



Fagen Friedman & Fulfroost LLP

Willow Creek Academy Charter Renewal Petition Review

Sausalito Marin City School District

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History and Background

- Initial Charter Authorization – July 1, 2001
- Expiration date for current charter – June 30, 2019
- Current Renewal Petition Received – May 2, 2018
- Required Public Hearing – May 29, 2018
- Deadline for Board to take action on Renewal Petition – July 1, 2018



Statutory Authority

- Education Code §47607 governs renewal petitions
 - The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.
 - Each renewal shall be for a period of five years.



Statutory Authority

- Renewal petitions must also comply with the requirements set forth in Education Code §47605 (with the exception of the signature requirement).



Pupil Academic Achievement

- The charter school may demonstrate adequate academic performance by satisfying any of the three criteria set forth in EC 47607:
 - Meeting API growth targets*
 - API decile ranking of 4 or better*
 - Academic performance at least equal to the performance of the public school the charter school students would otherwise have been required to attend

*Due to suspension of API, the State provides alternative methods to meet the first two criteria above.



Pupil Academic Achievement

- The District's determination that a charter school has met the third test must be based on:
 - Documented and clear and convincing data.
 - Pupil achievement data from assessments, including, but not limited to, the CAASPP, for demographically similar pupil populations in the comparison schools.
 - Information submitted by the charter school.



Pupil Academic Achievement

- Current review based on available CAASPP data (16-17)
- WCA students belonging to *numerically significant subgroups* demonstrated strong academic performance relative to students at B/MLK.
- The only WCA students who demonstrated somewhat weaker academic performance than students at B/MLK were African American students.
- The District has been involved in ongoing communications with WCA regarding this subgroup, as this subgroup also presents challenges for B/MLK, and plans to continue working together to improve performance.



Other Review Factors

Beyond the academic performance analysis, the Board may not deny a petition unless it makes written factual findings to support one or more of the conditions set forth in EC 47605:

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 of each of the required conditions.
4. The petition does not contain reasonably comprehensive descriptions of all sixteen required elements.



Sixteen Required Elements

- A reasonably comprehensive description of the educational program of the charter school
- The measurable pupil outcomes identified for use by the charter school aligned with the eight state priorities.
- The method by which pupil progress in meeting those pupil outcomes is to be measured.
- The governance structure of the charter school.
- The qualifications to be met by individuals to be employed by the charter school.
- The procedures that the charter school will follow to ensure the health and safety of pupils and staff.



Sixteen Requirement Elements

- The means by which the charter school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.
- Admission requirements.
- Annual financial audit procedures.
- Student suspension and expulsion procedures.
- The manner by which staff will be covered by STRS, PERS, or federal Social Security.
- The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.



Sixteen Requirement Elements

- A description of the rights of any employee who leaves the employment of the district to work in the charter school to later return to district employment.
- District-Charter dispute resolution procedures.
- A declaration of whether the charter school shall be deemed the exclusive public school employer for its employees for purposes of collective bargaining under the EERA.
- A description of the procedures to be used if the charter school closes.



Results of Petition Review

- Academic performance data supports finding that generally, WCA students performing at least equal to those at B/MLK.
- All required affirmations are present.
- Reasonably comprehensive descriptions of all 16 required elements were provided.
- Educational program as presented in the petition is sound.



Budget and Financial Projections

- Analysis based on review of submitted WCA Budget and MYP
- Budget assumptions in petition based on continuing MOU language
- Implications of MOU expiration
 - Revenue and cost sharing assumptions TBD



Results of Petition Review

- There does not appear to be a sufficient basis upon which to conclude that Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
 - WCA multi-year projections will need to be adjusted should projected costs to the charter school change based on renegotiated MOU.



Board Options

- Grant renewal petition
- Deny renewal petition – would need to adopt written factual findings that charter fails to meet legal criteria by July 1, 2018
 - Absence of written findings supporting denial is deemed an approval of the petition
 - 5 CCR 11966.4



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