

## MEETING NOTES

### **Advisory Commission on Charter Schools** *An Advisory Body to the State Board of Education*

California Department of Education  
1430 N Street, Room 1101  
Sacramento, California

Monday, May 19, 2008

#### **MEMBERS PRESENT**

Vicki Barber, Acting Chair  
Carol Barkley\*  
Brian Bauer  
Paul Cartas  
Tom Conry  
Beth Hunkapiller

#### **MEMBERS ABSENT**

Rae Belisle  
Jesse Barajas  
Mark Kushner

\* Carol Barkley is the State Superintendent of Public Instruction's designee.

#### **PRINCIPAL STAFF TO THE ADVISORY COMMISSION**

Deborah Domitrovich, Consultant, CDE Charter Schools Division  
Keith Edmonds, Consultant, CDE Charter Schools Division  
Deborah Probst, Consultant, CDE Charter Schools Division  
Greg Geeting, Retired Annuitant, CDE Charter Schools Division

#### **Call to Order**

Acting Chair Barber called the meeting to order at 10:36 a.m.

#### **Flag Salute**

Acting Chair Barber invited Mr. Conry to lead the members, staff, and audience in the Pledge of Allegiance.

#### **Introductions**

Acting Chair Barber indicated that she would be chairing the meeting in the absence of Ms. Belisle who is on an out-of-state trip in connection with her role as President and Chief Executive Officer of EdVoice. Acting Chair Barber invited the members to introduce themselves, followed by the Charter Schools Division staff members who were present. Ms. Barkley made a special introduction of Michelle Ruskofsky who

MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

---

recently joined the CSD staff as a visiting educator. Ms. Ruskofsky previously served in the University of California Office of the President. "We are thrilled to have the benefit of Michelle's experience and expertise," said Ms. Barkley.

**Approval of Meeting Notes**

Acting Chair Barber asked if there was a motion to approve the notes from the last ACCS meeting held on April 21, 2008.

**ACTION:** Ms. Hunkapiller moved that the notes of the meeting held on April 21, 2008, be approved as presented. Mr. Bauer seconded the motion, and it was approved by unanimous vote of the members present.

**Reordering of Agenda**

Acting Chair Barber indicated that she intended to proceed with the agenda as printed, except that Item 7 (future meeting schedule) would be taken up immediately following Item 2 (Today's Fresh Start).

**Public Comment**

Acting Chair Barber invited comments from the public on matters not on the agenda. Jan Miller, CTA Liaison to the ACCS, indicated that it was nice to have agenda materials on the back table. However, he reiterated his request to have agenda materials made available online ahead of the meeting. He mentioned that some materials at the previous meeting were not made available until lunchtime. He commented that, from the public perspective, "it was like receiving the homework assignment as you're sitting down to take the test." Some of the agenda documents are very large and study is needed prior to the meeting day. Moreover, he noted, the CDE could "save money," as he (for one) would personally print out the materials and not need a copy printed at state expense. Acting Chair Barber thanked Mr. Miller and indicated that the CDE is continuing to work out the details of online availability for ACCS agenda materials. There were no other speakers.

**ITEM 1: Nonclassroom-Based Funding Determinations**

Acting Chair Barber invited Mr. Edmonds to present the one funding determination request on which action is pending.

**CORE Butte Charter School..... #945**

Mr. Edmonds presented the CDE staff recommendation for approval of a 100 percent rate for this new school for two years (2007-08 and 2008-09). He noted that the documents submitted reflect payments of \$240,000 to the Camptonville Academy for student and main-office services, reflecting 10.54 percent of projected revenue. By regulation, a school in its first year of operation is to be given serious consideration for full funding. Mr. Conry inquired about the school's location. Jan Jeblecki, the school's

MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

---

Executive Director, indicated that this school is located in Chico (Butte County), although the parent organization is located in Nevada City (Yuba County).

**ACTION:** Mr. Conry moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent rate for the school listed above for two years (2007-08 and 2008-09).
- Determine in this case that a rate greater than 70 percent is appropriate within the meaning of *Education Code* Section 47634.2(a)(4), because the recommended level is consistent with the criteria specified in the regulations pertaining to funding determinations as contained in *California Code of Regulations*, Title 5, Section 11963 et seq., specifically the criterion requiring serious consideration for approval of full funding for schools in their first year of operation.
- Determine that approval for a two-year period, instead of the five-year period requested, is advisable based upon review of the information presented in its totality.

Ms. Hunkapiller seconded the motion, and it was approved by unanimous vote of the members present.

**ITEM 2: Today's Fresh Start Charter School: Appeal of Revocation by Los Angeles County Board of Education**

Acting Chair Barber described the process that would be followed in regard to this matter. About 20 minutes would be provided to each side for a principal presentation. She also acknowledged the presence of Assembly Member Mervyn Dymally, indicating that his comments would be heard at the conclusion of the presentation by representatives of Today's Fresh Start (TFS), so that they would be set in proper context. To begin, she invited Ms. Domitrovich to present the CDE staff analysis and recommendation.

Ms. Domitrovich noted that a considerable amount of material had been distributed to ACCS members during the preceding week by the CDE. She explained that certain duplicative materials were excluded, but that every piece of original content had been included. She explained the requirements of *Education Code (EC)* Section 47607 as they pertain to charter revocation. She provided a brief history of the school and a chronology of specific events that led up to today's meeting. Many allegations and counter-allegations have been made. Lawsuits have been filed by TFS against the Los Angeles County Office of Education (LACOE) and the Los Angeles County Board of Education (LACBE). CDE staff had a difficult time sorting through all of the information. Ms. Domitrovich described how CDE staff had proceeded in reviewing the materials.

MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

---

Because of confusion surrounding which issues (violations) were considered material (as clearly some violations were not material in and of themselves), and which evidence supported which violations, LACOE was asked for specific references and documentation. CDE staff did not want to sort through all 53 violations and impose its own judgment as to which violations were material violations.

CDE staff received a response from LACOE, but still had difficulty determining facts and supporting evidence. In a subsequent communication, LACOE identified the five most significant violations, which related to non-compliance with the Brown Act, self-dealing transactions, STAR testing, contemporaneous attendance records, and failure to comply meaningfully with LACOE's corrective action plan for TFS.

Ms. Domitrovich concluded that the CDE staff felt that the LACBE action was not supported by substantial evidence (within the meaning of *EC* Section 47607) and recommended that the ACCS recommend to the SBE that it reverse the revocation. At Ms. Hunkapiller's request, Ms. Domitrovich reviewed each of the five violations in some detail. She also discussed due process violations, in particular the lack of evidence that a notification of violations and a reasonable opportunity to remedy the violations (which CDE collectively refers to as a "notice to cure"), consistent with *EC* Section 47607(d), was approved by the LACBE. She also noted an allegation that one member of the LACBE was absent during the public hearing and consideration of the revocation matter, but (at a subsequent meeting) voted in favor of revocation and became part of the bare majority (4-3) that passed the motion. CDE staff concluded that the notice to cure procedural violation was sufficient to result in a reversal action without addressing the issue of the individual Board member's attendance.

Mr. Conry inquired as to whether the school remains under the chartering authority of LACBE (as administered for the LACBE by LACOE), if the revocation is reversed. It does remain under the chartering authority of LACBE/LACOE. Ms. Hunkapiller inquired about the STAR testing irregularity issue and the allegation of self-dealing transactions. Brief responses were made. Mr. Bauer inquired as to when the TFS charter term expires (if the charter is not revoked). The term appears to expire in 2010.

Acting Chair Barber posed several questions to CDE Deputy General Counsel Eileen Gray concerning the nature of evidence that would show that the provisions of *EC* Section 47607(d) had been met. Ms. Gray discussed why in this specific instance the evidence did not suggest that the requirements of the subdivision had been satisfied by the LACBE. Ms. Gray indicated that failure to meet the subdivision's requirements was in effect a "combination of procedure and substance" and could form the basis for reversal based upon the lack of substantial evidence. There was discussion of whether the corrective action plan presented to TFS by LACOE (signed by the County Superintendent) could be viewed as satisfying *EC* Section 47607(d). Ms. Gray commented that there was no evidence of the chartering authority, the LACBE, being

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MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

---

consulted, much less actually approving the corrective action plan. Ms. Gray pointed out that the corrective action plan, while listing 53 violations, did not describe which violations were material and which were non-material, yet clearly some were not material as indicated in LACOE's subsequent correspondence with the CDE.

Acting Chair Barber inquired whether any of the five major areas outlined in LACOE's letter would have been material violations in the absence of the procedural concerns regarding fulfillment of the requirements of *EC* Section 47607(d). Ms. Gray declined to speculate specifically, though she indicated that one might "get behind the idea" of the corrective action plan being a notice to cure if there had been evidence of the document having actually been approved by the LACBE.

In regard to the allegation related to self-dealing, Acting Chair Barber inquired whether recusal was sufficient if there was an actual ownership interest. Ms. Gray indicated that the CDE was not taking a position on that issue. In regard to the overall consideration of the appeal, Acting Chair Barber inquired whether the whole matter could be "remanded back" to the LACBE. Ms. Gray noted that the matter has already proceeded to this "appeal stage" and that there was also litigation pending, but indicated that she was not prepared to address the question of remanding the matter back to the LACBE at this time.

Michael Amir (Doll Amir & Eley) was the principal presenter on behalf of TFS. Mr. Amir began by introducing his colleague, Mary Glarum, who would be addressing the self-dealing transaction allegations. He distributed a compendium of key documents prepared by his firm. The documents were extracted from the materials that had previously been provided to ACCS members. He analogized to the *Miranda* decision of the US Supreme Court in describing the provisions of *EC* Section 47607(d). The notification required by that subdivision provides the "fair warning" to a charter school. In this case, there is no evidence of the LACBE ever having issued the required notice or of making factual findings. All the LACBE did was to adopt a staff report, which is an improper delegation.

Ms. Glarum addressed the self-dealing transaction allegation, stating that the record contains only "conjecture and guessing." No factual evidence was cited of self-dealing. Moreover, some of the information was known as early as 2003, but was never raised as a concern until consideration of revocation was commenced. She noted that TFS never "hid anything" and that no self-dealing occurred. Moreover, no steps to remedy alleged self-dealing were pursued by LACOE or the LACBE.

Mr. Amir discussed LACOE policies that delineate the roles of LACOE staff and the LACBE in regard to charter school monitoring and reporting. The procedural steps clearly require the LACBE to approve the notice to cure, and that did not occur. Mr. Amir briefly described the lawsuits initiated by TFS against LACOE. He noted that TFS had

MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

---

submitted its revocation appeal back in January 2008. He concluded that CDE staff had done “a very reasoned job” in reviewing the evidence, and indicated that “we agree 100 percent” with the conclusions and recommendation (i.e., to reverse the revocation).

Clark Parker, founder and Executive Director of TFS, commented that “we also concur” with the CDE staff recommendation. He also pointed out that, on December 11, 2007, when the LACBE took action to revoke the TFS charter, one member voted in favor of revocation (providing the bare majority necessary for passage) having not heard any of the testimony presented at the public hearing held at an earlier meeting. He indicated that under law TFS is entitled to be given a reasonable opportunity to correct alleged deficiencies and to state its case. In these respects, “a real injustice occurred.” The requirements of *EC* Section 47607(d) and LACOE’s own regulations were not met. Moreover, TFS had made “every attempt to comply” with what the school perceived to be LACOE’s concerns. TFS had sought out and retained expert consultants to provide assistance and support.

Jeanette Parker, founder and principal of TFS, also expressed concurrence with the CDE staff findings and recommendation. She emphasized that TFS was founded and exists “for the children,” essentially all of whom qualify for free and reduced-price meals. “We have no motive other than to help these students,” she commented. She indicated that the “insults and pressures” of the past 18 months had been enormous. She indicated that TFS had really “tried to please LACOE” and that her desire was consistently “to work with LACOE to serve the children.” She noted that TFS had been “in the top seven percent” of the state’s schools in terms of API growth in 2006. She indicated that there were no testing irregularities found, and she concluded by saying that she had done “everything physically within my power to please LACOE and resolve their issues.”

Mr. Bauer inquired as to the composition and selection process for the TFS governing board. Mr. Parker indicated that there are five members on the governing board. He and his wife, as well as former professional baseball player Maury Wills, Errol Malcolm (an executive with US Bank), and Kimico Mosley (parent of a student at TFS and a teacher at another public school). Mr. Parker mentioned his and his wife’s connection to Golden Day School, a 501(c)(3) entity. Through this connection, he stated that TFS was provided free rent for approximately 400 children for several years. He also discussed his own credentials. “No one mentions the good things the Parkers have done,” he emphasized. He noted that academic achievement at TFS is “far above other local schools.” He also mentioned other advantages for students attending TFS. Mr. Bauer restated his question about the selection of TFS board members. Mr. Parker noted that the members serve staggered two-year terms, and that the current board selects successor members. He described efforts to recruit individuals interested in serving on the board from within the community. Mr. Parker also noted some confusion that surrounded an apparent abrupt change in membership that had been cited by LACOE.

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MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

---

He indicated that the situation was explained simply by the death of a member, which caused TFS staff to drop that individual's name from the membership roster.

Mr. Bauer asked Mr. Amir whether Mr. Amir's allusion to the *Miranda* decision suggested that he felt "double jeopardy" applied and that the procedural failure barred a chartering authority from again pursuing revocation. Mr. Amir indicated that he did not intend to imply that a double jeopardy situation had been created. Rather, he intended to emphasize that the LACBE's timing was wrong, which voided the revocation action now before the ACCS. He clarified the LACBE time line and again made his argument that the provisions of *EC* Section 47607(d) had not been satisfied.

Ms. Hunkapiller inquired about the process by which LACOE's staff report was developed. Mr. Amir commented that LACOE "keeps raising new issues," including the 2007 API, which is "way beyond" the scope of this revocation matter. Ms. Hunkapiller indicated that a key issue for her is "how transparent" LACOE was in notifying the school. Mr. Amir responded by emphasizing the "complete abdication" of the LACBE in the process. The LACBE members "just signed off on the Superintendent's report," he commented; "there was no dialogue."

Los Angeles County Superintendent of Schools Darline Robles was the principal presenter in opposition to the appeal (i.e., in support of the LACBE action to revoke the TFS charter). She introduced the team from LACOE who were present to address any questions ACCS members might have. She emphasized that CDE staff had clearly "overstepped the boundaries" in recommending that the revocation be reversed. The procedural issues raised by CDE staff are "beyond the statute." She went on to describe the authority of the County Superintendent and the County Board. She noted that her staff "does not do anything regarding charter schools without the Board's knowledge." She found it "astounding" that CDE staff would think that "every detail" needs approval by the County Board. "I am the designee of the County Board," she stressed. She also emphasized that there was clearly "substantial evidence" supporting the revocation within the meaning of *EC* Section 47607. Since July 2007, she concluded, TFS has known the issues needing correction and has not corrected them.

LACBE member Thomas Saenz noted that LACBE members serve on a part-time basis to oversee an office with a \$700 million budget. There are many responsibilities. The LACBE members "have to delegate a lot to the County Superintendent." However, he noted that three current members are attorneys and thus have specific background to ensure that legal requirements are followed. He commented that Head Start and charter schools have occupied much of the LACBE's time. He discussed the information the LACBE was provided regarding TFS and the time line of LACBE meetings at which TFS was discussed and during which actions were taken. He concluded that the CDE staff's view reflected "a formalistic distinction," but not a substantive one. He noted that TFS did not raise procedural issues until after the revocation action was taken. He suggested

MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

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that precise adherence to procedure makes it essentially “impossible to take action,” and that result (i.e., the impossibility of action) could not have been intended by the Legislature. Under the CDE staff’s interpretation, he argued, the process “becomes unworkable.” He also noted that LACOE had asked CCSA to become an intermediary and resolve the dispute. Although there was initially some interest in that regard, ultimately CCSA declined to become involved. He indicated that it was a “very lengthy and contentious process.” He alleged that TFS did a great deal of “stonewalling,” refusing to acknowledge the LACBE’s right to investigate the school’s operations. In summation, he urged the ACCS to recommend that the SBE uphold the revocation, noting that failure to support revocations where there is substantial evidence would discourage the granting of charter petitions in the first place.

Joseph Stark (Stark & Associates), representing LACOE, commented that “substantial evidence” clearly exists to support revocation in this instance. He quoted and discussed statements made by former SBE chief counsel Paul Seave when the SBE was considering the revocation appeals on the Space Exploration Academy and Junior Space Exploration Academy. He indicated that the decision had to be made “solely on the record.” He noted that there are no regulations governing the implementation of the statute. The LACBE decision to revoke the TFS charter was “a proper decision based on substantial evidence.” The violation of procedure raised by CDE staff is “an inappropriate standard” and “inconsistent with statute.”

Ms. Hunkapiller inquired about the dispute resolution process, noting that this was an instance where “emotions were running high.” Ms. Robles commented that the past two years “have been a battle.” She indicated that TFS representatives “don’t want to be cooperative.” Mr. Stark discussed the temporary restraining order sought by the school to “restrain investigation.” He noted that LACOE had gone through “appropriate steps” to implement dispute resolution, but that TFS “declined to attend.” Ms. Robles listed the various statutory authorities under which she as County Superintendent and LACOE have investigative authority.

In response to the beginning of a question from Ms. Barkley, Ms. Robles reviewed various aspects of the time line regarding LACOE’s contacts with TFS. Ms. Barkley then clarified that she was actually interested in the nature of LACOE’s broader inquiry of all its charter schools. Lupe Delgado, LACOE’s Director of Parent and Community Services, responded by reviewing the specific content of Ms. Robles’ letter to all charter schools.

Mr. Bauer asked to hear more about LACOE’s corrective action plan for TFS. Sung Yon Lee, Deputy General Counsel for LACOE, provided more detail. Of the 53 items cited, TFS had “cleared only four.” Ms. Lee noted that TFS, for example, had no uniform complaint procedure, and that LACOE had received two complaints from TFS parents who did not know where to lodge their complaints.

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MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

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Acting Chair Barber asked Ms. Gray for more specific information about the meaning of substantial evidence as used in *EC* Section 47607. Ms. Gray noted that there are no definitive court decisions, and that there are differences of opinion among attorneys. She commented that the Los Angeles County Superior Court had reviewed the matter in connection with the TFS case and had suggested examining “the whole statutory scheme.” Ms. Gray concluded that there “must be respect for procedure.” To find that process has not been followed, but then conclude “that’s okay,” is a fundamentally flawed position. Ms. Domitrovich commented that the CDE staff analysis did go beyond the simple procedural failure. She indicated that the citations in the LACOE report “made no sense” in regard to several violations of law. She concluded that “there really is a lack of substantial evidence here.”

Ms. Hunkapiller commented on how she saw the evidence. She indicated that she was extremely concerned about the allegations that TFS had interfered with an investigation. However, she was also concerned that six months’ effort had apparently not yielded a notice to cure that was clearly in keeping with statute. She indicated that she had not seen anything that gave the appearance of a notice to cure in her view. At the same time, she continued, the 53 items cited by LACOE are a serious matter, particularly since only four have been corrected. She indicated that she felt the ACCS needed “to hold firm on process.” It has to be very clear that a notice of intent to revoke is not a notice to cure. Ms. Gray reiterated that the CDE staff really did not see evidence that the LACBE “agreed on the 53 issues and established a reasonable time to remedy them.”

Acting Chair Barber indicated that she felt the notice to cure was provided to TFS in the form of the corrective action plan. The fact that the corrective action plan “didn’t go back to the Board” was not a critical issue in her view. Ms. Gray noted that the corrective action plan did not include some of the items later cited in the revocation action, including violation of the Brown Act and the attendance accounting matters.

Mr. Cartas commented that he tended to share the view that the corrective action plan was the notice to cure in regard to TFS. Ms. Domitrovich indicated that the corrective action plan did not “offer substantive evidence or describe exact violations.” It was more of “a list of things that needed to be done.” Ms. Gray added that the corrective action plan had elements that made it similar to a notice of cure, but that the LACBE did not act on it “prior to revocation” as required by *EC* Section 47607(d).

Barry Brewer, representing Assembly Member Dymally, indicated that Mr. Dymally wanted tell the ACCS that he had known the Parkers for many years, felt that TFS was a valuable asset to the community and should be kept in operation, and encouraged the ACCS to recommend to the SBE that the revocation be reversed. There were no other members of the public wishing to address this item.

MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

---

Acting Chair Barber invited each side to give a brief recap of its position. Mr. Amir responded to some specific issues that had arisen in the discussion and recapitulated his arguments in support of reversal. He indicated that there had been “no revocation talk” by LACOE prior to TFS pursuing court action to preserve its legal rights. Mr. Parker summarized the legal scheme for revocation established under *EC* Section 47607 and concluded that the LACBE had failed to follow it.

Mr. Stark also responded to some specific issues that had arisen in the discussion and recapitulated the arguments in support of upholding the revocation. He pointed out a specific area where the statute itself suggests that the county office has responsibilities in the revocation process. Mr. Conry inquired whether Mr. Stark was suggesting that a county office could take action independent of a county board to revoke a charter school. Mr. Stark clarified that his point was that there is sufficient authority for a notice to cure to be issued by a county office without action by a county board.

There was further discussion regarding the nature and extent of the corrective action plan and whether it satisfied the provisions of *EC* Section 47607(d). Mr. Cartas indicated that he felt it was sufficient. Ms. Barkley commented that it is a “slippery slope” to decide when something is a staff function and when something requires board action. She also commented that CDE staff had a very difficult time determining what LACOE (and thus the LACBE) felt were material violations supporting revocation. She pointed out that even LACOE, in responding to the CDE, implied that individual items may not have been sufficient, although the whole of the 53 items was sufficient.

Ms. Hunkapiller commented that she found “no clear determination of a revocable offense” in this case. Mr. Conry indicated that he, too, had not identified “a legitimate finding.” He noted that it was critical in our government for decisions of this nature to be made by governing boards. He expressed discomfort in regard to the concept of the notice to cure action having been taken by the County Superintendent.

Ms. Bauer indicated that he was struggling with the issues and was “not satisfied on either end.” He commented that both parties believe they have been working diligently. It is not really possible to separate substance from procedure in this case. In regard to the corrective action plan, it is important that the board approve it, not staff. That’s how the school is ensured a fair opportunity to respond to the issues identified. Mr. Bauer went on to inquire about the difference between the LACBE’s study session and its regular meeting. Clarification was made that the revocation action was approved at a regularly scheduled meeting.

Mr. Cartas reiterated that the evidence suggested to him that there had been a notice to cure within the meaning of statute. He indicated that the argument of CDE staff was “puzzling” to him. There are clearly times that “a CEO has to take action on behalf of the board,” and this was such an instance in his view.

MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

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Acting Chair Barber commented that she did not find the argument concerning procedure to be “compelling.” TFS “clearly received a notice to cure,” she said. At its October 16 meeting, the LACBE effectively ratified the work of County Superintendent. She also commented that there are material issues under consideration, such as violation of the Brown Act. She also emphasized that TFS had corrected “only a few violations,” which she felt was “a big problem,” as was TFS’ resistance to “coming into compliance.” She indicated that she was supportive of the LACBE’s revocation action, believing it to be supported by substantial evidence.

Ms. Barkley commented that LACOE had not addressed the Brown Act issue until actually moving forward with the revocation. Mr. Conry inquired whether, other than Brown Act, there were areas where CDE staff felt there was a lack of substantial evidence. Ms. Barkley briefly reviewed each of the five violations cited in the LACOE letter.

Ms. Hunkapiller inquired about the attendance training issue. Acting Chair Barber indicated that it could be viewed as a matter of the school believing that the necessary training had already been provided for the existing staff. She then went on to address the self-dealing transaction allegation, noting that there did appear to have been full disclosure.

Ms. Hunkapiller indicated that she was looking at the issue of clarity of action. She felt that technically there had not been formal action on a notice to cure. She felt TFS had demonstrated a pattern of behavior that was “recalcitrant,” but that pattern did not give the LACBE latitude to fail to follow process. She indicated her view that the ACCS should not “muddy the waters here.” LACOE and the LACBE “should go back and do this right.”

Mr. Cartas again stated that he felt a notice to cure had effectively been issued, and that it would be “dangerous to bind the hands of chartering authorities.” To do so would send the message that there is no way to get rid of charter schools even when significant issues are identified.

Mr. Conry commented that he had been consistent on the ACCS in requiring that the provisions of statute be followed and that due process be afforded. In this case, he indicated that he did not see evidence of proper process being followed. He concluded that “the county has not made its case.”

**MOTION FAILS:** Ms. Hunkapiller moved that the ACCS recommend to the SBE that it approve the CDE staff recommendation to reverse the revocation of the charter of Today’s Fresh Start Charter School, pursuant to *EC* Section 47607. Ms. Barkley seconded the motion, and it failed passage by a vote of 4-2. Acting Chair Barber and Mr. Cartas voted against the motion. [By SBE policy, an

MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

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affirmative vote of at least five members of the ACCS is required for a valid action.]

Acting Chair Barber indicated that there did not seem to be any point in entertaining other motions. Mr. Geeting indicated that the TFS revocation appeal could proceed to the SBE for consideration without a recommendation by the ACCS, or that possibly the matter could be held over for further consideration at the next ACCS meeting (in July). However, the latter alternative is not ideal in that TFS would have begun the 2008-09 school year by the time the SBE would hear the appeal in September. By consensus, the TFS revocation appeal will proceed to the SBE's July meeting without a formal recommendation from the ACCS, but with a report on the ACCS discussion and unsuccessful effort to make a recommendation.

**ITEM 7: ACCS 2009 Meeting Schedule**

Ms. Barkley indicated that the next meeting will be on July 21. There was discussion regarding the possibility of meeting on August 27. Ms. Barkley will review the input and send an e-mail regarding the August meeting date.

**ITEM 6: Regional Occupational Centers and Programs**

It was agreed that this matter would be put over to the next ACCS meeting. Some written materials prepared by the Secondary, Postsecondary, and Adult Leadership Division were distributed.

**ITEM 4: Public Charter Schools Grant Program: Dissemination Grant Request for Applications**

Ms. Barkley expressed appreciation to Joan Strohauer for her exemplary work in preparing the dissemination grant RFA. She encouraged the ACCS to recommend approval. There were no public speakers on this item.

**ACTION:** Mr. Bauer moved that the ACCS recommend to the SBE that it approve the PCSGP Dissemination Grant RFA as prepared by CDE staff. Ms. Hunkapiller seconded the motion, and it was passed by unanimous vote of the members present.

**ITEM 3: High Tech High Statewide Benefit Charter: Proposed Revision to Become a K-12 Configuration**

Ms. Domitrovich outlined a proposed revision of the HTH Statewide Benefit Charter under which the charter would become K-12 as opposed to the current 9-12 configuration. She reviewed the conditions imposed by the SBE under which the current statewide benefit charter is operating. She also touched on the issues of (1) targeting campuses to areas where surrounding public schools are low-performing, (2) preferences for admission to middle schools and high schools operated under the

MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

---

charter, and (3) the consolidating of existing, individual HTH charter schools under the statewide benefit charter.

Jed Wallace, Chief Operating Officer of HTH, addressed the ACCS concerning the proposal. He indicated that HTH had successfully started up two high schools under the statewide benefit charter in fall 2007. He also noted that HTH had achieved a 100 percent college-going rate among 2007-08 graduates in existing high schools. Moreover, HTH has established a graduate program in teacher education in the form of a private postsecondary school. He then addressed the issue of "why go K-12," noting that parents wanted both elementary and middle grades in addition to high schools. He indicated that, in the one elementary school operated by HTH (Explorer Elementary), applications outnumber spaces available by about ten-to-one. He indicated that HTH would like to expand opportunities for students who desire to move through the grade levels within HTH "villages." As regards lotteries (random public drawings for admission), he noted that HTH offers a statistical advantage to students who are eligible for free and reduced-price meals. He noted that a letter has been submitted to the federal government seeking approval for this methodology under the PCSGP. He also discussed preferences for children of all staff, not just teachers (as is currently the position of the US Department of Education). He commented on the Governor's reference to permitting HTH to expand to K-12, as well as pointing out HTH's contribution to teacher credentialing in the high-need areas of mathematics and science. In closing, he addressed the fact that a majority of the San Diego Unified governing board had endorsed the idea of HTH consolidating its existing individual charter schools under the statewide benefit charter, but indicated that HTH was not specifically requesting that change at this time.

Mr. Bauer requested more information on the "feeder pattern" and how it worked within the context of the lottery. Mr. Wallace discussed that aspect of the proposal further. Ms. Barkley briefly addressed the potential for bringing existing individual schools under the statewide benefit charter. Ms. Hunkapiller inquired about the financial soundness of the "inverted pyramid" that Mr. Wallace had described. She also inquired as to the actual percentage of students qualifying for free and reduced-price meals who had been admitted to HTH statewide benefit sites. Mr. Wallace indicated that the 2007-08 figures were 29 percent at the Chula Vista site and 20 percent at the San Marcos site. He emphasized that HTH believes the two sites are excellent ones from the prospect of increasing the percentages of these students over time. Location and transportation are key influences in relation to attracting students who are socioeconomically challenged.

Acting Chair Barber indicated that the ACCS was appreciative of the introductory information. There were no public comments.

MEETING NOTES  
**Advisory Commission on Charter Schools**  
Monday, May 19, 2008

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**ITEM 5: Charter School Revocation: Status of Proposed Regulations**

Ms. Ruskofsky reported briefly on the goals CDE staff will be pursuing in regard to revocation regulations. They are to (1) provide clarity regarding procedure, (2) define terms as necessary to address any ambiguities, and (3) give guidance on implementation of the statutory provisions. Stephanie Farland (California School Boards Association) encouraged the ACCS and CDE staff to include CSBA and other key stakeholders in the process of developing any regulations. There were no other speakers.

**Adjournment**

Acting Chair Barber asked if there was a motion to adjourn. Such a motion was made by Ms. Hunkapiller and seconded by Mr. Bauer. No objections to adjournment were expressed by any of the five members present. [Mr. Conry had departed after the last action item.] Hearing no objection, Acting Chair Barber adjourned the meeting at 2:34 p.m.

The next meeting will be held on Monday, July 21, 2008, at the CDE Building, 1430 N Street, Room 1101, Sacramento.