



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2008 AGENDA

| SUBJECT | |
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| Petition to Establish Qued Charter Elementary School Under the Oversight of the State Board of Education: Hold Public Hearing and Consider Staff Recommendation to Approve the Charter. | <input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input checked="" type="checkbox"/> Public Hearing |

RECOMMENDATION

The California Department of Education (CDE) and the Advisory Commission on Charter Schools (ACCS) recommend that the State Board of Education (SBE) hold a public hearing and approve the petition to establish the Qued Charter Elementary School (Qued). The CDE and the ACCS also recommend that the SBE incorporate the following provisions in any approval action:

- The SBE's traditional conditions on opening and operation (as reflected in Attachment 1);
- Modifications to the charter in accordance with the CDE staff review, with the modifications to be reflected in the final charter;
- Specification of a five-year term beginning July 1, 2009, and ending June 30, 2014; and,
- Termination of the approval if the school does not open between July and September 30, 2009.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

There are currently eight charter schools operating under SBE oversight which were approved through the appeals process. Regulations adopted by the SBE in December 2001 guide the process of reviewing charters on appeal. The review process includes consideration by the ACCS. Additionally, the SBE has approved four statewide benefit charter schools.

SUMMARY OF KEY ISSUES

Pursuant to California *Education Code (EC)* Section 47605(j), petitioners for a charter school that have been denied at the local level may appeal to the SBE for approval of the charter, subject to certain conditions.

SUMMARY OF KEY ISSUES (Cont.)

The Qued petition proposes a school that will serve 316 students in grades kindergarten through six in its first year of operation with enrollment expanded to 400 students in year two, and to 432 students in year three. The school would be located within the Compton Unified School District in two locations: 1319 East Palmer Street, and 506 East Laurel Street in Compton.

The Qued petition was considered by the ACCS on August 27, 2008. By unanimous vote of the members present, the ACCS recommended that the SBE approve the Qued charter appeal with the following conditions: (1) SBE's traditional conditions on opening, and (2) revision of the charter to address the concerns identified in the CDE staff review.

The petitioners have agreed to open the school between July 1 and September 30, 2009. If the Qued charter is approved by the SBE, it will be assigned the next sequential charter number available at that time.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the Qued charter would have little (if any) affect on the total amount of state local assistance funding to public schools. The funding to support Qued would be redirected from other public schools. State costs overall would be essentially the same.

There are currently two full-time equivalent CDE staff positions assigned to oversee SBE-approved charter schools, including the eight charter schools operating under SBE oversight through the appeals process, four statewide benefit charter schools, and nine all-charter districts (which are jointly approved by the SBE and the State Superintendent of Public Instruction). SBE approval of this charter would increase workload, and the CDE would request increased spending authority in order to access up to one percent of the general purpose and categorical block grant revenues generated by Qued for the actual costs of oversight.

ATTACHMENT(S)

Attachment 1: State Board of Education Traditional Conditions on Opening and Operation (2 Pages)

Attachment 2: 2008-09 Charter School Petition Review Form (33 Pages)

Attachment 3: Qued Charter Elementary School Charter Application (263 Pages)

State Board of Education Traditional Conditions on Opening and Operation

- **Insurance Coverage.** Not later than (DATE TO BE DETERMINED [TBD] 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.
- **MOU/Oversight Agreement.** Not later than TBD, either: (a) accept an agreement with the State Board of Education (SBE), administered through the California Department of Education (CDE), 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 SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to *Education Code (EC) Section 47605(k)(1)*, regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.
- **Special Education Local Plan Area (SELPA) Membership.** Not later than TBD, submit written verification of having applied to a SELPA for membership as a local educational agency and, not later than TBD, 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 SBE based primarily on the advice of CDE staff following a review of either: (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.
- **Educational Program.** Not later than TBD, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school. Not later than TBD, 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, and 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. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.

- **Student Attendance Accounting.** Not later than TBD, 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 SBE based primarily on the advice of the Director of the School Fiscal Services Division.
- **Facilities Agreements.** Not later than TBD, present written agreements (e.g., a lease or similar document) indicating the school's right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each school's operation and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- **Zoning and Occupancy.** Not less than 30 days prior to the school's opening, present evidence that each school's 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 SBE 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 SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- **Final Charter.** Not later than TBD, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE 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 SBE based primarily on the advice of the Charter Schools Division staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the Charter Schools Division.
- **Legal Issues.** In the final charter, resolve any legal issues that may be identified by the SBE's Chief Counsel or the CDE's General Counsel.
- **Processing of Employment Contributions.** 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).
- **Operational Date.** If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation by TBD, approval of the charter is terminated.

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner QUED Charter Elementary School |
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| This form is a tool to evaluate a charter school petition submitted to the State Board of Education (SBE) on appeal. It is designed to ensure that the petition is reviewed in relation to the requirements of statute and regulation. | Evaluator Keith Edmonds |
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| KEY INFORMATION REGARDING PETITION | |
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| Grade Span and Build-Out Plan | First-year build-out to cover grades kindergarten through sixth and enrollment expansion during following two years: <ul style="list-style-type: none"> • 2008-09, initial opening with grades K-6, a total of 316 students. • 2009-10, grades K-6, a total of 400 students. • 2010-11, grades K-6, a total of 432 students. |
| Location | Focused principally on the attendance area of Compton Unified School District in Los Angeles County. Specific location of proposed school is in two locations in Compton: 1319 East Palmer Street and 506 East Laurel Street. |
| Brief History | Original charter petition submitted to Compton Unified School District on March 9, 2007; public hearing held on March 27, 2007; petition denied on May 8, 2007. Revised charter petition submitted to Compton Unified School District on December 21, 2007; public hearing held on January 22, 2008; petition denied on February 26, 2008. The Los Angeles County Board denied the petitioner's appeal on June 3, 2008. |
| Founding Group | Glenn Noreen, Executive Director, QUED – Charter school developer, entrepreneur; MBA Harvard University, Masters in Education, Claremont Graduate University. Joshua Johnson, Principal – Masters in Education, Concordia University. Teacher, Former teacher and assistant principal, and Reinventing Schools Model trainer. Richard Delorenzo, Education Director – Former Superintendent of Chugach School District in Alaska; co-founder of the Reinventing Schools Coalition. |
| Board of Directors | David Bhattacharyya - Chartered Financial Analyst, Equity Research Associate; Bachelor of Arts in Economics, UCLA. Thomas Harkenrider – Chief of Operations, Soka University of America; Bachelor of Science in Engineering, California State University at Long Beach. Albert Jones – Associate Professor of Education, California State University at Los Angeles; Ed.D. in Educational Administration, Tennessee State University. Skip Zeiler – Executive Director, Viaspace, Inc.; Master's Certificate, National Defense University; Bachelor of Science in Chemistry, Illinois Institute of Technology. |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

Petitioner

QUED Charter Elementary School

OVERALL CALIFORNIA DEPARTMENT OF EDUCATION (CDE) EVALUATION

Background. In preparing this analysis, we reviewed the petition as denied by the Compton Unified School District and the LA County Board of Education. We also invited comments from our CDE colleagues regarding curriculum and instruction, special education, fiscal, and legal.

Recommendation. Every charter petition considered by the Advisory Commission on Charter Schools (ACCS) and the SBE on appeal require modification (technical and substantive) for approval by the SBE. The ACCS and the SBE ultimately confront the question of whether a petition is “close enough” or whether the modifications are so substantial as to make the petition materially different, and therefore not approvable on appeal.

The QUED petition is well-crafted and reflects more detail than often seen in charter petitions denied at the local level. The Charter Schools Division (CSD) **recommends that the ACCS approve the QUED charter for a five-year period with conditions and that the school commence operations in the fall 2009.**

Key factors in favor of approval are: (1) the low achievement of over half of the elementary schools in the Compton Unified School District that serve the proposed school’s target area, and, (2) the expression of legislative intent in *Education Code (EC)* Section 47605(b):

“...In reviewing 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 education system and that establishment of charter schools should be encouraged...”

Elaboration. The QUED charter was developed for approval by Compton Unified School District. Therefore, technical and some substantive modifications are needed for approval by the SBE, and CSD recommends the inclusion of the SBE’s traditional conditions on opening and operation, which include:

- Insurance Coverage. Not later than [DATE TO BE DETERMINED (TBD)] (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.
- MOU/Oversight Agreement. Not later than TBD, either: (a) accept an agreement with the SBE, administered through the CDE, 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 SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to *EC* Section 47605(k)(1), regarding the scope of oversight and reporting

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

Petitioner

QUED Charter Elementary School

activities, including, but not limited to, adequacy and safety of facilities.

- SELPA Membership. Not later than TBD, submit written verification of having applied to a special education local plan area (SELPA) for membership as a local educational agency and, not later than TBD, 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 SBE based primarily on the advice of CDE staff following a review of either: (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.
- Educational Program. Not later than TBD, 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 TBD, 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. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.
- Student Attendance Accounting. Not later than TBD, 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 SBE based primarily on the advice of the Director of the School Fiscal Services Division.
- Facilities Agreements. Not later than TBD, present written agreements (e.g., a lease or similar document) indicating the school's right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each school's operation and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

Petitioner

QUED Charter Elementary School

- **Zoning and Occupancy.** Not less than 30 days prior to the school's opening, present evidence that each school's 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 SBE 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 SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- **Final Charter.** Not later than TBD, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE 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 SBE based primarily on the advice of the Charter Schools Division staff.
- **Legal Issues.** In the final charter, resolve any legal issues that may be identified by the SBE's Chief Counsel or the CDE's General Counsel.
- **Processing of Employment Contributions.** 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).
- **Operational Date.** If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation by TBD, approval of the charter is terminated.

Both the Compton Unified School District governing board and the LA County Board cited reasons for denial of the QUED petition. The reasons for the local denials are addressed in Addendum 1.

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner | QUED Charter Elementary School |
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REQUIREMENTS FOR SBE-AUTHORIZED CHARTER SCHOOLS, PURSUANT TO EC SECTION 47605

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| SOUND EDUCATIONAL PRACTICE | EC Section 47605(b) CCR, Title 5, Section 11967.5.1(a) |
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Evaluation Criteria
For purposes of EC Section 47605(b), a charter petition shall be “consistent with sound educational practice” if, in the SBE’s judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.

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| Is the charter petition “consistent with sound educational practice”? | YES |
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Comments:
The charter petition describes a program likely to provide educational benefit to the pupils, reasonably describing an educational program that meets state content standards, and incorporating business practices and the educational philosophy of the Baldrige Core Values and Concepts. QUED would provide a parent-choice, public school alternative to the Compton Unified School District Elementary Schools. The 2007 Academic Performance Index (API) shows that 13 of the 24 elementary schools operated by Compton Unified School District were in the statewide rank of 1. The nearest district elementary school, Roosevelt Elementary School, is one of these thirteen schools. It also had a similar schools rank of 1, and is in Year 5 of Program Improvement under the federal No Child Left Behind (NCLB) Act. Of the 688 Roosevelt Elementary School students included in the 2007 API, 622 were Hispanic and 60 were African American. 582 were classified as English language learners and 683 were socioeconomically disadvantaged.

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| UNSOUND EDUCATIONAL PRACTICE | EC Section 47605(b)(1) CCR, Title 5, Section 11967.5.1(b) |
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Evaluation Criteria
For purposes of EC Section 47605(b)(1), a charter petition shall be “an unsound educational program” if it is either of the following:
(1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.
(2) A program that the SBE determines not to be likely to be of educational benefit to the pupils who attend.

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner | QUED Charter Elementary School |
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| UNSOUND EDUCATIONAL PRACTICE | EC Section 47605(b)(1) CCR, Title 5, Section 11967.5.1(b) |
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| Does the charter petition present “an unsound educational program”? | NO |
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Comments:
As noted above, this charter presents a reasonable description of an educational program. The evidence does not suggest that the school would present physical, educational, or psychological harm to the pupils, or would fail to result in an educational benefit to the pupils.

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| DEMONSTRABLY UNLIKELY TO IMPLEMENT THE PROGRAM | EC Section 47605(b)(2) CCR, Title 5, Section 11967.5.1(c) |
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Evaluation Criteria
For purposes of EC Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program."

- (1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.
- (2) The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.
- (3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified).
- (4) The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

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| Are the petitioners "demonstrably unlikely to successfully implement the program"? | <i>Probably not</i> |
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California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner | QUED Charter Elementary School |
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| DEMONSTRABLY UNLIKELY TO IMPLEMENT THE PROGRAM | EC Section 47605(b)(2) CCR, Title 5, Section 11967.5.1(c) |
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Comments:
As noted above and below, the charter petition presents a reasonable description of an educational program. CSD is not aware of QUED's founding board members having any past history of involvement with unsuccessful charters. We believe they are familiar with the contents of the charter petition.

The financial and operational plans, currently described in the charter petition, need some revision. The founders have a sufficiently broad background to assure the school's success in the areas of curriculum, instruction, assessment, and finance and business management. The evidence demonstrates that the petitioners are likely to successfully implement the program based on the factors set forth in the regulations.

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| REQUIRED NUMBER OF SIGNATURES | EC Section 47605(b)(3) CCR, Title 5, Section 11967.5.1(d) |
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Evaluation Criteria
For purposes of EC Section 47605(b)(3), a charter petition that "does not contain the number of signatures required by [law]"...shall be a petition that did not contain the requisite number of signatures at the time of its submission...

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| Did the petition contain the required number of signatures at the time of its submission? | Yes |
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Comments:
EC Section 47605 (a)(1)(A) states that: "The petition has been signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation."

CSD finds that the requisite number of parent signatures as required by *EC* Section 47605 (a)(1)(A) have been obtained. The petition was signed by parents representing 228 prospective students at the school. The first year enrollment at QUED Charter Elementary School is projected to be 316 students in grades kindergarten through sixth grade.

Note: The Los Angeles County Board of Education (LACBE) denied the petitioner's appeal on June 3, 2008 for the following reason: "The petition does not contain the requisite number of **verified** parent signatures as required by subdivision (a) of *Education Code* 47605." A response from the petitioner and CSD analysis related to this finding is contained in Addendum 1.

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner | QUED Charter Elementary School |
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| AFFIRMATION OF SPECIFIED CONDITIONS | EC Section 47605(b)(4) EC Section 47605(d) CCR, Title 5, Section 11967.5.1(e) |
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Evaluation Criteria
For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in *EC* Section 47605(d)"...shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).

(1) [A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

(B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to *EC* Section 48200.

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| Does the charter petition contain the required affirmations? | Yes |
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Comments:
The requirement of a public random drawing is met. However, preference should also be extended to pupils who reside in the district in accordance with *EC* Section 47605(d)(2).

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner | QUED Charter Elementary School |
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THE SIXTEEN CHARTER ELEMENTS

| 1. DESCRIPTION OF EDUCATIONAL PROGRAM | <i>EC Section 47605(b)(5)(A) CCR, Title 5, Section 11967.5.1(f)(1)</i> |
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| Evaluation Criteria | |
| The description of the educational program..., as required by <i>EC Section 47605(b)(5)(A)</i> , at a minimum: | |
| (A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges. | Yes |
| (B) Specifies a clear, concise school 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 21 st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners. | Yes |
| (C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population. | Yes |
| (D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education). | Yes |
| (E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to <i>EC Section 60605</i> and to achieve the objectives specified in the charter. | Yes |
| (F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels. | Yes |
| (G) Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations | Generally |
| (H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of <i>EC Section 47641</i> , the process to be used to identify students who 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. | Revisions needed |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner | QUED Charter Elementary School |
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| 1. DESCRIPTION OF EDUCATIONAL PROGRAM | <i>EC Section 47605(b)(5)(A) CCR, Title 5, Section 11967.5.1(f)(1)</i> |
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| Does the petition overall present a reasonably comprehensive description of the educational program? | Revisions needed |
| <p>Comments: The charter petition features the following education program elements:</p> <ul style="list-style-type: none"> • QUED’s basic philosophy is that “students become more successful when they accept personal responsibility...QUED considers students as workers and customers within the classroom.” QUED utilizes a business practices model called Baldrige Core Values and Concepts. The instructional approach is named after Malcolm Baldrige, a former Secretary of Commerce under President Reagan. Baldrige methods schools have been successful in a number of states, including the Emerson Parkside Academy in Long Beach. Emerson Parkside Academy is a conversion charter school which increased its API from 536 in 1998 to 823 in 2007 using a Baldrige systems approach. Baldrige Core Values and Concepts are embodied in seven categories: 1) Leadership, 2) Strategic Planning, 3) Student, Stakeholder, and Market Focus, 4) Measurement, Analysis, and Knowledge Management, 5) Faculty and Staff Focus, 6) Process Management, and 7) Organizational Performance Results. • All QUED classrooms will employ the Ingenium Classroom Learning System which includes: 1) classroom data centers; 2) individual student assessment binders; and, 3) use of quality tools for managing change and continuous improvement. • The California Content Standards will form the basis of action plans created by students in their student assessment binders and will be monitored by teachers in all curricular areas. Core academic course areas are addressed in the petition and specific materials are identified which are aligned with state standards. • The school will begin with a total of 316 students in kindergarten through grade 6. An additional 84 students will be added during Year 2 for a total of 400 students, and 32 additional students will be added during Year 3 for a total of 432 students. • The QUED school sites will be located at 1319 East Palmer Street and 506 East Laurel Street in Compton. • QUED will adhere to the credentialing requirements of the Charter Schools Act and the Highly Qualified Teacher (HQT) specifications of NCLB. • Professional development strategies for responding to the needs of low-achieving students, as well as English learners, are included in the charter petition. | |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner | QUED Charter Elementary School |
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| 1. DESCRIPTION OF EDUCATIONAL PROGRAM | EC Section 47605(b)(5)(A) CCR, Title 5, Section 11967.5.1(f)(1) |
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The current QUED special education plan requires modification. The following comments were made by the Special Education Department at CDE: 1) The IEP needs to be tied to the standard curriculum and measured by the same means. 2) The QUED special education plan needs to put greater emphasis on support of a student's access to the general curriculum. 3) The petition should not confuse special education with remediation. 4) The QUED administration will need to understand California's Child Find process. Additionally, the petition needs to be recast with SBE approval, including the school's written plan for membership in an identified SELPA, including any proposed contracts with service providers or the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.

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| 2. MEASURABLE PUPIL OUTCOMES | EC Section 47605(b)(5)(B) CCR, Title 5, Section 11967.5.1(f)(2) |
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| Evaluation Criteria | |
| Measurable pupil outcomes, as required by <i>EC Section 47605(b)(5)(B)</i> , at a minimum: | |
| (A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. 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. | Yes |
| (B) Include the school's Academic Performance Index growth target, if applicable. | N/A |
| Does the petition present a reasonably comprehensive description of measurable pupil outcomes? | Yes |

Comments:
Pupil outcomes in the petition can clearly be measured objectively, including demonstration of proficiency in English/Language Arts, English Language Development, Mathematics, Science, History/Social Sciences, Visual and Performing Arts, and Physical Education. Additional, student conduct, parental involvement, professional development, teacher performance, and financial solvency are presented as measurable goals that will be closely monitored. The petition proposes to present an annual charter school performance report to its authorizer.

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

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| 2. MEASURABLE PUPIL OUTCOMES | EC Section 47605(b)(5)(B) CCR, Title 5, Section 11967.5.1(f)(2) |
| The section on measurable pupil outcomes reflects more detail than usually seen in charter petitions which reflects the importance of measurement and continuous program improvement in a Baldrige systems school. | |

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| 3. METHOD FOR MEASURING PUPIL PROGRESS | EC Section 47605(b)(5)(C) CCR, Title 5, Section 11967.5.1(f)(3) |
| Evaluation Criteria The method for measuring pupil progress, as required by <i>EC</i> Section 47605(b)(5)(C), at a minimum: | |
| (A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes. | Yes |
| (B) Includes the annual assessment results from the Statewide Testing and Reporting (STAR) program. | Yes |
| (C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program. | Yes |
| Does the petition present a reasonably comprehensive description of the method for measuring pupil progress? | Yes |
| Comments: The charter includes a comprehensive discussion of measuring pupil progress. A commitment is included to participate in state assessments. | |

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| 4. GOVERNANCE STRUCTURE | EC Section 47605(b)(5)(D) CCR, Title 5, Section 11967.5.1(f)(4) |
| Evaluation Criteria The governance structure of the school, including, but not limited to, the process...to ensure parental involvement..., as required by <i>EC</i> Section 47605(b)(5)(D), at a minimum: | |
| (A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable. | Yes |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

| | |
|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

| 4. GOVERNANCE STRUCTURE | <i>EC Section 47605(b)(5)(D) CCR, Title 5, Section 11967.5.1(f)(4)</i> |
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| <p>(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:</p> <ol style="list-style-type: none"> 1. The charter school will become and remain a viable enterprise. 2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians). 3. The educational program will be successful. | Yes |
| Does the petition present a reasonably comprehensive description of the school's governance structure? | Generally. Some changes needed. |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

| | |
|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

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| 4. GOVERNANCE STRUCTURE | EC Section 47605(b)(5)(D) CCR, Title 5, Section 11967.5.1(f)(4) |
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Comments:
The charter school is to be operated by Ingenium Schools, a duly constituted California non-profit benefit corporation (the Articles of Incorporation are attached to the petition). Ingenium Schools is governed by its Board of Trustees, whose members have a legal fiduciary responsibility for the well-being of the charter school. The Board hires the Executive Director to implement its vision. According to the organizational chart, but not explained in the petition, the board also contracts with a back office, business services provider. Monies for these back office services are allocated in the three-year budget.

The Board of Directors has four current, named members. A fifth position on the board is reserved for a school district representative.
Note: The petition was written for approval by the Compton Unified School District, not the SBE. The reserved seat on the board is properly a voting position. Board responsibilities are clearly stated.

The Executive Director is responsible for “engaging” a charter school principal, who acts as the Reinventing School Model (RSM) program leader, academic leader, site-based manager, and builder of the school culture. This position is also responsible for other Ingenium staff, whose roles are not defined.

The QUED principal selects and supervises teaching and non-teaching staff, and oversees the school site council . The term “site council” is not defined. The principal is responsible for engaging the active support of parents and community members. The petition states that parents will be encouraged to form a parent council that is responsible for parent involvement in school activities, fundraising and advising the school. Parents will be ‘strongly encouraged’ to contribute a minimum of 10 hours per family per academic year to the school.

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| 5. EMPLOYEE QUALIFICATIONS | EC Section 47605(b)(5)(E) CCR, Title 5, Section 11967.5.1(f)(5) |
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Evaluation Criteria
The qualifications [of the school’s employees], as required by EC Section 47605(b)(5)(E), at a minimum:

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

| | |
|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

| 5. EMPLOYEE QUALIFICATIONS | EC Section 47605(b)(5)(E) CCR, Title 5, Section 11967.5.1(f)(5) |
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| (A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils. | Yes |
| (B) 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. | Yes |
| (C) Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary. | Yes |
| Does the petition present a reasonably comprehensive description of employee qualifications? | Yes |
| Comments: The petition commits to employing credentialed, NCLB-qualified teachers and a plan to work with local universities in recruiting these teachers. Job descriptions have been developed for the school's teachers, administrators, and office staff, which reflect specific qualifications and job duties. | |

| 6. HEALTH AND SAFETY PROCEDURES | EC Section 47605(b)(5)(F) CCR, Title 5, Section 11967.5.1(f)(6) |
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| Evaluation Criteria The procedures...to ensure the health and safety of pupils and staff, as required by EC Section 47605(b)(5)(F), at a minimum: | |
| (A) Require that each employee of the school furnish the school with a criminal record summary as described in EC Section 44237. | Yes |
| (B) Include the examination of faculty and staff for tuberculosis as described in EC Section 49406. | Yes |
| (C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school. | Yes |
| (D) Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school. | Yes |
| Does the petition present a reasonably comprehensive description of health and safety procedures? | Yes |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

| | |
|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

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| 6. HEALTH AND SAFETY PROCEDURES | EC Section 47605(b)(5)(F) CCR, Title 5, Section 11967.5.1(f)(6) |
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Comments:
The petition complies with *California Code of Regulations (CCR), Title 5, Section 11967.5.1, subdivision (f)(6)*. The petition states it will comply with *EC Section 44237 and 45125.1* regarding the fingerprinting and background clearance of employees, contractors and volunteers prior to employment, volunteering, or contracting services or any unsupervised contact with pupils of the charter school, and that no employee shall be permitted to commence work until clearance has been obtained from the Department of Justice. The petition also states that QUED will follow the requirement of *EC Section 49406* in requiring tuberculosis testing of all employees, will adhere to all laws related to legally required immunizations for entering students pursuant to *Health & Safety Code 120325-120375* and *CCR, Title 17, Section 6000-6075*, and will adhere to *EC Section 49450 et seq.* regarding vision, hearing and scoliosis screening.

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| 7. RACIAL AND ETHNIC BALANCE | EC Section 47605(b)(5)(G) CCR, Title 5, Section 11967.5.1(f)(7) |
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Evaluation Criteria
Recognizing the limitations on admissions to charter schools imposed by *EC Section 47605(d)*, the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district..., as required by *EC Section 47605(b)(5)(G)*, shall be presumed to have been met, absent specific information to the contrary.

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| Does the petition present a reasonably comprehensive description of means for achieving racial and ethnic balance? | Yes |
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Comments:
The petition proposes to achieve racial and ethnic balance reflective of the district population by considering pupils for admission to the school without regard to race, ethnicity, national origin, gender, or disability. The school will maintain an accurate accounting of the ethnic and racial balance of students enrolled in the school along with documentation of the efforts the school has made to achieve racial and ethnic balance in accordance with the charter petition and standards of charter legislation.

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

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| 8. ADMISSION REQUIREMENTS, IF APPLICABLE | EC Section 47605(b)(5)(H) CCR, Title 5, Section 11967.5.1(f)(8) |
| Evaluation Criteria To the extent admission requirements are included in keeping with <i>EC</i> Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of <i>EC</i> Section 47605(d) and any other applicable provision of law. | |
| Does the petition present a reasonably comprehensive description of admission requirements? | Yes |
| Comments: The requirement of a public random drawing is met. However, preference should also be extended to pupils who reside in the district in accordance with <i>EC</i> Section 47605(d)(2). | |

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| 9. ANNUAL INDEPENDENT FINANCIAL AUDITS | EC Section 47605(b)(5)(I) CCR, Title 5, Section 11967.5.1(f)(9) |
| Evaluation Criteria The manner in which annual independent financial audits shall be conducted using generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE's satisfaction, as required by <i>EC</i> Section 47605(b)(5)(I), at a minimum: | |
| (A) Specify who is responsible for contracting and overseeing the independent audit. | Yes |
| (B) Specify that the auditor will have experience in education finance. | Yes |
| (C) Outline the process of providing audit reports to the State Board of Education, California Department of Education, or other agency as the State Board of Education may direct, and specifying the timeline in which audit exceptions will typically be addressed. | Yes |
| (D) Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions. | Yes |
| Does the petition present a reasonably comprehensive description of annual independent financial audits? | Yes |
| Comments: The petition appears generally compliant with the regulation. See page 28 for changes CDE suggests in the audit language. | |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

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| 10. SUSPENSION AND EXPULSION PROCEDURES | <i>EC Section 47605(b)(5)(J)</i> <i>CCR, Title 5, Section 11967.5.1(f)(10)</i> |
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| Evaluation Criteria The procedures by which pupils can be suspended or expelled, as required by <i>EC Section 47605(b)(5)(J)</i> , at a minimum: |
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California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

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| 10. SUSPENSION AND EXPULSION PROCEDURES | EC Section 47605(b)(5)(J) CCR, Title 5, Section 11967.5.1(f)(10) |
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| <p>(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary)</p> <p>(B)</p> <p>(C)</p> <p>(D)</p> <p>(E)</p> <p>(F)</p> <p>(G)</p> <p>(H)</p> <p>(I)</p> <p>(J)</p> <p>(K)</p> <p>(L)</p> <p>(M)</p> <p>(N)</p> <p>(O)</p> <p>(P)</p> <p>(Q)</p> <p>(R)</p> <p>(S)</p> <p>(T)</p> <p>(U)</p> <p>(V)</p> <p>(W)</p> <p>(X)</p> <p>(Y)</p> <p>(Z)</p> <p>(AA)</p> | |
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| <p>(BB) August 2008</p> <p>(CC)</p> <p>(DD)</p> <p>(EE)</p> <p>(FF)</p> | <p>11/5/2008 2:44:03 PM</p> |
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California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

| 10. SUSPENSION AND EXPULSION PROCEDURES | EC Section 47605(b)(5)(J) CCR, Title 5, Section 11967.5.1(f)(10) |
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| (B) Identify the procedures by which pupils can be suspended or expelled. | Yes |
| (C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion. | Yes |
| (D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians). | Yes |
| (E) If not otherwise covered under subparagraphs (A), (B), (C), and (D): 1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in...regard to suspension and expulsion. 2. 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. | Yes |
| Does the petition present a reasonably comprehensive description of suspension and expulsion procedures? | Yes |
| Comments: The requirement of <i>CCR, Title 5, Section 11967.5.1(f)(10)(A)</i> is met. The preliminary list of offenses for which students must or may be suspended is provided. Procedures by which students can be suspended or expelled are identified. Procedures for informing parents/guardians of the suspension or expulsion are identified. Procedures for informing parents and students of due process rights are identified. The petition states that policies and procedures will be amended periodically. | |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

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| 11. STRS, PERS, AND SOCIAL SECURITY COVERAGE | EC Section 47605(b)(5)(K) CCR, Title 5, Section 11967.5.1(f)(11) |
| Evaluation Criteria The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security, as required by <i>EC</i> Section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made. | |
| Does the petition present a reasonably comprehensive description of STRS, PERS, and social security coverage? | Yes |
| Comments: The requirement of <i>CCR, Title 5, Section 11967.5.1(f)(11)</i> is met. Teachers and certificated administrators shall be part of STRS. Other employees shall be covered by social security. The Executive Director and business services provider are to forward timely payroll deductions and related work. | |

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| 12. PUBLIC SCHOOL ATTENDANCE ALTERNATIVES | EC Section 47605(b)(5)(L) CCR, Title 5, Section 11967.5.1(f)(12) |
| Evaluation Criteria The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by <i>EC</i> Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local education agency (LEA) (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. | |
| Does the petition present a reasonably comprehensive description of public school attendance alternatives? | Yes |
| Comments: The petition describes how parents/guardians will be informed that the students have no right to admission in a particular school of any LEA as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA. | |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

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| 13. POST-EMPLOYMENT RIGHTS OF EMPLOYEES | EC Section 47605(b)(5)(M) CCR, Title 5, Section 11967.5.1(f)(13) |
| Evaluation Criteria The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by <i>EC Section 47605(b)(5)(M)</i> , at a minimum, specifies that an employee of the charter school shall have the following rights: | |
| (A) Any rights upon leaving the employment of a local education agency to work in the charter school that the local education agency may specify. | Yes |
| (B) Any rights of return to employment in a local education agency after employment in the charter school as the local education agency may specify. | Yes |
| (C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school. | Yes |
| Does the petition present a reasonably comprehensive description of post-employment rights of employees? | Yes |
| Comments: The petition states that employees have no rights of return to the district after employment at the charter school unless specifically granted by the district through a leave of absence or other agreement of the district as aligned with the collective bargaining agreements of the district. | |

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| 14. DISPUTE RESOLUTION PROCEDURES | EC Section 47605(b)(5)(N) CCR, Title 5, Section 11967.5.1(f)(14) |
| Evaluation Criteria The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by <i>EC Section 47605(b)(5)(N)</i> , at a minimum: | |
| (A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a local education agency. | Needs technical revision |
| (B) Describe how the costs of the dispute resolution process, if needed, would be funded. | |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

| | |
|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

| 14. DISPUTE RESOLUTION PROCEDURES | EC Section 47605(b)(5)(N) CCR, Title 5, Section 11967.5.1(f)(14) |
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| (C) Recognize that, because it is not a local education agency, the State Board of Education may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the State Board of Education intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter. | |
| (D) Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with <i>EC</i> Section 47604.5, the matter will be addressed at the State Board of Education's discretion in accordance with that provision of law and any regulations pertaining thereto. | |
| Does the petition present a reasonably comprehensive description of dispute resolution procedures? | |
| Comments: The petition outlines the dispute resolution process for disputes between QUED and CUSD and needs to be revised to reflect SBE as the chartering authority. | |

| 15. EXCLUSIVE PUBLIC SCHOOL EMPLOYER | EC Section 47605(b)(5)(O) CCR, Title 5, Section 11967.5.1(f)(15) |
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| Evaluation Criteria The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the <i>Government Code</i>), as required by <i>EC</i> Section 47605(b)(5)(O), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act. | |
| Does the petition include the necessary declaration? | Yes |
| Comments: The petition identifies QUED as the exclusive employer for the purposes of the Education Employment Relations Act. | |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

| 16. CLOSURE PROCEDURES | EC Section 47605(b)(5)(P) |
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| <p>Evaluation Criteria A description of the procedures to be used if the charter school closes, in keeping with <i>EC</i> Section 47605(b)(5)(P). The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.</p> | |
| <p>Does the petition include a reasonably comprehensive description of closure procedures?</p> | <p>Yes. Needs technical revision reflecting SBE as chartering authority.</p> |
| <p>Comments: This section was written in anticipation of Compton Unified School District (or LACOE) being the charter authorizer and should be revised to reflect the requirements of the SBE as the chartering authority.</p> | |

ADDITIONAL REQUIREMENTS UNDER EC SECTION 47605

| STANDARDS, ASSESSMENTS, AND PARENT CONSULTATION | EC Section 47605(c) |
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| <p>Evaluation Criteria Evidence is provided that:</p> | |
| <p>(1) The school shall meet all statewide standards and conduct the pupil assessments required pursuant to <i>EC</i> Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.</p> | <p>Yes</p> |
| <p>(2) The school shall, on a regular basis, consult with their parents and teachers regarding the school's educational programs.</p> | <p>Yes</p> |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

| | |
|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

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| STANDARDS, ASSESSMENTS, AND PARENT CONSULTATION | EC Section 47605(c) |
| Does the petition provide evidence addressing the requirements regarding standards, assessments, and parent consultation? | Generally. Needs to be rewritten. |
| Comments: The petition states that QUED will meet the state's content standards and participate in statewide assessments. The petition further states that "parents will be encouraged to form a Parent Council to be responsible for parent involvement in school activities, fundraising, and advising the charter school on any and all matters related to the strengthening of the charter school community." The petition does not describe a process to ensure parental involvement. CSD recommends that the governance structure be rewritten to include significant parent involvement. | |

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| EMPLOYMENT IS VOLUNTARY | EC Section 47605(e) |
| Evaluation Criteria The governing board...shall not require any employee...to be employed in a charter school. | |
| Does the petition meet this criterion? | Yes |
| Comments: The petition states that no employee is required to work at the school. | |

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| PUPIL ATTENDANCE IS VOLUNTARY | EC Section 47605(f) |
| Evaluation Criteria The governing board...shall not require any pupil...to attend a charter school. | |
| Does the petition meet this criterion? | Yes |
| Comments: The petition clearly states that student enrollment is voluntary. | |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

| | |
|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

| EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS | EC Section 47605(g) |
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| Evaluation Criteria | |
| ...[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:. | |
| <ul style="list-style-type: none"> The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate. | Generally |
| <ul style="list-style-type: none"> The manner in which administrative services of the school are to be provided. | Generally |
| <ul style="list-style-type: none"> Potential civil liability effects, if any upon the school and the SBE. | Generally |
| The petitioners shall also provide financial statements that include a proposed first-year operational budget, including startup costs, and cash-flow and financial projections for the first three years of operation. | Generally |
| Does the petition provide the required information and financial projections? | Substantial revisions needed |
| Comments: | |
| <u>Budget</u> | |
| <p>The petition's proposed budget relies upon revenue from the Public Charter Schools Grant Program (PCSGP). The school is eligible for funding and is likely to receive funding if approved by the SBE.</p> <p>The proposed budget assumes the receipt of revenues for Supplemental Hourly Instruction in the first year of operation. Charter schools are not eligible for this revenue until the second year of operation. This section of the budget requires revision.</p> <p>The proposed budget assumes the receipt of special education revenue, however, the amount may vary depending on the local allocation plan of the SELPA to which the school belongs. Also, special education funds are not typically available for use for general educational purposes.</p> <p>No assumptions are provided for the General Purpose Block Grant rates for each grade span. Based on 2007-08 rates at the second principal apportionment, the budgeted amount may be understated.</p> <p>Projected rates for the following revenues may be slightly understated:</p> | |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

Petitioner

QUED Charter Elementary School

| EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS | EC Section 47605(g) |
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| <ul style="list-style-type: none">○ Supplemental Hourly Instruction – Budgeted at \$3.25/hour; 2007-08 rates indicate \$4.08/hour.○ Lottery (restricted) – Budgeted at \$15/student; Lottery projections indicate \$19/average daily attendance. <p>Projected rates for the following revenues may be overstated:</p> <ul style="list-style-type: none">○ Categorical Block Grant○ Lottery (unrestricted)○ In-lieu of Economic Impact Aid○ Lottery (unrestricted) – Budgeted at \$143/student; Lottery projections indicate \$119/average daily attendance. <p>Budgeted teacher salaries of \$45,000 (average) are below the average district salaries of approximately \$60,000, as reported by Compton Unified on the 2006-07 salary schedule (Form 90).</p> <p>Budgeted amounts for the following areas do not appear to be consistent with the budget assumptions:</p> <ul style="list-style-type: none">○ Certificated administrators○ Furniture○ Teacher Salaries○ Facility Rent <p>No funds are budgeted for the following:</p> <ul style="list-style-type: none">○ PERS○ Books and Media for New Library – Budget assumptions indicate that the school will solicit donations for library books.○ Replacement Costs for Equipment <p>Projected average daily attendance of 95 percent is reasonable.</p> <p>Projections for English learners and eligibility for free and reduced-price lunch are consistent with Roosevelt Elementary School as noted in budget assumptions.</p> | |

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner | QUED Charter Elementary School |
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| EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS | EC Section 47605(g) |
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Cash Flow

Cash flow for the following revenues and expenditures are not consistent with the budgeted amounts:

- General Purpose Block Grant Revenue
- Categorical Block Grant Revenue
- Special Education Revenue
- Food Services Expenditures

Cash flow for the General Purpose Block Grant and Categorical Block Grant is consistent with the timeline that funds are actually released, however, percentages of funds released are not accurate.

It appears that expenditures are incurred evenly throughout each fiscal year.

Should the ACCS recommend approval of this petition by the SBE, CDE staff recommend that the budget be revised to address the identified inconsistencies prior to opening.

Liability Insurance

Page 119 of the petition indicates that QUED “shall secure and maintain, as a minimum, insurance as set forth below with insurance companies acceptable to the District [A.M. Best A-, VII or better] to protect the Charter School from claims which may arise from its operations.”

1. Workers’ Compensation Insurance including Employers Liability limits of \$1,000,000.
2. Commercial General Liability coverage of not less than \$5,000,000 for each occurrence.
3. Commercial Auto Liability coverage with limits of \$1,000,000 combined single limit. If providing student bus services coverage limits, not less than \$5,000,000 combined single limit shall be required.

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

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| EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS | EC Section 47605(g) |
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4. Fidelity Bond coverage. Minimum amount of coverage shall be \$50,000 per occurrence, with no self-insured retention.
5. Professional Educators Errors and Omissions liability coverage with minimum limits of \$3,000,000 per occurrence.
6. Excess/umbrella insurance with limits of not less than \$10,000,000 required of all high schools and any school which participates in competitive interscholastic or intramural sports programs. Note that coverages and limits of insurance may be accomplished through individual primary policies or through a combination of primary and excess policies.

The Budget contains expenditures for Worker's Compensation at a rate of 3.4 percent of total salaries and property/auto/liability at a rate of \$45/pupil.

Third Party Contractor

Page 121 of the petition states that the school "intends to engage the services of a third party contractor (tentatively EdTec or ExED, leading providers of business services to charter schools) to provide the administrative services the school will require."

Sufficient funds are included in the budget for this purpose.

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| ACADEMICALLY LOW ACHIEVING PUPILS | EC Section 47605(h) |
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Evaluation Criteria

In reviewing petitions, the charter authorizer shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving...

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| Does the petition merit preference by the SBE under this criterion? | Yes |
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California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

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| ACADEMICALLY LOW ACHIEVING PUPILS | EC Section 47605(h) |
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Comments:
The charter identifies a target student population that is predominantly socioeconomically disadvantaged. The proposed school may provide comprehensive learning experiences for these pupils. It also will be located in the attendance area of district that has over half of its schools as low performing and a school that is API rank 1 and in PI year 5.

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| TEACHER CREDENTIALING | EC Section 47605(l) |
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Evaluation Criteria
Teachers in charter schools shall be required to hold a CTC certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold...It is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses.

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| Does the petition meet this requirement? | Yes |
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Comments:
The petition clearly states that teachers will be credentialed as required by law, and that QUED will adhere to the credentialing requirements of the Charter Schools Act and the HQT specifications of NCLB.

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| TRANSMISSION OF AUDIT REPORT | EC Section 47605(m) |
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Evaluation Criteria
A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year...to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited..., and the CDE by December 15 of each year.

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| Does the petition address this requirement? | Yes. Technical amendment needed. |
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California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

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| TRANSMISSION OF AUDIT REPORT | EC Section 47605(m) |
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CDE Suggested Changes to Petitioner's Audit Language: Please note that an underline shows the new language proposed by CDE.

The Ingenium Schools Board Finance Committee will oversee selection of an independent auditor. The auditor will have experience in education finance and will be selected from the Certified Public Accountant's Directory published by the State Controller's Office. Ingenium Schools will work with an experienced business services provider to set up financial controls, systems, and processes to ensure compliance, and the maintenance of proper documentation in preparation for the audit. The audit will verify the accuracy of the school's financial statements, attendance and enrollment accounting practices and review the school's internal controls. The audit shall be conducted in accordance with Education Code Section 41020, the Standards and Procedures for Audits of California K-12 Local Educational Agencies as published in the California Code of Regulations, and generally accepted accounting principles applicable to the school. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in any Office of Management and Budget Circulars. It is anticipated that the annual audit will be completed within four months of the close of the fiscal year and that a copy of the auditor's findings will be forwarded to the Ingenium Schools Finance Committee. The Finance Committee will review any audit recommendations or deficiencies and report to the corporation's governing board and SBE their plan for resolving deficiencies. The board will report to SBE regarding how the exceptions and deficiencies have been or will be resolved. Exceptions/deficiencies will be resolved to the satisfaction of the SBE. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process referenced in this petition, or if applicable, referred to the Education Audit Appeal Panel (EAAP) appeal process (Education Code Section 41344).

QUED Charter Elementary School will submit its annual audit to the State Controller, Los Angeles County Office of Education, the California Department of Education's (CDE) Charter Schools Division and CDE's Audit Resolution Office by December 15th of each year.

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| ADDENDUM 1: REASONS FOR LOCAL DENIALS |
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The Compton Unified School District governing board held a public hearing on the QUED petition on January 22, 2008, following resubmission of the QUED petition which was denied by the district on May 8, 2007. At a meeting on February 26, 2008, the district once again denied the QUED petition. The reasons listed here only relate to the resubmitted petition which was subsequently appealed to LACOE and the SBE.

1. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

- The petitioners have not budgeted for the cost of collective bargaining. The timeline described in the petition for establishing QUED is not a

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

Petitioner

QUED Charter Elementary School

ADDENDUM 1: REASONS FOR LOCAL DENIALS

realistic operation plan. In one section of the petition, a classroom teacher salary is listed as \$48,000 and in another section as \$45,000 resulting in an inconsistency in the petition. QUED has not been accredited by WASC.

Petitioner Response. Employees at very few independent charter schools (fewer than 5%) have chosen to collectively bargain under EERA, even though they have the right to, so there is no need to budget for the cost of collective bargaining. QUED's average teacher salary was raised from \$45,000 to \$48,000 in the resubmitted petition. On pages 70-71, the petition states that "By September 30, 2008, after school operations have begun, Ingenium will submit a Request for WASC Affiliation form. WASC will then send Ingenium an Initial Visit Application/School Description form, which Ingenium will complete and return. Upon receipt of the forms and approval to proceed, WASC will arrange for a two member visit to the school. In addition to the documentation provided with the application, Ingenium will make available other supporting documentation during this initial visit. Following the visit, the visiting committee will submit a report containing recommendations regarding the school's ongoing improvement to the WASC Accrediting Commission for Schools for action. If the Commission's action is favorable, the school will be granted either interim accreditation or candidacy, for a term not to exceed three years. Ingenium's goal is to achieve interim accreditation at this stage. In its third year of operations, Ingenium will apply for full accreditation using the WASC Focus on Learning, California Charter Schools, 2004 Edition protocol to prepare its self study."

CDE Staff Comments.

QUED is not required to budget for the cost of collective bargaining.

It is not possible to receive WASC accreditation prior to the establishment of the charter school and QUED's plan to achieve WASC accreditation appears to be reasonable.

There is an inconsistency between Appendix E and Appendix H on the average teacher salary, \$45,000 vs. \$48,000, which needs to be corrected.

Although QUED's proposed 2008-09 school year opening in the revised petition was ambitious, the planning for the new charter school was well into the second year and a Fall 2008 opening was not unrealistic if the petition had been approved on February 26, 2008.

2. The petition does not contain reasonably comprehensive descriptions as required.

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

Petitioner

QUED Charter Elementary School

ADDENDUM 1: REASONS FOR LOCAL DENIALS

- The petition contains no provision regarding the transportation of students.

Petitioner Response. The staff reviewer notes that the State's Model Application indicates that a petition should "provide a description of the arrangements, if any, to be made for the transportation of students," and stated that our petition contains no provision for the transportation of students. Our petition does not include a description of transportation services to students because none will be provided, except in the case of special education students; the Model Application does not require a description of transportation services if none will be offered (note the "if any" phrase). The staff reviewer may not have been aware of current practice in California charter schools: virtually no independent charter schools offer transportation; parents are responsible for transporting the students to the school. Transportation is not required to be provided by charter schools. It is difficult to see how this issue can be converted to a factual finding that the school is unlikely to succeed, given the many charter schools in operation without transportation.

CDE Staff Comments

QUED is not required to provide for the transportation of students.

3. There are serious questions regarding whether the charter school is non-sectarian within the meaning of the Education Code.

- The fact that one of the QUED school sites will be located in a church is problematic and the petitioners provide only generic affirmations of the school's purported secular nature.

Petitioner Response. The staff analysis raises concerns about whether QUED Charter School is non-sectarian because one of its locations is in a church facility. The staff reviewer, again, may not be aware of current charter school practice; many charter schools are located in churches, and procedures are in place for using them (see Appendix P in the revised charter application, "Facility Review Checklist for Use of Religious Facilities"). There is no hint of sectarian control in our governance section and there are multiple assurances throughout the original document that the program will be non-sectarian: "The Charter School shall be nonsectarian in its programs, admission policies, employment practices, and all other operations." (page 4, "Affirmations"). "QUED Charter Elementary School shall be non-sectarian in its admission policies, employment practices, and all other operations." (page 12, "Whom the School is Going to Educate"). "In accordance with *Education Code* Section 47605(d)1, QUED Charter Elementary School shall be nonsectarian in its employment practices and all other operations." (page 90, "Hiring Process"). The staff reviewer noted that "a school district may, and possibly must, deny a charter school petition where the charter school is controlled by sectarian proponents." As noted above, the program is clearly nonsectarian. If there is evidence to the contrary, we would appreciate being alerted to it.

California Department of Education
2008-09 CHARTER SCHOOL PETITION REVIEW FORM

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|------------|---------------------------------------|
| Petitioner | QUED Charter Elementary School |
|------------|---------------------------------------|

ADDENDUM 1: REASONS FOR LOCAL DENIALS

CDE Staff Comments.

The petition describes an education program that is nonsectarian. Charter schools are permitted to lease church facilities.

The Los Angeles County Board denied the petitioner’s appeal on June 3, 2008 for the following reason: “The petition does not contain the requisite number of verified parent signatures as required by subdivision (a) of *Education Code Section 47605.*”

Petitioner Response. Our first year projected enrollment is 316 pupils. One-half of 316 is 158. The petition we submitted to Compton and then appealed to LACOE had signatures of parents or legal guardians of 228 pupils; these may be counted in the petition we appealed to you.

Please note that the Education Code language does not require that the signatures be “verified;” LACOE added this word unilaterally. Its policy is to send letters requesting verification to the petitioners and to not count a signature as valid unless a response is received. This is, of course, a far higher level of verification than is required for signatures on state ballot measures or voter registration.

In our case, LACOE’s policy required that responses be received from parents representing 158 pupils. In its presentation to the LACOE board prior to the vote to deny, LACOE staff indicated that the responses received from parents did not reach the 158 cut-off; this is the support for LACOE’s finding that: “The petition does not contain the requisite number of *verified [LACOE addition]* parent signatures as required by subdivision (a) of Education Code 47605.”

CDE Staff Comments. The requisite number of parent signatures as required by *EC Section 47605 (a)(1)(A)* have been obtained. *EC Section 47605 (a)(1)(A)* states that: “The petition has been signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.” The petition was signed by parents representing 228 prospective students at the school. The first year enrollment at QUED Charter Elementary School is projected to be 316 students in grades kindergarten through sixth grade.