



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2005 AGENDA

SUBJECT	
Request by the Hickman Community Charter District to Renew Its Charter As An All-Charter District.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input checked="" type="checkbox"/> Public Hearing

RECOMMENDATION

That the State Board of Education (SBE) approve the Hickman Community Charter District (HCCD) request and renew the charter as an all-charter district for an additional five-year term commencing on January 12, 2005, and continuing to January 12, 2010.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Pursuant to *Education Code* Section 47606, a school district may convert all of its schools to charter schools provided certain conditions are met and the charter petition meets the general requirements for charter schools. Further, a petition for an all-charter district can be "approved only by joint action of the Superintendent of Public Instruction and the State Board of Education." To date, the SSPI and SBE have approved eight all-charter districts: Pioneer Union Elementary School District in Kings County, Kingsburg Joint Union Elementary School District in Fresno County, Delta View Joint Union School District in Kings County, Hickman Community Charter District in Stanislaus County, Alvina Elementary School District in Fresno County, Island Union School District in Kings County, Kings River-Hardwick Union Elementary School District in Kings County and Jacoby Creek Elementary School District in Humboldt County. The SSPI and SBE have also previously authorized five-year renewals for Pioneer Union Elementary School District (May 2004), Kingsburg Joint Union Elementary School District (May 2001), Kings River-Hardwick Union Elementary School District (May 2004) and Delta View Joint Union Elementary School District (May 2004).

The SSPI and the SBE jointly approved the original HCCD petition to become an all-charter district in March 2000 for a five-year term.

SUMMARY OF KEY ISSUES

Pursuant to *Education Code* Section 47607, a charter granted by the SBE may be granted one or more subsequent renewals. Each renewal shall be for a period of five years. Renewals and material revisions of charters shall be governed by the standards and criteria in sections 47605 and 47607. On November 8, 2004, CDE received a request from the HCCD to renew its charter as an all-charter district. HCCD is a K-8 district located in Stanislaus County serving approximately 1100 pupils in three schools at a single site; Hickman Elementary (K-5), Hickman Middle (6-8) and Hickman Charter (K-8, Independent Study).

CDE staff conducted a comprehensive site visit review of the HCCD in October 2004. The CDE Charter Schools Division also reviewed documents submitted by the HCCD including an updated charter, specific alternative public school attendance agreements, HCCD board minutes and a positive financial certification from the Stanislaus County Office of Education. The HCCD charter has been reformatted in accordance to the SBE Model Charter School Application. Reflecting the knowledge and experience gained during the first five years of operation, the revised charter provides a far more comprehensive description for many program elements. Significant revisions include:

- Provides a more detailed description of the Curriculum and Instructional Design including the integration of state frameworks and content standards, teaching methods that incorporate a variety of modalities to meet diverse student needs, parent involvement, the use of technology and the use of shared resources.
- Identifies specific plans for students who are academically low achieving, academically high achieving, English learners and those in need of Special Education services.
- Provides more comprehensive and better defined Measurable Student Outcomes including a plan for continued achievement of API growth targets.
- Provides a more detailed description of methods for measuring student progress in meeting desired student outcomes including State mandated and local assessments. Also adds a description on use and reporting of student data.
- Adds a closure protocol as required due to a change in the law.
- Includes SBE recommended language regarding resolution of disputes.

Based upon site visit findings and an analysis of the charter, renewal documents and performance data, CDE staff has determined that the district is operating in accordance with the law and the terms of its charter. Staff has also determined that the updated charter meets all requirements of the law, reflects performance-based improvements and provides for greater accountability.

AB 1137 amended *Education Code* Section 47607 to establish new performance requirements that must be met by charter schools prior to renewal (see Attachment 3). Commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever is later, a charter school shall meet at least one of five specified criteria prior to receiving a charter renewal. In the instance of multi-school all-charter districts, it is not clear as to whether this requirement shall apply to the district as a whole or to each school within the district. As part of the HCCD review process, CDE staff evaluated

both the performance of each HCCD school and the district as a whole. Based upon API data for the past three years, each school and the district as a whole has met at least two of the five criteria specified in *Education Section 47607(b)*, thereby exceeding the minimum standards required to be met prior to charter renewal (see Attachment 2).

In their analysis of the 2003 API data, CDE staff did identify three areas of concern as noted in their findings (Attachment 2). However, CDE staff believes that the district explanation, the proposed educational strategies and the hiring of additional staff sufficiently address the noted concerns. Academic performance at all three schools is high (API 734,755,798) and shows continued overall improvement since the original approval of their charter. CDE staff will continue to monitor the academic performance of all three schools including subgroups.

The HCCD independent study program that includes comprehensive ongoing parent training, the inclusion of numerous on-site student classes and the availability of extensive resources is an exemplary model. The Student Study Process (Attachment C of the charter) and the integrated use of assessment with an individualized approach to instruction are innovative and effective. The direct involvement and support of parents, teachers and the community is clearly evident in both governance and operations.

In accordance with general provisions in the *Education Code Section 47604.32*, CDE staff shall conduct annual site visits, ensure compliance with all reporting requirements and provisions of the charter and monitor the fiscal condition of HCCD. In addition to other required reporting, HCCD shall prepare and submit annual fiscal reports as required under *Education Code Section 47604.33*.

The Advisory Commission on Charter Schools (ACCS) reviewed and unanimously recommended approval of the HCCD renewal request at their November 29, 2004, meeting. In consideration of the CDE staff findings and the recommendation of the ACCS, the State Superintendent of Public Instruction has approved the HCCD renewal request as per the requirements for joint approval in *Education Code Section 47606*.

FISCAL ANALYSIS (AS APPROPRIATE)

The Stanislaus County Office of Education has provided a Positive Financial Certification for HCCD. Approval of this single renewal has minimal fiscal impact on the Division. However, the cumulative effect of approving new all-charter district requests and renewals, as well as new petitions on appeal and statewide-benefit charters, will over time create a significant additional workload for charter school division staff.

ATTACHMENT(S)

- Attachment 1: The Hickman Community Charter District Charter (42 Pages)
- Attachment 2: California Department of Education Findings (4 Pages)
- Attachment 3: *Education Code Section 47607* (2 Pages)

**California Department of Education Findings
Related to the Hickman Community Charter District
Request to Renew its Charter as an All-Charter District**

Background

The State Board of Education (SBE) and the State Superintendent of Public Instruction (SSPI) jointly approved the Hickman Community Charter District (HCCD) petition to become an all-charter district in March 2000 for a five-year term. Pursuant to *Education Code* Section 47607, a charter granted by a school district governing board, a county board of education or the State Board of Education, may be granted one or more subsequent renewals by that entity. Each renewal shall be for a period of five years.

On September 9, 2004, the CDE sent a renewal notice to the Hickman Community Charter District noting that the current charter is due to expire in March 2005. On November 8, 2004 CDE received a request from the Hickman Community Charter District (HCCD) to renew its charter as an All-Charter District, a revised charter and supporting documents.

HCCD is a K-8 district located in Stanislaus County serving approximately 1100 pupils in three schools at a single site; Hickman Elementary (K-5), Hickman Middle (6-8) and Hickman Charter (K-8, Independent Study). The review of the HCCD renewal request was conducted in accordance with the requirements specified in *Education Code* Section 47607 and the *Adopted Process for Reviewing Districtwide Charter Petitions and Evaluating All-Charter Districts* approved by the SBE in March 1999 (Attachment A). The renewal requirements specify that:

Renewals and material revisions of charters shall be governed by the standards and criteria in Section 47605 and that CDE staff will look to see if the district is operating in accordance with the terms of its original charter, specifically those terms required by *Education Code* Section 47605.

Compliance with law and terms of the charter

CDE staff conducted a comprehensive site visit review of the HCCD in October 2004. The CDE Charter Schools Division also reviewed documents submitted by the HCCD including an updated charter, specific alternative public school attendance agreements, HCCD Board minutes and a positive financial certification from the Stanislaus County Office of Education. Staff analyzed available HCCD API data and AYP reports for the past five years including sub-group data. The CDE's Coordinated Compliance Review (CCR) Management Unit has confirmed that based upon their most recent review, the district is in compliance with all state and federal programs.

Finding 1: Based upon site visit findings, analysis of available data and review of the documents submitted by the HCCD, CDE finds that the HCCD All-Charter District is

meeting all the standards and criteria as required in *Education Code* Section 47605 and is operating in accordance with the law and terms of its charter. Two signed alternative attendance agreements with neighboring districts are in place and the County Office of Education concurs with the district's positive financial certification and ability to meet financial obligations for the current year and subsequent two years.

Academic Performance

AB 1137 amended *Education Code* Section 47607 to establish new performance requirements that must be met by charter schools prior to renewal (see Attachment B). Commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever is later, a charter school shall meet at least one of the following five specified criteria prior to receiving a charter renewal:

- 1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.
- 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.
- 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.
- 5) Has qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.

In the instance of multi-school all-charter districts, it is not clear as to whether this requirement shall apply to the district as a whole or to each school within the district. As part of the HCCD review process, CDE staff evaluated both the performance of each school and the district as a whole.

Criteria 1: Attained API Growth Target			
Must meet at least ONE of the following:	In Prior Year	Two of Past Three Years	Aggregate for Prior Three Years
District	No (-1)	Yes	Yes
Hickman Elementary	No (-14)	No*	Yes (+33)
Hickman Middle	No (0)	Yes	Yes (+38)
Hickman Charter	Yes (+4)	Yes	Yes (+13)

* Hickman Elementary 2002-03 API (+48), 2001-02 API (-1).

Criteria 1 Results: Given that the district and all three schools attained their growth

targets in aggregate for the prior three years, all four entities meet this criterion.

Criteria 2: Ranked in API Deciles 4-10		
Must meet at least ONE of the following:	In Prior Year	Two of Past Three Years
District	Yes - 759	Yes
Hickman Elementary	Yes - 734	Yes
Hickman Middle	Yes - 798	Yes
Hickman Charter	Yes - 751	Yes

Criteria 2 Results: Given that the district and all three schools rank in the 7th decile, all four entities meet this criterion.

Finding 2: Based upon API data for the past three years, each school within the HCCD and the district as a whole has met at least two of the five criteria specified in Education Section 47607(b), thereby exceeding the minimum standards required to be met prior to charter renewal.

Other Performance Related Information:

In their analysis of the API data, CDE staff did note the following areas of concern:

- In 2003 Hickman Charter (K-8, Independent Study) shows a Statewide rank of 6, but a Similar Schools rank of only 1.
- In 2003 the Elementary school Statewide rank is 6, but the Similar Schools rank of only 3.
- The API score for the Socioeconomically Disadvantaged subgroup at the Elementary and Middle schools is notably lower than the API base score.

This information was communicated to the district with the suggestion that the issues be explained and/or addressed by strategies incorporated into the new charter.

Subsequently the district has explained that the Similar Schools ranking of 1 for the independent study school is due to not collecting financially related demographic information on these students (e.g. free or reduced price lunch) which skews the result for this ranking. The district is currently in the process of correcting this information to more accurately reflect their student population in the future.

The district has also identified a specific plan in their revised charter (see page 7 of the charter) for attaining API targets. The plan includes specific strategies designed to address the performance gap for underachieving students including the Socioeconomically Disadvantaged subgroup. These strategies should result in a higher Similar Schools ranking for the Elementary school because a significant proportion of those pupils are in the Socioeconomically Disadvantaged subgroup (43% of those tested in 2003). In addition, to more directly address performance in the Elementary School the HCCD recently hired a new Principal/Curriculum Developer.

API Over Life of Charter	
School	API 2000 - 2004
Hickman Elementary	720 to 734
Hickman Middle	778 (2001) to 798
Hickman Charter	725 to 755

2003 Ranking		
School	Statewide Rank	Similar Schools Rank
Hickman Elementary	6	3
Hickman Middle	9	9
Hickman Charter	6	1*

** Variable significantly impacted by lack of student financial information as noted above.

It should also be noted that in 2004 the Hickman Community Charter District met all 16 of its 16 Adequate Yearly Progress (AYP) criteria.

Finding 3: Despite some fluctuation in API results from year to year, academic performance at all three schools is high and shows continued overall improvement since the original approval of their charter. CDE staff believes that the district explanation and proposed educational strategies sufficiently address any noted concerns. CDE staff will continue to monitor the academic performance of all three schools including subgroups.

Conclusion and Recommendation

Overall, HCCD has been providing a very successful educational program to its students since becoming an all-charter district. Their independent study program that includes comprehensive ongoing parent training, the inclusion of numerous on-site student classes and the availability of extensive resources is an exemplary model. The Student Study Process (Attachment C of the charter) and the integrated use of assessment with an individualized approach to instruction are innovative and effective. The direct involvement and support of parents, teachers and the community is clearly evident in both governance and operations.

CDE staff finds that the HCCD All-Charter District is operating in accordance with the law and terms of its charter and has met the performance criteria pursuant to *Education Code* Section 47607(b). Therefore, we recommend approval of the HCCD request and renewal of the charter as an all-charter district for an additional five-year term commencing on the date of approval by the SBE and continuing to the corresponding date in 2010.

EDUCATION CODE SECTION 47607.

47607. (a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, and 47606 for a period not to exceed five years. A charter granted by a school district governing board, a county board of education or the State Board of Education, may be granted one or more subsequent renewals by that entity. Each renewal shall be for a period of five years. A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter. The authority that granted the charter may inspect or observe any part of the charter school at any time.

(2) Renewals and material revisions of charters shall be governed by the standards and criteria in Section 47605.

(b) Commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever is later, a charter school shall meet at least one of the following criteria prior to receiving a charter renewal pursuant to paragraph (1) of subdivision (a):

(1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.

(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.

(4) (A) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

(B) The determination made pursuant to this paragraph shall be based upon all of the following:

(i) Documented and clear and convincing data.

(ii) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) for demographically similar pupil populations in the comparison schools.

(iii) Information submitted by the charter school.

(C) A chartering authority shall submit to the Superintendent of Public Instruction copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent of Public Instruction shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.

(D) A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.

(5) Has qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.

(c) A charter may be revoked by the authority that granted the charter under this chapter if the authority finds that the charter school did any of the following:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any provision of law.

(d) Prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to cure the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.