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CHARTER SCHOOL PETITION REVIEW EXECUTIVE REPORT

FOR

NEA COMMUNITY LEARNING CENTER CHARTER SCHOOL (NCLC)

Charter Petition on Appeal - E.C. 47605 (j) (1)

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EXECUTIVE SUMMARY

The Alameda County Office of Education received a petition appeal from Nea Community Learning Center for consideration of authorizing its charter school. The state has set forth a number of laws and regulations that outline the parameters and a timeline for proceeding with charter school petition reviews. This report is structured around those laws and standards used for the petition review process.

The Review Team strongly recommends that the Board deny the charter school petition, as several key areas of the petition failed to meet the required standard under the charter school law. Key findings include concerns that the school does not present a sound educational program and the petition does not contain reasonably comprehensive descriptions of several requirements. Therefore, petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

This report provides Background information including the petition review process and procedures. The report then includes a description of the key findings found during the review. A complete listing of the findings can be located in the Petition Review Checklist, Appendix A.

BACKGROUND

The Nea Community Learning Center Charter School (NCLC) petitioned the Alameda Unified School District (District) to open a K-12 school with approximately 408 students at full enrollment. This petition was denied by the district on January 8, 2008. Petitioners submitted an appeal to the Alameda County Board of Education (Board) on February 5, 2008. A public hearing was held in this matter on March 11, 2008.

Review Process

It is our expectation that when a petitioner submits a proposal on appeal, that they have submitted a plan they believe can be successfully implemented. Education Code Section 47605(b) clearly outlines the requirements necessary to create a sustainable school.

The Alameda County Office of Education (ACOE) believes that quality authorizing includes a rigorous, comprehensive application process that follows fair procedures and clear criteria. Our evaluation process allows staff to review petitions in a systematic, unbiased approach through a comprehensive checklist which provides uniformity in its evaluation.

Alameda Board of Education's Role

When considering an appeal, it is the role of the Board to determine whether the petition that has been submitted as denied by the district, demonstrates a strong potential for establishing and operating a high quality charter school.

DESCRIPTION OF KEY FINDINGS

The Review Team found the petition to be deficient in several areas under Education Code Section 47605(b). Attached as Appendix A is the Petition Review Checklist detailing all of the areas the petition failed to meet the required standard. Below is a summary of the key findings.

The school does not present a sound educational program.

1. The petition states that they can replicate the highly successful program operated at the Alameda Community Learning Center (ALCLC); however, many courses are provided by the Alameda Unified School District, and the petition makes an assumption that these services would be offered by the District for their new charter school.
 - There is no description included in the petition regarding how NCLC would provide these services to students if the District does not agree to provide them.
 - There is no indication the petitioners have consulted with the District or even begun negotiations concerning services. As noted in item 1 above, ALCLC's educational program is dependent upon the educational services provided by the District.
 - ALCLC is located on the Encinal High School campus and was a district conversion charter school, which makes providing services to the current school more feasible than servicing students at an off campus facility. Conversations with the District indicate that these services were provided to the charter school at a reduced or at no cost. The District further indicated the services currently provided to ALCLC would not be able to be provided to the new charter school at the same level or same cost factor.
 - Costs for a revised plan of services have not been included in the petition's financial plan and would have the effect of increasing expenditures without increasing revenues.
2. The petition fails to include the details of the 6-12 educational program.
 - Confidence that the curricula will be comprehensive, effective, and aligned to CA State standards are based on implications of their current charter's CA Distinguished School status, but the details of this program are not in the petition.
3. The petition fails to include the details of the K-6 Program.
 - The highly successful program they intend to replicate does not serve grades K-6.
 - The petition only indicates the K-6 program will be aligned to California State standards; however, there is no description of the general content of the program or what program or series will be implemented, and therefore there is no way to evaluate whether a curriculum would meet standards.
4. The petition makes an assumption that the Alameda Unified School District will provide Special Education Services to the charter school.
 - The petition states they prefer to operate as an arm of the district and intend to approach the District with their request through an MOU; however there is no evidence of any meaningful discussion with the District concerning the type of services to be provided, nor is there evidence of discussions with any other SELPA or

- other service provider on how special education services would be provided if the District denies their request. The law does not require the District to provide special education services.
- The petition fails to include a plan to provide special education services in terms of instruction, related services, and appropriately credentialed staff.
 - The petition does not discuss the area of excess costs and how the school would cover these costs.

The petition does not contain reasonably comprehensive descriptions of the requirements.

1. The Governance Structure fails to meet the required standard.
 - The petition indicates that there will be a separate board that will govern the new school; however, there are no specific procedures for electing the new board members.
2. The practices and policies do not appear likely to achieve the targeted racial and ethnic balance.
 - The petition states that it desires to be in a specific geographical community, and gives a demographic breakdown. The school also says that its first students will come from the ACLC waitlist; however, the waitlist (having a large number of Caucasian students) does not match the geographical location of the school.
 - There is no time frame in which the petitioners will develop an outreach plan to meet a racial and ethnic balance.
 - Petition states their objective is to implement racial diversity, but includes outdated information and no projections or goals for the future.
3. The Financial Audit fails to meet the required standard.
 - There is no procedure to select and retain an independent auditor.
 - The petition does not mention whether auditor will use generally accepted accounting principals.
4. The Financial Plan fails to meet the required standard.
 - There is no budget for facilities
 - There is a projected negative ending cash balance for 2010/11
 - Cash flow for the first month is dependent on receiving a loan from ACLS; however there is no confirmation of the availability of this funding.
 - We are unable to evaluate additional costs that would be incurred by having to pay for services currently provided by the District. The impact will result in a decreased fund balance.
5. Facility plans fail to meet the required standard.
 - The petition includes a statement that they plan to file a Prop 39 request with the District to request the use of District facilities. However, the charter has passed the deadline for 2008/09.
 - There is no contingency plan to search for facilities in order to open in 2008/09.
 - There is no money budgeted for facilities.

CONCLUSION

The Charter School Review Team recognized that conceptually there were good elements for a successful charter school. However, a conceptual idea must be translated to a valid action plan to be able to implement a successful program. Staff met with petitioners to discuss the review team's findings.

The intent of the law is that District charters, authorized by the local school district, are the most successful. Our recommendation, previously discussed with NCLC, is that the petitioner re-write the petition and resubmit their petition to the District, invoking discussions with the District regarding the support of the revised petition.

Based on the above analysis, the petition does not contain sufficient information in critically required areas. Further, the limited information submitted in the petition regarding the proposed charter does not show evidence that it could replicate the success of its current school in Alameda. Therefore, upon the petition as a whole, it is unlikely the proposed the charter school could successfully implement the program as set forth in the petition.

Sources Consulted

Education Code Section 47605(b)

...The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

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