This document was provided, as is, to the California Department of Education (CDE) by the **Ridgecrest Charter School**. This document is posted to the CDE Web site to meet the legal requirements of California *Education Code* Section 33009.5.

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.

# Tab 2a.

## SSUSD Board Minutes

SIERRA SANDS UNIFIED SCHOOL DISTRICT

Minutes of the Special Meeting of the Board of Education

| | |
|---|---|
| DATE OF MEETING: | October 11, 2018 |
| TIME OF MEETING: | 6:30 p.m. |
| PLACE OF MEETING: | District Office Conference Room |
| MEMBERS PRESENT: | Castillo-Covert, Farris, Johnson, Rockwell, Scott |
| STAFF PRESENT: | Ernest M. Bell, Jr., Superintendent |

MOMENT OF SILENCE was observed.

1. ADOPTION OF AGENDA

The agenda was adopted by consensus as posted.

2. EDUCATIONAL ADMINISTRATION

2.1 Ridgecrest Charter School: Determination of Renewal Charter Petition

President Castillo-Covert opened a public comment period at 6:39 p.m. Twelve members of the public spoke during that time and public comment was closed at 7:10 p.m.

Motion passed to deny the Ridgecrest Charter School petition renewal and adopt the district staff report as the written finding. SCOTT/ROCKWELL

AYES: Castillo-Covert, Farris, Johnson, Rockwell, Scott

7. ADJOURNMENT was at 7:35 p.m.

THE BOARD OF EDUCATION

Kurt Rockwell, Vice President/Clerk

Ernest M. Bell, Jr., Secretary to Board

Recorder: Diane Naslund

# Tab 2b.

## SSUSD Staff Report

**SIERRA SANDS UNIFIED SCHOOL DISTRICT**

**Board of Education**
**Special Meeting**

**OCTOBER 11, 2018**
**District Office**
**113 W. Felspar Ave.**
***www.ssusd.org***

*We, the members of the Board of Education of the Sierra Sands Unified School District, are committed to providing the highest quality education in a safe environment to all K-12 students. We believe the school shares with the family, church, and community the responsibility for developing life-long learners who are responsible, productive citizens.*

# A G E N D A

CALL TO ORDER AND PLEDGE TO THE FLAG 6:30 P.M.

Amy Castillo-Covert, President
Bill Farris
Tim Johnson
Michael Scott
Kurt Rockwell, Vice President/Clerk

Ernest M. Bell, Jr., Superintendent

MOMENT OF SILENCE

1. ADOPTION OF AGENDA

2. EDUCATIONAL ADMINISTRATION

   2.1 Ridgecrest Charter School: Determination of Renewal Charter Petition

3. ADJOURNMENT

2. EDUCATIONAL ADMINISTRATION

2.1 Ridgecrest Charter School: Determination of Renewal Charter Petition

BACKGROUND INFORMATION: On August 16, 2018, the Board of Education ("Board") of the Sierra Sands Unified School District ("District") received a charter renewal petition ("Petition") from Ridgecrest Charter School ("Charter School") to renew Charter School for another five-year term from July 1, 2019 to June 30, 2024. Charter School currently operates under a charter authorized by the California State Board of Education ("SBE") in 2014 and submitted the Petition to the Board under Education Code section 47605(k)(3).

CURRENT CONSIDERATIONS: Education Code section 47607(a) provides that a charter may be renewed for one or more subsequent charter renewals and that each renewal shall be for a period of five years. Although Charter School is currently authorized by the SBE, Education Code section 47605(k)(3) provides that Charter School must submit the Petition to the District for consideration prior to submitting it to the SBE.

Education Code section 47607 provides that charter renewals are governed by the same standards and criteria in Education Code section 47605 that are evaluated upon an initial charter petition submission. Pursuant to Education Code section 47505(b), the Board held a public hearing on September 13, 2018, to consider the level of support for the Petition from teachers employed by the District, other employees of the District, and parents. Petitioners made a presentation, and Charter School staff, counsel, and a board member offered public comment. The Board must approve or deny the renewal petition within 60 days after receipt.

In accordance with Education Code section 47605(b), the Board will consider whether to grant or deny the Ridgecrest Charter School Charter Renewal Petition and make the requisite findings in support of its determination. District staff, in collaboration with legal counsel, conducted a comprehensive review and analysis of the Petition to develop a recommendation for the Board whether to grant or deny the Petition. Based on review and analysis, District Staff is not satisfied that granting the Petition is consistent with sound educational practice and developed the following findings:

1) Charter School fails to meet renewal criteria in Education Code section 47607(b);
2) Charter School is demonstrably unlikely to successfully implement the program presented in the Petition; and
3) The Petition fails to provide a reasonably comprehensive description of all required elements of a charter petition.

FINANCIAL IMPLICATIONS: None at this time.

SUPERINTENDENT'S RECOMMENDATION: The superintendent recommends that the Board deny the Ridgecrest Charter School Charter Renewal Petition on the grounds that Charter School failed to meet statutory renewal criteria, Charter School is demonstrably unlikely to successfully implement the program, and the Petition does not provide reasonably comprehensive descriptions of all required elements. The superintendent further recommends that the Board adopt the District Staff Report as its written findings in support of its determination at its October 11, 2018 meeting, in conformity with Education Code section 47605.

SIERRA SANDS UNIFIED SCHOOL DISTRICT
Ridgecrest, California

October 11, 2018

STAFF REPORT
Ridgecrest Charter School
Renewal

## I. EXECUTIVE SUMMARY

Ridgecrest Charter School ("Charter School") currently operates under a charter authorized by the California State Board of Education ("SBE") in 2014. Charter School's term will expire on June 30, 2019, and pursuant to Education Code section 47605(k)(3), it has submitted a renewal petition ("Petition") for another five-year term to the Board of Education ("Board") of the Sierra Sands Unified School District ("District"). Charter School was first approved by SBE in 2000-2001 and now seeks a third renewal. If the Board grants the Petition, the Charter School will continue as a legal entity with authorization by the District instead of the SBE. If the Board denies the Petition, Charter School may request a renewal directly from the SBE. (Ed. Code, § 47605(k)(3).)

Oversight of charter schools by public school officials is fundamental to the legality and legitimacy of charter schools under California law. Currently, the SBE delegates oversight of Charter Schools to the California Department of Education ("CDE"). As the oversight agent, the CDE possesses current and historical information and data relevant to Charter School's compliance (or lack thereof) with statutory and regulatory requirements, fiscal management and health, and cooperation and transparency with respect to the oversight relationship. The District, on the other hand, does not have that knowledge and despite the requirement for the Charter School to provide information to allow for an evaluation of past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, such information was not provided with the renewal petition.

Oversight is mandated by statute and the Education Code provides that an authorizer may be held liable for the debts and obligations, acts, errors and omissions of a charter school if it does not meet its oversight obligations. (Ed. Code, 47604(c).) Under the current circumstances, Charter School has operated for many years, entering into various transactions certainly large and small. However, without a thorough knowledge of its financial management and health, the District is not able to either evaluate the future success of the Charter School or evaluate its own potential exposure to liability as an oversight agent. For these reasons, Staff believes that Charter School's current authorizer should evaluate whether Charter School has earned a renewal term. The information the District does possess weighs against such a conclusion.

In light of the District's statutory responsibility to evaluate the Petition, District staff, in collaboration with legal counsel, conducted a comprehensive review of the Petition. In accordance with statutory law, Staff considered increases in pupil academic achievement for all groups of pupils served by Charter School as the most important factor in its analysis of the Petition. Based on its analysis, Staff made the following major findings based on specific facts identified in this Staff Report:

1. Charter School does not meet statutory eligibility criteria to receive a charter renewal. Under Education Code section 47607(b), Charter School was required to submit documentation showing increases in pupil academic achievement for all groups of pupils and numerically significant subgroups or that academic performance of its pupils is at least equal to the performance of pupils attending District schools. As set forth in greater detail below, ***Charter School failed to meet the eligibility requirement and concedes in the Petition that its pupil performance has declined, not increased, and is significantly behind the performance of students attending District schools and Statewide***. This finding is critical because it precludes the District from granting renewal for two reasons: (1) adequate academic performance is a legal prerequisite to renewal and (2) Staff does not believe sound educational practice or the best interest of students would be served by turning a blind eye to Charter School's inability to provide a successful educational program to students.

2. Charter School is demonstrably unlikely to successfully implement the program described in the Petition. This finding is important because renewal would risk the educational well-being of students enrolled in Charter School's program going forward and it shows that Charter School has not taken adequate steps to correct failures of past performance to ensure future improvement.

    - Charter School identifies its enrollment growth as a factor in the declining performance of its students, but also states that its goal is to continue to expand. Charter School is not likely to successfully implement the Petition when its plan is to keep doing the thing that it identifies as causing performance problems (i.e., growth).

    - Charter School also identifies leadership turnover as a factor in the declining performance of its students, but also indicates that additional changes are planned with respect to structure and administrative function. As with enrollment growth, Charter School risks the ability to improve academic performance with a plan to continue a course of conduct identified as causing the problem.

    - Among other things, Charter School's Dashboard reflects very low progress of English Learners, and the Petition does not adequately address how to correct the problem.

3. Charter School failed to comprehensively describe all required elements of its program in the Petition. This finding is important because a comprehensive description of the charter program is a cornerstone to the authorizer's ability to provide meaningful oversight. Recalling that charter schools are not bound by most of the Education Code, in exchange, charter schools must not only meet academic performance criteria but also clearly state how it will deliver its program in the charter document. Without clear expectations, there is an unacceptable risk of lack of accountability.

    - The Petition does not allow adequate oversight of the educational program, governance structure, employee qualifications, health and safety procedures, admissions requirements, suspension and expulsion procedures, or dispute resolution procedures.

- Some missing pieces relate to new charter school requirements enacted into law since the last renewal in 2014, a prerequisite to renewal under Section 47607(a)(2) (e.g., health and safety and suspension and expulsion procedures).

- The Petition is not adequately supported with information and documentation to provide the District with a full understanding of Charter School's debts and obligations, nor of its structure and relationship with third-party entities.

Staff is mindful that Petitioners and their counsel believe the Petition should be granted; however, after a fair and considered review, Staff disagrees with Petitioner's assessment of the Petition based on the findings in the Staff Report. Notably, the academic performance measures submitted by the Charter School are not consistent with the requirements of Education Code section 47607. Changes in law since the charter petition was last granted reflect that AYP and API measures under the State's prior accountability system are no longer valid for consideration in measuring pupil performance. Here, State testing under the current accountability system (CAASPP) demonstrates that Petitioner has not increased academic performance for all groups served by the Charter School and does not demonstrate that Charter School's performance is at least equal to District schools.

Accordingly, Staff recommends ***denial*** of the Petition because Staff is not satisfied that granting it is consistent with the requirements for academic performance and sound educational practice.

## II. BACKGROUND

Education Code section 47607(a) provides that a charter may be renewed for one or more subsequent charter renewals and that each renewal shall be for a period of five years. Although Charter School is currently authorized by the SBE, Education Code section 47605(k)(3) provides that Charter School must submit the Petition to the District for consideration prior to submitting it to the SBE.

The Board formally received the Petition at its meeting on August 16, 2018. Pursuant to Education Code section 47505(b), the Board held a public hearing on September 13, 2018, to consider the level of support for the Petition from teachers employed by the District, other employees of the District, and parents. Petitioners made a presentation, and Charter School staff, counsel, and a board member offered public comment.

The Board must approve or deny the renewal petition within 60 days after receipt. (Cal. Code Regs., tit. 5, ("5 C.C.R.") § 11966.4(c).) As such, the Board must act on whether to grant or deny the Petition at its meeting on October 11, 2018. If the Board grants the Petition, the Charter School will continue as a legal entity with authorization by the District instead of the SBE. If the Board denies the Petition, Charter School may request a renewal directly from the SBE. (Ed. Code, §47605(k)(3).)

## III. STANDARD FOR REVIEW OF RENEWAL PETITION

Charter renewals are governed by the same standards and criteria in Education Code section 47605 that are evaluated upon an initial charter petition submission. (Ed. Code, § 47607(a)(2).) Education Code section 47605, subdivision (b), provides that 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. As such, a school district governing board shall grant a charter for the operation of a school if it is satisfied that granting the charter is consistent

with sound educational practice. Review and analysis of a charter petition may be guided by the regulations promulgated for the SBE's evaluation of charter petitions at Title 5, Division 1, Chapter 11, Subchapter 19 of the California Code of Regulations ("Regulations").

When evaluating a renewal petition, the authorizer must consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant the charter renewal. (Ed. Code, § 47607(a)(3)(A).) To be considered for renewal, the charter school must submit with its renewal petition documentation that it meets at least one of the criteria specified in Education Code section 47607(b):

> (1) [Superseded by Education Code section 52052(f)][1]
>
> (2) [Superseded by Education Code section 52052(f)]
>
> (3) [Superseded by Education Code section 52052(f)]
>
> (4) (A) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.
>
> * * *
>
> (5) Qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.

The renewal petition must also provide a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law since the charter was granted or last renewed. (Ed. Code, § 47607(a)(2).)

In addition to consideration of pupil academic performance, the authorizer "shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any." (5 C.C.R. § 11966.4(b).) Renewal may only be denied if the authorizer makes written factual findings

[1] The last Academic Performance Index ("API") reports were produced in 2013, over five years ago and predating Charter School's current term (2014-2019). As Charter School's data shows, performance can change dramatically over time. Effective June 27, 2018, Education Code expressly recognizes that API is no longer relevant to charter school renewals because the data is outdated and would not tie renewal factors to current performance indicators. Instead, "alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups shall be used" for purposes of paragraphs (1) to (3) of Education Code section 47607(b). (Ed. Code, § 52052(f).) Renewal eligibility criteria is addressed below in Section V.A.

supporting one of the grounds for denial in Education Code section 47605(b),[2] or that the charter school failed to meet one of the criteria in Education Code section 47607(b). (*Ibid*.)

## IV. RECOMMENDATION

Based upon a comprehensive review and analysis of the Petition by legal counsel in collaboration with District Staff, denial of the Petition is recommended because Staff is not satisfied that granting the Petition is consistent with sound educational practice. Findings with respect to the primary deficiencies appear in numbered paragraphs in Section V below. This Staff Report contains analysis of the Petition, and the written factual findings supporting the recommendation of denial. Denial of the Petition is recommended on the grounds:

- **Charter School fails to meet renewal criteria in Education Code section 47607(b);**
- **Charter School is demonstrably unlikely to successfully implement the program presented in the Petition; and**
- **The Petition fails to provide a reasonably comprehensive description of all required elements of a charter petition.**

Factual findings regarding the most significant areas of concern with the Petition are described below. This Staff Report does not exhaustively list every concern, and focuses on those concerns believed to most greatly impact the Board's decision on whether to grant or deny the Petition. Should the Board take action to deny the Petition, it may adopt this Report as the written factual findings required to support its denial of the Petition.

## V. FINDINGS IN SUPPORT OF DENIAL

Review and analysis of the Petition resulted in the following findings:

### A. Charter School Fails to Meet Eligibility Criteria for Renewal. (Ed. Code, § 47607(b).)

To be considered for renewal, a charter school must submit with its renewal petition documentation that it meets at least one of the criteria specified in Education Code section 47607(b). Charter School puts forth an argument that it has met renewal criteria under section 47607(b), based in part on outdated data from a previous charter term; however, it simultaneously acknowledges that its scores are decreasing and it is performing below District schools on state English language arts and math assessments. Given performance decreases, Charter School does not make a showing of pupil achievement increases under section 52052(f).

On the whole, District schools are performing significantly better than Charter School on Smarter Balanced Assessment testing. Further, District schools are either near or exceeding

[2] Education Code section 47605(b) provides that a charter petition may be denied where "(1) The charter school presents an unsound educational program for 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) [Does not apply to renewals] (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d). (5) The petition does not contain reasonably comprehensive description of all [required charter elements]."

statewide averages, whereas Charter School is significantly lagging statewide averages. With limited exceptions, District school Dashboard indicators are also better across the board.

| COMPARISON DATA (EC 47607(a)(4)) [academic performance of the charter school must be at least equal to the academic performance of the public schools charter pupils would otherwise attend, as well as schools in the district] | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | RCS | Las Flores | Inyokern | Pierce | Gateway | Murray | Richmond | Faller | Monroe | | State (incl 11) |
| **CAASPP (2017) – Percentage of Meets & Exceeds** | | | | | | | | | | | |
| All ELA | 28.62 | 59.22 | 49.46 | 38.03 | 43.35 | 54.08 | 50.00 | 42.72 | 37.68 | | 48.56 |
| All Math | 28.27 | 41.63 | 27.96 | 39.26 | 32.02 | 39.97 | 39.91 | 34.65 | 21.49 | | 37.56 |
| Hispanic ELA | 25.53 | 54.39 | 47.62 | 32.73 | 33.33 | 42.48 | 27.42 | 37.5 | 33.58 | | 37.28 |
| Hispanic Math | 21.27 | 35.09 | 33.33 | 29.09 | 29.17 | 26.14 | 20.97 | 29.63 | 16.91 | | 25.20 |
| Soc/Ec Dis ELA | 21.80 | 48.74 | 45.21 | 30.95 | 28.28 | 38.59 | 33.04 | 31.30 | 28.87 | | 35.52 |
| Soc/Ec Dis Math | 21.16 | 31.09 | 26.03 | 34.12 | 19.19 | 24.36 | 25.22 | 25.57 | 12.76 | | 24.57 |
| **Dashboard (Fall 2017)** | | | | | | | | | | | |
| Suspension | High | Medium | Medium | V. Low | Medium | Medium | Low | Low | V. High | | |
| EL Progress | V. Low | High | - | Low | Low | V. High | Low | Low | V. High | | |
| ELA | Low | High | Low* | Low* | Low* | Medium | Medium | Low* | Low* | | |
| Math | Low | Medium | Low* | Medium | Low* | Low* | Medium | Low* | Low | | |
| | | =Lower Performance than RCS | | | | =Comparable, though technically lower than RCS | | | | | |
| | *Although marked "Low," the performance number still outperforms RCS in the Low range. | | | | | | | | | | |

Nor does the composition of pupil population provide a convincing rationale to justify the discrepancy in performance. Subgroup balance between the District and Charter School is similar, though notably the District has higher numbers of students with disabilities (12.7% vs. 9.5%) and socio-economically disadvantaged students (61.6% vs. 55.0%). The two are also generally on par along racial/ethnic lines for White (57.5% vs. 55.5%) and Hispanic (27.5% vs. 29.3%) students, as well as other smaller minority groups. There is, however, a distinction among African American students (5.4% vs. 1.6%), although Two or More Races (3.0% vs. 7.6%) skews the other way.

Based on the foregoing, Staff concludes that the Charter School cannot demonstrate that its "academic performance … is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school." Accordingly, Charter School does not meet eligibility criteria to be renewed for another term.

### B. Charter School Is Demonstrably Unlikely to Successfully Implement the Program. (Ed. Code, § 47605(b)(2).)

Education Code section 47605 ("Statute") requires Charter School to show it is demonstrably likely to successfully implement the program set forth in the Petition. (Ed. Code, § 47605(b)(2).) In determining whether Charter School is demonstrably likely to successfully implement the program, the Board "shall consider the past performance of the school's academics, finances, and operation … along with future plans for improvement if any." (5 C.C.R. § 11966.4(b).)

Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition for the following reasons:

1. Failure to Meet Eligibility Criteria

As set forth herein, the Petition's failure to meet renewal eligibility criteria supports the finding that the program does not pass pedagogical or legal muster. Among other concerns:

- As a factor in explaining decreasing academic scores, Charter School identifies its growth in enrollment from 421 students in 2015-2016 to 475 students in 2016-2017, which is worrying in light of Charter School's continued growth to 530 students now and plans to grow to 627 students in the future. It should also be noted that Charter School's stated goals for the renewal term are additional expansion efforts, including before and after school day care and an extended school year program, without first stabilizing its academic performance indicators.

- According to the Petition, recent leadership turnover has been a factor in Charter School's declining academic performance scores. It is notable, therefore, that additional changes are planned with respect to the structure and functioning of the Charter School administration to the extent that they could result in further decline.

- Charter School's Dashboard reflects that the school's suspension rate is high, as also noted in State Priority 6 of the charter school outcomes, giving rise to concern about the Charter School's ability to implement other means of correction and measured discipline as discussed below.

- Charter School's Dashboard reflects very low progress of ELs, which is not adequately addressed as discussed below.

The Petition is therefore not consistent with sound educational practice and not likely to be successfully implemented.

2. Failure to Provide Information Regarding Charter School's Finances and Operation

Charter School is expected to provide historical information about its academic performance, its finances and its operations. (5 C.C.R. § 11966.4(b).) This information is particularly important where, as here, the Charter School has not been authorized by the District but has been has been operating for many years. During the last 15 years, Charter School has surely entered into various financial arrangements, purchasing property, and developing assets and liabilities. However, there is no information regarding this history or the Charter School's solvency provided.

3. Failure to Comprehensively Describe the Required Elements

As set forth below, the Petition's failure to comprehensively describe Elements 1, 4, 5, 6, 8, 10, and 14 supports the finding that the program is incomplete and does not pass pedagogical or legal muster. It is therefore not consistent with sound educational practice. As such, it is not likely to be successfully implemented.

### C. The Petition Fails To Set Forth Reasonably Comprehensive Descriptions of Charter Elements. (Ed. Code, § 47605(b)(5).)

Education Code section 47605(b)(5)(A)-(O) and (b)(6) requires a charter petition to include "reasonably comprehensive" descriptions of numerous elements of the proposed charter school. The Regulations require the "reasonably comprehensive" descriptions required by Education Code section 47605(b)(5) to include, but not be limited to, information that:

- Is substantive and is not, for example, a listing of topics with little elaboration.
- For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.
- Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
- Describes, as applicable among the different elements, how the charter school will:

    - Improve pupil learning.
    - Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
    - Provide parents, guardians, and pupils with expanded educational opportunities.
    - Hold itself accountable for measurable, performance-based pupil outcomes.
    - Provide vigorous competition with other public school options available to parents, guardians, and students.

(5 C.C.R. § 11967.5.1(g).) In addition, a renewal charter petition must provide a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law since the charter was granted or last renewed. (Ed. Code, § 47607(a)(2).)

**<u>Element 1 - Educational Program</u>**

The Statute and Regulations provide various factors for considering whether a charter petition provides a reasonably comprehensive description of the educational program of the school, including, but not limited to, a description of the following: the charter school's target student population, including, at a minimum, grade levels; approximate numbers of pupils, and specific educational interests, backgrounds, or challenges; the charter school's 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; goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners; the instructional approach of the charter school; the basic learning environment or environments; the curriculum and teaching methods that will enable the school's students to meet state standards; how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels; how the charter school will meet the needs of student with disabilities, English learners, students achieving substantially above or below grade level expectations; and the charter school's special education plan, to include the means by which the charter school will comply with the provisions of Education Code section 47641; the process to be used to identify students who may qualify for special education programs and services; 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. (Ed. Code, § 47605(b)(5)(A); 5 C.C.R. § 11967.5.1(f)(1).)

The Petition does not contain a sufficient description of the Charter School's educational program based on the following findings:

1. Class Size & Differentiation

According to the Petition, Charter School focuses on students who need a small class setting within a small school option. School and class size projections, however, are not consistent with this focus and often match or exceed student-teacher ratios in District schools (i.e., Charter School stated ratios are 24:1, K-3; 30:1, 4-5; 32:1, 6-8). Although the Petition discusses various groups of students, it does not adequately explain how differentiation will occur within the classroom setting in order to allow progress regardless of achievement level given the actual and/or projected student-teacher ratios.

2. GATE

According to the Petition, Charter School will offer a Gifted and Talented Education ("GATE") program; however, the Petition does not describe the program or identify how high performance capability is defined for eligibility in the program, nor does it explain how assessment will be conducted.

3. English Learners

According to the Petition, all teachers are Crosscultural, Language, and Academic Development ("CLAD") certified (or equivalent); however, such certification is not a required qualification for core teachers in Element 5. Further, the Petition's discussion of English learners ("ELs") does not explain what integrated curriculum will be used and is unclear regarding implementation of English language development ("ELD") instruction. This is a particular concern given Charter School's Dashboard reflecting very low progress of ELs.

4. Special Education

According to the Petition, Charter School has changed from a "pull out" to a "push in" model of special education services; however, the Petition does not adequately describe the individualization necessary for individualized education program ("IEP") teams to make placement determination, instead appearing to match the IEP to the program, not the child's unique needs.

According to the Petition, Charter School is solely responsible for selecting and contracting with nonpublic schools and agencies; however, this may violate parent procedural rights by denying them the opportunity to meaningfully participate in the IEP process and have their input considered.

5. Promotion & Class Trips

The promotion and class trip prerequisites in the Parent-Student Handbook potentially discriminate against students with disabilities by failing to accommodate academic requirements, attendance, and behavior on an individualized basis.

**Element 4 – Governance Structure**

The Statute and Regulations provide for a charter petition to identify the governance structure including, at a minimum, evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable, the organizational and technical designs to reflect a seriousness of purposes to ensure that the school will become and remain a viable enterprise, there will be active and effective representation of interested parties, and the educational program will be successful. (Ed. Code, § 47605(b)(5)(D); 5 C.C.R. § 11967.5.1(f)(4).) The Statute and Regulations also requires evidence that parental involvement is encouraged in various ways.

The Petition does not contain a sufficient description of the Charter School's governance structure based on the following findings:

1. Structure

According to the Petition, Charter School is a single member of RCS Facilities LLC; however, neither the Petition nor the supporting documentation provides any documentation or information regarding the structure and governance of RCS Facilities LLC, any agreements with Charter School, or the specifics of the property and facilities relationship between the entities. Although the governance section states that RCS Facilities LLC exists to support real property needs of Charter School, the facilities section states that Charter School owns and holds title to its real property.

2. Conflicts of Interest

The Petition is silent on Government Code section 1090, a law of general application to public entities, compliance with which is a critical part of any public school accountability and transparency plan to ensure that public funds are protected from self-dealing in contract transactions.

**Element 5 – Employee Qualifications**

The Statute requires the Petition to describe the qualifications to be met by individuals employed by the Charter School. (Ed. Code, § 47605(b)(5)(E).) The Regulations provide that the qualifications should at a minimum, identify general qualifications for the various categories of employees; ensure the health and safety of the school's faculty, staff, and students, and the academic success of the students; identify the key positions in each category and specify the additional qualifications expected for those positions; and specify applicable legal requirements will be met, including but not limited to credentials as necessary. (5 C.C.R. § 11967.5(f)(5).)

The Petition fails to reasonably comprehensively describe this element, as follows:

The Petition includes qualification descriptions of core teachers (but not non-core teachers), the CEO/Superintendent, Business Manager, and Principals; however, the information provided is incomplete and/or inconsistent. For example, the experience qualifications of the Business Manager are simultaneously "required" and "preferred," effectively eliminating experience as a requisite for the position. Similarly, although the Principal of Special Services will act as the case manager for special education and 504 students, the position does not require a special education teaching credential, nor does there appear to be any requirement that special education teachers will hold a special education teaching credential. Paraprofessional and instructional support staff positions do not provide for any

qualifications beyond fingerprinting, TB clearance, and I-9 verification. The absence of such qualifications is problematic because the Petition confirms that Charter School is responsible for hiring, training and employing special education site staff such as teachers, paraprofessionals, and resource specialists.

**Element 6 – Health and Safety Procedures**

The Statute requires the Petition to identify the procedures that the Charter School will follow to ensure the health and safety of students and staff. (Ed. Code, § 47605(b)(5)(F).) The Regulations provide the procedures should, at a minimum, require that each employee of the school provide a criminal records summary as described in Education Code section 44237, include the examination of faculty and staff for tuberculosis as described in Education Code section 49406, require immunization of students as a condition of school attendance to the same extent as would apply if the students attended a non-charter public school, and provide for the screening of students' vision and hearing and the screening of students for scoliosis to the same extent as would be required if the students attended a non-charter public school. (5 C.C.R. § 11967.5(f)(6).)

The Petition does not contain sufficient description of the Charter School's health and safety procedures based on the following findings:

1. Sudden Cardiac Arrest

Although the Petition includes an athletics program, it does not provide for the adoption of policies and procedures to protect student athletes and to require sudden cardiac arrest training for coaches of athletic activities pursuant to Education Code section 33479 et seq. The draft Parent-Student Handbook mentions sudden cardiac arrest, but the handbook's language is not sufficient to meet the substantive statutory requirements and, in any event, is not part of the Petition and is subject to change.

2. Concussion

Although the Petition includes an athletics program, it does not include a provision stating that Charter School will adhere to Education Code sections 35179.5 and 49475 limitations on public school athletic programs regarding number and length of practices and concussions. As with sudden cardiac arrest, the mention of concussion and head injury in the Parent-Student Handbook is not part of the Petition and is subject to change.

3. Suicide Prevention Policy

Although the Petition states that Charter School will maintain a suicide prevention policy in accordance with Education Code section 215, no suicide prevention policy was identified in the Parent-Student Handbook or otherwise provided or attached to the Petition.

**Element 8 – Admissions Requirements**

The Statute and Regulations require the Petition to identify admission requirements that are in compliance with applicable law. (Ed. Code, § 47605, subd. (b)(5)(H); 5 C.C.R. § 11967.5.1(f)(8).)

The Petition does not contain sufficient description of the Charter School's admission requirements based on the following findings:

1. Preferences

The Petition provides for a descending hierarchical preference policy under which District residents (mandatory preference) will have third level preference (i.e., all first and second level preferences will be admitted before third level preference). District residents should be afforded a first level preference ahead of discretionary preferences (e.g., siblings and children of charter school teachers and staff).

**Element 10 – Suspension and Expulsion Procedures**

The Statute and Regulations require the Petition to describe the procedures by which students can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. (Ed. Code, § 47605, subd. (b)(5)(J); 5 C.C.R. § 11967.5.1(f)(10).)

The Petition does not contain sufficient description of the procedures by which students can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason based on the following findings:

The Petition provides a lengthy discussion of student suspension and expulsion procedures, designed in part to track the requirements of Education Code section 48900 et seq.; however, it improperly reserves to the Charter School the ability to amend the policies and procedures without first requesting a material revision of the charter. Such changes are material to the operation of the charter (as indicated by inclusion of Element 10 in section 47605(b)(5)) and therefore cannot be made outside the material revision process.

1. Willful Defiance

The Petition, which purports to allow unilateral changes to suspension and expulsion policies and procedures, is inconsistent with the Parent-Student Handbook. The Parent-Student Handbook identifies willful defiance as a basis to recommend expulsion. Although Education Code section 48900 does not apply directly to charter schools, Assembly Bill No. 420 (Stats. 2014, ch. 660) expresses a public policy that no student should be recommended for expulsion for willful defiance, in part because discipline for willful defiance has been disproportionately used to discipline minority students. It should be noted that Charter School's Dashboard reflects that the school's suspension rate is high, as also noted in State Priority 6 of the charter school outcomes, giving rise to concern about the Charter School's ability to implement other means of correction and measured discipline. (Ed. Code, § 47607(a)(2).)

2. Appeal

The Petition eliminates the student's right to appeal, demonstrating that Charter School may expel students for disciplinary infractions that otherwise should not rise to the level of full exclusion from school, and before other means of correction have been tried.

3. Due Process

The Petition purports to provide written notice of not less than five school days before involuntarily removing a student from the charter school; however, the procedures in the Parent-Student Handbook are in conflict with the Petition and Education Code. According to the Handbook, students will be disenrolled on the sixth day of absence following the first

day of school despite written notice not going home until after the third day of absence, thereby improperly shortening the notice period.

**Element 14 – Dispute Resolution**

The Statute requires the Petition to describe the procedures to be followed by the Charter School and the entity granting the charter to resolve disputes relating to provisions of the charter. (Ed. Code, § 47605(b)(5)(N).) The Regulations require a description of how the costs of the dispute resolution process, if needed, would be funded, and also a recognition that if the substance of a dispute is a matter the could result in the taking of appropriate action, including, but not limited to, revocation of the charter, it will be handled in accordance with that provision of law and any regulations pertaining thereto. (5 C.C.R. § 11967.5(f)(14).)

The Petition does not contain a sufficient description of the Charter School's dispute resolution process based on the following findings:

1. Selection & Cost

The Petition contemplates the use of a mediator where an impasse is reached; however, the Petition does not describe how the mediator will be engaged or the pool from which mediators will be "stricken," nor who will be financially responsible for paying for the mediator's services. (5 C.C.R. § 11967.5.1(f)(14).)

2. Section 47607

The Petition does not include an acknowledgement that the District is not required to pursue dispute resolution procedures for issues forming the basis of revocation, though the Petitioner apparently recognizes this legal requirement as to SBE only. The District's obligations in the context of revocation are prescribed by Education Code section 47607, which Charter School may not expand, decrease, or alter through the Petition.

## VI. CONCLUSION

As reflected in this Report, Staff considered increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in its analysis. For the reasons stated above, the Petition, as submitted, fails to demonstrate Charter School meets eligibility criteria for renewal, fails to provide a reasonably comprehensive description of several essential charter elements, and indicates that Charter School is demonstrably unlikely to successfully implement the program presented in the Petition. Accordingly, it is recommended that the Petition be denied. Should the Board take action to deny the Petition, such action will include adoption of this Report as the written factual findings in support its denial of the Petition.

# Tab 2c.

## Response to District Findings

Ridgecrest Charter School

**EXECUTIVE DIRECTOR**
**Steven Martinez, Ed.D**

**ASSISTANT DIRECTOR**
**Miriam Hogg**

**BUSINESS MANAGER**
**Angie Drefs**

**SPECIAL EDUCATION ADMINISTRATOR**
**Karen Greenhaw**

**BOARD OF EDUCATION**
**Eric Bruen, President**
**Chip Holloway, Vice President**
**Deanna Lukens, Secretary**
**Ray Miller, Treasurer**
**Arzell Hale, Member**

**325 South Downs Street**
**Ridgecrest, CA 93555**
**(760) 375-1010**
**(760) 375-7766 fax**

**www.ridgecrestcharterschool.org/**

October 10, 2018

Sent Via: E-mail

Sierra Sands Unified School District
Attn: Superintendent Bell
113 W. Felspar
Ridgecrest, CA 93555

**Re: Response to Sierra Sands Unified School District Staff Findings for Denial of the Ridgecrest Charter School Renewal Petition**

Dear Superintendent Bell, Board President Castillo-Covert, and Members of the Sierra Sands Unified School District Board of Education:

Ridgecrest Charter School ("RCS" or the "Charter School") submitted its charter renewal petition to the Sierra Sands Unified School District ("SSUSD" or the "District") on August 16, 2018. Pursuant to an agreement letter, dated August 7, 2018, signed by both RCS and SSUSD, our understanding was that the public hearing for the RCS charter renewal petition would be held on September 13, 2018, and that the determination of our petition would be made on October 18, 2018.

Consistent with the above timeline, RCS attended the public hearing on September 13, 2018, and had the opportunity to make a presentation about RCS and its renewal petition to the SSUSD Board. However, we were greatly surprised to learn on October 9, 2018, with only two (2) days notice, of the Special Meeting Agenda for the SSUSD Board for October 11, 2018 for the determination of the RCS renewal petition. The District provided no prior notice or indication that the date of the determination of the RCS renewal petition would be changed.

Along with the Special Meeting Agenda, two days ago RCS received a copy of the District Staff Report with a recommendation for denial of the RCS renewal petition ("Findings").

**Legal Standard**

The Education Code provides that charter renewal petitions are to be governed by the same standards and criteria provided to governing boards to approve the establishment of charter schools. Education Code Section 47605(b) states:

In reviewing petitions for the establishment of charter schools, 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***. (Emphasis added.)

Education Code Section 47605(b) also provides the legal basis for the denial of a charter petition as follows:

> The governing board of the school district 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 subdivision (a) [of Education Code Section 47605].
>
> (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) [of Education Code Section 47605].
>
> (5) The petition does not contain reasonably comprehensive descriptions of [the 15 required elements].
>
> (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school.

Accordingly, the law dictates that the default position is for a school district board of education to approve a charter renewal petition, unless it makes written factual findings to support a denial.

The District's findings do not meet the legal standard for denial of a charter renewal petition. Many of the findings concern misunderstandings that could have easily been sorted out through discussion. Moreover, many findings are based on incorrect facts, misrepresentations of the contents of the charter petition, or go beyond the requirements set forth in law, and therefore the findings constitute an impermissible basis for denial of the renewal petition.

The charter petition meets or exceeds the legal requirements for a reasonably comprehensive description of all 15 required elements under Education Code Section 47605(b), as well as the additional State Board of Education regulatory guidance under Title 5, California

Code of Regulations, Section 11967.5.1; and the charter presents a sound educational program. The Findings constitute an impermissible basis for denial of the RCS charter renewal petition and directly contravene the guidance of *California School Bds. Assn. v. State Bd. Of Education*, where the court found that "[l]ocal school districts are … mandated to approve charters that meet statutory requirements and are consistent with sound educational practices." (186 Cal. App. 4th 1298, 1319 (Cal. App. 1st Dist. 2010).)

**RCS Responses to District Findings for Denial of the Charter Renewal Petition**

Thus, RCS respectfully submits the following Response to the District Staff Report and Recommendation for Denial of the RCS charter renewal petition. In the table below, please find excerpts from SSUSD's findings, in the order in which they were presented, along with a summary of RCS's responses, which we reserve the right to supplement.

| District Finding | RCS Response |
|---|---|
| **Finding A: Charter School Fails to Meet Eligibility Criteria for Renewal. (Ed. Code, § 47607(b).)** | |
| Charter School puts forth an argument that it has met renewal criteria under section 47607(b), based in part on outdated data from a previous charter term; however, it simultaneously acknowledges that its scores are decreasing and it is performing below District schools on state English language arts and math assessments. Given performance decreases, Charter School does not make a showing of pupil achievement increases under section 52052(f).<br><br>On the whole, District schools are performing significantly better than Charter School on Smarter Balanced Assessment testing. Further, District schools are either near or exceeding statewide averages, whereas Charter School is significantly lagging statewide averages. With limited exceptions, District school Dashboard indicators are also better across the board.<br><br>Nor does the composition of pupil population provide a convincing rationale to justify the discrepancy in performance. Subgroup balance between the District and Charter School is similar, though notably the District has higher numbers of students with disabilities (12.7% vs. 9.5%) and | ✓ This finding is a misrepresentation of information provided in the Charter Petition.<br><br>The data that SSUSD highlights in the comparison data table on page 9 of the District Staff Report only cites to Fall 2017 Dashboard data, and ignores the Spring 2018 Dashboard data. When taking all of the school year data into consideration, RCS demonstrated progress in its suspension rate, moving up one performance level. Half of SSUSD elementary and middle schools are equal or lower to Ridgecrest Charter School in suspension on the Fall 2017 Dashboard. Five of eight SSUSD elementary and middle schools dropped one performance level in ELA and math. Half of SSUSD elementary and middle schools are the same performance level as RCS in ELA, and three of SSUSD elementary and middle schools are the same performance level as RCS in math. Both SSUSD middle schools are the same performance level as RCS in math and one of SSUSD's middle schools are the same performance level in ELA.<br><br>Further, the comparison data table on page 9 of the SSUSD Staff Report does not separate Ridgecrest Charter School's middle school and elementary school programs. To ensure an accurate comparison of RCS students against the comparison elementary and middle schools, RCS separated its data in the charter petition, where available (see pages 9-29), to ensure that an appropriate comparison could be made of RCS data. It would not make sense to compare a high school against an elementary school; as such, RCS endeavored to ensure that the elementary grade level students at RCS were compared to elementary comparison schools, and the middle school grade level students at RCS were compared to middle school comparison schools. The grade level comparison shows that RCS's middle school students outperformed one of SSUSD's middle schools in math in 2017 and RCS's elementary school students outperformed one SSUSD elementary school and is comparable to 4 other SSUSD elementary schools.<br><br>The SSUSD Staff Report also ignores the 3 year averages of CAASPP data which cover 3 of the 5 years of Ridgecrest Charter School's current term (see graphs and tables on |

| District Finding | RCS Response |
|---|---|
| socio-economically disadvantaged students (61.6% vs. 55.0%). The two are also generally on par along racial/ethnic lines for White (57.5% vs. 55.5%) and Hispanic (27.5% vs. 29.3%) students, as well as other smaller minority groups. There is, however, a distinction among African American students (5.4% vs. 1.6%), although Two or More Races (3.0% vs. 7.6%) skews the other way.<br><br>Based on the foregoing, Staff concludes that the Charter School cannot demonstrate that its "academic performance … is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school." Accordingly, Charter School does not meet eligibility criteria to be renewed for another term. | pages 16-24 of the charter petition). RCS believes that this 3 year average data helps to provide a more holistic view of the data overtime. When looking at the 3 year averages, RCS is comparable to SSUSD in math 31% to 35%; RCS elementary students are comparable to Faller Elementary School in ELA; and RCS middle school students are comparable to Monroe Middle School in ELA. RCS elementary students are comparable to 3 of 6 SSUSD elementary schools in math and RCS middle school students are comparable to both SSUSD middle schools in math—outperforming one of the middle schools and within 3% of the other middle school. RCS's socio-economically disadvantaged students' 3 year average in math is comparable to all 8 of SSUSD's elementary and outperforms both middle schools. RCS's Hispanic/Latino students' performance in ELA is comparable to 3 of SSUSD's schools and 6 of SSUSD's schools in math.<br><br>Further, at time of charter submission in August 2018, the CAASPP data for 2017-18 had not yet been released. Recently the 2017-18 CAASPP data has been made publicly available. When considering the newly released data, RCS middle school students demonstrated increased performance in math by 5.97% while SSUSD's two middle schools decreased by 1.83% and 4.13%. RCS's students with disabilities' performance increased by 5.02% on ELA and 5.3% on math from 2017 to 2018, despite a 16% increase in its special education population. RCS's socio-economically disadvantaged students increased their performance on ELA by 1.87%. Our 8th grade students outperformed both SSUSD middle schools on the 2018 CAASPP math assessment. This addition data, which reflects the most recent school year for RCS, helps to bolster RCS's petition and further demonstrates that RCS does meet the charter renewal criteria.<br><br>The SSUSD Staff Report also fails to consider the alternative measures of academic growth that RCS has presented in its charter petition. Specifically, NWEA MAP assessments are nationally normed, and RCS demonstrated growth over time in reading, language, and mathematics (see pages 28-29).<br><br>In response to the District Staff Report discussing the Standard for Review of Renewal |

| District Finding | RCS Response |
|---|---|
| | Petition (on pages 6-8 of the Staff Report), RCS recognizes that its API data is from the previous charter term. The Charter School included the data simply to address the fact that API is still nonetheless identified in the renewal criteria under Education Code Section 47607(b). RCS has acknowledged that the API data is not an accurate reflection of the most recent academic performance of the Charter School, and has thus included many more pages of graphs and tables analyzing the CAASPP and NWEA MAP assessments data from this past charter term. Also, we take pride in RCS's ability to significantly increase its API scores, as reflected in the charter, which supports our position that RCS is capable of supporting its students to succeeds under the CAASPP as well.<br><br>If SSUSD only looks at narrow, isolated snapshots, as it has done in the Findings (only considering Fall 2017 data in its table), it can highlight data in a negative manner. However, as the Charter School presented in detail in its charter petition, and as re-summarized above, RCS's data (including the most 2017-18 CAASPP data), when viewed over the course of this past charter term, and when compared with applicable grade level schools (elementary and middle school), <u>do meet the charter renewal criteria as outlined in the Education Code</u>. RCS has also been transparent in acknowledging its areas of growth, and has thus identified an Academic Growth Plan on pages 29-30 of the charter petition, along with attaching a Student Achievement Plan in Appendix 4. |
| **Finding B: Charter School is Demonstrably Unlikely to Successfully Implement the Program. (Ed. Code, § 47605(b)(2).)** | |
| Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition for the following reasons:<br><br>1. Failure to Meet Eligibility Criteria | ✓ This finding is a misrepresentation of information provided in the Charter Petition.<br><br>The Findings ignore RCS's plans for increasing student achievement, as described on pages 29-30 of the charter petition and addressed in Appendix 4 in the Student Achievement Plan. Further, RCS administrators and staff have attended Professional Learning Communities ("PLC") seminars, trained teachers in PLC and Response to Intervention ("RtI"), and have implemented PLCs and RtI at the Charter School. (See page 10 of the charter, also describing attendance at a PLC conference.) RCS's |

| District Finding | RCS Response |
|---|---|
| As set forth herein, the Petition's failure to meet renewal eligibility criteria supports the finding that the program does not pass pedagogical or legal muster. Among other concerns:<br><br>As a factor in explaining decreasing academic scores, Charter School identifies its growth in enrollment from 421 students in 2015-2016 to 475 students in 2016-2017, which is worrying in light of Charter School's continued growth to 530 students now and plans to grow to 627 students in the future. It should also be noted that Charter School's stated goals for the renewal term are additional expansion efforts, including before and after school day care and an extended school year program, without first stabilizing its academic performance indicators.<br><br>According to the Petition, recent leadership turnover has been a factor in Charter School's declining academic performance scores. It is notable, therefore, that additional changes are planned with respect to the structure and functioning of the Charter School administration to the extent that they could result in further decline. | administrative team is working with a coach focusing on Fullan's Coherence Framework and is also in the process of hiring an instructional coach for teachers.<br><br>With the continued professional development and training of RCS's administrative team and teachers, RCS remains confident that it can effectively support a growth in student enrollment and additional expansion efforts.<br><br>While leadership turnover was a factor, it was not the only or determinative factor in the Charter School's academic performance. Currently, RCS's leadership has stabilized—having previously utilized 2 Executive Directors and 2 Assistant Directors during the past 11 years. The proposed changes to RCS's leadership is a change to the administrative titles of the current leaders to provide more targeted support to their respective roles, and to more accurately reflect their positions. For example, the CEO/Superintendent's focus will thus be more on the business and administrative sides of the Charter School's operations, while the Principals will focus more on the students' academic and social-emotional learning.<br><br>While the suspension rate was very high on the Spring 2017 dashboard, RCS has demonstrated improvement, moving up one performance level. Further, RCS has trained teachers, administrators, and staff in Positive Behavior Interventions and Supports and restorative justice practices.<br><br>RCS has trained teachers on EL instructional strategies and practices and has hired a paraprofessional to specifically provide additional support English learners. During the 2016-2017 school year, 23% of EL students were reclassified. |

| District Finding | RCS Response |
|---|---|
| Charter School's Dashboard reflects that the school's suspension rate is high, as also noted in State Priority 6 of the charter school outcomes, giving rise to concern about the Charter School's ability to implement other means of correction and measured discipline as discussed below.<br><br>Charter School's Dashboard reflects very low progress of ELs, which is not adequately addressed as discussed below. | |
| 2. <u>Failure to Provide Information Regarding Charter School's Finances</u><br><br>Charter School is expected to provide historical information about its academic performance, its finances and its operations. (5 C.C.R. § 11966.4(b).) This information is particularly important where, as here, the Charter School has not been authorized by the District but has been operating for many years. During the last 15 years, Charter School has surely entered into various financial arrangements, purchasing property, and developing assets and liabilities. However, there is no information regarding this history or the Charter School's solvency provided | ✓ This finding is a misrepresentation of information provided in the Charter Petition.<br><br>Title 5, California Code of Regulations Section 11966.4(b) that the District cites, states: "When considering a petition for renewal, the district governing board shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any."<br><br>This regulation does not otherwise specify what specifically the Charter School must include in its charter petition or appendices.<br><br>If the information within the charter petition or its appendices, including Appendix 23—a 101 page document outlining RCS's Multi Year Narrative Strategic Fiscal Plan—were insufficient for SSUSD to accurately consider RCS's finances, SSUSD could have made a request of RCS for a copy of the audited reports and any other applicable financial policies or agreements necessary for SSUSD to complete a thorough review of RCS's petition. |
| 3. <u>Failure to Comprehensively Describe</u> | ✓ This finding is unsupported. |

| District Finding | RCS Response |
|---|---|
| the Required Elements<br><br>As set forth below, the Petition's failure to comprehensively describe Elements 1, 4, 5, 6, 8, 10, and 14 supports the finding that the program is incomplete and does not pass pedagogical or legal muster. It is therefore not consistent with sound educational practice. As such, it is not likely to be successfully implemented. | See detailed responses to Finding C below. |
| **Finding C: The Petition Fails To Set Forth Reasonably Comprehensive Descriptions of Charter Elements. (Ed. Code, § 47605(b)(5).)** | |
| **Element 1 – Educational Program**<br>The Petition does not contain a sufficient description of the Charter School's educational program based on the following findings:<br><br>1. Class Size & Differentiation<br><br>According to the Petition, Charter School focuses on students who need a small class setting within a small school option. School and class size projections, however, are not consistent with this focus and often match or exceed student-teacher ratios in District schools (i.e., Charter School stated ratios are 24:1, K-3; 30:1, 4-5; 32:1, 6-8). Although the Petition discusses various groups of | ✓ This finding exceeds legal requirements and is a misrepresentation of information provided in the Charter Petition.<br><br>The class sizes stated in the petition are maximums and do not represent actual class sizes. As of October 10, 2018, class sizes averages for grades TK-3 are 21students, for grades 4-5 are 28 students, and for grades 6-8 are 19 students.<br><br>RCS uses state-adopted curriculum materials, which embed differentiation strategies throughout the respective curricula. Further, as identified on page 44, RCS's RtI framework and tutoring programs provide additional opportunities for differentiation.<br><br>Further, RCS develops Individual Learning Plans ("ILPs") and Personal Learning Plans ("PLPs") for students in grades TK-5, and 6-8, respectively, which include relevant strategies to meet all of the educational needs of each student at RCS. (See page 43.) As such, this provides RCS more latitude in responding to the various student needs. |

| District Finding | RCS Response |
|---|---|
| students, it does not adequately explain how differentiation will occur within the classroom setting in order to allow progress regardless of achievement level given the actual and/or projected student-teacher ratios. | |
| 2. <u>GATE</u><br><br>According to the Petition, Charter School will offer a Gifted and Talented Education ("GATE") program; however, the Petition does not describe the program or identify how high performance capability is defined for eligibility in the program, nor does it explain how assessment will be conducted | ✓ This finding exceeds legal requirements and is a misrepresentation of information provided in the Charter Petition.<br><br>The charter petition does include a description of the support that RCS provides for students achieving above grade level (see pages 43-44). Further, the Charter School's Board adopted a policy and a GATE Plan in April 2017 which outline the criteria for the program, and details of the program as well. RCS could have provided a copy upon request of the SSUSD, but RCS was never notified of any questions or concerns that SSUSD had about any aspect of the charter petition. |
| **3. English Learners**<br><br>According to the Petition, all teachers are Crosscultural, Language, and Academic Development ("CLAD") certified (or equivalent); however, such certification is not a required qualification for core teachers in Element 5. Further, the Petition's discussion of English learners ("ELs") does not explain what integrated curriculum will be used and is unclear regarding implementation of English language development ("ELD") instruction. This is a particular concern given Charter School's | ✓ This finding exceeds legal requirements.<br><br>RCS recognizes its inadvertent error in only identifying the CLAD certification under the section on Strategies for English Learner Instruction and Intervention (page 46), and not also reiterating this qualification under Element Five. RCS remains committed to hiring teachers who are CLAD certified, or equivalent, to ensure the continued support and growth of our EL students.<br><br>RCS uses the EL components of state-adopted curriculum to support EL students, and have also hired a EL professional to provide additional push-in and pull-out support for all of our EL students. RCS has trained teachers on EL instructional strategies and practices<br><br>As indicated on page 59 of the charter petition, 23% of our EL students were reclassified |

| District Finding | RCS Response |
|---|---|
| Dashboard reflecting very low progress of ELs | to Fluent English Proficient during the 2016-17 school year. No reclassification data was available during 2017-18 year due to the transition from CELDT to ELPAC; as such, RCS finds that the District's concern over EL progress is not based on accurate, recent data. |
| 4. Special Education<br><br>According to the Petition, Charter School has changed from a "pull out" to a "push in" model of special education services; however, the Petition does not adequately describe the individualization necessary for individualized education program ("IEP") teams to make placement determination, instead appearing to match the IEP to the program, not the child's unique needs.<br><br>According to the Petition, Charter School is solely responsible for selecting and contracting with nonpublic schools and agencies; however, this may violate parent procedural rights by denying them the opportunity to meaningfully participate in the IEP process and have their input considered. | ✓ This finding is a misrepresentation of information provided in the Charter Petition.<br><br>RCS follows all federal and state laws regarding special education and serving students with disabilities, and complies with all applicable requirements for developing and implementing IEPs that are applicable to the needs of each specific student, with detailed records to support our compliance. Students are provided services required pursuant to their respective IEPs, which may include one-on-one aides, push-in and pull-out support.<br><br>As indicated on page 51 of the charter petition, the Charter School is responsible for ensuring that the student's parent/guardian attends the IEP meetings. As such, parents/guardians are provided the opportunity to participate in the IEP process and have their input considered. |
| 5. Promotion & Class Trips<br><br>The promotion and class trip prerequisites in the Parent-Student Handbook potentially discriminate against students with disabilities by failing to accommodate | ✓ This finding exceeds legal requirements and is speculative.<br><br>SSUSD's Finding here is based on a draft copy of the Parent-Student Handbook. As clearly indicated via watermark, the 2019-2020 Parent-Student Handbook, attached as Appendix 7 is a draft version of the Handbook, and is not yet the final version to be distributed to students and parents. There is no legal requirement for charter schools to |

| District Finding | RCS Response |
|---|---|
| academic requirements, attendance, and behavior on an individualized basis. | submit copies of their draft or final policies, annual notices, and/or handbooks as attachments to their charter petition or charter renewal petition. However, in order to present a more comprehensive picture of RCS to SSUSD, RCS has chosen to attach a draft copy of its Parent-Student Handbook. The Handbook for 2019-20 shall be updated and finalized prior to the beginning of the school year, to ensure consistency with the charter petition and to reflect all applicable legal requirements and include all applicable annual notices. A copy of the final Handbook shall be provided to SSUSD, upon request.<br><br>Further, the District is merely speculating about as possibility, without any factual support. |
| **Element 4 – Governance Structure**<br>The Petition does not contain a sufficient description of the Charter School's governance structure based on the following findings:<br><br>**1. Structure**<br><br>According to the Petition, Charter School is a single member of RCS Facilities LLC; however, neither the Petition nor the supporting documentation provides any documentation or information regarding the structure and governance of RCS Facilities LLC, any agreements with Charter School, or the specifics of the property and facilities relationship between the entities. Although the governance section states that RCS Facilities LLC exists to support real property needs of Charter School, the | ✓ This finding exceeds legal requirements.<br><br>The Charter School has complied with the legal requirements applicable to Element Four of the charter petition by describing the governance structure of the Charter School—and has maintained transparency by identifying the role of RCS Facilities, LLC, which does not in any way impact the governance of RCS. RCS Facilities, LLC occupies only the limited role of providing support for the Charter School's facilities. (See page 65.)<br><br>If SSUSD had requested at any point during its review, RCS could have provided a more detailed explanation of the governance structure of RCS and its relationship to RCS Facilities, LLC.<br><br>As states on page 111, Ridgecrest Charter School holds title to the school's property and facilities. RCS Facilities, LLC exists to support the Charter School's facilities. |

| District Finding | RCS Response |
|---|---|
| facilities section states that Charter School owns and holds title to its real property. | |
| 2. Conflicts of Interest<br><br>The Petition is silent on Government Code section 1090, a law of general application to public entities, compliance with which is a critical part of any public school accountability and transparency plan to ensure that public funds are protected from self-dealing in contract transactions | ✓ This finding exceeds legal requirements.<br><br>There is no legal requirement that applies Government Code Section 1090 to charter schools; as such, RCS has remained silent on this issue.<br><br>If the District requires SSUSD-authorized charter schools to comply with Section 1090, RCS remains willing to make revisions to its bylaws and conflict of interest code to ensure consistency with the requirements of Government Code Section 1090.<br><br>Currently, the Charter School Board has adopted a Conflict of Interest Code in compliance with the requirements of the Political Reform Act. |
| **Element 5 – Employee Qualifications**<br>The Petition fails to reasonably comprehensively describe this element, as follows:<br><br>The Petition includes qualification descriptions of core teachers (but not non-core teachers), the CEO/Superintendent, Business Manager, and Principals; however, the information provided is incomplete and/or inconsistent. For example, the experience qualifications of the Business Manager are simultaneously "required" and "preferred," effectively eliminating experience as a requisite for the position. Similarly, although the Principal of Special | ✓ This finding does not accurately represent legal requirements.<br><br>Pursuant to Education Code Section 47605(b)(5)(E), RCS has included under Element Five a description of the qualifications to be met by the individuals to be employed by the Charter School.<br><br>RCS recognizes some minor inadvertent errors in the wording of the respective lists of the qualifications of the various employee positions, but this in no way indicates that RCS is not compliant with any legal requirements regarding the hiring, training, and employing of its staff.<br><br>The experience qualifications of the Business Manager should be indicated as "Required" only—not "Required and preferred." (See page 71.)<br><br>The Principal of Special Services is required to hold a special education teaching credential, but the qualification was inadvertently not included on page 72. Our current |

| District Finding | RCS Response |
|---|---|
| Services will act as the case manager for special education and 504 students, the position does not require a special education teaching credential, nor does there appear to be any requirement that special education teachers will hold a special education teaching credential. Paraprofessional and instructional support staff positions do not provide for any qualifications beyond fingerprinting, TB clearance, and I-9 verification. The absence of such qualifications is problematic because the Petition confirms that Charter School is responsible for hiring, training and employing special education site staff such as teachers, paraprofessionals, and resource specialists. | special education administrator does hold both a special education teaching credential and an administrative credential (which is identified on page 72 as a requirement).<br><br>RCS will comply with all applicable legal requirements for paraprofessionals and instructional support staff. RCS's decision not to include a list explicitly identifying these does not in any way imply that RCS would not adhere to applicable legal requirements for these positions, including Education Code Section 45330.<br><br>If charter petitions were intended to include a recitation of every possible law that applies to charter schools, the legal requirements for charter petitions would explicitly state as much. |
| **Element 6 – Health and Safety Procedures**<br>The Petition does not contain sufficient description of the Charter School's health and safety procedures based on the following findings:<br><br>**1. Sudden Cardiac Arrest**<br><br>Although the Petition includes an athletics program, it does not provide for the adoption of policies and procedures to protect student athletes and to require | ✓ This finding exceeds legal requirements.<br><br>Education Code Section 47605(b)(5)(E) does not identify a list of the specifically required contents to be addressed under the charter petition regarding health and safety procedures. It identifies on only requirement. Even the SBE regulations (5 CCR 11967.5.1), which govern the SBE's review of charters on appeal to the SBE, do not otherwise require information on sudden cardiac arrest policies and/or training to be identified in the charter. Thus, RCS is not obliged to address details about this legal requirement in its charter petition. RCS's decision not to explicitly address this under Element 6 in no way implies that RCS would not comply with this legal requirement.<br><br>RCS recognizes the legal requirements for the Charter School to provide annual notice regarding sudden cardiac arrest prevention, in compliance with all applicable legal |

| District Finding | RCS Response |
|---|---|
| sudden cardiac arrest training for coaches of athletic activities pursuant to Education Code section 33479 et seq. The draft Parent-Student Handbook mentions sudden cardiac arrest, but the handbook's language is not sufficient to meet the substantive statutory requirements and, in any event, is not part of the Petition and is subject to change. | requirements, as the Charter School conducts athletic activities, other than P.E. Thus, RCS has included a section in its draft 2019-2020 Parent-Student Handbook (attached as Appendix 7) to reflect this requirement. However, as clearly indicated via watermark, the 2019-2020 Parent-Student Handbook, attached as Appendix 7 is a draft version of the Handbook, and is not yet the final version to be distributed to students and parents. There is no legal requirement for charter schools to submit copies of their draft or final policies, annual notices, and/or handbooks as attachments to their charter petition or charter renewal petition. However, in order to present a more comprehensive picture of RCS to SSUSD, RCS has chosen to attach a draft copy of its Parent-Student Handbook. The Handbook for 2019-20 shall be updated and finalized prior to the beginning of the school year, to ensure consistency with the charter petition and to reflect all applicable legal requirements and include all applicable annual notices. A copy of the final Handbook shall be provided to SSUSD, upon request. |
| **2. Concussion**<br>Although the Petition includes an athletics program, it does not include a provision stating that Charter School will adhere to Education Code sections 35179.5 and 49475 limitations on public school athletic programs regarding number and length of practices and concussions. As with sudden cardiac arrest, the mention of concussion and head injury in the Parent-Student Handbook is not part of the Petition and is subject to change. | ✓ This finding exceeds legal requirements.<br><br>As discussed above, RCS recognizes the legal requirements for the Charter School to provide annual notice regarding concussion and head injuries to student athletes and their parents/guardians. As such, RCS will comply with all applicable legal requirements to provide detailed notice to student athletes and their parents/guardians regarding concussions and head injuries.<br><br>Also as discussed above, RCS has included a section in its draft 2019-2020 Parent-Student Handbook (attached as Appendix 7) to reflect this requirement. However, as clearly indicated via watermark, the 2019-2020 Parent-Student Handbook, attached as Appendix 7 is a draft version of the Handbook, and is not yet the final version to be distributed to students and parents. A copy of the final Handbook shall be provided to SSUSD, upon request. |
| **3. Suicide Prevention Policy** | ✓ This finding is clearly a misrepresentation of plain Charter language. |

| District Finding | RCS Response |
|---|---|
| Although the Petition states that Charter School will maintain a suicide prevention policy in accordance with Education Code section 215, no suicide prevention policy was identified in the Parent-Student Handbook or otherwise provided or attached to the Petition. | Page 77 of the charter petition clearly states that "The Charter School shall maintain a policy on student suicide prevention in accordance with Education Code Section 215." There is no legal requirement for a copy of this policy to be attached to the petition. As indicated on page 76 of the charter petition, the charter includes a summary of the health and safety policies of the Charter School.<br><br>The RCS Board has reviewed and adopted a Suicide Prevention Policy which is consistent with the language of the charter petition. There is no legal requirement that this Policy or other specific Board policies are included in Parent-Student Handbooks. However, if RCS chooses to add this to the final Parent-Student Handbook for 2019-20, a final copy of the Handbook shall be provided to SSUSD, upon request, prior to the beginning of the charter renewal term. Alternatively, a copy of the Suicide Prevention Policy can be provided to SSUSD upon request.<br><br>Further, in compliance with all applicable legal requirements, all Charter School staff was most recently trained on this policy and applicable requirements on August 9, 2018. |
| **Element 8 – Admissions Requirements**<br>The Petition does not contain sufficient description of the Charter School's admission requirements based on the following findings:<br><br>1. Preferences<br><br>The Petition provides for a descending hierarchical preference policy under which District residents (mandatory preference) will have third level preference (i.e., all first and second level preferences will be admitted before third level preference). | ✓ This finding exceeds legal requirements.<br><br>Education Code Section 47605(d)(2)(B)(i)-(iv) does not identify that District residents must have the highest priority order in their preference. Section 47605(d)(2)(B) states: "Preference shall be extended to…pupils who reside in the school district except as provided for in Section 47614.5. . . . Priority order for *any preference* shall be determined in the charter petition…" While the Education Code does identify that preference *shall* be extended to existing students and District residents, whereas preferences *may* be permitted for other categories, such as siblings of students and children of teachers, staff, and founders (which is why the District distinguishes between "mandatory" and "discretionary" preferences), the Education Code clearly states that the priority for "any preference" shall be determined in the charter petition. Thus, a plain reading of the statute allows for the priority order of any preference including any "mandatory" or "discretionary" preference to be set out in the charter petition. Consistent with these legal |

| District Finding | RCS Response |
|---|---|
| District residents should be afforded a first level preference ahead of discretionary preferences (e.g., siblings and children of charter school teachers and staff). | requirements, RCS has clearly identified its preferences and set its priority order for these preferences in its charter petition. (See pages 81-82.)<br><br>Further, identifying District residents as priority 3 does not in any way bar District residents who would fall under priority 1 or 2 from being considered under those earlier preferences. |
| **Element 10 – Suspension and Expulsion Procedures**<br>The Petition does not contain sufficient description of the procedures by which students can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason based on the following findings:<br><br>The Petition provides a lengthy discussion of student suspension and expulsion procedures, designed in part to track the requirements of Education Code section 48900 et seq.; however, it improperly reserves to the Charter School the ability to amend the policies and procedures without first requesting a material revision of the charter. Such changes are material to the operation of the charter (as indicated by inclusion of Element 10 in section 47605(b)(5)) and therefore cannot be made outside the material revision process. | ✓ This finding exceeds legal requirements.<br><br>The Education Code is generally silent in identifying the specific changes to a charter petition that constitute a material revision. Education Code Section 47605(a)(4) specifically identifies that establishing operations at additional sites requires a material revision. However, there are no other statutory provisions identifying what potential changes would rise to the level of a material revision, including any changes to the suspension and expulsion policies and procedures.<br><br>RCS states on page 84 of the charter petition: "The policy…may be amended from time to time without the need to amend the charter *so long as the amendments comport with legal requirements*." The sentence clearly includes a limitation to the type of amendments that RCS refers to here; RCS is reserving the right to amend its policy to ensure it reflects any changes to legal requirements which may impact charter schools specifically, or may impact all public schools, including charter schools.<br><br>If SSUSD enumerates any District-specific guidance regarding procedures for material revisions, and identifies the types of amendments that would constitute material revisions, RCS remains willing to review the procedures and guidelines and comply with those requirements, if authorized by SSUSD. |

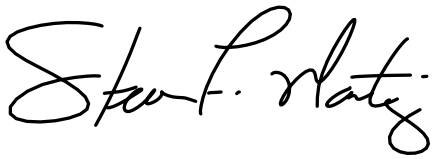
| District Finding | RCS Response |
|---|---|
| 1. <u>Willful Defiance</u><br><br>The Petition, which purports to allow unilateral changes to suspension and expulsion policies and procedures, is inconsistent with the Parent-Student Handbook. The Parent-Student Handbook identifies willful defiance as a basis to recommend expulsion. Although Education Code section 48900 does not apply directly to charter schools, Assembly Bill No. 420 (Stats. 2014, ch. 660) expresses a public policy that no student should be recommended for expulsion for willful defiance, in part because discipline for willful defiance has been disproportionately used to discipline minority students. It should be noted that Charter School's Dashboard reflects that the school's suspension rate is high, as also noted in State Priority 6 of the charter school outcomes, giving rise to concern about the Charter School's ability to implement other means of correction and measured discipline. (Ed. Code, § 47607(a)(2).) | ✓ This finding does not accurately represent legal requirements.<br><br>Consistent with Education Code Section 48900, while not applicable to charter schools, RCS has identified willful defiance as a discretionary suspension offense only for pupils in grades 4 to 8, inclusive. (See page 86, subdivision (k).) Willful defiance is not otherwise identified as a discretionary or non-discretionary expellable offense on pages 90-94 of the charter petition.<br><br>Thus, as indicated in the District's own findings, despite not being applicable to charter schools, RCS has limited the effect of willful defiance as a potential enumerated offense for discretionary suspensions only, applicable only to students in grades 4 to 8.<br><br>While the suspension rate was very high on the Spring 2017 dashboard, RCS has demonstrated improvement, moving up one performance level. Further, RCS has trained teachers, administrators, and staff in Positive Behavior Interventions and Supports and restorative justice practices. |
| 2. <u>Appeal</u><br><br>The Petition eliminates the student's right to appeal, demonstrating that Charter School may expel students for disciplinary | ✓ This finding does not accurately represent legal requirements.<br><br>Education Code Section 47605(b)(5)(J) states that a charter petition shall include "[t]he procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any |

| District Finding | RCS Response |
|---|---|
| infractions that otherwise should not rise to the level of full exclusion from school, and before other means of correction have been tried. | reason. The procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements…" There is no requirement that charter schools must identify a separate appeal process, provided that it complies with all due process requirements.<br><br>Recognizing the importance of due process, while RCS does not have an "appeal" system, it has created a two-level review system for expulsions:<br>1. Upon recommendation for expulsion, a neutral and impartial Administrative Panel—consisting of at least three members who are certificated and neither a teacher of the pupil nor a Board member of the Charter School's governing board—would hold a hearing, and come to a final recommendation to present to the Charter School's Board of Directors.<br>2. The Board of Directors will then make the final determination.<br>(See pages 95-99 for a detailed description of the expulsion procedures.) |
| 3. <u>Due Process</u><br><br>The Petition purports to provide written notice of not less than five school days before involuntarily removing a student from the charter school; however, the procedures in the Parent-Student Handbook are in conflict with the Petition and Education Code. According to the Handbook, students will be disenrolled on the sixth day of absence following the first day of school despite written notice not going home until after the third day of absence, thereby improperly shortening the notice period. | ✓ This finding is clearly a misrepresentation of plain Charter language.<br><br>Page 85 of the charter petition clearly states: "No student shall be involuntarily removed…unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five school days before the effective date of the action." This statement was included in this renewal petition to accurately reflect legal updates to the Education Code, pursuant to AB 1360, effective January 1, 2018.<br><br>As clearly indicated via watermark, the 2019-2020 Parent-Student Handbook, attached as Appendix 7 is a <u>draft</u> version of the Handbook, and is not yet the final version to be distributed to students and parents. There is no legal requirement for charter schools to submit copies of their draft or final policies and/or handbooks as attachments to their charter petition or charter renewal petition. However, in order to present a more comprehensive picture of RCS to SSUSD, RCS has chosen to attach a <u>draft</u> copy of its Parent-Student Handbook. The Handbook for 2019-20, shall be updated and finalized prior to the beginning of the school year, to reflect any other applicable legal updates that may go into effect from now until the start of the school year, and will also include |

| District Finding | RCS Response |
|---|---|
| | revisions to ensure that information regarding involuntary removal are consistent with the charter petition and all applicable legal requirements. A copy of the final Handbook shall be provided to SSUSD, upon request. |
| **Element 14 – Dispute Resolution**<br>The Petition does not contain a sufficient description of the Charter School's dispute resolution process based on the following findings:<br>1. Selection & Cost<br>The Petition contemplates the use of a mediator where an impasse is reached; however, the Petition does not describe how the mediator will be engaged or the pool from which mediators will be "stricken," nor who will be financially responsible for paying for the mediator's services. (5 C.C.R. § 11967.5.1(f)(14).) | ✓ This finding exceeds legal requirements.<br><br>Education Code Section 47605(b)(5)(N) requires a charter petition to include "[t]he procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter." The Education Code does not identify the contents of these "procedures." As such, on page 106 of the charter petition, RCS outlines the dispute resolution process between RCS and its Authorizer.<br><br>SSUSD references 5 CCR § 11967.5.1(f)(14), which is a part of the SBE regulations that govern the SBE's review and approval of charter petitions. Consistent with these requirements, RCS did include a separate section on pages 106-107 of the charter petition that identifies the dispute resolution process, in the event the SBE is the authorizer, consistent with the SBE regulations. |
| 2. Section 47607<br>The Petition does not include an acknowledgement that the District is not required to pursue dispute resolution procedures for issues forming the basis of revocation, though the Petitioner apparently recognizes this legal requirement as to SBE only. The District's obligations in the context of revocation are prescribed by Education Code section 47607, which Charter School may not expand, decrease, or alter through the Petition. | ✓ This finding does not accurately represent legal requirements.<br><br>The Charter Petition does not in any way contradict or limit the rights of the District to initiate and decide on revocation, pursuant to the requirements of Education Code Section 47607. RCS has not expanded, decreased, or altered the District's rights and/or obligations in the context of revocation under Section 47607. |

We thank you for your consideration of our Responses to the District Findings of Fact, as outlined above. Please feel free to contact me via email (steven.martinez@rcharter.org) or phone (760-375-1010) if you have any questions.

Sincerely,



Steve Martinez, Ed.D.
Executive Director
Ridgecrest Charter School

# Tab 2d.

## Update to Response to District Findings

Ridgecrest Charter School

**EXECUTIVE DIRECTOR**
**Steven Martinez, Ed.D**

**ASSISTANT DIRECTOR**
**Miriam Hogg**

**BUSINESS MANAGER**
**Angie Drefs**

**SPECIAL EDUCATION ADMINISTRATOR**
**Karen Greenhaw**

**BOARD OF EDUCATION**
**Eric Bruen, President**
**Chip Holloway, Vice President**
**Deanna Lukens, Secretary**
**Ray Miller, Treasurer**
**Arzell Hale, Member**

**325 South Downs Street**
**Ridgecrest, CA 93555**
**(760) 375-1010**
**(760) 375-7766 fax**

**www.ridgecrestcharterschool.org/**

December 3, 2018

Via Hand Delivery

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

**RE: Update to RCS Response to SSUSD Staff Findings for Denial of the Ridgecrest Charter School Renewal Petition**

Ridgecrest Charter School ("RCS") submitted an initial Response to SSUSD Staff Findings for Denial of the RCS Renewal Petition ("Response") to Sierra Sands Unified School District's ("SSUSD" or the "District"), which is attached under Tab 2. As described in the Response and because SSUSD provided its Findings (as well as notice of the meeting) only 48 hours prior to voting to nonrenew the charter, RCS reserved the right to supplement the Response. Below, please find excerpts from several of SSUSD's findings (italicized), along with our updated responses to the findings, to supplement the Response.

We thank you for your consideration of our Updates to the Response to SSUSD Findings of Fact, as outlined below. Please feel free to contact me via email (steven.martinez@rcharter.org) or phone (760-375-1010) if you have any questions.

Sincerely,

Steve Martinez, Ed.D.
Executive Director
Ridgecrest Charter School

**Finding A: Charter School Fails to Meet Eligibility Criteria for Renewal**

*Staff concludes that the Charter School cannot demonstrate that its "academic performance … is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school." Accordingly, Charter School does not meet eligibility criteria to be renewed for another term.*

Nearly half of our students have come from just 2 of the District's 8 elementary and middle schools during the past five school years. Students from Faller Elementary School and James Monroe Middle School have comprised 40% to 47% of RCS's student body during the past five years with a trend towards an increase in enrollment from these two schools. Two-thirds to nearly three quarters of our middle school students come from James Monroe Middle School while more than one-third of RCS elementary students come from Faller Elementary School. Accordingly, given these outsized percentages, it is vital to compare RCS' academic performance to those two schools. These are the schools that RCS students would otherwise attend, as that term is used in Education Code Section 47607(b)(4). Further, as addressed in our charter and in our Response, RCS believes that separating RCS's elementary and middle school data allows for a more accurate comparison against other District elementary and middle schools.

Percentage of RCS Students from Faller Elementary and Monroe Middle: 2014-15 to 2018-19:

| School | School Year | % of RCS students | % of RCS Elementary Students | % of RCS Middle School Students |
|---|---|---|---|---|
| Faller Elementary | 2018-2019 | 29% | 38% | |
| | 2017-2018 | 28% | 38% | |
| | 2016-2017 | 27% | 34% | |
| | 2015-2016 | 28% | 33% | |
| | 2014-2015 | 29% | 37% | |
| Monroe Middle | 2018-2019 | 18% | | 74% |
| | 2017-2018 | 17% | | 66% |
| | 2016-2017 | 14% | | 66% |
| | 2015-2016 | 12% | | 64% |
| | 2014-2015 | 14% | | 67% |

Both Faller Elementary and Janes Monroe Middle School had been identified as comparison schools in RCS's charter petition. Again, we reiterate here that Ridgecrest Charter School's elementary and middle school students' CAASPP scores are comparable to both Faller Elementary and James Monroe Middle School for both ELA and math.

CAASPP ELA RCS Elementary and Faller Elementary, 2014-2018. Percentage that Met and Exceeded Standards

| School | CAASPP Year | 3rd Grade ELA | 4th Grade ELA | 5th Grade ELA | School wide Average ELA |
|---|---|---|---|---|---|
| Faller Elementary | 2018 | 44.15 | 54.84 | 41.54 | 46.84 |
| RCS Elementary | 2018 | 31.58 | 29.03 | 31.74 | 30.78 |
| Faller Elementary | 2017 | 45.21 | 44.8 | 38.6 | 42.87 |
| RCS Elementary | 2017 | 30.77 | 21.67 | 41.81 | 31.42 |
| Faller Elementary | 2016 | 30 | 32 | 52 | 38 |
| RCS Elementary | 2016 | 34 | 42 | 34 | 36.67 |
| Faller Elementary | 2015 | 28 | 30 | 48 | 35.33 |
| RCS Elementary | 2015 | 42 | 21 | 24 | 29 |

CAASPP Math RCS Elementary and Faller Elementary, 2014-2018. Percentage that Met and Exceeded Standards

| School | CAASPP Year | 3rd Grade Math | 4th Grade Math | 5th Grade Math | School wide Average Math |
|---|---|---|---|---|---|
| Faller Elementary | 2018 | 29.48 | 43.54 | 21.54 | 31.52 |
| RCS Elementary | 2018 | 36.84 | 16.13 | 15.87 | 22.95 |
| Faller Elementary | 2017 | 45.94 | 34.78 | 20.33 | 33.68 |
| RCS Elementary | 2017 | 35.39 | 21.67 | 36.37 | 31.14 |
| Faller Elementary | 2016 | 40 | 33 | 25 | 32.67 |
| RCS Elementary | 2016 | 34 | 34 | 24 | 30.67 |
| Faller Elementary | 2015 | 34 | 33 | 26 | 31 |
| RCS Elementary | 2015 | 48 | 25 | 7 | 26.7 |

CAASPP ELA RCS Middle School and James Monroe Middle School, 2014-2018. Percentage that Met and Exceeded Standards

| School | CAASPP Year | 6th Grade ELA | 7th Grade ELA | 8th Grade ELA | School wide Average ELA |
|---|---|---|---|---|---|

| | | | | | |
|---|---|---|---|---|---|
| Monroe Middle School | 2018 | 34 | 34.27 | 31.61 | 33.29 |
| RCS Middle School | 2018 | 33.33 | 15.56 | 36 | 28.30 |
| Monroe Middle School | 2017 | 39.47 | 30.22 | 44.24 | 37.98 |
| RCS Middle School | 2017 | 10 | 33.33 | 42.31 | 28.55 |
| Monroe Middle School | 2016 | 32 | 34 | 48 | 38 |
| RCS Middle School | 2016 | 22 | 51 | 69 | 32 |
| Monroe Middle School | 2015 | 39 | 37 | 38 | 38 |
| RCS Middle School | 2015 | 34 | 50 | 44 | 42.67 |

CAASPP Math: RCS Middle School and James Monroe Middle School, 2014-2018.
Percentage that Met and Exceeded Standards

| School | CAASPP Year | 6th Grade Math | 7th Grade Math | 8th Grade Math | School wide Average Math |
|---|---|---|---|---|---|
| Monroe Middle School | 2018 | 24.67 | 20.98 | 14.28 | 19.98 |
| RCS Middle School | 2018 | 35.41 | 13.33 | 44 | 30.91 |
| Monroe Middle School | 2017 | 27.63 | 19.34 | 18.18 | 21.72 |
| RCS Middle School | 2017 | 18 | 22.22 | 34.61 | 24.94 |
| Monroe Middle School | 2016 | 23 | 24 | 20 | 22.33 |
| RCS Middle School | 2016 | 25 | 38 | 50 | 27.67 |
| Monroe Middle School | 2015 | 25 | 24 | 18 | 22.33 |
| RCS Middle School | 2015 | 31 | 46 | 29 | 35.33 |

In addition to RCS's comparison data above, please find below RCS's ELA and Math CAASPP percentages of students that met and exceeded standards, based on the numerically significant subgroups, over 2015 through 2018.

RCS CAASPP ELA and Math for Numerically Significant Subgroups: 2015-2018
Percentage that Met and Exceeded Standards

| Demographic | Assessment | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| Schoolwide | ELA | 35% | 40% | 28.62% | 29.34% |
| | Math | 31% | 33% | 28.27% | 25% |
| Hispanic or Latino | ELA | 27% | 37% | 25.53% | 23.23% |
| | Math | 22% | 26% | 21.27% | 18.18% |
| White | ELA | 38% | 43% | 32.51% | 37.91% |
| | Math | 37% | 38% | 35% | 33.33% |
| Economically Disadvantaged | ELA | 21% | 32% | 21.8% | 23.67% |
| | Math | 26% | 25% | 21.16% | 19.53% |
| Students with Disabilities | ELA | 3% | 12% | 9.68% | 14.7% |
| | Math | 9% | 15% | 6.46% | 11.76% |

RCS recognizes that the percentage of students meeting and exceeding standards in the various subgroups fluctuate with both increases and decreases over the past 4 years. One of the reasons for this fluctuation is that many students at RCS have previously struggled in other District schools before enrolling at RCS. RCS recognizes the need for additional supports for all of our students, including those in our numerically significant subgroups. Thus, consistent with the academic growth plan described our charter renewal petition (pp. 29-30), RCS intends to take very conscious and intentional actions to work towards improving student achievement, and has already taken steps to do so. During the 2018-19 school year, RCS implemented in-school Response to Intervention to provide skills-based intervention to students struggling to meet academic standards. Teachers also meet weekly in PLC grade level teams to analyze formative and summative assessments to inform instruction.

The CAASPP data discussed above is not the only measure of academic performance and growth at RCS. The following MAP Growth Assessments data presented below measure RCS students' growth over time. MAP assessments are administered 3 times each year—October, February, and May—which allows RCS to measure student growth multiples in each academic year.

NWEA Growth Norms are based on the 2015 NWEA RIT Scale Norms Study of K-11 grade level samples. Each sample includes 72,000-153,000 student test records from approximately 1,000 schools. The samples were drawn from test records of 10.2 million students attending more than 23,500 public schools across 6,000 districts in 49 states.

The 2015 NWEA RIT Scale Norms compare growth between test occasions to students' performance in the same grade at a comparable stage of the school year. This national data provides the basis for growth projections for each student between test occasions.

NWEA assessments have been used for 40 years in more than 9,500 schools, districts, and education agencies in 145 countries to measure students' learning proficiency, growth, and progress.

Pages 27 to 29 of RCS's renewal petition include tables reflecting MAP Growth Assessments for Mathematics, Reading and Language. We have included the updated tables below with the addition of the most recent set of MAP Growth Assessments data.

**MAP Growth Assessments-Mathematics**
Percentage Demonstrating Growth and Meeting Growth Projections Based on National Norms
Fall 17 to Fall 18; Spring 17 to Spring 18; Fall 17 to Spring 18

| | F 17 – F 18 Growth | F 17 – F 18 Met Growth Projections | S 17 – S 18 Growth | S 17 – S 18 Met Growth Projections | F 17- S 18 Growth | F 17- S 18 Met Growth Projections |
|---|---|---|---|---|---|---|
| RCS | 84% | 60% | 78% | 60% | 75% | 45% |
| RCS-Elementary | 86% | 53% | 82% | 60% | 83% | 44% |
| RCS-Middle | 82% | 66% | 74% | 59% | 67% | 46% |

**MAP Growth Assessments- Reading**
Percentage Demonstrating Growth and Meeting Growth Projections Based on National Norms
Fall 17 to Fall 18; Spring 17 to Spring 18; Fall 17 to Spring 18

| | F 17 – F 18 Growth | F 17 – F 18 Met Growth Projections | S 17 – S 18 Growth | S 17 – S 18 Met Growth Projections | F 17- S 18 Growth | F 17- S 18 Met Growth Projections |
|---|---|---|---|---|---|---|
| RCS | 73% | 54% | 74% | 52% | 67% | 46% |
| RCS-Elementary | 79% | 53% | 84% | 49% | 78% | 45% |
| RCS-Middle | 66% | 54% | 63% | 54% | 55% | 47% |

**MAP Growth Assessments- Language**
Percentage Demonstrating Growth and Meeting Growth Projections Based on National Norms
Fall 17 to Fall 18; Spring 17 to Spring 18; Fall 17 to Spring 18

| | F 17 – F 18 | F 17 – F 18 | S 17 – S 18 | S 17 – S 18 | F 17- S 18 | F 17- S 18 |
|---|---|---|---|---|---|---|

| | Growth | Met Growth Projections | Growth | Met Growth Projections | Growth | Met Growth Projections |
|---|---|---|---|---|---|---|
| RCS | 81% | 59% | 74% | 61% | 67% | 45% |
| RCS-Elementary | 86% | 56% | 73% | 52% | 64% | 36% |
| RCS-Middle | 75% | 61% | 74% | 70% | 70% | 53% |

**Finding B: Charter School is Demonstrably Unlikely to Successfully Implement the Program**

***1. Failure to Meet Eligibility Criteria***

*Among other concerns:*

*As a factor in explaining decreasing academic scores, Charter School identifies its growth in enrollment from 421 students in 2015-2016 to 475 students in 2016-2017, which is worrying in light of Charter School's continued growth to 530 students now and plans to grow to 627 students in the future. It should also be noted that Charter School's stated goals for the renewal term are additional expansion efforts, including before and after school day care and an extended school year program, without first stabilizing its academic performance indicators.*

*According to the Petition, recent leadership turnover has been a factor in Charter School's declining academic performance scores. It is notable, therefore, that additional changes are planned with respect to the structure and functioning of the Charter School administration to the extent that they could result in further decline.*

*Charter School's Dashboard reflects that the school's suspension rate is high, as also noted in State Priority 6 of the charter school outcomes, giving rise to concern about the Charter School's ability to implement other means of correction and measured discipline as discussed below.*

*Charter School's Dashboard reflects very low progress of ELs, which is not adequately addressed as discussed below.*

RCS has received two grants within the past few months: the Multi-Tiered Systems of Support ("MTSS") and Small Rural School Achievement ("SRSA") grants. RCS staff will use both grants to provide professional development to teachers and administrators to improve teaching and student learning. Funds from the grants will be used to provide teachers with an instructional coach and training for implementing and using high impact instructional strategies as well as using formative data to inform instruction. We strongly believe that the coach and training will allow for a smooth transition as RCS enrolls more students.

RCS has a strong track record of improving academic performance. When California's Academic Performance Index ("API") was the state's metric for student achievement, RCS was able to improve student academic achievement over 11 years, steadily climbing from API growth scores of 774 in 2002-03 to 864 in 2012-13, as listed in the table below. RCS remains committed and confident that with the added professional development, administrative changes, and continued support for our teachers, that RCS can better educate our students and demonstrate that success through increased academic performance.

RCS API Growth Scores: 2002-03 to 2012-13

| Year | API Growth |
|---|---|
| 2012-2013 | 864 |
| 2011-2012 | 845 |
| 2010-2011 | 825 |
| 2009-2010 | 794 |
| 2008-2009 | 841 |
| 2007-2008 | 736 |
| 2006-2007 | 721 |
| 2005-2006 | 717 |
| 2004-2005 | 725 |
| 2003-2004 | 768 |
| 2002-2003 | 774 |

Although the District found that RCS's suspension rate was high based on RCS's School Dashboard, RCS's suspension rate is **lower** than the District's and James Monroe Middle School's suspension rates as identified in the table below.

Suspension Rates:

| School | 2017-2018 | 2017-2018 | 2016-2017 | 2015-2016 | 2014-2015 |
|---|---|---|---|---|---|
| Ridgecrest Charter | 4.9% | 4% | 4% | 4.1% | 4.3% |
| Monroe Middle | 15.6% | 13.3% | 11.7% | 11.2% | 11.7% |
| SSUSD | 6.6% | 5.3% | 6.2% | 5.9% | 6.7% |

While RCS acknowledges that the percentage of English Learners meeting and exceeding standards on the CAASPP is below its expectations, there has been an improvement from 2017 to 2018 in the percentage of students meeting and exceeding standards on both the ELA and Math assessments, as shown in the table below.

English Learners. Percentage that Met and Exceeded Standards on CAASPP

| School | 2018 ELA | 2018 Math | 2017 ELA | 2017 Math | 2016 ELA | 2016 Math |
|---|---|---|---|---|---|---|
| Ridgecrest Charter | 8.33 | 4.17 | 5 | 0 | No Data* | No Data* |
| Faller Elementary | 7.41 | 17.86 | 10.52 | 27.28 | 4 | 13 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Monroe Middle | 0 | 0 | 39.08 | 0 | 0 | 0 |

*Not large enough group for data

**Finding B: Charter School is Demonstrably Unlikely to Successfully Implement the Program**

***2. Failure to Provide Financial Information***

*Charter School is expected to provide historical information about its academic performance, its finances and its operations. (5 C.C.R. § 11966.4(b).) This information is particularly important where, as here, the Charter School has not been authorized by the District but has been operating for many years. During the last 15 years, Charter School has surely entered into various financial arrangements, purchasing property, and developing assets and liabilities. However, there is no information regarding this history or the Charter School's solvency provided.*

The past performance of RCS's finances is abundantly evident in its current financial reports. Ridgecrest Charter School files all legally required quarterly fiscal reports with the CDE Charter Schools Division each fiscal year, including the First and Second Interim Financial Reports and the Charter School's Adopted Budget each fiscal year. RCS's financial position and operations are audited annually, consistent with its charter and applicable legal requirements, presented to the RCS Governing Board, and filed with the CDE Charter Schools Division. The most recent audit report, for the 2017-2018 school year, performed by Clifton, Larson, and Allen LLP reported no findings. RCS's ending fund balance as of June 30, 2018 showed a healthy reserve for fiscal uncertainties and cash on hand for Phase I construction. The June 30, 2017 Audit Report and the draft June 30, 2018 Audit Report are included under Tab 4 of the charter renewal appeal packet.

**Finding C: The Petition Fails to Set Forth Reasonably Comprehensive Descriptions of Charter Elements**

***Element 1 – Educational Program***

***5. Promotion & Class Trips***

*The promotion and class trip prerequisites in the Parent-Student Handbook potentially discriminate against students with disabilities by failing to accommodate academic requirements, attendance, and behavior on an individualized basis.*

This finding is speculative and not factual, in violation of Education Code Section 47605(b). As stated in the charter petition, RCS shall not discriminate on the basis of the characteristics listed in Education Code Section 220, and shall comply with all applicable laws related to students with disabilities, including, but not limited to Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, and the Individuals with Disabilities Education Improvement Act. Thus, RCS remains committed to ensuring that all RCS students, including students with IEPs, can fully participate in promotion and field trips. RCS has provided various supports to students, including ensuring paraprofessionals are available for students based on the students' IEPs.

| **Finding C: The Petition Fails to Set Forth Reasonably Comprehensive Descriptions of Charter Elements** |
|---|
| ***Element 4 – Governance Structure***<br>***1. Structure***<br>*According to the Petition, Charter School is a single member of RCS Facilities LLC; however, neither the Petition nor the supporting documentation provides any documentation or information regarding the structure and governance of RCS Facilities LLC, any agreements with Charter School, or the specifics of the property and facilities relationship between the entities. Although the governance section states that RCS Facilities LLC exists to support real property needs of Charter School, the facilities section states that Charter School owns and holds title to its real property.* |
| There is no legal requirement to describe the governance structure of the LLC entity, only to describe the governance structure of the entity operating the charter school, which RCS did in its charter renewal petition. RCS Facilities, LLC filed its Articles of Organization on May 25, 2017 and its Restated Articles of Organization as a Limited Liability Company with the California Secretary of State on September 18, 2018. Further, at the June 28, 2018 Ridgecrest Charter School Governing Board meeting, Ridgecrest Charter School entered into an operating agreement with RCS Facilities, LLC. Included in the operating agreement are descriptions of the organization, its membership, and its management. RCS Facilities, LLC passed a resolution on June 28, 2018 stating Ridgecrest Charter School as the sole member of RCS Facilities, LLC. Upon request, RCS can provide a copy of its operating agreement with RCS Facilities, LLC.<br><br>While RCS currently owns and holds title to its real property, during the course of the current 2018-19 school year, RCS intends to sell and transfer title of the real property to RCS Facilities, LLC. |

| **Finding C: The Petition Fails to Set Forth Reasonably Comprehensive Descriptions of Charter Elements** |
|---|
| ***Element 6 – Health and Safety Procedures***<br>***3. Suicide Prevention Policy***<br>*Although the Petition states that Charter School will maintain a suicide prevention policy in accordance with Education Code section 215, no suicide prevention policy was identified in the Parent-Student Handbook or otherwise provided or attached to the Petition.* |
| The RCS Governing Board approved a suicide prevention policy on June 28, 2018 that complies with all legal requirements, and includes prevention messaging; staff education and training; specialized staff training and qualifications of such employees and scope of services; education for parents, guardians, and care givers; student participation and education; intervention, assessment, and referral; parental notification and involvement; action plan for in school and out of school attempts; support for students after a mental health crisis; re-entry after suicide attempt; and postvention. There is no legal requirement for the suicide prevention policy to be included in the Handbook or attached to the charter petition. Upon request, RCS can provide a copy of its suicide prevention policy. |

| **Finding C: The Petition Fails to Set Forth Reasonably Comprehensive Descriptions of Charter Elements** |
|---|
| ***Element 10 – Suspension and Expulsion Procedures***<br>***1. Willful Defiance:*** *It should be noted that Charter School's Dashboard reflects that the school's suspension rate is high, as also noted in State Priority 6 of the charter school outcomes, giving rise to concern about the Charter School's ability to implement other means of correction and measured discipline.* |
| This finding is speculative and not factual, in violation of Education Code Section 47605(b). As stated above, while RCS recognizes that there is room for improvement in lowering our suspension rates, RCS's suspension rates are lower than those of James Monroe Middle School and the District. Further, RCS utilizes alternative corrections to behaviors, such as natural and logical consequences, restorative justice practices, counseling, and check in-check out. During the 2018-2019 school year, a Healthy Living class was implemented for all 6-8 grade students. The curriculum teaches students executive functions, goal setting, and substance abuse prevention skills which will positively influence student behavior. |