

CDE Findings Related to the Revised Petition to Establish the Ridgecrest Charter School

Background

On May 12, 2000, the California Department of Education (CDE) received a request from the petitioners of the Ridgecrest Charter School (RCS) to authorize the charter school to be located in the Indian Wells Valley in Kern County. The lead petitioner of RCS is School Futures Research Foundation (SFRF), a California, nonprofit corporation which currently operates ten charter schools in the state. The petition to establish the RCS was denied by the Sierra Sands Unified School District (SSUSD) on February 10, 2000.

The State Board of Education held a public hearing on the charter proposal at its meeting in September 2000. At that time, the board voted unanimously to have the charter proposal be brought back to the State Board in October with the intent to approve the charter if revisions were made to address the staff findings.

Staff met with the petitioner to discuss the issues noted in the staff report, and sent a letter requesting revisions to the charter to reflect the noted concerns and to provide an update on issues related to oversight and special education. (See Attachment 3.) Agenda items were prepared for the SBE meetings in October and November but the petitioners requested that the items be postponed so that they could complete the requested revisions. CDE received a revised petition on October 31, 2000. On November 7, 2000, CDE received further information from the petitioner regarding the progress on oversight and special education issues. (See Attachment 4.)

Below is a summary of the initial findings, and comments on the revisions provided by the petitioners.

Finding 1: The charter has been revised to address concerns that the charter presents an unsound educational program.

RCS petitioners have presented a sound *general* educational program within the charter proposal. However, we initially had several concerns related to how the needs of special education students in the school will be met.

We initially noted concern that the school's Individual Student Plan process may hinder the child's right to an expedient Individual Education Plan (IEP). The revised charter clarifies that the IEP process will be used for special education students, not the ISP process. It further clarifies that a parent may request an evaluation for special education eligibility at any time. This concern appears to have been sufficiently addressed in the charter revisions.

The initial charter proposal stated that all students with an IEP must have an Exit Strategy Plan. We noted that an Exit Strategy Plan might not be appropriate for each child. The reference to exit plans for special education students was deleted in the charter revision.

The initial charter proposal stated that there would be an understanding between the RCS and the SBE to "jointly and cooperatively address the needs of special needs students and share in the

costs and revenues associated with such students by paying for services through the special education local plan area (SELPA)". This language has been deleted.

Although the above issues have been satisfactorily addressed in the revised charter, we continue to be concerned as to how the charter school will participate in state and federal funding for special education and how services will be provided to students with special needs. The language of the charter has been revised to allow for two options related to special education (See Attachment 2, pages 19-20).

The petition states clearly that the school will either, 1) secure the cooperation of an existing local education agency (LEA) to enable the school to function as an arm of the LEA for special education purposes, or; 2) provide written, verifiable assurances that the school will participate as an LEA in a SELPA whose plan has been approved by the State Board of Education. The petition also states that the school will not begin operation until it has implemented either one of the two options.

The inclusion of this language provides a legal option for RCS petitioners to provide special education services. As such, the charter document is much improved in this respect. As a charter school authorized by the SBE, an LEA in Kern County that agrees to accept the delegation of general oversight for the charter school from the SBE could also agree to act as the LEA for special education purposes. Alternatively, the charter school could become an LEA within the Kern County SELPA for purposes of special education. Such a statement of assurances may be considered generally acceptable for a charter document. Further, the petitioners have submitted a letter to the Kern County SELPA stating their desire to apply to become an LEA. The petitioners have not received a reply from the SELPA.

We believe that at this point in its development, the charter cannot provide absolute resolution to this issue. However, the assurance that the charter will not operate until this has been fully resolved provides a reasonable compromise.

Finding 2: We originally found that the RCS petition had not fully complied with *Education Code* Section 47605 which requires a reasonably comprehensive description of each of 15 elements required to be included in a charter. Based on the revisions submitted by the petitioners, we find the petition could be deemed reasonably comprehensive. Below is a description of the original concerns and the modifications to the charter made to address these concerns:

(H) Admission requirements, if applicable.

The original proposal stated that "founding families" and those who signed the charter petition would be given "first priority." Per CDE request, the petitioners have specifically limited the number of founding families to 10, and eliminated preferences for those signing the petition. Admissions criteria that appeared to be based on race and socio-economic status have also been deleted.

(J) The procedures by which pupils can be suspended or expelled.

References to obsolete or conflicting policies have been deleted. The charter now states that the charter will use the suspension and expulsion policies of the Sierra Sands Unified School District. (This is the district where the charter will be located.)

Finding 3: Although we originally found that other elements of the charter petition required under *Education Code* Sections 47605(b)(1)(A-O) may be deemed “reasonably comprehensive,” we initially identified several areas in the charter proposal which may require technical changes and further clarification. Revisions in these areas are noted below:

(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 pupils to become self-motivated, competent, and lifelong learners.

We suggested that clarification on how the charter school would provide special education services would assist in addressing how the needs of special education students will be met within or in addition to the proposed educational program. While the charter has improved with regard to assuring compliance with special education law, the description of the education program still does not include how the program will operate for students with special needs. We believe that this issue must be clarified prior to operation of the charter school.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil Outcomes," for purposes of this part, 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 was not amended to address the CDE suggestion that the petitioners provide a timeline for which Core Knowledge guidelines will be incorporated into other state content standard areas such as science and history/social studies.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured.

The charter proposal was modified, as suggested, to state that the charter school will meet its targeted growth rate on the state API and language was added to address how progress towards the “character and ethics” standards and the “balanced life” standards will be measured.

(F) Procedures to ensure the health and safety of pupils and staff, including criminal records summary.

The charter was revised, as suggested, to state that the school will use the same health and safety procedures as SSUSD.

(I) The manner in which an independent annual financial audit is to be conducted.

As suggested, the petition was amended to establish a reasonable timeline in which the audit would be completed and the parties (including the SBE) to which the audit report would be provided. The petition states that an audit committee is responsible for ensuring that the audit is performed in a timely manner. It also states that corrective action for all exceptions or deficiencies identified in the audit report will be resolved to the satisfaction of the SBE.

(L) A description of the rights of any employee of the district, upon leaving the employment of the district to work in the charter, and of any rights of return to the school district after employment at the charter school.

The proposal continues to state that it is the “intention of the petitioner that public school district employees who are offered employment and who choose to work at the charter school will be given unpaid charter school leave from their district with return rights for the duration of the initially-approved charter. Return rights would be offered with neither loss nor gain of status or seniority with the prior district” We continue to believe that it is doubtful that either the petitioner or the SBE will have authority to impose this provision upon any school district whose employee chooses to work in the charter school. However, the petitioners have added language to clarify that this is subject to the policies of the sending district and that they will make an effort to work on behalf of the teachers.

Review Team Recommendation

The revisions to this charter have substantially addressed the issues raised in the previous staff report. Therefore we recommend that the charter be approved only under the following conditions:

- 1) that the school not begin operation until the charter has provided “written, verifiable assurances” either that the school 1) has an oversight LEA that has agreed to accept the charter school as a school of the LEA for special education purposes, or 2) has been included in an LEA in a SELPA whose plan has been approved by the State Board of Education; and,
- 2) that the school not be allowed to operate until a memorandum of understanding (MOU) describing the process for reporting and oversight for the charter school has been agreed to by both parties. Finally, we request that the SBE provide direction on how to proceed with the establishment of an MOU and a process for ongoing oversight of the school.

Finally, if the SBE chooses to approve the Ridgecrest Charter School, we recommend that the SBE assign a charter school number to the school.