

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

Tuesday, September 25, 2007

MEMBERS PRESENT

Rae Belisle, Chair
Vicki Barber
Tom Conry
Greg Geeting*
Beth Hunkapiller

MEMBERS ABSENT

Jesse Barajas
Mark Kushner
Greg McNair
Vacancy**

* Greg Geeting is the State Superintendent of Public Instruction's designee.

** Steve Barr resigned effective August 1, 2007.

PRINCIPAL STAFF TO THE ADVISORY COMMISSION

Keith Edmonds, Consultant, CDE Charter Schools Division

Call to Order

Chair Belisle called the meeting to order at 10:38 a.m.

Flag Salute

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

Introductions

Chair Belisle invited the members and principal staff to introduce themselves.

Approval of Meeting Notes

Chair Belisle asked if there was a motion to approve the notes from the meeting held on August 7, 2007.

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ACTION: Ms. Hunkapiller moved that the notes of the meeting held on August 7, 2007, be approved as presented. Ms. Barber seconded the motion, and it was approved by unanimous vote of the members present.

Special Presentation – Work of the State Superintendent’s P-16 Council

Chair Belisle invited Mary Donnelly-Ortega and Jose Ortega, Consultants, P-16 Policy Development Division, to present information on the work of the State Superintendent’s P-16 Council. Mr. Ortega discussed the Council’s organization, membership, and priorities. Ms. Donnelly-Ortega discussed more specifically the role of charter schools in the Council’s work priorities and also provided information on the upcoming Achievement Gap Summit to be held November 13-14 in Sacramento. Keynote speakers include: Tavis Smiley, a PBS late-night television talk show host, political commentator, and author; Edward James Olmos, actor, producer, director, and community activist; Douglas Reeves, founder of the Center for Performance Assessment; Chester Finn, scholar, educator, and public servant; and Richard Rothstein, research associate with the Economic Policy Institute.

Ms. Hunkapiller inquired about several issues that she felt played into achievement gap-related issues, including preparation for work and obstacles to college-going (e.g., immigration status). There was some discussion. Chair Belisle expressed appreciation to the presenters.

Public Comment

Chair Belisle invited comments from the public on matters not on the agenda. There were none.

2007-08 (and beyond) Funding Determinations

Chair Belisle invited Mr. Edmonds to present the 2007-08 (and beyond) funding determinations.

Golden Valley Charter School #356

Mr. Edmonds presented the CDE staff recommendation of approval at the 100 percent level for three years. He noted various conditions, including receipt of a clear audit for 2006-07. Mr. Conry inquired what happens if there were to be audit exceptions. Mr. Geeting clarified that, if audit exceptions were to be material to the funding determination, then the matter would be brought back to the ACCS for further review and, possibly, the making of a different recommendation. Chair Belisle commented favorably on the school’s CAHSEE passing rate. No members of the public wished to comment.

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ACTION: Ms. Barber moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent determination of funding for this school for three years, 2007-08 through 2009-10.
- Determine that a level 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 determinations of funding as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a three-year period is consistent with the school's request and is advisable based upon review of the information presented in its totality.

Mr. Conry seconded the motion, and it was approved by unanimous vote of the members present.

e-Scholar Academy #430

Mr. Edmonds presented the CDE staff recommendation for approval at the 100 percent level for two years (2007-08 and 2008-09). He and Chair Belisle commented on the school's relatively low academic performance. No members of the public wished to comment.

ACTION: Ms. Barber moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent determination of funding for this school for two years, 2007-08 and 2008-09.
- Determine that a level 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 determinations of funding as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period, instead of the three-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.

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Oasis Charter Academy..... #591

Mr. Edmonds presented the CDE staff recommendation for approval at the 100 percent level for two years (2007-08 and 2008-09), subject to various conditions. He noted that this request constituted a second funding determination for the current year (2007-08) for which there is an existing 85 percent determination. He also noted the school's relatively low academic performance, and discussed the school's negative year-end balance. Cynthia Ferguson, the school's director, explained the negative year-end balance and reported that STAR answer documents had apparently been "lost in transit." Further information regarding the school will be distributed to ACCS members when received. Jeff Rice, Association of Personalized Learning Schools (A+), indicated that the school had recently joined the A+ organization and that they would be working with the school to improve operations.

ACTION: Ms. Hunkapiller moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent determination of funding for this school for two years, 2007-08 and 2008-09, noting that, for 2007-08, this action reflects a second determination on funding.
- Determine that a level 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 determinations of funding as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- 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.

Mr. Geeting seconded the motion, and it was approved by unanimous vote of the members present.

Sedona Charter Academy..... #703

Mr. Edmonds presented the CDE staff recommendation for approval at the 100 percent level for two years (2007-08 and 2008-09), subject to various conditions. He noted the school's relatively low academic performance. Steve Mereness, the school's director, explained the efforts underway to boost academic achievement.

ACTION: Ms. Barber moved that the ACCS recommend to the SBE that it:

- Approve a 100 percent determination of funding for this school for two years, 2007-08 and 2008-09.

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- Determine that a level 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 determinations of funding as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine that approval for a two-year period is consistent with the school's request and 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.

Options for Youth-Victor Valley #13
Options for Youth-Upland #105
Options for Youth-Burbank #130

Mr. Edmonds presented the CDE staff recommendation for approval of determinations of funding for these schools at the 85 percent level for two years (as requested). He indicated that the schools do meet the criteria for funding at the 85 percent level. He noted that the requests are premised on the 1.92 factor for determining full-time equivalence of teachers, a matter that was cited in a recent audit and is currently being prepared for an administrative appeal hearing. If OFY/OFL does not prevail in the appeal, then these (and other) OFY/OFL funding determinations will be brought back to the ACCS/SBE for further consideration. Chair Belisle commented favorably on the fact that OFY/OFL schools were above the statewide average in English-language arts, but noted that the schools' mathematics achievement was problematic. She encouraged the OFY/OFL to focus on raising mathematics achievement. Mr. Conry asked whether it was possible to "waive" the requirement for a minimum two-year funding determination and, instead, recommend that these funding determinations be approved for one year. Chair Belisle indicated that the regulations now require the two-year minimum specifically to enable schools to plan ahead and avoid having to seek funding determinations for a year that is already in progress. Therefore, since charter schools can no longer submit waiver requests, approving a funding determination for fewer than two years for these schools does not appear possible, even with the schools' consent. There were no public comments on these funding determinations.

MOTION FAILS: Ms. Barber moved that the ACCS recommend to the SBE that it:

- Approve an 85 percent determination of funding for each of the three schools for two years, 2007-08 and 2008-09.

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- Determine in each case that a level 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 determinations of funding as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.
- Determine in each case that approval be granted for a two-year period, because that is the period requested and because a two-year period is advisable based upon review of the information presented in its totality.

Ms. Hunkapiller seconded the motion, and it failed by a vote of 4-1, five affirmative votes being needed for passage. Mr. Conry voted against the motion.

Chair Belisle indicated that there was no need to pursue further motions on this matter, given that a bare quorum was present. She indicated that, in the absence of objection from OFY/OFL, the funding determinations would move forward to the SBE in November with the recommendation for approval from the CDE and no recommendation from the ACCS.

Opportunities for Learning-Santa Clarita..... #214
Opportunities for Learning-Baldwin Park..... #402

Mr. Edmonds presented the CDE staff recommendation for approval of determinations of funding for these schools at the 70 percent level for two years (as requested). He indicated that the schools do meet the criteria for funding at the 70 percent level. He reiterated that the requests are premised on the 1.92 factor for determining full-time equivalence of teachers, a matter that was cited in a recent audit and is currently being prepared for an administrative appeal hearing. If OFY/OFL does not prevail in the appeal, then these (and other) OFY/OFL funding determinations will be brought back to the ACCS/SBE for further consideration. Chair Belisle inquired about a STAR testing issue and about financial reserves. Kerry Mazzone, representing OFY/OFL, responded briefly on both issues.

MOTION FAILS: Ms. Barber moved that the ACCS recommend to the SBE that it:

- Approve a 70 percent determination of funding for each of the two schools for two years, 2007-08 and 2008-09.
- Determine in each case that the 70 percent level is appropriate, because it is the default level specified in *Education Code* Section 47634.2(a)(4) and because it is consistent with the criteria specified in the regulations pertaining to determinations of funding as contained in *California Code of Regulations*, Title 5, Section 11963 et seq.

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- Determine in each case that approval be granted for a two-year period, because that is the period requested and because a two-year period is advisable based upon review of the information presented in its totality.

Ms. Hunkapiller seconded the motion, and it failed by a vote of 4-1, five affirmative votes being needed for passage. Mr. Conry voted against the motion.

Chair Belisle again indicted that there was no need to pursue further motions on this matter, given that a bare quorum was present. She indicated that, in the absence of objection from OFY/OFL, the funding determinations would move forward to the SBE in November with the recommendation for approval from the CDE and no recommendation from the ACCS.

Requests for Information to ACCS Members and to Chartering Authorities

Mr. Conry requested that ACCS members routinely receive copies of information submitted by charter schools pursuant to the funding determination conditions being recommended by the ACCS and approved by the SBE. He also requested that CDE staff takes steps to ensure that information regarding funding determination requests has been given to chartering authorities. Chair Belisle indicated that she felt both requests were entirely appropriate.

Updates

Chair Belisle invited Mr. Geeting to provide updates as necessary.

- **Prop 39 Regulations.** Mr. Geeting briefly described the reasons that the Prop 39 regulation package had been withdrawn from the Office of Administrative Law. The SBE amended the regulations and sent them out for an additional 15-day public comment period, which ends October 9, 2007.
- **California Charter Academy (CCA) Development.** Mr. Edmonds reported briefly on a recent development in the CCA case: criminal indictments of two key CCA administrators by the San Bernardino County Grand Jury.
- **Deaf Awareness Week.** Mr. Geeting made a brief announcement concerning Deaf Awareness Week, pointing out the art on display in the meeting room which had been created by students from the California School for the Deaf at Fremont.

Adjournment

There being no further business to come before the ACCS, Chair Belisle adjourned the meeting at 11:40 a.m.

The next meeting will be held on Friday, November 16, 2007, at the East End Auditorium, 1500 Capitol Avenue, Sacramento.