

BOARD OF TRUSTEES
ANAHEIM UNION HIGH SCHOOL DISTRICT
501 Crescent Way, P.O. Box 3520
Anaheim, California 92803-3520
www.auhsd.us

NOTICE OF SPECIAL MEETING

Date: December 16, 2015

To: Annemarie Randle-Trejo, P.O. Box 3520, Anaheim, CA 92803-3520
Anna L. Piercy, P.O. Box 3520, Anaheim, CA 92803-3520
Katherine H. Smith, P.O. Box 3520, Anaheim, CA 92803-3520
Brian O'Neal, P.O. Box 3520, Anaheim, CA 92803-3520
Al Jabbar, P.O. Box 3520, Anaheim, CA 92803-3520

Orange County Register, 1771 S. Lewis, Anaheim, CA 92805
Anaheim Bulletin, 1771 S. Lewis, Anaheim, CA 92805
News Enterprise, P.O. Box 1010, Los Alamitos, CA 90720
Los Angeles Times, 1375 Sunflower, Costa Mesa, CA 92626
Event News, 9559 Valley View Street, Cypress, CA 90630
Unidos, 523 N. Grand Avenue, Santa Ana, CA 92701

You are hereby notified that a special meeting of the
Board of Trustees of the Anaheim Union High School District
is called for

Thursday, the 17th day of December 2015

in the District Board Room, 501 N. Crescent Way, Anaheim, California

Closed Session–5:30 p.m.

Open Session–6:00 p.m.

1. **CALL TO ORDER–ROLL CALL**
2. **ADOPTION OF AGENDA**
3. **PUBLIC COMMENTS, CLOSED SESSION ITEMS**
4. **CLOSED SESSION**
 - 4.1 Public employee performance evaluation, superintendent.
 - 4.2 Conference with legal counsel, existing litigation, one case.
 - 4.3 Public employee discipline/dismissal/release.

5. **RECONVENE MEETING AND REPORT OUT**

5.1 **Reconvene Meeting**

5.2 **Pledge of Allegiance**

5.3 **Closed Session Report**

6. **PUBLIC COMMENTS, OPEN SESSION ITEMS**

7. **CONSENT CALENDAR**

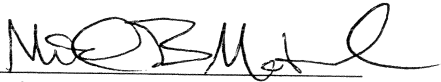
Certificated Personnel Report

8. **ITEMS OF BUSINESS**

8.1 **Resolution No. 2015/16-BOT-03 and Resolution No. 2015/16-BOT-04;
Petition to Establish Vista Anaheim Charter Middle School**

8.2 **Revised Policy 8535.5R, Transfers-School of Choice/Intradistrict,
First and Final Reading**

9. **ADJOURNMENT**



Michael B. Matsuda
Superintendent

BOARD OF TRUSTEES
Special Meeting Agenda
Thursday, December 17, 2015
Closed Session–5:30 p.m.
Regular Meeting–6:00 p.m.

Some items on the agenda of the Board of Trustees' meeting include exhibits of supportive and/or background information. These items may be inspected in the superintendent's office of the Anaheim Union High School District, at 501 N. Crescent Way in Anaheim, California. The office is open from 7:45 a.m. to 4:30 p.m., Monday through Friday, and is closed for most of the federal and local holidays. These materials are also posted with the meeting agenda on the District web site, www.auhsd.us, at the same time that they are distributed to the Board of Trustees.

Meetings are recorded for use in the official minutes.

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| 1. | CALL TO ORDER–ROLL CALL | <i>ACTION ITEM</i> |
| 2. | ADOPTION OF AGENDA | <i>ACTION ITEM</i> |
| 3. | PUBLIC COMMENTS, CLOSED SESSION ITEMS | <i>INFORMATION ITEM</i> |

This is an opportunity for community members to address the Board of Trustees on closed session agenda items only. Persons wishing to address the Board of Trustees should complete a speaker request form, available on the information table, at the back of the room, and submit it to the executive assistant prior to the meeting. Each speaker is limited to a maximum of five minutes; each topic or item is limited to a total of 20 minutes. Board members cannot immediately respond to public comments, as stated on the speaker request form.

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| 4. | CLOSED SESSION | <i>ACTION/INFORMATION ITEM</i> |
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The Board of Trustees will meet in closed session for the following purposes:

- 4.1 To consider matters pursuant to Government Code Section 54597: Public employee performance evaluation, superintendent.
- 4.2 To consider matters pursuant to Government Code Section 54956.9: Conference with legal counsel, existing litigation, Orange County Superior Court Case No. 30-2015-812893.
- 4.3 To consider matters pursuant to Government Code Section 54957: Public employee discipline/dismissal/release, HR-2015-16-10. **[CONFIDENTIAL]**

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| 5. | RECONVENE MEETING, PLEDGE OF ALLEGIANCE, AND CLOSED SESSION REPORT OUT | <i>INFORMATION ITEM</i> |
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5.1 **Reconvene Meeting**

The Board of Trustees will reconvene into open session.

5.2 **Pledge of Allegiance**

Board President Annemarie Randle-Trejo will lead the Pledge of Allegiance to the Flag of the United States of America.

5.3 **Closed Session Report**

The clerk of the Board of Trustees will report actions taken during closed session.

6. **PUBLIC COMMENTS, OPEN SESSION ITEMS**

INFORMATION ITEM

This is an opportunity for community members to address the Board of Trustees on open session agenda items only. Persons wishing to address the Board of Trustees should complete a speaker request form, available on the information table, at the back of the room, and submit it to the executive assistant prior to the meeting. Each speaker is limited to a maximum of five minutes; each topic or item is limited to a total of 20 minutes. Board members cannot immediately respond to public comments, as stated on the speaker request form.

7. **CONSENT CALENDAR**

ACTION ITEM

The Board will list consent calendar items that they wish to pull for discussion.

The Board of Trustees is requested to approve/ratify items listed under the consent calendar. These items are considered routine and are acted on by the Board of Trustees in one motion. It is understood that the administration recommends approval of all consent calendar items. Each item on the consent calendar, approved by the Board, shall be deemed to have been considered in full and approved/ratified as recommended. There is no discussion of these items prior to the Board vote unless a member of the Board, staff, or the public requests specific items be discussed or removed from the consent calendar.

HUMAN RESOURCES

Certificated Personnel Report

Staff Recommendation:

It is recommended that the Board of Trustees approve/ratify the report as submitted.

[EXHIBIT A]

8. **ITEMS OF BUSINESS**

RESOLUTIONS

8.1 **Resolution No. 2015/16-BOT-03 and Resolution No. 2015/16-BOT-04; Petition to Establish Vista Anaheim Charter Middle School**
(Roll Call Vote)

ACTION ITEM

Background Information:

On October 30, 2015, the District received a charter school petition from Vista Charter Public Schools, a California nonprofit public benefit corporation located in Los Angeles. The petition is seeking to open the Vista Anaheim Charter Middle School on July 1, 2016. The petition is estimating initial enrollment of 280 students with a capacity enrollment of 420 students. As required by law, on November 5, 2015, the Board of Trustees held a public hearing on the provisions of the charter school petition for the Board to consider the level of

support for the petition by teachers employed by the District, other employees of the District, and parents.

Current Consideration:

California Education Code Section 47605 requires that within 60 days of receipt of a charter school petition, the Board must either grant or deny the petition. Following receipt of the charter petition, District administration convened a charter school review team comprised of personnel from the Superintendent's Office, Educational Services, Human Resources, Business Services, and school site administration. Approximately 30 District employees that included District administrators from all departments, school site administrators, curriculum specialists, and others conducted a detailed review and analysis of the petition, as well as the supporting materials. Attached for consideration are two alternative resolutions, Resolution No. 2015/16-BOT-03 that denies the petition and Resolution No. 2015/16-BOT-04 that grants the petition.

Budget Implication:

There is no known implication to the budget at this time.

Staff Recommendation:

Based on an extensive review, working with outside legal counsel, and the deep knowledge of the programs and services offered in the District, staff developed recommended findings of fact outlined in Resolution No. 2015/16-BOT-03. It is recommended that the Board of Trustees adopt Resolution No. 2015/16-BOT-03 to deny the petition submitted by Vista Charter Public Schools because the petition is not consistent with sound educational practice as required by Education Code Section 47605(b). **[EXHIBITS B and C]**

EDUCATIONAL SERVICES

8.2 Revised Policy 8535.5R, Transfers-School of Choice/Intradistrict, First and Final Reading **ACTION ITEM**

Background Information:

Home school attendance areas are established to optimize use of existing facilities and to avoid crowded conditions. However, requests for school of choice/intradistrict transfers may be made for reasons of personal preference based on the needs of the family or child. No student currently residing within a school's attendance area shall be displaced by another student as a result of the school of choice/intradistrict transfer process (Education Code Section 35160.5[b]). The recent change to the District's academic calendar has changed the application period for school of choice/intradistrict transfers, which has made it necessary to update Board Policy 8535.5R.

Current Consideration:

Board Policy 8535.5R, under the heading of "School of Choice," section B, numbers 8 and 9, has been updated to align with the District's current academic calendar. Also, language in "School of Choice," section B, number 9 has been updated to clarify procedures regarding late applications.

Budget Implication:

There is no impact to the budget.

Staff Recommendation:

It is recommended that the Board of Trustees review and approve revised Board Policy 8535.5R. **[EXHIBIT D]**

9. **ADJOURNMENT**

ACTION ITEM

In compliance with the Americans with Disabilities Act, individuals with a disability who require modification or accommodation in order to participate in this meeting should contact the executive assistant to the Board of Trustees at (714) 999-3503 by noon on Thursday, December 17, 2015.

Human Resources Division, Certificated Personnel

Board of Trustees
December 17, 2015

Page 1 of 1

1. Extra Service Compensation:

Additional Salary, for an extra period of coverage to be paid tenthly and based on the individual's salary for 2015-16, effective as noted: (General Funds)

Parmenter, Rick

10/14/15

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
ANAHEIM UNION HIGH SCHOOL DISTRICT**
**DENIAL OF REQUEST OF THE VISTA ANAHEIM CHARTER MIDDLE SCHOOL
PETITION TO BECOME A CHARTER SCHOOL OF THE
ANAHEIM UNION HIGH SCHOOL DISTRICT**

RESOLUTION NO. 2015/16-BOT-03

December 17, 2015

On the motion of Trustee _____ and duly seconded, the following resolution was adopted:

WHEREAS, Education Code Section 47600 et seq. provides for the enactment of the Charter Schools Act of 1992; and

WHEREAS, on or about October 30, 2015 Vista Anaheim Charter Middle School presented its Charter Petition for approval to the Anaheim Union High School District ("District"); and

WHEREAS, Education Code Section 47605(b) provides that no later than 30 days after receiving a petition, the governing board of a school district shall hold a public hearing on the provisions of the charter petition; and

WHEREAS, on or about November 5, 2015 the Board of Trustees of the Anaheim Union High School District convened a public hearing to comply with the provisions of Education Code Section 47605(b) and afforded to every interested person an opportunity to address the merits of the petition either in writing or orally; and

WHEREAS, the Board of Trustees has considered the level of public support for the petition and has reviewed the Petition and all information received with respect to the Petition, including all supporting documentation, and has considered information related to the operation of the Vista Anaheim Charter Middle School; and

WHEREAS, in reviewing the Petition, the Board of Trustees has been guided by the intent of the California Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

WHEREAS, on December 17, 2015, Board of Trustees provided comments to the Vista Anaheim Charter Middle School after a review of the Petition; and

WHEREAS, on December 3, 2015, the Vista Anaheim Charter Middle School provided responses to the first ten questions of a long list sent by the Board of Trustees on November 15, 2015; and

RESOLUTION NO. 2015/16-BOT-03

WHEREAS, on December 17, 2015, at the direction of the Board, the Superintendent presented his findings and conclusions related to the Vista Anaheim Charter Middle School to the Board of Education; and

WHEREAS, the Board is very concerned with the level of transparency, accountability, inconsistency with addressing the needs of students with disabilities and behavioral issues, and lack of local governance associated with charter schools.

WHEREAS, 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 the specific facts to support a finding that the Petitioners are demonstrably unlikely to successfully implement the program set forth in the Vista Anaheim Charter Middle School; and

WHEREAS, it is the recommendation of the Superintendent that the Vista Anaheim Charter Middle School Petition be denied on the grounds that it presents an unsound educational program for the pupils to be enrolled in the Vista Anaheim Charter Middle School, the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition, and the Petition does not contain reasonably comprehensive descriptions of certain specific aspects of its program and operations as required by the California Education Code. The specific Findings of Fact are attached hereto as Exhibit A and incorporated herein by this reference; and

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE ANAHEIM UNION HIGH SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

- Section 1. That the above recitals are all true and correct.
- Section 2. That the Board of Trustees hereby denies the Vista Anaheim Charter Middle School Petition.
- Section 3. That the Board of Trustees specifically adopts as its findings of fact in support of this decision and in accordance with Education Code Section 47605(b) Exhibit A attached hereto and incorporated herein by this reference.
- Section 4. That the Board of Trustees directs the Superintendent and/or designee to forward a copy of this Resolution to Vista Anaheim Charter Middle School and the County Superintendent.

The foregoing resolution was passed and adopted at a regular meeting of the Board of Trustees, on December 17, 2015, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

Resolution No. 2015/16-BOT-03

ABSENT:

STATE OF CALIFORNIA)
)
) SS
)
COUNTY OF ORANGE)

I, Michael B. Matsuda, superintendent of the Anaheim Union High School District of Orange County, California, and secretary to the Board of Trustees thereof, hereby certify that the above and foregoing resolution was duly and regularly adopted by the said Board of Trustees at the regular meeting thereof held on the 17th day of December 2015, and passed by a roll call vote of all members of said board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17th day of December, 2015.

Michael B. Matsuda
Superintendent and
Secretary to the Board of Trustees

RESOLUTION NO. 2015/16-BOT-03

IN AND BEFORE THE BOARD OF TRUSTEES
OF THE
ANAHEIM UNION HIGH SCHOOL DISTRICT

In the Matter of the Vista Anaheim Charter Middle) School Petition for Establishment) Of a Charter School in the Anaheim) <u>Union High School District</u>)	Decision of the Board of Trustees Findings of Fact (Exhibit "A")
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**APPLICATION FOR APPROVAL OF THE
VISTA ANAHEIM CHARTER MIDDLE SCHOOL CHARTER PETITION
DECEMBER 17, 2015**

Executive Summary

The Board of Trustees has the following options: (1) approve the charter petition; (2) approve the charter petition with such additional conditions as may be prescribed by the Board of Trustees; or (3) deny the charter petition.

Recommendation

Staff recommends that the Board of Trustees:

1. Decide to deny the proposed charter petition.
2. Adopt the following findings in support of its decision:
 - (A) The petition proposes to serve grades six through eight, not all of which are served by Anaheim Union High School District. Nor does the petition propose to serve all of the grades served by the Anaheim Union High School District.
 - (B) The petition presents an unsound educational program for the pupils to be enrolled in the charter school.
 - (B) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
 - (C) The petition does not contain reasonably comprehensive descriptions of certain specific aspects of its program and operations as required by law.
 - (D) The petition does not contain a reasonably comprehensive description of the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the Anaheim Union High School District.

- (E) The employee qualifications in the petition were "inconsistent" with the proposed educational program, the financial and operational plans for the school were "inadequate and unrealistic."

Based on the above analysis and criteria the petition does not meet the required areas necessary under the California Education Code for approval. Therefore, upon the petition as a whole, it is unlikely the proposed charter school would successfully implement the program as currently set forth in the petition.

3. Adopt the facts set forth in this report in support of its decision.

Introductory Statement

On October 30, 2015 the submission of petition materials for Vista Anaheim Charter Middle School ("VACMS") Charter Petition to the District was received by the Anaheim Union High School District. On November 5, 2015, the Board of Trustees held the first public hearing on the petition. The purpose for holding a first public hearing on a charter school petition was to permit the Board to consider the level of support for the petition by teachers employed by the District, other employees of the district, and parents. On November 13, 2015, after a preliminary review of the Petition, the District –through its legal counsel- provided the petitioners questions and a request for the production of documents. The District Administration has spent considerable time reviewing all information provided by VACMS.

Vista Charter currently operates two charter schools, one in Los Angeles Unified School District and one South Orange County.

The Petition states VACMS pupils will meet all state performance standards applicable to charter schools and will employ all state assessments applicable to charter schools. The charter school proponents are requesting, and the proposed charter specifies, a five-year charter commencing with school year 2016-2017 and continuing through school year 2020-2021. Education Code section 47607 authorizes a school district governing board to initially grant a charter for a period not to exceed five years.

The proposed charter is presented to the Board of Trustees for final approval as a nonprofit public benefit corporation under Education Code section 47604. This section authorizes charter schools to operate as, or be operated by, a nonprofit public benefit corporation formed and organized under California law. As a nonprofit corporation, VACMS is essentially a school within the District, and a nonprofit corporation charter school with independent legal status. The school's articles of incorporation and bylaws are included in the attached charter petition.

The school will be operated and governed by its Board of Trustees. The Board shall consist of between five (5) and nine (9) members.

The charter schools law requires a school district to approve a charter school petition if the authorizing school district governing board is satisfied that granting the charter is consistent with sound educational practice.

The charter schools law further provides that a school district governing board shall not deny a petition unless it makes written factual findings specific to the 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 an affirmation that the school will be nonsectarian in all respects, shall not charge tuition, shall not discriminate against any pupil on the basis of ethnicity, national origin, gender or disability, and admission is not determined by the residence of the pupil or parents; or
4. The petition does not contain a reasonably comprehensive description of all of the following:
 - a. The educational program
 - b. The measurable pupil outcomes
 - c. The method for measuring pupil progress toward the outcomes
 - d. The governance structure of the school and process to insure parental involvement
 - e. The qualifications to be met by persons employed by the school
 - f. School health and safety procedures
 - g. The manner for achieving racial and ethnic balance among pupils reflective of the District's general population
 - h. Admissions requirements, if applicable
 - i. The manner for conducting an annual, independent, financial audit
 - j. Pupil suspension and expulsion procedures
 - k. The manner for employee coverage under STRS, PERS, or federal social security
 - l. Attendance alternatives for District resident pupils who do not wish to attend the charter school
 - m. The rights of District employees upon leaving the District to work at a charter school, and of any rights of return to District upon leaving the charter school.
 - n. Procedures for the resolution of disputes between the District and the charter school.
 - o. A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purpose of collective bargaining.
 - p. A description of the procedures to be used if the charter school closes, which ensure a final audit of the school, plans for the disposition of the school's assets and plans for the transfer of pupil records.

Charter schools may be established as a method to accomplish all of the following:

- (a) Improve pupil learning.

- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
- (c) Encourage the use of different and innovative teaching methods.
- (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
- (e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
- (f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
- (g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools. (Education Code 47601).

In order to submit a successful charter, the petition must comply with Education Code 47605(a)(1)(B), which requires that the petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. A signature by a teacher means that the teacher is meaningfully interested in teaching at the charter school. Ed. Code 47605(a)(1)(B)(3).

Background

The petition proposes to serve students in grades 6 through 8. The petition proposes to open in July 2016 with an enrollment of approximately 280 students. The school proposes to be located within the Anaheim Union High School District, at a facility to be determined. The proposed charter states that the school expects “to draw the majority of its students from AUHSD,” that the school anticipates the “student population will mirror the current demography of AUHSD.”

Staff has reviewed the petition, written responses submitted by VACMS, data from the CA Dept. of Education, communication with other chartering agencies, and additional information attached to the petition in determining the following analysis.

The following major deficiencies have been identified:

- The petition policies will promote a disparate impact on:
 - Students with a socio-economic disadvantage;
 - Students who are medically fragile;
 - Students with disabilities;
 - Minority Students.
- The petition does not contain a “reasonably comprehensive” description of the means by which the school will achieve a racial and ethnic balance reflective of AUHSD.
- It is unclear how the governing body, based outside of the District, could effectively oversee a charter school in Anaheim.

A review of the proposed budget reveals the following major concerns:

- Start up costs are not adequately budgeted as required by Title 5 CCR Section 11967.5.1 (c) (3) (B)
- There is overlapping with a potential co-mingling of funds between the two existing campuses and the proposed campus in Anaheim, including a proposed loan from one existing campus to the Anaheim campus.
- Inadequate Teacher interest.
- Unverified enrollment projections.
- Unreasonable estimates of anticipated revenues and expenditures necessary to operate the school.

The Charter also seeks to serve students in a grade level not served by the authorizing district, without serving all grade levels served by the authorizing district.

Legal Issues:

Before reaching a comprehensive review of the sixteen required elements for a successful charter petition, the petition must pass the threshold issues provided by the Education Code.

The VACMS Petition fails as a matter of law under Education Code section 47605(a)(6), which states in full:

(6) Commencing January 1, 2003, a petition to establish a charter school ***may not be approved*** to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(Ed. Code § 47605 subd. (a)(6), emphasis added.)

The VACMS Petition seeks to serve students in grades six through eight. The Anaheim Union High School District serves students in grades seven through twelve. VACMS seeks to serve sixth grade students, which is a grade level that is not served by the school district of the governing board considering the petition. VACMS does not propose to serve all grades seven through twelve, all of which are served by AUHSD.

Since the school does not propose to serve pupils in all of the grade levels served by Anaheim Union High School District, the petition to establish the charter school may not be approved by the governing Board of Anaheim Union High School District.

Element Review

A thorough review of the VACMS Charter Petition found the following:

Element 1: Education and Philosophy of Program - Vista Anaheim Charter Middle School (“VACMS”) Charter Petition was reviewed according to the following standards required in this element: a complete description of the education program; identification of whom the school is attempting to educate; a description of what it means to be an educated person

in the 21st century; and identification of how learning best occurs; and an identification of how the program will enable students to become self-motivated, competent, lifelong learners.

Review of Element 1 found the following deficiencies:

- A. The English Learners program does not properly address concerns regarding how the needs of the English language learners will be met; it provides only vague generalities as to how their classroom needs will be met, and relies heavily upon after-school and extra programs.
- B. There are discrepancies with regard to money being set aside for students that cannot afford to pay for field trips or special activities and there are no assurances all students will participate in the activities. Some field trips are planned during non-student days. Those trips are provided as opportunities for students and are funded by students' families.
- C. The educational model has many inconsistencies, including: the model is based on a classroom experience incorporating English Learners, GATE students, and students who are falling behind. Yet, remedial math is a stand-alone class, which is different from the proposed educational model; the science curriculum map does not match the course description.
- D. Data provided comparing the existing charter schools to the AUHSD District scores do not provide an accurate comparison; the student population of other districts is not the same as the student population of AUHSD.

Educational Framework

The educational framework provided in the petition does not include an instructional design that is aligned with the target population, especially the English Learner student. The program relies on outdated texts not aligned with current adopted California state standards. It is also not tailored to the needs of special students populations, including English language learners. There is no indication that the Universal Design for Learning is being utilized in order to meet the needs of all students during first best instruction, and the sequence of instruction between grades and across the other courses is not consistent nor coordinated. There is no indication that additional resources have been allocated for professional development in terms of access for all students (e.g. universal design for learning).

The needs of “students in the middle,” based on the AVID student profile to motivate and facilitate college going beliefs and behaviors, are not addressed.

Curriculum

There are several inconsistencies regarding student directed learning and the actual curriculum provided. It is unclear whether the teachers are providing instruction or merely

supervising students while they individually working on curriculum preloaded into Chromebooks. The VACMS plan does not clearly articulate, in depth, the charter's pedagogical curricular or instructional vision for all students.

There is no indication that VACMS basic learning environment with a projected 1:1 ratio of student to Chromebooks will be incorporated with an integrated approach of the Content (CK), Pedagogy (PK), and Technology (TK). This integration known as TPACK (Technological Pedagogical Content Knowledge) approach goes beyond seeing these three knowledge bases in isolation. TPACK also emphasizes the new kinds of knowledge that lie at the intersections between them, representing four more knowledge bases applicable to teaching with technology: Pedagogical Content Knowledge (PCK), Technological Content Knowledge (TCK), Technological Pedagogical Knowledge (TPK), and the intersection of all three circles, Technological Pedagogical Content Knowledge (TPACK).

In addition, there is no indication that the learning environment will incorporate SAMR (Substitution, Augmentation, Modification, and Redefinition) and if the technology will be integrated effectively using the TPACK model. The SAMR model is a useful tool for helping teachers think about their own tech use as they begin to make small shifts in the design and implementation of technology driven learning experiences to achieve the next level. The higher the level of the activity along the SAMR model the greater the educational benefit for the students.

Technology

Effective technology integration for pedagogy around specific subject matter requires developing sensitivity to the dynamic, transactional relationship between these components of knowledge situated in unique contexts. Individual teachers, grade-level, school-specific factors, demographics, culture, and other factors ensure that every situation is unique, and no single combination of content, technology, and pedagogy will apply for every teacher, every course, or every view of teaching. VACMS appears to have a one size fits all approach that treats technology as an add-on as opposed to integral to the subject area. Students have access to technology, however, there is no system in place describing how use of technology will close the achievement gap.

Science

The NGSS engineering standards, which are intended to be infused throughout science classes, are treated as an intro unit in 7th grade and not addressed in 8th grade. The Vista Anaheim Charter course maps have no reference to the three dimensional structure of NGSS; specifically, the science and engineering practices (skills and dispositions of science) and the crosscutting concepts (big ideas of science that frame scientific thinking) are not included in any of the science related text or in the curriculum maps. These are critical components of the Next Generation Science Standards which are completely missing from the curriculum.

Social Sciences

The proposed History/Social Science framework in the petition does not incorporate the proposed changes to the Common Core for ELA/Literacy, California ELD Standards, Civic Education, or the C3 framework.

Career Technical Education and VAPA

The VACMS plan provides students with narrow course offerings. Offerings are limited to robotics, remedial math, Spanish, Technology, Leadership Council, Instrumental music, and environmental studies. Students will be limited in their opportunity to explore a variety of career and VAPA courses and develop the college and career readiness skill sets needed to be deemed a 21st century learner.

Special Education

There is no evidence that VACMS adequately addresses the provision of services pursuant to IDEA, Section 504 and ADA. The petition shows no specific plan or identified personnel allocated for students with disabilities- a full continuum of services provided for students with any of 13 specific disabilities identified by IDEA '04, such as bus drivers, physical therapist, school psychologists, speech-language pathologists, occupational therapists, nurses, vision specialists, orientation and mobility specialists, interpreters.

There is also no evidence that services and curriculum adaptations will be provided for student with moderate-severe disabilities, or low incidence disabilities (vision impairments, hearing impairments, and orthopedic impairments), including functional goals. Current VACMS schools do not have any teachers with Moderate-Severe credentials in the existing staff directories.

VACMS enrollment is not reflective of the special needs population of AUHSD. The petition states that no student shall be denied access to the Charter School or counseled out of attending based on identified special education needs; however, there is no indication of provision of services for students with moderate to severe or low-incidence disabilities.

The petition also fails to state any specific plan or identified technological resources allocated for students with disabilities (i.e. Braille notes, FM trainers, and sensory materials). There are no specific identified resources allocated for students with disabilities in terms of ADA compliance (i.e. additional resources for physical plant for identified access issues). And, there is no indication that additional resources have been allocated for professional development in terms of access for all students, such as, universal design for learning.

There is also no clear evidence of a specific plan for how special education services will be provided by VACMS, and which services will “flow through” the District. The petition states that they will have a memorandum of understanding with the District, or seek LEA status pursuant to Ed Code, or contract with a third party. Providing a list of options of possibilities that may occur is not evidence of a specific plan to carry out the required elements.

There is nothing listed in the provision with regard Adaptive P.E. services, and how Adaptive P.E. services will be provided.

Additionally, there is no specific mention or process for the hiring of personnel to meet the needs of students with specific disabilities, including 1) Orthopedic impairments, which includes physical therapy services for students with orthopedic impairments requiring gait trainers that cannot be addressed by occupational therapist; 2) students with visual impairments; and 3) students with hearing impairments. The requirement to meet the needs of students with disabilities goes beyond the scope of the proposed special education services.

The petition only addresses the need of technology for students with certain disabilities. The charter does not address specific needs and technology related needs for students with visual impairments as the proposed educational program based heavily around a Chromebook does not support the needs of Visually Impaired students in terms of Braille. Many materials are not accessible through Chromebook utilizing Braille. The petition also does not address how the technology program would fit students with hearing impairments.

The charter petition also fails to identify that special education students will be served by special education-credentialed teachers. There are no Designated Instructional Services listed or budgeted for, including speech pathologists, therapists, and other necessary staff.

The petition also does not address the issue of transporting students with special education needs. There is no budget set forth for busses, aides, drivers, or any transportation for students with special needs.

There is no evidence that students with disabilities are successful within the Vista charter school environment. By their own data, via CAASPP.cde.ca.gov and STAR.cde.ca.gov, only one eighth grader is enrolled in the existing Vista schools after the third year; there were three 6th grade students with disabilities tested in 2013.

English Language Learners

VACMS program for English language learners is embedded in the regular program. There is no program or evidence of training of staff to show differentiation and instruction that is separate from the regular program, including materials. There is no evidence to support that English learners on the waiting list will have their educational needs met in independent study. We see no evidence that parents of English learners will be able to, or have the ability to provide appropriate English language development instruction, as in most cases, they are not themselves English speaking.

There is no evidence of teachers and/or support staff with Spanish-speaking skills to communicate with English Learners students and families in the classroom, nor specific evidence of teachers being trained in current English Learner teaching strategies. The same is true for non-Spanish languages.

The before and after school programs that VACMS is integrating make no exception to or for the students who are English language learners and/or special needs students. The petition also seems to rely heavily on programs outside of the academic calendar day to address students who do not fit the traditional learning model proposed.

Language demands of academic tasks increase from the early elementary to secondary schooling. VACMS states that materials specifically selected to increase English language proficiency came with the Imagine It series. Imagine It is a K-6 reading program from SRA McGraw Hill (2006) that comes with some English Learner support, but this will not address all the language needs of English Learners or prepare them to meet the rigorous language demands at the secondary level.

Lack of a Program Designed to Educate a 21st Century Citizen

Overall, there is no indication that the mission statement and the supporting documents address the “educated person” in the 21st century adequately or consistently. There is no evidence in any curricular maps/plans where “21st century themes” are being emphasized; while the VACMS plan refers to the “Partnership for 21st Century Learning” framework, themes such as Global Awareness, Financial Literacy, Civic Literacy, Health Literacy, and Environmental Literacy do not exist in their curriculum.

While Vista has provided one-to-one devices for students, but there is no indication that an effort has been made to align 21st century pedagogy with the infusion of the Chromebooks. The VACMS vision and mission statement make reference to students being empowered to “develop their identity within personal, interpersonal and educational realms,” as well as students developing “the knowledge, skills, attitude, behaviors, aspirations, and beliefs needed to be successful academically and possess life-long learning skills.” However, the VACMS curriculum is narrow in course offerings and limits students’ access to a broad curriculum that allows students to explore a broad range of interests and college and career-readiness skills.

Overall, this petition is not “consistent with sound educational practice” due to unlikelihood of educational benefit to pupils who attend. Numerous questions exist as to the successful matriculation to the high school with regard to the content knowledge, skill development, electives, and English language development within the regular day, collaborative learning, creativity, critical thinking and interacting with the community.

Element 2- Measurable Student Outcomes- The Vista Anaheim Charter Middle School Charter Petition was reviewed according to the following standards required in this element: identification of student measurable outcomes that the school will use and examples of student outcomes.

The reviewers found the petition to satisfy these requirements.

Element 3- Method Used to Measure Student Outcomes -The Vista Anaheim Charter Middle School Charter Petition was reviewed according to the following standards required in this element: a description of the methods used by the school to measure student outcomes; and an explanation of the school’s participation in the state’s mandated testing program. The reviewers found the petition to satisfy these requirements, as the petition addresses these requirements and sets forth a plan to collect, analyze, and report student achievement data to school staff and parents.

Review of Element 3 found the following deficiencies

The Petition fails to describe what the school's "strict and simple" promotion policy is, or adequately describe any details of the methodology used for measuring outcomes. Additionally, student progress will be measured with an abundance of testing. During a time when California is standing behind the recommendation that summative assessments only reflect 2% of instructional time, VACMS is proposing giving the following mandatory assessments:

- Vocabulary Assessment (NWEA MAP) upon enrollment and once a trimester;
- Internally-created Standards-based Interim Trimester Assessments once a trimester in ELA, Math, Science and Social Science;
- Textbook Published Tests in Math, Science, Social Science every two to four weeks, for approximately 9 tests per trimester;
- Timed math drills weekly;
- Cumulative Mid-term Exams once per trimester;
- In total, there are approximately 25 test per trimester, or 75 tests a year.

For the existing Vista charter schools, LCAPs report as an "identified need" that "student assessment programs do not fully align to CCSS with a goal that 80% of their local assessments align to the CCSS. Spending related to the assessment system is reported at approximately \$60,000, which does not include professional development related to assessments.

Element 4- Governance Structure - The Vista Anaheim Charter Middle School Charter
Petition was reviewed according to the following standards required in this element: an explanation of the school's governing board structure; an explanation of how the school will ensure parental involvement; identification of the school as a nonprofit corporation; and an explanation of the school's conflict of interest policies.

Review of Element 4 found the following deficiencies

The VACMS board, consisting of five to nine members, is scheduled to rotate between the three Vista charter school locations. This restricts local participation in the school government, does not ensure parental involvement, has a potential for disparate impact on English Learner and low-socioeconomic parents and is not in the spirit of the Brown Act.

Additionally, the three charter schools each serve different populations, and having one Board serve three different schools is a poor governance structure. There is no assurance that the annual meeting will be accessible to the Anaheim parent population, as the Board must accommodate three different districts' parents.

We are concerned with the financial impact of having one Board for three schools in three different districts. Vista plans a \$500,000 loan from one of its other schools to the potential AUHSD charter. This represents unsound business practices, and there are no assurances of the funds' availability. The District is also concerned that if funds are transferred between the charters managed by Vista Charter Schools, there is the potential that funds which should go towards improving the Anaheim campus will instead be transferred to other Vista campuses.

Element 5- Employee Qualifications - The Vista Anaheim Charter Middle School Charter Petition was reviewed according to the following standards required in this element; guidelines to ensure that all teachers will meet state and federal requirements; an explanation of the qualifications the school director must meet; and guidelines to ensure that all on-site personnel will meet state requirements to be employed at the school.

Review of Element 5 found the following deficiencies:

- A. There are no appropriately credentialed teachers for middle school PE, Music, Foreign Language and Science in accordance with NCLB requirements for highly qualified teachers and the budget is insufficient to assist teachers to obtain clear credentials.
- B. Section B of Element 5, Recruiting Highly Qualified Teachers, discusses VACMS's plan to recruit teachers with full credentials; but, several of the teachers who have indicated interest are not federally compliant.

VACMS did submit a list of seven teachers along with its petition. However, each of the teachers is currently employed at a Vista Charter School.

There are also concerns that VACMS will not be able to recruit and retain qualified teachers. VACMS Anaheim is offering less pay than the District for similarly qualified teachers. While the charter offers a competitive starting salary, the budget shows very little growth, offering increases barely over standard cost-of-living raises.

<u>Teacher Qualification</u>	<u>AUHSD Salary</u>	<u>VACMS Salary</u>
Beginning Teacher	\$49,933	\$57,750
5-year Column 3 Teacher	\$73,393	\$64,244
Maximum Salary (w/o doctorate)	\$83,908	\$64,244

Since VACMS pays significantly less than the District as teachers advance, the charter may have a difficult time retaining experienced teachers.

Element 6- Health and Safety - The Vista Anaheim Charter Middle School Charter Petition was reviewed according to the following standards required in this element; a full description of the procedures used by the school to ensure the health and safety of students and the staff; a full description of the procedures in place that require any employee at the school to provide a criminal record summary; a full description of procedures that ensure all employees will be fingerprinted before beginning employment; and a full description of procedures that ensure all employees will be TB tested before beginning employment.

Review of Element 6 found the following deficiencies:

VACMS has no plan or budget to provide daily breakfast or lunch for students. AUHSD has over 23,000 students who are socioeconomically disadvantaged.¹ Providing breakfast to students who qualify is an important part of their school day, providing nutrition and allowing better performance in school.

Additionally, the budget is inadequate to provide adequate healthcare staff for the students, including no budget for a nurse or other medical staff. There is inadequate budget for instructional aides, only one counselor, and a lack of special education budget to ensure the safety and health of the special education students with special physical needs.

Element 7: School's Racial and Ethnic Policy - The Vista Anaheim Charter Middle School Charter Petition was reviewed according to the following standards required in this element: a description of the school's policy to achieve a racial/ethnic balance similar to AUHSD's student population; an explanation of the school's openness to all students and desire to reflect the diversity of AUHSD; and an explanation of the outreach activities of the school.

Review of Element 7 found the following deficiencies:

Education Code section 47605(b)(5)(G) requires a proposed charter to comprehensively describe the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the authorizing school district's student population.

The petition does not contain a reasonably comprehensive description of the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the Anaheim Union School District.

The Petitioners have failed to achieve a racial and ethnic balance among its pupils in their two other schools that is reflective of the general population residing within the sponsoring School District. Although the Petitioner's charter contained assurances that its student population demographics would match that of the District, to date the Petitioner's two other charter schools, one school that despite having been in existence for approximately two years, has not achieved the student racial demographics required by law.

Student Demographic Data Analysis: Vista Charter Middle School – LAUSD Campus

Data for the following analysis was taken directly from www.ed-data.org, which is a site sourced from the California Department of Education's websites and represents the information reported to the state by Vista Charter Middle School and Vista Heritage Charter School (Orange County). The data can be found at the following sites:

- DataQuest: <http://data1.cde.ca.gov/dataquest/>

The data reflects enrollment for the 2010-11 school year through the 2013-2014 school year.

¹California Department of Education, Data Quest, found at:

<http://data1.cde.ca.gov/dataquest/Enrollment/EthnicEnr.aspx?cChoice=DistEnrEt2&cYear=2014-15&cSelect=3066431-->

[Anaheim+Union+High&TheCounty=&cLevel=District&cTopic=Enrollment&myTimeFrame=S&cType=ALL&cGender=B](http://data1.cde.ca.gov/dataquest/Enrollment/EthnicEnr.aspx?cChoice=DistEnrEt2&cYear=2014-15&cSelect=3066431--Anaheim+Union+High&TheCounty=&cLevel=District&cTopic=Enrollment&myTimeFrame=S&cType=ALL&cGender=B)

Student Population Ethnicity

Vista Charter Schools have been unable to match the demographic breakdowns of the populations of the existing campuses, showing a lack of minority enrollment when compared to the overall district populations.

Vista Charter Middle – Los Angeles Unified School District Comparison – 2014-2015

	Hispanic	American Indian	Asian	Pacific Islander	Filipino	African American	White	Two or More	Total
Vista Charter Middle	353	0	4	1	40	5	3	2	408
(Percentage)	86.52%	0.00%	0.98%	0.25%	9.80%	1.23%	0.74%	0.49%	
LAUSD	476507	1507	24361	2061	12518	56863	63385	6165	646683
(Percentage)	74%	0%	4%	0%	2%	9%	10%	1%	
% Difference	12.83%	0.23%	2.79%	0.07%	7.87%	7.57%	9.07%	0.46%	

Within its existing VACMS student populations, the charter school has failed to match the sponsoring district's ethnic population with a representative student population.

- Vista Charter Middle failed to have a representative Hispanic or Latino population
 - Vista Charter Middle has 86.52% of its Hispanic student population, compared to 74% within the sponsoring District, a 12.83% difference.
 - Vista Charter Middle also has differences in enrollment greater than 7% in the Filipino, African American, and White demographics.

Element 8- Admissions Policy - The Vista Anaheim Charter Middle School Charter Petition was reviewed according to the following standards required in this element: an explanation of the school's admission policies and an explanation of the school's lottery process to be used if student demand exceeded student space.

Review of Element 8 found the following deficiencies:

Admission and volunteer policies create a negative impact on English Learner parents and parents of low socio-economic households. Established procedures create an institution that disenfranchises low income and second language students and families. Enrollment data from existing campuses does not reflect the student population of the chartering districts.

Additionally, currently the LAUSD campus of Vista Charter gives priority to employees and developers' children, up to 10% of the charter population. Those enrolled would then give their siblings, even if outside of the District, priority over District students based on the priority order.

Element 9: Financial Audits - The Vista Anaheim Charter Middle School Charter Petition was reviewed according to the following standards required in this element: an explanation of how the school will comply with yearly financial audits and a description of how the school will provide financial information to the oversight agency.

The reviewers found the petition to satisfy these requirements.

Element 10: Schools Suspension/Expulsion Policy

The Vista Anaheim Charter Middle School Charter Petition was reviewed according to the following standards required in this element: an explanation of the school's suspension policy and an explanation of the school's expulsion policy.

The Petition fails to state many details about the suspension and expulsion process, including who becomes responsible for the student after expulsion. While the petition states that VACMS generally will facilitate the process, no details are given as to how the process shall work or where the student shall be placed. When asked to provide additional information to the District, VACMS referred the District back to the petition. The post-expulsion placement plan is unaddressed in the petition.

The petition also states that "other means of correction" will be implemented, but does not define what the means are. Again, when asked to clarify and expand, the Vista Charter referred the District back to Element 10 of the Petition.

Element 11: Staff Retirement and Benefits - The Vista Anaheim Charter Middle School Charter Petition was reviewed according to the following standards required in this element: a description in the manner which employees will be covered by STRS, PERS, or social security.

The reviewers found the petition to satisfy these requirements.

Element 12: Public School Attendance Alternatives - The Vista Anaheim Charter Middle School Charter Petition was reviewed according to the following standard required in this element: an explanation that no student is obligated to attend a charter school and a description of how they will notify parents of options.

The reviewers found the petition to satisfy these requirements.

Element 13: District Employee Rights - The Vista Anaheim Charter Middle School Charter Petition was reviewed according to the following standard required in this element: a description of the rights of any employee of the school district leaving the employment of the school district to work in the charter school, and any rights of return to the school district after employment at a charter school.

The reviewers found the petition to satisfy these requirements.

Element 14: Dispute Resolution Policy - The Vista Anaheim Charter Middle School Charter Petition was reviewed according to the following standard required in this element: an explanation of the policies and procedures to be used when the charter school and the authorizer have a dispute relating to a provision of the charter.

The reviewers found the petition to satisfy these requirements.

Element 15: Collective Bargaining - The Vista Anaheim Charter Middle School was reviewed according to the following standard required in this element: a declaration whether the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act.

The reviewers found the petition to satisfy these requirements.

Element 16: School Closure - VACMS Charter Petition was reviewed according to the following standard required in this element: a description of the procedures to be used if the charter school closes.

Review of Element 16 found the following deficiencies:

The reviewers found the petition to satisfy these requirements.

Additional Budget Concerns

Title 5, Section 11967.5.1 of the CCR defines many factors that determine whether a charter petitioner is “demonstrably unlikely to successfully implement the program” under Education Code section 47605(b)(2). Based upon section 11967.5.1(c)(3)(B), an unrealistic financial and operational plan for the proposed charter exists when the charter or supporting documents do not adequately include:

1. At a minimum, the first year operational budget, start-up costs, and cash flow, and financial projections for the first three years.
2. Include in the operational budget reasonable estimates of all anticipated revenues and expenditures, necessary to operate the school including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location.
3. Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels.
4. Present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve required by law for a school district of similar size to the proposed charter school.
5. Demonstrate an understanding of the timing of receipts of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size and location.

Based on Title 5 CCR 11967.5.1(c)(3)(B), the Vista Anaheim Charter Middle School budget notes and assumptions do not clearly describe assumptions for anticipated costs of employee salaries and health benefits.

The budget provided appears unrealistic for the full funding of the charter school, for the reasons below:

- A) LCFF income looks overstated because the rate used per student is the average of AUHSD income for grades 7-12. Vista will have 6th graders who are paid at a lower rate.
- B) There is an assumption is that the attendance rate will be 95% and that no students will drop out of the program.
- C) Expenditures are understated. The budgeted expenditures for teachers is for 10 new teachers at a rate of \$57,750 each plus a new special education teacher. At least 3 teachers out of 7 on the signed petition already work for Vista and would be paid more than \$57,750 in the budget year.
- D) There is no budget for substitute teachers, or for a music teacher, nurse, counselor, or psychologist. For substitutes and a music teacher, the budget only sets rates, but not a budgeting of funds.
- E) The following budgeted expenditures are unrealistically low: insurance expense at \$25,000, facility rental at \$180,000, audit expense at \$5,000, and utilities of \$4,025/month.
- F) There is a loan of \$500,000 in the 2016/17 cash flow summary, without a source of the loan or any assurances that such a loan will be funded.
- G) The petition fails to demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.
- H) In the area of insurance, the charter and supporting documents do not adequately provide for the acquisition of and budgeting for general liability, workers compensations, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance.

COMMUNITY SUPPORT

Education Code section 47605(b) sets forth that the District shall “shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents.” The District held this hearing on November 5, 2015. The level of support for the petition by teachers employed by the district, district employees, and parents, was not present.

Student Enrollment/Interest

Student enrollment was requested by AUHSD from Vista Charter after the submission of the petition. Forms were due to Vista on September 25, 2015.

1. Every year, the Chief Business Official is required to make sound and reasonable projections of student enrollment in order to project reasonable revenue for the school district.
2. Budget assumptions were based upon Intent to Enroll Forms signed by parents of in-district students that indicated they were meaningfully interested in attending VACMS – Anaheim.
3. VACMS declined to provide student interest forms, citing student privacy concerns. However, directory information is publicly available.

Without intent to enroll forms, AUHSD must infer that there is a lack of student and community interest.

Teacher Interest

In order to submit a successful charter, the petition must comply with Education Code 47605(a)(1)(B), which requires that the petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. A signature by a teacher means that the teacher is meaningfully interested in teaching at the charter school. (Ed. Code 47605(a)(1)(B)(3).

The seven teacher signatures appended to the Petition are all from current employees of the Vista Charter Public Schools. There has been a change in the law, amending the language of the required signatures to “teachers meaningfully interested” in teaching at the proposed charter, from requiring at least 10% of teachers employed by the school district. Under the prior requirement, the Attorney General analyzed the legislative intent of requiring teacher signatures, stating that the purpose of the legislation was to “provide teachers with the opportunity to create new public schools that are teacher, parent and community-initiated and outcome-based.” (Assembly Committee on Education, June 24, 1992 Hearing, as quoted in 78 Ops.Cal.Atty.Gen 297.)

An Attorney General Opinion in 1998 concluded that a charter petition may not be signed by teachers currently employed at a charter school. The law required a petitioner to submit for the approval of the governing board of a school district, a petition for the establishment of a charter school after the petition has been signed by at least 10% of the teachers currently employed in the district, or by at least 50% of the teachers currently employed at one school of the district.

The Attorney General opined the legislative intent of requiring teacher signatures was to “provide teachers with the opportunity to create new public schools that are teacher, parent and community-initiated and outcome-based.” (Assembly Committee on Education, June 24, 1992 Hearing, as quoted in 78 Ops.Cal.Atty.Gen 297.)

Now, a signature by a teacher means that the teacher is meaningfully interested in teaching at the charter school. (Ed. Code 47605(a)(1)(B)(3). The seven teacher signatures included in the petition are all current employees of the Vista Charter Public Schools. Listing current employed teachers residing in another county, fails to meet the requirement to include “teachers meaningfully interested” in teaching at the proposed charter as none of the teachers have initiated interest from the community.

The teachers listed in the petition coupled with few parents attending the public hearing, fails to provide evidence of either parents or teachers residing in the AUHSD boundaries that are meaningfully interested in creating a new charter school.

Providing seven teachers’ interest in working at another school being chartered by the same company does not comply with the “evident purpose of legislation... to require teachers at traditional schools of the district to demonstrate support for the establishment of a charter school prior to the submission of a petition.” (78 Ops.Cal.Atty.Gen 297.) Furthermore, one of the teachers who signed the petition has a credential which expires prior to the scheduled opening of the charter school.

Additionally, the charter petition has not received any support from teachers within the District.

Community Support

At the public hearing on November 5, 2015, the Vista Charter did not have a showing of support. There were no parents present to support the school, nor students. The District has not received community feedback supporting the charter, nor did the Petitioners demonstrate community support either through the petition or through support at the public hearing.

LAUSD Audit of Existing Vista Middle School:

A March 30, 2015 LAUSD audit found that Vista Charter Middle School was not in full compliance with the selected provisions, standards and procedures outlined in its Charter Agreement. The school needed to strengthen its system of internal controls as well as its oversight over fiscal and financial operations. Some of the specific conditions noted during the audit include:

- The Charter School did not consistently hold a monthly Board of Directors meeting and twice a month School Site Council meetings.
- The Sexual Molestation and Abuse Coverage and excess/umbrella insurance for schools that participate in competitive interscholastic or intramural sports programs were not clearly indicated in the insurance policy.
- Check disbursements did not always have proper approval.
- The Audited financial statements were not submitted on time for fiscal year 2013.
- The Charter School did not adequately monitor and control the cash receipts received from fundraising activities. For example,
 - cash collections were not always supported by receipts or appropriate documentation,
 - there was lack of segregation of duties for the reconciling of cash receipts and the depositing of funds collected, and

- fundraising collections were not accompanied by Summary of Receipts and Expenses.
- All available cash was maintained at one single bank with a total deposit that exceeded the FDIC insurance coverage protection.

The audited financial statement included an audit finding for year ended June 30, 2013, in the After School Education and Safety Program (ASES) that many students were counted as attending the ASES program when in fact they had not met the requirements for attendance. It was noted that many students were leaving before 6:00 p.m. without a valid release form on file and/or without any notation of a reason for leaving the program early.

Having one organization do the financial oversight for multiple organizations, while holding the funds for all three schools in one account, represents poor governance and presents the opportunity for financial discrepancies and reliance on the other schools. Funds which should go to the Anaheim Campus have the potential to instead be diverted to other campuses in need, creating a situation where funds from our District are instead expended within other Districts. The financial stability of a charter within AUHSD should not be reliant on the success of other additional campuses.

Additional Information Requested

On December 14, 2015, VACMS provided responses to the 92 questions asked by AUHSD, based on the need for additional information not present in the petition, to provide an opportunity to the Lead Petitioners to provide supplemental information. While some answers are provided, the majority of the responses refer directly back to the petition, and do not provide the information sought.

CONCLUSION

Based on the above facts, the proposed charter is insufficient as follows:

- (A) The petition fails as a matter of law because it seeks to serve grade levels outside of those served by the chartering District, without serving each grade level served by the chartering district, per Education Code section 47605(a)(6).
- (B) The petition presents an unsound educational program for the pupils to be enrolled in the charter school.
- (C) The petition does not contain reasonably comprehensive descriptions of certain specific aspects of its program and operations as required by law.
- (D) The petition does not contain a reasonably comprehensive description of the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the Anaheim Union School District.

(E) The employee qualifications in the petition were "inconsistent" with the proposed educational program, the financial and operational plans for the school were "inadequate and unrealistic".

(F) There is not community support for the Petition within the District.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
ANAHEIM UNION HIGH SCHOOL DISTRICT
GRANT OF REQUEST OF THE VISTA ANAHEIM CHARTER MIDDLE SCHOOL PETITION
TO BECOME A CHARTER SCHOOL OF THE
ANAHEIM UNION HIGH SCHOOL DISTRICT**

RESOLUTION NO. 2015/16-BOT-04

December 17, 2015

On the motion of Trustee _____ and duly seconded, the following resolution was adopted:

WHEREAS, Education Code Section 47600 et seq. provides for the enactment of the Charter Schools Act of 1992; and

WHEREAS, on or about October 30, 2015, Vista Anaheim Charter Middle School presented its Charter Petition for approval to the Anaheim Union High School District ("District"); and

WHEREAS, Education Code Section 47605(b) provides that no later than 30 days after receiving a petition, the governing board of a school district shall hold a public hearing on the provisions of the charter petition; and

WHEREAS, on or about November 5, 2015, the Board of Trustees of the Anaheim Union High School District convened a public hearing to comply with the provisions of Education Code Section 47605(b) and afforded to every interested person an opportunity to address the merits of the petition either in writing or orally; and

WHEREAS, the Board of Trustees has considered the level of public support for the petition and has reviewed the Petition and all information received with respect to the Petition, including all supporting documentation, and has considered information related to the operation of the Vista Anaheim Charter Middle School; and

WHEREAS, in reviewing the Petition, the Board of Trustees has been guided by the intent of the California Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

WHEREAS, on December 17, 2015, Board of Trustees provided comments to the Vista Anaheim Charter Middle School after a review of the Petition; and

WHEREAS, on December 17, 2015, at the direction of the Board, the Superintendent presented his findings and conclusions related to the Vista Anaheim Charter Middle School to the Board of Trustees; and

WHEREAS, 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

Resolution No. 2015/16-BOT-04

makes written factual findings, specific to the particular petition, setting forth the specific facts to support a finding that the Petitioners are demonstrably unlikely to successfully implement the program set forth in the Vista Anaheim Charter Middle School; and

WHEREAS, it is the recommendation of the Superintendent that the Vista Anaheim Charter Middle School Petition be granted on the grounds that it presents a sound educational program for the pupils to be enrolled in the Vista Anaheim Charter Middle School, the petitioners are demonstrably likely to successfully implement the program set forth in the Petition, and the Petition contains reasonably comprehensive descriptions of certain specific aspects of its program and operations as required by the California Education Code.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE ANAHEIM UNION HIGH SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

- Section 1. That the above recitals are all true and correct.
- Section 2. That the Board of Trustees hereby grants the Vista Anaheim Charter Middle School Petition.
- Section 3. That the Board directs the Superintendent and/or designee to forward a copy of this Resolution to Vista Anaheim Charter Middle School and the County Superintendent.

The foregoing resolution was passed and adopted at a regular meeting of the Board of Trustees, on December 17, 2015, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STATE OF CALIFORNIA)
)
) SS
)
COUNTY OF ORANGE)

I, Michael B. Matsuda, superintendent of the Anaheim Union High School District of Orange County, California, and secretary to the Board of Trustees thereof, hereby certify that the above and foregoing resolution was duly and regularly adopted by the said Board of Trustees at the regular meeting thereof held on the 17th day of December 2015, and passed by a roll call vote of all members of said board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17th day of December, 2015.

Michael B. Matsuda
Superintendent and
Secretary to the Board of Trustees

Resolution No. 2015/16-BOT-04

TRANSFERS-SCHOOL OF CHOICE/INTRADISTRICT**8535.5R**

The Board of Trustees desires to provide options that meet the diverse needs, potential and interest of district students and shall annually review enrollment options.

Students who reside within the district boundaries may apply for enrollment in any district school, provided the school is eligible (space, program, status, mandate). The Superintendent or designee shall determine the enrollment capacity of each district school and establish a random unbiased selection process for the admission of students.

Purpose and Intent

The Anaheim Union High School District endorses the neighborhood public school concept. However, the Board recognizes that parents may wish to choose a school of attendance other than the assigned school. The Board of Trustees, therefore, believes that parental choice among a district's public schools should be included as an integral feature of a well-rounded educational environment.

Home school attendance areas are established to optimize use of existing facilities and to avoid crowded conditions. However, requests for School of Choice/Intradistrict Transfers may be made for reasons of personal preference based on the needs of the family or child. No student currently residing within a school's attendance area shall be displaced by another student as a result of the School of Choice or Intradistrict Transfer process (Education Code 35160.5**(b)**). Once enrolled through an intradistrict permit, a continuing student shall not have to apply for readmission to that school, for the remainder of the student's continuous enrollment in that school.

SCHOOL OF CHOICE

A. Priority Criteria for School Placement

Anaheim Union High School District students residing in any Board approved home school attendance area shall first be provided the option of attending their neighborhood school. After all children within each school's attendance area have been accommodated, remaining placement requests will be honored according to the following list which represents priority criteria for student placement, until a given school has reached its defined enrollment capacity:

1. Anaheim Union High School District students whose home school has been designated Program Improvement.
2. Anaheim Union High School District students whose home school has been designated Persistently Dangerous, or a student who has been the victim of a violent criminal offense on school grounds*.
3. Anaheim Union High School District students who are siblings of any student concurrently in attendance and/or whose parent or legal guardian is assigned to that school as his or her primary place of employment.
4. Anaheim Union High School District students who meet the criteria for placement in a district approved educational program not offered at the home school.

5. Anaheim Union High School District students continuing on an interdistrict transfer.
6. All other Anaheim Union High School District students requesting School of Choice transfers.

*NOTE: Parents/guardians of students who attend Program Improvement or Persistently Dangerous schools will be notified of that status by the District Office according to No Child Left Behind rules and regulations.

The parents/guardians of a student who is the victim of a violent criminal offense on school grounds shall be offered, within 10 calendar days of being notified of the incident, an opportunity to transfer to an eligible school. Violent criminal offenses include attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, and hate crimes. A copy of the Violent Crime Victim Report shall be attached to the transfer request.

B. Selection Procedures:

1. The Superintendent or designee shall identify those schools within the district that may have available capacity for additional students. This determination will be made utilizing state capacity calculations indicating overcrowded schools as those exceeding its state rated capacity.
2. The school requested through a School of Choice transfer application must be qualified for the transfer and have adequate room for additional enrollment.
3. All students who submit applications to the district during the declared open enrollment period shall be eligible for consideration for admission to their school of choice.
4. Enrollment in a selected school of choice shall be determined by government mandates and/or a random and unbiased selection process if the applicant pool exceeds the number of enrollment openings as determined by the state rated capacity calculation. Students who currently reside in a school's attendance area cannot be displaced by School of Choice students. School of Choice applications will be assigned a random number. Spaces at schools will be filled by using a table of random numbers. The process will be completed by the Superintendent or designee and two district directors in a publicly posted meeting to be held in the Board Room of the Anaheim Union High School District. Three community members selected by the Board of Trustees will serve as Process Observers.

5. The Superintendent or designee shall inform all School of Choice transfer applicants by mail as to whether their application was approved, denied or placed on an enrollment waiting list.
6. Applicants who receive approval for their School of Choice transfer must confirm their enrollment with that school upon receipt of their written notification.
7. Those schools determined by the Superintendent to be overcrowded based on state rated capacity figures will not be allowed to accept students on School of Choice, Intradistrict or Interdistrict transfer requests unless otherwise mandated by the government.
8. The open enrollment period is ~~February 15~~ **January 19** to ~~March 4~~ **April 4** each school year (or the first business day following those dates should they fall on a weekend or holiday). School of Choice requests may be picked up from the district office beginning **January 19** ~~February 15~~ of each school year. School of Choice transfer requests received on or before **March 4** ~~April 4~~ will be afforded an equal opportunity of selection, regardless of their date of receipt. Students not placed at their school of choice may be placed on an enrollment waiting list for the school requested based on the random number assigned in the selection process. If waiting lists are utilized, they will terminate on September 1st 15th.
9. School of Choice applications received after **the application period** ~~April 4~~ but prior to September 1st 6 may be approved if space is available at the school requested. If the school of choice is at capacity, the application may be placed on the requested school's waiting list in the order the application was received. If waiting lists are utilized, they will terminate on September 1st 15th. The parent or guardian of any student who was not approved for School of Choice **or missed the application period**, may submit a new request during the next open enrollment period for consideration the following year.
10. Students approved to attend a school utilizing the School of Choice transfer procedures will be entitled to the identical student rights, responsibilities, and expectations as applied to all students living within that school's attendance boundaries. This includes athletic and extra-curricular eligibility requirements in accordance with CIF guidelines, appropriate student behaviors and equal discipline consequences, positive attendance and academic progress

11. Students may apply for a position in a school outside of their specific attendance boundaries, after the open enrollment period, if space is available.

SCHOOL OF CHOICE TRANSFERS OUTSIDE OF THE OPEN ENROLLMENT PERIOD**A. Criteria**

Should the need arise during the school year for parents/guardians to transfer their Anaheim Union High School District student/s to a school within the Anaheim Union High School District other than their school of residence, a School of Choice application can be obtained from the district office. Until the transfer request is processed, the student is to continue attending the current school of enrollment until approval/denial is received.

Intradistrict transfer approval does not change the home school designation and may be revoked for cause.

B. Appeal Process:

A student whose request for a School of Choice transfer, after the enrollment period, which has been denied (except for space availability) may appeal the decision. All appeals shall be in writing and directed to the Superintendent's designee. A response to the appeal shall be made in writing, outlining the conditions or factors related to the final disposition of the transfer appeal request

GENERAL INFORMATION

- A. The Superintendent or designee may approve a student transfer back to the school of residence at any time during the year upon request by the parent providing that exceptional circumstances exist and space is available.
- B. California Interscholastic Federation (C.I.F.) athletic eligibility rules will apply in all instances. Parents or guardians of student athletes should confer with their high school principal prior to requesting a transfer.
- C. In the event space is not available for all requests, Program Improvement transfers will be given priority according to lowest economic and academic criteria.
- D. Parents/guardians will be notified in a timely manner of the status of their student's school (Program Improvement and/or Persistently Dangerous).
- E. School transportation for any student who transfers to an alternate school of attendance shall be the responsibility of the student's parent or guardian unless the transfer was approved under any government program that provides for transportation, and the parent makes such a request.
- F. Transfers will not be approved that result in overcrowding at any school.
- G. The district reserves the right to authorize the discipline transfer of any student at any time.

NON-REQUIREMENTS TO THE DISTRICT

In implementing the School of Choice/Intradistrict Transfer programs, the district is not required to:

- A. Make alterations in the structure or grounds of any schools or make alterations to the arrangement or function of rooms within district schools unless required through government mandates.
- B. Establish and offer any particular program in a school if such program is not offered currently in each school in the District.
- C. Alter or waive any established eligibility criteria for participation in a particular program including age requirements, course prerequisites or required levels of performance.

Legal References:

Education Code

35160.5 Policy Required on Curricular and Extra Curricular Activities

35351 Discrimination

48204 Compulsory Education Law

48980 Notification of Parent or Guardian

No Child Left Behind Act of 2001

Public Law 107-110

Board of Trustees

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