



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2005 AGENDA

SUBJECT	
Request by Waterman Charter School to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input checked="" type="checkbox"/> Public Hearing

RECOMMENDATION

The following item is provided to the State Board of Education (SBE) for information and action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

SBE Authority to Grant Charters: Pursuant to *Education Code* Section 47605 (j), as of January 1, 1999, a charter school that has been denied approval by a local chartering entity may petition the SBE to approve the charter. As of January 1, 2003, a charter school must be denied by both a local school district and county office of education before it may petition the SBE to approve the charter.

Previous requests: Since January 1999, the SBE has reviewed several charter petitions that have been denied at the local level and has to date approved ten such requests.

Oversight of Charter Schools by the SBE: At the request of the SBE, California Department of Education (CDE) staff presented an issue paper at its May 2000 meeting that outlined a comprehensive proposal for the review, approval, and oversight of previously denied charters. The issue paper proposed that the SBE adopt regulations that define a process for review of a charter petition that has been denied locally. Regulations were developed and approved by the SBE at its December 2001 meeting and are currently in use.

At its October 2001 meeting, the SBE also established an Advisory Commission on Charter Schools (ACCS) and charged it with a number of responsibilities, including advising the SBE on charter petitions that have been denied at the local level.

SUMMARY OF KEY ISSUES

On December 11, 2003, the CDE received a request from the petitioners of Waterman Charter Academy to authorize a charter school proposed to be located in the city of Barstow in San Bernardino County. The petition to establish the charter school was denied by the Barstow Unified School District on April 8, 2003. The San Bernardino County Board of Education denied the petition on July 7, 2003.

The petition was originally considered by the ACCS at its February 19, 2004, meeting. At that time, the ACCS had a number of questions and concerns that were not adequately addressed by the petitioners. The petition was again presented to the ACCS at its November 29, 2004, meeting.

The ACCS expressed concerns that:

1. The petitioners did not appear to have staff that has a solid educational background/experience. The petitioners have hired the Insight Group as a contractor to implement and oversee the educational program. However, the ACCS questioned how much support and over what period of time the contractor had committed to provide.
2. The petitioners did not have adequate finances to support the school. The petitioners noted that they have \$25,000 pledged to the school. The ACCS also questioned the amount that teachers were to be paid and were generally concerned with overall financial viability.

The ACCS voted not to recommend approval of the Waterman Charter School petition by a vote of 7-1. A copy of the CDE staff findings on this petition is included as Attachment 1. This item will provide for a public hearing on this charter proposal.

If the SBE chooses to approve this petition, it should be granted charter number 680.

FISCAL ANALYSIS (AS APPROPRIATE)

If the petition is approved, it will result in an increased workload for CDE and SBE staff to oversee the school. This petition is one of three that are on the agenda for SBE consideration. There are currently two CDE staff assigned to oversee 10 schools as well as provide many of the business functions supporting them, such as certifying attendance reporting, and reviewing fiscal reports, budgets and audits. These costs are generally offset by the 1 percent oversight fee that may be charged by charter authorizing entities.

ATTACHMENT(S)

Attachment 1: State Board of Education Charter School Appeal Findings (16 Pages)

Attachment 2: Waterman Charter Academy Petition (64 Pages)

Attachment 3: Waterman Charter Academy Appendix C and D (91 Pages) (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)

**State Board of Education
Charter School Appeal Findings**

School Name: Waterman Charter Academy			
Denying District: Barstow Unified School District	Date Denied: April 8, 2003		
Denying County: San Bernardino County Board of Education	Date Denied: July 7, 2003		
Date Received by SBE: December 11, 2003			
SUMMARY OF FINDINGS		Concerns*	
1. The Charter School presents an unsound educational program for pupils to be enrolled in the charter school.		<input checked="" type="checkbox"/>	
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.		<input checked="" type="checkbox"/>	
3. The petition does not contain the number of required signatures.		<input type="checkbox"/>	
4. The petition does not contain an affirmation that the school shall be nonsectarian, shall not charge tuition and shall not discriminate.		<input type="checkbox"/>	
5. The petition does not contain reasonably comprehensive descriptions of the required elements.		<input checked="" type="checkbox"/>	
*See detail regarding concerns on findings 1,2, and 5 on the following pages.			
GENERAL COMMENTS AND AFFIRMATIONS		Included	
		Yes	No
Evidence of local governing board denial per Education Code (EC) Section 47605 (j)(1) and 5 CCR 11967(a)(2)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reason for denial included (5 CCR 1967(a)(2))		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Full charter included (EC 47605(b)(5)).		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Signed certification of Compliance with applicable law (5 CCR 11967(b)(3))		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Written verification of SELPA participation or district delegation to accept charter in the LEA for Special Education (EC 47641© and (d))		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Serves pupils in grade levels that are served by the school district of the governing board that considered the petition (EC 47605(a)(6))		<input checked="" type="checkbox"/>	<input type="checkbox"/>

FINDING #1	Concerns
<p>The charter school presents an unsound educational program for pupils to be enrolled in the charter school.</p> <ul style="list-style-type: none">• Program presents the likelihood of physical, educational, or psychological harm;• Program is not likely to be of educational benefit to the pupils who attend.	
<p>Comments: It is difficult to conclude this program would be of educational benefit to students for the following reasons:</p> <p>Educational program: The original analysis of the petition identified that the educational program was lacking in the following areas:</p> <ol style="list-style-type: none">1. The petition did not provide specificity about the educational program that will be conducted at the Waterman Charter Academy by grade level or subject matter. The petition included general material that appeared to be from the Core Knowledge Foundation and a list of books that will be used in each subject by grade through the eighth grade that met California State Content Standards.2. The petitioner did not provide in a reasonably comprehensive manner any information about the curriculum to be used for high school students even though the school intends to open in 2004-05 with a K-9 program. It appeared that the school intended to “examine” a number of curriculums for the high school grade levels. The Academy references the University of California “A” through “G” courses, but it failed to provide course listings that would satisfy these requirements or demonstrate an understanding of the process required to receive approval.3. The Academy does not identify curriculum or materials for French or Spanish language. For example the petition states, “Beginning in the eighth grade, students will study French or Spanish language.”4. Finally, the petition failed to provide, as required by law, a description of how the school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. <p>The petitioners have submitted a supplement to their original curriculum package that provides more detail to the strength of their educational program. It notes the following:</p> <ol style="list-style-type: none">1. The petitioners have provided background information to further explain the standards-based curriculum program that they have in place for the students. Waterman is using a research-based instructional design called the “Backward Design” method. Waterman has demonstrated in three stages how this method provides teachers with the process of: aligning standards (unpack and prioritize content standards), assessment (their alignment to content standards) and instruction (differentiating instruction to meet the needs of all learners).	

The curriculum addresses (by grade level and subject matter) instructional topics that each student should master and the Core Knowledge sequence correlation to the California State Standards. The petitioners have developed subject matter competencies as detailed by the California State Content Standards for Reading/Language Arts, Math, Science, History, Fine Arts, and the recommended Physical Education and Foreign Language standards.

2. Waterman has provided a clear narrative of the high school course descriptions that will be offered for college preparatory students entering ninth through the twelfth grade. The descriptions describe the level of the course (i.e. core vs. non-core, AP, entrance), instructional and performance objectives, course content, as well as the methods and activities that will take place during the class. The petitioners have noted in the supplemental curriculum information that the course descriptions will be immediately submitted for UC approval upon the opening of the school. Waterman should provide information on how they will ensure these courses would be submitted for CSU approval. Further, all core academic courses will be UC and CSU approved.
3. The curriculum states that the students will “Obtain sufficient verbal fluency and written proficiency to communicate effectively in a foreign language” and “understand and appreciate the culture underlying a foreign language.” However, the petitioners do not provide sufficient descriptions of curriculum or materials for French or the Spanish language.
4. Waterman has provided specific descriptions of the courses that will be offered at the high school level. As noted in question #2, the class descriptions will be provided immediately for UC approval upon the opening of the school. Waterman should provide information on how they will submit these courses for CSU approval. Parents will be notified via the parent handbook and information sessions as to the transferability of courses and will be provided with a course list that details the courses that will satisfy college entrance requirements.

Learning Center: The original analysis of the petition identified that the educational program was lacking in the following areas:

1. The petition indicates that students who receive exceptional educational services will receive support and assistance within the general education classroom using inclusive practices. The Learning Center, as noted in the petition, will provide intensive individualized instruction that will be located away from the main charter facility for those students who are academically delayed or display “unacceptable behavior in the classroom.”
2. The petition does not address how students in the Learning Center will be provided access to a rigorous curriculum along with supplemental services (i.e., special education).

3. In addition, CDE is concerned that if children are being segregated based on the academic or behavior deficits relating to disabilities, this would be a violation of the students' civil rights under section 504 of the Civil Rights Act.

The petitioners have submitted a supplement to their original package that partially addressed CDE/ACCS areas of concern.

Special Education: The original analysis of the petition identified that the special education program was lacking in the following areas:

Support strategies for special education students are not definitively outlined, leaving open the questions regarding the petitioners' specific capacity to meet students' special needs or provide for the delivery of program or mental health services. As noted on page 15 of the petition, under "Governance and Operation," the petitioners state that they will contract with a private service provider for special education services. To date, the petitioner does not appear to have established contact, or an agreement, with any Special Education Local Plan Area (SELPA). The petition has provided no evidence that petitioners have begun discussions with a SELPA or understand the school's obligations and responsibilities under state and federal law regarding the provision of special education services. The San Bernardino SELPA reports that it has had no contact with the petitioners. The petition contains references to providing parents access to "due process requirements and procedures," however, it is not clear that the school has any understanding of what those due process requirements and procedures are.

The petitioners have submitted a supplement to their original package that addressed one of CDE's concerns. It notes that the petitioners have requested the application process for becoming a member in the Desert Mountain SELPA. Waterman has also contacted a private company which provides special education services.

English Language Learners (ELL): The petitioners have indicated that the school's ELL population may exceed 10 percent; however, there is no discussion of how ELL students will be integrated into a successful educational setting in the classroom. There is no discussion of the ELL materials, curriculum, or how the services will be provided.

Measurable Pupil Outcomes: The original analysis of the petition identified that the educational program was lacking in the following areas:

1. The petitioners need to be more specific regarding the "reporting and goal setting process" that is to be formalized in the Personal Education Plan. The petition states that each pupil should possess and be able to demonstrate the following qualities: "solve mathematical problems; master basic math facts; utilize technology; and conduct basic research."
2. The plan does not sufficiently specify benchmarks to identify how pupil outcomes will be measured. The petitioner notes that several assessment tools will be used to measure each of the outcomes. If an assessment tool has not been identified, then a determination cannot be made as to whether the means of measuring pupil outcomes is valid or reliable. Additionally, page 8 indicates the school will look at academic progress in "aggregated results."
3. The school indicates its student population might be 14 percent African-American and 40 percent Latino. If this charter petition is approved, petitioners need to add language clearly indicating the school will demonstrate progress with each significant subgroup of students. Page 9 of the petition states the charter will hire outside consultants and evaluators. The petition does not indicate how the consultants and evaluators will be utilized.

4. The petition does not provide a coherent plan for monitoring school or student data and using it to continuously improve teaching/learning.

The petitioners have submitted a supplement to their original educational program package to measure pupil outcomes. It partially addressed CDE concerns.

1. Waterman has provided additional information to further support the process to measure pupil outcomes. The process includes the use of the California State Standards (though not specifically explained in this area of the petition) and the Core Knowledge Sequence to determine pupil outcomes and align assessments to those outcomes. The petitioners have identified curriculum-embedded and teacher-designed tests to use to determine student mastery every six to eight weeks.
2. As a result, "pacing plans" will be developed by each grade level when a standard will be evaluated during the year. Waterman is presently researching a research data system, (e.g., Vantage Learning Platform), that will aggregate the data that is gathered and will be noted in reports. Teachers and students will be able to analyze, assess student strengths and weaknesses as a result of these reports. This information will serve as the catalyst of the process to determine the instructional design.
3. Waterman does not specifically address how progress with each sub-group of students (African-American and Latino) in the area of student achievement will be demonstrated. It is still unclear how the hiring of outside consultants and evaluators will be used in this effort.
4. While the petitioners have provided additional information to describe the cyclical nature of their process to measure pupil outcomes, it is still unclear as to how Waterman will implement this plan to ensure continuous monitoring of student/school data and assure that the level of teaching that is provided is a positive support in that effort.

FINDING #2:

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

- Petitioners have a past history of involvement with charter schools or other education agencies that are regarded as unsuccessful;
- Petitioners are unfamiliar with the contents of the petition or requirements of the law;
- Petitioners have presented an unrealistic financial and operational plan for the charter school;
- Petitioners lack the necessary background in curriculum, instruction and assessment, and finance and business management, and have no plan for securing individuals with the necessary background.

Comments:

Beginning Year of Operation:

Petitioners intend to open the school in Fall 2004 with K-9 grade levels. The petition does not indicate an understanding of what is required to meet special education requirements, including membership in a SELPA (as noted in Finding #1). The petition is vague or contains an incomplete discussion of the educational program and other required elements. The petitioners will have difficulty in meeting other SBE conditions within the short period of time prior to a fall 2004 opening. CDE recommends that the petitioners take another year to develop the details of the program and submit a new petition to the local school district.

If the SBE approves this petition, CDE recommends that the petition be conditionally approved upon meeting the SBE requirements as outlined in *Education Code* Section 47605 (2)(j)(1) and that it reflect a Fall 2005-2006 opening date of operation. Further, CDE recommends that page 30 of the petition be amended to conform to a three-year period of operation rather than five years. There are numerous other technically incorrect references in the charter that also need amending, if approved. CDE recommends, if approved, petitioners add language stating that they will submit a renewal request to SBE no later than 120 days before charter is to expire.

Facilities: Waterman has not identified or secured a facility for the school, but has identified possible site locations for its facilities. The petition notes that Waterman Charter Academy may make use of "multiple facilities to house its population." Once a site has been secured, the petitioner must provide a projected cost of the facility to CDE. Further, the petition notes that parents must be notified of the facility site within 60 days of the commencement of classes. Waterman may request Proposition 39 facilities from Barstow Unified School District; however, it is unclear when the school intends to do so. The deadline for a facilities request under Proposition 39 for a new school for the 2004-05 school year was January 1, 2004. CDE has concerns that the school has very little time in which to secure a facility.

Legal: The following statement is unclear as noted in the petition: “In the event that the Board of Education revokes the charter for Waterman Charter Academy, the Corporation will retain the right to petition another state-approved entity for approval to act as a Charter School.” If the charter is approved, CDE recommends that this language be removed. On page 5, 4th paragraph of the petition states the academy has the right to amend the charter, at any time. If approved, CDE recommends that the petition include language that requires them to submit material amendments to the charter to the SBE for approval, per *Education Code Section 47605 (2)(C)(j)(1)*.

Governance: There are questions that are raised by the description that was noted in the petition. The school is under the direction of a corporate board consisting of at least 9 but no more than 11 members. One of the directors is to be appointed by the Barstow Unified School District Board of Trustees. There is some question as to whether the provision is an unintentional carryover from the charter that was presented and denied by the school district. A five member Parent Teacher Advisory Board is created by the charter, but CDE has some question about its independence and possible conflict of interest because all of the members are appointed by the Board of Directors. Finally, language should be added to the petition that allows the SBE to appoint a voting member of the governing board if it so chooses.

Financial Operational Plan:

- **Scope:** The three-year business plan that was submitted by the petitioners did not include figures for a “start-up year.” Since the academy will not start until 2005-06, the estimates are presently off by one year and would be off by two years if the petitioner opens in 2005-06, as CDE has recommended.
- **Revenues:** The petitioner should be aware that the charter school-funding model could change for 2004-05. The Governor’s 2004-05 Budget, as presented on January 9, 2004, proposes to fold funding for charter school categorical block grants into general purpose funding for charter schools. This could have an impact on their revenue estimates.
- **Reserves:** The petitioners have budgeted reserves of 2.5 percent (\$31,380) of their first year-anticipated revenues, 5.8 percent (\$80,893) of their second year revenues, and 3.5 percent (\$45,160) of third year revenues. If the reserves were calculated based on their revenues, the percentages would be 2.7 percent, 6.4 percent and 3.4 percent respectively.
- **Business Affairs:** It is unclear how business functions will be performed. The petition does reference a contractor, but does not provide any other details. The petitioners have not provided information regarding a proposed contractor, and it does not appear that the petitioners fully comprehend the scope of work that is necessary to conduct business functions.

- Insurance: The petitioners have budgeted \$12,000 a year for property and liability insurance, including \$4,000 a year for legal expenses. These amounts appear to be underestimated.
- Special Education: The budget does not include an estimate of how many special education students the academy plans to serve. (See Finding #1).
- Audit: The petitioners must provide additional information regarding the actual amount they have budgeted for the annual financial audit.
- Instructional materials/textbooks: The budget for instructional materials and textbooks appears inadequate.

Parent Involvement: Page 12 of the petition notes that "...parents will be asked to commit to providing up to 40 hours of service annually to the Academy" which denotes a mandatory requirement. Page 22 of the petition notes, "prior to enrollment parents will be provided an opportunity to sign and agree to a statement of parental commitment to attend parent meetings." CDE recommends the petitioners make provisions in the charter for cases in which parents, because of hardship or work schedules cannot fulfill the service commitment. CDE also recommends that the petitioners clarify the kinds of "service" that will be allowed to accommodate parents who work full time.

FINDING #3	Concerns
	The petition does not contain the number of signatures required by law.
Comments: N/A	

FINDING #4	Concerns
<p>The petition does not contain an affirmation of each of the following:</p> <ul style="list-style-type: none"> • Shall be nonsectarian • Shall not charge tuition • Shall not discriminate 	
<p>Comments: N/A</p>	

FINDING #5	Reasonably Comprehensive	Not Reasonably Comprehensive
<p>The petition contains reasonably comprehensive descriptions of the following:</p>		
(A) A description of the educational program including how information will be provided to parents on transferability of courses and eligibility of courses to meet college entrance requirements.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Please see comments as described in Finding #1 on page 2.</p>		
(B) The measurable pupil outcomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Please see comments as described in Finding #1 on page 2.</p>		
(C) The method by which pupil progress is to be measured (compliance with statewide assessments and standards)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Please see comments as described in Finding #1 on page 2.</p>		
(D) Governance structure, including the process to ensure parental involvement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Please see comments as described in Finding # 2 on page 3.</p>		
(E) Qualifications to be met by those employed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: N/A</p>		

(F) Procedures to ensure health and safety of pupils and staff, including criminal records summary (per EC Section 44237)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Petition states that Waterman will adopt the health and safety procedures established by the Barstow Unified School District. Also, it is noted that employees not possessing a valid California Teaching Credential must submit two sets of fingerprints for the purposes of the criminal record summary. CDE recommends that all new employees be fingerprinted, not just those who do not possess a credential.</p>		
(G)The means by which the school will achieve racial and ethnic balance reflective of the district population	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: N/A</p>		
(H) Admission requirements, if applicable (District priority or lottery per EC 47605 (d)(2))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: N/A</p>		
(I) The manner in which an independent annual financial audit is to be conducted	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition does not specify a time line for resolution of audit findings/exceptions. The petitioners also do not describe who is responsible for overseeing the audit. Further, the petition does not indicate that the auditor will have education finance experience as per <i>Education Code</i> Section 47605 (b)(5)(I), California Code of Regulations Title 5, Section 11967.5.1 (9)(B). Finally, there is no time line for submission of the audit. CDE recommends that language be added to the petition stating the audit will be submitted by December 15 of each year (as required by statute) and that copies of the audit will be provided to the SBE, CDE, the State Controller, and the San Bernardino County Office of Education.</p> <p>The petitioners have submitted information to further clarify some of the information as noted above: Waterman has included an engagement letter from Vavernich, Tyne and Day who will contract with the petitioners to complete their audits.</p>		
(J) The procedures by which pupils can be suspended or expelled	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>Comments: A number of offenses that may result in suspension or expulsion are listed in the same area in the petition. However, <i>Education Code</i> Section 47605 (b)(5)(J) and California Code of Regulations, Title 5, Section 11967.5.1(f)(10) require that the listing of offenses for which suspension must or may be imposed be listed separately from offenses for which expulsion must or may be imposed. The petition noted that the school would provide due process hearings in conformity with the requirements of law regarding discipline, special education, confidentiality and access to records. The aforementioned statement does not demonstrate the petitioner has an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.</p>		
(K) The manner by which staff will be covered by STRS, PERS, or Social Security	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: N/A		
(L) The public school attendance alternatives for pupils residing in the school district who choose not to attend charter schools (No governing board of a school district shall require any pupil enrolled in the school district to attend a charter school)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: N/A		
M) A description of the rights of any employee of the district, upon leaving the employment of the district to work in the charter, and of any rights of return to the school district after employment at the charter school. No governing board of a school district shall require any employee of the school district to be employed in a charter school (EC 47605(e))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: N/A		
(N) Process for resolution of disputes with chartering entity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: If approved, the petition needs to be amended to include the standard language from the Criteria for the Review and Approval of Charter School Petitions, which states that because the SBE is not an LEA, it may choose to resolve a dispute directly rather than participate in the petitioners' proposed process. The petition does not acknowledge that the SBE, as the sponsoring agency, is not a LEA and may not wish to follow the charter's dispute resolution process. The dispute resolution process in the petition requires participation in mediation and arbitration with fees to be shared by the participants. A party refusing arbitration can be forced to pay the entire arbitration fees.</p>		

(O) Declaration whether or not the charter school shall be deemed the exclusive public employer for the purposes of EERA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: N/A		
(P) A description of the procedures to be used if the charter school closes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Petition does not adequately address closure procedures. There is no mention of how student records will be stored or transferred, whether a closing audit will be performed or a time line for the audit, how property will be disposed and to whom, or how parents will be notified. The petition states that assets become the property of the sponsoring agency. Supplementary information provided expended the elements of the closure process.</p>		

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

Condition	Recommended	Not Recommended	Alternative Date
<p>1. Insurance Coverage-not later than June 1, 2005 (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit document coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>2. Oversight Agreement-not later than February 7, 2005, either (a) accept an agreement with the State Board of Education (administered through the California Department of Education) to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the State Board of Education (as represented by the Executive Director of the State Board), and an oversight entity (pursuant to EC Section 47605(k)(1)) regarding the scope of oversight and reporting activities, including, but not limited, adequacy and safety of facilities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Condition	Recommended	Not Recommended	Alternative Date
<p>3. SELPA Membership-no later than February 7, 2005, submit written verification of having applied to a special education local plan area (SELPA) for membership as a local education agency and, not later than June 6, 2005, submit either written verification that the school is (or will be at the time students are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's students to be students of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive director of the State Board of Education based primarily on the advice of the State Director of Special Education based on a review of either the school's written plan for membership in the 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Condition	Recommended	Not Recommended	Alternative Date
<p>4. Educational Program-not later than March 7, 2005, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school meeting California State Content Standards; and, not later than May 9, 2005, submit the complete educational program for students to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used, plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluating student progress, and a budget which clearly identifies the core program from enrichment activities and reflects only those loans, grants, and lines of credit (if any) that have been secured by the school. Satisfaction of this condition shall be determined by the Executive Director of the State Board of Education based primarily on the advice of the Deputy Superintendent for Curriculum and Instructional Leadership.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>5. Student Attendance Accounting-not later than July 1, 2005, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Fiscal Services Division.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Condition	Recommended	Not Recommended	Alternative Date
<p>6. Facilities Agreement-not later than June 6,2005, present a written agreement (a lease or similar document) indicating the school's right to use the principal school site identified by the petitioners for at least the first year of the school's operation and evidence that the facility will be adequate for the school's needs. Not later than July 5, 2005, present a written agreement (or agreements) indicating the school's right to use any ancillary facilities planned for use in the first year of operation. Satisfaction of these conditions should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>7. Zoning and Occupancy-not less than 30 days prior to the school's opening, present evidence that the facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the State Board of Education may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Condition	Recommended	Not Recommended	Alternative Date
<p>8. Final Charter-not later than February 14, 2005, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the State Board of Education as the chartering authority and otherwise address all concerns identified by California Department of Education staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the State Board of Education based primarily on the advice of appropriate CDE staff.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>9. Legal Issues-in the final charter presented pursuant to condition (8), resolve any provisions related to legal issues that may be identified by the State Board's Chief Counsel.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>10. 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).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>11. Operational Date-if any deadline specified in these conditions is not met, approval of the charter is terminated, unless the State Board of Education deletes or extends the deadline not met. If the school is not in operation by September 29, 2006, approval of the charter is terminated.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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