



## CHARTER SCHOOL PETITION REVIEW SUMMARY

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

Charter Petition Name: Nea Community Learning Center (NCLC)

Date: April 4, 2008

**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.

Ed. Code Reference	Description	Specific Reason(s) for Finding of "Fails to Meet the Required Standard"
<b>47605(b)(5)(A)</b>	<b>Educational Program</b>	<p><b>47605(b) (1) &amp; (5)</b></p> <ul style="list-style-type: none"> <li>♦ The petition fails to include a plan to provide services in terms of instruction and appropriately credentialed staff for the Early Advanced or Proficient students they intend to offer services to.</li> <li>♦ A noted concern exists in regards to the hypothetical offering of service by Alameda Unified School District. However, there is no evidence that any meaningful discussion with Alameda Unified has occurred concerning the type of services to be provided. There is no contingency plan in the petition should Alameda not provide these services.</li> <li>♦ Overall, there is a substantive lack of specificity in terms of the nature of the curriculum to be used, whereas the descriptions of instructional strategies are much more concretely set out.</li> <li>♦ To a great degree, 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 fail to include the details in the petition.</li> <li>♦ There was not enough information regarding the curriculum to be implemented for students in the elementary school. For example, there was no description regarding what the general content of the elementary reading/language arts program will be, or what program or series will be implemented.</li> </ul>

Ed. Code Reference	Item Description	Specific Reason(s) for Finding of “Fails to Meet the Required Standard”
47605(b)(5)(D)	<b>Governance Structure of School</b>	<p><b>47605(b) (5)</b></p> <ul style="list-style-type: none"> <li>♦ The petition lacks the essential documentation that establishes itself as a public non-profit corporation.</li> <li>♦ The petition failed to establish a legally cognizable identify against whom the chartering agency, students and other stakeholders will have recourse in the event of a dispute.</li> <li>♦ There are no procedures by which the petitioners will select new board members.</li> <li>♦ There are no board policies included, or samples of board policies.</li> <li>♦ The petition failed to adequately define a dispute resolution process which will have a likelihood of success.</li> <li>♦ There is no information how and to what extent the CLCS and NCLC Boards will operate in cooperation with ACOE.</li> </ul>
47605(b) (5)(G)	<b>Means to Achieve a Racial and Ethnic Balance</b>	<p><b>47605(b) (5)</b></p> <ul style="list-style-type: none"> <li>♦ The practices/policies do not appear likely to achieve targeted racial and ethnic balance. The demographics of the waitlist are not the same as those for Encinal High School. The waitlist has significantly higher Caucasian population and significantly lower African American and Hispanic populations.</li> <li>♦ The petition did not set forth any specific timeframe in which Petitioners will develop its enrollment policy and outreach plan.</li> <li>♦ There were no projections or goals for future years included in the petition.</li> </ul>
47605(b)(5)(H)	<b>Admission Requirements</b>	<p><b>47605(b) (5)</b></p> <ul style="list-style-type: none"> <li>♦ The petition does not include Open Enrollment data nor does it provide specifics of an admissions timeline. The petition only refers to using the ACLC Open Enrollment timeline to guide their admissions policy, however a copy of this policy was not included.</li> </ul>

<b>Ed. Code Reference</b>	<b>Item Description</b>	<b>Specific Reason(s) for Finding of “Fails to Meet the Required Standard”</b>
<b>47605(b)(5)(I)</b>	<b>Financial Audit</b>	<p><b>47605(b) (5)</b></p> <ul style="list-style-type: none"> <li>♦ The procedure to select and retain an independent auditor is not provided in detail.</li> <li>♦ The qualifications of the independent auditor are not specified in the petition.</li> <li>♦ The petition does not mention whether generally accepted accounting principles will be adhered to or generally accepted auditing procedures will be employed during the audit process.</li> <li>♦ The scope of the audit is not provided in detail.</li> <li>♦ The process for resolving audit exceptions and deficiencies to the satisfaction of the ACOE is not mentioned.</li> </ul>
<b>47605(b)(5)(J)</b>	<b>Pupil Suspension and Expulsion</b>	<p><b>47605(b) (5)</b></p> <ul style="list-style-type: none"> <li>♦ The petition fails to address the placement of students while they are expelled from NCLC.</li> <li>♦ The petition fails to discuss the expulsion appeal process and the involvement of ACOE in this process. Appeals are a constitutional right that NCLC must acknowledge and uphold.</li> <li>♦ There is a reference to developing an Nea Rule Book based upon the ACLC Rule Book (Appendix D). However, the ACLC Rule Book does not provide a comprehensive set of discipline policies for NCLC to adopt.</li> </ul>
<b>47605(b)(5)(N)</b>	<b>Dispute Resolution Process</b>	<p><b>47605(b) (5)</b></p> <ul style="list-style-type: none"> <li>♦ The petition fails to set forth specific timelines and procedures for resolving “informal” and “formal” complaints. Such resolution procedures are essential to NCLC’s success.</li> <li>♦ The petition fails to reference any formal mediation procedures which NCLC must follow when a dispute arises. Further, the petition fails to obligate NCLC to any of the dispute resolution requirements. Without such language, NCLC is not bound by the petition and may resolve disputes in any manner it chooses.</li> </ul>

Ed. Code Reference	Item Description	Specific Reason(s) for Finding of "Fails to Meet the Required Standard"
47605(g)	Financial Plan and Impact Statement	<p><b>47605(b) (2)</b></p> <ul style="list-style-type: none"> <li>♦ The plan for facilities is not adequate and therefore the proposed first year operational budget does not meet the requirement. The petition includes plans to file a Prop 39 request with Alameda USD to request the use of AUSD facilities. However, the charter has passed the deadline for facility request for 2008/09.</li> <li>♦ There is no Budget or contingency plan to search for facilities in order to open in 2008/09.</li> <li>♦ The cash flow for the first month is primarily dependent on receiving a \$50,000.00 loan from ACLC. There was no confirmation of the availability of this funding included in the petition.</li> <li>♦ The ending cash balance for January 2010-11 is projected to be negative.</li> </ul>
47605(g)	Special Education Plan	<p><b>47605(b) (2)</b></p> <ul style="list-style-type: none"> <li>♦ The petition fails to include a plan to provide special education services in terms of instruction, related services, and appropriately credentialed staff. The petitions states they prefer to operate as an arm of the district and intend to approach AUSD with their request through an MOU.</li> <li>♦ There is no evidence of any meaningful discussion with Alameda 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 Alameda Unified denies their request.</li> <li>♦ The petition fails to mention the handling due process hearing requests by parents on behalf of students based on denial of FAPE.</li> <li>♦ The petition also does not discuss the area of excess costs and how the school will cover these costs.</li> <li>♦ There is no mention of how charter would bear the costs of defense for any legal issues or claims related to special education services.</li> </ul>