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For more information regarding the content of this material, please contact the Charter Schools Division by phone at 916-322-6029 or by e-mail at [charters@cde.ca.gov](mailto:charters@cde.ca.gov).

November 19, 2018

Via Hand Delivery

Lisa Constancio, Director  
Charter Schools Division  
California Department of Education  
1430 N Street, Suite 5401  
Sacramento, CA 95814

**RE: Description of Changes to Magnolia Science Academy – Santa Ana Charter  
Renewal Petition Necessary for Appeal to the State Board of Education**

Dear Director Constancio:

The Magnolia Science Academy – Santa Ana (“MSA-Santa Ana” or the “Charter School”) (operated by Magnolia Public Schools) charter renewal petition was submitted to the Santa Ana Unified School District (“SAUSD” or the “District”) on August 2, 2018. The District Board acknowledged receipt of the petition on August 28, 2018. On September 25, 2018, the District Board held a public hearing for the MSA-SA charter renewal petition. The District Board voted to deny the renewal petition on October 9, 2018.

The Charter School respectfully submits its charter renewal petition to the State Board of Education (the “SBE”). Pursuant to Title 5, California Code of Regulations Section 11966.6(b)(4), we have listed below the relevant and appropriate changes to the charter petition necessary to reflect the SBE as the chartering entity.

**Chartering Authority**

Any text referring to the Santa Ana Unified School District, SAUSD, or the District as the chartering authority would be revised to read “State Board of Education” or “SBE,” or the “California Department of Education” or “CDE” as the oversight agency.

**Legal Updates**

MSA-Santa Ana will comply with all applicable changes to law that were signed into law after submission of the charter renewal petition and will become effective on January 1, 2019 or July 1, 2019, including, but not limited to, the following:

- AB 1871, requiring charter schools to provide each needy student with one nutritionally adequate free or reduced-price meal during each schoolday;
- AB 2601, requiring charter schools to comply with the California Healthy Youth Act;
- AB 1747, requiring charter schools to adopt and annually update a comprehensive school safety plan; and

- AB 406, prohibiting a petitioner that submits an establishment or renewal charter petition or material revision application from operating as or by a for-profit corporation, for-profit educational management organization, or for-profit charter management organization.

#### **Element 14: Dispute Resolution Process**

The Dispute Resolution language in charter petition (pages 210-211) will remain as is, and will be followed by the acknowledgement that the Charter School will:

- Recognize that, because it is not an LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.
- Recognize 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 Section 47604.5, the matter will be addressed at the SBE's discretion in accordance with that provision of law and any regulations pertaining thereto.
- Recognize that the SBE cannot be pre-bound to a contractual obligation to split the costs of mediation or agree to mediation to resolve disputes.

#### **Miscellaneous Provisions**

- Civil Liability Impact (page 216-217): This section in the charter petition will remain as is, except "Santa Ana Unified School District" or the "District" will be replaced with "State Board of Education" as an additional insured.
- Insurance (page 218-221): This section in the charter petition will be deleted in its entirety, and will be replaced with the following:

##### **Insurance**

Prior to the start of the charter term, the Charter School will submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings, and consistent with any memorandum of understanding between the Charter School and the SBE and CDE. Additionally, the Charter School will provide a document stating that the District will hold harmless, defend, and indemnify the SBE and the CDE, their officers and employees, from every liability, claim, or demand that may be made by reason of: (1) any injury to volunteer; and (2) any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the Charter School, its officers, employees, or agents. In cases of such liabilities, claims, or demands, the Charter School at its own expense and risk will defend all legal proceedings that may be brought against it and/or the

SBE or the CDE, their officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of the parties.

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We look forward to working with the SBE and the California Department of Education during consideration of the charter petition. Please feel free to contact me via email ([arubalcava@magnoliapublicschools.org](mailto:arubalcava@magnoliapublicschools.org)) or phone ((213) 628-3634) if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Alfredo Rubalcava". The signature is written in a cursive, flowing style.

Alfredo Rubalcava  
CEO & Superintendent  
Magnolia Public Schools