

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

Thursday, October 17, 2002

MEMBERS PRESENT

Marta Reyes, Acting Chair
Steve Barr
Tom Conry
Mark Kushner*
Jan Sterling**

MEMBERS ABSENT

Linda Frost
Beth Hunkapiller
Johnathan Williams
Caprice Young

* Mr. Kushner joined the meeting by telephone from his home (which had been duly noticed as a remote location for the meeting in accordance with the Bagley-Keene Open Meeting Act). He participated only for a limited time as indicated below. He, his wife, and their new born baby girl (Kyra) had just returned home from the hospital.

** Ms. Sterling is the State Superintendent of Public Instruction's designee.

PRINCIPAL STAFF TO THE ADVISORY COMMISSION

Eileen Cubanski, Administrator, CDE Charter Schools Office
Greg Geeting, Assistant Executive Director, State Board of Education

Call to Order. Ms. Reyes called the meeting to order as a committee of the Advisory Commission at 10:19 a.m., noting that a quorum of the full Commission was not present. She indicated that the illness of several members had made it problematic whether a quorum would eventually be established to take action on any matter.

Tentative Agenda. Ms. Reyes indicated that the meeting would focus on public testimony on the issues noted in the agenda and might possibly include action on some determination of funding requests.

Introductions. Ms. Reyes invited members and staff to introduce themselves. She then invited audience members to introduce themselves briefly and indicate the organizations (if any) they represented.

MEETING NOTES
Advisory Commission on Charter Schools
October 17, 2002

Public comment on matters not on the agenda. Ms. Reyes asked if there was public comment on any matter not on the agenda. There was none.

Special Education and Charter Schools. Mr. Geeting briefly described three items that had been supplied to the members, including a set of draft amendments to the state's special education regulations which the State Board had approved for purposes of beginning the rule-making process (with a 45-day public comment period); proposed modifications to the SELPA size and scope standards which were presented for information to the State Board at the October meeting; and some information on special education issues supplied by CANEC. Ms. Reyes asked if there was public comment on any of these items.

David Patterson (CANEC) commented on both the amendments to the special education regulations and the proposed changes to the SELPA size and scope standards. With respect to the size and scope standards, he indicated that CANEC had three principal objections: (1) the proposed minimum size criterion of 30,000 students could preclude innovative efforts to establish regional or a statewide SELPA for charter schools; (2) individual existing parties to SELPA plans could exercise veto power over changes, thereby stifling creative approaches; and (3) county superintendent of schools were given veto power over reorganizations without criteria by which to exercise that veto. He acknowledged that there are places in the state where the existing structure is working and that CANEC certainly did not want to disrupt those constructive relationships. However, CANEC favors the ability to try different approaches where the existing structure is not working.

Regarding the special education regulations, Mr. Patterson's key point was that the proposed changes did not incorporate charter schools within the vision established by federal law. For example, charter schools are not recognized in the definition section. Also, he commented that, even though it had been some years since the Education Code was amended to call for representation of charter schools on the Advisory Commission on Special Education, there was still no charter school representative on that body. He indicated that approaching the issues of concern to charter schools through the regulations was sensible and efficient, a more productive route than federal changes or the courts.

Mr. Patterson urged the Advisory Commission to gather more the size and scope issue and to recommend that the State Board make its next appointments to the Advisory Commission on Special Education so as to include a representative of charter schools.

Mr. Conry suggested that the Advisory Commission have more discussion on these topics at the next meeting. Ms. Reyes asked if the others members present felt comfortable with recommending that the State Board take more time in considering the SELPA size and scope standards. There was considerable discussion. Ms. Sterling and Mr. Conry indicated that they would not be comfortable in recommending that the State Board not take action on the SELPA size and scope standards at the November meeting, because

MEETING NOTES
Advisory Commission on Charter Schools
October 17, 2002

they did not know all of the facts surrounding such a decision; there may be important reasons to take action at the November State Board meeting. Eventually Mr. Conry suggested that the group, as a committee of the Advisory Commission, recommend to the full Commission that it consider adopting a statement along the following lines: "In reviewing the SELPA size and scope standards, we find that charter schools do not appear to have been adequately addressed. Does the State Board wish to have the Advisory Commission examine that issue?"

Mr. Geeting indicated that just the raising of this question would adequately make clear the members' thought. He indicated that he did not know the degree of urgency of action on the SELPA size and scope standards, but that if it was possible to defer action without undue consequence, he suspected that the State Board would do so.

- **COMMITTEE RECOMMENDATION:** Ms. Reyes indicated that, by consensus, the members present concurred with Mr. Conry's suggestion: the committee recommends to the full Commission that it consider adopting the following statement: "In reviewing the SELPA size and scope standards, we find that charter school do not appear to have been adequately addressed. Does the State Board wish to have the Advisory Commission examine that issue?"

ADA Claims for Individuals Over the Age of 19. Ms. Reyes indicated that the Advisory Commission had an extensive discussion on this topic at the previous meeting. She asked if there was any further public comment at this time.

Fadi Sabo (Escuela Popular Accelerated Family Learning Center) indicated that the proposed regulations would have a negative impact on his school. It is important for parents and children to study together. We are pushing for higher graduation rates. Too many adults have been alienated and marginalized in the regular classroom and in adult programs; they have very few credits toward a diploma. They were pushed out of high school, but now they want to work toward a diploma. Also, some are recent immigrants. Our school emphasizes dual immersion.. There should be equity between charter schools and non-charter schools in terms of serving these adults. Why should there be regulations that provide for inequity? The proposal should be rejected.

Mr. Conry inquired about the school's curriculum. Mr. Sabo indicated that the school provided the state-mandated curriculum – all the core courses. Mr. Conry asked if the diplomas granted by the school were accepted by UC and CSU. Mr. Sabo said that he thought they were. The school began by providing basic citizenship courses as part of the amnesty program and has built up from there. Mr. Sabo indicated that he knew of some students who had moved on the postsecondary education.

Chuck Gehrke inquired as to whether an interpretation had been offered as yet regarding "charter school program" as it relates to exclusive relationships with the California Conservation Corps and local conservation corps. Mr. Geeting indicated that this is an area where regulations might be in order and that, to his knowledge, no administrative interpretation of the term had been offered at this point.

MEETING NOTES
Advisory Commission on Charter Schools
October 17, 2002

Mr. Patterson indicated that CANEC was still looking into the possibility of a compromise – a meeting of the minds on this issue.

Robert Ehlers (California Department of Education) clarified that there is no separate diploma for adult education; there is only the earned high school diploma. A diploma may be earned through adult education by a student completing all of the requirements set forth in law. Beginning in 2004, adults will also be required to have passed the California High School Exit Examination in order to earn a diploma. Mr. Ehlers indicated that there are typically specialized instructional materials for adult students, but that to his knowledge they generally reflected the adopted content standards in the core curriculum areas. Mr. Geeting and Ms. Cubanski pointed out that the state does not adopt instructional materials beyond grade eight; instructional materials used in high schools are selected by local boards of education.

Ms. Sabo indicated that his school emphasized “family learning.” Both children and adults attend together. It’s important to have both. The school also specializes in be culturally sensitive. The school is easily able to attract students to capacity without advertising.

Charter Renewal and Revocation. Ms. Reyes indicated that further discussion of this matter would be put over to the next meeting.

2002-03 Determination of Funding Requests. Ms. Reyes explained that Mr. Kushner was available by telephone if it was the members’ desire to take action on some of the determination of funding requests before them. Mr. Barr indicated that he was not comfortable with proceeding and suggested that all of the requests be put over to the next meeting, although testimony could be taken from anyone wishing to speak. Ms. Sterling indicated that she would recommend holding off on all but two of the requests; there are two requests where the CDE staff recommendation is aligned with the charter schools’ requests.

Ms. Cubanski indicated that it was certainly the members’ call as to whether to proceed. She commented that, because multiple-year requests present a new dimension, CDE staff didn’t really have a basis to establish a “consent” calendar, so all of the requests are presented for full consideration. Ms. Cubanski went ahead to describe the evaluation process, using the requests from Visions in Education (#248) and Choices Charter School (#275) as examples.

Ms. Reyes inquired of the audience who wished to address the committee. It was determined that there were speakers for Mountain Home School Charter (#63) and Hart-Ransom Charter School (#80). Ms. Reyes inquired specifically whether anyone present wished to speak on the Visions in Education or Choices Charter School requests, recognizing that these requests were recommended for approval by CDE staff. No one wished to address these two requests.

MEETING NOTES
Advisory Commission on Charter Schools
October 17, 2002

- **COMMITTEE DECISION:** Based upon a motion from Mr. Barr, a second from Ms. Sterling, and an indication of concurrence from Mr. Conry, Ms. Reyes concluded that there was consensus to endeavor to reach Mr. Kushner by telephone and take action on the requests from Visions in Education and Choices Charter School.

Mr. Geeting was successful in reaching Mr. Kushner by telephone, and it was established that Mr. Kushner could hear the proceedings. Ms. Reyes recognized that a quorum of the Advisory Commission was now present, and she briefly summarized the situation for Mr. Kushner. Ms. Cubanski then summarized the CDE staff recommendations on the requests from Visions in Education and Choices Charter School. Both had requested the 100 percent level (full funding) for 2002-03 and 2003-04. There was discussion on some of the points raised in the CDE staff analysis. Ms. Cubanski indicated that the data collected on square footage of facilities was not as useful as might have been hoped. Ms. Sterling commented that the regulations may need to be cleaned up with respect to FTE employees.

- **RECOMMENDATION APPROVED:** Mr. Kushner moved that the Advisory Commission recommend to the State Board that it approve the determination of funding requests from Visions in Education (#248) and Choices Charter School (#275) for 2002-03 and 2003-04 at the 100 percent level (full funding). The reasons justify a level higher than 80 percent in 2002-03 and higher than 70 percent in 2003-04 are that (1) the schools met the minimum criteria specified in regulation for the 100 percent level and (2) the schools presented sufficient evidence (taking the totality of the requests into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the schools to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function. Mr. Barr seconded the motion. The motion was approved by roll call vote (5-0). Voting in favor of the motion were Mr. Kushner, Mr. Conry, Ms. Sterling, Mr. Barr, and Ms. Reyes.

The action completed, Mr. Kushner terminated his participation in the meeting. Returning to operation as a committee, Ms. Reyes then called for public comment on the other determination of funding requests.

Michael Cox (Mountain Home School Charter) commented that the CDE staff recommendation would result in an approximate reduction of \$170,000 which would be very serious. The problem, he indicated, was that the preceding year had been exceptional because there was no full-time principal. Had the school anticipated how that situation would make the figures appear, action could have been taken in the preceding year to account for the funds differently. He indicated that certain categorical funds artificially inflate the figures from the preceding year. He also mentioned special education services and the purposes for which funds were held in reserve. He indicated that he would return at the Advisory Commission's November meeting.

MEETING NOTES
Advisory Commission on Charter Schools
October 17, 2002

Sherry Smith (Hart-Ransom Charter School) indicated that she would return at the Advisory Commission's November meeting and would not make a statement at this time.

As the meeting drew to a close, Ms. Reyes invited Mr. Barr to share his good news with the group. Mr. Barr indicated that he had been married two weeks before. He was warmly congratulated by all present.

Adjournment. Ms. Reyes adjourned the committee at 12:09 p.m.