



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item # 11.1

Meeting Date: June 19, 2014

Subject : Approve Resolution No. 2796: Charter School Petition: New Joseph Bonnheim (NJB) Community Charter School – (Grant or Deny with Findings)

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Accountability Education Code section 47605(b) to consider the level of support for the proposed K

th grade.

The District Board to take action at its scheduled Board Meeting, June 19, 2014.

Staff conducted a full, comprehensive review of the Petition pursuant to Education Code 47605 and recommends that the Petition be denied. The Staff Report details Staff and Legal’s analysis of the Petition and the supporting evidence and legal basis for its recommendation of denial. Staff recommends the Board of Education adopt Resolution 2796 to deny the New Joseph Bonnheim Community Charter School based on the Findings of Fact and specific facts that support the following:

- x The Petition, as drafted, presents an unsound educational program for the pupils to be enrolled in the charter school
- x The Petition, as drafted, demonstrates it is unlikely that the petitioners will successfully implement the program set forth in the Petition
- x The Petition, as drafted, does not contain reasonably comprehensive descriptions of all the items required by Education Code section 47605, subdivision (b)(5)

Financial Considerations: The financial considerations are outlined within the Executive Summary document.

Documents Attached:

1. Charter Petition: <http://www.scusd.edu/new-joseph-bonnheim-charter-petition>
2. Executive Summary
3. Resolution No. 2796

<p>Estimated Time of Presentation : 10 minutes Submitted by : Teresa Cummings, Ph.D., Chief Accountability Officer Approved by : Sara Noguchi, Ed.D., Interim Superintendent</p>
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On April 23, 2014, lead petitioners for The New Joseph Bonnheim Community Charter School (“NJB”) submitted a petition to establish a dependent charter school (“Petition”) with the Sacramento City Unified School District (“SCUSD” or “District”). The Petition proposes to create a charter school to serve K-6th grade that would “develop responsible, respectful, and proactive citizens to become caretakers of our community, state, our country, and our planet” through a focus on agriculture (Petition, pp. 8). Petitioners seek to begin operations with 323 students opening its door in the 2014-2015 school year.

school is an attempt to shield a school from the oversight of the California State Board of Education. The petitioners have not provided any evidence to support their claim that the school is a public school. The petitioners have not provided any evidence to support their claim that the school is a public school.

- 1) The charter school presents an unsound educational
- 2) The Petition is demonstrably unlikely to succeed

- 3) The Petition does not contain the number of signatures prescribed by Education Code section 47605, subdivisions (a)(1)(A) or (a)(1)(B)
- 4) The Petition does not contain an affirmation of each of the conditions set forth in Education Code section 47605, subdivision (d), including that the charter school: (1) will be nonsectarian in its admission policies, employment practices and all other

(CCSS). For a school that will be operating with 40 – 50% English Learner population, it is critical that petitioners are aware of the current research-based language development theory and practices (Petition, pp. 120 – 122). The petition includes older research to qualify the charter’s instructional programs for ELs; however, the 30-year old work done by Stephen Krashen and Jim Cummins has been since amended and revised almost continuously by educational lingu4(I)4(E)4.1 44.64(a

7. Petitioners outline several approaches to curriculum and instruction such as project-based learning, Body-Brain compatible teaching and learning, GLAD, STEM, HET, agricultural and civic education. Extensive professional development is needed for the program and the population.
8. Petition states that “applicants for new teaching positions at NJB must meet the following criteria:
 - x Be familiar with HET model of learning. Preference will be given to those who have successfully used the model and
 - x Available and willing to participate in a variety of PD experience during the year including a two week training sessions before the first day of school in Sept 2014”
9. Staff has concerns and lacks specificity as to what role the founding group representatives will have in the day-to-day operations of the school. At the capacity interview, Dr. Mah made staff aware that he would be working at the school site 30-40 hours a week, coaching the Steering Committee.

Governance

10. The Steering Committee, which functions as the “governing board” for t .d4



[...]' ". (Petition, pp. 54.) While these statements sound like a reasonable attempt to strike a balance between the power of District and the Charter School, this arrangement blurs the lines of authority when put into practice, and could expose the District to greater liability and lead to conflict over which body actually governs the Charter School. While nothing prevents the District from establishing a charter school with this type of governance structure, the Board should be aware of how such a structure will impact the District.

13. NJB's Steering Committee Has Complete Authority Over the Charter School.

The Petition states that there will be three levels of decision-making at NJB. (Petition, pp. 52.) The first level will be the District's Governing Board, which will authorize the Charter. The second level of authority is the policy making level, which is delegated to the Steering Committee. The third level will be NJB's Principal, who will handle the day-to-day operations of the Charter School. (*Ibid.*) Of these three levels, the Steering Committee will have the greatest amount of authority. The Petition states that,

"The Steering Committee is the main decision-making body at NJB. The committee decides what, where, when, why and how decisions will be made and who will make the decisions. The Steering Committee approves all policy statements, including the Local Control Accountability Plan (LCAP), its annual update and the NJB Budget." (Petition, pp. 57.)

This statement definitively establishes the Steering Committee as the decision-making body that governs the Charter School. Under this model, the District would have little to no decision-making authority. For Example, according to the Petition, the Steering Committee will be comprised of "five teachers, one classified staff member, the principal [of NJB], five community members and one non-voting district representative [...]." (Petition, pp. 57, emphasis added.) By making the District's lone representative a non-voting member, the District will have less opportunity to participate in the Steering Committee's decisions.

14. How The Governance Structure Impacts the District's Liability.

In general, the law protects school districts from a charter school's liability, debts, errors and omissions in situations where the charter school is operated by a nonprofit public benefit corporation, and so long as the school district performs its oversight responsibilities. (Ed. Code, § 47604, subd. (c).) Under NJB's governance structure, NJB

Relations Board.” (Ed. Code, § 47611.5, subd. (e).) Such an argument would be misplaced, as this statute merely prohibits a collective bargaining agreement from impacting whether a charter petition is approved. This statute does not prohibit the District from considering the impact of voluntarily taking on the additional responsibility of negotiating labor agreements or the impacts and liabilities to the District that go along with these bargaining issues.

The petition does not contain reasonably comprehensive descriptions of certain elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P), as set forth below.

Education Program, Measurable Student Outcomes, Means to Measure Student Outcomes

1. Petition provides a description of the theory behind the educational program and how it addresses the needs of the target population; however, it lacks specificity in describing how the theories will be made actionable and implemented in a manner to ensure the mission and vision are both actualized successfully.
2. Petition outlines a focus on Agriculture, but it does not provide explicit description of how this focus will serve the needs of the specific student population the school projects to serve (i.e. students from low income communities, English learners and high concentrations of academically

whereas the NJB proposes a traditional day of 6.5 hours with minimum days each Wednesday. Staff believes this would greatly impact the results and success of the school. The Petition states additional learning time after school and during off track time from outside providers such as ClubZ and Luminous.

6. The Petition lackr (t) 4

does not include any job descriptions for non-certificated instructors. While charter schools have “flexibility” for hiring instructors for non-core classes, the qualifications for these positions should be high and clearly articulated. Petitioners must clarify whether they intend to use the District’s job descriptions or not. Without a clear idea of the qualifications and duties for all of the positions the Charter School intends to fill, the Board cannot be assured that Charter School employees will have sufficient experience and/or subject matter expertise.

14. The Petition indicates that the Charter School intends that its Principal will be the sole school administrator, with responsibility for budget forecasting, purchasing, accounting, budget monitoring, facilities management, staffing, proposing admissions regulations, serving as liaison with outside organizations, maintaining up-to-date-financial records, and developing organizational systems. (Petition, pp. 64-66.) However, the Petition also indicates the Charter School will be purchasing administrative services from the District, including accounts payable, budget, human resources, employee compensation, and purchasing. (Petition, pp. 84-85.) These statements appear to be in conflict with each other, and it is not clear how these functions will be apportioned between District staff and the Principal. These issues will need to be clarified before the Board takes action to approve or deny the Petition.
15. Charter school petitioners are required to provide information on the impact on the chartering district, including, the facilities to be utilized by the school, the manner in which administrative services will be provided, potential civil liabilities for the chartering school district, and a financial statements including a proposed first year operational budget, including startup costs, and cash flow and a three year projected operational budget. (Ed. Code § 47605, subd. (g).) The Charter School’s plan for the provision of administrative services appears adequate. (Petition, pp. 84.) However, the Petition fails to adequately address the following potential impacts on the District:

Facilities

16. Petitioners intend that the Charter School will be located at the District’s Joseph Bonnheim Elementary School, which is now closed. (Petition, pp. 83.) However, because NJB’s petition was not approved prior to March 15, 2014, NJB is not entitled to facilities under Prop 39 for the 2014-

11969.9, subd. (a).) If the Board decides to give NJB this site, the District would be reopening a site that it closed two years ago.

Cash Flow

17. Petitioners acknowledge that cash flow will be a problem during the Charter School's first year of operation. (Petition, pp. 125, 139.) To resolve this problem, the Petition calls for the District to cover any shortfall and to

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SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 2796

RESOLUTION TO DENY THE PETITION TO

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 19th day of June, 2014, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

Patrick Kennedy
President of the Board of Education

ATTESTED TO:

Dr. Sara Noguchi
Secretary of the Board of Education