

ORCUTT UNION SCHOOL DISTRICT
Regular Charter Meeting of the Board of Trustees
Wednesday, August 21, 2013
Closed Session 6:00 p.m.
Public Session —6:15 p.m.
District Office Board Room
500 Dyer Street, Orcutt, CA. 93455

CALL TO ORDER 6:00 P.M.

PUBLIC COMMENT ANNOUNCEMENT

The Board of Trustees welcomes comments about items appearing or not appearing on tonight's agenda. The audience members wishing to address the Board during the Public Comment segment of the agenda are reminded to fill out a Public Comment Form from the Superintendent's secretary and submit it prior to the time the presiding officer calls for Public Comment.

A maximum of thirty (30) minutes is set aside for Public Comment; speakers are allowed a maximum of three (3) minutes to address the board on any items within the Board's jurisdiction in accordance with the Brown Act. The Board will limit any response to public comments to brief statements, referral to staff, or referral to a future board meeting.

CLOSED SESSION PUBLIC COMMENTS

This section of the agenda is intended for members of the public to address the Board of Trustees on items that are being considered in Closed Session.

ADJOURN TO CLOSED SESSION

Adjourn to Closed Session for the purpose of discussing matters expressly authorized by Government Code Section 3549.1, 54956.95, 54957, and 54957.6.

1. Public Employment per Personnel Report.
2. Public Employee Employment/Discipline/Dismissal/Release.
3. Conference with labor negotiator Robert Bush, Superintendent and/or Don Nicholson.
 - a. OEA
 - b. CSEA
4. Conference with labor negotiators for unrepresented employees:
 - a. Certificated and Classified Management, and Confidential.
Agency representative – Superintendent.
 - b. Superintendent. Agency representative – Board of Trustees
5. Student disciplinary/expulsion matters.

RECONVENE TO PUBLIC SESSION 6:15 P.M.

- A. Pledge of Allegiance
- B. Public Report on Action Taken in Closed Session
- C. Superintendent's Report

An opportunity for the Superintendent to share matters of special interest or importance which are not on the board agenda and/or special presentations of district programs or activities such as curriculum/instructional updates, timely events/information, and district activities.

1. Staffing 2013/2014
2. Enrollment 2013/2014
3. SOARR
4. Actuarial Report for Post-Retirement Benefits

D. Public Comment

An opportunity for the public to provide input to the Board of Trustees. Those wishing to speak about a specific agenda item may do so during the Public Comment segment or when the item is being considered. Any request to speak must be submitted on a **Request for Public Comment Form** which can be obtained from the Superintendent's secretary and

submitted prior to the presiding officer addressing the item. If you choose to speak when an item is before the Board, your name will be called prior to board consideration. An item not on the agenda must be addressed during the Public Comment segment of the agenda.

E. Written Communication

Documents addressed to or by board members as communications during a Board of Education meeting are defined as letters from parents or community members regarding issues within the jurisdiction of authority of the Board of Education; information or reports from professional organizations, i.e., CSBA, SBCSBA, etc.; letters or reports from other public agencies; letters or reports from legislators; or letters or reports from district schools or staff.

F. Public Hearing - None

CONSENT AGENDA ITEMS

Actions proposed for Consent Agenda (block vote) items are consistent with approved practices of the district and are deemed routine in nature. Since trustees receive board agenda backup information in advance of scheduled meetings, they are prepared to vote with knowledge on the block vote items. Consent Agenda items are voted on at one time, although any such item can be considered separately at a board member's request.

- A. Certificated Personnel Action Report
- B. Regular Charter Board Minutes, June 12, 2013
- C. Corrected 2013/2014 Orcutt Academy Charter High School Calendar

It is recommended that the Board of Trustees approve Consent Agenda Items A through C, as submitted.

Moved _____ Second _____ Vote _____

ITEMS SCHEDULED FOR ACTION

A. GENERAL

1. Board Policy 0420.42, Charter School Renewal

It is recommended that the Board of Trustees adopt Board Policy 0420.42, Charter School Renewal for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

2. Board Policy 0420.43, Charter School Revocation

It is recommended that the Board of Trustees adopt Board Policy 0420.43, Charter School Revocation for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

ITEMS SCHEDULED FOR INFORMATION/DISCUSSION

1. Charter Financial Report
2. Items from the Board

GENERAL ANNOUNCEMENTS

Unless otherwise noticed, the next regular board meeting is scheduled for Wednesday, September 11, 2013, with Closed Session beginning at 6:00 p.m. followed by Public Session at 6:15 p.m. in the District Office Board Room, 500 Dyer Street, Orcutt, CA.

ADJOURN

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Superintendent's Office at (805) 938-8907. Notification 48 hours prior to the meeting will enable the district to make reasonable arrangements to ensure accessibility to this meeting.

All documents related to the open session agenda are available for review 72 hours prior to the meeting at the Orcutt Union School District Office, 500 Dyer Street, Orcutt, CA.

ORCUTT ACADEMY CHARTER SCHOOLS

ORCUTT UNION SCHOOL DISTRICT

Certificated Personnel Action Report

TO: Robert Bush
District Superintendent

FROM: Don Nicholson
Assistant Superintendent, Human Resources

DATE: Board Meeting of August 21, 2013

RE: **RECOMMENDATIONS FOR APPROVAL AND RATIFICATION**

<i>SCHOOL</i>	<i>CLASS/ STEP</i>	<i>EFFECTIVE DATE</i>	<i>ACTION INFORMATION</i>
Charter HS	Stipend	2013-14	Girls Var. Basketball Coach
Charter HS	Stipend	2013-14	Swim Coach
Charter HS	Stipend	2013-14	Boys Var. Soccer Coach
Charter HS	Stipend	2013-14	Boys Var. Basketball Coach
Charter HS	Stipend	2013-14	PLC Leads for Science
Charter HS	Extra Duty	5/2-5/30/13	Intervention, 11 hrs
Charter HS	III	8/5/2013	Principal Cell Phone Reimbursement Mileage Reimbursement
Charter HS	Stipend	2013-14	Boys Var. Tennis Coach
Casmalia	Stipend	2013-14	Yearbook Advisor
Charter HS	Stipend	2013-14	Boys JV Soccer Coach
Charter HS	Stipend	2013-14	Girls Golf Coach Boys Golf Coach
Charter HS	Stipend	2013-14	Boys Var. Volleyball Coach
Charter HS	Stipend Extra Pay	2013-14	ASB Advisor Extra .20 FTE
Charter HS	Stipend	2013-14	Swim Assistant
Charter HS	Stipend	2013-14	Cross Country Coach
Charter HS	Stipend	2013-14	Girls JV Basketball Coach

*To be prorated

<i>SCHOOL</i>	<i>CLASS/ STEP</i>	<i>EFFECTIVE DATE</i>	<i>ACTION INFORMATION</i>
Charter HS	Stipend	2013-14	Robotics Coach
Charter HS	Stipend	2013-14	PLC Leads for Electives
Charter HS	Extra Duty	5/2-5/30/13	Detention, 7 hrs
Charter HS	Stipend	2013-14	Yearbook Advisor
Charter HS	Stipend	2013-14	Varsity Softball Coach
Charter HS	Stipend	2013-14	Girls Var. Tennis Coach
Charter HS	Stipend	2013-14	PLC Leads for Math
Charter HS	Stipend	2013-14	Girls JV Tennis Coach Boys JV Tennis Coach
Charter HS	Stipend	2013-14	Choir
Charter HS	Stipend	2013-14	Track Coach
Charter HS	Stipend	2013-14	Robotics Assistant
Charter HS	III	7/17/2013	Resignation
Charter HS	Stipend	2013-14	Football Assistant
Charter HS	Extra Duty	5/2-5/31/13	Intervention, 9 hrs
Charter HS	Stipend	2013-14	Senior Class Advisor
Charter HS	Extra Duty Stipend	5/2-5/30/13 2013-14	Intervention, 12 hrs PLC Lead for Social Science
Charter HS	V-1	2013-14	Temporary
Casmalia District	Extra Duty Hourly	1/11-6/7/13 5/1-5/24/13	Mandarin, 54 hrs Consultant, 30 hrs
Charter HS	Stipend	2013-14	Cheer Advisor Dive Coach
Charter HS	Stipend	2013-14	Football Coach
Charter HS	Stipend	2013-14	Var. Baseball Coach
Charter HS	Stipend	2013-14	JV Baseball Coach
Charter HS	Stipend	2013-14	PLC Leads for English
Charter HS	Stipend	2013-14	Girls JV Soccer Coach
Charter HS	Stipend	2013-14	Girls JV Volleyball Coach
Charter HS	Stipend	2013-14	Track Assistant
Charter HS	Stipend	2013-14	Girls Var. Soccer Coach
Charter HS	Stipend	2013-14	Girls Var. Volleyball Coach
Charter HS	Stipend	2013-14	Cross Country Assistant

*To be prorated

**ORCUTT UNION SCHOOL DISTRICT
BOARD OF TRUSTEES
REGULAR CHARTER MEETING
June 12, 2013**

CALL TO ORDER

A regular charter meeting of the Board of Trustees of the Orcutt Union School District was held on Wednesday, June 12, 2013, with Jan Zilli calling Public Session to order at 6:02 p.m. Members Present: Buchanan, Hatch, Zilli and Phillips. Absent: Peterson. Administrators Present: Bush, Edds and Ochej. Absent: Yanagisako.

ADJOURN TO CLOSED SESSION

It was moved by Bob Hatch, seconded by Rob Buchanan and carried to adjourn to Closed Session at 6:03 p.m.

RECONVENE TO PUBLIC SESSION

The meeting reconvened to Public Session at 6:15 p.m. The Pledge of Allegiance was led by Don Nicholson. Board President Zilli reported that no action was taken in Closed Session.

SUPERINTENDENT'S REPORT

Joe Dana reported that the Santa Barbara County ROP (Regional Occupational Program) made a commitment to fund a ROP class at OAHS in the 2013-2014 school year. The class will be Mechatronics and will be taught by its current teacher Skyler Lassman. ROP will fund one-sixth of Skyler's salary and contribute to class materials. ROP has also committed to fund and help develop an Engineering Design course for the 2014-2015 school year.

Mr. Dana reported that the Independent Study Program held a parent information night with approximately 10 families in attendance.

Kelly Gill has been hired at OAHS to teach photography for the upcoming year.

Ted Lyon reported on the end of the year activities at OAHS. The Prom and Disneyland Senior Grad Night were a huge success. Graduation was held in the Alan Hancock Student Quad. Fortunately the weather cooperated. Graduation exercises have already been booked for the Hancock Gym for next year.

PUBLIC HEARING

Ms. Zilli opened the Public Hearing relating to the 2013/2014 Charter Budget. There being no discussion the hearing was closed.

CONSENT AGENDA ITEMS

- A. Certificated Personnel Action Report
- B. Regular Charter Board Minutes, May 8, 2013
- C. Certificated Substitute Wages

It was moved by Bob Hatch, seconded by Rob Buchanan and carried to approve Consent Agenda Items A through C, as submitted. Vote: 4 Ayes, 1 Absent

ITEMS SCHEDULED FOR ACTION

It was moved by Rob Buchanan, seconded by Bob Hatch and carried to accept the gifts and directed that a letter of acceptance and appreciation be forwarded to Chris and Christie Hurd and Jose and Monique Segura. Vote: 4 Ayes, 1 Absent

It was moved by Rob Buchanan, seconded by Liz Phillips and carried to approve the Memorandum of Understanding between Orcutt Academy High School and San Luis Sports Therapy for athletic training services for the 2013-14 school year. Vote: 4 Ayes, 1 Absent

It was moved by Bob Hatch, seconded by Rob Buchanan and carried to adopt the 2013/2014 Budget and approve the document as presented. Vote: 4 Ayes, 1 Absent

It was moved by Liz Phillips, seconded by Bob Hatch and carried to adopt 2012/2013 Resolution No. 2, Charter Education Protection Account (EPA) 2013-14, as submitted. Vote: 4 Ayes, 1 Absent

ITEMS SCHEDULED FOR INFORMATION/DISCUSSION

The Charter Financial Report was presented for information/discussion. Marysia reported that the report contained nothing unusual.

GENERAL ANNOUNCEMENTS

Unless otherwise noticed, the next Regular Charter Board Meeting is scheduled for Wednesday, August 14, 2013 with Closed Session at 6:00 p.m. followed by Public Session at 6:15 p.m. in the District Office Board Room, 500 Dyer Street, Orcutt, CA.

ADJOURN

It was moved by Liz Phillips, seconded by Rob Buchanan and carried to adjourn the meeting at 6:43 p.m.

Bob Bush, Board Secretary

Dr. James Peterson, Clerk, Board of Trustees



HUMAN RESOURCES MEMORANDUM

TO: Bob Bush.
District Superintendent

FROM: Don Nicholson
Assistant Superintendent, Human Resources

DATE: August 21, 2013

RE: 2013-14 School Calendar Change

BACKGROUND: Orcutt Academy Charter High School Calendar, approved by the Board of Trustees on May 8, 2013, was submitted with incorrect attendance reporting periods.

RECOMMENDATION: Staff recommends that the corrected Orcutt Academy Charter High School Calendar for 2013-14 be approved as submitted by the Board of Trustees.

FUNDING: N/A

Pending Board
Approval
8/21/2013

ORCUTT ACADEMY CHARTER HIGH SCHOOL 2013/2014 SCHOOL CALENDAR

Student
Days
Reporting
Periods

M T W T F					M T W T F					M T W T F					M T W T F					Student Days	Reporting Periods	
22	23	24	25	26	29	30	31	Aug 1	2	5	6	7	8	9 ♦	12 ◆	13 ▲	14 ▼	15	16			3
19	20	O 21	E 22	23	26	27	O 28	E 29	30	Sep 2 ■	3	O 4	E 5	6	9	10	O 11	E 12	13	19	2	
16	17	O 18	E 19	20	23 ◆	24 ◆	25	26	27 ▼	30	Oct 1	O 2	E 3	4	7	8	O 9	E 10	11	18	3	
14	15	O 16	E 17	18	21	22	O 23	E 24	25	28	29	O 30	E 31	Nov 1	4	5	O 6	E 7	8	20	4	
11 ■	12	O 13	E 14	15	18	19	O 20	E 21	22	25	26	●	27 ■	28 ●	29 ●	Dec 2	3	O 4	E 5	6	16	5
9	10	O 11	E 12	13	16	17 ▼	18 ▼	19 ▼	20 ▼	23 ●	24 ●	25 ■	26 ●	27 ●	30 ●	31 ●	Jan 1 ■	2 ●	3 ●	10	6	
6 ●	7 ●	8 ●	9 ●	10 ●	13 ▲	14	O 15	E 16	17	20 ■	21	O 22	E 23	24	27	28	O 29	E 30	31	13	7	
Feb 3	4	O 5	E 6	7	10 ■	11	O 12	E 13	14	17 ■	18	O 19	E 20	21	24	25	O 26	E 27	28 ▼	18	8	
Mar 3	4	O 5	E 6	7	10	11	O 12	E 13	14	17	18	O 19	E 20	21	24	25	O 26	E 27	28	20	9	
31	Apr 1	O 2	E 3	4	7	8	O 9	E 10	11	14	15	16	17 ▼	18 ■	21 ●	22 ●	23 ●	24 ●	25 ●	14	10	
28	29	30	May 1	2	5	6	O 7	E 8	9	12	13	O 14	E 15	16	19	20	O 21	E 22	23	20	11	
26 ■	27	O 28	E 29	30	Jun 2	3 ▼	4 ▼	5 ▼	6 ▼	9	10	11	12	13	15	(180 Student Days)			9	12		

ORCUTT ACADEMY HIGH SCHOOL SCHEDULE

- August 9 In-Service Day (*new teachers*)
- August 12 All Staff Meeting – Welcome Day
- August 13 Teacher Work Day
- August 14 **First Day of School – Minimum Day**
- September 2 Labor Day – No School
- September 20 Progress Reports
- September 23 & 24 Teacher In - service Day – No School
- September 26 Parent/Teacher Conferences (evening 5-7:30)
- September 27 Minimum Day
- November 1 Progress Reports
- November 11 Veterans Day – No School
- November 27-29 Thanksgiving Holiday – No School
- December 17-20 Finals – Minimum Days
- December 20 End of 1st Semester
- December 23-January 10 Winter Recess – No School
- January 13 Teacher Work Day-No School
- January 20 Martin Luther King Jr. Day – No School
- February 10 Lincoln’s Day – No School
- February 17 President’s Day – No School
- February 21 Progress Reports
- February 27 Parent/Teacher Conferences (evening 5-7:30)
- February 28 Minimum Day
- April 4 Progress Reports
- April 17 Minimum Day
- April 18-25 Spring Break-No School
- May 26 Memorial Day – No School
- June 3-6 Finals – Minimum Days
- June 6 End of 2nd Semester
- June 6 Last Day of School - **GRADUATION**

- ▲ Pre-service Day (*returning teachers*)..... 185
- ♦ In-service Day (*new teachers*)..... 186
- Legal Holiday (*no school*)
- No School - Board Holiday
- ▼ Shortened Day or Minimum Day / In-service
- ◆ Staff Development Day

Memo



To: Bob Bush, Superintendent
From: Joe Dana, Director of Charter Programs
Date: August 21, 2013
Re: Proposed Revisions to Board Policy 0420.42

Background

The California School Boards Association (CSBA) has submitted recommendations for revisions for our Board Policy on Charter School Renewal. The policy is being updated to reflect a new law, SB 1290, which requires that school boards consider increases in student achievement for all “numerically significant” student subgroups served by the charter school as a key factor in determining whether to grant charter renewal.

As you review Board Policy 0420.42, you will note that our Board of Trustees followed the guidelines and timelines set forth by this Board Policy when it went through the process of considering, and ultimately approving, the Orcutt Academy’s petition for charter renewal this past spring.

Fiscal Impact

None

Recommendation

Staff recommend that the Board of Trustees approve the revisions to Board Policy 0420.42 as presented.

CHARTER SCHOOL RENEWAL

The Board of Trustees believes that the ongoing operation of a charter school established within the district should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the Board shall review the petition in a thorough and timely manner.

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 0420.43 - Charter School Revocation)

(cf. 0500 - Accountability)

Each renewal shall be for a period of five years. (Education Code 47607)

Submission of Renewal Petition

A charter school seeking renewal of its charter is encouraged to submit a petition for renewal to the Board sufficiently early before the term of the charter is due to expire.

The signature requirement applicable to new charter petitions shall not be applicable to petitions for renewal. (5 CCR 11966.4)

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. The petition also shall include documentation that the charter school meets at least one of the criteria for academic performance specified in Education Code 47607(b). (Education Code 47607; 5 CCR 11966.4)

The Board shall not grant a renewal until at least 30 days after the charter school submits such documentation of its academic performance. (Education Code 47607)

Timelines for Board Action

Within 30 days of receiving the renewal petition, the Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input.

If the charter school submits documentation pursuant to item #5d in the following section “Criteria for Granting or Denying Renewal,” the Board shall not grant a renewal until at least 30 days after the submission of such documentation (Education Code 47607).

Within 60 days of receiving the renewal petition, or within 90 days if extended by mutual written agreement of the Board and the charter school, the Board shall either grant or deny the request to renew the charter. (Education Code 47607; 5 CCR 11966.4)

If the Board fails to make a written factual finding pursuant to items #1-5 in the following section “Criteria for Granting or Denying Renewal” within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition. (5 CCR 11966.4)

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board’s action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the Board denies a renewal petition, the charter school may submit its application for renewal to the County Board of Education within 30 days of the Board’s written factual findings supporting the denial. If the County Board then fails to deny or grant the petition within 60 days of receiving the petition, or within 90 days if extended by written mutual agreement of the charter school and the County Board, the charter school may submit the petition to the State Board of Education. (Education Code 47605, 47607.5)

Criteria for Granting or Denying Renewal

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. When considering a petition for renewal, the Board shall consider the past performance of the charter school's academics, finances, and operations in evaluating the likelihood of future success, along with plans for improvement, if any. (Education Code 47607; 5 CCR 11966.4)

~~Each renewal shall be for a period of five years. (Education Code 47607)~~

The Board shall deny a renewal petition only if it makes a written factual finding setting forth specific facts to support one or more of the following grounds: (Education Code 47605, 47607; 5 CCR 11966.4)

1. The charter school presents an unsound educational program for the students 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 an affirmation of each of the conditions described in Education Code 47605(d).
4. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).
5. The charter school has failed to meet at least one of the following criteria of academic performance:

Philosophy, Goals, Objectives and Comprehensive Plans

BP 0420.42 (c)

- a. Attainment of its Academic Performance Index (API) growth target in the prior year or in two of the last three years, ~~or in the aggregate for the prior three years~~ **both schoolwide and for all numerically significant groups of students served by the charter school as defined in Education Code 52052.**
- b. An API ranking in deciles 4-10 in the prior year or in two of the last three years
- c. An API ranking in deciles 4-10 for a demographically comparable school in the prior year or in two of the last three years
- d. Academic performance at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter school

In determining whether the charter school satisfies this criterion, the Board shall base its decision on documented, clear, and convincing data; student achievement data including, but not limited to, results from the Standardized Testing and Reporting Program for demographically similar student populations in comparison schools; and information submitted by the charter school at least 30 days prior to the Board's decision.

Whenever the Board makes a determination based on this criterion, the Superintendent or designee ~~The district~~ shall submit copies of supporting documentation and a written summary of the basis for **the Board's** ~~its~~ determination to the Superintendent of Public Instruction.

(cf. 6162.51 - Standardized Testing and Reporting Program)

- e. Qualification for an alternative accountability system pursuant to Education Code 52052(h)

~~If the Board fails to make a written factual finding pursuant to items #1-5 above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition. (5 CCR 11966.4)~~

~~The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)~~

~~If the Board denies a renewal petition, the charter school may submit its application for renewal to the County Board of Education within 30 days of the Board's written factual findings supporting the denial. If the County Board then fails to deny or grant the petition within 60 days of receiving the petition, or within 90 days if extended by written mutual agreement of the charter school and the County Board, the charter school may submit the petition to the State Board of Education.~~

Philosophy, Goals, Objectives and Comprehensive Plans

BP 0420.42 (d)

Legal Reference:

EDUCATION CODE

47600-47616.7 Charter Schools Act of 1992

52052 Alternative accountability system

56145-56146 Special education services in charter schools

60600-60649 Assessment of academic achievement

CODE OF REGULATIONS, TITLE 5

11960-11969 Charter schools

UNITED STATES CODE, TITLE 20

7223-7225 Charter schools

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Manual for Governance Teams, rev. 2009

WEB SITES

CSBA: <http://www.csba.org>

California Charter Schools Association: <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

U.S. Department of Education: <http://www.ed.gov>

Policy Adopted: ~~10/10/2012~~ 8/14/2013

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

Memo



To: Bob Bush, Superintendent
From: Joe Dana, Director of Charter Programs
Date: August 21, 2013
Re: Proposed Revisions to Board Policy 0420.43

Background

The California School Boards Association (CSBA) has submitted recommendations for revising our Board Policy on Charter School Revocation. Specifically, some changes have been recommended to reflect a new law, SB 1290, which requires school boards to consider increases in student achievement for all “numerically significant” student subgroups served by the charter school as the most important factor in determining whether to revoke a charter.

Fiscal Impact

None

Recommendation

Staff recommend that the Board of Trustees approve the revisions to Board Policy 0420.43 as presented.

CHARTER SCHOOL REVOCATION

The Board of Trustees expects any charter school authorized by the Board to provide a sound educational program that promotes student learning and to **carry out its operations in a manner that complies** ~~comply~~ with law and the terms of its charter. However, when necessary, the Board may revoke a charter before the date it is due to expire.

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 0420.42 - Charter School Renewal)

(cf. 0500 - Accountability)

The Board may revoke a charter **before the date it is due to expire** whenever it makes a written factual finding, supported by substantial evidence, that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter
2. Failed to meet or pursue any of the student outcomes identified in the charter
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement
4. Violated any provision of law

In determining whether to revoke a charter, the Board shall consider increases in student academic achievement for all “numerically significant” groups of students served by the charter school, as defined in Education Code 52052, as the most important factor. (Education Code 47607)

At least 72 hours prior to any Board meeting at which the Board will consider issuing a Notice of Violation, the Board shall provide the charter school with notice and all relevant documents related to the proposed action. (5 CCR 11968.5.2)

(cf. 9320 - Meetings and Notices)

If the Board takes action to issue a Notice of Violation, it shall deliver the Notice of Violation to the charter school’s governing body. The Notice of Violation shall identify: (Education Code 47607; 5 CCR 11965, 11968.5.2)

1. The charter school’s alleged violation(s).

2. All evidence relied upon by the Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that the violation(s) are both material and uncured and that the alleged violation(s) occurred within a reasonable period of time before the Notice of Violation is issued.
3. The period of time that the Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the Board a detailed written response and supporting evidence addressing each identified violation, including the refutation, remedial action taken, or proposed remedial action. (5 CCR 11968.5.2)

Within 60 calendar days of the conclusion of the remedy period, the Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions: (5 CCR 11968.5.2)

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body
2. If there is substantial evidence that the charter school has failed to remedy or refute to the Board's satisfaction a violation identified in the Notice of Violation, continue revocation of the charter by issuing a Notice of Intent to Revoke to the charter school's governing body.

If the Board issues ~~receives~~ a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the Board and the charter school, the Board shall issue a final decision to revoke or decline to revoke the charter. (Education Code 47607; 5 CCR 11968.5.2)

If the Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR 11968.5.2)

Within 10 calendar days of the Board's final decision, the Superintendent or designee shall provide a copy of the final decision to the California Department of Education (CDE) and the County Board of Education. (Education Code 47604.32; 5 CCR 11968.5.2)

Severe and Imminent Threat

The procedures specified above shall not be applicable when the Board determines that any violation under Education Code 47607 constitutes a severe and imminent threat to the health or safety of students. In such circumstances, the Board may immediately revoke the school's charter by approving and delivering a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to the charter school's governing body, the County Board, and the CDE. (Education Code 47607; 5 CCR 11968.5.3)

Appeals

In the event that the Board revokes the charter, the charter school may, within 30 days of the Board's final decision, appeal the revocation to the County Board. Either the charter school or the district may subsequently appeal the County Board's decision to the SBE. (Education Code 47607; 5 CCR 11968.5.3-11968.5.5)

Legal Reference:

EDUCATION CODE

47600-47616.7 Charter Schools Act of 1992

47607 Charter renewals and revocations

CODE OF REGULATIONS, TITLE 5

11960-11969 Charter schools, especially:

11968.5-11968.5.5 Charter Revocations

COURT DECISIONS

Today's Fresh Start, Inc. v. Los Angeles County Office of Education, (2011) 197 Cal.App.4th 436

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Manual for Governance Teams, rev. 2009

WEB SITES

CSBA: <http://www.csba.org>

California Charter Schools Association: <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

U.S. Department of Education: <http://www.ed.gov>

Policy Adopted: ~~4/10/2012~~ 8/14/2013

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

Board Report

District 16 -- Orcutt Union

Fund 09 -- Charter School Special RevenueFund

As of 7/31/2013

	Beginning Bal/ WrkBudget	Month-To-Date Actual	Year-To-Date Actual	Year-To-Date Encumbrances	Ending Bal/ Remaining Bal
9110 -- Cash in County Treasury	718,836.65	459,845.60	459,845.60	0.00	1,178,682.25
9200 -- Accounts Receivable	449,897.85	0.00	0.00	0.00	449,897.85
9310 -- Due from Other Funds	13,089.62	(13,089.62)	(13,089.62)	0.00	0.00
9330 -- Prepaid Expenditures (Expenses)	10,892.80	(10,892.80)	(10,892.80)	0.00	0.00
Total Assets	1,192,716.92	435,863.18	435,863.18	0.00	1,628,580.10
9500 -- Accounts Payable (Current Liabilities)	9,958.80	(4,004.12)	(4,004.12)	0.00	5,954.68
9610 -- Due to Other Funds	3,662.50	(3,662.50)	(3,662.50)	0.00	0.00
Total Liabilities	13,621.30	(7,666.62)	(7,666.62)	0.00	5,954.68
Fund Balance (Beginning Balance/Actual)	1,179,095.62	0.00	0.00	0.00	1,622,625.42
9791 -- Net Beginning Balance	1,179,095.62	0.00	1,179,095.62	0.00	1,179,095.62
8010 -- Revenue Limit Sources	4,176,354.63	462,122.00	462,122.00	0.00	3,714,232.63
8300 -- Other State Revenues	519,347.68	105,477.10	105,477.10	0.00	413,870.58
8600 -- Other Local Revenue	10,300.00	4,966.64	4,966.64	0.00	5,333.36
Total Revenues	4,706,002.31	572,565.74	572,565.74	0.00	4,133,436.57
1000 -- Certificated Personnel Salaries	2,120,190.24	23,330.76	23,330.76	0.00	2,096,859.48
2000 -- Classified Personnel Salaries	399,201.36	10,532.40	10,532.40	0.00	388,668.96
3000 -- Employee Benefits	727,196.51	4,604.66	4,604.66	0.00	722,591.85
4000 -- Books and Supplies	134,961.92	44,677.87	44,677.87	71,991.48	18,292.57
5000 -- Services and Other Operating Expenditures	1,156,030.88	45,890.25	45,890.25	157,724.36	952,416.27
6000 -- Capital Outlay	10,000.00	0.00	0.00	0.00	10,000.00
7000 -- Other Outgo & Transfers Out	22,401.00	0.00	0.00	0.00	22,401.00
Total Expenditures	4,569,981.91	129,035.94	129,035.94	229,715.84	4,211,230.13
Fund Balance (Budget/Actual)	1,315,116.02	0.00	1,622,625.42	0.00	0.00

Selection Criteria: District = 16; Fund = 01,09 Filtered By: None