

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

ssb-csd-jul18item04

# California State Board of Education July 2018 Agenda Item #17

## Subject

Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Olive Grove Charter School: Buellton, which was denied by the Santa Ynez Valley Union School District and the Santa Barbara County Office of Education.

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue(s)

On December 12, 2017, the Santa Ynez Valley Union School District (SYVUSD) denied the Olive Grove Charter School: Buellton (OGCSB) petition to establish by a vote of five to zero.

On March 1, 2018, the Santa Barbara County Board of Education (SBCBOE) denied the appeal of OGCSB by a vote of five to zero.

The OGCSB petitioners submitted a petition on appeal to the State Board of Education (SBE) on March 15, 2018.

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

## Recommendation

The California Department of Education (CDE) recommends that the SBE hold a public hearing to approve the establishment of OGCSB to serve transitional kindergarten (TK) through grade twelve for a five-year term of July 1, 2018, through June 30, 2023, under the oversight of the SBE, based on the CDE’s findings pursuant to *EC* sections47605(b)(1), 47605(b)(2), 47605(b)(3), 47605(b)(4), 47605(b)(6), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.

The CDE finds that the OGCSB petition presents a sound educational program and the petitioner is demonstrably likely to implement the intended program due to fiscal viability. The CDE notes the OGCSB petition presents a reasonably comprehensive description of most of the required elements but if approved by the SBE, OGCSB will need to address English learner (EL) reclassification criteria, measurable pupil outcomes, employee qualifications, suspension and expulsion procedures, and dispute resolution procedures by revisions to the petition submitted to the CDE on or before **July 31, 2018.**

The meeting notice for the June 12, 2018 Advisory Commission on Charter Schools (ACCS) meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice061218.asp>.

## Advisory Commission on Charter Schools Recommendation

The ACCS considered the OGCSB petition for establishment at its June 12, 2018 meeting. The ACCS moved CDE staff recommendation to approve the OGCSB petition. The motion passed by a vote of seven to one, moving the CDE staff recommendation forward.

## Brief History of Key Issues

Olive Grove Charter (OGC) is an SBE-authorized charter school currently operating multiple resource centers located in Buellton, Lompoc, Orcutt, San Luis Obispo, and Santa Barbara. Four of these resource centers are located in Santa Barbara County. OGC is seeking to restructure each resource center to have its own petition and therefore be its own charter school to come into compliance with *EC* 47605(a)(1) and the *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal. 262 court decision further described below.

OGCSB is currently operating as a resource center of OGC, which is located in the SYVUSD in Santa Barbara County, California. OGCSB is one of four petitions to establish a new charter school to come into compliance with *EC* 47605(a)(1).

The OGC-Buellton resource center is located at 240 East Highway 246, Suite 100, Buellton, CA, 93427 within the boundaries of SYVUSD in Santa Barbara County, but authorized by the Cuyama Joint Unified School District.

OGC petitioned the SYVUSD, the school district where the resource center is physically located, and subsequently the SBCBOE, to be compliant with *EC* 47605(a)(1) and the *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal. 262 court decision regarding the location of resource centers for independent study programs.

The OGCSB petition proposes to establish a TK through grade twelve independent/home study (IS) school under the governance of Olive Grove Charter School, Inc. (OGCS, Inc.), a California nonprofit 503(c)(3) public benefit corporation.

## CDE Staff Review

OGCSB submitted a petition on appeal to the CDE on March 15, 2018. In considering the OGCSB petition, CDE staff reviewed the following:

* OGCSB petition (Attachment 3 of Agenda Item 04 on the June 12, 2018, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a3.pdf>).
* Educational and demographic data of schools where pupils would otherwise be required to attend (Attachment 2 of Agenda Item 04 on the June 12, 2018 Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a2.docx>).
* OGCSB budget and financial projections and budget narrative (Attachments 4 and 5, of Agenda Item 04 on the June 12, 2018 Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a4.pdf> and <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a5.pdf>).
* Board agendas, minutes, and findings from the SYVUSD regarding the denial of the OGCSB petition (Attachments 6, 7, and 16 of Agenda Item 04 on the June 12, 2018 Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a6.pdf>, <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a7.pdf>, <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a16.pdf>).
* Findings and staff report from the SBCBOE (Attachment 8 of Agenda Item 04 on the June 12, 2018 Meeting Notice on the SBE ACCS web page located at and <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a8.pdf>).
* OGCS, Incorporated Articles of Incorporation (Attachment 10 of Agenda Item 04 on the June 12, 2018 Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a10.pdf>).
* OGCS, Incorporated Board Policies (Attachment 11 of Agenda Item 04 on the June 12, 2018 Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a11.pdf>).
* OGCS 2017–18 English Learner Master Plan (Attachment 12 of Agenda Item 04 on the June 12, 2018 Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a12.pdf>).
* OGCS 2017–18 Employee Handbook (Attachment 13 of Agenda Item 04 on the June 12, 2018 Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a13.pdf>).
* OGCS 2017–18 Bylaws (Attachment 14 of Agenda Item 04 on the June 12, 2018 Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a14.pdf>).
* OGCSB Updated Budget Narrative (Attachment 15 of Agenda Item 04 on the June 12, 2018 Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item04a15.pdf>).

## History as an SBE-Authorized Charter School

### Fiscal History

OGC has a good financial record under SBE authorization. OGC’s Fiscal Year (FY) 2017–18 first interim report indicates that OGC is projecting a fund balance of $609,213 and reserves of 10.07 percent, which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding (MOU) between OGC and the SBE.

The CDE reviewed audited financial data from the 2016–17 audit report that reflected an unqualified status and unqualified audit opinion with no significant audit findings noted. An unqualified opinion means that the auditor has opined that the charter school’s financial statements are fairly presented, are free of material misstatements, and have been prepared in accordance with generally accepted accounting principles. In addition, OGC has a current enrollment of 710 pupils, which is approximately two times the stated enrollment in the petition.

### Academic History

OGC was approved for Dashboard Alternative School Status (DASS) in the fall of 2017. The CDE contacted the Executive Director of OGC on February 15, 2018, informing OGC that the schoolwide percent of pupils not meeting state standards in mathematics exceeded the statewide average by greater than 15 percent. The Executive Director stated that their nonclassroom-based model allowed individual intervention, and that OGC was committed to raising the achievement of the low-performing pupils by adjusting instruction to target academic deficits.

The CDE conducted a site visit in May 2018 and found that the charter school is in compliance with the MOU and the OGC petition.

## Sound Educational Program

The OGCSB petition proposes to establish a TK through grade twelve IS school under the governance of OGCS, Inc., for parents and pupils seeking an alternative educational option. The OGCSB petition explains that pupils attending OGCSB will participate in an IS, blended learning environment with the parent as the primary deliverer of the educational program with OGCSB providing guidance, support, assistance, and resource materials to enable parents to meet the individual academic needs of their pupil. OGCSB is proposing to preserve the current educational program delivered at the OGC-Buellton resource center.

Additionally, OGCSB intends to update the program’s use of technology, provide additional support, and increase enrichment activities to enhance the current educational offerings. Pupils and their parents in grades TK through grade eight will meet on a weekly basis with an IS teacher. Pupils and their parents in grades nine through twelve will meet once a month with their IS teacher and the pupil will meet individually with his/her teacher on a weekly basis. Parents will be responsible to monitor daily learning and will certify the monitoring by signing a weekly affidavit. In addition, parents will sign personalized learning plans to record pupil progress.

Each pupil’s educational program is individualized depending upon interests and ability levels to ensure the optimal rate and level of learning. Pupils can utilize textbooks, computerized learning courses, supplementary materials, small group support classes, large group programs, and audio and visual technology to facilitate learning.

## Ability to Successfully Implement the Intended Program

### Fiscal Analysis

The CDE concluded that the OGCSB multi-year financial plan is fiscally viable due to the positive ending fund balances of $73,836; $181,991; and $228,921 with reserves of 7.9, 16.8, and 18.1 percent for FY 2018–19 to 2020–21, respectively.

### Budget

The OGCSB multi-year projected budget includes the following projected pupil enrollment (Attachment 4):

* 100 kindergarten through grade twelve in 2018–19
* 110 kindergarten through grade twelve in 2019–20
* 121 kindergarten through grade twelve in 2020–21
* 133 kindergarten through grade twelve in 2021–22
* 146 kindergarten through grade twelve in 2022–23

## District and County Office of Education Findings

### December 12, 2017, SYVUSD Findings

On December 12, 2017, the SYVUSD denied the OGCSB petition based on the following findings (Attachment 16):

* The petition presents an unsound educational program (47605[b][1])
* The petitioners are demonstrably unlikely to successfully implement the intended program (47605[b][2])
* The petition does not provide a reasonably comprehensive description of the educational program and governance (47605[b][5][A])
* The petition does not provide an affirmation of specified conditions (47605[d])

### March 1, 2018, Santa Barbara County Office of Education Findings

On March 1, 2018, the SBCBOE denied the OGCSB petition on appeal based on the following findings (Attachment 8):

* The petitioners are demonstrably unlikely to successfully implement the intended program (47605[b][2])
* The petition does not provide a reasonably comprehensive description of the educational program, measurable student outcomes, governance, employee qualifications, and suspension and expulsion procedures (47605[b][5][A])

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

Currently, 35 charter schools operate under SBE authorization as follows:

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

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

## Fiscal Analysis (as appropriate)

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

## Attachment(s)

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