

**CAPISTRANO UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 1819-38**

**Resolution of the Board of Trustees to Approve  
the Charter Petition Renewal of Community Roots Academy, Subject to Entry into  
Memorandum of Understanding**

**WHEREAS**, on September 14, 2010, the Capistrano Unified School District (“District”) approved a Charter Petition submitted by Community Roots (“CRA”);

**WHEREAS**, pursuant to Education Code section 47607, subdivision (a)(1), a charter granted by a school district governing board may be granted one or more subsequent renewals by that entity, and each renewal shall be for a period of five years;

**WHEREAS**, pursuant to Education Code section 47607, subdivision (a)(2), renewals of charters are governed by the standards and criteria set forth in Education Code section 47605;

**WHEREAS**, on March 26, 2014, the District renewed CRA’s charter for a five-year term;

**WHEREAS**, on January 24, 2019, CRA submitted a Charter Petition Renewal (“Renewal Petition”) and supporting documentation to the District for the renewal of its charter for a new five-year term beginning July 1, 2019 and ending June 30, 2024;

**WHEREAS**, on February 13, 2019, 2019, in accordance with Education Code section 47605, subdivision (b), the District’s Board of Trustees (“Board”) held a public hearing to determine the level of support for the renewal by teachers employed by the school district, other employees of the school district, and parents;

**WHEREAS**, pursuant to Education Code section 47605, subdivision (b), CRA provided the District with an extension of time to March 27, 2019 to grant or deny the charter renewal;

**WHEREAS**, the Renewal Petition is now before the Board for final action on March 27, 2019, in accordance with Education Code section 47605, subdivision (b);

**WHEREAS**, in reviewing the Renewal Petition, the Board is cognizant of the intent of the Legislature that charter schools are, and should become, an integral part of the California educational system, and that the establishment of charter schools should be encouraged; and

**WHEREAS**, the Superintendent and/or her designees have reviewed the Renewal Petition and supporting documentation submitted by CRA;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the Board, having fully considered and evaluated the Renewal Petition, hereby grants the renewal for a five-year term, commencing July 1, 2019, subject to CRA’s agreement to enter into a Memorandum of

Understanding (“MOU”) with the District addressing the issues set forth below. The MOU shall be finalized by June 7, 2019 and its terms will become part of the Renewal Petition.

**ISSUES TO BE ADDRESSED IN MOU**

1. **Educational Program.** [Ed. Code, § 47605, subd. (b)(5)(A).]

(a) **Special Education.**

(i) On page 88 of its Renewal Petition, CRA states that “[p]ursuant to Education Code Section 47640 et seq., Community Roots Academy will operate as a charter school that is its own LEA and responsible for complying with all provisions of the IDEIA and implementing regulations as they relate to local educational agencies. As such, Community Roots Academy shall participate in an approved special education local plan (SELPA) that is consistent with subdivision (a), (b), or (c) of Education Code section 56195.1 and shall be deemed a local educational agency (“LEA”) that is responsible for complying with all provisions of the IDEIA and implementing regulations as they relate to local educational agencies. Community Roots Academy will participate as a local educational agency for the purpose of Special Education. Should Community Roots Academy choose to change SELPAs, Community Roots Academy will provide the Authorizer with proof of acceptance to another State Board of Education approved SELPA that is consistent with subdivision (a), (b) or (c) of Education Code Section 56195.1 at least one month prior to the proposed effective date of the change.” CRA must acknowledge that it may only seek to join a particular SELPA or change its SELPA membership through a material revision of its charter, which must be approved by the District’s Board. (Ed. Code, §47607, subd. (a)(1).)

(ii) CRA does not include a sufficient description of its process for notifying the District when a special education student enrolls, becomes eligible or ineligible for special education and/or leaves CRA. The MOU must explain this process.

(iii) CRA does not sufficiently explain how special education services will be provided consistent with SELPA policies and does not explain how it will adhere to a fiscal allocation plan. The MOU must provide this information.

(iv) CRA states in the first paragraph under “Service Provision” on page 91 that “[f]or students with exceptional needs for whom CRA’s distinctive educational program is determined to be appropriate and the least restrictive environment, CRA intends to provide special education services within an inclusion model.” CRA then details the services that will be provided. This appears to be inconsistent with the CRA’s statement on page 89 that it assumes full responsibility for providing special education and related services to all charter school students eligible for special education. It is also inconsistent with CRA’s statements regarding its intention to provide special education students with a continuum of options. The MOU must provide clarifications. If applicable, it must also explain what happens if the program is determined to be inappropriate for a particular student.

(b) The final paragraph on page 94 is incomplete as drafted and must either be removed or edited. It reads: “Provides a balance of direct instruction on core content, enrichment, collaborative groups and pairing, social/emotional/physical time. Middle school students rotate through 55 minute class periods. Students are engaged and their talents are fostered. Include project work as well as traditional instruction. You might mention specials, electives, and other shuffling of kids in new environments including the library and garden.”

2. Employee Qualifications. [Ed. Code, § 47605, subd. (b)(5)(E).] CRA does not include a clear plan for evaluating staff and administration. The MOU must include this information.

3. Health and Safety. [Ed. Code, § 47605, subd. (b)(5)(F).]

(a) Education Code section 47605, subdivision (b)(5)(F)(ii) requires CRA to develop a school safety plan, which includes the safety topics listed in Education Code section 32282, subdivision (a)(2)(A)-(H) and the procedures for conducting tactical responses to criminal incidents. CRA states at the bottom of page 129 that it will maintain and adhere to a “School Safety Plan,” but it does not clearly specify that the plan will address all of the safety topics identified in Education Code section 32282, subdivision (a)(2)(A)-(H) and the procedures for conducting tactical responses to criminal incidents. No school safety plan was provided with the Renewal Petition. The MOU must provide this information.

(b) Education Code section 47605, subdivision (b)(5)(F)(iii) requires that a charter petition state that the school safety plan will be reviewed and updated by March 1 of every year by the charter school. CRA does not state that its school safety plan will be reviewed and updated by March 1 of every year. The MOU must make it clear that CRA will adhere to this requirement.

4. Racial and Ethnic Balance. [Ed. Code, § 47605, subd. (b)(5)(G).] CRA has not achieved a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the District. The MOU must identify the specific actions CRA is taking to attract a diverse applicant pool.

5. Admission Policies and Procedures. [Ed. Code, § 47605, subd. (b)(5)(H), (d).]

(a) Education Code section 47605, subdivision (d)(2)(B) provides that if the number of students who wish to attend a charter school exceeds the charter school’s capacity, attendance, except for existing students of the school, shall be determined by a random public drawing. Preference shall be extended to students currently attending the school and students who reside in the school district, except as provided for in Education Code section 47614.5. Preferences, including but not limited to, siblings of students admitted or attending the charter school and children of the charter school’s teachers, staff and founders identified in the initial charter, may

also be permitted by the chartering authority on an individual charter school basis. However, each type of preference must be approved by the chartering authority at a public hearing. On page 135 of its Renewal Petition, CRA identifies admissions preferences that it intends to utilize in the event it holds a random public drawing, and its desired order of those preferences. Those preferences must be approved at a public hearing. If the Board does not approve CRA's admissions preferences, the Renewal Petition must be revised accordingly.

(b) In the third paragraph under the heading "PUBLIC RANDOM DRAWING" on page 134 of the Renewal Petition, CRA states that before students are enrolled, their parent(s)/guardian will be required to attend an orientation meeting. That language shall be revised to state that their parent(s)/guardian will be invited to attend an orientation meeting.

(c) Disenrollment. Paragraph "D" on page 9 of Appendix G (Parent/Student Handbook), entitled "Disenrollment," enables CRA to disenroll a child who has more than five unexcused absences or who is absent for more than five consecutive days without notification to the school, and to allocate that child's space to another student on the waiting list. That penalty is too harsh, and the entire paragraph must be removed in its entirety.

6. Annual Financial Audits. [Ed. Code, § 47605, subd. (b)(5)(I).] The Renewal Petition does not specify the procedure by which CRA will select a new auditor, if necessary. The MOU must explain how such a decision would be made and who would be responsible for making that decision.

7. Suspension and Expulsion. [Ed. Code, § 47605, subd. (b)(5)(J).]

(a) The language of paragraph E.4. on page 148 must be revised, as the wording does not make sense in the context in which it is used. Education Code section (b)(5)(J)(iii) requires that CRA's suspension procedures contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action, and so on. It does not require that the notice itself make that statement.

(b) The word "may" in the first part of the fourth sentence in the first paragraph under "Notice to Parents/Guardians" on page 149 of the Renewal Petition must be replaced with "shall." The MOU must state that the sentence now reads: "In addition, the notice shall also state the date and time when the student may return to school and the notice shall contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five (5) school days before the effective date of the action."

(c) Item number 8 on page 153 must be removed, as it is duplicative of number 7.

(d) Readmission. Paragraph I on page 156, entitled "Readmission," references a "CEO." CRA must clarify in the MOU whether those references must be revised to read "Executive Director."

8. Operating Budget/Cash Flow Analysis. [Ed. Code, § 47605, subd. (g).] The District cannot determine the underlying cost-of-living and inflation/funding reduction assumptions CRA utilized in preparing its budget or its expenditures for special education costs from reviewing the budget documents provided. The MOU must include this information.

If the Board does not grant the Renewal Petition, the items identified above as issues to be addressed in the MOU shall serve as findings of fact to support the Board's determination that the Petition does not contain reasonably comprehensive descriptions of the identified items, as required by Education Code section 47605, subdivision (b)(5).

**PASSED AND ADOPTED** this 27th day of March 2019 by the Board of Trustees of the Capistrano Unified School District by the following vote:

AYES:	<u>6</u>
NOES:	<u>0</u>
ABSENT:	<u>1</u>