

California Department of Education  
2006-07 CHARTER SCHOOL PETITION REVIEW FORM

Petitioner

**Aim High Community Charter School**

This form is a tool to evaluate a charter school petition submitted to the State Board of Education (SBE) on appeal. It is designed to ensure that the petition is reviewed in relation to the requirements of statute and regulation.

Evaluator

Deborah Connelly

**OVERALL CALIFORNIA DEPARTMENT OF EDUCATION (CDE) EVALUATION**

The overall recommendation of CDE staff is that the ACCS recommend denial of this petition to the State Board of Education (SBE). Although petitioners have apparently operated a successful summer school program for many years, there is not enough detail in this proposal to determine how the school would be operationalized or whether it would offer a sound educational program. The petitioners have not committed to any particular educational program, textbooks, or professional development activities. Indeed, some of the supplemental information submitted by the petitioners, including budget information, is clearly identified by the petitioners as informational only and not to be considered part of the charter.

Further, the petitioners have been involved in operating a school (Aim High Academy) in conjunction with the San Francisco Unified School District (SFUSD) that has had marginal success. SFUSD, in its denial of the petition for Aim High Community Charter School (AHCCS) cited lackluster performance of the Academy as one primary reason for denial. In response to the district, the petitioners claim they did not have any real authority over the Aim High Academy so it is difficult to assign responsibility for poor performance to Aim High. Without making judgments regarding the veracity of either the district's or the petitioner's claims, the reality is that the petitioners do not have a positive track record of producing high performance.

If the ACCS chooses to recommend that the SBE grant the charter, staff would suggest that a number of technical changes be incorporated, and that the ACCS recommend approval of the customary pre-opening conditions, to be embodied in a Memorandum of Understanding (MOU) between the school and the CDE. The MOU would address at a minimum:

- Insurance Coverage: Not later than [DATE TO BE DETERMINED (TBD)] (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.
- MOU/Oversight Agreement: Not later than TBD, either (a) accept an agreement with the SBE, administered through the CDE, 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 SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to *EC* Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.
- SELPA Membership: Not later than TBD, submit written verification of having applied to a special education local plan area (SELPA) for membership as a local educational agency and, not later than TBD, 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,

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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 SBE based primarily on the advice of CDE staff following a review of either (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.

- Educational Program: Not later than TBD, 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 TBD, 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. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.
- Student Attendance Accounting: Not later than TBD, 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, meet or exceed independent study requirements, and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.
- Facilities Agreements: Not later than TBD, present written agreements (e.g., a lease or similar document) indicating the school's right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each school's operation and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- Zoning and Occupancy: Not less than 30 days prior to the school's opening, present evidence that each school's 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 SBE 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 SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- Final Charter: Not later than TBD, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE staff, and that includes a

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<p>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 SBE based primarily on the advice of the Charter Schools Division staff.</p> <ul style="list-style-type: none"> <li>• Legal Issues: In the final charter, resolve any legal issues that may be identified by the SBE's Chief Counsel or the CDE's General Counsel.</li> <li>• 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).</li> <li>• Operational Date: If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation within one year of the charter petition's approval by the SBE, approval of the charter is terminated.</li> </ul>

**REQUIREMENTS FOR SBE-AUTHORIZED CHARTER SCHOOLS, PURSUANT TO EC SECTION 47605**

<b>SOUND EDUCATIONAL PRACTICE</b>	<b>EC Section 47605(b) CCR, Title 5, Section 11967.5.1(a)</b>
<p><b>Evaluation Criteria</b>            For purposes of EC Section 47605(b), a charter petition shall be "consistent with sound educational practice" if, in the SBE's judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.</p>	
<p><b>Is the charter petition "consistent with sound educational practice"?</b></p>	<p><b>Uncertain</b></p>
<p><b>Comments:</b>            Lack of sufficient detail, as described below, makes it uncertain whether the petition is consistent with sound educational practice.</p>	

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<b>UNSOUND EDUCATIONAL PRACTICE</b>	<b>EC Section 47605(b) (1) CCR, Title 5, Section 11967.5.1(b)</b>
<p><b>Evaluation Criteria</b>          For purposes of <i>EC</i> Section 47605(b)(1), a charter petition shall be “an unsound educational program” if it is either of the following:          (1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.          (2) A program that the SBE determines not to be likely to be of educational benefit to the pupils who attend.</p>	
<b>Does the charter petition present “an unsound educational program”?</b>	<b>Uncertain</b>
<p><b>Comments:</b>          Lack of sufficient detail, as described below, makes it uncertain whether the petition is consistent with sound educational practice.</p>	

<b>DEMONSTRABLY UNLIKELY TO IMPLEMENT THE PROGRAM</b>	<b>EC Section 47605(b)(2) CCR, Title 5, Section 11967.5.1(c)</b>
<p><b>Evaluation Criteria</b>          For purposes of <i>EC</i> Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program."          (1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.          (2) The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.          (3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified).          (4) The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.</p>	
<b>Are the petitioners "demonstrably unlikely to successfully implement the program"?</b>	<b>Uncertain</b>
<p><b>Comments:</b>          The petitioners, in conjunction with SFUSD operated the Aim High Academy from 2003 through June 2006, at which time Aim High terminated its partnership with the district. During the three-year period, the school generated a statewide API rank of 3 in 2004, and a statewide/similar schools rank of 2/4 in 2005. Over the three years, the school's API growth ranged from 624 in 2003-04, to 632 in 204-05, to 615 in 2005-06. The SFUSD</p>	

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<b>DEMONSTRABLY UNLIKELY TO IMPLEMENT THE PROGRAM</b>	<i>EC Section 47605(b)(2) CCR, Title 5, Section 11967.5.1(c)</i>
<p>cited a growing trend toward fewer students scoring in the proficient and above categories on the STAR tests, overall school performance lower than that of the district, and a high rate of suspensions as reasons for denying the petition. AHCCS petitioners counter the district by stating that the school’s African American population outperformed the district and that the EL population scores in the proficient and above categories in English/language arts increased from 7.4 percent in 2004 to 16.7 percent in 2006. It appears that a case can be made that there are some increases in performance of students at Aim High Academy, it is generally not a high performing school by any measure. The fact that the AHCCS’s educational program is patterned after the Aim High Academy leads CDE staff to believe that the petitioners may be demonstrably unlikely to implement a successful educational program.</p> <p>Of further concern is that the petitioners may not understand the requirements in law regarding special education since much of the language regarding special education was taken from another template. The school also proposed to rely heavily on SFUSD to provide special education services for it (See comments under the Educational Program section of this analysis). This is probably not a valid assumption any longer, and it is unclear that petitioners have the knowledge or expertise to operate their own program.</p> <p>In general, the petitioners appear to have been successful in operating a summer program to prepare students for high school, there is not enough compelling evidence that the petitioners understand public education finance or that the governance structure supports effective and transparent decision-making.</p>	

<b>REQUIRED NUMBER OF SIGNATURES</b>	<i>EC Section 47605(b)(3) CCR, Title 5, Section 11967.5.1(d)</i>
<b>Evaluation Criteria</b>	
For purposes of EC Section 47605(b)(3), a charter petition that “does not contain the number of signatures required by [law]”...shall be a petition that did not contain the requisite number of signatures at the time of its submission...	
<b>Did the petition contain the required number of signatures at the time of its submission?</b>	<b>Yes</b>
<b>Comments:</b>	
The petition is signed by seven interested teachers, which is more than adequate given that the school plans to open with approximately 75 students. No issues regarding signatures were raised by the SFUSD board in its reasons for denial.	

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<b>AFFIRMATION OF SPECIFIED CONDITIONS</b>	<b>EC Section 47605(b)(4)</b> <b>EC Section 47605(d)</b> <b>CCR, Title 5, Section 11967.5.1(e)</b>
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**Evaluation Criteria**  
 For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in [*EC* Section 47605(d)]" ...shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).

(1) [A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

(B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to [*EC*] Section 48200.

<b>Does the charter petition contain the required affirmations?</b>	<b>Partially</b>
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**Comments:**  
 The petition contains an affirmation of each of the nonsectarian and nondiscrimination conditions. The petition also states that the school will be open to any resident of the State of California and that a random public lottery will be held in the event that the number of applicants exceeds available slots by grade level. However, the admissions preferences are confusing. In one place the petition states that the school "has the right to grant priority in admissions to siblings of current students, children of staff, and residents of the charter-granting district." In another place the

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<b>AFFIRMATION OF SPECIFIED CONDITIONS</b>	<b>EC Section 47605(b)(4)</b> <b>EC Section 47605(d)</b> <b>CCR, Title 5, Section 11967.5.1(e)</b>
petition states admissions preferences will be given to; (1) students residing within the territorial jurisdiction of the SFUSD, and (2) all others. Further, the petition contains no language regarding the notification of the superintendent of a school district of a student's expulsion or voluntary exit from the charter school. If the charter petition is approved by the SBE, staff recommends that admissions preferences be clarified to be consistent with the law, and that language be added regarding the notification required under <i>EC</i> Section 48200.	

**THE SIXTEEN CHARTER ELEMENTS**

<b>1. DESCRIPTION OF EDUCATIONAL PROGRAM</b>	<b>EC Section 47605(b)(5)(A)</b> <b>CCR, Title 5, Section 11967.5.1(f)(1)</b>
<b>Evaluation Criteria</b> The description of the educational program..., as required by <i>EC</i> Section 47605(b)(5)(A), at a minimum:	
(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.	Uncertain
(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21 <sup>st</sup> century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.	Yes
(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.	Uncertain
(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).	Yes
(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to <i>EC</i> Section 60605 and to achieve the objectives specified in the charter.	Uncertain
(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.	Uncertain

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<b>1. DESCRIPTION OF EDUCATIONAL PROGRAM</b>	<b>EC Section 47605(b)(5)(A) CCR, Title 5, Section 11967.5.1(f)(1)</b>
(G) Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations	Uncertain
(H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of EC Section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.	Uncertain
If serving high school students, describes how district/charter school informs parents about: <ul style="list-style-type: none"> <li>• transferability of courses to other public high schools; and</li> <li>• eligibility of courses to meet college entrance requirements</li> </ul> (Courses that are accredited by the Western Association of Schools and Colleges (WASC) may be considered transferable, and courses meeting the UC/CSU "a-g" admissions criteria may be considered to meet college entrance requirements.)	N/A
<b>Does the petition overall present a reasonably comprehensive description of the educational program?</b>	<b>Uncertain</b>
<b>Comments:</b> The petition identifies a target population of 6-8 grade students similar in diversity to those served in its summer program, which are primarily low-income, at-risk students from marginalized families. AHCCS expects the student population to be approximately 65% free and reduced lunch participants and 25% English language learners. The school will serve an initial enrollment of about 75 students from the San Francisco area, increasing to 225 by the third year. The petition is confusing in describing the target population in that the ethnic composition of the summer program is quite different from that of the Aim High Academy operated jointly by the district and the Aim High governing board. For example, the summer program served a population of approximately 50% Asian, whereas the school served a 50% African American population. These differing student populations may require differentiated instructional strategies and different services; however, the petition only generally describes curriculum and instruction making it difficult to determine if the instructional design will meet the needs of the student population.  AHCCS will be a site-based school that has a strong project-based component to it. The petition claims the curriculum will be aligned with state standards, and that the school will provide applied learning opportunities through existing partnerships that have been developed with the Golden Gate National Recreation Area, the San Francisco Zoo, and the Exploratorium. Another hallmark the proposed school envisions is a strong professional development program. However, the petition provides only general information about any of these components, thereby making it difficult to determine how the educational program will actually be operationalized at this school.	

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**1. DESCRIPTION OF EDUCATIONAL PROGRAM**

**EC Section 47605(b)(5)(A)  
CCR, Title 5, Section 11967.5.1(f)(1)**

The petition asserts that “a significant percentage of the curriculum has been developed and implemented by the faculty and staff at Aim High Academy.” Since AHCCS is proposed to be modeled after the Academy, it would have been useful for the petitioners to have included the curriculum and details regarding the instructional program. Unfortunately, the current petition does not provide enough detail regarding any of the components for CDE staff to determine if the program proposed is likely to help students master the content standards. There is conflicting information about the number of days students will attend school. One part of the petition states students will attend school for 175 in the year, while another place states that the school year will be 184 days.

The plan to support students not performing at grade level or meeting outcomes is very general and does not appear to be referenced to any particular targeted population. For example, the petition states that “We will identify students who are performing below grade level through the results of the state STAR assessment as well as from classroom assessments and assignments.” The petition generally identifies differentiated instruction, tutoring, intervention classes, and a Student Life Team as strategies to support underachieving students without providing any specific program information. There is more detail regarding how EL students will be served (page 21 of the petition).

The petition states that for purposes of special education, AHCCS intends to function as “a public school of the LEA that granted the charter, and that the school will initially hire one Resource teacher in collaboration with SFUSD, but that the school anticipates that most special education services will be provided by the district in the first year. Since SFUSD denied the charter and the SBE is not an LEA, it is not clear how the school intends to operate its special education program. Parts of this section of the petition will need to be amended to reflect either a different agreement with SFUSD or membership as an LEA with another Special Education Local Plan Area (SELPA). It is not clear if petitioners have contacted the district or another SELPA since being denied by SFUSD. A final concern with this section of the petition is that large parts of the description of the provision of services on page 22 and 23 appear to be descriptions from a general template, which calls into question the extent to which the petitioners understand the school’s responsibilities related to the provision of special education services. For example, in one place the petition has a note in brackets that reads: [Note: If the school has a particular mode or emphasis regarding how it anticipates that various services would be provided, additional verbiage could be added here. This might include an emphasis on “mainstreaming” special needs students within the traditional classroom setting, intensive and early interventions, etc.]. Another note discusses the assignment of responsibility for liability for due process claims and advises “It may be best to avoid addressing this issue in the charter (it’s not specifically mentioned in any of the state board’s regulations or “model” documents.” CDE staff recommend that, if the charter petition is approved on appeal by the SBE, the school’s opening be conditioned upon its acceptance as an LEA member into a local SELPA and a demonstrated ability to operate, from the first day of school, in full compliance with IDEA, the ADA, FERPA, and all other applicable federal and state laws pertaining to students with disabilities.

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<b>2. MEASURABLE PUPIL OUTCOMES</b>	<b>EC Section 47605(b)(5)(B) CCR, Title 5, Section 11967.5.1(f)(2)</b>
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<b>Evaluation Criteria</b>	
Measurable pupil outcomes, as required by EC Section 47605(b)(5)(B), at a minimum:	
(A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.	No
(B) Include the school's Academic Performance Index growth target, if applicable.	N/A
<b>Does the petition present a reasonably comprehensive description of measurable pupil outcomes?</b>	<b>No</b>
<b>Comments:</b>	
The petition lists a number of general skills and goals by subject matter that students would be expected to achieve upon graduation from the 8 <sup>th</sup> grade. The petition asserts that the goals are aligned with the state content standards. It is difficult to determine if the petition's goals are aligned with state standards because the goals are extremely global (i.e. "Students will understand the connections between math and science by analyzing current events in the technological, mathematical, and scientific community."). The CDE Curriculum and Leadership Division indicates that "Pupil outcomes appear subjective and vague, and may not be able to objectively measure/monitor whether students achieve the desired knowledge, skills, and attitudes..."	
The petition does contain schoolwide attendance, dropout and graduation rate goals that are measurable. The attendance rate goal of 92%-95% seems reasonable; however, it is unclear how the dropout rate of "no more than 3%" will be calculated.	

<b>3. METHOD FOR MEASURING PUPIL PROGRESS</b>	<b>EC Section 47605(b)(5)(C) CCR, Title 5, Section 11967.5.1(f)(3)</b>
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<b>Evaluation Criteria</b>	
The method for measuring pupil progress, as required by EC Section 47605(b)(5)(C), at a minimum:	
(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.	Uncertain
(B) Includes the annual assessment results from the Statewide Testing and Reporting (STAR) program.	Yes

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<b>3. METHOD FOR MEASURING PUPIL PROGRESS</b>	<b>EC Section 47605(b)(5)(C) CCR, Title 5, Section 11967.5.1(f)(3)</b>
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(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.	No
<b>Does the petition present a reasonably comprehensive description of the method for measuring pupil progress?</b>	<b>Uncertain</b>

**Comments:**  
 The petition generally describes a variety of assessment measures that will be used. Since many of the assessments are described in such general terms, it is difficult to determine if they are appropriate or objective. For example, the school proposes to use "problem-based assessments" and "grade-level, standards-based, and baseline assessments at the beginning of the year, and those assessments are designed by teachers." These same assessments will be administered in the middle and end of the year. Valid, reliable assessments are difficult to design and unless teachers have been thoroughly trained and are highly proficient at test design, the assessments may not be reasonable measures of student growth. If the charter is approved by the SBE, staff recommends the charter be amended to identify existing commercially available pre- and post assessments to measure student growth. The charter also declares that "Aim High reserves the right to change which standardized tests are used in order to be in compliance with state and federal law." Since schools do not choose tests in the state testing program, it is unclear what this sentence means and staff recommends that it be deleted from the charter.

The charter generally indicates that the school will develop a school information system that has the capacity to collect, analyze, and report a variety of information on student achievement. The charter further states that staff will be trained in its use and that data analysis will be tied to professional development. The charter contains no specific information about the components of such a data analysis system or how it would be used to improve the instructional program.

<b>4. GOVERNANCE STRUCTURE</b>	<b>EC Section 47605(b)(5)(D) CCR, Title 5, Section 11967.5.1(f)(4)</b>
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<b>Evaluation Criteria</b> The governance structure of the school, including, but not limited to, the process...to ensure parental involvement..., as required by EC Section 47605(b)(5)(D), at a minimum:
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(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.	Yes
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<b>4. GOVERNANCE STRUCTURE</b>	<i>EC Section 47605(b)(5)(D) CCR, Title 5, Section 11967.5.1(f)(4)</i>
<p>(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that::</p> <ol style="list-style-type: none"> <li>1. The charter school will become and remain a viable enterprise.</li> <li>2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).</li> <li>3. The educational program will be successful.</li> </ol>	<b>No</b>
<b>Does the petition present a reasonably comprehensive description of the school’s governance structure?</b>	<b>No</b>
<p><b>Comments:</b></p> <p>Aim High will be operated by Aim High for High School, a nonprofit public benefit corporation. According to the corporation’s bylaws, the board of trustees will have nine to eighteen members. The bylaws are silent with regard to the composition of the members; however the petition states that “parents will hold at least two seats” on the board of trustees. Based on a review of the corporation’s bylaws, CDE staff has a number of concerns related to transparency and parental involvement in governance of the school:</p> <ul style="list-style-type: none"> <li>• The bylaws refer to “the Designator” which is the Board of Trustees of the California School of Mechanical Arts (Lick-Wilmerding High School), and gives it broad powers including choosing nominees to the Aim High board, and filling vacancies on the board. It appears that the Aim High governing board would be required to submit a slate of candidates to the Designator for either approval or rejection. Neither the bylaws nor the petition provide any information on the Designator; however the bylaws do call into question which entity is actually proposing to operate this school.</li> <li>• Active and effective representation of parents appears to be limited because parental representatives to the governing board are chosen by the board not elected by other parents. Further, two parent representatives out of 18 board members will substantially dilute the parental voice and involvement in the decision-making and establishment of policies. The school site council to be created by the school that will include more parents will be only an advisory body.</li> <li>• Sections 10, 12, and 13 of the bylaws appear to severely restrict public access to governing board meetings by allowing a waiver of the notification of meetings, action to be taken without a meeting, and telephone and electronic meetings without providing for public access to those meetings.</li> <li>• The school does not commit to compliance with the Ralph M. Brown (open meeting) Act. Instead, the bylaws provide for a four-day notice of meetings; however, as previously noted, even that requirement may be waived.</li> </ul>	

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<b>4. GOVERNANCE STRUCTURE</b>	<b>EC Section 47605(b)(5)(D) CCR, Title 5, Section 11967.5.1(f)(4)</b>
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- The current roster of governing board members accompanying the petition lists 20 members. This appears contradictory to the bylaws, which indicate that the maximum number of directors will be 18. Further, the current board members appear to represent various businesses and the Lick-Wilmerding and Urban schools in San Francisco rather than the proposed Aim High community.
- There is no provision for the inclusion of a voting representative of the SBE on the governing board if the SBE so chooses to appoint one.

If the charter be approved by the SBE, CDE staff recommends the school address these concerns in the bylaws and the petition, as appropriate and that it commit to compliance with the Brown Act. Under the provisions of the MOU between the SBE and the school, AHCCS would be required to adopt a conflict of interest policy and document that board members receive training in the provisions of the Brown Act.

<b>5. EMPLOYEE QUALIFICATIONS</b>	<b>EC Section 47605(b)(5)(E) CCR, Title 5, Section 11967.5.1(f)(5)</b>
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<b>Evaluation Criteria</b>	
The qualifications [of the school's employees], as required by <i>EC Section 47605(b)(5)(E)</i> , at a minimum:	
(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.	Yes
(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.	Yes
(C) Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.	generally
<b>Does the petition present a reasonably comprehensive description of employee qualifications?</b>	<b>Generally; clarification needed.</b>

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<b>5. EMPLOYEE QUALIFICATIONS</b>	<b>EC Section 47605(b)(5)(E) CCR, Title 5, Section 11967.5.1(f)(5)</b>
<p><b>Comments:</b> The petition states that “teachers of core, college preparatory subjects (i.e. English/language arts, math, science, history/social science, special education) will hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in a non-charter public school would be required to hold.” The petition also asserts that the school will adhere to NCLB requirements with respect to teachers and paraprofessionals. It is not clear which grade levels, if any, will be taught in self-contained classrooms (thereby requiring a multi-subject credential and deemed “core” under NCLB) and which grade levels, if any, will be taught in a single-subject format, thereby requiring credentials in those courses deemed “core”.</p>	

<b>6. HEALTH AND SAFETY PROCEDURES</b>	<b>EC Section 47605(b)(5)(F) CCR, Title 5, Section 11967.5.1(f)(6)</b>
<p><b>Evaluation Criteria</b> The procedures...to ensure the health and safety of pupils and staff, as required by <i>EC</i> Section 47605(b)(5)(F), at a minimum:</p>	
(A) Require that each employee of the school furnish the school with a criminal record summary as described in <i>EC</i> Section 44237.	Yes
(B) Include the examination of faculty and staff for tuberculosis as described in <i>EC</i> Section 49406.	Yes
(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.	Yes
(D) Provide for the screening of pupils’ vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.	No
<b>Does the petition present a reasonably comprehensive description of health and safety procedures?</b>	<b>No</b>
<p><b>Comments:</b> The petition lists a number of topics that will be addressed in the school's health policies, but the actual procedures are not included in the charter. The list of topics appears comprehensive. The charter includes in its supplemental materials a draft set of health, safety, and risk management policies; however, a footnote to the supplemental materials indicates that supplemental documents are “in draft form, are informational, do not constitute a legally binding contract or agreement and are not a part of the Charter of the AHCCS or any related agreements.” If the charter is approved by the SBE, this matter will be addressed in the MOU between the school and CDE. CDE staff recommends the final health and safety procedures, at a minimum, include those items now included in the supplemental draft policy.</p>	

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<b>7. RACIAL AND ETHNIC BALANCE</b>	<b>EC Section 47605(b)(5)(G) CCR, Title 5, Section 11967.5.1(f)(7)</b>
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**Evaluation Criteria**  
 Recognizing the limitations on admissions to charter schools imposed by *EC* Section 47605(d), the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district..., as required by *EC* Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.

<b>Does the petition present a reasonably comprehensive description of means for achieving racial and ethnic balance?</b>	<b>Uncertain</b>
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**Comments:**  
 This section of the petition states that the school intends "...to work closely with the SFUSD and may choose to utilize the district's diversity index, or a similar tool, to ensure a diverse student body." Clarification regarding the diversity index and how it works is needed. It is also unclear to what degree SFUSD is willing to work with the school since it denied the petition. A crucial problem that needs clarification is a description of the population the school wishes to serve. The student population in SFUSD is approximately 9% White, 22% Hispanic or Latino, 44% Asian, 14% African American, 6% Filipino, 1% Pacific Islander and 1% American Indian.) AHCCS's own data indicates that the summer program operated by the nonprofit corporation served approximately the same population as SFUSD; however, the Aim High Academy, which the corporation operated until 2005-06 served a much different population of students (i.e. 50% African American, 25% Latino, and 2% Asian). Targeted recruitment may be difficult until the school knows who the population is that it wants to recruit. The petition contains general references to recruiting via announcements at their summer school campuses, public meetings, and the distribution of promotional materials in Spanish, Cantonese, and English to a variety of community groups.

<b>8. ADMISSION REQUIREMENTS, IF APPLICABLE</b>	<b>EC Section 47605(b)(5)(H) CCR, Title 5, Section 11967.5.1(f)(8)</b>
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**Evaluation Criteria**  
 To the extent admission requirements are included in keeping with *EC* Section 47605(b)(5)(H); the requirements shall be in compliance with the requirements of *EC* Section 47605(d) and any other applicable provision of law.

<b>Does the petition present a reasonably comprehensive description of admission requirements?</b>	<b>No</b>
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<b>8. ADMISSION REQUIREMENTS, IF APPLICABLE</b>	<b>EC Section 47605(b)(5)(H) CCR, Title 5, Section 11967.5.1(f)(8)</b>
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**Comments:**  
 As described under the staff comments in the Affirmation of Specified Conditions on pages 6-7 of this analysis, the admissions preferences stated in this petition are confusing. In one place the petition states that the school “has the right to grant priority in admissions to siblings of current students, children of staff, and residents of the charter-granting district.” In another place the petition states admissions preferences will be given to; (1) students residing within the territorial jurisdiction of the SFUSD, and (2) all others. CDE staff recommends the petitioners clarify admissions preferences and that they be in keeping with state law and federal guidelines.

<b>9. ANNUAL INDEPENDENT FINANCIAL AUDITS</b>	<b>EC Section 47605(b)(5)(I) CCR, Title 5, Section 11967.5.1(f)(9)</b>
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**Evaluation Criteria**  
 The manner in which annual independent financial audits shall be conducted using generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE’s satisfaction, as required by EC Section 47605(b)(5)(I), at a minimum:

(A) Specify who is responsible for contracting and overseeing the independent audit.	Generally
(B) Specify that the auditor will have experience in education finance.	No
(C) Outline the process of providing audit reports to the State Board of Education, California Department of Education, or other agency as the State Board of Education may direct, and specifying the timeline in which audit exceptions will typically be addressed.	No
(D) Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.	No
<b>Does the petition present a reasonably comprehensive description of annual independent financial audits?</b>	<b>No</b>

**Comments:**  
 The petition includes minimal information regarding the conduct of the audit process. The petition states that the school’s audit or finance committee would be responsible for overseeing the audit. The petition does not require the auditor to have experience in education finance, nor does it outline a process for resolving audit exceptions. The petition only states that the audit committee will report to the governing board on how to resolve exceptions. CDE staff recommends language be included that clearly states the auditor be selected from the Certified Public Accountants Directory published by the State Controller’s Office, and that the audit be conducted pursuant to EC Section 41020 and be consistent with the standards and procedures adopted by the Education Audit Appeals Panel (EAAP). In addition, the list of entities to which the annual audit must be sent should include the SBE, the CDE, the Controller’s Office, and the SFUSD.

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<b>10. SUSPENSION AND EXPULSION PROCEDURES</b>	<b>EC Section 47605(b)(5)(J) CCR, Title 5, Section 11967.5.1(f)(10)</b>
<b>Evaluation Criteria</b>	
The procedures by which pupils can be suspended or expelled, as required by <i>EC</i> Section 47605(b)(5)(J), at a minimum:	
(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) <i>be</i> suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.	Yes
(B) Identify the procedures by which pupils can be suspended or expelled.	Yes
(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.	Yes
(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).	Yes
(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D): 1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in...regard to suspension and expulsion. 2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.	Generally
<b>Does the petition present a reasonably comprehensive description of suspension and expulsion procedures?</b>	<b>Yes</b>

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<b>10. SUSPENSION AND EXPULSION PROCEDURES</b>	<i>EC Section 47605(b)(5)(J) CCR, Title 5, Section 11967.5.1(f)(10)</i>
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**Comments:**  
 The petition states the school will “closely follow SFUSD guidelines and policies ... as well as the California Education Code as a foundation for our policies.” The petition contains a draft suspension and expulsion policy that is comprehensive in its description of offenses for which students may be suspended or expelled, and the procedures for notifying parents. The AHCCS petition states that the school will develop a complete set of policies and procedures that will be included in the student handbook that will be distributed to parents and students each year. This is consistent with the requirements of the MOU with the SBE under which the school will operate if it is approved by the SBE.

The SFUSD reasons for denial of the charter cite a very high suspension rate of students (179 reported suspensions) and the potential for the expulsion appeal process to violate student due process rights as reasons for denial. The district recommended an impartial tribunal be established for expulsions rather than using the Aim High governing board members. If the charter is approved by the SBE, staff recommends that the petition be amended to provide for an impartial expulsion review panel.

<b>11. STRS, PERS, AND SOCIAL SECURITY COVERAGE</b>	<i>EC Section 47605(b)(5)(K) CCR, Title 5, Section 11967.5.1(f)(11)</i>
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**Evaluation Criteria**  
 The manner by which staff members of the charter schools will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security, as required by EC Section 47605(b) (5) (K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.

<b>Does the petition present a reasonably comprehensive description of STRS, PERS, and social security coverage?</b>	<b>No</b>
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**Comments:**  
 The petition states that the school anticipates that it will offer STRS to certificated employees and a 403b plan in conjunction with Social Security for non-certificated staff. The petition further states that AHCCS “retains the option for its board of directors to choose to participate in STRS, PERS, or Social Security depending upon employee eligibility and what the board determines is in the best interest of the staff and the school as a whole.” These statements lead CDE staff to conclude the petition lacks specificity with respect to the manner by which staff members will be covered, the positions to be covered under each system, and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made. If the ACCS recommends to the SBE that it approve the petition, the CDE would recommend the petition be amended to provided definitive information to address this element.

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<b>12. PUBLIC SCHOOL ATTENDANCE ALTERNATIVES</b>	<b>EC Section 47605(b)(5)(L) CCR, Title 5, Section 11967.5.1(f)(12)</b>
<b>Evaluation Criteria</b> The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by EC Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local education agency (or program of any local education agency) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.	
<b>Does the petition present a reasonably comprehensive description of public school attendance alternatives?</b>	<b>Yes</b>
<b>Comments:</b> The petition is clear that no student would be required to attend this school.	

<b>13. POST-EMPLOYMENT RIGHTS OF EMPLOYEES</b>	<b>EC Section 47605(b)(5)(M) CCR, Title 5, Section 11967.5.1(f)(13)</b>
<b>Evaluation Criteria</b> The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by EC Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:	
(A) Any rights upon leaving the employment of a local education agency to work in the charter school that the local education agency may specify.	Yes
(B) Any rights of return to employment in a local education agency after employment in the charter school as the local education agency may specify.	Yes
(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.	Yes
<b>Does the petition present a reasonably comprehensive description of post-employment rights of employees?</b>	<b>Yes</b>
<b>Comments:</b> The petition is clear that essentially the school's employees would have only a right of return to the SFUSD employer to the extent authorized by the district. Employees who were not previous employees of the district will have no rights of employment with the district after they leave AHCCS.	

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<b>14. DISPUTE RESOLUTION PROCEDURES</b>	<b>EC Section 47605(b)(5)(N) CCR, Title 5, Section 11967.5.1(f)(14)</b>
<b>Evaluation Criteria</b>	
The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by <i>EC Section 47605(b)(5)(N)</i> , at a minimum:	
(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a local education agency.	No
(B) Describe how the costs of the dispute resolution process, if needed, would be funded.	Yes
(C) Recognize that, because it is not a local education agency, the State Board of Education may choose resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the State Board of Education intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.	No
(D) Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with <i>EC Section 47604.5</i> , the matter will be addressed at the State Board of Education's discretion in accordance with that provision of law and any regulations pertaining thereto.	No
<b>Does the petition present a reasonably comprehensive description of dispute resolution procedures?</b>	<b>No</b>
<b>Comments:</b>	
<p>The petition has not been amended to reflect the SBE as the authorizer, and does not recognize the SBE's prerogative to resolve disputes directly as required by regulation. The petition does require binding arbitration, and expresses the wish that the authorizer not intervene in internal disputes without the consent of the school. The language in the internal dispute resolution process that limits the SBE's ability to intervene except under specified provisions and the binding arbitration requirement should be eliminated. There are other technical changes that need to be made to reflect the SBE rather than SFUSD as the authorizer if this petition is approved by the SBE.</p> <p>Under the Oversight, Reporting, Revocation, and Renewal section of this element there is language requiring the authorizer to provide at least three working days notice prior to any inspection of the school. There is further language requiring the authorizer to respond to the audit and programmatic report within specified timelines. These provisions limit the SBE's oversight and monitoring abilities and should be eliminated.</p>	

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<b>15. EXCLUSIVE PUBLIC SCHOOL EMPLOYER</b>	<b>EC Section 47605(b)(5)(O) CCR, Title 5, Section 11967.5.1(f)(15)</b>
<p><b>Evaluation Criteria</b>          The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the <i>Government Code</i>), as required by <i>EC Section 47605(b)(5)(O)</i>, recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act.</p>	
<b>Does the petition include the necessary declaration?</b>	<b>Yes</b>
<p><b>Comments:</b>          The petition indicates that the school will be the exclusive public school employer for collective bargaining purposes.</p>	

<b>16. CLOSURE PROCEDURES</b>	<b>EC Section 47605(b)(5)(P)</b>
<p><b>Evaluation Criteria</b>          A description of the procedures to be used if the charter school closes, in keeping with <i>EC Section 47605(b) (5) (P)</i>. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.</p>	
<b>Does the petition include a reasonably comprehensive description of closure procedures?</b>	<b>No</b>
<p><b>Comments:</b>          The petition includes a very general description of closure procedures and the disposition of assets. For example, the petition refers to parents receiving transcripts of student's academic progress and "other relevant information" each semester. Therefore, in the event of a school closure parents will already possess necessary pupil records. Further, the petition states that the board of directors <u>may</u> also provide for the transfer of records to a responsible and willing school district, county office, or other qualified entity. There is no mention of a final audit.</p> <p>The MOU between the SBE and the charter schools it approves requires detailed information to be provided regarding school closure before the school opens. In the event the charter is approved, CDE staff recommends that the charter be amended to address, at a minimum, the requirements of law and regulation. More specific detail can be included in the procedures to be submitted to CDE prior to the school opening.</p>	

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**ADDITIONAL REQUIREMENTS UNDER EC SECTION 47605**

<b>STANDARDS, ASSESSMENTS, AND PARENT CONSULTATION</b>	<b>EC Section 47605(c)</b>
<b>Evaluation Criteria</b> Evidence is provided that:	
(1) The school shall meet all statewide standards and conduct the pupil assessments required pursuant to <i>EC</i> sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.	Yes
(2) The school shall, on a regular basis, consult with their parents and teachers regarding the school's educational programs.	Yes
<b>Does the petition provide evidence addressing the requirements regarding standards, assessments, and parent consultation?</b>	<b>Yes</b>
<b>Comments:</b> The petition states that curricula will be aligned to state standards and there is a commitment on the part of the school to conduct required pupil assessments. There is an established process for consulting with parents and teachers regarding the school's educational programs.	

<b>EMPLOYMENT IS VOLUNTARY</b>	<b>EC Section 47605(e)</b>
<b>Evaluation Criteria</b> The governing board...shall not require any employee...to be employed in a charter school.	
<b>Does the petition meet this criterion?</b>	<b>Yes</b>
<b>Comments:</b> While this statement is not specifically made within the petition, it is clear that no employee will be required to be employed in the charter school. This school is a startup school, not a conversion school, and any and all employees hired by the school will have the opportunity to apply and interview for the position prior to hiring.	

<b>PUPIL ATTENDANCE IS VOLUNTARY</b>	<b>EC Section 47605(f)</b>
<b>Evaluation Criteria</b> The governing board...shall not require any pupil...to attend a charter school.	
<b>Does the petition meet this criterion?</b>	<b>Yes</b>

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<div style="display: flex; justify-content: space-between;"> <span>Petitioner</span> <span style="font-weight: bold; font-size: 1.2em;">Aim High Community Charter School</span> </div>
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<b>PUPIL ATTENDANCE IS VOLUNTARY</b>	<b>EC Section 47605(f)</b>
<b>Comments:</b> It is clear that attendance at the school would be voluntary.	

<b>EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS</b>	<b>EC Section 47605(g)</b>
<b>Evaluation Criteria</b> ...[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:	
<ul style="list-style-type: none"> <li>• The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate.</li> </ul>	Generally
<ul style="list-style-type: none"> <li>• The manner in which administrative services of the school are to be provided.</li> </ul>	Generally
<ul style="list-style-type: none"> <li>• Potential civil liability effects, if any upon the school and the SBE.</li> </ul>	No
The petitioners shall also provide financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.	
<b>Does the petition provide the required information and financial projections?</b>	<b>Generally</b>
<b>Comments:</b> The petition generally states the areas in which it would like to be located within San Francisco, but the petitioners do not have a specific facility identified for the school. It is further unclear whether petitioners have filed for Proposition 39 facilities from SFUSD. The petition anticipates that the school will provide most of its own administrative services; however, petitioners plan to hire a consultant to help them determine which services would most efficiently be performed by school personnel and which would be best contracted to an outside vendor. It is not clear that SFUSD would be willing to negotiate the provision of some services at this time.  Following are CDE staff comments on Revenue/Expenditure Assumptions, Income Statement, and Cash Flow Documents:  <u>Revenue/Expenditure Assumptions:</u> <ul style="list-style-type: none"> <li>• The Cost of Living Adjustment (COLA) for state programs may be slightly understated in Year 2 based on projections identified on the School Services of California Dartboard.</li> <li>• Facilities Incentive Grant Program revenue is assumed at the maximum of 75 percent.</li> </ul>	

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**EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS**

**EC Section 47605(g)**

- This program is administered by the California School Finance Authority; therefore it cannot be determined whether the level of reimbursement is subject to funds available.
- AHCCS is not eligible for the Charter School Facilities Grant Program, administered by the California Department of Education, which requires a level of 70 percent free and reduced price meals.
- Charter School Revolving Loan is assumed at maximum of \$250,000, however, it is possible that the school will not receive a revolving loan or that the amount may be less.
- Title I revenue may be over budgeted in Years 3-5, based on the 2006-07 preliminary entitlement calculations for schools of similar size and demographics.
- The projected in-lieu EIA revenue may be slightly overstated as a result of a legislative change to the in-lieu Economic Impact Aid formula calculation which begins in fiscal year 2006-07. (Details regarding the current year rates are not available at this time.)
- Is there an existing agreement between AHCCS and San Francisco Unified School District (SFUSD) for use of a certificated Special Education teacher? There are no expenditures budgeted for this position, but there is a notation that the position will be an employee of SFUSD.
- There are no budgeted expenditures for two non-certificated staff positions (Business Manager and Parent Liaison). The budget indicates both positions as "AH employee, in kind donation." What will be provided by AHCCS "in kind"? Also, it is unclear if this is a permanent situation.
- No funds are budgeted in Years 2, 3, 4 and 5 for the following monthly expenditures:
  - 5600 – Rent
  - 5500 – Electricity
  - 5500 – Gas/Propane
  - 5500 – Water
  - 5500 – Telephone

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**EC Section 47605(g)**

Budgeting for these expenditures (unless they are included in another line item) could significantly affect the proposed school's bottom line.

- Revenue to be received from SFUSD for in-lieu property taxes is not separately identified on the budget or cash flow statements.
- District oversight charge in Years 2-5 appears to be significantly overstated (approximately 294 percent).
  - Calculation should be 1 percent of revenue for General Purpose Entitlement and Categorical Block Grant (including in-lieu EIA). It is not clear how AHCCS determined the budgeted amount.

Cash Flow:

Year 1

- Assumes revenue for Start up Grant in July. As mentioned above, this federal grant may not materialize and therefore should not be included in cash flow calculations.
- The Year 1 cash flow percentages for the Principal Apportionment, including the General Purpose Entitlement and the Charter Schools Categorical Block Grant, may not be consistent with the actual amounts being released. For newly operational charter schools initial funding for the months of July through January is released in two payments, not monthly as indicated on the cash flow statement.
  - 1<sup>st</sup> Payment in September –
    - This reflects revenue for the months of July through October and is based on estimated ADA as certified by the authorizing LEA and county office of education.
  - 2<sup>nd</sup> Payment in December –
    - This reflects revenue for the months of November through January and is based on ADA submitted to CDE on the new charter schools 20-day survey.
  - Monthly payments will begin in February at the First Principal Apportionment (P-1).

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Year 2

- Revolving Loan Fund repayment is identified as a one-time expenditure in February, actual may be monthly payments beginning in September.
- Percentages for State revenues identified on the Year 2 cash flow may not be consistent with the actual percentages being released, and may be under stated in some instances.
  - For instance, the Principal Apportionment for continuing charter schools would account for a portion of the total state revenues indicated on the cash flow statement; however, for the months of August through January the percentages for State Revenues indicated seem to be less than the estimated amounts that would be paid in the Principal Apportionment alone. For example:

	Principal Apportionment Only (Estimated)	Total State Revenues (Cash Flow)
August	\$106,173	\$36,388
September	\$70,782	\$62,211
October	\$70,782	\$43,428
November	\$70,782	\$43,428
December	\$70,782	\$51,079
January	\$70,782	\$43,428

<b>ACADEMICALLY LOW ACHIEVING PUPILS</b>	<b>EC Section 47605(h)</b>
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**Evaluation Criteria**

In reviewing petitions, the charter authorizer shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving...

<b>Does the petition merit preference by the SBE under this criterion?</b>	<b>Uncertain</b>
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<b>ACADEMICALLY LOW ACHIEVING PUPILS</b>	<b>EC Section 47605(h)</b>
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**Comments:**  
 The petition states that the mission of the school is to provide underserved urban youth with challenging, innovative and highly supportive educational programs. The petition further states that it seeks to serve a primarily low-income, at-risk students, especially those from marginalized families. However, the petition does not define those terms and, as noted earlier, it is unclear regarding the student demographics of the targeted population the school wants to serve.

<b>TEACHER CREDENTIALING</b>	<b>EC Section 47605(l)</b>
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**Evaluation Criteria**  
 Teachers in charter schools shall be required to hold a CCTC certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold...It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.

<b>Does the petition meet this requirement?</b>	<b>Yes</b>
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**Comments:**  
 The petition states that the school will adhere to NCLB requirements and that teachers of core classes will hold a Commission on Teacher Credentialing certificate as required. The petition defines core courses as English/language Arts, math, science, history/social science, and special education.

<b>TRANSMISSION OF AUDIT REPORT</b>	<b>EC Section 47605(m)</b>
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**Evaluation Criteria**  
 A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year...to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited..., and the CDE by December 15 of each year.

<b>Does the petition address this requirement?</b>	<b>No</b>
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**Comments:**  
 As noted above, minimal information is provided regarding the annual audit. Clarifications are suggested in regard to the audit provisions.