

# Mt. Diablo Unified School District Clayton Valley Charter High School

Staff Analysis of Petition  
September 13, 2011



# Petition Review Process



## Step 1: Convene reviewing committee

- Steven Lawrence: instructional and fiscal
- Bryan Richards: fiscal analysis
- Greg Rolen: insurance analysis
- Julie Braun Martin: personnel analysis
- Mildred Browne: special education and student services analysis
- Rose Lock: instructional analysis
- Deborah Cooksey: governance, collective bargaining, and closing procedures analysis

# The Petition Review Process (continued)

- **Step 2**: Review entire petition individually and then discuss as a group initial observations of strengths and deficiencies with a focus on addressing the legislative intent of the charter laws including: improving student learning and encouraging different and innovative teaching methods.
- **Step 3**: Obtain extension until August 9<sup>th</sup> to convene public hearing.

# The Petition Review Process (continued)

- **Step 4**: Meet with organizers to clarify statements made in the petition and to gather additional information.
- **Step 5**: Meet as a group to conduct a critical analysis of each team member's findings.

# The Petition Review Process (continued)

- **Step 6**: Prepare staff report containing written findings of fact identifying the deficiencies in the petition and noting strengths.
- **Step 7**: Identify Independent Reviewer  
School Services of California, the premier business, financial, management, and advocacy resource for educational agencies in California, reviewed the fiscal, personnel, and governance portions of the petition and conducted an analysis of those portions of the staff report.

# Legislative Intent of Charter Laws

## Education Code Section 47601

- Improve pupil learning
- Encourage the use of different and innovative teaching methods

# Legislative Intent of Charter Laws

## Education Code Section 47601 (continued)

- Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system
- Hold charter schools accountable for meeting measurable pupil outcomes

# Education Code Requirements for Approval



Education Code Section 47605(b)

## **School boards shall not deny a charter unless:**

- The charter school presents an unsound educational program.
- Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

# Education Code Requirements for Approval (continued)



- Petition does not contain the number of signatures (50% of permanent status teachers currently employed at the school to be converted).
- Petition does not contain certain affirmation of conditions described in the Education Code.

# Education Code Requirements for Approval (continued)

- Petition does not contain reasonably comprehensive descriptions of the 16 elements, some of which include:
  - ✓ A description of the educational plan [Element 1]
  - ✓ Measurable pupil outcomes identified for use by the charter [Element 2]

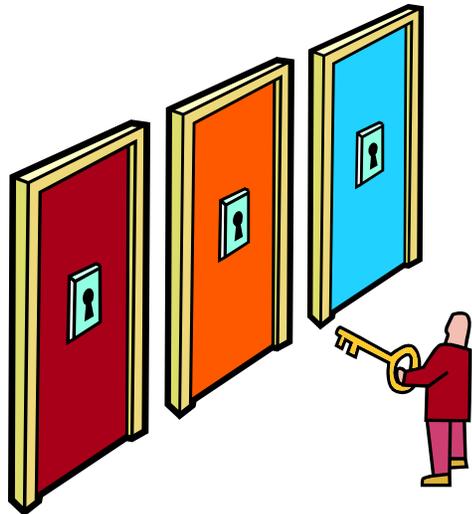
# Education Code Requirements for Approval (continued)

- ✓ The methods to assess pupil progress toward outcomes [element 3]
- ✓ A comprehensive description of employee qualifications [Element 5]



# Education Code Requirements for Approval (continued)

- ✓ The charter school's health and safety procedures [Element 6]
- ✓ Student suspension and expulsion procedures [Element 10]



# Board Options

- **Option 1:** Unconditionally Approve
- **Option 2:** Approve With Conditions
- **Option 3:** Deny

# Analysis: Commendable Aspects of the Petition

- Number of tenured teachers who signed the petition exceeded legal requirements.
- Petition contains the required legal assurances.



# Analysis: Commendable Aspects of the Petition (continued)

- Governance requirements meet the legal guidelines.
- Closing procedures meet the legal guidelines.
- Clear demonstration of community support.

# Analysis: The Charter Presents an Unsound Educational Program

- Petition does not adequately address how it will insure that individualized instruction is rigorous and aligned to grade level standards.
- There is no clear plan to monitor teaching and learning in order to insure improved achievement and engagement.

# Analysis: Unsound Educational Program (continued)

- Graduation requirements include all students passing two years of a foreign language but no plan is offered to scaffold Special Education students. Specifically, for the life of the charter, there are no identified resources to ensure differentiation of the curriculum for Special Education students and to ensure that they can meet the rigorous high school standards.

# Analysis: Unsound Educational Program (continued)

- There is no specific plan that addresses closing the achievement gap.
- Petition refers to flexible calendars and schedules, extended day classes, inter-session, and online tutorials, etc. but indicates no clear commitment or plan to accomplish them.

# Analysis: Unsound Educational Program (continued)

- Petition does not sufficiently indicate the process for ensuring ELL students reach English fluency for all years of the school's operation and does not provide for interventions for English learners not meeting the Annual Measurable Academic Objectives for English Learners.
- Petition does not adequately address how the school will serve socio-economically disadvantaged students.

# Analysis: Petitioners Are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition Because the Financial and Operational Plans Are Unrealistic

- Petition indicates that it expects to receive Title I funding but CVHS is not a Title I school. CVHS has a Free and Reduced Price Lunch (“FRPL”) percentage of 18%, which is much less than the required minimum of 35%. Therefore, it is not realistic to anticipate Title I funding and revenue is overstated by \$111,920, \$114,158, and \$116,441 in years 1-3 respectively.

# Analysis: Financial and Operational Plans Are Unrealistic (continued)

- **Supplemental hours**: There is no supplemental hourly funding during the term of Tier 3 flexibility. Revenue is overstated by: \$214,957; \$219,256; and \$223,641 in years 1-3 respectively.
- **State Lottery**: In its first year of operation, any independent charter school receives zero lottery dollars as lottery apportionments are based on prior year ADA of the reporting entity. Revenue in year one is overstated by \$248,710.

# Analysis: Financial and Operational Plans Are Unrealistic (continued)

- **Other State Revenue**: No description is given, nor is there any methodology for calculating the amount.
  - ✓ The amount is the same as the State Charter School Revolving Loan Fund which is a liability to be included on the Balance Sheet of the school, not a revenue source.
  - ✓ Revenue is overstated by \$200,000 and \$175,000 in years 1 and 2 respectively.

# Analysis: Financial and Operational Plans Are Unrealistic (continued)

- **Other income**: No description is given, nor is there provided any methodology for calculating the amount. Revenue is overstated by: \$95,370; \$97,277; and \$99,223 in years 1-3 respectively.



# Analysis: Financial and Operational Plans Are Unrealistic (continued)

- **Teacher salaries**: No amount of actual budgeted FTE is indicated so it is difficult to determine whether the amount budgeted is adequate. Supplemental information provided by the petitioners indicates a 9% decrease in teacher salaries, but does not indicate how the decrease will be achieved (whether through decrease of FTE, rollback of salaries, or hiring a less senior staff).

# Analysis: Financial and Operational Plans Are Unrealistic (continued)

- **Certificated pupil support**: No amount of FTE is indicated and there appears to be no provision for step & column or other pay adjustments as the salary amount is flat across all three years.
- **Certificated Administrators**: No FTE is indicated by position, so it is not possible to assess adequacy of the budgeted amount. The supplemental backup material provided does not indicate why administrators' salaries increase by \$246,000 (67%) from 11/12 to 12/13.

# Analysis: Financial and Operational Plans Are Unrealistic (continued)

- **Classified Salaries**: The supplemental information provided by the school indicates a 41% decrease in instructional aide salaries but does not indicate if this is through reduction of FTE, reduction of special education services, or rollback of salaries.

# Analysis: Financial and Operational Plans Are Unrealistic (continued)

- **Charter School General Purpose State Aid:** State Deferrals of 38% are under-reported as 30.24%
- **Debt and cash flow:** Petition refers to a \$2,000,000 loan and counts it as revenue rather than debt. Petition references debt service interest of \$100,000 in the first year, declining to \$80,000 the second year and \$60,000 the third year. There is a reference to \$2,000,000 in loan proceeds and even with it, CVCHS runs out of cash on April 30, 2013, rendering it insolvent. The same thing happens again in 2014 and 2015.

# Analysis: Financial and Operational Plans Are Unrealistic (continued)

- The Charter School would be inadequately capitalized even assuming its revenue numbers were accurate. Given that \$870,957 of its revenue is identified as questionable above, CVCHS is at risk of inadequate cash in each of the last 4 months of every fiscal year.

# Analysis: Petition Does Not Contain a Reasonably Comprehensive Description of the Educational Program of the School (Element 1)

- For the same reasons that the petition presents an unsound educational plan, it also fails to provide a reasonably comprehensive description of the educational program.



# Analysis: Petition Does Not Contain a Reasonably Comprehensive Description of the Measurable Pupil Outcomes Identified for Use by the Charter School. (Element 2)

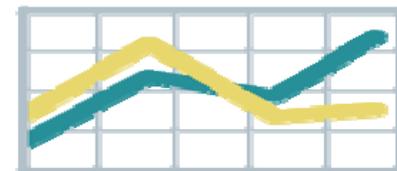
- It is unclear how the Charter School will determine whether students have demonstrated proficiency and have met the performance targets specified in the petition. A comprehensive student assessment plan specifies how formative assessments will be used to address the needs of students as well as how instructional decisions are based on assessment results.

# Analysis: Petition Does Not Contain a Reasonably Comprehensive Description of the Measurable Pupil Outcomes. (Element 2) (continued)

- The lack of a detailed grading plan for all years of the charter school's operation prevents the District from determining that such a plan will provide a fair, consistent, and transparent process of measuring student progress.

# Analysis: Petition Does Not Contain a Reasonably Comprehensive Description of the Method to Assess Pupil Progress Towards Outcomes. (Element 3)

- Petition does not sufficiently describe the assessment program that will be developed in order to determine student progress toward stated outcomes as required by the Education Code.
- Petition does not sufficiently explain how assessment data will be used to enhance instructional or professional practices or what will constitute its assessment plan.



# Analysis: Petition Does Not Present A Reasonably Comprehensive Description Of Employee Qualifications. (Element 5)

- Petition indicates the Charter School may make exceptions to the certificated credential requirements but fails to note the circumstances under which exceptions would be allowed.
- No job description was provided for the internal Chief Business Officer.
- There is no requirement that the Executive Director have financial experience related to educational or private industry budgeting, accounting or finance.

# Analysis: Petition Does Not Present a Reasonably Comprehensive Description Of the Charter School's Health and Safety Procedures. (Element 6)

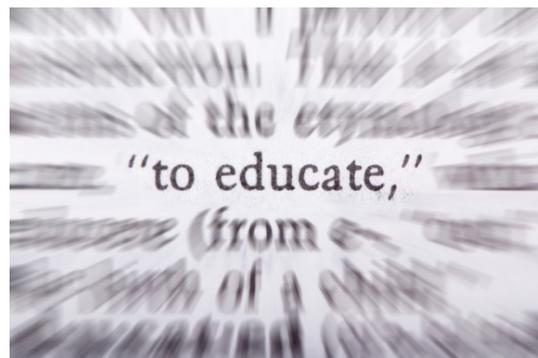
- It is unclear who will be responsible for General Education students' health needs. For instance, there is no mention of whether a nurse will be involved with Section 504 and IEP students with specialized health care needs.
- Petition does not mention whether a school psychologist will be employed.

# Analysis: Health and Safety Procedures (Element 6) (continued)

- There is no mention of who will provide vision, hearing and scoliosis screenings and how this information will be maintained and communicated to parents.
- Petition does not indicate the process for educating those students with medical issues that make them unable to attend school.

# Analysis: Petition Does Not Present a Reasonably Comprehensive Description of Student Suspension and Expulsion Procedures. (Element 10)

- Petitioners do not indicate the total number of suspension days allowed in a school year and do not explain how instruction will be delivered to students when they have been suspended and/or when they are awaiting suspension or expulsion.



# Staff Conclusions

As drafted, does the petition meet the requirements of the law?

No.

# Staff Conclusions

- The plan has many deficits in relation to the criteria set forth by Education Code. Therefore, adequate grounds exist to deny the petition.
- Reminder of Board options on charter petition:
  - ✓ Unconditionally Approve
  - ✓ Conditionally Approve
  - ✓ Deny