



NOVEMBER 2003 AGENDA

SUBJECT	X	ACTION
Request by the Academy of Culture and Technology (ACT) to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education	X	INFORMATION
		PUBLIC HEARING

Recommendation:

The California Department of Education (CDE) findings and recommendations are included in Attachment 1.

Summary of Previous State Board of Education Discussion and Action

SBE Authority to Grant Charters: Pursuant to *Education Code* Section 47605 (j), as of January 1, 1999, a charter school that has been denied approval by a local chartering entity may petition the State Board of Education (SBE) to approve the charter. As of January 1, 2003, a charter school must be denied by both a local school district and county office of education before it may petition the SBE to approve the charter.

Previous requests: Since January 1999, the SBE has reviewed several charter petitions that have been denied at the local level and has to date approved seven such requests. At its December 2000 meeting, the SBE approved two charter schools: the Oakland Military Institute in Alameda County and the Ridgecrest Charter School in Kern County. These two charter schools opened at the beginning of the 2001-02 school year under oversight of the SBE. In July 2001, the SBE approved the renewal of the Edison Charter Academy in San Francisco, which had previously been denied renewal by the district. At its December 2001 meeting, the SBE approved the New West Charter Middle School and the Animo Inglewood Charter High School, both of which are located in Los Angeles County. In September 2002, the SBE approved the School of Arts and Enterprise, also located in Los Angeles County. Finally, in February 2003, the SBE approved the Knowledge is Power Program (KIPP) Summit Academy in Alameda County.

Oversight of Charter Schools by the SBE: At the request of the SBE, CDE staff presented an issue paper at its May 2000 meeting that outlined a comprehensive proposal for the review, approval, and oversight of previously denied charters. The issue paper proposed that the SBE adopt regulations that define a process for review of a charter petition that has been denied locally. Regulations were developed and approved by the SBE at its December 2001 meeting and are currently in use.

At its October 2001 meeting, the SBE also established an Advisory Commission on Charter Schools (ACCS) and charged it with a number of responsibilities, including advising the SBE on charter petitions that have been denied at the local level.

Summary of Key Issue(s)

At its meeting in July 2002, the ACCS recommended that the SBE approve the ACT to become an SBE-chartered school, subject to a number of conditions. This recommendation came on a split vote (the State Superintendent's designee and CDE staff expressed many concerns with the proposed charter). The SBE then considered the appeal at its September 2002 meeting. The SBE encouraged the petitioners to revise the petition and submit it again to the Pomona Unified School District for consideration. In the event that the petition was not approved by February 2003, the SBE expressed its intent to approve the petition.

The petition to establish the charter school was denied again by the Pomona Unified School District on January 14, 2003. On January 21, 2003, CDE received the second request from the ACT petitioners to authorize the charter school proposed to be located in the City of Pomona in Los Angeles County.

The SBE heard this appeal for the second time at its March 2003 meeting. Only six members were present to hear the agenda item and there were insufficient votes to act on the petition. The petition was held over to the April 2003 meeting, at which time there were again insufficient votes to approve the petition. The President of the SBE directed that this petition come back before the SBE again only upon the wishes of the petitioners.

On September 15, 2003, ACT's lead petitioner requested that the petition be considered at the November 2003 meeting of the State Board. In addition to this request, the petitioners have submitted a table that states areas of concern previously expressed by the SBE and CDE, and a proposed timeline for addressing each concern. This document is included as Attachment 4. The petitioners have indicated that they may open the school in July 2005, rather than July 2004, as originally intended. The proposed timeline for addressing concerns assumes a July 2005, rather than 2004, opening date. If this petition is approved, we recommend that it be approved with the proposed conditions and dates reflected in Attachment I instead of with the petitioners' proposed timelines in Attachment 4.

Fiscal Analysis (as appropriate)

Please see Attachment 1

Attachment(s)

Attachment 1: [State Board of Education Charter School Appeal Findings \(Pages 1-13\)](#)

Attachment 2: Academy of Culture and Technology Charter Petition (Pages 1-168)
(This attachment not available on the Web)

Attachment 3: [Further Elaboration on the Academy of Culture and Technology Charter School Petition in Response to SBE Staff Report and Additional Concerns of the State Board of Education \(Pages 1-6\)](#)

Attachment 4: Table of Concerns and Timeline for Resolution (Pages 1-2)
(This attachment not available on the Web)

State Board of Education Charter School Appeal Findings

School Name: Academy of Culture and Technology	
Denying District: Pomona Unified School District	Date Denied: 1/14/03
County: Los Angeles	
Date Received by SBE: 1/21/03	

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 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	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: The petition still does not present a comprehensive, coherent educational program. The additional materials submitted as part of the petition appear to be taken from a variety of sources but there is no sense of how it all fits together as a whole. For example: (1) sample curriculums are included for one class each for the 6-8th grades. It is not clear where those samples came from or how they relate to state content standards; (2) course outlines for grades 9-12 are identified as those for a school called AES which is never identified or described; (3) course outlines do not appear to match courses identified on a sample schedule; (4) a one page Emotional Intelligence Curriculum with goals, objectives and measurement criteria is included in the petition; however it is not clear where this curriculum fits into the school day; and finally (5) a copy of the CDE Assessment of Career Education (ACE) test content summaries for various career technical areas is included. However, while the petition refers to various “Enterprise Learning” areas that will be emphasized, there is no description of a program or curriculum.</p> <p>The petition now proposes to serve grades 6-10 in the first year, but there is no indication of a recognition that middle grades students might need differentiated instructional strategies, groupings, personal contact, etc. than the high school students.</p> <p>The petition still has not adequately addressed how the school will address the needs of under achieving students. The material in the petition is essentially the same as was submitted for the Advisory Commission on Charter Schools (ACCS) and emphasizes specialized learning plans, tutorial services and computer software for those students. The problem this doesn’t address is how a whole class of students that is not performing at grade level is going to successfully complete a UC preparatory curriculum.</p> <p>Language on the ELL program now states that the school will follow an unspecified “highly successful immersion model” and will “strive to hire BCLAD teachers in all core academic areas.”</p> <p>The petition now contains what appears to be boilerplate language from a Memorandum of Understanding (MOU) with the East San Gabriel Valley SELPA regarding the provision of special education services. However, it is unclear whether the school has submitted a request to become an LEA in the SELPA or whether any further discussions have taken place since the last time this charter petition was before the SBE. The petition still contains a sample contract with a private service provider (Advanced Education Services/Solon Schools Group), which is skeletal and lacking in any detail. Further, the petitioners may be relying on a service provider that may not be qualified to provide all the services it advertises.</p> <p>In conclusion, we cannot state that the petitioners present a sound program that is likely to be of educational benefit to students who may attend the school.</p>	

FINDING #2	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. 	

Comments: The governance structure proposed by ACT is the same as originally proposed and therefore we have the same concerns as described in our first analysis of this petition. The concerns are that the Pomona Valley Center for Community Development (PVCCD) is a 501(c)(3) nonprofit organization with a seven-member board of directors. The ACT is a “project” of the PVCCD and will be governed by essentially the same governing board, with the addition of up to three parent representatives from the School Site Council. We believe this governance structure may result in potential conflicts of interest between the school and the PVCCD to the extent that the interests of the two entities diverge.

Informal conversations with the Executive Director of the PVCCD have indicated that the PVCCD is willing to establish the ACT to be a nonprofit 501(c)(3) and allow it to be granted the charter rather than the PVCCD. If this were to occur and the ACT had its own board of directors, that would help alleviate our concerns on the governance issue.

We continue to have the same concerns with the school business plan which continues to lead us to question the viability of the charter. The revised petition does not clearly indicate how duties and responsibilities will be divided between the Financial/Administrative Officer, the bookkeeper and the accountant. Further, it is not clear that staff responsible for business administration will have the necessary expertise in public school business practices.

The PVCCD has reduced its indirect cost/administrative charge from 10% to 3%. This is largely a shift of 7% going to support the after school program which the PVCCD will operate.

In addition, we continue to note the following concerns with the budget projections:

- The cash flow document was prepared on a quarterly rather than monthly basis, making it difficult to determine if the petitioners understand the timing of the receipt of various revenues and their relationship to the timing of expenditures.
- The budget contains the 1% fee for oversight by the charter-granting agency; however, the amounts budgeted for oversight do not equal 1% of revenues in any of the three years for which projections are provided.
- The budget indicates that the school will be funded for special education students at \$510 per ADA. Since ACT is not in a SELPA at this time, it is difficult to determine if \$510 per ADA is a realistic figure.

Finally, if the State Board approves this charter, we recommend, in addition to the standard conditions, that the Board require the additional conditions recommended by the ACCS at the time this petition was originally heard. Those conditions are: (1) as part of the presentation of the final charter, the PVCCD include a description of the services to be rendered by the PVCCD in exchange for a share of the school's revenues and (2) that the ACT present a line of credit in the amount of no less than \$500,000 and present evidence that a grant in the amount of no less than \$150,000 has been awarded by the National Council of La Raza or another source.

FINDING #3	
The petition does not contain the number of signatures required by law.	
Comments: No concerns	

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

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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: We have concerns with the educational program as described in Finding 1 on page 2.		
(B) The measurable pupil outcomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Measurable pupil outcomes for the school are a mix of very general outcomes (students “will attain competency in core knowledge subject matter”) and specific outcomes (35% of its graduating classes will meet the minimum CSU/UC standards), but the petition does not provide detail about the desired level of performance for the general outcomes or a means to determine whether students are making satisfactory progress.		
(C) The method by which pupil progress is to be measured (compliance with statewide assessments and standards)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>Comments: Student progress will be measured by a variety of assessments including results from the STAR program, regular subject exams, portfolios and a personal evaluation process. The petition states that the ACT governing board will conduct an annual review of student progress toward meeting achievement goals, the results of which will be included in an annual performance report. There does not seem to be a plan for collecting, analyzing, and using the data to monitor and improve the school's instructional program for individual students or groups of students.</p>		
(D) Governance structure, including the process to ensure parental involvement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Concerns are discussed under Finding 2 on page 4. They center on the potential conflict of interest created by the governing board of the PVCCD being essentially the same board that governs ACT.</p>		
(E) Qualifications to be met by those employed	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comment: Job descriptions for an elementary teacher, school director and janitor were included in the charter that were taken from another organization (AES). However, it is not clear whether these are the positions the school regards as key positions, nor is language included that states all requirements for employment set forth in applicable provisions of law will be met, as required by the regulations.</p>		
(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"/>
<p>Comments:</p>		
(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"/>
<p>Comments:</p>		
(H) Admission requirements, if applicable (District priority or lottery per EC 47605 (d)(2))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>		
(I) The manner in which an independent annual financial audit is to be conducted	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>		
(J) The procedures by which pupils can be suspended or expelled	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>Comments: The petition states that ACT will develop a comprehensive set of student discipline policies which will be distributed as part of the school's student handbook. A general process is outlined for those students found "breaking school behavior procedures." However, there is information on how detailed policies and procedures will be developed and periodically reviewed and modified.</p>		
<p>(K) The manner by which staff will be covered by STRS, PERS, or Social Security</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>		
<p>(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)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>		
<p>(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))</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>		
<p>(N) Process for resolution of disputes with chartering entity</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The charter contains language that limits the intervention by the SBE in disputes without first referring a complaint to the school's Director for resolution. This provision is contrary to the oversight agreement under which the school will operate which allows the SBE to intervene at its discretion if it believes its fundamental interests are at stake. We recommend that language which limits the SBE intervention be eliminated. Further, this section needs to be amended to incorporate language that describes how costs of the dispute resolution process, if any, would be funded; and acknowledges that because the SBE is not a local education agency, it may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter.</p>		
<p>(O) Declaration whether or not the charter school shall be deemed the exclusive public employer for the purposes of EERA</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>		

(P) A description of the procedures to be used if the charter school closes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Although not required by law for petitions submitted before January 1, 2003, it is reasonable for the State Board to require such procedures if it approves this charter.		

**Recommended Conditions of Operation
for State Board Charter Appeals**

Condition	Recommended	Not Recommended	Alternative Date
<p>1. Insurance Coverage-not later than June 1, (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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>June 1, 2005</p>
<p>2. Oversight Agreement-not later than January 1, 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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Jan.3, 2005</p>

Condition	Recommended	Not Recommended	Alternative Date
<p>3. SELPA Membership-no later than February 1, 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, 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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>February 2, 2004 for application and June 1, 2005 for membership</p>

Condition	Recommended	Not Recommended	Alternative Date
<p>4. Educational Program-not later than January 1, 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, 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 Executive Director of the State Board of Education based primarily on the advice of the Deputy Superintendent for Curriculum and Instructional Leadership.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>September 1, 2004 for scope and sequence and March 1, 2005 for complete education program</p>
<p>5. Student Attendance Accounting-not later than May 1, 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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>May 2, 2005</p>

Condition	Recommended	Not Recommended	Alternative Date
<p>6. Facilities Agreement-not later than January 1, 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, 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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>June 2, 2005 for principal site and June 2, 2005 for ancillary sites</p>
<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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Condition	Recommended	Not Recommended	Alternative Date
<p>8. Final Charter-not later than January 1, 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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jan 1, 2004
<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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>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).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>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, approval of the charter is terminated.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	September 30, 2005

Further Elaboration on the Academy of Culture and Technology Charter School Petition in Response to SBE Staff Report and Additional Concerns of the State Board of Education

I. School Curriculum and Educational Program:

“Successful schools find that developing the initial instructional program requires several years of trial and error and that instructional design is an ongoing process throughout the life of the school.”

Eric Premack, The Charter School Development Guide

The Academy of Culture and Technology (ACT) has set forth a very ambitious educational program; this program is based upon the high aspirations that our community has for its children, which are not being met within our existing school system. This program is comprehensive: it provides a secure learning environment, extended school day/ year, before and after-school programs, and a summer learning program; there is a focus on multiple intelligence approaches to learning (experiential, applied learning, personal and social skills development, social and moral guidance, and critical thinking). Most importantly, ACT intends to provide a rigorous core curriculum through the use of highly qualified teachers that are able to inspire our youth to meet and surpass the standards set for their age/grade group.

In regards to curriculum, the California Department of Education Frameworks and Content Standards (as found in the following publications: *Mathematics Frameworks for California Public Schools* (2000), *Science Content Standards for California Public Schools* (1998), *Reading/Language Arts Framework for California Public Schools* (1999), *History-Social Science Framework for California Public Schools* (2001), *Visual and Performing Arts Content Standards for California Public Schools* (2001)), will provide the ACT with the core academic content and serve as the foundation of the school's instructional program.

The ACT curriculum will be delivered through:

- I. Traditional classroom instruction, using SBE approved textbooks that are based upon the content standards.
- II. Integration of project based, applied learning formats, that attempt to give students a practical, “hands-on” understanding of subject matter.

The integrated linkage of traditional lecture-based classroom instruction with an applied learning format will allow our teachers and staff the ability to develop performance based standards and assessments for our students: a great deal of assessment will be based upon the quality of student work done at ACT. We believe that when the content of knowledge is coupled with the experience of that content, that students are more apt to gain a mastery of the subjects being studied.

ACT will submit a completed school curriculum to the CDE within the time frame suggested by the CDE staff report and recommendations.

Central Focus of Our Educational Program: Components of Effective Pedagogy

Given the actual reality of students living within our neighborhood, we believe that our school can make substantial improvements in the academic performance of the middle-school students who enroll at ACT. For instance, our charter specifically states that ACT will create a 318% increase in students that are able to qualify for admissions into the California State University system, compared to the 11% of Pomona high school graduates that currently meet this requirement.

Re-structured School Environment- Such a statement is based upon our certainty that the ACT educational program will be an effective one. As mentioned previously, the ACT begins by substantially restructuring the environmental factors that inhibit learning in our schools: A relatively small school with small classroom size; extended school day/year and a summer learning program. The program also relies on strong parent participation and integration with the learning goals of their children. As a 'community-driven' model, our strategic goal is to develop a dynamic partnership between parent, student and teacher, based upon trust and understanding of our mutual expectations. Here, again, we find a component sorely lacking in our schools: parents complain that there is little pro-active communication with them; teachers complain that they are too often serving the role of baby-sitter.

Teacher as Leader Inspiring Students- Finally, and most importantly, the ACT planning process has convinced us that a distinct type of teacher is attracted to our school design and is interested in being part of the ACT educational program: it is this type of teacher that will make our educational program a clear success. First of all, we expect our teachers to be well versed in their subject matter and fully certificated. (50% of teachers in south Pomona schools are there on emergency credentials.) Secondly, we are looking for teachers that demonstrate a real solidarity and empathy with the kind of students and parents that will be served by ACT. The school start-up period (please see "Next Phase...") will focus on placing these committed teachers into the centerpiece of the ACT educational program. Our teachers will possess all the tools to adequately evaluate and coach ACT students toward academic success.

The ACT places relationship building among teachers, and with students, as a key component to its educational program. With smaller classes and a smaller course loads (with longer course time-blocks) than traditional schools, the ACT school structure provides the initial context for the role teachers will play. The school structure will provide teachers with regular time-slots for collaborative planning and evaluation sessions among themselves, along with on-going professional development and support.

Such a structure allows our teachers to focus on developing long-term relationships and individualized teaching strategies, which we believe will be key to our students' academic success. We want our teachers to be able to personalize education—to make a real connection with our students. We want the role of the teacher at ACT to be that of a mentor, teambuilder and leader, one that is capable of inspiring ACT students to higher achievement.

By empowering ACT teachers to be the centerpiece of the educational program, teachers will be able to establish realistic standards for our students, deal with the issues and needs of diverse learners and have a much better understanding of how to influence the learning process of the ACT student population.

What Is Effective Pedagogy? ACT plans to offer a re-structured school environment, a rich and interesting curriculum that is intended to challenge and inspire students, presented by dedicated teachers who have the resources and support to do their jobs well. However, within a context such as is found in south Pomona, the ACT is well aware that there are substantial obstacles to overcome. A large part of our student body comes to us with inadequate preparation due to the problems that plague our schools—and the students' own families. For instance, one key focus in the start-up years, by default, must be the remediation of student deficiencies: insuring that students have the essential ability to read, write and compute, which are the primary tools required in order to enjoy the fruits of an advanced academic program. In fact, the 6th, 7th and 8th grade concentration must focus on getting ACT students prepared to succeed in a college preparatory program. But this in itself does not restrict the scope of the ACT educational program; even students with learning deficiencies can—and will – greatly benefit from participation in a challenging academic environment.

This is why there are two key pedagogical questions that the ACT educational program will address over the subsequent years: How do our students best learn? and, How do we engage our students' minds? Clearly, there is no 'one shoe that fits all' within education. As stated in our charter petition:

The ACT believes in a 'customer service approach' to education. As described, each student will undergo an initial testing and evaluation process to set individual learning plan goals. Within this context, each student will have the opportunity for special one-on-one assistance from teachers and tutors to build on their academic strengths and remedy areas of weak performance.

Answering the question of how students best learn will be a major exploratory endeavor for The ACT; it will require that the school itself be a flexible, learning organization (ability to change and to grow). The schools initial focus will be on gaining clearer understanding about our students' individual learning styles, being able to adequately assessment their capacities in order to set realizable standards. Our organization and teachers have to develop the capacity to provide multiple instructional strategies, with a concentrated focus on remediation and basic skills attainment. ACT

has established general parameters to approaching the question of how our students best learn, and this will be primary focus of our school partners and teachers in start-up period work at ACT.

Which leads us to our final question: how do we engage and inspire our students to learn? One thing that is very apparent when we assess our youths' educational environment: we need to establish a fundamental form of communication with our future students that currently does not exist within our local educational environment. Once again, this question enunciates the role that we will need our teachers to fulfill. The role requires that our teachers become effective investigators in order to discover methods that will inspire their students to achieve. They will have to be able to delve into the student's psyche in order to create an enthusiasm for learning. The ACT is committed to helping its teachers in this endeavor.

Over time, we envision the ACT being transformed into a dynamic community of learners, where students are self-paced and self-motivated, inspired by their teachers who fill a principal role of team leaders and co-learners in the discovery and appropriation of knowledge.

Next Phase of Educational Program Development:
Chronology ; Project Partners Assisting in Pre-Startup Period.

We quote Mr. Premack above to emphasize that the ACT recognizes there is enormous work that is still required and costs to be incurred before our school is ready to open. We shall be assisted in the next phase by our school start-up partners, Solon Schools/ Advanced Educational Services, and the National Council for La Raza's Center for Educational Excellence.

Solon Schools/ Advanced Educational Services has its own CDE standards based curriculum that is used at various schools run by the non-profit organization. They also have extensive experience providing local school districts throughout California with a comprehensive offering of special education services. A principal reason for choosing Solon Schools is their extensive background in delivering educational programs to under-achieving student populations. With our own area schools' scoring in the bottom-decile of state assessments, Solon will assist the ACT in further structuring our educational program, and provide direct teacher training, in order to effectively adapt to the diverse learning needs of our students. They provide the expertise in school structuring and teacher training to insure that each student is adequately assessed and provided with an individualized learning plan that will create significant improvements in every one of our student's performance levels.

The NCLR's Center for Educational Excellence is primarily focused on extensive teacher and administrator training seminars that are held on a semi-annual basis in

Washington, D.C. In addition, the NCLR provides additional teacher training opportunities through a collaborative agreement with the School Re-Design Network at Stanford University. The ACT intends to send each one of its first year teachers to one of these programs during the school's first summer session in 2004, which precedes the school's first academic year that starts in September of 2004. Both organizations will assist our teachers in becoming more proficient at addressing and assessing the needs of our students and creating more effective learning processes.

There are two important factors that stand out within our school start-up plans: using the summer school period in 2004 as a "ramp-up" period for our program; and, the central and re-defined role that ACT teachers will be expected to fulfill in developing our educational program.

The six-week summer school program is an essential component to the ACT start up plan, for here teachers and staff will be able to concentrate on engaging ACT students, establishing a familiarity with students' learning strengths and deficiencies, conduct thorough assessments of students, and begin to explore collective and individual strategies for moving students toward specifically defined academic goals.

Each teachers will spend half of the summer program working with one class of students (about 20 students), engaging the students in course work intended to remediate areas of academic deficiency, while also providing the teacher with an introduction to those students learning styles, interests and goals, which will be essential in determining evolving teaching strategies. Each teacher will also attend a one-week training session, either at the NCLR's Center for Educational Excellence, or Stanford University's School Re-Design Network. These training sessions will facilitate the work that our teachers will participate in during the remaining portion of the summer school term. That work falls within the area of curriculum development--specifically creating an applied learning, project based format that complements the classroom-lecture format --creation of effective learning strategies for students, setting realistic standards for student learning, and becoming more adept at assessing the performance of individual students. This work will be conducted on the school site under the auspices of the Solon Schools Group, whose mission at our school regarding our faculty is to empower teachers in order that they may lead students toward academic proficiency.

II. Question of Governance and the Possible Conflict of Interest

Establishment of a New Non-profit organization to Govern School

The charter school-sponsoring agency, the Pomona Valley Center for Community Development, will help to establish a separate non-profit, independent entity to solely manage and govern the charter school. Initial governing members will comprise a cross-section of the community and include 3 parents of students attending the ACT. Incorporation of the new non-profit agency will be in place by January 1, 2004.

III. (Element N) Process for Resolution Disputes with Chartering Entity

The ACT will accept and include in its charter document, language that is acceptable to the SBE regarding oversight and intervention in cases of disputes with the school.