

MEETING NOTES

Advisory Commission on Charter Schools *An Advisory Body to the State Board of Education*

California Department of Education
1430 N Street, Room 1101
Sacramento, California

Monday, March 17, 2008

MEMBERS PRESENT

Rae Belisle, Chair
Jesse Barajas
Vicki Barber
Carol Barkley*
Brian Bauer
Paul Cartas
Tom Conry
Beth Hunkapiller

MEMBERS ABSENT

Mark Kushner

* Carol Barkley is the State Superintendent of Public Instruction's designee.

PRINCIPAL STAFF TO THE ADVISORY COMMISSION

Deborah Domitrovich, Consultant, CDE Charter Schools Division
Keith Edmonds, Consultant, CDE Charter Schools Division
Deborah Probst, Consultant, CDE Charter Schools Division
Greg Geeting, Retired Annuitant, CDE Charter Schools Division

Call to Order

Chair Belisle called the meeting to order at 10:30 a.m.

Flag Salute

Chair Belisle invited Ms. Barber to lead the members, staff, and audience in the Pledge of Allegiance.

Introductions

Chair Belisle invited the members and principal staff to introduce themselves.

Reordering of Agenda

Chair Belisle invited Ms. Barkley to make an announcement regarding the Ivy Academia. Ms. Barkley deferred to Ms. Probst who indicated that the Ivy Academia

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petitioners had withdrawn their two charters scheduled for further consideration at this meeting. The Los Angeles Unified School District staff is meeting with the petitioners to schedule consideration of the renewal of the Ivy Academia's existing charter. It is hoped that this will lead to a local resolution of the school's efforts to maintain (and potentially expand) operations.

Approval of Meeting Notes

Chair Belisle asked if there was a motion to approve the notes from the last ACCS meeting held on January 14, 2008.

ACTION: Mr. Bauer moved that the notes of the meeting held on January 14, 2008, be approved as presented. Ms. Hunkapiller seconded the motion, and it was approved by a vote of 7-0. Mr. Conry was not present when the vote was taken.

Chair Belisle inquired as to whether staff had any follow-up information regarding the matter raised by John Cardoza, Delta Charter High School, regarding approved online providers of UC a-g courses. Mr. Geeting indicated that, although he had corresponded with Susan Wilbur, UC's Director of Undergraduate Admissions, on other follow-up matters related to her January presentation (which would be discussed later in the meeting), he had inadvertently neglected this matter. He indicated that he would ask Ms. Wilbur for her comments and present them at the April meeting.

Public Comment

Chair Belisle invited comments from the public on matters not on the agenda. Jeff Rice, Association of Personalized Learning Schools and Services (APlus+), asked that the ACCS consider establishing guidelines for "budget cuts" as a mitigating factor in the evaluation of funding determinations. He offered an example of how responsible, though conservative choices in current-year spending (taking into account the potential for lower-than-expected revenues in 2008-09) could result in a school's 2007-08 expenditure pattern being somewhat under the benchmarks generally required for the 100 percent rate. Ms. Barber commented that Mr. Rice's point is a good one. She indicated that her office is strongly advocating conservative spending this year in anticipation of reduced revenues in the forthcoming year. Mr. Edmonds commented that this expenditure pattern phenomenon could affect some continuing schools that submit funding determination requests next year, but that it would not affect start-up schools seeking their first funding determinations. Ms. Hunkapiller expressed process concerns about establishing new guidelines. Chair Belisle acknowledged that this is an important issue and that she believed (and hoped) it could be addressed within the discretionary authority (i.e., "documented data regarding individual circumstances of the charter school") that is incorporated in the existing regulations. She requested that staff see if the matter could be addressed without the necessity for regulatory changes. Mr. Bauer concurred with the approach of staying within existing discretionary provisions if

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possible. Chair Belisle asked if there was general consensus to proceed as she had outlined, and there was.

2007-08 (and beyond) Funding Determinations

Chair Belisle indicated that, to the extent possible, she would like to consider the funding determination requests in the groups presented by CDE staff. She invited Mr. Edmonds to present first the requests from new schools.

Uncharted Shores Academy	#859
Mirus Secondary School	#885
Lucerne Valley Career Academy.....	#892
Stockton Virtual Academy Charter School	#908

Mr. Edmonds indicated that all four schools listed above are recommended for a 100 percent rate for two years, subject to various conditions. He noted that one school, Stockton Virtual Academy, presented an unusual circumstance in that it opened and operated for several months (August to November), but then ceased operations (due to low enrollment) and returned to pending status. The school, which is locally funded and closely tied to the authorizing entity (Stockton Unified), intends to make another effort next fall.

Ms. Barber expressed concern that approval of a funding determination at the 100 percent rate might result in a “windfall.” Mr. Edmonds emphasized that approval of a funding determination would not entitle the school to receive any more revenue than it actually earned for the students served during its three months of operation. Mr. Conry inquired as to the sources of the school’s current-year revenues. Mr. Edmonds indicated that approximately \$100,000 came from state apportionments and approximately \$50,000 came from local sources (presumably in-lieu property tax revenues). Mr. Conry indicated that he was concerned about the potential that the district was seeking to use state funds to cover its investment in the school and that, under the circumstances, the result might be “throwing good money after bad.” Mr. Edmonds indicated his understanding that the district is working in good faith with the school to make it successful when it reopens next fall. Ms. Barber commented that it is possible the school will owe money back to the state from the advance apportionment already received. Chair Belisle indicated that she was comfortable with approval at the 100 percent rate (consistent with the provision of the regulations requiring that new schools be given serious consideration for full funding) in view of the fact that this is a dependent (locally funded) charter school. No speakers.

ACTION: Ms. Barber moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent funding rate for each of the schools listed above for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.

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- Determine in each case that a level greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq., noting the requirement that new schools be given serious consideration for full funding.
- Determine that approval for a two-year time period, where different from the time period requested, is advisable based upon review of the information presented in its totality.

Mr. Bauer seconded the motion, and it was approved by unanimous vote of the members present.

Escondido Charter High School	#109
Greater San Diego Academy	#261
Modoc Charter School.....	#279
Long Valley Charter School	#320
California Virtual Academy @ Sonoma	#653

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for each of these schools for five years (2007-08, 2008-09, 2009-10, 2010-11, and 2011-12), subject to various conditions. Ms. Barber noted that the Long Valley Charter School had only requested three-year approval. Mr. Edmonds responded that the CDE staff review revealed that the school qualified for five-year approval, and that the school had no objection. No speakers.

ACTION: Ms. Hunkapiller moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent funding rate for each of the schools listed above for five years (2007-08, 2008-09, 2009-10, 2010-11, and 2011-12), including the conditions identified by CDE staff.
- Determine in each case that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a five-year period is consistent with the requirements of *Education Code* Section 47612.5(d)(2), taking into account the information presented in its totality.

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Mr. Barajas seconded the motion, and it was approved by unanimous vote of the members present.

Dehesa Charter School..... #419
Olive Grove Charter School #421
William Finch Charter School #634
The Learning Choice Academy #659
Gold Rush Charter School #807

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for each of these schools prospectively for three years (2008-09, 2009-10, and 2010-11), subject to various conditions. Chair Belisle inquired about the negative reserve noted in the Gold Rush Charter School’s data. Mr. Edmonds indicated that the amount was relatively small (less than one percent) and did not present a significant problem in the view of CDE staff. Mr. Conry indicated that a slight negative reserve reflected the “usual ups and downs” of school finance. No speakers.

ACTION: Mr. Bauer moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for each of the schools listed above prospectively for three years (2008-09, 2009-10, and 2010-11), including the conditions identified by CDE staff.
- Determine in each case that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a three-year period, where different from the time period requested, is advisable based upon review of the information presented in its totality.

Ms. Hunkapiller seconded the motion, and it was approved by unanimous vote of the members present.

Elk Grove Charter School..... #27
Pacific Coast Charter School #170
Delta Charter School..... #393
California Virtual Academy @ Kern #494
Archway Academy #528
Santa Rosa Academy..... #730
Ocean Grove Charter School #747

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Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for each of these schools for three years (2007-08, 2008-09, and 2009-10), subject to various conditions. Chair Belisle expressed concern about the drop in academic achievement at California Virtual Academy @ Kern. Katrina Outfleet, representing the school, acknowledged that the school experienced an unfortunate dip in academic achievement in 2006, but that the school had far exceeded its API growth target in 2007 and thus expected a higher API ranking this spring.

ACTION: Mr. Bauer moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for each of the schools listed above for three years (2007-08, 2008-09, and 2009-10), including the conditions identified by CDE staff.
- Determine in each case that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a three-year period, where different from the time period requested, is advisable based upon review of the information presented in its totality.

Ms. Hunkapiller seconded the motion, and it was approved by unanimous vote of the members present.

Announcement by Paul Cartas

Mr. Cartas indicated that he serves as administrator of the school that has submitted the following funding determination request, and that the school (which is locally funded) is chartered by the district of which he is superintendent. Therefore, he indicated that he would not participate in the deliberation or vote on the funding determination request. He then left the meeting room while the funding determination request was considered.

Rainbow Advanced Institute of Learning..... #518

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for three years (2007-08, 2008-09, and 2009-10), subject to various conditions. He indicated that the school is rare among nonclassroom-based schools in providing instruction through a synchronous, technology-based model. No speakers.

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ACTION: Ms. Hunkapiller moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for three years (2007-08, 2008-09, and 2009-10), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a three-year period, instead of the five-year period requested, is advisable based upon review of the information presented in its totality.

Mr. Barajas seconded the motion, and it was approved by a vote of 7-0-1. As noted above, Mr. Cartas did not participate in the deliberation or vote on this recommendation.

Communications with Schools (Consensus)

In the course of considering the funding determination requests, there was discussion of low academic achievement by certain schools. There was agreement by consensus that when the CDE communicates with these schools and/or requests academic improvement plans:

- Emphasis will be placed on the need to demonstrate academic growth for the benefit of students;
- Note will be taken of the minimum academic achievement threshold for renewal established by EC Section 47607;
- Note will be taken that the ACCS will be evaluating what actions the SBE may take in relation to funding determinations of nonclassroom-based schools that are persistently low achieving; and
- A copy of any correspondence will routinely be sent to the school's chartering authority.

It was also agreed that Ms. Barkley would agendize for a future meeting the issue of what steps can be taken to address the issue of academic performance (both overall and by subgroups) in the context of funding determinations. Chair Belisle suggested that the routes of "mitigating factors" (reasonable basis to depart exclusively from review of expenditures in relation to revenues) and a "consent calendar" could be evaluated.

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Separate Listing of ASAM Schools (Consensus)

In the course of considering the funding determination requests, there was agreement by consensus to list ASAM schools separately in the future.

Venture Academy #423

Mr. Edmonds presented the CDE staff recommendation for prospective approval of a 100 percent rate for this school for two years (2008-09 and 2009-10), subject to various conditions. The school's low academic achievement was discussed. No speakers.

ACTION: Ms. Barber moved that the ACCS recommend to the SBE that it:

- Approve prospectively a 100 percent rate for this school for two years (2008-09 and 2009-10), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the five-year period requested, is advisable based upon review of the information presented in its totality.

Mr. Bauer seconded the motion, and it was approved by unanimous vote of the members present.

Mojave River Academy #762

Mr. Edmonds presented the CDE staff recommendation for prospective approval of a 100 percent rate for this school for two years (2008-09 and 2009-10), subject to various conditions. Concern was expressed regarding the amount of funds paid to the chartering authority. Joe Andreasen, the school's Executive Director, described the various services the chartering authority performs for the school. Ms. Hunkapiller expressed hope that a careful cost-benefit analysis had been performed. Mr. Bauer suggested that the school consider contracting with others for at least a portion of the services.

ACTION: Mr. Cartas moved that the ACCS recommend to the SBE that it:

- Approve prospectively a 100 percent rate for this school for two years (2008-09 and 2009-10), including the conditions identified by CDE staff.

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- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the three-year period requested, is advisable based upon review of the information presented in its totality.

Mr. Bauer seconded the motion, and it was approved by unanimous vote of the members present.

Central California Connections Academy..... #804

Mr. Edmonds presented the CDE staff recommendation for prospective approval of a 100 percent rate for this school for two years (2008-09 and 2009-10), subject to various conditions. Concern was expressed regarding a seeming inconsistency in the school's reporting of full-time-equivalent personnel. Franci Sassin, the school's Business Manager, responded, indicating that the form was somewhat unclear as to how to handle certain aspects of the FTE calculation. Chair Belisle indicated that the funding determination would return for further consideration if the CDE staff (as the process of approval proceeds) were to find that data had been materially misstated. She also expressed concern about the school's low academic performance.

ACTION: Mr. Conry moved that the ACCS recommend to the SBE that it:

- Approve prospectively a 100 percent rate for this school for two years (2008-09 and 2009-10), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the three-year period requested, is advisable based upon review of the information presented in its totality.

Ms. Barber seconded the motion, and it was approved by unanimous vote of the members present.

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Antelope Valley Learning Academy..... #841

Mr. Edmonds presented the CDE staff recommendation for prospective approval of a 100 percent rate for this school for two years (2008-09 and 2009-10), subject to various conditions. Concern was expressed about the school's small deficit. Skip Hanson, representing the school, indicated that the deficit was minor and had been covered by a line of credit for cash-flow purposes.

ACTION: Ms. Hunkapiller moved that the ACCS recommend to the SBE that it:

- Approve prospectively a 100 percent rate for this school for two years (2008-09 and 2009-10), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the five-year period requested, is advisable based upon review of the information presented in its totality.

Mr. Barajas seconded the motion, and it was approved by unanimous vote of the members present.

Yuba County Career Preparatory Charter School #92

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. Concern was expressed about the school's academic performance. No speakers.

ACTION: Ms. Barber moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.

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- Determine that approval for a two-year period, instead of the five-year period requested, is advisable based upon review of the information presented in its totality.

Mr. Cartas seconded the motion, and it was approved by unanimous vote of the members present.

Fresno Preparatory Academy #92

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. Concern was expressed about the school's academic performance. Ms. Barber noted that it is an ASAM school. No speakers.

ACTION: Mr. Bauer moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, as requested, is advisable based upon review of the information presented in its totality.

Mr. Barajas seconded the motion, and it was approved by unanimous vote of the members present.

PAL Academy #335

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. Concern was expressed about the school's academic performance. No speakers.

ACTION: Ms. Hunkapiller moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations

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pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.

- Determine that approval for a two-year period, instead of the five-year period requested, is advisable based upon review of the information presented in its totality.

Ms. Barber seconded the motion, and it was approved by unanimous vote of the members present.

Denair Charter School #357

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. Note was taken of the school's large reserve and the academic plan already presented. Alex Marshall, the school's director, and Ed Parraz, Superintendent of the Denair Unified School District (the school's chartering authority), addressed the ACCS.

ACTION: Ms. Hunkapiller moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the three-year period requested, is advisable based upon review of the information presented in its totality.

Ms. Barber seconded the motion, and it was approved by unanimous vote of the members present.

Castle Rock Charter School #358

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. Note was made that the 2006-07 audit has yet to be received. No speakers.

ACTION: Ms. Barber moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.

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- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the five-year period requested, is advisable based upon review of the information presented in its totality.

Ms. Hunkapiller seconded the motion, and it was approved by unanimous vote of the members present.

Desert Sands Charter High School..... #411

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. Concern was expressed that the school returned Title 1 funding. Skip Hanson, representing the school, indicated that the Title 1 funding available to the school was very limited and would have had to be spent on specific pupils. The administrative details associated with the funds would have consumed as much as half the total. Therefore, it was not desirable to accept this source of funding. Ms. Barkley indicated that she wished to explore the Title 1 funding issue further.

ACTION: Mr. Conry moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the five-year period requested, is advisable based upon review of the information presented in its totality.

Ms. Hunkapiller seconded the motion, and it was approved by a vote of 7-0-1. Ms. Barkley, though present, did not vote on the motion.

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Reconsideration of Preceding Recommendation

Chair Belisle indicated that in view of Ms. Barkley's decision to abstain from voting on the previous recommendation, other members might also want to give the recommendation further thought. Mr. Conry indicated that he had made and supported the preceding recommendation in the belief that it represented the State Superintendent's position. Ms. Barkley's abstention called that into question. Ms. Barber indicated that she felt comfortable with the recommendation which was made based upon the information available. At this point, the Title 1 funding appears extraneous to consideration of the funding determination. However, should new information surface, the matter would be brought back by staff.

MOTION FAILS: Mr. Conry moved that the ACCS reconsider the preceding recommendation for SBE approval of a funding determination for Desert Sands Charter High School (#411). Ms. Hunkapiller seconded the motion, and it failed by a vote of 4-4. Ms. Barkley, Mr. Conry, Ms. Hunkapiller, and Chair Belisle voted in favor of the motion. Mr. Barajas, Ms. Barber, Mr. Bauer, and Mr. Cartas voted against the motion.

Valley Oak Charter School #501

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. No speakers.

ACTION: Mr. Bauer moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the three-year period requested, is advisable based upon review of the information presented in its totality.

Mr. Conry seconded the motion, and it was approved by unanimous vote of the members present.

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Golden Eagle Charter School..... #501

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. Concern was expressed regarding the school's low academic performance. A report has been requested from the school. No speakers.

ACTION: Ms. Hunkapiller moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the five-year period requested, is advisable based upon review of the information presented in its totality.

Mr. Barajas seconded the motion, and it was approved by unanimous vote of the members present.

Crescent View Charter High School #674

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. He noted that this was another nonclassroom-based charter school that had refused Title 1 funds, and that the school's academic performance is quite low. It is an ASAM school. Ms. Barber indicated that refusing the Title 1 funds actually increased the percentage of revenues dedicated to certificated salaries and benefits and to instruction-related costs. No speakers.

ACTION: Ms. Hunkapiller moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.

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- Determine that approval for a two-year period, instead of the five-year period requested, is advisable based upon review of the information presented in its totality.

Mr. Barajas seconded the motion, and it was approved by unanimous vote of the members present.

ASA Charter School #677

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. No speakers.

ACTION: Ms. Barber moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the three-year period requested, is advisable based upon review of the information presented in its totality.

Mr. Bauer seconded the motion, and it was approved by unanimous vote of the members present.

Visalia Charter Independent Study #720

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. He noted that the school's 2006-07 audit had yet to be received. Mr. Conry inquired whether the funding determination would be returned for further consideration if a major issue is identified. Mr. Edmonds indicated that the matter would be returned if an issue bearing upon the funding determination were to be identified. No speakers.

ACTION: Mr. Conry moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.

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- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the three-year period requested, is advisable based upon review of the information presented in its totality.

Ms. Barkley seconded the motion, and it was approved by unanimous vote of the members present.

Bayshore Prep..... #723

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. No speakers.

ACTION: Ms. Hunkapiller moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the five-year period requested, is advisable based upon review of the information presented in its totality.

Ms. Barkley seconded the motion, and it was approved by unanimous vote of the members present.

Lunch Break

Chair Belisle called for the lunch break at 12:25 p.m. She reconvened the meeting at 1:10 p.m.

Paradise Charter Network #155

Mr. Edmonds presented the CDE staff recommendation for approval of an 85 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions.

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He noted the school's low academic performance, but indicated that the 2006-07 audit raised no issues. Chair Belisle commented that the school's e-mail message explaining the reasons for not achieving the minimum threshold for the 100 percent rate was not overly responsive. Ms. Barber noted that the school could appeal (file a second funding determination request for the current year) if it was able to pull together revised 2006-07 data in a timely way. She asked that CDE staff be very specific in spelling out the school's options to the responsible personnel. Chair Belisle noted that the school lacked a conflict of interest policy, and that rectifying that deficiency should be an additional condition in regard to approval of a funding determination for this school. No speakers.

ACTION: Ms. Barkley moved that the ACCS recommend to the SBE that it:

- Approve an 85 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff, plus the condition related to adoption of a conflict of interest policy.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, as requested, is advisable based upon review of the information presented in its totality.

Ms. Hunkapiller seconded the motion, and it was approved by unanimous vote of the members present.

Eagles Peak Charter School..... #282

Mr. Edmonds presented the CDE staff recommendation for approval of an 85 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. He briefly noted the findings of a recent FCMAT audit of the school. Rich Alderson, the school's Executive Director, provided historical information on the school's development and separation from a school that is now located in Riverside County. He noted the change in the school's leadership since the audit was produced, and briefly mentioned the qualifications of the new leadership team. He discussed the clientele served by the school, with many students of the type typically found in ASAM schools. He commented on a change in special education delivery, and the school's efforts to increase mathematics proficiency. The school began 2006-07 with a deficit of \$1 million, but ended the year with a \$500,000 surplus due to one-time revenues from a settlement related to the split. He requested consideration of the unusual circumstances as mitigating factors and asked that the ACCS recommend a 100 percent level. Mr. Edmonds noted that if the one-time revenues were to be excluded, the school would

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qualify for the 100 percent rate, but that staff had taken the conservative approach to the recommendation.

Ms. Barber indicated that the facts presented seemed to make a somewhat compelling case for the consideration of the one-time revenue as a mitigating factor. The school could not have anticipated this settlement at the beginning of the year and made expenditures accordingly. Mr. Cartas concurred, adding that the new management team had impressive credentials. Mr. Conry indicated that he found the FCMAT audit findings troubling, including the inaccuracy of data submitted for a past funding determination. He did not feel comfortable in simply overlooking the findings because new management had been put in place. Chair Belisle asked that a copy of the FCMAT audit be made available to all members. Mr. Alderson responded that the problems identified in the audit should not recur. Mr. Conry inquired specifically about the misreporting of average daily attendance. Mr. Alderson indicated that changes in attendance accounting had been implemented. Mr. Conry suggested that the funding determination be put over to the April meeting at which the ACCS would be reviewing the past-year funding determination issue. To the extent it is fairly resolved, the information might make consideration of the current-year funding determination easier.

Ms. Hunkapiller suggested that it might be prejudicial to consider the past and present funding determinations at the same meeting. She suggested that the ACCS proceed with the current-year matter at this meeting. Ms. Barkley concurred. Mr. Alderson commented that the school had faced a difficult year in 2006-07, but that "it is behind us." Mr. Conry indicated that he would be unable to support a 100 percent rate given that the school did not qualify for it based upon the CDE staff analysis and the "very negative" media reports that had come out regarding the audit findings.

ACTION: Mr. Cartas moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for this school for two years (2007-08 and 2008-09).
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq., taking into account the school's one-time revenues in 2006-07 as a mitigating factor that forms a reasonable basis for approval at the 100 percent rate.
- Determine that approval for a two-year period, as requested, is advisable based upon review of the information presented in its totality.

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Mr. Barajas seconded the motion, and it was approved by a vote of 7-1. Mr. Conry voted against the motion.

Whitmore Charter School #504

Mr. Edmonds presented the CDE staff recommendation for approval of an 85 percent rate for this school for two years (2007-08 and 2008-09), subject to various conditions. In approving the recommendation, it was noted that this school should receive a similar letter to the one sent to Paradise Charter Network. No speakers.

ACTION: Mr. Cartas moved that the ACCS recommend to the SBE that it:

- Approve an 85 percent rate for this school for two years (2007-08 and 2008-09), including the conditions identified by CDE staff.
- Determine that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, as requested, is advisable based upon review of the information presented in its totality.

Mr. Bauer seconded the motion, and it was approved by unanimous vote of the members present.

Ridgecrest Charter School: Progress in Addressing Notice to Cure

Ms. Probst provided a brief history of developments to this point. She noted that Ridgecrest Charter School had made significant changes in leadership, and that additional changes were in progress with the governing board's decision to release the school's long-time financial administrator. She described the school's "triad" leadership, which is being accommodated in the current year by spending down reserves. She commented that the school's academic improvement plan had not improved appreciably even with the suggestions received at the January ACCS meeting. She reviewed the SBE's notice to cure, and indicated that the SBE planned to hold a public hearing on the possibility of revocation in May. She outlined three principal options: (1) revoke the school's charter effective June 30, 2008; (2) defer the matter to the September SBE meeting; and (3) decide not to revoke the charter and, instead, proceed with consideration of renewal next year. Based upon the school's continuing struggle to implement its charter, the continuing turnover in administration, and recent reports of enrollment declines, she concluded with the CDE staff suggestion that the ACCS recommend to the SBE that it revoke the charter effective June 30, 2008. Waiting until September (while enabling consideration of the school's 2007 growth API) would place

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the SBE in an awkward position vis-à-vis the school's completion of the 2008-09 academic year, and would place the school in an awkward position vis-à-vis recruiting students during the summer.

Lisa Corr (Spector, Middleton, Young & Minney), representing the school, lead off the school's presentation, distributing a substantial compendium of data. Chair Belisle noted that it would not be possible for the ACCS members to read and digest such a substantial amount of data at this meeting, and she urged the school's representatives to be more timely in providing information in the future. Ms. Corr apologized for the lateness of the data and the limited number of copies available. She introduced the school's leadership team. She then proceeded to her principal point: the SBE is not providing the school a reasonable time to resolve the issues identified in the notice to cure. The issues cannot be addressed in less than one year's time. She also emphasized that the school would today meet the minimum threshold for renewal established in EC Section 47607. Moreover, she expressed the view that the school was "currently in an upswing" regarding academic performance. She noted that the school's decline in similar school's ranking was due largely to data anomalies.

Ms. Corr encouraged the ACCS and CDE to consider agreeing to an outside provider come assist the school in its efforts to further improve academic performance. She indicated that a dialogue regarding that possibility had already begun with CDE staff. She suggested that the Northwest Evaluation Association (NWEA) might be a good choice. Noting the school's very isolated location, she indicated that it might take some time to work out details for an outside provider. Taking all of this into account, she encouraged the ACCS to recommend the third option: abandon the revocation effort and defer the decision on the school's continuation to the point of renewal. In the alternative, she indicated that the school could accept the second option (deferring the revocation decision to September) if accompanied by an agreement for an outside provider to assist the school.

Tina Ellingsworth, the school's principal/director, provided a brief overview of leadership changes, new curricula and program enhancements, changes to promote the full inclusion of special education students, and ongoing assessment efforts. She provided an explanation of some key data presented in the compendium of materials. Noting that data analysis was not her particular area of strength, she invited Jerry Perez to explain certain aspects of the data display, acknowledging that he was very proficient in data analysis and presentation. She concluded by emphasizing that the data show that "students are on track" to do well on this year's STAR tests.

As the time Chair Belisle had set aside for the school's presentation drew to a close, Linda Hayman of the school's faculty outlined her background as a resource specialist, and how the school's efforts had improved to provide programs and services for special education students. Lisa Corr provided a brief concluding statement reemphasizing the

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school's need for a more reasonable length of time to address the SBE's notice to cure and advocating for an approach that includes the assistance of an outside provider. She asked that a brief time be allowed for school governing board president Craig Bradley to address the ACCS.

Chair Belisle indicated her concern about the ACCS members having sufficient time for discussion. She asked if Mr. Bradley had points not covered in the preceding presentations. Mr. Bradley commented briefly that he felt the data presented by the school addressed the needs of the ACCS and CDE to the best the school could understand them. He said that the school "means a lot to the community," and urged that the charter not be revoked.

Extensive discussion ensued. Mr. Cartas inquired as to the source of the data for English-language arts, which was Open Court assessments. Ms. Barkley noted the CDE's continuing concern about instability in the school's leadership, citing the late submission of data as evidence. Ms. Ellingsworth commented that bringing in Mr. Perez had been most helpful in helping the school better organize and manage data.

Ms. Barber inquired about when the data were collected and the benchmarks were established. She expressed concern that data may have been reconstructed following a computer malfunction, making it inherently unreliable. Mr. Bradley indicated that the data had been backed-up and had not been reconstructed. Mr. Cartas inquired about the progress between the school's January presentation and today's presentation.

Chair Belisle commented that the school's presentation as a whole underscored the need for a higher level of training in how to use data for academic improvement. She also commented that other aspects of the presentation indicated to her that the school's problems run deeper than data analysis. She indicated that the school appears in need of "an academic FCMAT." Ms. Corr responded that her recommendation for an outside provider, such as NWEA, to assist the school was exactly in line with Chair Belisle's suggestion. Chair Belisle asked if NWEA is on the state-approved list for SAIT providers.

Mr. Conry indicated that he had endeavored to be very attentive to the presentations, and thus could not digest the large compendium of data distributed. He commented that he would have to make his decision based on the information made available prior to the meeting and the oral comments. He suggested that the lateness of the preparation and distribution of data brought the abilities of the school leadership into question.

Ms. Hunkapiller commented on the critical importance of data compilation and analysis as a function of school leadership. Teachers need to focus on data, not just best practices. She inquired as to the school's actual capacity to use data. Ms. Ellingsworth introduced Carol Lewis who briefly summarized how she helps the school's teachers

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use data in relation to assessments, standards mastery, and student error (i.e., criteria for being more effective).

Chair Belisle inquired about an issue she recalled in relation to the credentialing status of the principal/director. Ms. Probst commented that Ms. Ellingsworth credential is “not finalized.” She has a 30-day substitute credential, and no administrative credential, though an administrative credential is not required in charter schools.

Mr. Bauer inquired about allegations of “a hostile work environment” at the school. Ms. Probst indicated that there had been complaints of that nature last year during the CDE’s site visits. However, the new leadership enjoys a much greater degree of support by the faculty and governing board. Mr. Bauer commented that, while it is certainly good that the new leadership is better received, there is some question as to whether it is “working smart.” He suggested that maintaining a “triad” of leadership with a relatively small enrollment is not financially viable in the long term.

Ms. Barber commented on the large number of “2s” (unsatisfactory) on the latest site visit report. Chair Belisle mentioned that there is really no question that a “serious intervention” is needed with the school if it is to remain in operation. Following some discussion on whether to defer a decision to the April ACCS meeting, Mr. Geeting pointed out that such a decision might necessitate submission of a “blue” information memorandum to the SBE which is now strongly discouraged. Chair Belisle responded that if a decision is made on April 21 (the next ACCS meeting), it appears the original agenda item could still be submitted so as to be received in a timely manner by the SBE members.

Ms. Probst discussed the issues identified in the most recent site review. She emphasized that, when the school was created, its goals were very clear but now they are not clear. The school lacks a strong vision of what it is providing that’s distinct from other schools in the community.

Chair Belisle asked Ms. Probst to review the three options again, which she did. Ms. Barber commented that, even if all the data presented in the compendium are good, they still speak only to the issue of educational performance. We still have the other issues identified in the CDE site visit report.

Ms. Hunkapiller commented that option three did not appear realistic, and that option two appeared very weak, leaving the school in the position of trying to recruit students “with a broken wing.” She felt that it was necessary to proceed with option one (hold a hearing and make a decision). Ms. Barkley concurred that deferral to September was not a good option. Mr. Bauer inquired as to how time would help steer us to a better decision.

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Chair Belisle reiterated that she favored a strategy of bringing in a “FCMAT-like” agency to help the school. Mr. Bauer, recalling the issues identified in the notice to cure, inquired as to what an outside agency could do “in 30 days.”

Mr. Conry indicated that the SBE felt strongly enough to issue a notice to cure, and that the school had not responded adequately to it. The SBE should now proceed to revoke the school.

Mr. Barajas commented that too much of the discussion had been focused on the benefit of actions to the school’s leadership team, and not enough focus had been devoted to the benefit to students. Too often in these discussions, he noted, “we forget about the kids.” He concluded that “nothing will make a difference in 30 days.”

Ms. Barber indicated that the school had attempted to respond to the notice to cure in her view, but that the ACCS needs time to review and analyze the data submitted.

Ms. Barkley commented that, even setting aside academic gains that may be revealed in the data, the school’s leadership issues are paramount concerns. Now is the time for a decision.

Ms. Corr indicated that the school is diligently trying to resolve the issues mentioned in the notice to cure, but that the time given has not been reasonable. Moreover, she noted, leadership per se is not a revocable issue.

Mr. Conry indicated that he could not take into account the large compendium of data submitted at today’s meeting, and that (after listening to the discussion) the school’s many issues of deficiency make proceeding with revocation the best option.

Chair Belisle countered Ms. Corr’s assertion of insufficient procedural grounds for revocation. She indicated that the school had been given a reasonable time to address the notice to cure. However, she commented that she is open to the idea of further discussion and development of an alternative plan. She asked if there was any public comment on the item.

Eric Premack, Charter Schools Development Center, indicated his view that there was “not a strong basis for revocation” in this case. No “revocable offenses” were evidenced, and therefore, the issue of revocation is “not ripe.”

MOTION FAILS: Mr. Conry moved that the ACCS recommend to the SBE that revoke the charter of Ridgecrest Charter School in keeping with the recommendation of and for the reasons stated by CDE staff. Ms. Barkley seconded the motion, and it failed by a vote of 2-6. Ms. Barkley and Mr. Conry voted in favor of the motion.

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ACTION: Ms. Barber moved that the ACCS direct that this matter return for further consideration at the meeting scheduled for April 21, 2008, and that Ridgecrest Charter School present the CDE by April 7, 2008: (1) a plan for bringing in an academic consultant (or organization) to address the issues raised in the notice to cure in ways that will produce sustainable academic improvement, and (2) financial projections that show how the school can pay for the consultant services. Ms. Hunkapiller seconded the motion, and it was approved by a vote of 7-1. Mr. Conry voted against the motion.

Letter from Susan Wilbur, Director of Undergraduate Admissions, UC

Mr. Geeting commented that a letter from Susan Wilbur, received the preceding Friday, had been distributed. He noted several items on which Ms. Wilbur had requested responses as follow-up to her presentation to the ACCS in January. Chair Belisle indicated that consideration of the matter would need to be postponed to the meeting on April 21.

Adjournment

There being no further business to come before the ACCS, Chair Belisle adjourned the meeting at 3:55 p.m.

The next meeting will be held on Monday, April 21, 2008, at the CDE Building, 1430 N Street, Room 1101, Sacramento.