p>This was not a finding or concern for LAUSD. As explained in the petition page 86-87, MATTIE Academy has partnered with EMO, who will be responsible for contracting and overseeing annual independent financial audits. MATTIE will ensure the auditor contracted has prior experience in education finance.</p>

<p>have experience in education finance.</p> <p>The petition does not comply with the following criteria:</p> <ol style="list-style-type: none"> 1. It does not specify the auditor shall be on the State controller's list of educational auditors, 2. It does not specify the auditor shall be hired by the Board of Directors of the charter school, and 3. It does not ensure financial reporting to charter agency would be carried out in pursuant to EC § 47604.33. 	<p>As such, MATTIE will utilize the same independent auditor that other EdFutures school uses. Furthermore, a timeline by which audit exceptions will typically be resolved by will be presented to the school district upon request.</p>
<p>Element 10: Suspension and Expulsion Procedures. Not reasonably comprehensive.</p> <p>The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f) (10) as follows:</p>	<p>The petition adequately addresses and expounds on the due process for disciplinary procedures which is described on pages 88 through 95. This section clearly outlines categories of offenses and their repercussions as well as procedures for suspensions (page 89-90). It is clearly stated in the petition that parents/guardians and students will be informed about reasons of suspension and expulsion by writing prior to suspension/expulsion (bottom of page 89). Following notice, there will be a committee that will hold a hearing process that will allow the students and their advocates to give their testimony and documentation prior to suspension.</p>
<p>Element 11: STRS, PERS, and Social Security. Not reasonably comprehensive.</p> <p>The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(11) as follows:</p> <ol style="list-style-type: none"> 1. It does not provide a clear statement of 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, as required by EC § 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for 	<p>MATTIE CEO will be responsible for ensuring that EMO (Business Management Services) efficiently manage MATTIE employee records and their contributions to the various retirement systems, federal, and social security programs. Please see page 96 of the petition.</p>

<p>ensuring that appropriate arrangements for that coverage have been made.</p> <p>a. There is contradictory information regarding participation in the California State Teachers' Retirement System (CalSTRS) for certificated staff. It indicates the school will participate in CalSTRS but employees who elect to participate in CalSTRS may remain in the chosen system during their employment, unless a two-thirds majority of the of the permanent teaching staff votes for an alternative retirement system. This statement does not provide the clear language required by CalSTRS. Petition language must clearly reflect one of the following choices: Choice 1: Coverage will be offered to eligible employees; Choice 2: The school retains the option to elect the coverage at a future date, or Choice 3: The school will not offer the coverage. CalSTRS retains the right to reject charter language that does not clearly specify the school's choice.</p>	
<p>Element 14: Dispute Resolution Procedures.</p> <p>1. The petition fails to clearly articulate that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with EC § 47607, the matter will be addressed at the County Board's discretion granted under provisions of law and any regulations pertaining thereto and not subject to the dispute resolution procedure stated under Element 14 of the petition.</p> <p>2. The Dispute Resolution Procedures as set forth in the petition imposes the following requirements to which the county office cannot agree:</p>	<p>The staff and governing board members of MATTIE Academy agree to resolve any claim, controversy or dispute arising out of or relating to the Charter agreement between the District and MATTIE Academy, except any controversy or claim that is in any way related to revocation of this Charter, (Dispute) pursuant to the terms of this Element 14. See pages 99-100 of petition. See LACOE Description of Changes, pages 34-36, Exhibit R.</p>

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a. It imposes a 120 day timeline for mediation from the date following the Issue Conference, which is an unreasonable interval of time.

b. It commits LACOE to “binding arbitration” and requires that any party who fails or refuses to submit to arbitration to bear all attorney’s fees, costs and expenses incurred by such other party in compelling arbitration of any controversy or claim. This section would expose LACOE to unnecessary and costly litigation.

3. The petitioner proposes a wholesale change to the dispute resolution procedure in its “Description of Changes to Petition for LACOE.” Given the substantial departure from the Element 14 stated in the original petition, the proposed changes constitute a material change to the petition. The following underscore the reasons that the proposed changes are not reasonably comprehensive:

a. The new process requires LACOE to refer complaints it receives to the Executive Director of the charter school for resolution to be handled internally. This requirement would strip the Dispute Resolution Process of any meaning and does not acknowledge the right of the County Superintendent to investigate complaints under EC § 47604.4. The petition fails to acknowledge the requirement of EC § 47604.4 which states, “In addition to the authority granted by sections 1241.5 and 47604.3, a county superintendent of schools may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a charter school located within that county and conduct an investigation into the operations of that charter school.”

b. The proposed changes to Element 14 contains the following ambiguity, “The dispute resolution provision

<p>does not apply to issues that may trigger the revocation process... in the event that LACOE believes that the dispute relates to an issue that could lead to revocation of the charter, this shall be specifically noted in the written dispute statement.” If issues that trigger the revocation process are exempted from the dispute resolution process, it is not clear why a written dispute statement would be required.</p>	
<p>Element 16: Closure Procedures. Not reasonably comprehensive</p> <p>The petition fails to meet the requirements defined by CCR, Title 5, § 11962 as follows:</p> <ol style="list-style-type: none"> 1. It does not indicate the school will comply with all the requirements of closure notification including informing federal social security and the pupils’ school districts of residence; providing the effective date of the closure and the manner in which parents (guardians) may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements. 2. It fails to indicate that upon closure, the school will provide for the transfer and maintenance of all pupil records, all state assessment results, and any special education records to the custody of the authorizer or the transfer and maintenance of personnel records in accordance with applicable law. 3. It does not indicate the independent final audit will include at least the following: <ol style="list-style-type: none"> a. An accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value. b. An accounting of the liabilities, including accounts 	<p>MATTIE Charter School shall follow the school closure provisions of the LACOE charter school policy and regulations and the State Board of Education school closure provisions in the event of school closure. The following provisions relating to school closure shall replace the LAUSD specific —Procedure to be used if the Charter School Closes” (page 102-105).</p>

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<p>payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation.</p> <p>c. An assessment of the disposition of any restricted funds received by or due to the charter school.</p> <p>4. It does not specify that the disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed, will include:</p> <p>a. The return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports.</p> <p>b. The return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.</p>	
<p>Finding 6: The petition does not satisfy all of the Required Assurances of Education Code section 47605(c), (e) through (j), (l), and (m).</p> <p>1.a.: It indicates the school “will attempt” to have 95% of students participate in the California Standards Test (CST) administration. Acceptance of federal funds requires a 95% participation rate on the CSTs and the 10th grade CAHSEE census administration:</p>	<p>MATTIE petitioners are aware that acceptance of federal funds requires a 95% participation rate on the CSTs and the 10th grade CAHSEE census administration. In addition to meeting this requirement, MATTIE petitioners intend to go over and above minimum requirements as indicated on page 25 of the petition that clearly states that MATTIE will attempt to have a participation rate on the CST that exceeds the minimum of 95%.</p>
<p>1.b. It provides evidence the petitioners do not understand the intent and purpose of the California English Language Development Test (CELDT).</p>	<p>Page 44 of the petition clearly states that parents who indicated a language other than English will be assessed with the California English Language Development Test (CELDT) to identify English Language Learners (ELL) and provide</p>

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	appropriate instructional services based on the results.
2.a. Consult with their parents and teachers regarding the school's educational programs on a regular basis:	It does not describe how parents of English learners will receive notification in writing of their child's English proficiency assessment results, the parent exception waiver, or give input on services for English learners.
Effect on the Authorizer and Financial Projections. Does not provide the necessary evidence.	It does not fully identify the facilities to be utilized by the school including where the school intends to locate. A site is proposed, but not confirmed; how the site would be managed (i.e. purchase, lease, or any other agreement) is not identified; and there are no provisions for leasing in the proposed first year operational budget, startup cost, or financial projections for the first three (3) years of operation.
It does not adequately identify the manner in which administrative services of the school are to be provided. The petition proposes to contract services to a management organization, but the contract between the school and the management company is insufficient as described in Finding 2:	The MATTIE ACADEMY OF CHANGE And EDFUTURES AGREEMENT dated May 06, 2011 clearly states on pages 3-4 under ARTICLE : PERFORMANCE AND DELIVERY OF SERVICES sections b and c: EdFutures, the contracted management organization. Is to provide the following administrative services: personnel functions; technical writing, assist with proposal development maintenance and operation functions that would otherwise be provided by the District if the Charter School were operated by the District; business administration functions; custodial services, (i) contract for goods and services; (ii) prepare a budget; (iii) (iv) procure insurance; (v) lease or otherwise contract with any third party for the use of facilities for school purposes and the operation and maintenance thereof; (vi) purchase, lease, or rent furniture, equipment and supplies; (vii) accept and expend gifts, donations or grants of any kind in accordance with such conditions prescribed by the donor as are consistent with law and not contrary to any of the terms of this Agreement; (viii) perform the business administration of the school; (ix) (xiv) exercise such other powers as provided for

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	elsewhere in this Agreement to the extent consistent with this Agreement; and (xv) generally, take such other actions as may be necessary or desirable properly and efficiently to operate the Charter School.
<p>The provided financial statements that include a proposed first-year operational budget, including startup costs, and cash-flow and financial projections for the first three years of operation are inadequate to reasonably ensure successful implementation of the school as described in Finding 2:</p> <p>4. Potential civil liability effects, if any upon the school and the County Office of Education:</p> <p>a. In 2008, a writ of attachment was filed against the revoked MATTIE by Charter School Capital for over \$250,000 for failure to make payments on a loan. The writ, filed against MATTIE, was served on LACOE.</p>	<p>The writ of attachment against MATTIE was paid in full in 2008. The writ was served on LACOE because LACOE was responsible for disbursements of funds to MATTIE. LACOE was never named or liable in any lawsuit on behalf of MATTIE. See attached court documents stating that loan paid in full. Exhibit S</p>
<p>b. To date, LACOE continues to receive complaints from unpaid teachers of the revoked MATTIE.</p>	<p>LACOE received complaints from all teachers and staff because LACOE did not issue PSC payment approved by CDE and issued by state controller's office, warrant # 04-323444 which caused MATTIE extreme hardship and fiscal problems which resulted in MATTIE's inability to pay off debts, including salaries and vendors. This caused MATTIE to appear to be derelict in paying off debts. Please see attached email from CDE dated February 26, 2009. See Exhibit T</p>
<p>Preference to Academically Low Performing Students. Does not meet the condition EC § 47605(h) states authorizers shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified as academically</p>	

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<p>low achieving...The petition does not meet the criteria for this preference due to the lack of a comprehensive plan for providing learning experiences to the pupils identified by the petitioners as academically low achieving.</p> <p>1. There is no clear plan stating the interventions to be provided during the school day to support academically low achieving students. Program supports appear to be provided by outside entities and/or are listed as “opportunities to participate,” thereby not ensuring all students who need that support will have access to the support. (pages 6-8, 28, 30-32, 34, 40, 44, 45, 48).</p>	
<p>2. The petition mentions Response to Intervention, but does not describe the tiered process adopted by the school to support all students. (page 49).</p>	<p>Please refer to pages 6-8, 28-30, 42-50, 60-62. Please see attached letters for Internship with Carson City Hall, Cal State Dominguez Hills, CSULB Mesa, California’s 37th Congressional District Congresswoman Laura Richardson. Exhibit U</p>
<p>3. Interventions for English learners are provided only for the CAHSEE. (page 32):</p> <p>Teacher Credentialing Requirement. Meets the condition with specific concerns EC § 47605(l) requires that teachers in charter schools shall be required to hold a CTC certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold...It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses. The petition does not identify that the special education coordinator and service providers must be appropriately credentialed.</p>	<p>See position descriptions of the Special Education Coordinator as well as other service providers on page 69-70 of petition.</p> <p>This element was met with specific concerns. Concern appears to be subjective and biased. Please refer to pages 102-105 of petition for closure procedures.</p>