



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2005 AGENDA

SUBJECT	
Request by New Voices Charter School to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input checked="" type="checkbox"/> Public Hearing

RECOMMENDATION

The following item is provided to the State Board of Education (SBE) for information and action as deemed necessary and appropriate.

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 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 ten such requests.

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 ISSUES

On August 21, 2004, the CDE received a request from the petitioners of New Voices Charter School (NVCS) to authorize a charter school proposed to be located in the city of Pasadena in Los Angeles County. The petition to establish the charter school was denied by the Pasadena Unified School District on May 25, 2004. The Los Angeles County Office of Education denied the petition on August 10, 2004.

The petition and CDE analysis was presented to the ACCS members at its November 29, 2004 meeting.

The ACCS expressed concerns that:

the petitioners did not present evidence that they have a comprehensive understanding of how to implement and deliver a sound educational program;

the petitioners did not provide evidence that they have experience in the delivery of special education services;

the structure of the governing board was unnecessarily complicated, consisting of many layers.

The ACCS voted not to recommend approval of the New Voices Charter School petition by a vote of 6-0. A copy of the CDE staff findings on this petition is included as Attachment 1. This item will provide for a public hearing on this charter proposal.

If the SBE chooses to approve this petition, it should be granted charter number 681.

FISCAL ANALYSIS (AS APPROPRIATE)

If the petition is approved, it will result in an increased workload for CDE and SBE staff to oversee the school. This petition is one of three that are on the agenda for SBE consideration. There are currently two CDE staff assigned to oversee 10 schools as well as provide many of the business functions supporting them, such as certifying attendance reporting, reviewing fiscal reports, budgets and audits. These costs are generally offset by the 1 percent oversight fee that may be charged by charter authorizing entities.

ATTACHMENT(S)

Attachment 1: State Board of Education Charter School Appeal Findings (16 Pages)

Attachment 2: New Voices Charter School Petition (117 Pages) (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)

**State Board of Education
Charter School Appeal Findings**

School Name: New Voices Charter School		
Denying District: Pasadena Unified School District	Date Denied: May 25, 2004	
Denying County: Los Angeles County Office of Education	Date Denied: August 10, 2004	
Date Received by SBE: August 21, 2004		
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 Education Code (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 checked="" type="checkbox"/>	<input type="checkbox"/>
Written verification of SELPA participation or district delegation to accept charter in the LEA for Special Education (EC 47641© and (d))	<input type="checkbox"/>	<input checked="" 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: It is difficult to conclude this program would be of educational benefit to students for the following reasons:</p> <p>Educational program: The petition is lacking in details overall and therefore does not present a comprehensive, sound, educational program. The petition notes that the school has selected EdVisions as its educational model for project-based learning to provide academic development and guidance to their students. The EdVisions model not only requires that teachers are grounded in curriculum standards, but also must allow for a significant in-service training time for the staff to fully master its components. There is no evidence of staff in-service training noted in the petition on how to implement the education model prior to the opening of the school.</p> <p>The description of the project-based program does not clearly describe how the curriculum will align with the California State Standards. New Voices Charter School (NVCS) petition notes, “There will be no courses, no bells, or teachers delivering lessons as they are in the traditional school setting. However, in order to cover all of the requirements for the California State Standards and UC “a-g” requirements, a significant amount of structure during (sic) will be enforced during the school day”. The petitioners failed to inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet those requirements. In reviewing the petition, it notes, “There will be a variety of schedules to best suit the learning style of groups of students (i.e., a schedule for those who learn best in the early morning; a schedule for those who learn best after 10:00 a.m.; and a schedule for those who learn best in the afternoon). These schedules will be devised in a collaborative discussion with teachers, parents, and students.” This approach strongly implies that the students of New Voices have the skills, knowledge, and motivation to teach themselves with assistance from a teacher when needed. Though these approaches are innovative, they are deficient in experimental research in terms of student achievement while the teacher-directed approaches and standards-based instruction, have many years of evidence of positive outcomes for student instruction and achievement.</p> <p>There is concern on how this educational program will be successfully implemented given the targeted student population that New Voices has identified on pages 9 and 10 of New Voices’ proposal. The petition does not address the specific intervention program to be used for students who are having difficulty. The petition notes “students will teach themselves, with assistance from teachers “when needed.” New Voices has geared this approach assuming that all students are “self-directed.” There does not appear to be an alternative method to teaching students who are not self-directed as these students may have a favorable response to other traditional styles of teaching.</p>	

Special Education: Support strategies for special education students are not definitively outlined, leaving open the questions regarding the petitioners' specific capacity to meet students' special needs or provide for the delivery of program or mental health services. As noted on page 17 of the petition, NVCS intends to educate special needs students for whom NVCS's distinctive educational program provides the appropriate and least restrictive environment. The NVCS special needs program is designed to be a "modified inclusion program." The petitioners have not defined what is included in their "modified inclusion program." The NVCS did not identify if appropriate instructional service providers will be on staff or if NVCS will contract out for these services. The petitioners have not identified if a qualified school psychologist familiar with administering and interpreting the specialized tests to special needs students will be available. The petitioners state that they will contract with a private service provider for special education services. To date, the petitioner does not appear to have established contact, or an agreement, with any Special Education Local Plan Area (SELPA). NVCS has not clearly indicated how they will provide services to deaf/hard-of-hearing students. The petitioners have not explained how they will present the curriculum in American Sign Language (ASL). The petition does not address how the costs of providing such services (i.e., interpreters, audiology, speech and language services and amplification needs) are allocated in the budget.

English Language Learners (ELL): The petitioners have not discussed how ELL students will be integrated into a successful educational setting in the classroom. There is no discussion of the materials, curriculum, or how the services will be provided.

Measurable Pupil Outcomes: The NVCS plan does not sufficiently specify benchmarks to identify how pupil outcomes will be measured. For example, in the area of History/Social Science, page 23 of the petition states, "Students will have a deeper understanding of the institutions of American government. In addition, students will master fundamental economic concepts applying the tools from other subject areas to the understanding of operations and institutions of economic systems." The petition notes that on page 25, "...if it is determined a student is not making sufficient progress over a two-year period, a team of teachers will work in collaboration with the student and parents to develop an additional set of benchmarks or learning goals using a variety of strategies and resources to assist in the student's success." In order to identify, address, and correct any problems that a student may have during the school year, the measurement and assessment of the student's progress should occur more frequently than the two years that NVCS has proposed.

Methods to Assess Pupil Progress: The NVCS petition states on page 26 that the methods of assessment will include project-based learning rubrics, portfolios, self-assessments, primary teacher and team teacher assessment and standardized testing. However, it does not contain any information on how the California State Standards will be evaluated in the teacher rubrics or the student-selected projects. NVCS does not identify any specific remedies for students who fail to master the state standards.

FINDING #2:

The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

- 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 the petition or requirements of the 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:

Beginning Year of Operation: CDE recommends that the petition be amended for an opening date of 2005.

Length of Approved Contract: Consistent with previous SBE approvals of charter schools, CDE recommends that the term of the NVCS (if approved) be for three years, rather than five, as specified on page 53 of the petition.

Insurance: The petition makes no mention of insurance. NVCS must have evidence of general, automotive, property and employer's liability, as well as worker's compensation insurance. The SBE has required its charter schools to list the State Board as a certificate holder for purposes of immediate notification of any cancellation in coverage. This is consistent with provisions of the oversight agreement between the SBE and its schools.

Governance: There are questions raised by the description of governance in the petition. NVCS operates through a non-profit fiscal agent, the Walter Lee Wilmore (WLW) Foundation. The petition does not mention how the board members will be selected. Although the charter states that the New Voices Charter School will operate as a separate legal entity, there is no information regarding its structure or governance. The school is under the direction of the WLW foundation board consisting of at least 5 but no more than 15 members. In the first year of operation, the Foundation is to hire and evaluate clerical staff and teachers and approve and closely monitor the school's annual budget.

The Teachers' Cooperative will consist of all current teachers of New Voices Charter School. The teachers and administrators, in the first year of operation, are charged with the hiring of teachers and implementing the annual budget. It is unclear whether NCVS would look to WLF or the Teachers' Cooperative as the responsible party. In the second year, the charter is to be operated by the Teachers' Cooperative through a contract with WLW. WLW has the responsibility to oversee the fiscal operations, but the Teacher's Cooperative is responsible for the development and implementation of the annual budget.

NVCS seems to have set up a three- or four-way relationship between the SBE, WLW, and the Teachers' Cooperative and themselves with assistance from an advisory committee and some undefined ad hoc committees. The petition does not identify a principal or an administrative officer. The governance structure seems to be unnecessarily complicated. Finally, language should be added to the petition that allows the SBE to appoint a voting member of the governing board if it so chooses.

Financial Operational Plan:

- Scope: The NVCS's financial projections contained mathematical errors. The petition did not contain a cash flow projection or a budget for start-up costs as required. The financial operation plan did not contain a beginning balance for any of the years or plans for future local fund-raising efforts. The petition did not seem to have any immediate plans to secure loans.
- Revenues: The petitioners need to review their figures, as it is not apparent how they arrived at their Categorical Block Grant Rate amount for the first year. During Year 1, NVCS expects to receive funding of \$729,440 from a Base Revenue amount of \$4,559 per student, based on 160 students. It is unclear how the petitioners arrived at the figure of \$4,559. Year 2 indicates that they expect to have 180 students at \$4,680, but Year 3 figures do not reflect a 3% increase in overall funding, though they plan to have 200 students. In the "Other State Revenue" category, it was not clear how the petitioners arrived at their projected amount of \$337,760 for the first year. If NVCS has over-projected in this area, the validity of the remainder of the budget is questionable. The Narrative to the Proposed Budget does not provide any information about revenues, only expenditures.
- Salaries and Benefits: The salaries for teachers could be low. NVCS has budgeted salaries for 8 teachers at an average salary of \$40,000 in Year 1. In comparison, the average salary for a teacher in Pasadena Unified in 2002-03 was \$52,857. The petitioners may have problems recruiting teachers due to the salary. An error was noted in the Fringe Benefit total for the first year. The total should be \$119,272 rather than \$111,206.
- Cash Flow: NVCS has not submitted a cash flow projection. There is no mention of anything that would indicate that they have an understanding of how the state apportionment process would flow to the charter. The charter school's revenue appears to be almost entirely dependent on state funds; however, the petitioners appear to lack an understanding about how their funding will be disbursed to them.

- Facilities: There does not appear to be any amount budgeted for furniture and equipment, such as desks, computers, cabinets, shelving, etc. NVCS noted that they plan to use the public park nearest to the school site for PE.
- Required Reports: Letter 1045 from the Department of the Treasury has two pages that are missing.
- Audit: The petitioners have provided no information regarding the actual amount that they have budgeted for the annual financial audit.
- 1% fee: There is no description or breakdown of what a 1% fee to the Walter Wilmore Foundation or to Pasadena Unified School District would cover. If this appeal is granted, the SBE would be the authorizer and receive the 1% allowable oversight fee.

FINDING #4	Concerns
<p>The petition does not contain an affirmation of each of the following:</p> <ul style="list-style-type: none"> • Shall be nonsectarian • Shall not charge tuition • Shall not discriminate 	
<p>Comments: N/A</p>	

FINDING #5	Reasonably Comprehensive	Not Reasonably Comprehensive
<p>The petition contains reasonably comprehensive descriptions of the following:</p>		
<p>(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.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Please see comments as described in Finding #1 on page 2.</p>		
<p>(B) The measurable pupil outcomes</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Please see comments as described in Finding #1 on page 3.</p>		
<p>(C) The method by which pupil progress is to be measured (compliance with statewide assessments and standards)</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Please see comments as described in Finding #1 on page 3.</p>		
<p>(D) Governance structure, including the process to ensure parental involvement</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Please see comments as described in Finding # 2 on page 4.</p>		
<p>Qualifications to be met by those employed</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: N/A</p>		
<p>(F) Procedures to ensure health and safety of pupils and staff, including criminal records summary (per EC Section 44237)</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>Comments: Petition states that prior to school, NVCS will refine a school health and safety policy that is to include the elements required by the SBE regulations, (i.e., criminal background check, tuberculosis testing and immunization). However, it is noted that the petition does not address the school's responsibility to conduct visual acuity, hearing or scoliosis tests as required by SBE regulations. It is noted that employees not possessing a valid California Teaching Credential must submit two sets of fingerprints for the purposes of the criminal record summary. CDE staff recommends that all new employees be fingerprinted, not just those who do not possess a credential.</p>		
<p>(G) The means by which the school will achieve racial and ethnic balance reflective of the district population</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: N/A</p>		
<p>(H) Admission requirements, if applicable (District priority or lottery per EC 47605 (d)(2))</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The requirement for a public random drawing is not met. The petition states that students are accepted for admission on a first-come, first-serve basis until capacity is reached. Thereafter, students are placed on a waiting list and admitted based upon their place on the list. <i>Education Code</i> Section 47605(d)(2)(B) provides that if the number of pupils exceeds the schools capacity, attendance is to be determined by a public random drawing.</p>		
<p>(I) The manner in which an independent annual financial audit is to be conducted</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition does not specify a time line for resolution of audit findings/exceptions. The petition does not indicate that the auditor will have education finance experience as per <i>Education Code</i> Section 47605 (b)(5)(I), <i>California Code of Regulations</i> Title 5, Section 11967.5.1 (9)(B). Finally, there is no time line for submission of the audit. CDE staff recommends that language be added to the petition stating that the audit will be submitted by December 15 of each year (as required by statute) and that copies of the audit will be provided to the SBE, CDE, the State Controller, and the Los Angeles County Office of Education. Page 31 of the petition notes that for Year One the WLW Foundation will contract with an external auditor to produce an annual financial audit. The Teachers' Cooperative (along with cooperation from WLW Foundation) will form an annual audit committee for Year Two to select an independent auditor and oversee the annual audit's completion.</p>		
<p>(J) The procedures by which pupils can be suspended or expelled</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>Comments: A number of offenses that may result in suspension or expulsion are listed in the same area in the petition. However, <i>Education Code</i> Section 47605 (b)(5)(J) and California Code of Regulations, Title 5, Section 11967.5.1(f)(10) require that the listing of offenses for which suspension must or may be imposed are listed separately from offenses for which expulsion must or may be imposed. NVCS did not mention in the petition the charter school's obligation to notify parents or guardians of the suspension/expulsion process. The petition noted that the school would comply with all applicable laws protecting the constitutional and statutory rights of students including due process, the disabled, and other protected groups. The petition does not address conformity with the requirements of law regarding discipline, special education, confidentiality and access to records. The aforementioned statement does not demonstrate that the petitioner has an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.</p>		
(K) The manner by which staff will be covered by STRS, PERS, or Social Security	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition states that staff shall participate in Social Security and that they will have access to other plans developed by the Teacher's Cooperative, and eligible staff may participate in the STRS and CalPERS. SBE regulations require that the petition set forth which staff members are to be covered, and the staff who will be responsible for ensuring that appropriate arrangements for coverage have been made.</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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The petition states that no pupil is required to attend the charter school. However, SBE regulations require that the parent or guardian of each pupil enrolled in the charter be informed that the pupil has no right to admission in a particular school in the district as a consequence of enrollment in the charter school. The application does not address this requirement.</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))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: N/A</p>		
(N) Process for resolution of disputes with chartering entity	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: If approved, the petition needs to be amended to include the standard language from the Criteria for the Review and Approval of Charter School Petitions, which states that because the SBE is not an LEA, it may choose to resolve a dispute directly rather than participate in the petitioners' proposed process. The petition does not acknowledge that the SBE, as the sponsoring agency, is not a LEA and may not wish to follow the charter's dispute resolution process.

CDE Staff recommends that the following language (in bold and italics) be deleted:
The process contemplates a "SBE Superintendent" and that if the Superintendent suspends NVCS due to an immediate and substantial threat to the health and safety of students, the Superintendent will bring the matter before the SBE within five working days. The application requires SBE to give three days notice before an inspection can be made unless there is a health or safety issue. SBE may not contract with a third party to conduct such inspections without the approval of the Teacher's Cooperative. There is no provision for utilizing a third party to resolve disputes.

(O) Declaration whether or not the charter school shall be deemed the exclusive public employer for the purposes of EERA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: N/A		
(P) A description of the procedures to be used if the charter school closes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The petition does not mention that the State Controller's Office must receive a copy of the final audit.		

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

Condition	Recommended	Not Recommended	Alternative Date
<p>1. Insurance Coverage-not later than June 1, 2005 (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit document 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>2. Oversight Agreement-not later than February 7, 2005, 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"/>	

Condition	Recommended	Not Recommended	Alternative Date
<p>3. SELPA Membership-no later than February 7, 2005, 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 6, 2005, 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"/>	

Condition	Recommended	Not Recommended	Alternative Date
<p>4. Educational Program-not later than March 7, 2005, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school meeting California State Content Standards; and, not later than May 9, 2005, submit the complete educational program for students to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used, plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluating student progress, and a budget which clearly identifies the core program from enrichment activities and reflects only those loans, grants, and lines of credit (if any) that have been secured by the school. Satisfaction of this condition shall be determined by the Executive Director of the State Board of Education based primarily on the advice of the Deputy Superintendent for Curriculum and Instructional Leadership.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Condition	Recommended	Not Recommended	Alternative Date
<p>6. Facilities Agreement-not later than June 6, 2005, 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 July 5, 2005, 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>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 February 14, 2005, 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"/>	
<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 29, 2006, approval of the charter is terminated.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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