

BOARD DOCKET INFORMATION

Education Code section 47605 (b) provides that “the governing board of a school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition setting forth specific facts to support one or more of the following findings:

1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required by subdivision (a).
4. The petition does not contain an affirmation of each of the conditions described in subdivision (d).
5. The petition does not contain reasonably comprehensive descriptions of the [sixteen elements].”

Education Code section 47605 (b) also provides that “the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended... if both parties agree to the extension.”

The Board finds itself in the position of being presented with a charter petition that the organizers have worked tirelessly on and that the staff supports, but that also is deficient in some important areas. Specifically: (a) the petition does not present a sound educational program; (b) based on the financial information supplied, the petitioners are not reasonably likely to implement the program described in the petition; and (c) the document does not meet all of the 16 elements required of a charter petition. Given the petition’s challenges, it would be an abrogation of the Board’s duty to approve the petition in its current form.

Despite the deficiencies in the petition, the fact remains: students, Clayton Valley High School staff, and the Clayton community are demanding a better educational experience.

Many of the Clayton Valley High School staff, parents and community believe that less bureaucracy and adherence to the Education Code, and more site level control are the keys to helping ensure that students receive better educational opportunities.

On August 10, 2011, District staff and the charter school organizers met to address many of the unanswered questions raised in the petition. During the meeting, the organizers provided additional information related to the baseline of courses that will be offered, insurance, personnel, and the Charter School’s intention to be a school of the District for purposes of Special Education. The organizers informed staff they were already working on the curriculum plan, the delivery of instruction to students pending suspension and expulsion proceedings, and other issues of concern to District staff.

High schools are complex operations and we caution the organizers that by not fully planning the curriculum, delivery of instruction, and finances, they are hindering their chances of success. The best chance students have for a better experience is for students and adults (the District, the petitioners/organizers, staff, and community members) to work in partnership and collaboration to address the current shortcomings of the educational program at Clayton Valley High School.

The Board has three options when considering any charter proposal: 1) grant the charter petition unconditionally; 2) grant it with conditions; or 3) deny it based on identified deficiencies.

Based on the above options, staff has developed three Board Resolutions:

1. Grant the petition without conditions;
2. Approve the petition for 3 years (2012/13, 2013/14, and 2014/15) with conditions, which must be met by February 1, 2012. At the last board meeting in February 2012, the Board will determine whether the petitioners have met the conditions. Should the petitioners fail to meet the conditions, the charter petition shall be rejected and the conditional approval shall be void. The February 2012 timeline allows the organizers ample opportunity to demonstrate that they can resolve the issues listed in the attachment to the Board Resolution Approving Clayton Valley Charter High School Petition, With Conditions. Given the organizers' statements at the August 10, 2012 meeting that they are already in the process of addressing many of the curricular, operational and financial concerns staff raised, addressing the conditions and providing evidence that conditions have been met should not present a hardship; or
3. Deny the petition based on identified deficiencies, and to instruct staff to create a joint committee with the school site to develop and implement an improvement plan for Clayton Valley High School. Organize a committee comprised of the new administrative team at Clayton Valley High School and the petitioners to develop the site education and operations plan.