



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2004 AGENDA

<b>SUBJECT</b>  Request by the Oak Grove Union School District to Become an All-Charter District	<input checked="" type="checkbox"/> <b>Action</b>
	<input checked="" type="checkbox"/> <b>Information</b>
	<input checked="" type="checkbox"/> <b>Public Hearing</b>

### RECOMMENDATION

CDE recommends that the State Board of Education (SBE) approve the Oak Grove Union School District (OGUSD) request to become an all-charter district for a period of three years commencing on July 1, 2004 and continuing to June 30, 2007.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

A petition for an all-charter district can be “approved only by joint action of the Superintendent of Public Instruction and the State Board of Education.” At its March 1999 meeting, the SBE approved a process for reviewing and renewing districtwide charter petitions (Attachment 5). The SBE has previously approved eight requests for all-charter districts: the Pioneer Union Elementary School District in Kings County, the Kingsburg Joint Union Elementary School District in Fresno County, the Delta View Joint Union School District in Kings County, the Hickman Elementary School District in Stanislaus County, the Alvina Elementary School District in Fresno County, the Island Union School District in Kings County, the Kings River-Hardwick Union Elementary School District in Kings County and the Jacoby Creek Elementary School District in Humboldt County. To date, the SBE has approved renewal of two all-charter districts for an additional five years: the Pioneer Union Elementary School District’s charter (September 1999) and the Kingsburg Joint Union Elementary School District’s charter (May 2001).

Consistent with agreed upon policy, individual charter schools in all-charter districts are not numbered and do not count against the statutory cap on the number of charter schools allowed. The all-charter districts are given a separate number for recordkeeping purposes and if approved, the OGUSD charter will be number D-9.

### SUMMARY OF KEY ISSUES

On January 6, 2004, the CDE received a request from the Oak Grove Union School District (OGUSD) to review and approve the district’s petition to become an all-charter district. Pursuant to *Education Code* Section 47606, a school district may convert all of its schools to charter schools if the charter petition meets the general requirements for charter schools. Further, a petition for an all-charter district can be “approved only by joint action of the Superintendent of Public Instruction and the State Board of Education.” As the result of this approval, the SBE becomes the authorizing entity and must provide oversight as specified under Charter School law.

The reasons stated by OGUSD for becoming an all-charter district include: retain low class size, provide more parent/pupil choice, increase parental involvement in the educational process and better meet the needs of English language learners in their academic program. In accordance with SBE approved procedures, CDE staff has taken the petition under review to insure that it meets the requirements set forth in *Education Code* Section 47606 and by reference subdivisions (b), (c), (d), (e), and (f) of Section 47605. A copy of this review is provided as Attachment 7. A statement of findings is also provided as Attachment 6. The API scores for Oak Grove Elementary (826) and Willowside Middle School (776) provide evidence that the OGUSD educational program is both viable and successful (see Attachment 8). The CDE's Coordinated Compliance Review (CCR) Management Unit has confirmed that the district is in full compliance with all state and federal programs.

CDE staff did note an item in the findings regarding deficit spending in unrestricted resources. Subsequent follow-up with the Sonoma County Office of Education confirms that the OGUSD has provided a sufficient corrective action plan to address the deficit spending and that OGUSD will meet its financial obligations during this fiscal year and satisfy its multiyear financial commitments. In meeting the oversight requirements as the authorizing entity, CDE staff shall conduct annual site visits, ensure compliance with all reporting requirements and provisions of the charter and monitor the fiscal condition of OGUSD (§47604.32.). In addition to other required reporting, OGUSD shall prepare and submit annual fiscal reports as required under *Education Code* section 47604.33. The Advisory Commission on Charter Schools reviewed and unanimously recommended approval of the OGUSD charter petition at their April 16, 2004 meeting.

**Findings:**

CDE staff finds that OGUSD has developed a reasonably comprehensive proposal that addresses all required charter elements, presents a sound educational program and will likely succeed as an all-charter district. The Advisory Commission on Charter Schools reviewed and unanimously recommended approval of the OGUSD charter petition at their April 16, 2004 meeting.

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**FISCAL ANALYSIS (AS APPROPRIATE)**

The Sonoma County Office of Education has provided a positive statement of fiscal health for OGUSD and additional affirmation that OGUSD fiscal activity is closely monitored. Approval of this single all-charter district petition has minimal fiscal impact on the Division. However, the cumulative impact of approving all-charter district renewal requests and new petitions over time will be to create a significant additional workload for division staff.

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**ATTACHMENT**

- Attachment 1: The Oak Grove Union School District Charter petition (20 Pages) (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)
- Attachment 2: The Oak Grove Union School District Certificated Faculty Resolution (petition signatures) (4 Pages) (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)

- Attachment 3: Letter specifying alternative public school attendance arrangements (1 Page) (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)
- Attachment 4: Sonoma County Office of Education statement of fiscal health (2 Pages) (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)
- [Attachment 5](#): Adopted Process for Reviewing Districtwide Charter Petitions and Evaluating All-Charter Districts (2 pages)
- [Attachment 6](#): California Department of Education Findings (2 pages)
- Attachment 7: All-Charter District Review Form 2003-04 (16 pages)
- Attachment 8: Academic Performance Index results (1 page)

## California Department of Education

### ADOPTED PROCESS FOR REVIEWING DISTRICTWIDE CHARTER PETITIONS AND EVALUATING ALL-CHARTER DISTRICTS

#### Introduction

The Superintendent of Public Instruction (SPI) and the State Board of Education (SBE) have joint responsibilities regarding the approval of districtwide charter petitions. This proposal describes the process that will be used to review an application for all-charter district status. It also specifies the responsibilities of the SPI and the SBE in the ongoing oversight of all-charter districts.

#### Review of Districtwide Charter Petitions

The authority for the SPI and the SBE to approve a petition for an all-charter district, and the requirements for submitting the petition for approval are found in *Education Code* Section 47606. Basically, there are three requirements:

1. Fifty percent of the teachers within the school district must sign the charter petition.
2. The petition must specify the alternative attendance arrangements for pupils residing within the school district who choose not to attend charter schools.
3. The petition must contain all the requirements set forth in subdivisions (b), (c), (d), (e), and (f) of Section 47605 (copy attached). (Note: All petitions for the establishment of charter schools must meet these requirements.)

Once the California Department of Education (CDE) receives a petition to form an all-charter district, staff will review the petition to ensure that it addresses the three requirements. Particular attention will be paid to those elements in subdivisions (b), (c), (d), (e), and (f) of Section 47605 which relate to the proposed education program. Specifically, the proposal will be reviewed to determine how all pupils of the district will be asked to demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the district's educational program. Staff also will focus on how the proposal addresses the requirement that charter schools meet all statewide standards and conduct the pupil assessments required by Section 47605(e)(1) (relating to the Standardized Testing and Reporting Program) and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools. The CDE will also ask the county superintendent to comment on the fiscal health of the district.

After the initial review has been completed, CDE will work cooperatively with the district to complete any areas of the proposal that appear inadequate.

## **Evaluating Existing All-charter Districts**

*Education Code* Section 47607 states that a charter, or renewal of a charter (including districtwide charter petitions) may be granted for no more than five years. While no interim evaluations are required, the section does provide that the charter granting authority may inspect or observe any part of the charter school at any time. The CDE is proposing to visit each all-charter district approximately half way through the length of the charter's term, and again immediately prior to renewal, unless facts come to the attention of CDE staff that warrant additional visits.

The CDE recommends that the district request renewal of its charter petition a year in advance of the end of the charter's term so that there will be sufficient time for CDE staff to schedule a visit, and for CDE staff and district staff to cooperatively resolve any issues that may be identified as a result of the visit.

During the visit, CDE staff will look to see if the district is operating in accordance with the terms of its original charter, specifically those terms required by *Education Code* Section 47605, identified earlier.

After each visit CDE staff will report to the SPI and indicate any terms of the district's charter required by *Education Code* Section 47605, that in the opinion of CDE staff, after working with district staff to resolve them, are still not being met. The SPI will then make a determination as to whether she will approve the continuation or renewal of the charter. The SPI's determination, and the basis for it, will then be reported to the SBE.

## **Revocation of a Districtwide Charter**

According to *Education Code* Section 47607 a districtwide charter may be revoked if the SBE and the SPI determine that the district:

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
2. Failed to meet or pursue any of the pupil outcomes identified in the charter.
3. Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
4. Violated any provision of law.

*Education Code* Section 47607(c) requires that, if the SBE and the SPI make the determination, they must notify the district of the violation and give it a reasonable opportunity to cure the violation, unless the SBE and the SPI determine in writing that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

**California Department of Education Findings  
Oak Grove Union School District's  
Petition to Become an All-Charter District**

**Background**

On January 6, 2004, the CDE received a request from the Oak Grove Union School District (OGUSD) to review and approve the district's petition to become an all-charter district. The Oak Grove Union School District (ADA 623) is located in Sonoma County, and includes the Oak Grove School Campus (K-5) and Willowside Middle School (6-8). Pursuant to *Education Code* Section 47606, a school district may convert all of its schools to charter schools if the charter petition meets the general requirements for charter schools. Further, a petition for an all-charter district can be "approved only by joint action of the Superintendent of Public Instruction and the State Board of Education." Consistent with our agreed upon policy, charter schools in all-charter districts are not numbered and do not count against the statutory cap on the number of charter schools allowed.

The review of the OGUSD petition was conducted in accordance with the requirements specified in *Education Code* Section 47606 and the *Adopted Process for Reviewing Districtwide Charter Petitions and Evaluating All-Charter Districts* approved by the SBE in March 1999 (attached). Basically, there are three requirements:

**1. Fifty percent of the teachers within the school district must sign the charter petition.**

**Finding 1:** CDE finds that the OGUSD districtwide petition meets the requirement set forth in *Education Code* Section 47606. The OGUSD petition contains signatures of more than 80% of the district teachers.

**2. The petition must specify the alternative attendance arrangements for pupils residing within the school district who choose not to attend charter schools.**

**Finding 2:** CDE finds that the OGUSD districtwide petition meets all the requirements set forth in *Education Code* Section 47606 and *Education Code* Section 47605 subdivisions (b) and (f) regarding the alternative attendance arrangements for pupils residing within the school district who choose not to attend charter schools. The petition includes a letter from the neighboring Sebastopol Union School District agreeing to accept students from the Oak Grove Union School District.

**3. The petition must contain all the requirements set forth in subdivisions (b), (c), (d), (e), and (f) of Section 47605. (Note: All petitions for the establishment of charter schools must meet these requirements.)**

**Finding 3:** CDE finds that the OGUSD districtwide petition meets all the requirements set forth in subdivisions (b), (c), (d), (e), and (f) of *Education Code* Section 47605 and meets the intent of the Charter Schools Act. The OGUSD districtwide petition ensures that its schools will provide a sound educational program, meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in

noncharter public schools. The CDE's Coordinated Compliance Review (CCR) Management Unit has confirmed that the district is in full compliance with all state and federal programs.

**The *Adopted Process for Reviewing Districtwide Charter Petitions and Evaluating All-Charter Districts* also specifies that CDE shall ask the county superintendent to comment on the fiscal health of the district.**

**Finding 4:** A letter from the Sonoma County Office of Education has been received verifying the fiscal stability and health of the district. In that letter, CDE staff noted an item regarding deficit spending in unrestricted resources and subsequently contacted the County Office for additional information. In her response, the Director of Fiscal Services for the County Office affirmed that the District has provided a sufficient corrective action plan to address the deficit spending and that they closely monitor the District. She also restated their determination that the District will meet its financial obligations during this fiscal year and satisfy its multiyear financial commitments.

### **Conclusion**

OGUSD has complied with all of the requirements stated in our *Adopted Process for Reviewing Districtwide Charter Petitions and Evaluating All-Charter Districts*. Further, OGUSD has a proven record of providing a viable and successful educational program as evidenced in its API data (Oak Grove Elementary, 826; Willowside Middle, 776) and its CCR review. Based on our review, CDE finds that OGUSD has developed a reasonably comprehensive proposal that addresses all required charter elements, presents a sound educational program and will likely succeed as an all-charter district. Therefore, CDE recommends that the SBE approve the OGUSD request to become an all-charter district for a period of three years commencing on July 1, 2004 and continuing to June 30, 2007. In the numbering system established for all-charter districts, the OGUSD charter will be number D-9.