

State of California Department of Education

m e m o r a n d u m

- Sue Burr
- Mike Ricketts
- John Gilroy
- Pat Keegan
- Jack Kennedy
- Joe Symkowick
- Deborah Connelly
- Dave Patterson
- Lorna Winter
- Suanna Gilman Ponce

Date: February 25, 1994

From: Merrill Vargo *MV*

Subject: Revisions to the Charter Schools Act

The purpose of this memo is to clarify where we are in terms of drafting suggested changes to the current charter schools act. In some areas, I think we have agreed; in others, we have identified an area of concern but will need to meet again to review specific language. I have indicated who I think should be responsible for developing specific language in cases in which I think that is needed. I would like for us to meet on the afternoon of March 3, from 2:00 to 5:00, 721 Capitol Mall in room 560, to finalize these changes. If you cannot attend, it would be most helpful if you could send your suggestions to me in writing. If you have other topics which you feel we need to address, or if I have asked you to respond to an issue you feel should be addressed by someone else, please let me know.

1. Charter granting agencies

The argument has been made that districts are reluctant to grant charters and would be more willing if charter petitioners had the option of presenting their charters to some other agency. As a policy position, I think that our position remains that neither the SSPI nor the State Board are well positioned to provide the ongoing oversight required by charter schools. I think the official position of the Department would probably be neutral, at this point, regarding whether other local agencies should be able to charter schools.

2. Legal status of charter schools

We have agreed, I think, that this should be clarified. One option for doing so would be to add a fourteenth "required element" to the charter petition. At a minimum, this element should require the charter to specify the legal status of the charter school. At a maximum, it should give charter developers some choices of possible legal statuses. Question: can we come up with some suggested language for this? Joe Symkowick

3. County schools status

Resolve comm schools issue

We have agreed in the past that county schools could be added to the charter school bill by adding the appropriate county office funding sections to the bill. However, I think that we also agreed, at our last meeting, that it was the Department's position that county office schools should not be charter schools since they cannot be "schools of choice." I am not sure if this change of position requires any change in the bill.

✓ 4. Labor issues

Maerill

There may be changes needed in this area but I do not know what they are at this time.

✓ 5. Funding issues *all language*

✓ a. Defining ADA is a major concern for us. One option for clarifying this is to add the language of the regulation, which defines ADA, to the bill. I have attached this language. Another option is to explore with Finance their openness to funding charter schools on the basis of enrollment. John Gilroy

✓ b. We also need to add the omitted funding sources to the charter schools bill. Jack Kennedy

✓ c. In the area of categorical funding, we identified transportation, Miller Unruh and mentor teacher funding as problematic for charter schools. We should also change the current language which reads as if all categorical funding streams are associated with eligible pupils. Mike Ricketts

6. Teacher signatures

The Department probably has no official position on the teacher signature requirement. However, language could be added clarifying the rights of charter petitioners to have access to teachers for the purpose of obtaining signatures. *Sue*

✓ 7. Repealing the limit

This seems to be inevitable.

✓ 8. STRS/PERS

There is a meeting scheduled for Monday, the 28th which may clarify what is needed here. Dave Patterson

✓ 9. Clarifying what "exempt from the laws governing school districts" means. Are charter schools exempt from the laws governing public agencies? One example is the Brown Act. Joe Symkowitz

This seems to be an area which requires some legal research. Sue made the point that the Brown Act is probably a problem for charter schools. However, as a policy position, it is important for the Department to keep charter schools firmly within the public system. For this reason it seems to us that in general, charter schools should not be exempt from the laws governing public agencies, though specific exemptions might be appropriate.

✓ 10. Local boards jurisdiction

In the spirit of increasing competition among districts, the Department would not oppose a change to the bill which clarified that charter schools could offer grade levels other than those currently offered by the

approving district. Our position at this time is simply that the current bill does not grant parent districts this authority. **Joe Symkowick**

✓ 11. Defining a technical assistance role for the Department

Currently CDE is not even mentioned in the bill except with regard to apportionments. This has made it difficult for us to define a technical assistance role, even though such a role is clearly needed. Some language defining such a role for CDE might be helpful. **Merrill Vargo**

✓ 12. Accountability

The accountability plans in the charters are virtually meaningless. We would like to take another shot at clarifying required elements one, two, and three. **Merrill Vargo**

✓ 13. Special needs populations

We have an ongoing concern about the possibility that charter schools are at risk because they may interpret their obligations with regard to special needs populations differently than a court would. Clarifying language might help avert problems. **Lorna Winter, Suanna Gilman-Ponce**

✓ 14. Budgets *Keegan*

Perhaps in all cases, and perhaps only in cases in which the school has declared some degree of legal autonomy from the district, charter proposals should include a budget. **Merrill Vargo**

✓ 15. Audit standards

The required element on audits does not make sense given our current views on related issues. It should be revised or eliminated. **John Gilroy**

16. Misc

✓ a. Add a renewal option for charter districts *Sue*

b. Revise the "racial and ethnic balance" requirement, at least for those charters which convert a neighborhood school to a charter school. **Merrill Vargo**

Check w/ GH - Afro-centered school

17. Developmental charter

OK

Many of the existing charters begin with a "developmental" charter, which lays out a process rather than addressing all of the required elements. From a planning point of view, this is reasonable. Should we address this in the bill? Would a more specific set of requirements regarding outcomes or a budget make a developmental charter more difficult? Let's discuss.