



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

SUBJECT Request by the Delta View Joint Union Elementary School District to Renew its Charter as an All-Charter District	<input checked="" type="checkbox"/> Action
	<input checked="" type="checkbox"/> Information
	<input checked="" type="checkbox"/> Public Hearing

RECOMMENDATION

We recommend that the State Board of Education (SBE) approve the Delta View Joint Union Elementary School District (DVJUESD) request and renew the charter as an all-charter district for an additional five-year term commencing on July 1, 2004, and continuing to June 30, 2009.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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.” At its March 1999 meeting, the SBE approved a process for reviewing and renewing districtwide charter petitions (Attachment 4). 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 renewed 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).

The SBE and the State Superintendent of Public Instruction (SSPI) jointly approved the DVJUESD petition to become an all-charter district in June 1999.

SUMMARY OF KEY ISSUES

Pursuant to *Education Code* Section 47607, a charter granted by a school district governing board, a county board of education or the SBE, may be granted one or more subsequent renewals by that entity. Each renewal shall be for a period of five years. Renewals and material revisions of charters shall be governed by the standards and criteria in Section 47605. On March 29, 2004, the CDE received a request from the DVJUESD to renew its Charter as an All-Charter District.

By mutual agreement, the Kings County Office of Education conducted a site visit review of the DVJUESD and returned a report to CDE staff in early April (Attachment 6). Based upon a review of this report and an analysis of the petition and renewal documents, CDE staff has determined that the district is operating in accordance with the law and the terms of its charter. The Academic Performance Index for the district indicates continuous improvement since becoming an all-charter district. CDE findings are included as Attachment 5 and API data in Attachment 7. The Advisory Commission on Charter Schools reviewed and unanimously approved the DVJUESD renewal request at their April 16, 2004 meeting. In accordance with general provisions in the *Education Code*, CDE staff shall conduct annual site visits, ensure compliance with all reporting requirements and provisions of the charter and monitor the fiscal condition of DVJUESD (§47604.32.). In addition to other required reporting, DVJUESD shall prepare and submit annual fiscal reports as required under *Education Code* section 47604.33.

Findings:

CDE staff finds that the DVJUESD All-Charter District is operating in accordance with the law and terms of its charter. The Advisory Commission on Charter Schools reviewed and unanimously approved the DVJUESD request at their April 16, 2004, meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

The Kings County Office of Education has provided a Positive Financial Certification for DVJUESD. Approval of this Renewal 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.

ATTACHMENT

- Attachment 1: The Delta View Elementary Community Charter (10 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: Letters specifying alternative public school attendance arrangements (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 3: Kings County Office of Education Positive Financial Certification (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 4](#): Adopted Process for Reviewing Districtwide Charter Petitions and Evaluating All-Charter Districts (2 pages)
- [Attachment 5](#): California Department of Education Findings (2 pages)
- Attachment 6: All-Charter District Review Form 2003-04 (16 pages)
- Attachment 7: 2003 Academic Performance Index (API) Base (5 pages)

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
Related to the Delta View Joint Union Elementary School District
Request to Renew its Charter as an All-Charter District**

Background

On March 29, 2004, the CDE received a request from the Delta View Joint Union Elementary School District (DVJUESD) to renew its Charter as an All-Charter District. Pursuant to *Education Code* Section 47607, a charter granted by a school district governing board, a county board of education or the State Board of Education, may be granted one or more subsequent renewals by that entity. Each renewal shall be for a period of five years.

The State Board of Education (SBE) and the State Superintendent of Public Instruction (SSPI) jointly approved the Delta View Joint Union Elementary School District's (DVJUESD) petition to become an all-charter district in June 1999. This would be the first five-year renewal of this charter.

DVJUESD is a single school district located in Kings County and qualifies as a small school having an enrollment of approximately 100 pupils. The review of the DVJUESD renewal request was conducted in accordance with the requirements specified in *Education Code* Section 47607 and the *Adopted Process for Reviewing Districtwide Charter Petitions and Evaluating All-Charter Districts* approved by the SBE in March 1999 (attached). It should be noted that by mutual agreement, the Kings County Office of Education arranged to conduct the most recent site visit review of the DVJUESD and returned a report to CDE staff (attached). Basically, the requirements specify that:

Renewals and material revisions of charters shall be governed by the standards and criteria in Section 47605 and that 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.

Finding 1: Based upon review of the documents submitted by the DVJUESD and the site visit report from the Kings County Office of Education, CDE finds that the DVJUESD All-Charter District is operating in accordance with the law and terms of its charter.

The CDE Charter Schools Division conducted a review of documents submitted by the DVJUESD including an updated charter, API data, AYP reports, a plan for student achievement, specific alternative public school attendance agreements, Board minutes and a positive financial certification from the Kings County Office of Education. The CDE's Coordinated Compliance Review (CCR) Management Unit has conducted a review to determine compliance with all state and federal programs and found one area of noncompliance. In April 2003, the DVJUESD

was found noncompliant in their English Learner program. Subsequently a plan for serving Limited English Proficient students was Board approved in October 2003 and implemented strategies have resulted in significant API point increases for both Hispanic or Latino and Socio-economically Disadvantaged subgroups. The Kings County Office of Education conducted a site visit in May 2004 and submitted a comprehensive report to the CDE Charter Schools Division indicating that the District is currently meeting all the standards and criteria as required in *Education Code* Section 47605. The Academic Performance Index for the district also indicates continuing improvement.

School	2003 API (Base)	2003 API Target	2003 Statewide Rank	2003 Sim. School Rank	2002 API (Base)
Delta View Elementary	682*	639	4*	N/A	631*

“* “ means this API is calculated for a small school, defined as having between 11 and 99 Standardized Testing and Reporting (STAR) test scores included in the API (valid scores). APIs based on small numbers of students are less reliable and therefore should be carefully interpreted. Similar school ranks are not calculated for small schools.

Conclusion

DVJUESD has continues to grow and to strengthen its educational programs since becoming an all-charter district. CDE staff finds that the DVJUESD All-Charter District is operating in accordance with the law and terms of its charter. Therefore, we recommend that the SBE approve the DVJUESD request and renew the charter as an all-charter district for an additional five-year term commencing on July 1, 2004 and continuing to June 30, 2009.