

SIERRA SANDS UNIFIED SCHOOL DISTRICT

**Board of Education
Special Concurrent Meeting**

**NOVEMBER 21, 2013
Ridgecrest City Council Chambers
100 West California Avenue
*www.ssusdschools.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

A G E N D A

CALL TO ORDER AND PLEDGE TO THE FLAG

7:00 P.M.

Amy Castillo-Covert
Judy Dietrichson
Bill Farris, President
Tom Pearl
Kurt Rockwell, Vice President/Clerk
Michael Scott

Joanna Rummer, Superintendent

1. **ADOPTION OF AGENDA**
6. **EDUCATIONAL ADMINISTRATION**
 - 6.5 Ridgecrest Charter School: Receipt of Charter Renewal Petition
7. **ADJOURNMENT**

6. EDUCATIONAL ADMINISTRATION

6.5 Ridgecrest Charter School: Receipt of Charter Renewal Petition

BACKGROUND INFORMATION: On or about October 1, 2013, petitioners for the Ridgecrest Charter School delivered a charter renewal petition (“Petition”) to the Sierra Sands Unified School District’s (“District”) offices seeking to renew its charter for the term July 1, 2014 through June 30, 2019. At its October 17, 2013 board meeting the District’s governing board received the Petition.

CURRENT CONSIDERATIONS: Education Code section 47607 provides that charter renewals are governed by the standards and criteria in Education Code section 47605. Education Code section 47605(b) sets forth the process for the consideration of a charter school petition and provides that within 30 days of the governing board’s receipt of a charter petition, the board must hold a public hearing on the provisions of the charter proposal, at which time the board shall consider the level of support for the petition by the teachers employed by the district, other employees of the district, and parents. The statute further provides that the governing board must make a determination whether to grant or deny the charter petition within 60 days of its receipt of the petition.

In accordance with the requirements of Education Code section 47605(b), the District held a public hearing on the provisions of the Ridgecrest Charter School Charter Renewal Petition on October 30, 2013, at which time the Board of Education considered the level of support for the petition by the teachers employed by the Sierra Sands Unified School District, other employees of the District, and parents.

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. The Superintendent of the Sierra Sands Unified School District convened an expert panel that included representatives of the district’s business department, curriculum and instruction department, human resources department, special education and pupil services department, and the district’s legal counsel. The panel’s task was to review and develop a recommendation for the Board whether to grant or deny the renewal petition received from the Ridgecrest Charter School. The panel reviewed the application, supporting documents submitted with the proposal, information provided by the California Department of Education, information obtained from independent sources or its own review, and reports from Ridgecrest community members.

The findings of the panel include exhibits as well as legal and financial opinions from experts that were instrumental in guiding the committee’s investigation into the

proposal for renewal. Each major department reviewed the information contained in the charter proposal and developed the following findings:

- 1) The petitioners are demonstrably unlikely to successfully implement the program described in the Petition including, but not limited to, the following reasons:
 - a. Failure to Meet Renewal Conditions Required by Its Current Authorizer;
 - b. Failure to Pursue and Attain Pupil Outcomes and Other Program Goals;
 - c. Unsatisfactory Governance and Administrative Services;
 - d. Inadequate Financial/Operational Plan;
 - e. Demonstrated Inability to Follow Charter Terms; and
- 2) The Petition does not contain reasonably comprehensive descriptions of many required elements of a charter petition. The detailed factual basis supporting the findings is included in the Staff Report.

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 petitioners are demonstrably unlikely to successfully implement the program and the petition does not provide reasonably comprehensive descriptions of many of the required elements. The Superintendent further recommends the Board adopt the District Staff Report as the written findings in support of its determination at its November 21, 2013 meeting, in conformity with Education Code section 47605.

SIERRA SANDS UNIFIED SCHOOL DISTRICT

STAFF REPORT RIDGECREST CHARTER SCHOOL RENEWAL PETITION

November 21, 2013

BACKGROUND

The Governing Board ("Board") of the Sierra Sands Unified School District ("District") received the Ridgecrest Charter School ("RCS" or "Charter School") charter renewal petition ("Petition") at its regular meeting held on October 17, 2013. The Petition was submitted by Tina Ellingsworth, the Director of RCS ("Petitioner(s)"), on behalf of the Charter School and the California nonprofit public benefit corporation bearing the same name as the school itself.

The Charter School has operated within District boundaries since September 2001 under the oversight of the State Board of Education. Although the District does not serve as the Charter School's authorizing agency, pursuant to Education Code section 47605(k)(3), Petitioners must submit their charter renewal petition to the District for initial consideration. In the instant Petition, the Charter School seeks to renew its charter for the term July 1, 2014 through June 30, 2019.

Pursuant to Education Code section 47607, charter renewal petitions are governed by the same standards and criteria applied to petitions to establish a charter school as set forth in Education Code section 47605. Within 30 days of receiving a petition, the Board must "hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents." (Ed. Code, § 47605(b).) A public hearing on the charter was held on October 30, 2013.

The Board must "either grant or deny the charter within 60 days of receipt of the petition." (Ed. Code, § 47605 (b).) Because RCS is required pursuant to a Memorandum of Understanding to submit its renewal petition to the State Board of Education ("SBE") and the California Department of Education ("CDE") by December 1, 2013, the District accommodated the Charter School's accelerated schedule and agreed to act on the Petition to afford RCS to meet its deadline. Accordingly, the Board will act on the Petition on or before **December 1, 2013**.

Charter schools are established and renewed through submission of a petition by proponents of the charter school to the governing board of a public educational agency and approval of the petition by that agency. The governing board must approve the petition "if it is satisfied that granting the charter is consistent with sound educational practice." (Ed. Code, § 47605, subd. (b).) Nevertheless, a governing board may deny a petition, including a renewal petition, if it finds that the particular petition fails to meet enumerated statutory criteria and it adopts written findings in support of its decision to deny the charter. (*Ibid.*) If the Board grants the Petition, RCS will be renewed for a five year term from July 1, 2014 through June 30, 2019, and the District will serve as the oversight agency for the Charter School. If the Board denies the renewal petition, the Charter School may petition SBE to renew its charter. (Ed. Code, § 47605(k)(3).)

REVIEW OF THE PETITION

Pursuant to Education Code section 47607, charter renewal petitions are governed by the same standards and criteria applied to petitions to establish a charter school as set forth in Education Code section 47605. Education Code section 47605, subdivision (b), sets forth the following guidelines for governing boards to consider in reviewing charter petitions:

- The chartering authority shall be guided by the intent of the Legislature that charter schools are, and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.
- A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice.
- The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:
 - (1) *The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*
 - (2) *The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.*
 - (3) *The petition does not contain the number of signatures required by statute.*
 - (4) *The petition does not contain an affirmation of each of the conditions required by statute.*
 - (5) *The petition does not contain reasonably comprehensive descriptions of the required elements of a charter petition.*

For renewal petitions, the Education Code requires the Charter School to meet at least one of the following criteria to become eligible for charter renewal: (1) attained its Academic Performance Index ("API") growth target in the prior year or in two of the last three years both schoolwide and for all groups of pupils served by the charter school; (2) ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years; (3) ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years; or (4) 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. (Ed. Code, § 47607(b).) Petitioners must submit documentation that the charter school has met at least one of these criteria. (Cal. Code Regs., tit. 5, § 11966.4, subd. (a)(1).) Additionally, when considering a petition for renewal, the District must 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. (Cal. Code Regs., tit. 5, § 11966.4, subd. (b)(1).)

Petitioners submitted documentation, via the 2012-2013 School Quality Snapshot Report (Exh. 4), reflecting that RCS attained its API growth target schoolwide (864) and for its numerically significant pupil subgroups (white and socioeconomically disadvantaged), attained an API rank of 7, and attained an API rank of 10 for demographically comparable schools. Accordingly, Petitioners have met at least one of the threshold criteria set forth in Education Code section 47607(b), and the Charter School is eligible for renewal and further evaluation. Specifically, the Petition must be further evaluated pursuant to the guidelines under section 47605(b) and the past performance of the Charter School's academics, finances, and operation must be further evaluated to determine the likelihood of future success. However, and as discussed below, Petitioners provide no information or documentation to demonstrate they have met the pupil outcome promised in the charter, and look exclusively to API to establish accountability to its charter.

District staff, with the assistance of legal counsel, conducted a thorough review of the Petition guided by the statutory requirements of sections 47605 and 47607, the regulations governing charter renewal (Cal. Code Regs., tit. 5, § 11966.4) and by the regulations promulgated for SBE's evaluation of its own charter petition submissions (Cal. Code Regs., tit. 5, § 11967.5.1.) ("Regulations"). Although these Regulations are not binding on a school district's review of charter petitions, they are helpful guidance.

STAFF RECOMMENDATION

Based upon its comprehensive review and analysis of the Petition, Staff recommends that the Petition be **DENIED**. Staff findings with respect to each identified deficiency appear in numbered paragraphs in Section A, below. This Staff Report also contains Staff's analysis of the Petition, and the written findings supporting Staff's recommendation of denial.

Staff recommends that the Petition be denied for the following reasons:

- **The Petitioners are 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.**

More specific findings with regard to each basis for denial are described in numbered paragraphs below.

FINDINGS IN SUPPORT OF DENIAL

Staff's review and analysis of the Petition resulted in the following findings:

A. The Petition Reflects That Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Pursuant To Education Code Section 47605(b)(2)

The Education Code requires Petitioners to show they are demonstrably likely to successfully implement the program set forth in the Petition. (Ed. Code, § 47605, subd. (b)(2).) In determining whether Petitioners are demonstrably unlikely to succeed, the Regulations require consideration of, among other things, petitioners past history of involvement in

charter schools or other education agencies (public or private) and whether or not that venture was successful.

Under section 11967.5.1(c)(3)(B), an unrealistic financial and operational plan for the proposed charter exists when the charter or supporting documents do not adequately include: a) At a minimum, the first year operational budget, start-up costs, and cash flow, and financial projections for the first three years; b) include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location; c) include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels; and d) present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school. Education Code section 47605, subdivision (g), and Regulations, section 11967.5.1(c)(3)(B) also require Petitioners "to provide financial statements that include a proposed first year operational budget, including start-up costs, and cash flow, and financial projections for the first three years of operation."

Based on the following enumerated findings, staff concludes Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition:

1. Annual Goals and Actions to Achieve State Priorities

The Petition identifies annual goals and describes various actions the Charter School will take or implement to meet eight specific state priorities. These state priorities focus on (1) the appropriate assignment and credentialing of teachers, pupil access to standards-aligned instructional materials, and school facilities; (2) the implementation of the Common Core State Standards; (3) parental involvement; (4) pupil achievement; (5) pupil engagement; (6) school climate; (7) pupil access to and enrollment in a broad course of study; and (8) pupil outcomes in the subject areas of a broad course of study. (p. 24-26; Exh. 3)

However, Staff finds that the Charter School, due to a lack of adequate planning, lack of data and information, and prior history and performance, will be unlikely to successfully achieve many of its annual goals in furtherance of the above-listed state priorities, as further enumerated and described below. Accordingly, staff concludes that RCS will be unable to successfully implement the program as set forth in the Petition:

- State Priority #1: The Petition indicates that "RCS will hire and maintain a highly qualified faculty." (p.24) However, current and future staffing projections do not support the Charter School's educational program. For example, although RCS has two teachers qualified to teach special education, one of those teachers also instructs second grade regular education. Assuming the Charter School maintains a 10.2% disabled student population rate in the 2013-2014 school year (Exh. 14), with its 400-student enrollment, the Charter School would have approximately 41 special education students and students with disabilities. However, the caseload requirement for the teacher teaching special education would exceed the state mandate of 28 students. Therefore, according to current staffing, RCS does not have sufficient qualified staff to serve the entirety of this population.
- Additionally, despite its promise to establish a second language program during the prior charter term, RCS has not offered any foreign language courses, and indicates

in the Petition that it does not currently have a second language program. (p. 22) Though the Petition indicates that the Charter School is currently considering curriculum and funding options for the program, the Petition does not reflect any plans for hiring qualified teachers to instruct foreign language. Moreover, if visual and performing arts, applied arts, or career technical education is being offered by the Charter School, the Petition does not indicate whether such courses are being taught by highly qualified teachers.

- State Priority #2: RCS must implement the Common Core State Standards and describe how EL students will be enabled to gain academic content knowledge and English language proficiency. (p.24) However, the Petition provides no data or information describing how the Charter School will support its EL students, except to generally state that “all RCS curriculum will be designed to support ELs and other struggling student subgroups.” The Petition provides no curriculum maps or lesson plans regarding EL instruction or program implementation, and none of the instructional materials identified in the Petition focus on or integrate EL instruction. Additionally, the Petition does not provide any further details regarding its intervention plan for English learners. While the Petition states that RCS will use the California English Language Development Test (“CELDT”) to assess and re-designate EL students, the Petition provides no data to demonstrate improved student achievement or re-designation for these students. No data was provided regarding the Student Oral Language Observation Matrix, which is used to measure an EL student’s progress in comprehension, fluency, vocabulary, pronunciation, and grammar usage. Currently, the Charter School has an EL student population of 1%, compared to the District’s 8% for grades K-8. Thus, the lack of planning and data calls into question the Charter School’s ability to adequately serve its current English learners and to accommodate an EL student population similar in size to the District’s EL demographic as required by Education Code section 47605 (b)(5)(g).

As explained further below, RCS provided no data to demonstrate compliance with the obligation to serve a student population reflective of the general population residing within the District’s boundaries. Information available on CDE’s website demonstrates the school does not serve a racial and ethnic balance of students comparable to the District’s demographic. Moreover, the Petition does not commit to meeting this requirement. Instead it states it will “strive” to meet the requirement which is inconsistent with law.

- State Priority #4: The Petition indicates that all students will become proficient in English, math, science, and social science, as measured by all of the following: statewide assessments, API, University of California/California State University entrance requirements, percentage of ELs who make progress toward English language proficiency as measured by the CELDT, and EL reclassification rate. (p. 25) The Petition also states that the Charter School will develop curriculum maps designed to support EL students and struggling students. Additionally, to achieve this state priority, the Petition states that 90% of EL students will make progress toward EL proficiency as measured by the CELDT and that 75% of EL students will be reclassified as measured by the CELDT. (p. 38) However, the Petition provides no data in prior years to indicate that adequate EL instruction is being implemented and that such students are achieving success at the level expected by the Charter School. The lack of information calls into question the Charter School’s likelihood in achieving its goals regarding this state priority in the future, especially in light of the fact that the Charter School has not provided, and the Petition does not currently

provide, any curriculum maps, lesson plans, or instructional materials to support EL instruction or program implementation.

Additionally, despite the fact that the Charter School met at least one of the academic performance threshold criteria set forth in Education Code section 47607(b) for renewal eligibility (Exh. 4), the Petition reflects other concerning areas of deficiencies regarding the Charter School's past academic performance. During the 2011-2012 school year, the Charter School failed to make Adequate Yearly Progress ("AYP"), meeting 11 of 13 criteria. As a result, the Charter School was required to submit a Student Achievement Plan to the CDE, which requires the Charter School to establish specific goals and actions the school will take to improve student academic achievement. Despite having a Student Achievement Plan in the 2011-2012 and 2012-2013 school years, in the 2012-2013 school year, the Charter School again failed to make AYP, having met 14 out of the 17 criteria. (Exh. 3) Upon closer evaluation, the Charter School failed to meet its proficiency targets in English-Language Arts schoolwide and for the Hispanic/Latino and White subgroups.

However, the Charter School's plan to improve pupil achievement appears inadequate to address this failure. (Exh. 3) For example, the Petition vaguely states that the Charter School will implement "standards based and aligned curriculum." This is inadequate to evaluate whether there is a plan for improvement or to later determine if the Charter School has met the promised pupil outcomes. Additionally, regular benchmark assessments will be given at least three times per year, but the Petition does not further describe the type of assessments to be used. Also, the Petition states that the Charter School will provide "extensive student support structures (remediation courses, tutoring, differentiated instruction)" without describing exactly how the Charter School will provide these services or providing any evidence that it has done so successfully in the past. The Petition also states that the Charter School will use Standardized Testing and Reporting ("STAR") and California Standards Test ("CST") testing to measure pupil progress, despite the fact that these assessments will no longer be valid going forward. These deficiencies call into question the Charter School's ability to adequately meet its goal that all students will become proficient in core subject areas and renders the goal of meeting AYP in all criteria and for all subgroups inapplicable.

The Petition also states that the Charter School will meet its targeted API growth rate and indicates that RCS used the online API calculator to disaggregate the data to make an "apples to apples" comparison with District schools. (p. 11) However, a meaningful comparison cannot be properly made until RCS compares its scores to the scores from District schools disaggregated by pupil subgroup. Without providing adequately disaggregated data, the District cannot make a meaningful assessment of the Charter School's likelihood of success in academic performance.

It has been our experience that students promoting from RCS to District schools have a lower average GPA than District students.

- State Priority #5: The Petition indicates that RCS will make pupil engagement a priority, as measured by attendance rates, absenteeism rates, and dropout rates, and promises that "students [will] attend school regularly, consistently, and on time." (p.25) However, the Charter School fails to describe a specific plan or action to achieve this goal. Rather, the Charter School's proposed plan of action is vaguely stated, such as "social-emotional learning in all courses; Individualized Learning Plans' Extensive support structures, including early intervention plans; and Extensive

community building via orientation, and morning meeting." This is concerning in light of the fact that in the 2011-2012 school year, three students at RCS in grades 7-8 were listed as dropping out. Additionally the goal does not provide an objectively measureable outcome.

The Petition also states that RCS seeks to "provide targeted instruction and support services to accelerate growth among students under-prepared for high school success, and (as a consequence) prepare them for college." (p. 16) However, it appears that RCS has shown some difficulty retaining and promoting students who enroll in its program:

- In 2001-02, RCS enrolled 18 in grade K and had 22 in grade 8 in 2009-10 (Increase of 18%)
- In 2002-03, RCS enrolled 35 in K and had 19 in grade 8 in 2010-11 (Loss of 45%)
- In 2003-04, RCS enrolled 36 in grade K and had 25 in grade 8 in 2011-12 (Loss of 30%)
- In 2004-05, RCS enrolled 40 in grade K and had 23 in grade 8 in 2012-13 (Loss of 42%)
- In 2005-06, RCS enrolled 28 in grade K and had 26 in grade 8 in 2013-14 (Loss of 7%)

As enrollment increases, RCS should expect the number of students continuing to enroll and continuing on in its program to also increase. However, the above figures do not reflect continual pupil enrollment or sustained enrollment in the program.

Additionally, the Petition indicates that "students transferring to RCS are students who are below grade level and failing at the District. Students who are excelling do not transfer schools." (Exh. 3) However, mobility rate data indicates that RCS has a higher mobility rate than the District, which reflects that a greater percentage of students are transitioning from RCS than from the District. Mobility data as reported on STAR indicates that RCS has mobility rates of 89%, 91% and 92% from 2010 to 2013, while the District has a rate of 95% for these same years.

- State Priority #7: The Petition states that RCS will focus on pupil access to and enrollment in a broad course of study, including programs and services developed and provided to unduplicated students and students with exceptional needs. "Broad courses of study" include English, mathematics, social sciences, science, visual and performing arts, health, and physical education for grades 1-6, and English, social sciences, foreign language, physical education, science, mathematics, visual and performing arts, applied arts, and career technical education for grades 7-8. (p.26)

Aside from the core academic subjects, the Petition provides no evidence that students have access to or are enrolled in a broad course of study in grades 7-8. For example, the Petition promises a second language program and states that students will work with the fundamentals of language structure, pronunciations, grammar, vocabulary, idioms and phrases in Spanish to develop competency in oral and written Spanish, and will work with Spanish texts to develop an understanding and appreciation of various Spanish-speaking cultures. (p. 22) However, the Petition fails to identify or describe any instructional materials, textbooks, course mapping, lesson plans, budget allocation, or professional development activities to indicate that foreign language courses are currently being implemented or being planned for the future.

Additionally, the Charter School's course offerings do not include any visual and performing arts, applied arts, or career technical education courses in grades 6-8. (p. 21-22) While an art history textbook is identified in the Instructional Materials List (Exh. 7), the Petition fails to identify or describe other critical elements for this course of study, such as curriculum maps, budget allocation, and staff development activities, to indicate that this course is being taught or will be taught in the future. If this course is part of the Academic Intervention Model, it is not stated as such and would not be considered a foundational course.

The Petition indicates that the Charter School will offer new classes in the 2013-2014 school year, including Life Skills, Current Events, Study Skills, and Art History. (p. 22; Exh. 3) However, the Petition again provides no curriculum maps or lesson plans that further describe any of these courses. If these courses are part of the Academic Intervention Model, they are not stated as such and would not be considered foundational courses.

- **State Priority #8:** The Petition states that RCS will achieve pupil outcomes in the subject areas identified in State Priority #7. (Exh. 3) However, all of the measurable outcomes and methods of measurement, whether through STAR testing, Common Core assessments, benchmark assessments, or a passing grade of C or above in the relevant course, apply only to English, reading, mathematics, science, and social science. The Petition provides no indication of any measurable outcomes for any of the other courses of study listed in State Priority #7 or the additional courses that the Charter School seeks to implement. Additionally, the Petition indicates that a yearly audit of curriculum and lesson plans by school leadership show that 95% of curriculum maps are aligned to the Common Core and ELD standards and have supports for ELs and struggling students. (p. 41) However, only the Kindergarten curriculum map and lesson plan were included in the Petition for review. No other curriculum maps or lesson plans for any of the other subject areas identified in State Priority #7 were included in the Petition for review, nor were any plans for ELD instruction.

2. Special Education

Staff finds that Petitioners are unlikely to successfully implement its special education program. The Petition indicates that the Charter School currently has an enrollment of 400 students but provides no information regarding the number or percentage of special education students or students with disabilities for the 2013-2014 school year, or the nature and type of disabilities that they have, which is critical in determining which specific services to provide. (p. 16)

The Charter School has also not demonstrated that it is adequately staffed to serve needs of its special education and students with disabilities population. It should be noted that approximately 13% of the Charter School's enrollment in the 2011-2012 school year were students with disabilities who were qualified to take standardized tests, which, out of an enrollment of 212 students taking the test, would equate to approximately 28 students. (p. 17) In the 2011-2012 school year, according to the 2011-2012 School Accountability Report Card ("SARC"), the Charter School had a special education and students with disabilities population of 10.2% schoolwide, which, out of an enrollment of 323 students, would equate to approximately 33 students. (Exh. 14) If the Charter School has maintained this 10.2% rate into the 2013-2014 school year with its 400-student enrollment, then the Charter School would currently have approximately 41 disabled students.

However, the Petition's staffing projections are inadequate to fully support this population estimate. The budget indicates that there are two full-time special education teachers and three paraprofessionals to serve approximately 41 students. However, given that one teacher, who is highly qualified to teach special education, also teaches second grade, the Charter School is only left with four individuals who can meet the needs of students of nine grade levels. Significantly, if the Charter School does in fact have 41 special education students and/or students with disabilities at RCS, the caseload requirement for the teacher teaching special education would exceed the state mandate of 28 students. The Petition also states that RCS will be responsible for hiring, training, and employment of site staff necessary to provide special education services to its students. (p. 32) However, the Petition fails to provide any evidence for this training.

Additionally, the Petition's budgetary documents reflect inconsistent staffing projections for the special education program. The Multi-Year Strategic Fiscal Plan states, "Beginning in 2013-14 the special education teaching staff assignment is 2.0 FTE (full-time equivalent), an increase of 1.0 FTW from 2012-2013...These increases are based upon enrollment growth plus a projected need for additional services." (Exh. 21, Multi-Year Strategic Fiscal Plan, p. 20). However, the teacher credentials for the staff identified by the Charter School reflect that RCS has two special education credentialed teachers, one of whom is assigned to teach second grade.

The demographic data also reflects that the Charter School is serving fewer disabled students, rather than moving toward a population of disabled students that is comparable to that of the District. Currently, the District has a students with disabilities population of 13%. Despite the fact that in the 2011-2012 school year, the Charter School had approximately 33 students with disabilities out of an enrollment of 323 students, in the 2012-2013 school year, according to the School Quality Snapshot Report, the Charter School had a special education and students with disabilities population of 7% schoolwide, which, out of an enrollment of 350 students, would equate to approximately 24.5 students. (Exh. 4). Thus, in the 2012-2013 school year, the Charter School experienced a loss of 8 students in this critical pupil subgroup, even though total enrollment increased by 27 students.

The Petition also does not indicate which disabilities its special education and students with disabilities population exhibits or their grade levels, making it impossible for the District to determine if the educational program offered is sufficient to meet the needs of the Charter School's special-needs students. Indeed, the District has reason to question the accuracy of the Charter School's reported special education and students with disabilities rate. For example, if the Charter School's special education students were evenly distributed among its nine grade levels, approximately 4 to 5 students in each grade level would be classified as a special education student/student with disability. However, among the students who enrolled in Burroughs High School after promotion from RCS in 2013-2014, only one was a special education student.

Even assuming that the Charter School is comparable with the District in special education enrollment and type of disability, the Charter School is responsible for providing a full continuum of services to students with disabilities. A full continuum of services as required by law would include the least restrictive environment, resource specialist program ("RSP") services within the general education classroom, special day class for students who require a more restrictive environment, home hospital instruction, and non-public school program. However, the Petition provides no evidence of such a continuum of services provided for RCS students.

The Petition states that RCS will provide a free and appropriate public education, but makes no mention of how it will be provided. Nor does the Petition explain how services are rendered to students except to say that all students are mainstreamed. "Mainstreaming" is not appropriate for all special needs students. The Petition should, but does not demonstrate the requisite knowledge and ability to develop an appropriate Individualized Education Plan ("IEP"). Instead the Petition reflects "boilerplate" language with little or no application to RCS. The Petition also fails to discuss what kinds of accommodations are being made for students with special needs, and does not describe any mental health services provided by RCS. Additionally, the Petition does not describe the structure of the program or the number of minutes students receive through special education services. The Petition states that RCS participates in child-find, but makes no mention of how this is accomplished, and provides no evidence that it advertises, such as through news articles and posters. While the Parent-Student Handbook states that parents of school age children who suspect their child may have a disability and who may need special education services should contact the Special Education Administrator (Exh. 5), the Petition fails to provide a contact name or phone number for this individual.

The Petition also offers no evidence that RCS is offering extended school year services to all students with an IEP who, as determined by the IEP team, would lose instructional or behavioral progress that they have made in the school year and would not regroup that progress in a reasonable amount of time. Despite the fact that the Petition states that RCS will offer extended school year services, the Petition does not identify the staff or money set aside to successfully implement such services, which calls into question any assurances that the Charter School will do so as RCS is already encroaching \$53,623.

The Petition also does not provide complete information regarding its disabled student population and does not provide disaggregated data that speaks to their academic performance, which makes it impossible to determine the success of the services provided to these students. For example, the Student Achievement Plan indicates that 15 students with disabilities in English-Language Arts and 16 students with disabilities in math were rated as proficient for the purposes of AYP out of 26 total students with disabilities tested, but the Petition provides no other disaggregated data for these pupils. (Exh. 3) Additionally, the Petition provides no data to demonstrate it has met the promised pupil outcome that students grow one month for one month's instruction. (p. 20)

3. Day Care

The Petition states that "a goal during this fourth charter term will be to expand the program to include before and after school day care" (p. 7). Much like the Charter School's promise to offer extended school year services, the Petition does not provide any description or evidence to support its plan to offer a day care program, including staffing projections and funding allocation. Accordingly, Petitioners are demonstrably unlikely to successfully implement its proposed day care program.

4. Response to Educational Reform

The Petition lacks a systematic approach for RCS to respond and transition to the significant educational reform measures facing education in the coming years. The Petition provides no evidence to reflect that RCS will be ready to successfully transition to the Local Control Funding Formula ("LCFF") from the prior funding method and the accountability measures required in the Local Control Accountability Plan ("LCAP"). Additionally, the Petition provides no evidence to reflect plans to transition from Standardized Testing and

Reporting (“STAR”) and the California Standards Test (“CST”), which will no longer constitute valid assessment going forward, to the Smarter Balanced Assessment Consortium (“SBAC”) and the Common Core State Standards. While RCS may be implementing some strategies, the Petition does not reflect a strategic plan to demonstrate how these critical transitions will take place.

Although the Petition indicates that RCS is transitioning to the Common Core by bridging some instructional materials and benchmarks assessments, such transitioning appears inadequate given the extensive nature of the change to the state’s educational standards. For example, the Petition states that RCS plans to develop a comprehensive technology plan, adapt to emerging technology, and use technology competently (p. 18, 23), and that all teachers participated in technology in-services training prior to school beginning. (p. 23) However, the budget neither reflects nor supports this endeavor. Moreover, the 2013-2014 professional development plan lists only one training activity relating to this subject titled, “Technology Integration—Are you CC Ready?” (Exh. 11) Given that the new Common Core assessments will begin next year, the Petition must describe how RCS plans to meet the needs of staff and students with regard to the skills needed to administer the test for teachers and the skills needed to perform the functions on the test for students. In light of the fact that the transition to the Common Core will encompass the use of technology not only in the classroom but also for statewide testing, the Charter School’s plan to prepare for the transition to the Common Core is inadequate.

Additionally, aside from an excerpt copied from the Ed-Data website, the Petition makes no mention of the LCAP, which requires the Charter School to be accountable for monies provided based on the LCFF. This omission is significant as the LCAP reflects that funding will be expended based upon the school’s plan to improve student performance. The Petition must reflect an understanding of the requirements of LCFF, including the development of an LCAP. The Petition must include a clear statement of accountability measures and demonstrate the ability to meet these requirements. For these reasons, the Charter School appears inadequately prepared to transition to the Common Core and the LCFF.

5. Second Language Program

Although a full curriculum driven second language program was one of the key elements of the Charter School’s original petition, RCS has yet to implement the program after nearly 15 years of operation. In the instant renewal petition, RCS indicates that it seeks to implement the program over the renewal term beginning the 2014-2015 school year and is “currently considering curriculum and funding options for the program.” (p. 22) However, RCS provides no evidence or documentation supporting its plan to implement the second language program. Nothing is referenced in the list of instructional materials, professional development activities, curricular mapping, or budget to reflect the Charter School’s plan to implement the second language program. Moreover, it is unclear from the Multi-Year Budget Projection how the second language program will be funded. The Petition does not offer measurable pupil outcomes for a second language program. Without adequate and demonstrated instructional and fiscal planning for this program, Petitioners will be unlikely to successfully implement the second language program for at least the second charter term in a row.

6. English Learner Students

The Petition states that the use of achievement data will drive the instruction and professional development as it relates to English Learners, that RCS is committed to training

teachers in EL strategies, and that teachers will be trained to use Specially Designed Academic Instruction in English (“SDAIE”) techniques to meet the needs of English Learners. (p.28-29) However, no training for SDAIE or for any EL teaching strategies are identified among the list of activities in the Charter School’s professional development plan (Exh. 11) Furthermore, the Petition provides no evidence regarding how RCS is meeting the needs of its EL students, or any evidence of improved student achievement in the Charter School’s EL population. Without adequate data or evidence reflecting EL academic achievement, the Petition does not reflect that the Charter School can successfully implement the ELD component of its educational program going forward.

7. Financial and Operational Plan

ADA v. Enrollment Assumptions

Conflicting and/or unrealistic Average Daily Attendance (“ADA”) and enrollment figures call into question the accuracy of the Charter School’s budgetary figures. For example, the Petition states that RCS projects to reach 560 students in grades K-8 over the next charter term. (p. 6) However, the Multi-Year Budget Summary indicates that RCS will project an enrollment of only 537 students, with an ADA of 510 students, for the 2017-2018 school year. (Exh. 21, Multi-Year Budget Summary, p. 2) Additionally, in calculating the budget, RCS also assumes both school enrollment and ADA to be 350 students for the 2012-2013 school year, which is an unrealistic projection of ADA based on enrollment. (Exh. 21, Multi-Year Strategic Fiscal Plan, p. 29). Indeed, some of the figures provided by the budget are irreconcilable. For example, the Summary ADA Projection Factors by Grade Span found in the Multi-Year Strategic Fiscal Plan reflect projected ADA to exceed enrollment by a ratio of 101.2% for the 2012-2013 school year. (Exh. 21, Multi-Year Strategic Fiscal Plan, p. 10) Accordingly, these deficiencies reflect an unrealistic financial and operational plan. Because of the school’s small size, a small change in ADA will significantly impact the school’s budget.

Under section 11967.5.1, subdivision (c)(3)(C), the Regulations require, in the area of insurance, for the charter and supporting documents to adequately provide for the acquisition of and budgeting for general liability, workers compensation, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance. The Petition provides no information about the levels of coverage. The Petition is also unclear as to additional insured status for the District because while it agrees that the Authorizer will be an additional insured, on p. 55, it provides only additional insured status as required by the State Board of Education which does not include the District. Because there is no information in the Petition to establish necessary coverage levels, the budget does not reflect adequate information to demonstrate proper expenditures for insurance.

Multi-Year Budget/ Multi-Year Strategic Fiscal Plan

The Multi-Year Budget and Multi-Year Strategic Fiscal Plan (Exh. 21) contain various deficiencies and omissions which materially and adversely affect the Charter School’s financial operations. The budget and related documents reflect an unrealistic financial and operational plan, undermining, accordingly, Petitioners’ ability to successfully implement the program, as further described below:

- The Multi-Year Budget fails to include a balance sheet, which is a critical financial accounting document reflecting the strength or weakness of the Charter School’s financial condition.

- The Multi-Year Budget reflects that Title I revenues are projected to remain at the same level over the five-year term of the charter, even though Federal sequestration has been in effect. (Exh. 21, Multi-Year Budget Summary, p. 3) Additionally, the Budget neither explains nor provides documentation to support the assumption that Title I revenue will be maintained at the levels indicated in the Multi-Year Budget Summary. Accordingly, the Charter School's projected revenues may be overstated. Additionally, the Title I Program Budget and Reconciliation Worksheet reflects continuing encroachments. (Exh. 21, Budget Summary, p. 13) However, the Petition does not provide any plan to remedy the encroachment.
- The Charter School's projections for reserves are unsupported. For example, the amounts designated for economic uncertainty in the Multi-Year Budget Summary do not reflect 5% of total expenses, but rather reflect 4%. (Exh. 21, Budget Summary, p. 4) This directly contrasts with the Multi-Year Strategic Fiscal Plan, which indicates that "RCS' reserves at all times continue to exceed 5%" (Exh. 21, Multi-Year Strategic Fiscal Plan, p.2), and calls into question the reliability of these projections. Additionally, the Budget does not describe or provide any documentation supporting the \$1,000,000 designated reserve for facility costs, which is essential in light of the fact that no previous financial data regarding this reserve was provided. (Exh. 21, Budget Summary, p. 4)
- According to the Petition, commencing with the 2013-2014 school year, the Charter School will offer a lunch program by participating in the National School Lunch Program ("NSLP"). However, the Multi-Year Strategic Fiscal Plan states "neither revenues nor expenses for the lunch program are included in the Budget Plan." (Exh. 21, Multi-Year Strategic Fiscal Plan, p. 12) Currently, the NSLP Budget and Reconciliation Worksheet reflects a deficit for the program over the term of the renewal, which indicates that the Charter School's food service program will encroach upon its general funds. (Exh. 21, Budget Summary, p. 13) However, the Petition does not provide any plan to remedy the encroachment and it is unclear how adding the lunch program will impact this program further. Additionally, the budget only accounts for one Food Service Worker to support this program (Exh. 21, Budget Summary, p. 6) and the budget narrative does not describe who will be responsible for implementing, enforcing, and monitoring the considerable compliance requirements for NSLP. These deficiencies call into question the Charter School's ability to successfully implement the proposed lunch program.
- Despite the fact that RCS is currently in deficit spending, the Charter School seeks to obtain a 15-year loan for \$2.5 million in the 2014-2015 school year to build a Multi-Purpose Room. (Exh. 21, Budget Summary, p. 12) The District is concerned about the Charter School's ability to obtain a 15-year loan in this economic climate, especially as the renewal term, if granted, will last only 5 years.
- Although the Multi-Year Strategic Fiscal Plan provides a Teacher Staffing Plan (Exh. 21, Multi-Year Strategic Fiscal Plan, p. 20), the plan does not include an outline for incorporating the second language program in the curriculum as stated in the Petition (p. 22) In light of the fact that RCS has been unable to create a second language program, despite striving to do so during the Charter School's prior term, the lack of a plan to incorporate a second language program into the Teacher Staffing Plan casts doubt on the second language program becoming a reality.

- The 2012-2013 Unaudited Actuals reflected in the Multi-Year Budget Summary differ in several areas from the Unaudited Actuals presented to the RCS Board in September 2013.
- Excessive debt places the Charter School as well as the oversight agency at risk. (Ed. Code, § 47604 (c).)

In the process of evaluating the Charter School's prior history of compliance and past performance, the District asked CDE staff members responsible for overseeing the Charter School, regarding any deficiencies by the Charter School in complying with the terms of its charter and/or any fiscal areas of concern. Carrie Lopes, CDE consultant, indicated that "under the current [Memorandum of Understanding] Ridgecrest is operating appropriately and within the terms of the charter." However, Ms. Lopes would not elaborate on the history of the Charter School's performance. Instead, she referred the District to the Charter School for further information. Kylie Kwok, CDE Fiscal Services Assistant, indicated that "there is no plan to approve [Ridgecrest's deficit spending] based on the deficit spending on 2013-14 projected budget and later years upon the review of Charter Renewal Petition submitted to the Sierra Sands USD for the term July 1, 2014 through June 30, 2019."

CDE staff members did not provide any further information to allow the District staff to analyze the Charter School's past operational or fiscal performance as necessary in considering charter renewal. (Cal. Code Regs., tit. 5, § 11966.4(b)(1) ["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."]. Staff notes that the District did not receive an endorsement of successful history from CDE and understood Ms. Kwok's comment as CDE's statement that they do not approve of the Charter School's budget as it pertains to planned deficit spending. Nonetheless, in light of the foregoing deficiencies and the fact that the Charter School projects to be in deficit spending at least for the 2013-2014 school year, Staff finds Petitioners demonstrably unlikely to successfully implement the program.

B. The Descriptions Of Numerous Charter Elements Are Not Reasonably Comprehensive As Required By Education Code Section 47605(b)(5)

Education Code section 47605, subdivision (b)(5)(A-P), 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:

1. Is substantive and is not, for example, a listing of topics with little elaboration.
2. For elements that have multiple aspects, addresses essentially all aspects the elements, not just selected aspects.
3. Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
4. Describes, as applicable among the different elements, how the charter school will:
 - a. Improve pupil learning.
 - b. Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
 - c. Provide parents, guardians, and pupils with expanded educational opportunities.
 - d. Hold itself accountable for measurable, performance-based pupil outcomes.

- e. Provide vigorous competition with other public school options available to parents, guardians, and students.

(Regulations, § 11967.5.1, subd. (g).) Staff finds that the Petition does not provide reasonably comprehensive descriptions of many of the required elements as described below.

Element 1 – Educational Program

The Education Code 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, and 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, subd. (b)(5)(A); Regulations, § 11967.5.1, subd. (f)(1).)

Based on the following findings, staff concludes the Petition does not adequately describe Petitioners' proposed educational program:

Second Language Program

Although a full curriculum driven second language program was one of the key elements of the Charter School's original petition, RCS has yet to implement the program. According to the Petition, during the instant renewal term, RCS seeks to implement the second language program beginning the 2014-2015 school year. The Petition summarily states that "students will work with the fundamentals of language structure, pronunciations, grammar, vocabulary, idioms and phrases in Spanish to develop competency in oral and written Spanish, and will work with Spanish texts to develop an understanding and appreciation of various Spanish-speaking cultures." (p. 22) However, the Petition fails to describe exactly how students will develop this competency and RCS provides no further evidence or documentation supporting its plan. The Petition neither identifies nor describes any instructional materials, textbooks, course mapping, lesson plans, budget allocation, or professional development activities in support of this program. The Petition does not identify measurable pupil outcomes for this program.

English Learners

The Petition's description of the Charter School's plan to support and serve its EL students is inadequate. The Petition provides no information describing exactly how the Charter School will support its EL students, except to generally and vaguely state that "all RCS curriculum will be designed to support ELs and other struggling student subgroups." (p. 24) The Petition also fails to provide curriculum maps or lesson plans regarding EL instruction, and none of the instructional materials identified in the Petition focus on or integrate EL instruction. Additionally, the Petition does not provide any details regarding its intervention plan for English learners. Moreover, no training for SDAIE or for any EL teaching strategies are identified among the list of activities in the Charter School's professional development plan (Exh. 11)

The Petition also fails to provide data in prior years to indicate that adequate EL instruction is being implemented and that such students are achieving success at the level promised by the Charter School. While the Petition states that RCS will use the CELDT to assess and re-designate EL students, the Petition provides no data to demonstrate improved student achievement or re-designation for these students. No data was provided regarding the Student Oral Language Observation Matrix, which is used to measure an EL student's progress in comprehension, fluency, vocabulary, pronunciation, and grammar usage.

Other Courses

As described above, the Petition also fails to identify or describe such critical elements as curriculum maps, budget allocation, staff development activities, or measurable pupil outcomes for the Charter School's new courses, including Life Skills, Current Events, Study Skills, Art History, and Physical Education. Moreover, none of these courses, with the exception of Physical Education, are included in the Class Size Distribution chart, which also calls into question whether the Charter School will indeed offer and implement these courses. (p. 83) Accordingly, these deficiencies render the Educational Program component of the Petition inadequately described.

Element 2 & 3 – Measurable Pupil Outcomes/Methods of Assessment

The Education Code and Regulations provide for a charter petition to identify the specific skills, knowledge and attitudes that reflect the school's educational objectives and that can be assessed frequently and sufficiently by objective means to determine satisfactory progress and provide for the frequency of the objective means for measuring outcomes to vary by factors such as grade level, subject matter, and previous outcomes. (Ed. Code, § 47605, subd. (b)(5)(B); Regulations, § 11967.5.1, subd. (f)(2).) Pupil outcomes must include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school. (Ed. Code, § 47605, subd. (b)(5)(B).) To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of, and to modify, instruction for individual students and for groups of students during the school year. (Regulations, § 11967.5.1, subd. (f)(2)(A).)

The Education Code and Regulations also require a charter petition to identify the methods by which pupil progress in meeting pupil outcomes is to be measured. To be sufficiently described, a petition must include a variety of assessment tools appropriate to the skills, knowledge, or attitudes being assessed, include the annual assessment results from the Statewide Testing and Reporting ("STAR") program, and outline a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to parents and

guardians, and for utilizing the data continuously to monitor and improve the charter school. (Ed. Code, § 47605, subd. (b)(5)(C); Regulations, § 11967.5.1, subd. (f)(3).)

Based on the following findings, staff concludes the Petition does not adequately describe the Charter School's measurable pupil outcomes and methods for measuring pupil progress:

Core Subjects and Courses

Although STAR testing and the CST will no longer constitute valid assessments going forward, a significant portion of the Charter School's measurable outcomes in core academic subjects are tied to achievement and/or improvement on STAR testing or the CST examinations. For example, the Petition states that 70% or more of all students will demonstrate at least one year of growth on the English STAR test, math CST, science CST, and social science CST. Additionally, 75% or more of all students will be proficient or above on the English STAR test, math STAR test, and science STAR test, and 70% will be proficient or above on the social science STAR test. (p. 41) However, these outcomes will no longer be valid. Moreover, these outcomes do not reflect rigor.

While the Petition ties some measurable outcomes to performance on internal RCS assessments, the Petition fails to provide an adequate description of these assessments. For example, the Petition indicates that students will earn a grade of C or higher in core subject courses, and will show growth on their internal benchmarks, without providing any description as to the grading criteria or the internal benchmark assessments themselves. Thus, the Petition fails to provide an adequate description of measurable outcomes and assessing those outcomes that are unrelated to the STAR and the CST. The Petition does not address the fact that there will not be a standardized assessment in the 2013-2014 school year, consequently, does not describe what assessment the Charter School intends to use to measure pupil achievement during this time.

The Petition also does not provide measurable pupil outcomes or adequate methods of assessment for each and every aspect of the Charter School's educational program. For example, RCS intends to provide a physical education course for grades 6-8 commencing the 2013-2014 school year. However, the Petition fails to identify and describe measurable pupil outcomes centered on student physical fitness. Additionally, RCS seeks to introduce courses entitled Study Skills, Life Skills, Current Events, and Art History. Again, the Petition fails to provide measurable outcomes to assess student achievement in these classes.

Outcomes Inadequately Supporting State Priorities

The measurable outcomes indicated in the Charter School's Student Achievement Plan also do not accurately support state priorities. For example, according to the Student Achievement Plan, to satisfy State Priority #7, the Charter School must enroll 100% of students in a broad course of study as an annual goal. (p. 40) To achieve that goal, the Petition indicates that the Charter School will take such actions as implementing "extensive support systems (tutoring, remedial course, RTi, etc.)" and "comprehensive career and college focus 6-8." However, extensive support systems and comprehensive career and college focus are not substitutes for courses constituting "broad course of study," which are defined by the Petition as courses in foreign language, visual and performing arts, applied arts, and career technical education. Additionally, the Petition provides no evidence that any of these courses are being offered. Accordingly, the implementation of extensive support systems and comprehensive career and college focus do not directly address the issue of students receiving a broad course of study, and thus the Petition's stated actions do not meet the stated annual goal.

The Petition also indicates that 95% of students will promote from the 8th grade to support State Priority #7. However, the Petition does not provide, and does not indicate that it will provide, any evidence that the Charter School has met or will meet this goal. This is concerning in light of the fact that, of the 23 students who enrolled in grade 8 at RCS in the 2012-2013 school year, only 18 enrolled at Burroughs High School. The Petition does not provide any drop out data to indicate whether the 5 students who did not move on from RCS to Burroughs High School are currently enrolled elsewhere or otherwise dropped out from the program, making it unclear whether the Charter School has met its objective.

Other measurable outcomes stated in the Petition are inadequately described in that they reflect a lack of understanding of the outcome at issue. For example, the Petition seeks an outcome reflecting 60% of students to be enrolled in honors and/or college preparatory courses following 8th grade promotion from RCS to high school. However, because Burroughs High School does not offer a non-college preparatory English course, every student who enrolls at Burroughs High School must take at least one college preparatory course following 8th grade promotion from RCS. Therefore, this measurable outcome and method of assessment is rendered meaningless and invalid.

Element 4 – Governance

The Education Code 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, subd. (b)(5)(D); Regulations, § 11967.5.1, subd. (f)(4).) The Education Code and Regulations also provide for evidence that parental involvement is encouraged in various ways. (*bid.*)

Based on the following findings, staff concludes the Petition does not adequately describe the Charter School's governance structure. The Budget indicates that RCS will be hiring a part-time Assistant Executive Director in 2013-2014, who will become a full-time employee in future years, and that the Executive Director's salary will be reduced by approximately 12%. Accordingly, it appears that some of the duties that were previously performed by the Executive Director have been transferred to the Assistant Executive Director. (p. 49) Additionally, the Petition indicates that the position of Chief Operations Officer will expire and a new position of Business Manager will be implemented in November of 2013. (p. 50) These modifications suggest a substantial change in administration of RCS. However, the Petition does not describe how this change will affect the Charter School's operations, or how the leadership of the Charter School will remain as successful as in previous years.

The governance section is also inadequately described as the Charter School did not provide evidence that it is a non-profit public benefit corporation in good standing. The Petition was also submitted without its policies and therefore the Petitioner has not demonstrated that its policies governing employment, students, and governance are appropriate and legally compliant.

The governance section also indicates that parents will be "strongly encouraged to donate at least four (4) hours of service monthly per family." This policy may serve as a barrier to enrollment and interfere with RCS's ability to enroll a demographic consistent with the demographic of the District as required by Education Code section 47605, subd. (b)(5)(G).

As described below, the Charter School has not met the requirement that it serve a student population reflecting the demographic of the District as required by Education Code section 47605, subd. (b)(5)(G).

Staff is aware of significant turnover in the governance and administration of the Charter School. Indeed, the July 2010 through June 2011 Form 990 for RCS, signed by Tina Ellingsworth, reflects that the Charter School only had four (4) governing board members in violation of the RCS Bylaws, which requires that the RCS governing board to have no less than five (5) members. (Exh. 15, Bylaws: Article II, section B.) The District remains concerned that without stable governance and leadership, the ability to transition to LCFF/LCAP and Common Core/SBAC is impaired.

Element 5 – Employee Qualifications

The Education Code and Regulations provide for a charter petition to identify general qualifications for various categories of employees the school anticipates, identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions, and specify that all employment requirements set forth in applicable provisions of law will be met, including but not limited to credentials as necessary. (Ed. Code, § 47605, subd. (b)(5)(E); Regulations, § 11967.5.1, subd. (f)(5).)

Based on the following findings, staff concludes the Petition does not adequately describe the Charter School's employee qualifications:

Business Manager

The Petition indicates that RCS will hire a Business Manager, who will partially replace the Chief Operations Officer. (p.50) Although the Petition indicates that the position requires a Bachelor of Arts degree, the Petition does not indicate in which field the B.A. must be earned. Moreover, according to the job description, finance or business experience is not required for the position, despite the fact that the Business Manager will be responsible for operations and business services. In addition to the fact that this deficiency calls into question the Charter School's ability to manage its financial operations, the job description for Business Manager is inadequately described.

Additional Course Offerings

The schedule of courses for grades 6-8 do not include visual and performing arts, applied arts, career technical education, and foreign language courses, as required in State Priority #7. If the Charter School intends to offer these courses, the Petition must adequately describe the job description, experience required, and qualifications necessary, including any and all credentialing requirements, for teachers to instruct these classes.

Element 6 – Procedures to Ensure Health and Safety

The Education Code requires the Petition to specify the procedures that the school will follow to ensure the health and safety of pupils and staff. (Ed. Code, § 47605, subd. (b)(5)(F).)

Based on the following findings, staff concludes the Petition does not adequately describe the Charter School's health and safety procedures. The Petition states that RCS uses a triage system for problems which occur that need immediate attention and resolution and

that the custodian performs an early morning inspection to identify problems and reports them. (Exh. 14) However, the procedure does not indicate to whom the report is made, how the problem is fixed, or who fixes the problem. The lack of adequate description regarding the Charter School's response to problems requiring immediate attention may constitute a potential health and safety hazard. The Petition also indicates that regular walkthroughs of school facilities by school leadership will ensure that school facilities are maintained and in good repair. (p. 24, 84) Although the Multi-Year Budget Summary indicates a line item for "Property (repairs)," it is unclear whether this line item was intended to cover any costs arising out of the proposed triage system. (Exh. 21, Multi-Year Budget Summary, p. 10)

Element 7 – Racial and Ethnic Balance

The Education Code provides for the charter petition to identify the means by which the charter school will achieve a racial and ethnic balance among its students that is reflective of the authorizing district's general population. (Ed. Code, § 47605, subd. (b)(5)(G).)

Based on the following findings, staff concludes the Petition does not adequately describe Petitioners' means of ensuring racial and ethnic balance consistent with the District's demographics. As reported in the California Longitudinal Pupil Achievement Data System ("CALPADS"), demographic data for years 2010-2013 indicate that the Charter School's Hispanic population has increased 4.3% and is currently at 24%. Additionally, the Charter School's English Learner population is currently at 0.9% and has only increased by 0.9% since 2010. The Charter School's EL demographic does not mirror that of the District. The District's Hispanic population has increased by 1.8% and is currently at 24.7%, almost equal to that of RCS. However, the District's English Learner population is currently at 7.1%, 6.2% higher than RCS. In light of those figures, the Charter School should have made outreach efforts to recruit the EL demographic.

The Petition states that "RCS will strive" to meet the racial and ethnic balance requirement. (p.114.) However, Petitioners must meet this requirement and "striving" to do so is inadequate. As the data reflects, RCS has not met this requirement in its years of operation and the Petition fails to identify how it will remedy the deficiency.

The Petition states that RCS engages in outreach efforts and makes presentations via neighborhood groups, community organizations, churches, other leadership organizations, and local preschools. The Petition also states that RCS posts flyers in neighborhoods, distributes flyers at local grocery stores, and/or make TV/radio public service announcements targeted towards diverse population and in various languages to achieve a racially and ethnically diverse student population. (p. 56; Exh. 19) Thus far, there is no evidence that the outreach effort as described in the Petition has been implemented by the Charter School. Accordingly, the Charter School's outreach plan requires additional description and specific information evidencing its efforts to achieve a racial and ethnic balance.

Additionally, the Petition states that parents are "strongly encouraged" to donate service hours (p.46) on a monthly which may be creating a barrier to enrollment of students of a demographic that reflects that of the District. RCS does not address its inability to meet the requirements of the statute or set forth a plan to remedy its lack of representative student body.

Element 8 – Admissions Requirements

As discussed under Element 7, above, the Charter School does not serve a demographic consistent with the demographic of the District. In reviewing the admissions requirements, the District notes that admissions preferences are first provided to siblings of existing students and children of employees which may perpetuate a demographic that does not reflect a racial and ethnic balance consistent with the District's general population.

Additionally, the Petition does not reflect that the Charter School is enrolling and serving the number of students with disabilities that is consistent with the District's students with disabilities demographic. Currently, the District has a students with disabilities population of 13%. However, recent demographic shifts experienced by the Charter School reflect that the Charter School is serving fewer disabled students. As discussed above, in the 2011-2012 school year, the Charter School had approximately 33 students with disabilities out of an enrollment of 323 students, which reflects a students with disabilities rate of 10.2%. However, in the 2012-2013 school year, according to the School Quality Snapshot Report, the Charter School had a students with disabilities population rate of 7% schoolwide, which, out of an enrollment of 350 students, would equate to approximately 24.5 students. (Exh. 4). Accordingly, in the 2012-2013 school year, the Charter School experienced a loss of approximately 8 students in this critical pupil subgroup, even though total enrollment increased by 27 students. Despite this change, the Petition does not provide any further description of how it will address this issue and rectify the demographic discrepancy.

Element 9 – Independent Financial Audit

The Education Code requires the Petition to specify the manner in which annual, independent financial audits will be conducted, and the manner in which audit exceptions and deficiencies will be resolved to the satisfaction of the chartering authority. (Ed. Code, § 47605, subd. (b)(5)(I).) The Regulations require outlining specifying the time line in which audit exceptions will typically be addressed and indicate the process that the charter school will follow to address any audit findings and/or resolve any audit exceptions. Cal. Code Regs., tit. 5, § 11967.5.1, subd. (f)(8).)

Based on the following findings, staff concludes the Petition does not describe the Charter School's plans to conduct an independent financial audit. Although the Petition indicates that RCS will select an independent auditor to conduct an annual independent financial audit of the books and records of the Charter School as required by law, the Petition does not specify who is responsible for contracting and overseeing the independent audit. Additionally, although the Petition indicates that any audit exceptions and deficiencies will be resolved and an anticipated timeline to do so will be submitted to the charter authorizer, the timeline to address any audit findings or exceptions is not specified. (p. 59)

Element 10 – Suspension and Expulsion Procedures

The Education Code and Regulations require a charter petition to specify procedures by which students can be suspended or expelled that provides due process for all pupils. These shall include, at a minimum, identification of a preliminary list of offenses for which students must and may be disciplined, the procedures for suspending and expelling pupils who have committed such offenses, and how parents, guardians and students will be informed of the grounds and their due process rights. (Cal. Code Regs., tit. 5, § 11967.5.1, subd. (f)(10).) A petition must also provide evidence that in preparing the list of offenses and the procedures, the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, as well as evidence that petitioners have reviewed their list and believe it provides for adequate safety for students, staff and visitors. (*Ibid.*) The charter petition must also include a description of due process for and

understanding of the rights of students with disabilities with regard to suspensions and expulsion and how discipline policies and procedures will be periodically reviewed and modified. Finally, the petition must outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion. (Ed. Code, § 47605, subd. (b)(5)(J); Regulations, § 11967.5.1, subd. (f)(10).)

Staff concludes the Petition does not adequately describe the Charter School's student discipline process. According to the Petition, if a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School must notify the superintendent of the school district of the pupil's last known address within 30 days. (p. 4) The District is aware that 3 students were listed as dropouts from the Charter School in the 2011-2012 school year. However, the District was not notified of these pupils. Although the 30-day notice requirement is provided for in the Affirmations/Assurances section of the Petition, such requirement is not described in the Suspension and Expulsion Procedures section of the Petition, where it would be most relevant. Accordingly, the Suspension and Expulsion Procedures section of the Petition is inadequately described and Petitioner's historical performance demonstrates it has not complied with the Charter or its legal obligations under Education Code section 47605 (d)(3).

Element 14 – Dispute Resolution Procedure

The Dispute Resolution provision of the Petition is drafted to reflect the State Board of Education as the oversight agency and fails to identify any language reflecting the District's involvement in resolution of complaints regarding the Charter School operations. The Dispute Resolution process identified in the Petition regarding disputes between the authorizer and the Charter School fails to acknowledge that the rights and responsibilities governing revocation are set forth in statute and regulations, and that revocation is not subject to a charter's dispute resolution provision.

Element 16 – Closure Procedures

The regulations state that the Charter School must designate a responsible entity to conduct closure-related activities. (Cal. Code Regs., tit. 5, § 11962(a).) In the Petition, however, rather than identifying the entity or the person responsible for the closure-related activity, the Petition states that the closure of the charter school will be documented by official action of the Board of Directors, and that the official action will identify an entity and person(s) responsible for closure-related activities. (p. 80). This is not adequate to comply with the requirements of the regulations and fails to adequately describe the closure procedures.

Miscellaneous Provisions

Under section 11967.5.1, subdivision (c)(3)(C), the Regulations provide, in the area of insurance, for the charter and supporting documents to adequately provide for the acquisition of and budgeting for general liability, workers compensation, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance. The Petition provides no information about the levels of coverage or provide for the authorizer to be an additional insured under the policies. Because there is no information in the Petition to establish necessary coverage levels, the

budget does not reflect adequate information to demonstrate proper expenditures for insurance.

CONCLUSION

For the reasons stated above, Staff finds that Petitioners are demonstrably unlikely to successfully implement the program as presented in the Petition, and the Petition does not provide a reasonably comprehensive description of several essential charter elements within the meaning of Education Code sections 47605(b)(2) and (5). Accordingly, Staff recommends that the Board deny the Petition and adopt this Staff Report as its written factual findings to support the denial.