TO: Santa Clara County Board of Education

FROM: Toni Cordova, Chief Strategy Officer
Office of the Superintendent

VIA: Jon R. Gundry
County Superintendent of Schools

SUBJECT: Renewal of the University Preparatory Academy Charter School for the period July 1, 2015, through June 30, 2020

ASSOCIATED GOAL

Improve student equity and reduce access discrepancies to high quality education

BACKGROUND

The charter for University Preparatory Academy expires on June 30, 2015. This countywide charter school was first approved by the Santa Clara County Board of Education on February 1, 2006, and opened in fall 2007. On February 17, 2010, the Santa Clara County Board of Education ("County Board") renewed the charter petition for a five year term, from July 1, 2010, to June 30, 2015.

On September 11, 2014, the Office of Innovative Schools of the Santa Clara County Office of Education (County Office of Education) received a petition from University Preparatory Academy seeking renewal of the charter. California Education Code Section 47607 (a) (1) requires that “each renewal shall be for a period of five years.” If the charter were to be renewed by the County Board, the new term of the charter would begin on July 1, 2015, and end on June 30, 2020.

The Education Code requires that “the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition.”

On September 17, 2014, the County Board held a public hearing on the charter school petition for renewal.

California Education Code Section 47605(b) requires that “following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension.”
Analysis

Staff reviewed the renewal petition using the criteria established in California Education Code 47605(b) and County Board Policy 0420.4 (c) and found:

1. **Required Signatures**

   Staff found that the request for renewal does not require new signatures be gathered.

2. **Affirmation that the charter school shall be nonsectarian**

   The petition for renewal contains the required affirmation.

3. **Affirmation that the charter school shall not discriminate against pupils**

   The petition for renewal contains the required affirmation.

4. **Affirmation that the charter school shall not charge tuition.**

   The petition for renewal contains the required affirmation.

5. **Reasonably Comprehensive Description**

   Staff found that the petition for renewal did contain a reasonably comprehensive description of all of the required elements.

6. **Unsound Educational Program**

   Staff found no indicators of an unsound educational program.

7. **Demonstrably Unlikely to Implement the Program**

   Staff found no facts that demonstrate petitioners are unlikely to implement the program.

8. **Grade Level, Location, Students Served**

   The petition meets requirements to serve students in the grade levels offered by the Moreland Elementary School District.

9. **Other Criteria in Statute**

   Staff found the renewal petition meets other criteria set forth in the statute.
Fiscal implications

There are substantial costs to the County Office of Education for reviewing and overseeing any charter school. Those costs have not been calculated for this petition renewal nor do those costs constitute a condition for granting or denying a charter petition renewal.

Requested Action

Approve the renewal petition for University Preparatory Academy Charter School for the period July 1, 2015, through June 30, 2020.
I. Summary

The charter for University Preparatory Academy expires on June 30, 2015. This countywide charter school was first approved by the Santa Clara County Board of Education on February 1, 2006, and opened in fall 2007. On February 17, 2010, The Santa Clara County Board of Education ("County Board") renewed the charter petition for a five year term, from July 1, 2010, to June 30, 2015.

On September 11, 2014, the Office of Innovative Schools of the Santa Clara County Office of Education (County Office of Education) received a petition from University Preparatory Academy seeking renewal of the charter. California Education Code Section 47607 (a)(1) requires that "each renewal shall be for a period of five years." If the charter were to be renewed by the County Board, the new term of the charter would begin on July 1, 2015, and end on June 30, 2020.

The Education Code requires that "the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition."

On September 17, 2014, the County Board held a public hearing on the charter school petition for renewal.

Staff reviewed the Petition for University Preparatory Academy utilizing the criteria for charter approval set forth in Education Code Section 47605. Through this report, Staff provides the County Board with an assessment of the sufficiency of the Petition with respect to all criteria for approval. Staff finds no areas of concern and recommends renewal of the charter.

II. Criteria for Charter Approval

a. Signatures from Parents or Teachers
Education Code section 47605 (a)(1) provides that a petition for the establishment of a charter school “may be submitted to the governing board of the school district after either of the following conditions are met:

(A) The petition has been signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation . . . . [or]

(B) The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation . . . .

Education Code section 47605 (a)(1)(3) further provides that

[a] petition shall include a prominent statement indicating that a signature on the petition means that the parent or guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

b. Required Factual Findings for Charter Petition Denial

Education Code section 47605 establishes the requirements a petitioner must satisfy in order for his or her petition for a charter school to be approved. “The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. 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 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 statute.
(4) The petition does not contain an affirmation of each of the conditions required by statute.
(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) A description of the educational program of the school, designed, among other things, to identify those pupils whom the school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best
occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(B) The measurable pupil outcomes identified for use by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured.

(D) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the school.

(F) The procedures that the school will follow to ensure the health and safety of pupils and staff.

(G) The means by which the 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.

(H) Admissions requirements, if applicable.

(I) The manner in which annual, independent, financial audits shall be conducted, in accordance with regulations established by the State Board of Education, and the manner in which audit exceptions and deficiencies shall be resolved.

(J) The procedures by which pupils can be suspended or expelled.

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

(O) A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of
the Educational Employment Relations Act.

(P) A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

c. **Criteria for Renewal of a Charter Petition**

Education Code 47607(b) establishes academic performance criteria for the renewal of charter schools. This code requires a charter school meet at least one of the following criteria before receiving a charter renewal:

(1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years both schoolwide and for all groups of pupils served by the charter school.

(2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.

(3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.

(4) (A) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

III. **Review of the Petition**

Staff reviewed the Petition for University Preparatory Academy Renewal utilizing the criteria for charter approval set forth in Education Code Section 47605. Staff’s assessment of the information provided in the Petition with respect to each of the criterion in Education Code Section 47605 is set forth below.

a. **Required signatures**

This requirement was met with the original charter petition submitted in February 2006. No new signatures are required for the renewal petition.

b. **Required Elements of the Charter Petition**
(1) Educational Program

Staff finds that the Petition contains a sufficient description of the educational program.

(2) Ability to Successfully Implement the Program Set Forth in the Petition.

Staff finds no facts that demonstrate the petitioners are unlikely to successfully implement the program.

(3) Required Parent or Teacher Signatures

Staff finds that this is not required for a renewal petition.

(4) Required Affirmations

Staff finds that the Petition contains all of the required affirmations.

(5) Comprehensive Descriptions

Staff finds that the Petition contains a reasonably comprehensive description of all required elements.

c. Criteria for Renewal of the Charter Petition

Staff finds that University Preparatory Academy meets the criteria.

University Preparatory Academy has met its schoolwide and subgroup growth targets for each of the past three years, was ranked in the 10th decile statewide and 4th decile for similar schools on 2012 API, and posted a schoolwide 851 Growth API in 2013.

IV. Conclusion

Staff reviewed the petition utilizing the criteria for approval set forth in Education Code Section 47605. Staff finds the petition sufficient in respect to all criteria for approval.
RESOLUTION APPROVING THE RENEWAL OF
THE UNIVERSITY PREPARATORY ACADEMY CHARTER PETITION

SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. ____________

RESOLVED by the Santa Clara County Board of Education, County of Santa Clara, State of California, that:

WHEREAS, pursuant to the procedures set forth in Education Code Section 47605 and its implementing regulations, petitioners for the University Preparatory Academy Charter School presented their petition to renew the charter school to the Santa Clara County Office of Education (hereinafter “County Office of Education”) on September 11, 2014; and

WHEREAS, the Santa Clara County Board of Education (hereinafter “County Board of Education”) held a public hearing on this matter on September 17, 2014; and

WHEREAS, the County Board of Education reviewed the petition taking into consideration the testimony and documents submitted, including the University Preparatory Academy Charter petition to the County Board of Education; the testimony presented at the public hearing; additional materials received from petitioners, and the review of County Office of Education staff; and

WHEREAS, the County Board of Education finds that the charter school has implemented the school and program described in the charter petition; and

WHEREAS, the County Board of Education finds that charter school has complied with terms of its Memorandum of Agreement with the County Office of Education; and

WHEREAS, the County Board of Education finds that the charter school has met the requirements for renewal set forth in Education Code 47607;

NOW, THEREFORE, the County Board of Education does hereby approve the petition, and does hereby grant the charter for a period of five years, commencing on July 1, 2015, and continuing through June 30, 2020.
Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 5th day of November, 2014, by the following vote:

AYE:

NO:

ABSTENTION:

ABSENT:

Leon F. Beauchman, President
Santa Clara County Board of Education

Jon R. Gundry
County Superintendent of Schools
Santa Clara County Office of Education