



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

SUBJECT Charter Schools: Request by Leadership Public Schools – San Rafael (LPSSR) To Postpone Opening and Set New Dates for Meeting State Board of Education Conditions	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing
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RECOMMENDATION

Approve a new opening date of fall 2005 for the school and approve new dates by which the school must meet State Board of Education (SBE) conditions of approval in order to open.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE, at its November 2003 meeting, approved the Leadership Public Schools – San Rafael petition to become a charter school under the oversight of the SBE. It had previously been denied by the San Rafael City School District and the Marin County Board of Education. The school intended to open in the fall of 2004 and the SBE adopted conditions of approval with specific due dates based on a fall 2004 opening. The school had already met some of the conditions of opening before the petitioners determined it would be more realistic to delay opening for one year.

SUMMARY OF KEY ISSUES

The LPSSR requests a delay in opening in order to have more time to resolve concerns with the San Rafael City School District regarding a Proposition 39 facilities request. LPSSR is attempting to recruit a primarily immigrant population to the school, but without a precise location for the school, families are reluctant to apply for enrollment to a new school. The district has made a conditional Proposition 39 offer to the school and the petitioners believe that it would be beneficial to take a longer period of time to work through these conditions rather than rushing to open this fall. Attachment 1 of this item lists the conditions of opening with proposed new due dates for meeting the conditions.

FISCAL ANALYSIS (AS APPROPRIATE)

There would be no additional fiscal impact to the CDE, the SBE, the school, or district. This request is only for an extension of time to meet specified conditions.

ATTACHMENT(S)

[Attachment 1](#): Recommended Conditions of Operation for Leadership Public Schools –
San Rafael (6 pages)

Recommended Conditions of Operation for Leadership Public Schools – San Rafael

Condition Approved by SBE in November 2003	New Proposed Date
<p>1. Insurance Coverage- not later than June 1, 2004, (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.</p>	<p>June 1, 2005</p>
<p>2. Oversight Agreement-not later than January 1, 2004, either (a) accept an agreement with the State Board of Education (administered through the California Department of Education) to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the State Board of Education (as represented by the Executive Director of the State Board), and an oversight entity (pursuant to EC Section 47605(k)(1)) regarding the scope of oversight and reporting activities, including, but not limited, adequacy and safety of facilities.</p>	<p>Already Met Condition</p>

Condition Approved by SBE in November 2003	New Proposed Date
<p>3. SELPA Membership- no later than February 2, 2004, submit written verification of having applied to a special education local plan area (SELPA) for membership as a local education agency and, not later than June 1, 2004, submit either written verification that the school is (or will be at the time students are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's students to be students of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive director of the State Board of Education based primarily on the advice of the State Director of Special Education based on a review of either the school's written plan for membership in the SELPA, including any proposed contracts with service providers or the agreement between a SELPA, a school district and the school, including any proposed contracts with service providers.</p>	<p>Already met first part of condition. June 1, 2005, for second part of condition</p>

Condition Approved by SBE in November 2003	New Proposed Date
<p>4. Educational Program- not later than January 1, 2004, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and, not later than June 1, 2004, submit the complete educational program for students to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used, plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluating student progress, and a budget which clearly identifies the core program from enrichment activities and reflects only those loans, grants, and lines of credit (if any) that have been secured by the school. Approval of this condition shall be determined by the Executive Director of the State Board of Education based primarily on the advice of the Deputy Superintendent for Curriculum and Instructional Leadership.</p>	<p>Already met first part of condition. June 1, 2005, for second part of condition</p>

Condition Approved by SBE in November 2003	New Proposed Date
<p>5. Student Attendance Accounting- not later than May 3, 2004, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Fiscal Services Division.</p>	<p>May 6, 2005</p>
<p>6. Facilities Agreement-not later than May 3, 2004, present a written agreement (a lease or similar document) indicating the school's right to use the principal school site identified by the petitioners for at least the first year of the school's operation and evidence that the facility will be adequate for the school's needs. Not later than June 1, 2004, present a written agreement (or agreements) indicating the school's right to use any ancillary facilities planned for use in the first year of operation. Satisfaction of these conditions should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.</p>	<p>May 6, 2005 for lease for principal site; June 1, 2005 for ancillary site agreements</p>

Condition Approved by SBE in November 2003	New Proposed Date
<p>7. Zoning and Occupancy-not less than 30 days prior to the school's opening, present evidence that the facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the State Board of Education may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.</p>	<p style="text-align: center;">Same</p>
<p>8. Final Charter- not later than January 1, 2004, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the State Board of Education as the chartering authority and otherwise address all concerns identified by California Department of Education staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the State Board of Education based primarily on the advice of appropriate CDE staff.</p>	<p style="text-align: center;">Already Met Condition</p>
<p>9. Legal Issues-in the final charter presented pursuant to condition (8), resolve any provisions related to legal issues that may be identified by the State Board's Chief Counsel.</p>	<p style="text-align: center;">Already Met Condition</p>

Condition Approved by SBE in November 2003	New Proposed Date
10. Processing of Employment Contributions- prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS).	Same
11. Operational Date- if any deadline specified in these conditions is not met, approval of the charter is terminated, unless the State Board of Education deletes or extends the deadline not met. If the school is not in operation by September 30, 2005 , approval of the charter is terminated.	September 30, 2006