

LAST MINUTE MEMORANDUM

DATE: February 26, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: William J. Ellerbee, Jr., Deputy Superintendent
School and District Operations Branch

RE: Item No. 43
Request by the Ridgecrest Charter School for Renewal of its State Board

SUBJECT: of Education-Approved Charter

The Advisory Commission on Charter Schools considered the Ridgecrest renewal request at its meeting on February 19, 2004, and voted unanimously to recommend approval of the renewal to the State Board with the conditions recommended in the CDE staff analysis. CDE concurs with the ACCS action on the renewal. The conditions of renewal recommended by CDE are as follows:

- (1) The school is to provide a program description and proposed timeline for incorporating the second language program into the co-curricular educational program.
- (2) The school is to revise all outcomes, including those related to academic achievement, to provide measurable benchmarks against which to assess outcomes.
- (3) The school is to provide specific information about the frequency of the school performance evaluation, what the evaluation will include, and how the information will be reported to parents and other interested parties.
- (4) The school is to provide annual training for governing board members on the requirements of the Brown Open Meeting Act.
- (5) The school is to conduct annual surveys of faculty and staff regarding the school's educational program and operation, and provide the results to CDE oversight staff.
- (6) The school is to provide information regarding its proposed plan and timeline for securing permanent staff or vendors for its business management services.
- (7) The school is to report on its efforts to fully engage parents in all aspects of the school's operations.
- (8) The school is to amend the charter petition in conformance with the CDE recommendations on pages 6 –15.

[Attachment 1](#): Summary of Findings on the Ridgecrest Charter School Request for Renewal of its Charter (15 Pages)

Summary of Findings on the Ridgecrest Charter School Request for Renewal of its Charter March 2004

The Ridgecrest Charter School (RCS) submitted a request for renewal of its charter to the State Board of Education (SBE) on December 29, 2003, after having been denied renewal by the Sierra Sands Unified School District. RCS was the second school to be granted a three-year charter by the SBE on appeal in December 2000; however, it is the first SBE-approved charter school to be considered for renewal by the SBE. The Advisory Commission on Charter Schools considered this renewal request at its February 19, 2004 meeting and voted unanimously to recommend approval of the renewal to the SBE with the conditions specified in this analysis.

Overview of the Law and Oversight Agreement

Since this is the first renewal request to be presented to the SBE, a brief review of the statutes addressing charter school renewals and the oversight agreement under which SBE charter schools operate will provide a context for the California Department of Education (CDE) analysis of this renewal request.

Charter School law (*Education Code* Section 47607(a)(1)) states that a charter may be granted for a period not to exceed five years. The SBE historically has taken a conservative approach and granted charters on appeal for three-year periods of time. For that reason, RCS submitted its renewal request two and one-half years after the school opened its doors. This same section in the law also requires that each renewal be granted for a period of five years, thus limiting the ability of the SBE to grant a renewal for a greater or lesser period of time.

Existing law (*Education Code* Section 47605(k)(3)) also requires a charter school that has been granted a charter on appeal by the SBE to submit its petition for renewal first to the district that initially denied the charter. If that district denies the renewal the school may submit the renewal request to the SBE. In this case, the Sierra Sands Unified School District was the district that originally denied the RCS charter petition. Therefore, RCS was required to submit the renewal request to Sierra Sands prior to submitting it to the SBE.

The SBE has also established criteria for the review and approval of charter petitions that are presented to the board (Title 5, Subchapter 19, sections 11967.5 and 11967.5.1) that address all the elements in law required for charter approval. The petition for renewal has been reviewed using this set of criteria as the framework.

Finally, the SBE has an oversight agreement with each of the schools it has chartered, including RCS, which delineates the expectations of each school and of the CDE staff responsible for performing oversight responsibilities on behalf of the SBE. In addition, the SBE has described four fundamental interests that it wants to be assured that the school is upholding and carrying out in the oversight agreement. These fundamental interests are:

- Implementing the Charter – Is the school implementing the provisions of the charter as approved by the SBE?
- Obeying the law – Is the school obeying all requirements of federal, state, and local law that apply to the charter school?
- Being operated prudently – Is the school being operated prudently in all respects, including governance; educational program; faculty and staff; facilities; business management and support services; and students and families?
- Providing a sound education – Is the school providing a sound education for all of its students?

These four fundamental interests provide the guiding framework for our review of RCS and its operations over the last two and one-half years.

One other consideration merits attention at the beginning of this analysis. The Sierra Sands USD, in its denial of the RCS renewal request, made a series of allegations against the school, which the district superintendent forwarded to the State Superintendent of Public Schools and requested an investigation. The allegations and our findings and recommendations regarding them are woven throughout this analysis under each of the fundamental interests and are not treated separately in this document.

Description of the School

The State Board approved the RCS petition with conditions on December 6, 2000. Petitioners spent the next eight months working to meet the SBE conditions and preparing to open the school. The school opened in September 2001 with an enrollment of approximately 225 students in grades K-8. The school originally proposed to serve grades K-9 with an estimated enrollment of 300 students. Within the life of the charter, the school expected to expand to serve grades K-12 with an enrollment of approximately 592 students. Before the school opened, a decision was made to limit the school to grades K-8. RCS currently serves approximately 225 students and reported ADA of 211.95 at the First Principal Apportionment for the current year. The school operates in a leased church facility that houses the administrative functions and has added 12 portable classrooms to the site.

RCS is located in a small, relatively isolated community in the high desert area near the China Lake Naval Weapons Station. The school sought to provide an alternative to the other schools within the Sierra Sands USD and to create a comprehensive educational plan that would enable students to become “literate, well-prepared life-long learners through participation in a primarily teacher-directed, phonics-based, highly disciplined core knowledge program.”

RCS contracts with BWG Consultants, which has during the life of the charter, provided assistance with the approval process, start-up activities, curriculum and instruction, and business functions.

Findings

(1) Is the school implementing the provisions of the charter as approved by the State Board?

Oversight staff finds that the charter school has substantially implemented the charter as the SBE originally approved it, with the exceptions described in this document. The start-up year presented some cash flow problems, which led to some changes in the educational program, but overall, the school has continued to implement the terms of the charter.

RCS has integrated the Core Knowledge curriculum into the state standards and is using this as the framework for curriculum and instruction. The governance structure is functioning as proposed in the charter and the school board has adopted policies to govern the school in a number of areas, such as health and safety procedures, suspension and expulsion procedures, evaluation processes for both the principal and teachers, etc. RCS applied to and was accepted into the Kern County Consortium SELPA as an LEA and appears to have established good rapport and communication with the SELPA director.

There are three areas in which the school has either failed to fulfill provisions of the charter or provided no evidence to substantiate that RCS has fulfilled the provisions. These areas are:

The World Language Program – in the original charter petition, one of the school's 11 stated Literacy Standard outcomes included "speaking, reading and writing two or more languages as a second language program in Spanish." RCS has not added the second language program to date. This was also pointed out in the Sierra Sands analysis of the charter renewal. The school reports that it had funding and cash flow issues the first year and decided to put the second language program on hold until such time as resources permitted the school to incorporate the program into the curriculum. The school was also unable to hire a certificated teacher. The charter renewal request now indicates that the second language program will be added as a co-curricular program within the life of the charter.

CDE oversight staff recommends that RCS provide a program description and proposed timeline for incorporating the second language program into the co-curricular educational program.

School Outcomes – the school outcomes unrelated to academic achievement (that the school will have a higher rate of parent participation than similar schools in Kern County and that the school would provide new professional opportunities for teachers and create opportunities to tap the expertise and experience of qualified professionals

previously excluded from the public school system) are vague and appear not to have been analyzed by the school; therefore, it is difficult to determine if the outcomes have been satisfactorily met. ***CDE oversight staff recommends that all outcomes, including those related to academic achievement, be revised to provide measurable benchmarks against which to assess outcomes.***

Plan for Evaluating School Performance - RCS indicated in the original charter that it would compile and compare student attendance and teacher attendance records with the district statistics. The charter also indicated that the school would hire outside evaluators, either from the Core Knowledge Foundation or other “acknowledged evaluative organizations” to look at student test results and other measures of student performance. RCS has not yet had an outside evaluator review the school’s performance. The school has sent weekly and monthly reports to oversight staff and provided a program update with the First Interim Budget Report in 2001-02, which the school considers to have met the school evaluation provision of the charter. We believe that the monthly report and program update do not constitute a complete school evaluation. ***CDE staff recommends that the school be specific in the charter about the frequency of the evaluation, what the evaluation will include, and how the information will be reported to parents and other interested parties.***

(2) Is the school obeying all requirements of federal, state, and local law that apply to the charter school?

RCS appears to be substantially compliant with all relevant laws that apply to charter schools. CDE oversight staff has visited the school annually each year before the beginning of the school year to determine if the school is ready to begin serving students. We have found no instances of noncompliance. The school has complied with local building code ordinances and local health and safety provisions with respect to the school’s facilities; RCS has been in conformance with the criminal records statutes; the school has submitted timely financial audit reports, apportionment data and interim budget data. RCS has submitted its LEA Plan in conformance with the requirements of NCLB and the plan was approved by the California Department of Education.

RCS did have some problems with its special education program during its first year of operation. Some students with IEPs were without services for a few months. These problems stemmed largely from turning the program over to a private service provider and the geographic isolation of the community, which made it difficult to find and retain qualified special education personnel. The school has made progress since that first year.

RCS no longer relies on the private service provider and is providing services with its own staff and contracted employees, as specific services are required. The director of the Kern County Consortium SELPA reports that the school, which is an LEA in the SELPA, has a good relationship with that organization and the CDE Special Education Division indicates that RCS is reporting California Special Education Management

Information System (CASEMIS) data. In order to ensure that the school continues to improve its special education services, oversight and CDE Special Education Division staff will conduct a visit to the school as soon as is practical to review the quality of services being provided to special needs students and to ensure that IEPs are being implemented.

The Sierra Sands USD in its denial of the RCS renewal alleged violations of law on the part of the school in two areas.

First, two RCS governing board members and one member of BWG Consultants provided interest-free loans to the school during the first year of operation to meet cash flow needs. The district alleges that these loans constitute a conflict of interest and the district has secured a legal opinion supporting its position. RCS has secured its own legal opinion stating that the loans do not violate any conflict of interest provisions of law. The loans were all repaid at the beginning of the 2003-04 fiscal year. The CDE Legal Office has not issued a legal opinion on this matter, but it indicates informally that as long as the loans and terms were fully disclosed to the governing board, there does not appear to be a violation. Consequently, **we have no further recommendations on this issue.**

The second allegation against RCS is that the school violated the Brown Open Meeting Act on numerous occasions. The district provided documentation of the alleged violations to the local district attorney for his review. RCS also took action to cure some specific violations, which the district attorney accepted. The district attorney, after reviewing the allegations in total, communicated to both the school and district that it was his opinion that violations did occur, but that it appeared that the “violations occurred due to the Board’s lack of knowledge, and not based upon any intent to deprive the public of information.” The district attorneys’ office also required the school to provide instruction and training to board members on the proper methods of conducting and recording a board meeting. Legal counsel for RCS provided the training in December 2003. **We recommend that RCS provide training for board members on an annual basis.**

(3) Is the school being operated prudently in all respects, including governance; educational program; faculty and staff; facilities; business management and support services; and students and families?

It appears that the school is being operated prudently in most respects. The school has been assisted in its operations by BWG Consultants who have advised the school on all aspects of its operations. In that respect, RCS is fortunate to have had the knowledge and expertise of a firm with experience in starting other charter schools to guide the school in its first years of operation.

Governance – RCS is constituted as a non-profit corporation in accordance with its charter. The governing board was duly established and the governance structure is inclusive of parents. Because this is a small close-knit school community, parents are governing board members, volunteers in the classroom and provide additional services

to the school. School leadership also occurs through a curriculum committee, a site council, and a parent/teacher group. The governing board conducts regularly scheduled monthly meetings and is quite active in adopting board policies in a variety of areas (i.e. suspension/expulsion and health and safety procedures). The conduct of board meetings has not always strictly adhered to Brown Act requirements (see fundamental interest #2 for discussion on this issue); however, the school has taken actions to prevent future violations from occurring. This is a board that is still growing and maturing. The principal of RCS has been with the school the entire time the school has been open and appears to effectively manage the school.

Educational Program – the educational program appears to be operating substantially in accordance with the charter, with the exception of the second language program noted previously. The school is integrating the Core Knowledge Program with the state content standards and teachers have had multiple professional development opportunities on the program. The 2001-02 mid-year site visit revealed that the teachers were teaching to the state standards, using a variety of teaching/learning strategies, had high expectations for students, using multiple assessment techniques, and were closely monitoring student progress. The school uses state-adopted textbooks in all subject areas.

Faculty and Staff – faculty and staff at the school have been relatively stable over the life of the school to date. CDE oversight staff has received one complaint from a teacher who was not rehired after one year at the school. The principal, office staff, and custodian have all been with the school for at least two years.

There appear to be sufficient faculty to conduct the program described in the charter. Many of the faculty have or had emergency credentials. It appears to be difficult to attract fully qualified teachers, most likely because of the geographic isolation of the Ridgecrest community. All staff has received fingerprint clearances and has been screened for tuberculosis. The oversight agreement requires the school to survey annually faculty and staff regarding the RCS educational program and operation. To date, we have not seen the results of any such surveys. **We recommend that RCS conduct the annual surveys and provide the results to CDE oversight staff.**

Facilities – RCS is located in a leased church facility that houses the school's administrative functions. In addition, the school has leased 12 portable classrooms, which are on the same site. RCS filed a Proposition 39 facilities request with Sierra Sands for the current school year. However, the district's offer of facilities would have resulted in the charter school's eight classrooms being spread out over 5 separate school sites. RCS thought this was an untenable solution and initiated a lawsuit against the district. The lower court ruled that the district did not act unreasonably and the school has decided to go forward with an appeal of that decision. It does appear that the school will remain at its current location for the foreseeable future. CDE oversight staff has visited the school facilities on four separate occasions and has found them to be safe, clean, and suitable for the program being operated by the school.

Business Management and Support Services - RCS has been using BWG Consultants to manage and maintain its business functions. However, that is changing as BWG winds down its contractual relationship with the school. The consulting firm has been responsible for compiling and reporting Average Daily Attendance (ADA) for apportionment purposes. However, this year the school converted over to an attendance reporting system that is tied to the Kern County Office of Education. The consulting firm continues to provide other business services to the school; however, it is our understanding that this arrangement is to be phased out. **We recommend that RCS provide information regarding its proposed plan and timeline for phasing BWG out and either hiring staff or contracting with the county office or another vendor for its business services.**

RCS has submitted its interim budget reports, annual budgets, unaudited past year expenditures and annual financial audits in accordance with established deadlines and/or statute. The annual financial audits for the past two years have contained no findings or exceptions in RCS's financial reporting or practices. The audit firm has issued management letters in both years and the school has followed up on the auditor's recommendations (develop an accounting practices and procedures manual, acquire bonding insurance, and requesting the Kern County Office of Education to detail, for revenues received from the county office, the actual source of revenue so that it may be properly allocated). The district alleges that the school did not undertake the audit recommendations. However, the district did not ask for any information from the school and was apparently unaware that RCS was in the process of carrying out the recommendations. **We have no further recommendations in this area.**

Our internal review of interim budget reports and budgets has uncovered no significant problems. As has been previously stated, the school did have cash flow problems the first year of its operation; however, the budget seems to have stabilized. CDE's review of the school's 2003-04 adopted budget identified a few minor issues where budget estimates need to be refined. For example, fiscal staff found the budgeted reserves are approximately 3%, rather than the recommended 5%; cost of living adjustments projected for 2004-05, 2005-06 and 2006-07 are probably high given the state's fiscal crisis; and that the first interim report should reflect the most current ADA figures.

RCS has been invoiced and has paid for the 1% oversight costs for the previous two years (\$27,254) and only has recently been invoiced for the estimated current year costs of oversight.

Finally, RCS has maintained insurance consistent with common practice for organizations of like magnitude, and the SBE has been listed on the policy for purposes of notification of termination of insurance coverage.

Students and Families - it appears that a majority of parents are satisfied with the experience their children are having at RCS, as evidenced by the latest parent survey. Family responses on the survey indicate that they think their children are working at grade level, they help children with homework, and they feel that the teachers and principal are approachable. The original charter petition stated that the school would have a standing Parent Association to ensure significant parent involvement and that

parents would be provided the opportunity to sign a contract stating, among other things, that they would donate at least four hours of service monthly per family to the school. The survey seems to indicate that families are not as engaged as they could be in the Parent/Teacher Organization, the board or other school committees, and 36% of parents are volunteering at the school “sometimes” to “not at all.” ***We recommend that RCS report on its efforts to further engage parents in the life of the school.***

The school provides no transportation for students and has had a difficult time finding a vendor to provide meals to the school. RCS has approached the Sierra Sands School District, a local community college and other vendors, but have been unable to work out an arrangement.

RCS has a student attendance reporting system in place that allows parents to be notified when students are absent and provides accurate information to CDE for purposes of apportionment. As noted previously, the school has for the first time this year begun using the Kern County office system.

The school maintains student discipline policies, which are provided to parents in the student/parent handbook. CDE oversight staff has received less than five complaints during the life of the charter from parents regarding discipline procedures or about teachers’ handling of the classrooms. Most of the complaints from parents have been with regard to violations of the student dress code.

(4) Is the school providing a sound education for its students?

Judging by state STAR test results and the school’s own internal ITBS testing results, it appears that RCS students are performing well and therefore we conclude that RCS is providing a sound education for its students. The school has participated in the STAR program as required by law and the oversight agreement. The growth for RCS was 774 in 2002-03 compared to a base score of 735 in 2001-02. These figures exceeded the statewide median growth for similar schools in 2002-03. The 2003 API is not yet available for testing conducted last spring. However, the school has met its AYP target under NCLB for its Annual Measurable Objectives (AMOs) and participation rates in the state tests.

The Iowa Test of Basic Skills (ITBS), which the school administers to students at the beginning and end of the school year and uses for diagnostic purposes indicate that students are performing at grade level.

Sierra Sands USD has alleged that RCS violated state testing requirements and its charter because the school “failed to test a significant portion of students who were not exempt from testing in 2002 in at least one STAR content area.” Because of this, the school did not receive an API for the 2001 school year. The facts of the situation are that due to a teacher error in failing to give directions for one part of the English/Language Arts test to the 7th grade class 24 of 26 students failed to complete seven questions in the English grammar multiple-choice test. RCS called this to the attention of the CDE Assessment Division and oversight staff immediately upon learning of the test results.

Due to miscommunication among CDE staff, RCS was inadvertently given an API, which was later invalidated when CDE staff determined that the number of students failing to answer questions on the tests was greater than that allowed under state testing statute and regulations. The API initially given to the school indicated that RCS had a strong score with a similar schools rank of 9 and a statewide rank of 7. *There was no attempt by the school to cover up this incident or cheat on the test. It was simply an error on the part of one teacher. Apparently this error occurred in about 20 other schools around the state and the test directions for teachers have been revised to ensure these types of errors are minimized.* **We have no further recommendations on this issue.**

The district also alleges that RCS is not performing as well as district schools and has a higher mobility rate than the district, and therefore the district has to remediate students that return to district schools. Although RCS has not yet received a 2003 base API, the mean scaled scores and percent of students' proficient and advanced in subject areas are available. The table below compares RCS test data to the other schools in Sierra Sands USD serving the same grade levels.

ENGLISH/LANGUAGE ARTS

Scale Score

Grade	2	3	4	5	6	7	8
Ridgecrest	345.3	351.5	352.5	348.8	343.4	333.2	337.0
Faller	337.4	345.1	350.1	338.2			
Gateway	363.3	350.4	348.9	335.5			
Inyokern	330.3	344.9	355.3	329.8			
Las Flores	342.7	339.6	363.5	340.6			
Monroe					338.2	330.6	333.9
Murray					351.1	346.1	330.0
Pierce	339.6	333.4	343.9	317.7			
Richmond	355.6	345.3	372.6	349.4			

Percent Proficient and Advanced

Grade	2	3	4	5	6	7	8
Ridgecrest	42	42	54	52	39	39	57
Faller	42	37	51	44			
Gateway	64	50	44	36			
Inyokern	31	47	53	33			
Las Flores	44	48	61	42			
Monroe					39	35	33
Murray					55	46	33
Pierce	32	40	37	20			
Richmond	59	45	69	52			

MATHEMATICS

Scale Score

Grade	2	3	4	5	6	7	8
Ridgecrest	330.2	382.6	362.7	368.4	333.9	316.9	329.1
Faller	357.5	355.8	348.0	328.1			
Gateway	391.2	377.2	348.4	334.8			
Inyokern	337.4	365.0	341.9	312.9			
Las Flores	381.0	372.3	378.8	339.4			
Monroe					316.9	321.7	330.0
Murray					337.8	334.3	328.1
Pierce	366.2	350.0	338.3	292.4			
Richmond	363.6	349.4	395.3	324.6			

Percent Proficient and Advanced

Grade	2	3	4	5	6	7	8
Ridgecrest	37	84	50	63	32	26	45
Faller	58	54	50	26			
Gateway	78	77	51	38			
Inyokern	34	65	45	22			
Las Flores	68	64	69	43			
Monroe					28	22	31
Murray					40	34	31
Pierce	58	53	40	10			
Richmond	59	50	77	27			

As these tables show, RCS is performing about as well as the Sierra Sands district and in some grade levels RCS is performing better than district schools in English/Language Arts and Mathematics. It is also of interest that the mobility rates for the six elementary schools in Sierra Sands USD, as reported on the 2002 Base API Reports, range from 20-24%. Therefore, it appears that RCS's mobility rate is in the same range as the district's rate even though RCS is a school of choice, not one assigned on the basis of home address. **We have no recommendations in this area.**

Recommendation

Based on the findings in the previous pages, we recommend that RCS be granted a renewal of its charter for five additional years, in accordance with statute. The five-year period would begin on September 4, 2004, and continue until September 3, 2009. As a condition of the renewal, we recommend that RCS, in cooperation with CDE oversight staff, institute the recommendations described in this document (highlighted in bold and italics).

CDE oversight staff observations at the school site and a review of documents submitted to staff over the previous two and one-half years indicated that the school is being operated in a fiscally prudent manner and is providing overall a sound educational program. The school is carrying out the terms of its charter to a reasonable degree, with the exception of items as noted in this document, and is substantially in compliance with federal, state and local laws that are applicable to charter schools.

The school has been in operation for a short period of time and has performed well in light of the problems normally facing start-up charter schools, including lack of funding for facilities and transportation. The geographic isolation of the community has compounded the problem and made it difficult for the school to work out contractual arrangements with other entities in terms of the provision of school lunches, special education staff or facilities.

State Board of Education Charter School Renewal Findings

School Name: Ridgecrest Charter School	
Denying District: Sierra Sands Unified School District	Date Denied: 9/18/03
Denying County: N/A	Date Denied: N/A
Date Received by SBE: 12/29/03	

SUMMARY OF FINDINGS	Concerns*
1. The Charter School presents an unsound educational program for pupils to be enrolled in the charter school.	<input checked="" type="checkbox"/>
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.	<input checked="" type="checkbox"/>
3. The petition does not contain the number of required signatures.	<input type="checkbox"/>
4. The petition does not contain an affirmation that the school shall be nonsectarian, shall not charge tuition and shall not discriminate.	<input type="checkbox"/>
5. The petition does not contain reasonably comprehensive descriptions of the required elements.	<input checked="" type="checkbox"/>
*See detail regarding concerns on findings 1, 2, and 5 on the following pages.	

GENERAL COMMENTS AND AFFIRMATIONS	Included	
	Yes	No
Evidence of local governing board denial per <i>Education Code</i> (EC) Section 47605 (j)(1) and 5 CCR 11967(a)(2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reason for denial included (5 CCR 1967(a)(2))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Full charter included (EC 47605(b)(5)).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Signed certification of Compliance with applicable law (5 CCR 11967(b)(3))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Written verification of SELPA participation or district delegation to accept charter in the LEA for Special Education (EC 47641© and (d))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Serves pupils in grade levels that are served by the school district of the governing board that considered the petition (EC 47605(a)(6))	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FINDING #1	No Concerns
<p>The charter school presents an unsound educational program for pupils to be enrolled in the charter school.</p> <ul style="list-style-type: none"> • Program presents the likelihood of physical, educational, or psychological harm; • Program is not likely to be of educational benefit to the pupils who attend. 	
<p>Comments: See comments under the 4 fundamental interests of the State Board on previous pages. CDE oversight staff concludes that the Ridgecrest Charter School is providing overall a sound educational program for its students.</p>	

FINDING #2	No Concerns
<p>The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.</p> <ul style="list-style-type: none"> • Petitioners have a past history of involvement with charter schools or other education agencies that are regarded as unsuccessful; • Petitioners are unfamiliar with the contents of petition or requirements of law; • Petitioners have presented an unrealistic financial and operational plan for the charter school; • Petitioners lack the necessary background in curriculum, instruction and assessment, and finance and business management, and have no plan for securing individuals with the necessary background. 	
<p>Comments: See comments under the 4 fundamental interest of the State Board on previous pages. CDE oversight staff concludes that the Ridgecrest Charter School is demonstrably successful in implementing the program set forth in the charter.</p>	

FINDING #3	No Concerns
<p>The petition does not contain the number of signatures required by law.</p>	
<p>Comments: None</p>	

FINDING #4	No Concerns
<p>The petition does not contain an affirmation of each of the following:</p> <ul style="list-style-type: none"> • Shall be nonsectarian • Shall not charge tuition • Shall not discriminate 	
<p>Comments: None</p>	

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FINDING #5	Reasonably Comprehensive	Not Reasonably Comprehensive
The petition contains reasonably comprehensive descriptions of the following:		
(A) A description of the educational program, including how information will be provided to parents on transferability of courses and eligibility of courses to meet college entrance requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(B) The measurable pupil outcomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: See comments on page 3 of Summary of Findings on the Ridgecrest Charter School Renewal.		
(C) The method by which pupil progress is to be measured (compliance with statewide assessments and standards)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(D) Governance structure, including the process to ensure parental involvement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The charter language needs to be amended to provide for the addition of a representative of the SBE on the governing board, if the SBE so chooses. The member should be a voting member.		
(E) Qualifications to be met by those employed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comment: None		
(F) Procedures to ensure health and safety of pupils and staff, including criminal records summary (per EC Section 44237)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(G) The means by which the school will achieve racial and ethnic balance reflective of the district population	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(H) Admission requirements, if applicable (District priority or lottery per EC 47605 (d)(2))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(I) The manner in which an independent annual financial audit is to be conducted	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We note that the charter contains language under this section that refers to fiscal memoranda of understanding with the SBE. This language should be deleted from the charter because it has no applicability.		
(J) The procedures by which pupils can be suspended or expelled	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		

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(K) The manner by which staff will be covered by STRS, PERS, or Social Security	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(L) The public school attendance alternatives for pupils residing in the school district who choose not to attend charter schools (No governing board of a school district shall require any pupil enrolled in the school district to attend a charter school)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: If approved, standard language from the Criteria for Review and Approval of Charter School Petitions needs to be added to the charter specifying that the parent of each student enrolled in the school shall be informed that the student has no right to admission in a particular school of any LEA or program of any LEA as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.		
(M) A description of the rights of any employee of the district, upon leaving the employment of the district to work in the charter, and of any rights of return to the school district after employment at the charter school (No governing board of a school district shall require any employee of the school district to be employed in a charter school (EC 47605(e))	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: If approved, the petition needs to be amended to include the standard language from the Criteria for the Review and Approval of Charter School Petitions related to this element, which states that charter school employees shall have any right upon leaving the LEA to work in the charter school that the LEA may specify, any rights of return to employment in a LEA after employment in the school that the LEA may specify, and any other rights upon leaving employment to work in the school that the SBE determines to be reasonable and not in conflict with any law.		
(N) Process for resolution of disputes with chartering entity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: If approved, the petition needs to be amended to include the standard language from the Criteria for the Review and Approval of Charter School Petitions related to this element, which states that because the SBE is not a LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute.		
(O) Declaration whether or not the charter school shall be deemed the exclusive public employer for the purposes of EERA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(P) A description of the procedures to be used if the charter school closes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: If approved, the petition needs to be amended to add language regarding how notification of closure will be communicated to the SBE, CDE, and the county of education as well as to students and parents and potential receiving districts. The procedures need to further address the process for the transfer of student records, and the performance of an independent audit with timelines. Finally, the sentence in the charter that states, "Assets purchased with public funds belong to the SBE" should be removed from the petition.		