

MEETING NOTES

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

Tsakopoulos Library Galleria
828 I Street, East Meeting Room
Sacramento, California

Thursday, November 21, 2002

MEMBERS PRESENT

Mark Kushner, Chair
Steve Barr
Tom Conry
Linda Frost
Beth Hunkapiller
Jan Sterling*
Johnathan Williams

MEMBERS ABSENT

Marta Reyes
Caprice Young

* Jan Sterling is the State Superintendent of Public Instruction's designee.

PRINCIPAL STAFF TO THE ADVISORY COMMISSION

Eileen Cubanski, Administrator, CDE Charter Schools Office
Greg Geeting, Assistant Executive Director, State Board of Education

Call to Order. Mr. Kushner called the meeting to order at 10:24 a.m. Mr. Kushner noted that Ms. Reyes would not be attending today's meeting because of the recent death of a family member. Ms. Young would not be attending because of her duties in Los Angeles; although she could have participated for part of the meeting by telephone, the conflict with her schedule in Los Angeles was not discovered soon enough to notice a remote (telephone) location as required by law.

Flag Salute. Mr. Kushner asked Mr. Geeting to lead the members, staff, and audience in the Pledge of Allegiance.

Tentative Agenda. Mr. Kushner announced that the tentative agenda for the day's meeting would be as follows: (1) special education and charter schools; (2) charter school financial reporting; (3) continuous enrollment of individuals over the age of 19; (4) 2002-03 (and beyond) determination of funding requests; (5) the proposal to establish accountability criteria for non-renewal or revocation of charters; (6) other matters.

MEETING NOTES
Advisory Commission on Charter Schools
November 21, 2002

Introductions. The members of the Advisory Commission introduced themselves along with staff. Mr. Kushner then invited audience members to introduce themselves briefly and indicate the organizations (if any) they represented.

Special Education and Charter Schools. Mr. Kushner noted that the hoped-for presentation from Don Shalvey of Aspire Public Schools will again have to be rescheduled for another time. He invited comments from the public.

- Jean Hatch (Shasta County Office of Education) noted that the Shasta County SELPA has an exemplary relationship with Redding Charter School. She provided copies of various documents pertaining to the school's agreement with the SELPA.
- David Patterson (CANEC) indicated that there are certainly examples of excellent working relationships between charter schools and SELPAs, but that (unfortunately) there are also many examples of poor relationships. He indicated that CANEC's intent is to work on the problems, but not disturb the good relationships in any way. He indicated that he had experienced difficulties in getting the CDE to devote substantial attention to working on solutions to the problems, although the problems have been acknowledged by the State Director of Special Education.
- Eric Premack (CSDC) echoed Mr. Patterson's comments that there are examples of good relationships and poor relationships. In places where relationships are poor, he suggested that the problems tended to cluster around three principal themes: (1) agreements place charter schools at extreme financial risk; (2) SELPAs impose limitations and criteria that unfairly discriminate against charter schools (particularly start-up schools); and (3) SELPAs take the money that charter school ADA contribute, but do not provide adequate support for charter schools in terms of the delivery of special education programs and services. He recommended several "easy fixes" to address these issues (at least in part): (1) The CDE should subject SELPA plans to closer review vis-à-vis the limitations and conditions imposed on charter schools; (2) the CDE should scrutinize financial distribution policies within SELPAs; and (3) the CDE should modify its stand on pupil residency so as to keep the SELPA and county in which a pupil resides at least partially responsible for the delivery of special education programs and services to the pupil. He noted that other states (such as Minnesota) in which the delivery of special education programs and services to charter school pupils is more successful do a better job than California of "holding everyone's feet to the fire."

Mr. Kushner commented that it would be helpful to have better data documenting the problems. He indicated that he had heard that single-district SELPAs (for example) were more problematic, but he had no data to back-up that statement. He also indicated that the actual delivery of services was often a key problem area. Ms. Sterling commented

MEETING NOTES
Advisory Commission on Charter Schools
November 21, 2002

that every SELPA plan includes a dispute-resolution procedure which is the route charter schools should use (once in a SELPA) if they do not believe the distribution of funds is fair. Ms. Hunkapiller inquired about the role of county superintendents of schools; Mr. Premack suggested that existing statute provides a clearer pathway of responsibility to the county superintendent than CDE's interpretation of county of residence now incorporates. Ms. Cubanski commented that statutes cannot be selectively applied; the CDE carefully analyzed all pertinent statutes in coming up with the current interpretation, i.e., a pupil is a resident of the county in which the charter school is located and, thus, the SELPA to which the funds generated by that pupil flow. Mr. Kushner reminded the members and audience that, even though considerable attention was being focused on problems, there are a number of places in the state where there are good relationships between charter schools and SELPAs.

- Jennifer Faulkner (CDE, Special Education Division) commented that she is the principal staff person responsible for oversight of SELPA plans and that she would be pleased to do a presentation on the nature and extent of the CDE's efforts. She noted that the review and approval of SELPA plans does take into account the provisions related to charter schools.
- Michael Cox (Mountain Home School Charter) commented that the relationship between the SELPA and charter schools is generally effective in his area. He did suggest the possibility of establishing an ombudsman position to address special problems that cross territorial boundaries. He exemplified by noting that an individual student in his school was receiving certain services through a very costly personal home visit by a specialist even though a facility within blocks of the student could provide the services. No one at the facility will respond to his requests for help with the situation because it is located in a different SELPA.
- Mike McDermott (McGeorge School of Law) commented that the Department of Developmental Services (DDS) appears to provide some programs and services that duplicate what schools are doing in certain areas of the state. The availability of DDS services appears haphazard. He suggested that there be some exploration of improved coordination to ensure that the DDS and special education monies are most effectively spent.

There was some discussion of the proposed SELPA size and scope standards which were presented to the State Board of Education for information in October. Mr. Geeting pointed out that CDE Deputy Superintendent Paula Mishima had elected not to pursue State Board action on the proposal in November after hearing of the concerns voiced by members of the Advisory Commission on Charter Schools. She has asked her staff to pursue those concerns in hopes of finding some consensus language.

Mr. Geeting commented that since the October meeting it had been called to his attention that there is one precedent for a non-territorial SELPA in the state – a SELPA that covers juvenile court schools in Los Angeles County. He indicated that staff were investigating

MEETING NOTES
Advisory Commission on Charter Schools
November 21, 2002

how that SELPA came to be since it does not meet the existing size and scope standards. He also indicated that there appeared to have been some unique arrangements worked out for this SELPA which has a dramatically lower funding rate than other SELPAs. Ms. Faulkner indicated that she would include comments on the SELPA size and scope standards in her presentation.

There was some brief discussion of the financial burden that may be placed on charter schools as the result of Section 504 accommodation plans. Unlike special education programs and services which do have a separate source of funding (which covers a portion of the costs), Section 504 accommodation plans generate no separate source of funds; any costs must be funded through regular school revenues.

- Mildred Brown (Mt. Diablo SELPA) commented that her SELPA had excellent working relationships with its charter schools, each with a thorough MOU. Encroachment in Mt. Diablo is approximately \$570 per pupil.

Charter School Financial Accountability. Ms. Sterling introduced Caryn Becker of the School Fiscal Services Division staff to present the proposed charter school financial accountability form. Ms. Sterling pointed out that the proposal had been developed in response to a provision of AB 1994. It is always challenging to implement a new financial reporting scheme in the midst of a fiscal year.

Ms. Becker presented the proposal, explaining that it offers three options to charter schools: SACS reporting, the J-200, and a modified Excel spreadsheet. She explained the details of the various options.

Mr. Kushner inquired about the requirements of the underlying statute, how the coding structure works, and the cost to individual charter schools. Among other points, Ms. Becker stated that her office's experience over the years had been that SACS met with significant resistance at the point of conversation, but that following training and experience with SACS, virtually everyone found it a significant improvement over their pre-existing accounting methods.

- David Patterson commented, first of all, that enhancing financial accountability is certainly essential and an objective CANEC firmly supports. He recalled that CANEC filed suit against the CDE for an earlier effort to impose a uniform financial report on charter schools without proper statutory authorization. That suit was decided in CANEC's favor. He suggested that the current proposed structure should, according to statute, be implemented through the regulatory process. He expressed hope that the CDE staff would work collaboratively with CANEC to ensure that the reporting structure is not overly burdensome. He suggested that SACS is overly complex for the needs of many charter schools, as well as being quite costly.
- Eric Premack indicated that since AB 1994 takes effect January 1, 2003, he would be inclined to recommend that the CDE use administrative discretion to

MEETING NOTES
Advisory Commission on Charter Schools
November 21, 2002

implement the new reporting system in 2003-04 instead of 2002-03. He urged the CDE to “minimize” the requirements on charter schools. SACS is extremely complicated, and good software costs as much as \$250,000. He pointed out that with respect to providing help in meeting financial accountability obligations, some counties are helpful, but others are not. He suggested that careful attention be paid to federal reporting requirements in the development of the state’s system. There are easier ways to achieve the objectives of AB 1994.

Mr. Kushner inquired as to the various needs being addressed in the proposal. Ms. Becker responded that the proposal is designed to account for revenues and expenditures in ways that meet the federal requirements for verifying maintenance of effort, as well as to meet the needs of the State Controller’s Office.

Mr. Kushner indicated that he would appreciate an explicit and comprehensive listing of the needs being met by the proposed system, as well as the likely cost to individual charter schools. He would also like to have further discussion on 2002-03 versus 2003-04 implementation before making a recommendation to the State Superintendent. Mr. Conry indicated that he would like to see the Advisory Commission devote substantial discussion to this proposal over the next several meetings. Mr. Williams commented that it’s important to the credibility of the charter school movement to avoid another “blow up” over abuse of funding; it’s critical that fiscal data be reported accurately and in a timely manner. He also noted that his school had implemented SACS for approximately \$30,000 (including staff training). Ms. Hunkapiller indicated that she wanted to better understand the objectives of the financial accountability proposal.

Ms. Sterling commented that it’s important to have a balanced proposal, but that she was unclear whether the more simplistic alternatives mentioned would sufficiently meet the minimum statutory requirements for data reporting. She indicated that she would study the matter further with staff with an eye toward streamlining where possible. Mr. Kushner encouraged flexibility, provided necessary data are reported.

Continuous enrollment of individuals over the age of 19. Mr. Geeting briefed the members on proposed regulations that would be presented to the State Board in December for purposes of commencing the formal rulemaking process. Under that process, the regulations would be circulated for a minimum 45-day period during which specific comments would be sought from the public. Following review of those comments, plus any additional comments received at a public hearing, the State Board would then take action to approve or to amend the regulations. Any amendments would be sent out for a 15-day public comment period prior to final action being taken on the regulations. Mr. Geeting noted that adoption of the proposed regulations was supported by the Department of Finance and Secretary for Education, as well as by former Advisory Commission member Wes Pratt. Mr. Kushner noted that the proposal had been discussed previously by the Advisory Commission, and he invited public comment.

MEETING NOTES
Advisory Commission on Charter Schools
November 21, 2002

- Sunny Schwartz (representing San Francisco Sheriff Michael Hennessy) provided background information on the jail's inmate education program through Milpitas Unified School District. Milpitas is now withdrawing from the jail program, and development of a charter school to serve jail inmates appears to be the best option for replacing the district's efforts. She provided some profile information on the jail population and expressed concern that the limitations in the proposed regulations would prevent the claiming of funds for many of the inmates. She was then followed by a succession of individuals spoke mainly about their positive experiences with the education program in the SF jail.
- Mike Oxby provided personal testimony as a former inmate who with the foundation received in the jail program had been able to progress to a technical education program. It's profound to see how education can change people's lives.
- Leslie Levitas also provided personal testimony as to the jail education program's benefits. It provides the keys to freedom.
- Siddiq Jihad, a former inmate and now an administrator in the SF jail, also provided personal testimony. This program provides the opportunity to succeed.
- Jan Dempsey, an SF jail administrator, noted that this program works largely with a disenfranchised clientele. They want to get out people out of the criminal justice system, to help them find a way back into the community, to lead productive lives. In jail education, one is able to work with a "captive audience," and also (for the most part) a group that is willing to work hard to succeed. It's also an environment in which time can be devoted to the special needs of students.
- Brian Bennett, attorney representing the SF jail, indicated that the proposed regulations would create a funding system that is unfair to those who find themselves in jail. The fact of their arrest may have prevented them for remaining continuously enrolled as defined in the proposed regulations. He indicated that the San Francisco Unified School District has indicated its willingness to approve a charter for the SF jail education program. He suggested that the regulations be amended to reflect the administrative interpretation now followed by the CDE, under which there is no maximum age for entry into a charter school, or amended to provide a specific exemption for the SF jail program.
- Isaac Hagg commented on the disproportionate percentage of black men in the criminal justice system, as well as their extraordinarily high dropout rate. We need to be enhancing the resources available for these individuals, not taking resources away. Programs for adults in charter schools provide a great psychological boost for these individuals; they become convinced that they can go on to community college.

MEETING NOTES
Advisory Commission on Charter Schools
November 21, 2002

- Fadi Saba (Escuela Popular Accelerated Family Learning Center) noted that his school specializes in teaching the whole family, mostly Latino immigrants. It is culturally sensitive and results in increased income to those adults who participate. He expressed support for the existing CDE administrative interpretation of statute.
- Ernie Silva (Murdoch, Walrath, and Holmes) indicated that his client was one of those specifically exempted from the proposed regulations by provisions of AB 1994. He suggested that some technical, clarifying amendments to the regulations might help avoid any possible misinterpretation.
- Craig Garcia (California State University Sacramento) indicated that he worked with a number of charter schools serving language minority adults, focusing on English as a second language and computer literacy. He commented on the exceptionally high Latino dropout rate. He noted that adult education seems under-funded and cannot provide adequately for the needs of adults seeking to bridge the digital divide. He encouraged the retention of the option for claiming adults in charter schools at the K-12 funding level.
- David Patterson noted that the real issue is saving money, not focusing on the provision of quality education services in charter schools. We don't have enough information as to the extent of the adult enrollment in charter schools. We don't have a clear picture of the alternatives available for the adults now served (and who would be served in the future under existing CDE administrative interpretation).
- Eric Premack commented that the background write-up should be amended to note that the specific statutory language in question was added to statute by AB 544, not AB 1115. He provided his recollection of the events leading up to the inclusion of the language in AB 544. He suggested that the proposed regulations are not in keeping with the deal struck at the time. He indicated that the regulations already in place prevent a "revolving door" of students by requiring that students make progress toward a high school diploma in order to be claimed for funding purposes. He also indicated that the Legislature had considered language to accomplish the purpose sought in the proposed regulations and that language had been rejected. He suggested that this was an endeavor by the Department of Finance to get through the regulatory arena that which they could not get through the legislative arena. It's an underhanded attempt to illegally change the law.

Mr. Barr indicated that it might be necessary to pursue a statutory exemption for the SF jail program since the Legislature had seen fit in AB 1994 to exclude specified programs. He indicated that it was important to address the problems that had been identified with respect to disproportionate funding for adults in charter schools vis-à-vis adult education programs. We must not simply ignore this issue.

MEETING NOTES
Advisory Commission on Charter Schools
November 21, 2002

Mr. Conry commented that the issue is money. It would be nice to fund many worthy causes with state funds, but that's just not possible. Here it appears an administrative interpretation has incorrectly been allowing some adults in charter schools to be claimed as though they are K-12 students. The regulations appear to direct the funds as intended.

Mr. Kushner commented on his personal experiences with education of juveniles in the criminal justice system. He supported the idea of creating an exemption for incarcerated youth. He also suggested the possibility of establishing distinct funding rates for adults: a higher rate for those actively working toward high school diplomas, and a lower rate for those pursuing other goals.

Ms. Sterling pointed out that there are others sources of funding and other options available for adults, e.g., adult education and community colleges. The proposed regulations appear to reflect a proper interpretation of statute, and they provide for a transitional year (2002-03).

Ms. Hunkapiller suggested that continuing education for adults who have not received a high school diploma needs to be encouraged. She indicated she's uncertain whether charter schools are the best means to address the needs of this group. Charter schools do provide innovation, but we need to monitor carefully to ensure that abuse does not occur. We don't have enough information about this area. It's a complicated issue; not sure how to proceed.

Ms. Frost asked why charter schools need the K-12 funding level for providing instructional services for adults. Adult education works effectively and efficiently at a much lower funding level.

Mr. Williams commented that it was important for charter schools to focus, first and foremost, on the K-12 mission with students of traditional ages. We need to do that effectively. Charter schools may not be the best vehicle to address other agendas. The SF jail proposal raises concerns because it significantly expands the core mission; the SF jail should explore the existing statutory exemptions, or seek a separate exemption in statute. Problems and disagreements surrounding other programs should not become the burdens of the charter school movement.

Mr. Kushner reiterated that some exception for the SF jail program should be explored. Mr. Bennett asked to make several others comments which included a demand for information on the funding wasted by the education system on the inmates in the SF jail, the time frame for implementation, and the status (if these regulations were to become effective) of charter provisions which currently express a guarantee of funding for adult students. Mr. Kushner indicated that staff were not obligated to respond to Mr. Bennett's demands.

Lunch break. 1:21 – 2:03 p.m.

2002-03 (and beyond) determination of funding requests. Ms. Cubanski opened the consideration of 2002-03 (and beyond) determination of funding requests by indicating

MEETING NOTES
Advisory Commission on Charter Schools
 November 21, 2002

that two requests did not need to be acted upon at this time. New information has been received on Forest Charter School (#359) which staff have not had the opportunity to analyze. Wheatland Charter Academy (#370) requested that its determination of funding be put over until January.

Proposed consent requests. Mr. Kushner noted that all of the other requests had been recommended for funding at the 100 percent level by CDE staff, only the number of years of approval being at issue in some cases. He went down the list of schools asking whether individuals present wished to present arguments on the years-of-approval issue. In that way, he was able to establish a proposed consent list.

Charter #	Charter School Name	Recommended Level	Recommended Years
#5	Charter Community School, Home Study, and Extended Day	100%	Three years 2002-03, 2003-04, and 2004-05
#74	Excelsior Education Center	100%	Three years 2002-03, 2003-04, and 2004-05
#120	River Valley Charter School	100%	One year only 2002-03
#136	Sierra Charter School	100%	One year only 2002-03
#149	School of Unlimited Learning	100%	One year only 2002-03
#171	New Jerusalem Charter School	100%	One year only 2002-03
#183	Academy for Career Education	100%	One year only 2002-03
#301	Summit Charter School	100%	One year only 2002-03
#366	Shenandoah High School	100%	One year only 2002-03
#479	Glacier High School Charter	100%	One year only 2002-03

- **RECOMMENDATION APPROVED:** Ms. Hunkapiller moved that the Advisory Commission recommend to the State Board that the determination of funding requests for the above-listed charter schools be approved at the 100 percent level for the year(s) indicated. The reasons justifying a level higher than 80 percent in 2002-03 and (as applicable) higher than 70 percent in 2003-04 and beyond are that (1) the schools met the minimum criteria specified in regulation for the 100

MEETING NOTES
Advisory Commission on Charter Schools
 November 21, 2002

percent level and (2) the schools presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the schools to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function. Mr. Barr seconded the motion. The motion was approved by unanimous vote of the members present.

Charter #	Charter School Name	Recommended Level	Recommended Years
#63	Mountain Home School Charter	100%	One year only 2002-03

Jan Chevoya (Bass Lake Joint Elementary School District) spoke on the school's behalf. She emphasized that the expenditure figures were somewhat misleading in the preceding year due to accounting for the principal's salary. The relatively high reserves had to do largely with unknown factors relative to a salary increase for teachers (which was in the bargaining process). The reserve will go down significantly in 2002-03. The general consensus of the group was to opt for the more conservative one-year recommendation of CDE staff.

- **RECOMMENDATION APPROVED:** Mr. Conry moved that the Advisory Commission recommend to the State Board that the determination of funding request for Mountain Home School Charter (#63) be approved at the 100 percent level for 2002-03 only. The reasons justifying a level higher than 80 percent in 2002-03 are that (1) the school met the minimum criteria specified in regulation for the 100 percent level and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function. Ms. Hunkapiller seconded the motion. The motion was approved by unanimous vote of the members present.

Charter #	Charter School Name	Recommended Level	Recommended Years
#80	Hart-Ransom Charter School	100%	One year only 2002-03

Sherry Smith spoke on the school's behalf, indicating that the school only missed the criteria for multiple-year funding at the 100 percent level by a very small percentage.

MEETING NOTES
Advisory Commission on Charter Schools
November 21, 2002

The general consensus of the group was to opt for the more conservative one-year recommendation of CDE staff.

- **RECOMMENDATION APPROVED:** Mr. Barr moved that the Advisory Commission recommend to the State Board that the determination of funding request for Hart-Ransom Charter School (#80) be approved at the 100 percent level for 2002-03 only. The reasons justifying a level higher than 80 percent in 2002-03 are that (1) the school met the minimum criteria specified in regulation for the 100 percent level and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

Ms. Cubanski commented that when schools have issues related to reserves, they should take advantage of the opportunity to provide additional information on the form.

Charter #	Charter School Name	Recommended Level	Recommended Years
#108	Chrysalis Charter School	100%	One year only 2002-03

David Klasson spoke on behalf of the school. This is an unusual hybrid school. We need the stability of multiple-year funding. We are close to meeting the second test. Our teachers believe strongly in the school and have given up pay to keep it going. Following considerable discussion, the consensus of the group was to opt for the more conservative one-year recommendation of the CDE staff.

- **RECOMMENDATION APPROVED:** Ms. Hunkapiller moved that the Advisory Commission recommend to the State Board that the determination of funding request for Chrysalis Charter School (#108) be approved at the 100 percent level for 2002-03 only. The reasons justifying a level higher than 80 percent in 2002-03 are that (1) the school met the minimum criteria specified in regulation for the 100 percent level and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function. Ms. Frost seconded the motion. The motion was approved by unanimous vote of

MEETING NOTES
Advisory Commission on Charter Schools
November 21, 2002

the members present. In addition to the absent members, Mr. Barr and Mr. Williams were not present when the vote was taken.

Charter #	Charter School Name	Recommended Level	Recommended Years
#393	Delta Charter High School	100%	One year only 2002-03

Mary Vink and Dennis Boyer spoke on the school's behalf. Because of the facility issue, it's impossible for the school to meet the criteria given existing definitions. In order to execute contracts for facilities, it's imperative to have multiple-year approval. This is a quality program that happens to be growing significantly. Following extensive discussion, the general consensus was to opt for the more conservative one-year recommendation of the CDE staff.

- **RECOMMENDATION APPROVED:** Ms. Hunkapiller moved that the Advisory Commission recommend to the State Board that the determination of funding request for Delta Charter High School (#393) be approved at the 100 percent level for 2002-03 only. The reasons justifying a level higher than 80 percent in 2002-03 are that (1) the school met the minimum criteria specified in regulation for the 100 percent level and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function. Mr. Conry seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent members, Mr. Barr and Mr. Williams were not present when the vote was taken.

Mr. Conry indicated a concern regarding verification of the accuracy of the data being presented by charter schools.

Mr. Kushner recognized Keith Edmonds of the Charter Schools Office for his outstanding staff work in analyzing the requests and preparing recommendations for the Advisory Commission members.

Accountability Proposal. Mr. Kushner indicated that he would like to devote some time to the accountability proposal at the December meeting. Mr. Geeting asked if the group would like to have Bill Padia, Director of the CDE's Policy and Evaluation Division (which is responsible for the API), make a presentation and answer questions. There was general consensus to have Mr. Padia present if at all possible. Mr. Kushner noted that the

MEETING NOTES
Advisory Commission on Charter Schools
November 21, 2002

proposal had recently been amended to have a threshold of an API ranking of 4 or higher in order for renewal.

School Facilities Bond. Mr. Premack briefed the members on various provisions of the school facilities bond act as it pertains to charter schools, including the overall amount set aside for charter schools, the method of application for funding, payment of the 50 percent matching requirement, title to the facilities purchased with the bond funds, streamlining of the regulatory process, and the roles of the School Facilities Bond Authority and the Local Allocation Board.

Other matters. Mr. Kushner asked that there be some discussion at the next meeting of the process by which charter school start-up, implementation, and dissemination grants are evaluated and awarded. This was a matter of some concern at the preceding week's State Board meeting.

Jeff Rice indicated that the treatment of facility costs is a matter that strikes at the heart of independent study and hybrid charters. He asked if the members might give some guidelines as to what would be acceptable mitigating factors related to facility costs, or conversely what might signal abuse. There was considerable discussion. Mr. Kushner indicated that if something different were to be done for independent study or hybrid charters vis-à-vis facilities, it would have to be a bright line – possibly something tied to state facilities construction criteria. Another thought was to have some evaluation of actual versus projected growth in enrollment. Mr. Kushner indicated that while it was important not to discourage facilities for instructional purposes, he would not want to amend the criteria in such a way as to signal a “facilities spree.” Ms. Hunkapiller suggested that we might look at a range of acceptable percentages. Mr. Rice mentioned the lease versus purchase issue which leads to a number of cost considerations and projections.

Ms. Cubanski pointed out that CDE staff need concrete documentation to prepare a meaningful analysis. Charter schools need to be proactive in explaining mitigating factors, not just fill out a form and wait for questions.

Adjournment. Mr. Kushner adjourned the meeting at 3:35 p.m.