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SHASTA COUNTY BOARD OF EDUCATION
ADDENDUM TO THE
REGULAR MEETING AGENDA PACKET

June 24, 2015
1:30 p.m.

Shasta County Office of Education – Board Room
1644 Magnolia Ave., Redding, CA 96001

The following document is an addition to the agenda packet for the following ACTION item on the June 24, 2015 Shasta County Board of Education agenda:

- 7.2.1. Consider Recommendations from Staff and Legal Counsel Regarding Redding STEM Academy Charter Petition Appeal

ADDENDUM TO

**SHASTA COUNTY BOARD OF EDUCATION
JUNE 24, 2015 BOARD AGENDA PACKET**

**AGENDA ACTION ITEM: 7.2.1. – Consider Recommendation from Staff and Legal Counsel
Regarding Redding STEM Academy Charter Petition Appeal**

**SHASTA COUNTY OFFICE OF EDUCATION
ITEM REQUIRING ATTENTION----SHASTA COUNTY BOARD OF EDUCATION**

Date: June 22, 2015

To: Shasta County Board of Education

From: Tom Armelino, Shasta County Superintendent of Schools

Subject: Redding STEM Academy Charter Petition Staff and Legal Counsel Findings of Fact and Recommendations for Board Decision

I. Background Information & Summary:

On or about May 19, 2015, the Shasta County Office of Education (“SCOE”) received a charter petition (“Petition”) from Redding STEM Academy (“R-STEM or “Petitioners”) for the establishment of Redding STEM Academy (“Charter School”). The Petitioners requested a five year term from July 1, 2015 through June 30, 2020. Pursuant to the Education Code, SCOE held a public hearing on June 10, 2015, so that SCOE’s Governing Board (“Board”) could consider the level of support for the Petition (Ed. Code, § 47605, subd. (b)). The Petition was submitted to SCOE on “appeal” after the Petition was denied by Gateway Unified School District (“Gateway”).¹ Gateway denied the Petition based on its findings that the Petitioners were demonstrably unlikely to successfully implement the program presented and that the Petition fails to provide a reasonable comprehensive description of all required elements of a charter petition.

SCOE staff and legal counsel have read and analyzed the Petition. As a result, SCOE has identified some concerns within the Petition, which are described in detail below, and believes that those deficiencies could potentially warrant a denial of the Petition. However, staff and legal counsel find their concerns are relatively minor when compared with the legislative intent of the Charter Schools Act “that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.” (Ed. Code, § 47605, subd. (b)).

In sum, SCOE staff and legal counsel recommend that the Board approve the Petition for the establishment of the Charter School with the enumerated conditions for a three year term, commencing with the 2015-2016 school year and expiring on June 30, 2018. In the event the Board approves the Petition with conditions, staff also recommends that a separate memorandum of understanding that addresses the conditions, as noted herein, be negotiated between the

¹ 5 C.C.R. §11967 provides that for appeals of petitions that have been denied “Petitioners shall provide the following...a description of any changes to the petition necessary to reflect the county board of education...as the chartering entity...” The Petition submitted to SCOE does not contain a description of these changes and one should be prepared by R-STEM. This is the first condition for approval recommended.

Petitioners and the Superintendent and/or his designee, for consideration by the Board at its meeting scheduled for July 8, 2015.

Notwithstanding the above, if after review of the Petition and the discussion herein the Board wishes to deny the Petition, the Board may base its denial on the findings of fact set forth on the last page of this document.

II. Overview of Charter Petitions Generally

The Charter Schools Act of 1992 (“Act”) governs the creation of charter schools in the State of California. The Act states that a school district governing board considering whether to grant a charter petition “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.” (Ed. Code, § 47605, subd. (b).) With this Legislative intent in mind, the governing board must grant a charter “if it is satisfied that granting the charter is consistent with sound educational practice.” (Ed. Code, § 47605, subd. (b).) In the judgment of the State Board of Education a charter is consistent with sound educational practice if “it is likely to be of educational benefit to pupils who attend.” (5 C.C.R. §11967.51(a).)

The governing board may not deny a petition unless it sets forth specific facts to support one, or more, of the following five findings:

1. The charter school presents an unsound educational program for the students 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 Education Code section 47605, subdivision (a)(1)(A) or (a)(1)(B).
4. The petition does not contain an affirmation of certain specific conditions set forth in Education Code section 47605, subdivision (d), including that the charter school: (1) will be nonsectarian in its admission policies, employment practices, and all other operations; (2) will not charge tuition; and (3) will not discriminate against any student on the basis of the characteristics set forth in Education Code section 220.
5. The petition does not contain reasonably comprehensive descriptions of certain elements in its program and operations as set forth in Education Code section 47605, subdivision (b)(5)(A-P), which describes the following sixteen separate elements that must be addressed in every charter petition:
 - A. A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means

to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

- B. The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. The petition should address pupil outcomes in a manner that focuses on increases in pupil academic achievement both schoolwide and for all numerically significant pupil subgroups to be served by the charter. The pupil outcomes shall also align with the state priorities that apply to the grade levels served, or the nature of the program operated, by the charter school.
- C. The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.
- D. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.
- E. The qualifications to be met by individuals to be employed by the school.
- F. The procedures that the school will follow to ensure the health and safety of students and staff.
- G. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.
- H. Admission requirements, if applicable.
- I. The manner in which annual, independent, financial audits will be conducted, which will employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies will be resolved to the satisfaction of the chartering authority.
- J. The procedures by which students can be suspended or expelled.
- K. The manner by which staff members of the charter school will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security.

- L. The public school attendance alternatives for students residing within the school district who choose not to attend charter schools.
- M. A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.
- N. The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.
- O. A declaration whether or not the charter school will be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (“EERA” or “Rodda Act”).
- P. A description of the procedures to be used if the charter school closes. These procedures must ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of student records.

In addition to these required elements, charter school petitions are also required to include discussion of the impact on the chartering district, including, the facilities to be utilized by the school, the manner in which administrative services will be provided, potential civil liabilities for the chartering school district, and a three year projected operational budget. (Ed. Code, § 47605, subd. (g).) However, such impacts may not be used as grounds for denying a charter petition.

The Education Code does not provide explicit guidance for governing boards in evaluating whether a charter petition’s components are “reasonably comprehensive.” Neither does the Code prescribe specific criteria when considering each of a petition’s required elements. Thus, it is left to boards to exercise their discretion in these areas with input and guidance from their staff with expertise in these areas.

Staff and legal counsel have reviewed the Petition for each of the elements described above.

III. Analysis:

Element 1: Whether the charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

Review of the Petition illustrates that it is consistent with sound educational practice and likely to be of educational benefit to students who attend. The Petition describes a school focused on science, technology, engineering, and math which aims to educate students from a diverse ethnic and socio-economic background. The Petition meets this element.

Element 2: Whether the Petitioners are demonstrably likely to successfully implement the program described in the Petition.

In order to successfully implement the program described in the Petition, Petitioners must demonstrate that they are familiar with the content of the Petition and the requirements of laws applicable to the proposed school; present a realistic financial and operational plan; have the necessary background in areas critical to the Charter School's success, or have a plan for securing the services of individuals with the necessary background, including curriculum, instruction, assessment, finance and business management.

As reviewed below, there is some concern whether the Charter School will successfully implement its program. However, overall the Petitioners have demonstrated likelihood of successful implementation. Lead Petitioner, John Husume, and North Woods Discovery School, Inc. have successfully operated the North Woods Discovery School for over many years. While the program for R-STEM will differ their experience and knowledge of charter operations will be valuable to this new school.

A. The Financial Plan for the Proposed Charter School.

A charter petition should, at a minimum, include a first-year operational budget, start-up costs and cash flow, and financial projections for the first three years. (Ed. Code, § 47605, subd. (g).) Among other things, the operational budget must: (1) include "reasonable estimates of all anticipated revenues and expenditures necessary to operate the school;" (2) "demonstrate an understanding of the timing of the receipt of various revenues and their relationship to [the] timing of expenditures;" and (3) "appear[] viable and over a period of no less than two years of operations provide[] for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school." (5 CCR § 11967.5.1, subd. (c)(3)(B).)

Although the Petition provides the basic financial information for the Charter School, there are some concerns. Their budget projections include a projection of 377 students for the 2019/2020 school year-- almost double that expected for 2015/2016. (See p. 5 and 8 of Budget & Cash Flow Projections.) Yet, the Petition does not include an action plan for attracting these additional students. Nor does the Petition address the housing and facility needs for such a large student population. The budget includes expenditures for certificated and non-certificated salaries but there is no information as to the number of teachers to be employed or the number of classified staff to be employed.² This makes it difficult to determine the reasonableness of the expenditure assumptions and projections. (See pp. 1-8 of Budget & Cash Flow Projections). For these reasons, we recommend the submission of additional information regarding student recruitment and number of employees be provided as a condition.

² Additionally, the Petition makes no reference to any food services and there are no food services positions included in the employee positions and costs sheet in the budget. This is somewhat unusual with the number of free and reduced lunch students the Petition seeks to attract. (See p. 12.)

B. The Plan for Serving Special Student Populations.

The Petition describes the program it will offer for both English Learners (“EL”) and students with disabilities. (See pp. 21-29.) The Petition states that it will implement policies to assure the proper placement, evaluation, and communication for ELs and the rights of students and parents. The school will administer a home language survey upon enrollment and the California English Language Development Test (“CELDT”) will be administered within 30 days for any students with a home language other than English. A sheltered English immersion program using Specially Designed Academic Instruction in English (“SDAIE”) will be used and there will be supplemental English instruction for EL students as well. R-STEM teachers will be CLAD certified (or equivalent). (See p. 22.) There is ambiguity in whether the English Language Arts text books will contain English Language Development (“ELD”) within them as it does not specify if the textbooks will be Type I or Type II. If Type II, the ELD materials are identified. If Type I, the ELD materials have not been identified. (See p. 14.) This should be clarified.

Special education and services required by the Individuals with Disabilities in Education Act (“IDEA”), Section 504 of the Rehabilitation Act (“Section 504”), and the Americans with Disabilities Act (“ADA”) will all be provided through R-STEM acting as its own Local Education Agency (“LEA”). Thus, SCOE will not be responsible for provision of these services. The Petition states that it will be its own LEA member of the El Dorado County Special Education Local Plan Area (“El Dorado SELPA”). (See p. 23.) The Petition also states that it will enter into an MOU with North State Charter JPA for services. Neither an agreement with the El Dorado SELPA nor an MOU with North State Charter JPA was included with the Petition. It is important that SCOE review both to ensure that all legal requirements for serving special needs students will be met. As a condition to approval, draft MOUs should be provided.

With the conditions described above, this element is satisfied.

Element 3: Whether the petition contains the required number of signatures.

The Petition meets this requirement. The Petition is signed by eight teachers meaningfully interested in teaching in the charter school which is more than half of the number of teachers to be employed based upon student enrollment and classroom projections (190 students and 12-13 classrooms needed).

Element 4: Whether the petition contains an affirmation of each of the conditions described in Education Code section 47605(d).

The Petition meets this requirement. (See pp. 3-4.)

Element 5: Whether the Petition Contains Reasonably Comprehensive Descriptions of Sixteen Required Elements.

The Petition serves as the proposal for the Charter School's establishment and operation. Therefore, the Petition must provide reasonably comprehensive descriptions of certain elements in its program and operations as required in Education Code section 47605, subdivision (b)(5)(A-P). The Petition generally meets this element and contains a reasonably comprehensive description of the sixteen (16) sub-elements required by law.

However, there are some areas where it is recommended that additional information be submitted and/or language be revised as a condition to approval. While none of these small issues alone merits denial, when taken as a whole they require additional information or revision in order to fully meet this element.

The following issues require further information and/or revision:

- The Petition details the plan for students who are academically low achieving. (See p. 16.) This includes extended learning time referred to as "Academy" which will be added before or after school. There needs to be detail on how that will be staffed and where that is included in the budget.
- On p. 14 of the Petition four core subject areas are described (math, science, language arts, history). Then on p. 15 additional subject areas including technology, engineering and physical education are described. For physical education the Petition states "physical education will be provided on a regular basis, in most cases daily for 30 or more minutes per day." State law requires a minimum of 200 minutes of physical education every ten days. The Petition should be revised to assure this minimum will be met. (Educ. Code §51223.)
- On p.14 of the Petition it states the Next Generation Science Standards ("NGSS") have not been adopted. However, at this time they have. It is unclear from the Petition whether the materials listed in the Petition will address the NGSS with no distinct core textbooks or scope and sequence listed.
- On p. 29 the Petition references the eight state priorities listed in Education Code section 52060(d). However, it does not provide any substance until later when it addresses measurable student outcomes, assessments, and other uses of data. When it does provide substance it neglects to include anything about Priority No. 5 (pupil engagement) and instead lists Priority No. 6 (school climate) as No. 5. This information needs to be revised so that Priority No. 5 is included in the analysis. Also, the information provided is not delineated by any applicable subgroups of students. The subgroups identified in Education Code section 52052, subdivision (a)(2) are as follows: (A) Ethnic subgroups; (B) Socioeconomically disadvantaged pupils; (C) English learners; (D) Pupils with disabilities; and (E) Foster youth. Further, the Petition does not provide any information on the sub-priorities within each priority. The Petition also fails to include a method of assessment for achievement of the listed priority. This entire section needs revision as a condition.
- Petitions should contain detailed information regarding the curriculum and include at a minimum, full curriculum for one course or grade level. The Petition does not include the full curriculum for any grade level or course. This should be provided as a condition.

- Page 39 of the Petition should have the California Alternative Assessment (“CAA”) added to the State required testing which the school will administer.
- Information contained in an LCAP is included in the Petition at pp.31-39. Petitioners’ should submit a draft LCAP on the State adopted template.
- The Petition states that a Student Accountability Report Card will be provided to parents via the school’s website. However, a *School* Accountability Report Card must be created and made available each year. It is unclear if this is a typo or not. This must be clarified.
- The Petition contains information regarding the qualifications for teachers and administrators. However, it does not contain any information regarding any classified staff or support staff. The Petition fails to identify positions it regards as key in each category as well. The Petition should be revised to identify general qualifications for all categories of employees the school anticipates sufficient to ensure the health and safety of the school’s faculty, staff and students.
- The Petition describes the school’s suspension and expulsion policy. (See p. 54-70.) However, the Petition does not contain a cap on the maximum number of days of suspension each year which should be set at 20. Further, the suspension language is out of date as it does not require alternatives to suspension be considered prior to suspension.

Element 6: Whether the Petition Includes Information For Additional Considerations.

This element is met. The Petition includes a budget and a budget development cycle. The Petition describes the facilities it will use as well as the administrative services it will utilize. The Petition contains information on the impact on the charter authorizer which contains affirmations to mitigate the impact on the authorizer. (See pp. 78-80.)

IV. Recommendations

Based on the foregoing, Staff and legal counsel make the following recommendations:

Recommend approval of the Petition for a three year term with the conditions listed below, commencing with the 2015-2016 school year and expiring on June 30, 2018. In the event the Board approves the Petition with conditions, staff recommends that a separate memorandum of understanding that addresses the conditions, as noted herein, be negotiated between the Petitioners and the Superintendent and/or his designee, for consideration by the Board at its meeting scheduled for July 8, 2015. The conditions to approval are:

1. Petitioners shall provide a description of any changes to the petition necessary to reflect the county board of education as the chartering entity pursuant to 5 C.C.R. §11967.
2. Petitions shall provide a description of the recruitment efforts it will employ to increase its student population over the next four years.
3. Petitioners shall provide a facility plan which would allow the Charter School to grow to 400 students.

4. Petitioners shall provide information regarding the number of classroom teachers they intend to employ the first year so that its budget may be more thoroughly reviewed.
5. The staffing plan for the extended learning time referred to as “Academy” on p. 16 of the Petition shall be provided with reference to where the staff is budgeted as well.
6. Petitioners shall clarify whether the English Language Arts text books are Type II such that they contain English Language Development (“ELD”) within them. If not, ELD materials shall be designated.
7. Petitioners shall provide a draft agreement with the El Dorado SELPA for membership and services.
8. Petitioner shall provide a draft MOU with North State Charter JPA describing services to be provided to special needs students and the cost of those services.
9. Petitioner shall state that a minimum of 200 minutes of physical education instruction every ten days.
10. The portion of the Petition addressing the eight state priorities listed in Education Code section 52060(d) shall be revised so that all eight categories are addressed in detail, so that the sub-priorities are addressed, so that subgroups of students are addressed, and so that a method of assessment for achievement of the listed priority is included.
11. Sample curriculum for one grade level or one course shall be provided.
12. Petition should have the California Alternative Assessment (“CAA”) added to the State required testing which the school will administer.
13. Submission of a draft LCAP on the adopted template.
14. The Petition should clarify that it will prepare and publish a School Accountability Report Card (“SARC”) each year.
15. The Petition shall be revised to identify general qualifications for all categories of employees the school anticipates employing.
16. Petition shall be revised so that it requires alternatives to suspension of students be considered prior to suspension and that there is a maximum cap on days of suspension each year.

Notwithstanding the above, should the Board decide that the concerns raised herein warrant a denial of the Petition, the Board could base its denial on the following grounds, pursuant to Education Code section 47605:

1. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. (Ed. Code, § 47605, subd.(b)(2).)
2. The Petition does not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P).

Should the Board decide to deny the Petition, Staff and legal counsel recommend that the Board adopt these final findings of fact as its own.