

## Contra Costa County Board of Education Reasons for Denial and Petitioner's Response

### CONTRA COSTA COUNTY BOARD OF EDUCATION

#### AGENDA ITEM

**ISSUE** *(clear, concise statement for the Board meeting agenda which indicates exactly what will be discussed)*

Consider Action to Either Deny the Petition to Establish the Synergy Charter School and to Adopt Resolution No. 11-10/11 reflecting denial of the Petition and related factual findings, or to Declare Intent to Approve the Petition and specify any conditions necessary for approval.

**ANALYSIS** *(overviews of the issue -- Attach all background information Board members will need to consider or vote on this issue. As appropriate, refer to the "who, what, when, and how" elements of the item.)*

The Board will consider taking action either to deny the Petition and adopt Resolution No. 11-10/11 reflecting denial, or to declare its intent to approve the Petition and specify conditions that must be met prior to approval.

**RECOMMENDATION** *(Advise approval or adoption, or note that the item is for information only.)*

The County Office of Education Administration recommends denial of Petition to Establish the Synergy Charter School for the reasons expressed in the attached Findings of Fact.

Approved   
Associate Superintendent

Item No. 7.2.3

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Date 2/11/14

Bd. Agenda 02/16/11

IN THE CONTRA COSTA COUNTY BOARD OF EDUCATION  
OF  
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

In the Matter of Denying Petition to )  
Establish the Synergy Charter School )  
and Adopting Written Findings of Fact )

Resolution No. 11-10/11

**WHEREAS**, on December 15, 2010, the Governing Board of the Pittsburg Unified School District denied the petition to establish the Synergy Charter School; and

**WHEREAS**, California Education Code section 47605 (j) provides that if the governing board of a local school district denies a petition to establish a charter school, the petitioner may submit the petition for establishment of the charter school to the County Board of Education; and

**WHEREAS**, pursuant to California Education Code section 47605 (j), on December 21, 2010, lead petitioner Cheryl Townsend submitted a timely appellate petition to establish the Synergy Charter School to the Contra Costa County Office of Education, and

**WHEREAS**, pursuant to Education Code section 47605 (b) and (j) and Title 5, California Code of Regulations, § 11967 (d), petitioner agreed to an extension of time for the public hearing and decision on the petition; and

**WHEREAS**, the County Board of Education conducted a public hearing on the provisions of the proposed charter on February 2, 2011, at the Contra Costa County Office of Education and assessed the level of support for the petition from parents, the Pittsburg Unified School District, and the community; and

**WHEREAS**, County Office of Education administrators have reviewed and analyzed the petition and supporting documents and have identified deficiencies in and concerns related to, the Petition, and have recommended that the County Board of Education deny the petition for the reasons expressed in Exhibit A, hereto, Findings of Fact; and

**WHEREAS**, pursuant to California Education Code section 47605 (b) (1) and (2), the County Board of Education finds that granting the petition to establish the Synergy Charter School is not consistent with sound educational practice;

**NOW, THEREFORE, BE IT RESOLVED**, that the Findings of Fact attached hereto as Exhibit A are adopted as the factual findings specific to the petition, and support that:

1. The proposed charter school presents an unsound educational program for the pupils to be enrolled in the charter school; and
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

**BE IT FURTHER RESOLVED**, that the Petition to Establish the Synergy Charter School is denied;

Contra Costa County Board of Education  
Resolution No. 11-10/11  
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**PASSED AND ADOPTED** by the Contra Costa County Board of Education on 16<sup>th</sup> of February 2011, at a regular meeting of the Board by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

I hereby certify that the foregoing resolution was duly introduced, passed and adopted as stated.

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Pamela M. Mirabella, President  
Contra Costa County Board of Education

**Contra Costa County Board of Education  
Petition for Establishment of:  
Synergy Independent Charter School  
Synergy Charter School  
Report of Findings – February 16, 2011**

**INTRODUCTION**

The Charter Schools Act of 1992 permits school districts to grant charters for the operation of charter schools. (Ed. Code section 47600, et. seq.) Charter schools “are part of the Public School System,” but “operate independently from the existing school district structure.” (Education Code section 47615, subd. (a) (1), 47601) Charter schools are established through submission of a petition by proponents of the charter school to the governing board of a public educational agency. The governing board must grant a charter “if it is satisfied that granting the charter is consistent with sound educational practice.” (Education Code section 47605, subd. (b)) The governing board of the school district can only deny a petition for establishment of a charter school if it finds that the particular petition fails to meet certain enumerated statutory criteria and adopts written findings in support of its decision. Once a governing board has granted a petition, a charter school is created as a separate legal entity.

Although charter schools are exempt from many of the laws governing school districts, in return for that exemption the Education Code holds them to a high standard: they must live up to all of the commitments in the charter that they make to school districts, parents, community members, and students concerning pupil instruction, community/parent involvement, fiscal accountability, and student safety.

**PROCEDURAL STATUS**

The petitioners submitted their petition to the Pittsburg Unified School District (“District”) in December 2010. The District denied the petition based on its analysis in the five areas provided in Education Code section 47605(b).

Under Education Code section 47605(j)(1), if the District denies a charter petition, the petitioners may appeal that denial to the County Office of Education. The County Office must also analyze the charter(s) in the areas provided in Education Code section 47605(b). If the County Office grants the charter(s), the County Office becomes the supervisory agency over the charter school(s). The

District's obligations with respect to the charter school would essentially be limited to providing facilities, should the charter school make a request under Proposition 39 and prove entitlement. (*See, e.g., Sequoia Union High School District vs. Aurora Charter High School* (2003) 112 Cal.App.4<sup>th</sup> 185) The petitioners may also appeal a County Office's denial of a charter to the State Board of Education under Education Code section 47605(j)(1).

### **REVIEW OF THE PETITION**

Education Code section 47605(b) sets forth the following guidelines for governing boards regarding the review of charter petitions:

"In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged."

"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."

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

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by statute.
- (4) The petition does not contain an affirmation of each of the conditions required by statute. (See attached Education Code section 47605(d)(1))

In addition, the statute requires a fifth area of review, in which the petition must include “comprehensive descriptions” of sixteen specific elements, noted as items “A” through “P” from Education Code section 47605. (See attached).

Staff has conducted a full review of the charter petition under the criteria set forth in the law and provides the following written analysis.

**(4) "The petition does not contain an affirmation of each of the conditions required by statute." Education Code 47605(d)(1) & (2):**

(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

**"A - P" requirements in California Education Code Section 47605(b)**

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

- (J) The procedures by which pupils can be suspended or expelled.
- (K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
- (L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.
- (M) A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.
- (N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.
- (O) A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.
- (P) A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.



Synergy School  
**FINDINGS OF FACT**

1. **The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition because they have presented an unrealistic financial plan. The proposed operational budget does not include reasonable estimates of all anticipated revenues and projected expenditures. In its totality, the proposed budget does not appear viable.**

- A. **There is no guarantee that Synergy Charter School ("Synergy") will secure a loan of \$180,000 from the California Department of Education (CDE) Charter School Revolving Loan program. The petition has no alternative funding plan for this significant amount of revenue.**

Petitioner assumes \$180,000 in Loan Financing from the California Department of Education ("CDE"). This funding source is not guaranteed. The CDE has indicated that no loan amount is guaranteed and that applications are evaluated and loans are issued based on a combination of conditions, such as financial need and the ability to repay the loan in the future. Also, due to depletion of funds, in 2009-10, charter schools that were granted this loan only received \$100,000 each. (Exhibit 1)

In the budget narrative in the petition, it states, "The Charter School Revolving Loan will be used to help secure solid cash flow in the first years of development." This means that, in the event that the loan is not granted or is less than anticipated, Synergy will be unable to meet its financial obligations. Synergy has no alternative funding plan in the event that this loan is not granted or if a lower amount is granted.

- B. **There is no guarantee that Synergy School ("Synergy") will receive the Public Charter School Grant Program (PCSGP) planning and implementation grant award. The petition has no alternative funding plan for this significant amount of revenue.**

The purpose of the PCSGP is to provide financial assistance for the final planning and initial operations of newly established and conversion charter schools. The California Department of Education (CDE) awards grants depending on annual allocations from the United States Department of Education.

Synergy's planning budget assumes receipt of this grant in the amount of \$575,000. The grant amount is available to applicants who meet either of the two criteria: 1) Applicant's school is located, or a majority of the students served by the Applicant's school reside, in an attendance area of a school that has been determined to be persistently lowest-achieving, or eligible for Title I School Improvement Grant funding; or 2) Applicant's school is located,

or a majority of the students served by the Applicant's school reside in an attendance area of a school that is in Program Improvement ("PI") Year 3, 4 or 5, and has an API decile rank of 1 or 2. (Exhibit 2)

Not all of the schools in the Pittsburg Unified School District ("District") are considered "persistently low-achieving" and none of the schools qualify for Title I SIG funding because they are not in the lowest 5 percent of low-achieving schools. In its response to District's Findings of Fact, Petitioner insists that the school will receive the grant due to the District's Program Improvement ("PI") status. Therefore, it is assumed that criteria number 2 is the one that Petitioner will use to obtain the grant.

The PCSGP guide applies the criteria to the school attendance area, not the district. It is possible for a district in PI status to contain schools that are not in PI status. Also, the PCSGP criteria for the \$575,000 grant award requires that the school's PI status be in year 3, 4 or 5 and the school has an API decile rank of 1 or 2. Although the District is in Program Improvement status, seven of its 12 schools are not in PI Year 3, 4 or 5 (Exhibit 3). Of the 5 schools that are in PI Year 3, 4 or 5, only 2 have a decile rank of 1 or 2 (Exhibit 4). Whether or not Synergy will receive the grant depends on the school attendance area in which the charter school is located and Synergy has not yet secured a location for their facility. Since Synergy may not meet the grant criteria, it is not guaranteed that Synergy will receive the \$575,000 grant.

The lower PCSGP grant amount of \$250,000 is only available to non-classroom based charter schools. Therefore if Petitioner does not qualify for the \$575,000 grant, there is no other grant available. It is difficult to ascertain if Synergy will qualify for this grant since a location for the school has not yet been determined.

Synergy's Planning Budget relies solely on the PCSGP grant in Year 0 for start up costs, which includes funding for equipment, furniture, facilities, insurance, custodial cost, materials, supplies and textbooks. Without this grant Synergy will be unable to function as a school or meet its financial obligations. In Year 1 the grant is relied upon for cash flow for the first two months of operation and in subsequent months is used in combination with the Charter School Entitlement Block Grant (ADA funding for charter schools) for cash flow. In its Cash Flow Projection, Year 2, Synergy relies on the contribution of PCSGP grant funds to smaller revenues to cover monthly salary costs, among other items. If the grant is not awarded Synergy will be unable to cover its basic operational costs and Synergy has no alternative funding plan.

**C. The proposed budget does not account for the cost of potential special education services, including additional legal fees, contract services, staff, or specialized equipment.**

The budget shows no receipt of SELPA revenue due to Petitioner's assumption that the SELPA revenue will pass to the agency providing special education services. In the Planning Budget on the line, "Transfers of Apportionment to LEAs (Special Ed)" is an

expense item of \$24,000 in the first year and approximately \$31,200 in the second year and \$41,600 in the third year. These amounts demonstrate Synergy's estimate of the additional cost, on top of SELPA revenue, of providing special education services (often referred to as "encroachment"). These amounts, which are approximately 1.5% of Synergy's budget are low estimates compared to the general education contribution to special education throughout Contra Costa. For 2009-10 the average general fund contribution for Contra Costa SELPA districts was 29.22%. A single student with special needs or a due process complaint can drive up the costs of special education.

In its response to the District's Findings of Fact, Petitioner states that "Who provides special education services, how the program is managed, the proposed relationship with the local SELPA and how funding is handled are all parts to be agreed upon in the MOU between the petitioner and authorizer." Funds still must be appropriately allocated in the budget in preparation for such costs.

The budget narrative in the petition shows a .5 FTE special education coordinator and 12 FTE teachers. A half-time special education coordinator is insufficient for the necessary oversight and planning for a school with an anticipated enrollment of 225 students in Year 1 and 300 in Year 2. The proposed budget does not plan for other special education costs, such as legal fees, unanticipated staff costs, and special equipment.

In Petitioner's response to the District's Findings of Fact regarding this issue, Petitioner states that the projected costs for "special education will be dependent on a number of factors including but not limited to the particulars of Synergy's special education student population as well as the particulars of the Memorandum of Understanding.....For example, our projected costs will be dependent on what services the county may be able to provide...." As stated above, the manner of services can be detailed at a later date in the MOU, but the costs need to be accounted for in the school's projected budget, regardless of who provides the services. The projected budget does not provide adequate assurance that Petitioner has developed a viable budget that anticipates the cost of legally mandated special education services.

**2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition because the petition fails to indentify where Synergy Charter School will be located.**

Education Code section 47605(g) provides, "The governing board...shall require that the petitioner or petitioners provide information regarding proposed operation and potential effects of the school, including, ... facilities to be utilized by the school." It also goes on to state that the "description of the facilities to be used by the charter school shall specify where the school intends to locate." Furthermore, section 47605(j)(1) states that a charter petition that is submitted to a county board, "shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate."

In response to the District's statements regarding the lack of facilities, Petitioner refers to the section in the petition that identifies the city of Pittsburg and then references a site that petitioners are "considering." These vague references do not comply with the Education Code, which clearly requires identification of a specific-site. The presumed legislative intent of this code section is that review of a charter includes ensuring that the site is sufficient for a school. Without an identified site the proper evaluation can not be made. There is also a concern that the petitioners may have difficulties finding an appropriate site in time for the start up of school.

3. **The Charter School presents an unsound educational program for the pupils to be enrolled in the charter school, in that the program is not likely to be of educational value to some pupils who attend.**

A. **The plan for English learner students ("EL") does not adequately address the unique needs of students who are English language learners.**

On page 39, in regards to the core program, Project Based Learning ("PBL") the petition states that "The PBL learning environment gives concrete meaning because of the constant exposure to real time concepts in English and their native language. The use of the computer as opposed to text based learning gives the student more control over how to access the standard based information they must learn." The petition gives an example of an online coursework program that could address the needs of ELs. Although the Project Based Learning Program may be an effective learning model for native speakers, it should not be presented as a program that will serve the unique needs of ELs.

EL students require a full instructional program that incorporates the learning of curriculum with the mastery of the English language. The fundamentals of teaching language acquisition require direct, explicit instruction in vocabulary and language development along with guided interaction with peers. Successful programs for ELs are designed around the instructional approach, i.e., a teacher who is able to plan and deliver the lessons, assignments, and activities in a way that the student is able to gain skills in both the subject matter and English. Most educational methods and theories, based on research by linguists, focus on the strategies utilized by the instructor, not the curriculum or the assignments.

That being said, Synergy does provide for the Majors Program for English Learners ("PBLEL"), for beginning and early intermediate level EL students. The needs of Intermediate and Advanced level ELs are not addressed. In Petitioner's response to the District's concern in this area is that, "Project Based Learning strategies as applied to learning in the core curriculum areas area also highly effective with English learner populations because they call for a high degree of scaffold, integrated learning opportunities." As stated above, the PBL is not an EL program and should not be presented as such.

**B. The petition does not provide an adequate plan for the provision of special education services.**

There is no comprehensive plan for serving the needs of all special education students. The petition does not provide adequate staffing for special education and has no plan for the services beyond the general education classroom.

The special education program offered by Synergy is described on page 45 of the petition as a full inclusion program where, "special education students may be served outside the general education program for periodic services as called for in their Individual Education Program (IEP) but shall otherwise be fully included in the general education program." On page 48, with regards to special education strategies for instruction, it states, "Synergy will provide a comprehensive full inclusion program that may include specialized individual and small group tutoring through Synergy's extended day program. Each student's IEP requires different kinds of accommodations and modifications for instruction....Synergy's Special Education Coordinator will oversee all students with IEPs and communicate regularly with the student's Mentor Teacher and other classroom teachers to ensure the education program as called for in the IEP is being administered appropriately." The plan assumes that all special education students will be learning disabled students who can be educated in a full inclusion model. There is no plan for students whose IEP calls for a more restrictive environment or other designated instruction services. The petition provides no plan for students with IEPs that require a more restrictive environment.

The lack of a planning for all special education students is also illustrated by the fact that the staffing provided in the petition for special education includes a .5 FTE special education coordinator. The petition describes the duties of this coordinator as, IEP evaluations, coordinating services, communicating with IEP team members and acting as the IEP liaison in referral to "other support systems as needed." The only other special education staff in the petition is a counselor to provide counseling support, if required on the IEP. A half time special education coordinator is not sufficient for a school anticipating enrollment of 225 students the first year and 300 the second year.

Furthermore, on page 46 the petition states that when students enroll with an active IEP a meeting will be held, "to determine the need for evaluations, appropriate placement and/or changes to the IEP goals relative to Synergy's unique education delivery." Goals on a student's IEP must be developed based on the student's needs, not the school's delivery. In Petitioner's response to the district's similar concerns, Petitioner states, "if it is determined that a particular placement is inappropriate the student would be recommended for an alternate placement." The school is required to provide special education services to a student as called for in the IEP, not refer the student to another placement if the students' needs do not fit the delivery system of the school.

On page 46 the petition, states, "Synergy's Individualized Learning Program model naturally and organically supports many students with learning disabilities as it offers differentiated instruction and learning opportunities." This statement appears to imply that the ILP will provide what the IEP is intended to provide, which is inappropriate and not legally compliant. A student with disabilities who requires special education services should receive the services detailed in the IEP by a qualified staff member. The ILP may be another tool in the school program that individualizes and differentiates instruction and assists all students but is inappropriate as an explanation on how special education students will receive services required by their IEP.

In its response to the District's concerns about how special education services will be administered, Petitioner states that the detail of services will be described in the MOU. Obviously, an MOU with an agency will provide more detail but Synergy does not provide in the petition even a general plan for special education. As a result, it is impossible to evaluate the soundness of the special education components of the educational program.

Synergy Charter School has not adequately addressed the needs of special education students.

Funding Results: Charter School Revolving Loan Fund (CA Dept of Education)

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**Exhibit 1**

## Funding Results

### Charter School Revolving Loan Fund

Note: Recipients and funding amounts are subject to budget and administrative adjustments.

Funding results for fiscal year 2009-10.

Program Questions: Ruthann Munsterman, e-mail: [rmunsterman@cde.ca.gov](mailto:rmunsterman@cde.ca.gov), tel. 916-445-7689

Fiscal Questions: Julie Klein-Briggs, e-mail: [jbriggs@cde.ca.gov](mailto:jbriggs@cde.ca.gov), tel. 916-322-1646

County Name	Local Educational Agency	School	Loan Number	Amount	Date Issued
Alameda	Hayward Unified	Golden Oak Montessori of Hayward Charter School	09-008-1	\$200,000.00	9/21/09
Alameda	Alameda Unified	Nea Community Learning Center	09-009-1	\$100,000.00	9/21/09
Alameda	Hayward Unified	Impact Academy	09-013-1	\$150,000.00	12/9/09
Alameda	Alameda Unified	NEA Community Learning Center	09-015-1	\$150,000.00	1/21/10
Alameda	Oakland Unified	Aspire ERES Academy	09-019-1	\$250,000.00	3/8/10
Alameda	Oakland Unified	ARISE High	09-029-1	\$100,000.00	5/19/10
Alameda	Alameda Unified	The Academy of Alameda	09-080-1	\$100,000.00	7/2/10
Butte	Chico Unified	Chico Green School	09-067-1	\$100,000.00	6/23/10
Contra Costa	Antioch Unified	R.A.A.M.P. Charter Academy	09-001-1	\$250,000.00	8/26/09
El Dorado	California State Board of Education	Pacific Technology School Orangevale	09-022-1	\$250,000.00	3/23/10
El Dorado	California State Board of Education	Aspire Alexander Twilight College Preparatory Academy	09-030-1	\$100,000.00	5/19/10
El Dorado	California State Board of Education	Aspire Port City Academy	09-039-1	\$100,000.00	5/25/10
El Dorado	California State Board of Education	Aspire Junior Collegiate Academy	09-040-1	\$100,000.00	5/25/10
El Dorado	California State Board of Education	Aspire Titan Academy	09-041-1	\$100,000.00	5/25/10
El Dorado	California State Board of Education	Pacific Technology School-Santa Ana	09-042-1	\$100,000.00	5/25/10
Fresno	Fresno County Office of Education	Hume Lake Charter School	09-010-1	\$140,000.00	9/21/09
Fresno	Fresno County Office of Education	Big Picture High School-Fresno	09-043-1	\$100,000.00	5/25/10
Imperial	El Centro Elementary	Ballington Academy for the Arts and Sciences	09-020-1	\$250,000.00	3/8/10
Imperial	El Centro Elementary	Imagine School at Imperial Valley	09-081-1	\$100,000.00	7/2/10
Los Angeles	California California State	Barack Obama	09-003-1	\$250,000.00	9/10/09

Funding Results: Charter School Revolving Loan Fund (CA Dept of Education)

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	Board of Education	Charter School			
Los Angeles	Los Angeles Unified	Legacy Charter High School	09-004-1	\$250,000.00	9/10/09
Los Angeles	Los Angeles Unified	Endeavor College Preparatory Charter School	09-014-1	\$200,000.00	12/9/09
Los Angeles	Inglewood Unified	ICEF Inglewood Elementary Charter Academy	09-023-1	\$250,000.00	4/12/10
Los Angeles	Inglewood Unified	ICEF Inglewood Middle Charter Academy	09-024-1	\$250,000.00	4/12/10
Los Angeles	Los Angeles Unified	Fernando Pullum Performing Arts High School	09-025-1	\$250,000.00	4/12/10
Los Angeles	Pasadena Unified	Learning Works Charter School	09-026-1	\$250,000.00	4/27/10
Los Angeles	Los Angeles Unified	Animo Locke Technology High	09-031-1	\$100,000.00	5/19/10
Los Angeles	Los Angeles Unified	Goethe International Charter	09-032-1	\$100,000.00	5/19/10
Los Angeles	Los Angeles Unified	Equitas Academy Charter	09-034-1	\$100,000.00	5/19/10
Los Angeles	Los Angeles Unified	Valor Academy Charter	09-033-1	\$100,000.00	5/19/10
Los Angeles	Los Angeles Unified	Academia Moderna	09-035-1	\$100,000.00	5/19/10
Los Angeles	Los Angeles Unified	New Designs Charter School - Watts	09-036-1	\$100,000.00	5/19/10
Los Angeles	Los Angeles Unified	Animo Watts Charter High	09-044-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles Unified	Marc and Eva Stern Math and Science	09-045-1	\$100,000.00	5/25/10
Los Angeles	Lennox	Century Academy for Excellence	09-046-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles Unified	College-Ready Academy High Number 7	09-047-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles Unified	Health Services Academy High School	09-048-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles Unified	Media Arts and Entertainment High School	09-049-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles Unified	Environmental Science and Technology High School	09-050-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles Unified	College-Ready Middle Academy No. 3	09-051-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles Unified	Magnolia Science Academy 4	09-052-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles Unified	Magnolia Science Academy 5	09-053-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles Unified	Magnolia Science Academy 6	09-054-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles Unified	Aspire Huntington Park Charter School	09-055-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles Unified	College-Ready Middle Academy Number 4	09-056-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles Unified	College-Ready Middle Academy Number 5	09-057-1	\$100,000.00	5/25/10
Los Angeles	Los Angeles County Office	Environmental Charter Middle	09-068-1	\$100,000.00	6/23/10



Funding Results: Charter School Revolving Loan Fund (CA Dept of Education)

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	of Education	School			
Los Angeles	Los Angeles Unified	Equitas Academy Charter School	09-069-1	\$150,000.00	6/23/10
Los Angeles	Los Angeles Unified	Academia Moderna Charter School	09-070-1	\$150,000.00	6/23/10
Los Angeles	Los Angeles Unified	Westside Innovative School House (WISH)	09-071-1	\$100,000.00	6/23/10
Los Angeles	Los Angeles Unified	Jack H. Skirball Middle School	09-082-1	\$100,000.00	7/2/10
Los Angeles	Los Angeles Unified	Ararat Charter School	09-083-1	\$100,000.00	7/2/10
Placer	California California State Board of Education	Western Sierra Collegiate Academy	09-005-1	\$250,000.00	9/10/09
Placer	Colfax Elementary	CORE Placer	09-058-1	\$100,000.00	5/25/10
Placer	Tahoe-Truckee Unified	Sierra Expeditionary Learning School	09-072-1	\$100,000.00	6/23/10
Placer	Loomis Union	John Adams Academy	09-079-1	\$100,000.00	6/23/10
Riverside	Lake Elsinore	Sycamore Academy of Science and Cultural Arts	09-016-1	\$250,000.00	1/21/10
Riverside	Nuview	Mercury On-Line Academy of Southern California	09-059-1	\$100,000.00	5/25/10
Sacramento	Twin Rivers Unified	Higher Learning Academy	09-060-1	\$100,000.00	5/25/10
Sacramento	Twin Rivers Unified	California Aerospace Academy	09-061-1	\$100,000.00	5/25/10
San Bernardino	Adelanto	Adelanto Charter Academy	09-017-1	\$250,000.00	1/21/10
San Bernardino	San Bernardino City	New Vision Middle	09-021-1	\$250,000.00	3/8/10
San Bernardino	Hesperia Unified	Mirus Secondary School	09-062-1	\$100,000.00	5/25/10
San Bernardino	San Bernardino City	Excel Prep Charter	09-073-1	\$100,000.00	6/23/10
San Diego	Chula Vista Elementary	Leonardo da Vinci Health Sciences Charter School	09-018-1	\$250,000.00	1/21/10
San Diego	Vista Unified	North County Trade Tech High	09-027-1	\$250,000.00	4/27/10
San Diego	Mountain Empire	Mountain Peak Charter School	09-028-1	\$250,000.00	4/27/10
San Diego	San Diego	Innovations Academy	09-037-1	\$100,000.00	5/19/10
San Diego	Lakeside Union	Xara Garden Charter School	09-063-1	\$100,000.00	5/25/10
San Diego	San Diego Unified	Gompers Preparatory Academy	09-064-1	\$100,000.00	5/25/10
San Diego	San Diego Unified	Magnolia Science Academy San Diego	09-074-1	\$100,000.00	6/23/10
San Diego	San Diego Unified	Pacific American Academy	09-075-1	\$100,000.00	6/23/10
San Diego	San Diego Unified	Evangeline Roberts Institute of Learning	09-085-1	\$100,000.00	7/2/10
San Joaquin	Stockton Unified	Dr. Lewis Dolphin Stallworth Sr., Charter School	09-011-1	\$250,000.00	9/21/09
San Joaquin	Stockton	Aspire Langston	09-065-1	\$100,000.00	5/25/10

Funding Results: Charter School Revolving Loan Fund (CA Dept of Education)

Page 4 of 4

	Unified	Hughes Academy			
San Joaquin	Stockton Unified	Stockton Collegiate International Secondary School	09-076-1	\$100,000.00	6/23/10
San Mateo	California California State Board of Education	Everest Public High School	09-006-1	\$250,000.00	9/10/09
San Mateo	Sequoia Union High School	Aspire East Palo Alto Phoenix Academy	09-038-1	\$100,000.00	5/19/10
Santa Clara	Santa Clara County Office of Education	South Bay Preparatory	09-002-1	\$200,000.00	8/26/09
Santa Clara	Santa Clara County Office of Education	Rocketship Three Elementary School	09-077-1	\$100,000.00	6/23/10
Shasta	Cottonwood Unified	Cottonwood Creek Charter School	09-084-1	\$100,000.00	7/2/10
Sonoma	California California State Board of Education	River Montessori Elementary Charter	09-007-1	\$250,000.00	9/10/09
Stanislaus	California California State Board of Education	Aspire Vanguard College Preparatory Academy	09-066-1	\$100,000.00	5/25/10
Ventura	Moorpark Unified	IvyTech Charter School	09-078-1	\$100,000.00	6/23/10
Yolo	Davis Joint Unified	Da Vinci Charter Academy	09-012-1	\$200,000.00	9/21/09
Yolo	California California State Board of Education	California College, Career and Technical Education Center	09-086-1	\$100,000.00	7/2/10

[More about Charter School Revolving Loan Fund](#)

Last Reviewed: Monday, January 31, 2011

California Department of Education

## Exhibit 2

Item 9 Attachment 1  
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Criteria	Maximum Award	Distribution of Funds		
		Planning Year	Implementation Year 1	Implementation Year 2
		Or if school is open prior to receiving grant funds:		
		Implementation Year 1	Implementation Year 2	
<p><b>B.</b> All other Applicants provided that Applicant's school has not been awarded Title 1 SIG funding. Applicant's School may be a conversion, classroom-based, or non-classroom based charter school.</p> <p>If Applicant is a non-classroom based charter school, Applicant may be awarded if Applicant's school has not been awarded Title 1 SIG funding and meets one of the following criteria:</p> <ul style="list-style-type: none"> <li>Applicant's school is located, or a majority of the students served by the Applicant's school reside in an attendance area of a school that has been determined to be persistently lowest-achieving, or eligible for Title I SIG funding.</li> </ul> <p style="text-align: center;"><b>Or</b></p> <ul style="list-style-type: none"> <li>Applicant's school is located, or a majority of the students served by the Applicant's school reside in an attendance area of a school that is in PI Year 3, 4 or 5, and has an API decile rank of 1 or 2.</li> </ul>	\$375,000	\$175,000	\$100,000	\$100,000

California Department of Education

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**Maximum P/I Award Amounts**  
**Table 2**

Criteria	Maximum Award	Distribution of Funds		
		Planning Year	Implementation Year 1	Implementation Year 2
		Or if school is open prior to receiving grant funds:		
		Implementation Year 1		Implementation Year 2
<p><b>A.</b> May be awarded if the Applicant's school has not been awarded Title 1 SIG funding and meets one of the following criteria:</p> <ul style="list-style-type: none"> <li>Applicant's school is located, or a majority of the students served by the Applicant's school reside in an attendance area of a school that has been determined to be persistently lowest-achieving, or eligible for Title I SIG funding.</li> </ul> <p style="text-align: center;"><b>Or</b></p> <ul style="list-style-type: none"> <li>Applicant's school is located, or a majority of the students served by the Applicant's school reside in an attendance area of a school that is in PI Year 3, 4 or 5, and has an API decile rank of 1 or 2.</li> </ul> <p>Applicant's school may be a conversion or classroom-based school.</p>	\$575,000	\$225,000	\$200,000	\$150,000

California Department of Education

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Criteria	Maximum Award	Distribution of Funds		
		Planning Year	Implementation Year 1	Implementation Year 2
		Or if school is open prior to receiving grant funds:		
		Implementation Year 1	Implementation Year 2	
C. All other non-classroom based charter school Applicants that do not meet Criteria B.	\$250,000	\$75,000	\$100,000	\$75,000

2010 AYP LEA Overview (CA Department of Education)

Page 1 of 1

**Exhibit 3**

[DataQuest home](#) > [API home](#) > [Reports](#) > [Select District](#) > [District Reports](#) > Current Page

2009 -10 Accountability Progress Reporting (APR)



**Local Educational Agency (LEA) List of  
Schools**  
2010 Adequate Yearly Progress (AYP) Report

...sburg Unified  
LEA Type: Unified  
County: Contra Costa  
CD Code: 07-61788

California Department of Education  
Assessment, Accountability and Awards Division  
1/7/2011

<a href="#">AYP LEA Report</a>
<a href="#">APR LEA Summary</a>
<a href="#">API LEA List of Schools</a>
<a href="#">API County List of Schools</a>
<a href="#">AYP County List of Schools</a>

(API = Academic Performance Index)

	Met 2010 Criteria for:					PI Status
	All Components	English-Language Arts	Mathematics	API	Graduation Rate	PI Status
<b><u>PITTSBURG UNIFIED</u></b>	No	No	No	Yes	No	Year 3
<b>Elementary Schools</b>						
<u>Foothill Elementary</u>	No	No	No	Yes	N/A	Year 5
<u>Heights Elementary</u>	No	No	No	Yes	N/A	Year 2
<u>Highlands Elementary</u>	No	Yes	No	Yes	N/A	Year 2
<u>Los Medanos Elementary</u>	Yes	Yes	Yes	Yes	N/A	Not in PI
<u>Marina Vista Elementary</u>	Yes	Yes	Yes	Yes	N/A	Not in PI
<u>Parkside Elementary</u>	No	No	No	Yes	N/A	Year 4
<u>Stoneman Elementary</u>	No	No	No	Yes	N/A	Year 3
<u>Willow Cove Elementary</u>	No	No	No	Yes	N/A	Year 2
<b>Middle Schools</b>						
<u>Hillview Junior High</u>	No	No	No	Yes	N/A	Year 5
<u>Rancho Medanos Junior High</u>	No	No	No	Yes	N/A	Year 5
<b>High Schools</b>						
<u>Pittsburg Senior High</u>	No	No	No	Yes	No	Not Title 1
<b>ASAM Schools</b>						
<u>Riverside High (Continuation)</u>	No	Yes	Yes	No	No	Not Title 1

2009 Base API LEA List of Schools Report - Pittsburg Unified

Page 1 of 2

Exhibit 4

[DataQuest home](#) > [API home](#) > [Reports](#) > [Select District](#) > [District Reports](#) > Current Page

2009 -10 Accountability Progress Reporting (APR)



**Local Educational Agency (LEA) List of Schools**  
2009 Base  
Academic Performance Index (API) Report

California Department of Education  
Assessment, Accountability and Awards Division  
12/16/2010

LEA: Pittsburg Unified  
LEA Type: Unified  
County: Contra Costa  
CD Code: 07-61788

2009 Base API Links:

<a href="#">APR LEA Summary</a>
<a href="#">API LEA Report</a>
<a href="#">API County List of Schools</a>

(An LEA is a school district or county office of education.)

	Number of Students Included in the 2009 API	2009 Base API	Ranks		Targets	
			Decile Rank			
			2009 Statewide Rank	2009 Similar Schools Rank	2009-10 Growth Target	2010 API Target
<b><u>Pittsburg Unified</u></b>	6,479	697	B	B	B	B
<b><u>Elementary Schools</u></b>						
✓ <u>Foothill Elementary</u>	304	705	2	1	5	710
<u>Heights Elementary</u>	353	768	4	8	5	773
<u>Highlands Elementary</u>	380	682	1	1	6	688
<u>Los Medanos Elementary</u>	393	811	6	10	A	A
<u>Marina Vista Elementary</u>	270	692	1	2	5	697
<u>Parkside Elementary</u>	316	745	3	6	5	750
✓ <u>Stoneman Elementary</u>	398	704	2	2	5	709
<u>Willow Cove Elementary</u>	361	682	1	1	6	688
<b><u>Middle Schools</u></b>						
<u>Hillview Junior High</u>	909	726	4	8	5	731
<u>Rancho Medanos Junior High</u>	933	696	3	7	5	701
<b><u>High Schools</u></b>						
<u>Pittsburg Senior High</u>	1,588	663	3	5	7	670
<b><u>ASAM Schools</u></b>						
<u>Riverside High (Continuation)</u>	56	463 *	B *	B	B	B

Click on column header link to view notes.

"N/A" means a number is not applicable or not available due to missing data.

"\*" means this API is calculated for a small school, defined as having between 11 and 99 valid Standardized Testing and Reporting (STAR) Program test scores included in the API. APIs based on small numbers of students are less reliable and therefore should be carefully interpreted. Similar schools ranks are not calculated for small schools.

"A" means the school scored at or above the statewide performance target of 800 in 2009.

"B" means this is either an LEA or an Alternative Schools Accountability Model (ASAM) school. Schools participating in the ASAM do not currently receive growth, target information, or statewide or similar schools rankings on this report in recognition of their markedly different educational missions and populations served. ASAM schools are covered under the Alternative Accountability system as required by *Education Code* Section 52052 and not the API accountability system. However, API information is needed to comply with the federal No Child Left Behind (NCLB) law. Growth, target, and rank information are not applicable to LEAs.

"C" means this is a special education school. Statewide and similar schools ranks and API growth targets are not applicable to special education schools.

**Response and Clarification Report  
to the  
Contra Costa County Office of Education Findings of Fact Provided to the  
Petitioners of Synergy School and Synergy Independent Study School  
February 11<sup>th</sup>, 2011**

**Regarding Findings of Fact for Synergy School**

- 1. In response to the county staff's findings that the "petitioners are demonstrably unlikely to implement the program set forth in the petition because they have presented an unrealistic financial plan." The petitioners respectfully disagree with the staff's findings. Synergy's budget demonstrates a balanced budget consistent with education plan and one that is based on prior experience. The proposed education plan and its budget allows for a level of flexibility that will enable the schools to address the school's financial needs as the school develops.**

**A. Regarding Synergy School's ability to participate in the CDE's Charter School Revolving Loan Program.**

The Findings of Fact included a "Funding Results" table which included amounts awarded to charter schools in the year 2009-2010. The Finding of Facts erroneously states that; "in 2009-2010, charter schools that were granted this loan only received \$100,000 each." According to the table included in the Findings, other results are clearly revealed. Numerous schools received loans above \$100,000 and in fact, some received the full \$250,000 amount.

Loan Amount Awarded	Total number of schools receiving loan amount	Percent of total schools listed (86 schools total)
\$250,000	20	26.2%
More than \$100,000	29	35.7%

The funding award listed in the table only includes the amount loaned in the fiscal year 2009-2010. The table does not include the amounts for which each school actually applied. It cannot be assumed that each school on the list requested \$250,000 but received less.

The Charter School Revolving Loan Program awards loans up to a total of \$250,000 over the course of the first 5 years of operation for new charter schools. Not all schools request the full amount at once. Some request it as needed in intervals throughout their first 5 years of operation. This funding award list provided does not indicate which schools were asking for secondary awards therefore only eligible for \$100,000 or less. The total of the loans borrowed by each school within their first 5 years of operation is not included meaning that some schools on the list may have already borrowed other money within their allowed 5 year time frame. It cannot be assumed that each school listed has not already received portions of the total allowed \$250,000.



Moreover, the loan is a need based loan. Schools may not have received more than \$100,000 because they may not have needed more than that at the time of application. Information regarding funding need is not available on the CDE's funding list.

The information listed on the "Funding Results" page does not include enough of the necessary information needed to correctly assess the likelihood that Synergy will acquire their full requested loan amount of \$250,000 year one.

Ruthann Munsterman, of the California Department of Education, made a direct recommendation to Synergy School regarding amounts that are reasonable to include in an initial planning budget for start-up charters. The initial amounts included in the planning budget reflect that suggested amount of \$180,000 year one with an additional funding request of \$70,000 in year two. Please note that the petitioners will apply for the full amount, \$250,000, year one considering that in the fiscal year 2009-2010, 23.3% of schools received the full amount of \$250,000.

The Finding of Facts states that "Synergy has no alternative funding plan..." Synergy School can only include certain funding sources in its initial budget planning phase. Synergy will be eligible to receive and will apply for other funding once approved. For example, Synergy School will qualify for the Public Charter School Facility Grant Program (formally SB740), which will fund up to 75% of annual rental costs. We will also submit an ERate application which can cover up to 90% of costs related to telecommunications, internet access, internal connections and maintenance. In addition, once approved, we will be able to apply for grants, private sources of funding (donations, fundraising, community partnerships, etc), and commercial loans.

Let it be made clear that should some unanticipated circumstance arise that left Synergy School without adequate funding, the petitioners would postpone opening the school for one year.

**B. Regarding the likelihood of receipt of the Public Charter School Grant Program as well as the specific amount of anticipated revenue.**

The Finding of Facts states the unlikelihood of Synergy School's ability to qualify for the higher funding amount for the PCSGP money. This is a misunderstanding and misrepresentation of facts contained in the Public Charter School Grant Program Guide. In the Application for the PCSGP, it is stated that "An increased award amount is available for applications proposing to operate a charter school that has not been awarded Title I SIG funding and has a total enrollment that consists of students residing in the attendance areas of schools eligible for Title 1 SIG funding, or chronically low performing schools" (p. 6). The petitioners believe that Synergy School would qualify for the higher amount award based on PUSD's middle schools and high school being chronically low performing as well as qualified for SIG funding. As stated at the website for the California Department of Education, on March 10, 2010, <http://www.cde.ca.gov/ta/ac/pl/>, the two Pittsburg Unified Middle Schools, Rancho Medanos Junior High and Hillview Junior High, are both listed as eligible for Title I SIG funds (see attached table). The petitioners have not found evidence that PUSD's eligibility for SIG funding has changed but even if it has changed Synergy would still qualify for higher funding amounts based on the chronically low performance of Pittsburg's middle schools.

The PCSGP guide applies the criteria to the school attendance area, not the district. Clarified in the PCSGP guide is further explanation for the qualification parameters; “The school in question shares at least one grade level as the applicant’s school, and the applicant’s school is physically located within a reasonable proximity to serve students who reside in the attendance area of the school in question” (p. 15). Synergy Charter School will serve middle and high school students. Therefore, Synergy Charter School’s location within the city of Pittsburg, CA, will meet both requirements for qualification of higher grant award since there are only two middle schools in Pittsburg, both are qualified to receive Title I SIG. All middle school residents of Pittsburg will be within reasonable proximity as there are no other schools they can attend within the city limits.

The Findings of Fact mistakenly states that “the lower PCSGP grant amount of \$250,000 is only available to non-classroom based charter schools. Therefore, if Petition does not qualify for the \$575,000 grant, there is no other grant available.” On the funding table included in the Findings of Fact, it is clearly stated that if we do not receive the \$575,000 grant, we would receive the \$375,000 grant. That information is listed under category B; “All other applicants provided Applicant’s school has not been awarded Title 1 SIG funding” (p. 10).

Again, let it be stated that if Synergy does not receive adequate funding to support a stable budget, the petitioners will postpone opening the school one year.

**C. Regarding funding for anticipated special education costs.**

Anticipated revenues for Synergy’s special education program were not included in the budget because it would be inappropriate to do so until clarity regarding Synergy’s relationship with CCCOE and the Contra Costa County SELPA is established through a future Memorandum of Understanding. As explained to county staff and in anticipation of Synergy’s ability to demonstrate the allocation of funds above and beyond anticipated revenues (referred to as encroachment), the petitioners provided an alternate budget reflecting significant increases in “Transfers of Apportionments to LEA” to CCCOE staff and board on February 11<sup>th</sup>, 2011.

The goal of submitting this alternate budget is twofold. One is to demonstrate that Synergy’s budget can withstand substantial expenditures in order to serve its special needs students. Second, is to demonstrate that Synergy’s budget, like all other school budgets, is flexible and malleable which enables us to meet the challenges of a variety of unanticipated scenarios.

Information regarding the Special Education Coordinator position is addressed in section 3C.

Let the petitioners also remind the county staff and board that the petitioners are searching for and finding additional revenue sources as the school continues its development. Some of these sources can be included in the budget now while other sources as mentioned above may not be included in the budget until we are eligible to apply and be granted. For example, recently Synergy’s Board of Directors approved our school calendar. Because of this, Synergy’s Finance Director could more accurately calculate anticipated revenues for our extended day program. The most recent budget (as of 2/13/11) reflects an additional \$75,000 for year one and \$101,000

for year two and beyond based on these more accurate grade level minutes calculations.

**2. In response to the county staff's findings that "the petitioners are unlikely to successfully implement the program set forth in the petitions because the petition fails to identify where Synergy School will be located."**

Synergy's petitioners have made clear where they intend to located the school which is within the Pittsburgh Unified School District boundaries. With respect to a specific location, the petitioners explained that they were currently working with Colliers International on identifying potential sites. The petitioners also listed a proposed site in their *Response and Clarification Report to PUSD Finding of Fact*, being 980 Garcia Ave in Pittsburgh.

It is important for the Board to understand that Synergy School can not enter into a facilities lease contract without the approval of the school. Potential sites can only be "considered" until we have authorization and a funding source. Considering the time between the identification of a potential site, approval of the charter and available funding, it would not be within reason nor is it a requirement of the law, as the county staff suggests, that we provide confirmation of an exact location.

The petition also states on page 118 that "facilities will be secured at least two months prior to the first day of school." If, because of some unforeseen circumstance, the petitioners are unable to locate an adequate facility they will postpone the opening of the school for one year.

**3. In response to the county staff's findings that Synergy School "presents an unsound educational program for the pupils to be enrolled in the charter School, in that the program is not likely to be of educational value to some pupils who attend."**

**A. Synergy's plan for English Learners in fact may better serve students compared to what they are currently receiving in their local district in terms of targeted instructional strategies and the time allotted specifically for EL instruction and language acquisition.**

The petitioners respectfully disagree with the staff's opinion that Project Based Learning is not an appropriate instructional program for EL students at the middle and high school levels. It appears that the staff that reviewed this portion of petition has a limited understanding of Project Based Learning and its application. First, the reviewer implies that there is no direct instruction, research proven sheltered instructional strategies or use of materials specifically targeted to support language acquisition. Let it be reiterated from the pages of the petition which clearly states that all teachers will be CLAD certified and demonstrate competency in administering SDAIE lessons with their EL students. In addition, the petitioners are experienced using research based models for sheltered, EL instruction and will ensure that the staff is trained and evaluated in their applications and success in delivering effective lessons as part of each project. The exact model used in conjunction with Project Based Learning, whether it be SDAIE based; Sheltered Instruction Observation

Protocol or SIOP (Echevarria, Vogt, Short); or Cognitive Academic Language Learning Approach or CALLA (Chamot, O'Malley) will be determined as the school continues its development. These models are researched based and employ many of the same teaching strategies; scaffolded instruction, differentiated learning opportunities, accessing personal experience and prior knowledge in learning, cultural identification objectives, just to name a few. Many research based programs like the ones referenced above also provide evaluation tools that help administrators assess the quality of EL instruction.

Furthermore, the petitioners believe that 7+ hours per week of additional small group, targeted instructional time designed exclusively for EL students in addition to full participation their regular core subject area program provides the additional time on task needed to quickly and effectively acquire a new language.

**B. In response to the county staff's findings that "the petition provides an adequate plan for the provision of special education services."**

A specific detailed plan for how Synergy School provides for its special education students will be determined in a Memorandum of Understanding between the county and the school. Synergy's petition does not provide for minute details of the special education program because they are unknown until an agreement is reached as to which parties will be responsible for specific aspects and how funding sources will be applied. This is consistent with Synergy's budget which contains no incoming special education revenue from our governing LEA. Once it is clear who is responsible for what services and how much funding we will receive, the petitioners will then be able to put a detailed plan in place. We will make decisions about various service provisions and whether or not to hire in house, contract all services with an outside provider like Total Education Solutions (TES) or some combination of both. Synergy's staff will provide upon request a detailed description of how every service needed is provided for in its special education program.

Synergy's petitioners respectfully disagree with the county staff's opinion that a .5 special education coordinator is insufficient to perform the job duties as described in the job description. Synergy expects approximately 10%-13% of its student population to be part of the special education program. This means that year one this employee will manage a caseload of approximately 22-29 students. This position, serving this few students, may include providing resource or other services for which they are qualified. As the caseload grows with increasing enrollment, as needed, some or all of these extended responsibilities will be contracted with other providers. It is the petitioners experience relative to Synergy's job description for this position that a capable half time special education coordinator should be able to handle a caseload of approximately 40-50 students.

The county staff's Findings inaccurately misquote and misstate that Project Based Learning takes the place of a student's IEP. The actual quote is located in an area of the petition that addresses support systems for students with special needs in addition to the accommodations, modifications and services called for in the IEP. It is clearly stated numerous times pages 44-46 that all IEPs will be implemented to the fullest extent of the law and that special education students will receive services by

qualified service providers as called for in their IEP. In reality, Project Based Learning is an instructional model that better supports students with learning differences because embedded in its delivery are many of the research proven best practices for improving learning for those who need alternative methods in order to more effectively learn.