

**Charter Committee Meeting
Minutes
03/03/2020**

Notes submitted by Pam Tyson & Annette Lewis

1. Call To Order

1.1 The Committee Chairperson will Call the Meeting to Order

Dr. Alleyne called the meeting to order at 10:03 am

1.2 Roll Call

MEMBERS Fatima Alleyne, Area 1 Trustee Annette Lewis, Area 5 Trustee STAFF PRESENT Bill Clark, Deputy Superintendent, Business Services Pam Tyson, Director, Administrative Services, Supt Lynn Mackey, Present by Teleconference Lauren Charneski attorney with Dannis, Woliver and Kelley.

1.3 Approval of Agenda

Agenda approved

2. General Information

3. Public Comment

3.1 Public Comment

There was 1 comment that should be placed under item 4.2

Joanna Pace(?) a resident of El Cerrito and Public Council Member. Voiced concern about transparency and accountability of charters in WCCUSD.

Asked the following question: Will the lack of County Board action result in an automatic renewal?

4. Charter Committee

4.1 Approval of Minutes

Minutes approved as presented

4.2 John Henry High School Charter

Dr Alleyne announced that there would first be a discussion and then public would be given the opportunity to comment.

Deputy Superintendent Bill Clark summarized the Staff Report that had been posted for the meeting

Introduction

On January 17, 2020, John Henry High School Charter (Petitioner) submitted a five-year renewal petition to the County Office of Education for review on appeal from the West Contra Costa Unified School District, meeting the 30-day submission requirement. The County Office completed the required public hearing on February 12, 2020. The Board shall either grant or deny the charter within sixty (60) days of receipt of the petition, unless both parties agree to a

thirty (30) day extension. The County Board has until March 17 to grant or deny the petition. The Petitioner denied a request to extend the review beyond the 60-day requirement.

Background

The Petition presents a number of unusually challenging conditions for the County Office staff as we seek to fulfill our responsibility to complete an independent, objective review of the charter school consistent with the legal requirements set forth in Education Code Sections 47607, 47605, and Code of Regulations Section 11966.4. Our concerns can be summarized as follows:

1. The Petition is a non-renewal of a charter school that has been in operation for more than four years with a waiting list of approximately 300 students.
2. The Charter school appears to have academic results at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend.
3. Approximately 200 individuals attended the charter public hearing including students, parents and school personnel, which is an indication of support for the charter school.
4. The documentation in the Petition appears out-of-date and does not seem to represent the actual activities and academic programs of the school.
5. Our office has received allegations that the Petitioner has violated law in the administration of the charter school.
6. Our office has received allegations that the Petitioner committed financial fraud through the misuse of grant funds and payroll related activities.
7. School district findings indicate that the Petitioner is not in compliance with special education and EL education requirements.
8. School district findings indicate that significant turnover has impacted the effectiveness of charter governance, administration and instruction.

Discussion and Action

In evaluating a charter renewal petition, the California Code of Regulations mandates the evaluation of the petitioner's past academic, financial, and operational performance. Here, there are multiple outstanding accusations of poor financial, academic, and operational performance, including accusations of legal violations or other non-compliance. Staff believes that we will not have sufficient time to complete the evaluation of these issues and of Petitioner's past performance as required by the California Code of Regulations, nor to complete evaluation as required by Education Code 47607, and 47605.

Because the County Board is not the original authorizer for this petition, no action is required on appeal. Therefore, in these unique circumstances, staff recommends that the County Board of Education take no action on this renewal petition. By taking no action, Petitioner will not be deprived of a chance to have its petition heard and renewed; Petitioner may appeal to the State Board of Education.

In summary of three broad areas of concern for which the County Staff does not have enough time to meet its due diligence by investigating: violations of law in the administration of the charter, out of compliance with special education and English learner requirements, and governance.

Dr Alleyne asked Lauren Charneski, the lawyer reference the law that would support a decision to not act on the appeal. California Code of Regulation (CCR) 11966.5 addresses Charter Petitions That Have Not Been Renewed - Submission to County Board of Education. Part (d) states, "If within 60 days of a county board of education's receipt of a petition for renewal the county board of education does not grant or deny the petition for the renewal of a charter school, the charter school may submit a petition for renewal to the State Board of Education (SBE). The county board of education and charter petitioner may extend this date by an additional 30 days only by written mutual agreement."

Lauren contrasted this with CCR 11966.4 which she presented on to the board during a board training on charter authorization. 11966.4 (c) states, “If within 60 days of its receipt of a petition for renewal, a district governing board has not made a written factual finding as mandated by Education Code section 47605(b), the absence of written factual findings shall be deemed an approval of the petition for renewal.” The key difference between the two texts is that 11966.5 applies to a renewal appeal – after the initial authorizer denied renewal. 11966.4 a failure to act would lead to automatic renewal for Charters previously authorized by the County – which is not the case with JHHS. Key difference since COE was not the initial authorizer a lack of action does NOT mean an automatic approval.

Alleyne opened it up to questions from Trustee Lewis

- In taking no action is there a time frame laid out for the appeal to be filed with the state and for the state to respond?

Lauren didn’t know the answer to this question.

- Should the state grant the appeal, who is responsible for oversight?

LAUREN: The state, in consultation with the charter, the district and the COE would delegate the responsibility to either CCCOE or WCCUSD.

Alleyne questions

- Given that the timeline for this process might not be completed until AB 1505 goes into operation, what would this mean for the charter.

LAUREN: There is no clear guidance at this time about what the actual, specific procedures the state would use. It is anticipated that the state will come out with a more in-depth outline of how AB1505 would be put in place.

- What was the process for the investigation of issues that were raised about CVCHS, and how long did it take?

BILL: We hired a forensic auditor who conducted an in depth analysis of records along with interviews of key personnel. In general, this process took 6 months to complete.

- What assertions have been made of JHHS?
A number of issues including misuse of grant funds, violation of payroll related laws and misdirection of retirement funds, and violations of employment law (e.g., nepotism, harassment, and unlawful firing)

Public Comment

Michael Peritz - retired WCCUSD educator

Evelia Villa COO Amethod Schools

David Stephan Chief of Staff Amethod Schools

Robert Moncada Senior Community Outreach Coordinator Amethod Schools

Nicholas Vaca CEO Amethod Schools

Lucas Kelleher, former Site Director Oakland Charter Academy, Director ACE Charter schools

Joanna Pace Community member El Cerrito

Dr. Linda Delgado, Coordinator of Educational Services, WCCUSD

Lucas Kelleher – violations in the provision of special education services with students that have moderate and severe disabilities.

Dr. Linda Delgado – On Jan 16, 2016 two teachers were fired for reporting JHHS' lack of special ed services. This resulted in a letter of complaint being filed that was signed by 75 employees.

Lewis question: so even though the charter agreed to an extension on the timeline it isn't even an extension of 30 days. What we are really looking at is 15 days to investigate claims before the March 25 board meeting.

Alleyne response: I am not going to be in attendance for the March 25th meeting. I am traveling from 3/18 to 4/2 and I will not be available - even on the 25th. Even if 30 days is allotted there still is not enough time to gather the information necessary to truly investigate the concerns. We can't even schedule a special board meeting to hear the appeal before April 22. That is the board president's wheelhouse.

Alleyne question: Dr Delgado – can you clarify what matters were brought before us that the district reviewed and provided findings on?

- DELGADO: SPED and EL programs, many governance issues which are illustrated by a very high turn-over of teachers, staff and even board members

Lewis question: If this were one of our charters, would we conduct an investigation into these concerns given the level of the issues?

- CLARK: When complaints of this matter come forward, we would investigate – given the nature of the concerns they could even result in revocation.

Alleyne question: If we (the committee) suggest to the board they take no action on this appeal, and they take no action, would the responsibility go to the state and would we provide all of the information we have to the state?

- CLARK: We could but the information should really come from the Charter and the district.

Lewis question: I am concerned that if we take no action and the charter has the right to appeal to the state, what would happen if the state appeal isn't heard in time to plan for JHHS students for next year. What is JHHS current status?

- CLARK: If we take no action and the state can't take an action in time to start the new school year, the charter would be in a revoked status at the beginning of the school year.

Alleyne question: Does anything change for the staff if we add the extension of time? There is not enough time, is there?

- CLARK: I do not believe we have sufficient time to sort through the information – If these allegations were found untrue the state would have more time than we have to investigate.

Alleyne: I think you are right – it requires expertise that we don't have as a board.

Lewis: I think we need to recommend to the County Board that no action be taken. Governance is important to me and I don't know that we have enough information to even proceed with that question.

Alleyne: My concerns have to do with the school's demographics and limited diversity and SPED and services for these students. In order for me to make a decision I want to make sure the students are properly attended to. There are also issues about governance and lack of transparency and involvement of parents – brown act violations, JHHS board meetings posted online, and a number of concerns that the board has already raised at the hearing. I visited the school this morning and I think they're are doing a lot a of good things, (like Robotics and English learner instruction), and the students seem like they are learning, but there are still large concerns.

So, on March 11, the committee will recommend to the board that they not take action on the appeal. Bill Clark noted yesterday he received word that the petitioner has offered an extension to March 25 for the hearing of the appeal. Even if the final the decision is to hear the appeal, that hearing will be delayed until March 25. At the next board meeting there will be no action to take on the appeal resulting in a yes or no vote.

5. Adjournment

Meeting adjourned 11:09 am