

## State Board of Education Charter School Appeal Findings

School Name: The Global School	
Denying District: Oakland Unified School District	Date Denied: 5/15/03
Denying County: Alameda County	Date Denied: 8/12/03
Date Received by SBE: August 19, 2003	

SUMMARY OF FINDINGS	Concerns*
1. The Charter School presents an unsound educational program for pupils to be enrolled in the charter school.	<input checked="" type="checkbox"/>
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.	<input checked="" type="checkbox"/>
3. The petition does not contain the number of required signatures.	<input type="checkbox"/>
4. The petition does not contain an affirmation that the school shall be nonsectarian, shall not charge tuition and shall not discriminate.	<input type="checkbox"/>
5. The petition does not contain reasonably comprehensive descriptions of the required elements.	<input checked="" type="checkbox"/>
*See detail regarding concerns on findings 1, 2, and 5 on the following pages.	

GENERAL COMMENTS AND AFFIRMATIONS	Included	
	Yes	No
Evidence of local governing board denial per <i>Education Code</i> (EC) Section 47605 (j)(1) and 5 CCR 11967(a)(2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reason for denial included (5 CCR 1967(a)(2))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Full charter included (EC 47605(b)(5)).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Signed certification of Compliance with applicable law (5 CCR 11967(b)(3))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Written verification of SELPA participation or district delegation to accept charter in the LEA for Special Education (EC 47641(c) and (d))	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Serves pupils in grade levels that are served by the school district of the governing board that considered the petition (EC 47605(a)(6))	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FINDING #1	Concerns
<p>The charter school presents an unsound educational program for pupils to be enrolled in the charter school.</p> <ul style="list-style-type: none"> <li>• Program presents the likelihood of physical, educational, or psychological harm;</li> <li>• Program is not likely to be of educational benefit to the pupils who attend.</li> </ul>	
<p>Comments: The petition is very general in its description of the educational program with little information on how the program at this particular school will be conducted. The specific concerns with this petition are as follows:</p> <ol style="list-style-type: none"> <li>1. Support strategies for at-risk, ELL, and special education students are vague, with no specific plan. The petition lists (on page 5) three strategies that "may" be included for these students, but there is no evidence that a detailed support plan has been developed.</li> <li>2. The section of the petition (page 12) that describes the special education program contains boilerplate language seen in other petitions that states that the school will either become an LEA in a SELPA or will develop an MOU with Oakland Unified School District. However, there is no evidence that the school has contacted a SELPA or that Oakland USD has agreed to an MOU. There is no evidence that the petitioners understand the requirements of operating a special education program or that the school will offer a full continuum of options for special education students.</li> <li>3. The petitioners describe as one of the outcomes for the school that it will seek to achieve an API score of 4 or above by the end of its second year and will seek to meet growth targets. However, the petition does not state whether the API score of 4 refers to statewide or similar schools rankings and it does not refer to significant subgroups at the school achieving at the same level. The petition also states that the "majority" of the school's students will achieve at or above grade level on the school's assessments without defining "majority."</li> <li>4. The school appears to have differentiated standards for what constitutes "mastery" in core subjects for special education and ELL students. "Mastery" is defined as grade C or better for most students, however, for special education and ELL students, mastery "will be defined appropriately" according to IEPs and English language proficiency (page 10). Thus, it appears that the school does not have high academic expectations for all students.</li> </ol>	

<b>FINDING #2</b>	<b>Concerns</b>
<p>The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.</p> <ul style="list-style-type: none"> <li>• Petitioners have a past history of involvement with charter schools or other education agencies that are regarded as unsuccessful;</li> <li>• Petitioners are unfamiliar with the contents of petition or requirements of law;</li> <li>• Petitioners have presented an unrealistic financial and operational plan for the charter school;</li> <li>• Petitioners lack the necessary background in curriculum, instruction and assessment, and finance and business management, and have no plan for securing individuals with the necessary background.</li> </ul>	
<p>Comments: The petition contains very little information on the operational aspects of the school and, therefore, it appears that the petitioners may be unlikely to successfully implement the program set forth in the petition. Specific concerns are as follows:</p> <ol style="list-style-type: none"> <li>1. There is no description of how or by whom administrative services would be provided, including budgeting, accounting, payroll, retirement contributions, etc.</li> <li>2. The petitioners have not identified any actual or potential facilities for the school. The petition only states that the school does not intend to use Oakland USD facilities and that it is actively evaluating facilities.</li> <li>3. Petitioners may have an unrealistic financial and budget plan for the school. Our analysis of the budget indicates that the petitioners may have overstated revenues and understated expenditures such that the school would be deficit spending for all years of operation reflected in the budget that was submitted. The school did not include \$50,000 in facilities costs that was budgeted in the start-up grant that was awarded to the school. Other areas where the school appears to have underbudgeted include: the COLA, employee benefits and projected costs for those benefits, textbooks, special education and potential encroachment costs, and other administrative activities (insurance, bookkeeping, legal, etc.).</li> <li>4. There does not appear to be a sound governance structure in place at this time. There is no evidence of incorporation as a non-profit entity or bylaws. The actual governance of the school is described in vague terms.</li> <li>5. There are many areas in the petition that need technical amendments to reflect the SBE, not CDE, as the chartering entity if this petition is approved. We would also recommend that language in the charter referring to a date for submission of a renewal request (page 20) be changed to state that the renewal will be submitted no later than January 1 of the year in which the charter expires.</li> </ol>	

<b>FINDING #3</b>	<b>No Concerns</b>
The petition does not contain the number of signatures required by law.	
Comments: None	

<b>FINDING #4</b>	<b>No Concerns</b>
The petition does not contain an affirmation of each of the following: <ul style="list-style-type: none"> <li>• Shall be nonsectarian</li> <li>• Shall not charge tuition</li> <li>• Shall not discriminate</li> </ul>	
Comments: None	

<b>FINDING #5</b>	<b>Reasonably Comprehensive</b>	<b>Not Reasonably Comprehensive</b>
The petition contains reasonably comprehensive descriptions of the following:		
(A) A description of the educational program, including how information will be provided to parents on transferability of courses and eligibility of courses to meet college entrance requirements.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: See comments under Finding #1.		
(B) The measurable pupil outcomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: See comments under Finding # 1.		
(C) The method by which pupil progress is to be measured (compliance with statewide assessments and standards)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The petition seems to rely heavily on portfolios and exhibitions for most of the school's assessment activities in addition to the STAR program. There is no evidence of a plan for collecting, analyzing, and reporting data on student achievement to school staff and parents and for using the data to continuously monitor and improve the school's educational program.		

(D) Governance structure, including the process to ensure parental involvement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Petition contains no incorporation papers or bylaws for the school, although it is to be a 501(c) (3) nonprofit organization. The petition provides for one non-voting representative of the SBE on the school's governing board. This should be changed to provide for a voting representative of the SBE if the petition is approved. It is not clear how the school's governing board members will be selected, nor is it clear how the School Site Leadership Team will function.</p>		
(E) Qualifications to be met by those employed	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comment: The petition does not identify the general qualifications for various categories of employees, nor does it identify key positions in each category. The petition does not specify that all requirements for employment set forth in applicable provisions of law will be met.</p>		
(F) Procedures to ensure health and safety of pupils and staff, including criminal records summary (per EC Section 44237)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition contains boilerplate language indicating what topics will be covered in health and safety procedures, but it does not describe the procedures. The topics to be covered also do not include the screening of student's vision, hearing, and for scoliosis to the same extent as would be required of non-charter public schools. This section of the petition also contains language stating that the school will be housed in facilities approved by the State Fire Marshall. This should be changed to indicate that the facilities will receive local fire marshall approval.</p>		
(G) The means by which the school will achieve racial and ethnic balance reflective of the district population	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: None</p>		
(H) Admission requirements, if applicable (District priority or lottery per EC 47605(d)(2))	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition states that if the number of applicants exceeds the capacity of the school, priority will be given to children of founding families, not to exceed 25 percent of any entering class. We would recommend the percentage of founding families given priority not exceed 10 percent of any entering class. This is consistent with previous SBE action on other appeals.</p>		

(I) The manner in which an independent annual financial audit is to be conducted	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition does not state that the independent auditor will have experience in education finance. It also refers to submitting the audit to the CDE and reporting to the CDE "charter coordinator" on the resolution of deficiencies. This language should be changed to refer to the SBE, not CDE. The part of the petition describing the programmatic audit is only a list of possible pieces of information that may be included in the audit. This section also states that CDE and the school will jointly develop a site visitation process. This should be eliminated. The oversight agreement describes the site visitation process.</p>		
(J) The procedures by which pupils can be suspended or expelled	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition contains no procedures for suspension or expulsion, nor does it list the offenses that would result in suspension or expulsion. There is no description of due process rights, particularly for special education students, or how parents will be informed of these rights. There is little detail on how detailed policies will be developed, reviewed and modified over time.</p>		
(K) The manner by which staff will be covered by STRS, PERS, or Social Security	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition contains only vague references to possibly participating in PERS and STRS. It does not describe who will be responsible for ensuring that appropriate arrangements are made, nor does the petition describe which positions might be covered under each system.</p>		
(L) The public school attendance alternatives for pupils residing in the school district who choose not to attend charter schools (No governing board of a school district shall require any pupil enrolled in the school district to attend a charter school)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition needs standard language stating that parents of each pupil enrolled in the school shall be informed that the pupil has no right to admission in a particular school of any local education agency (or program of any local education agency) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.</p>		

<p>(M) 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 (No governing board of a school district shall require any employee of the school district to be employed in a charter school (EC 47605(e))</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition needs the standard language stating that employees of the charter school shall have any rights upon leaving the employment of a local education agency to work in the charter school that the local education agency may specify, any rights of return to employment in a local education agency after employment in the charter school as the local education agency may specify, and any other rights the SBE determines to be reasonable and not in conflict with the law.</p>		
<p>(N) Process for resolution of disputes with chartering entity</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition contains boilerplate language limiting the SBE's right to intervene in internal disputes and refers to CDE rather than the SBE. This language needs to be changed to indicate that the SBE can intervene anytime it believes its fundamental interests are in jeopardy, in accordance with the oversight agreement. This section also needs to include standard language describing how the costs of the dispute resolution process will be funded and language that recognizes that the SBE is not a local education agency and may resolve disputes directly instead of through the dispute resolution process identified in the charter.</p>		
<p>(O) Declaration whether or not the charter school shall be deemed the exclusive public employer for the purposes of EERA</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: None</p>		
<p>(P) A description of the procedures to be used if the charter school closes</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition indicates that the school and the SBE will mutually decide how to maintain and transfer student records in the event of a school closure. This should be changed to place the responsibility directly on the school. This should be described as part of the closure procedures. Among the other things that should be addressed in the closure procedures are how parents, the SBE, and any district that might receive students are to be notified of the closure, the procedures for a final audit, and disposition of assets. All references to CDE should be to the SBE in this petition.</p>		

**Recommended Conditions of Operation  
for State Board Charter Appeals**

Condition	Recommended	Not Recommended	Alternative Date
<p>1. <b>Insurance Coverage</b>-not later than <b>June 1</b>, (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>2. <b>Oversight Agreement</b>-not later than <b>January 1</b>, either (a) accept an agreement with the State Board of Education (administered through the California Department of Education) to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the State Board of Education (as represented by the Executive Director of the State Board), and an oversight entity (pursuant to EC Section 47605(k)(1)) regarding the scope of oversight and reporting activities, including, but not limited, adequacy and safety of facilities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Condition	Recommended	Not Recommended	Alternative Date
<p>3. SELPA Membership-no later than February 1, submit written verification of having applied to a special education local plan area (SELPA) for membership as a local education agency and, not later than June 1, submit either written verification that the school is (or will be at the time students are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's students to be students of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the Special Education Division based on a review of either the school's written plan for membership in SELPA, including any proposed contracts with service providers or agreement between a SELPA, a school district and the school, including any proposed contracts with service providers.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Condition	Recommended	Not Recommended	Alternative Date
<p>4. <b>Educational Program</b>-not later than <b>January 1</b>, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and, not later than <b>June 1</b>, submit the complete educational program for students to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used, plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluating student progress, and a budget that clearly identifies the core program from enrichment activities and reflects only those loans, grants, and lines of credit (if any) that have been secured. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Deputy Superintendent for Curriculum and Instructional Leadership.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>5. <b>Student Attendance Accounting</b>-not later than <b>May 3</b>, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the State Board</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

of Education based primarily on the advice of the Director of the School Fiscal Services Division.			
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Condition	Recommended	Not Recommended	Alternative Date
<p>6. <b>Facilities Agreement</b>-not later than <b>January 1</b>, present a written agreement (a lease or similar document) indicating the school's right to use the principal school site identified by the petitioners for at least the first year of the school's operation and evidence that the facility will be adequate for the school's needs. Not later than <b>June 1</b>, present a written agreement (or agreements) indicating the school's right to use any ancillary facilities planned for use in the first year of operation. Satisfaction of these conditions should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>7. <b>Zoning and Occupancy</b>-not less than <b>30 days</b> prior to the school's opening, present evidence that the facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the State Board of Education may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Condition	Recommended	Not Recommended	Alternative Date
<p>8. <b>Final Charter</b>-not later than <b>January 1</b>, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the State Board of Education as the chartering authority and otherwise address all concerns identified by California Department of Education staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the State Board of Education based primarily on the advice of appropriate CDE staff.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>9. <b>Legal Issues</b>-in the final charter presented pursuant to condition (8), resolve any provisions related to legal issues that may be identified by the State Board's Chief Counsel.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>10. <b>Processing of Employment Contributions</b>-prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>11. <b>Operational Date</b>-if any deadline specified in these conditions is not met, approval of the charter is terminated, unless the State Board of Education deletes or extends the deadline not met. If the school is not in operation by</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<b>September 30, 2005</b> , approval of the charter is terminated.			

Draft