

SAN DIEGO CITY SCHOOLS
Office of the Superintendent

APPLICATION FOR THE APPROVAL OF THE PETITION AND CHARTER FOR
THE LEARNING CHOICE ACADEMY CHARTER SCHOOL

May 25, 2004

Introductory Statement

The petition and charter for the Learning Choice Academy are presented to the Board of Education for approval.

Background

On April 27, 2004, representatives from Learning Choice Academy Charter School delivered the complete Learning Choice Academy petition and charter on behalf of the charter petitioners. A copy of the petition and the proposed charter are included with this report as Attachment A. Petitioners stated that many of them were currently affiliated with a charter school known as the Greater San Diego Academy authorized by the Jamul-Dulzura School District.

Petitioners have demonstrated that this is a new charter submitted to the District in conformance with State charter law. Following consultation with the Office of General Counsel, the following due diligence was exercised:

1. A review of the submitted charter in comparison to the application for renewal in the Jamul-Dulzura District confirmed that the charter submission to the San Diego Unified School District is substantively and substantially different than the existing charter, especially with respect to governance, the educational program, and the measurable student outcomes.
2. With respect to the past record of the petitioners and their ability to demonstrably offer a sound educational and fiscal program, District staff reviewed academic progress of the other charter school and their fiscal audits. The audit records are sound and the academic progress is strong. Independent verification was secured through the California Charter Schools Association and the law firm of Spector, Middleton, and Minney, legal counsel for the petitioners.
3. District staff contacted legal counsel for the Jamul-Dulzura District and confirmed the above findings.
4. District staff contacted the Superintendent of the Jamul-Dulzura District and confirmed the above findings. Now in their fifth year of operation and subject to renewal, the intention of petitioners to substantially alter their governance model to become a 501-c-3 and California non-profit public benefit corporation differs from the intent of the Jamul-Dulzura District staff who seek to have the charter remain as an arm-of-the-district charter school whose governance is directed by the Jamul-Dulzura Board. The Jamul-Dulzura Superintendent indicated his understanding that California charter law directs the San Diego Unified School District to review

a new charter submitted to the San Diego Unified School District, and further indicated that the decision of the Jamul-Dulzura Board to renew or not renew the charter of the Greater San Diego Academy stands as a separate and unrelated decision.

Education Code section 47605(b) provides that a school district governing board shall hold a public hearing on the provisions of the charter at which time the governing board shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents. The petition and proposed charter for the Learning Choice Academy were presented to the Board of Education on May 11, 2004, for initial review and for consideration of the level of support for the petition by district teachers, other employees and parents.

The charter school estimates that a minimum of three hundred students in Grades K-12 will be enrolled. Per California charter law, an independent study charter school may serve students who reside in counties contiguous to San Diego County and may serve students in districts other than San Diego Unified who reside outside of the authorizing district's boundaries but within contiguous counties.

Education Code section 47605 states that a petition for a charter school may be signed by a number of parents that is equivalent to at least one-half of the number of parents who are meaningfully interested in enrolling their child in the charter school or one-half of the number of teachers who are meaningfully interested in employment at the school.

Upon request from the Board following the initial public hearing, staff requested verification of signatures to determine that the application was made to the San Diego Unified School District. Eighteen (18) teacher signatures and two hundred seventy-seven (277) parent signatures were re-submitted to staff. The submitted parent signatures represent two-hundred eleven (211) students residing within the District. The signature form clearly identifies that prospective parents and staff understand that the application is made to the San Diego Unified School District. Based on the number of signatures, the application is procedurally compliant.

Learning Choice Academy will be an independent study school with a Personalized Learning Model with three components: Parent involvement, Individualized Instruction, and High Quality Teaching. Curriculum is aligned with the California Academic Content Standards.

The Learning Choice Academy will include students whose families have opted for a Personalized Learning school environment; students who are far ahead or far behind their peers in school; young students pursuing artistic or athletic careers that require a flexible school schedule; and students at risk of academic failure who may particularly benefit from intensive, personalized instruction.

The school will choose Option 1 from the Charter School Policy and Guidelines under which the District will furnish Special Education services.

The school will organize as a legally separate entity, directly funded by the State, and operating as a non-profit public benefit corporation.

Students at Learning Choice Academy Charter School will meet all academic standards as adopted by the California State Board of Education applicable to charter schools and will adhere to the District's "Accountability Framework" as well as the "Charter Policy and Guidelines".

Education Code section 47605 generally requires that, following the initial review and public hearing on the petition, a school district governing board shall either grant or deny the charter school petition within sixty days of receipt of the petition. However, that date may be extended by an additional 30 days if both parties agree to the extension. District staff has determined compliance with the requirements of the charter school law, and other applicable requirements of the District. A public hearing was held by the Board of Education on May 11, 2004.

Instructional Program Implications

The curriculum and instructional program are described in the charter proposal. Approval of the charter petition will not impact District instructional programs.

Facilities Implications

The school currently has facility space within the boundaries of San Diego Unified School District. Charter schools are funded as prescribed by state law. As Learning Choice Academy Charter School proposes to offer a non-classroom based instructional program, the school would not be eligible to submit to the district a request for facilities pursuant to Proposition 39.

Budget Implications

The computation, allocation and disbursement of public funds for charter schools are now governed by Education Code section 47630 et seq. Generally, the State Superintendent of Education is required to annually compute and allocate to each charter school the school's general purpose entitlement and categorical block grant.

A charter school may elect to receive its general purpose entitlement and block grant funds directly from the state or through the sponsoring school district. In addition, a sponsoring school district must annually transfer to each of its charter schools the school's prescribed share of property taxes.

The approval of the charter petition would result in an increase in enrollment for the District.

The School envisions using minimal District services.

Public Support and Engagement Implications

Education Code section 47605(b) provides that a school district governing board shall hold a public hearing on the provisions of a charter school petition at which time the governing board shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents. Holding of the public hearing on May 11, 2004, fulfilled the District's responsibilities in this regard.

Board Policy Implications

Approval of an adequate charter or denial of a charter where warranted, is consistent with existing Board of Education policy contained in H-1800.

Recommendation

It is recommended that the Board approve the petition and charter as presented by the Learning Choice Academy.

Report prepared by Chief of Staff

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Attachment A. Learning Choice Academy Charter School Petition and Charter