

## STAFF REPORT

### CENTRAL UNIFIED SCHOOL DISTRICT

**TO:** Governing Board of the Central Unified School District

**FROM:** Ketti Davis, Assistant Superintendent, Educational Services

**TITLE:** Board Resolution Denying the Charter Petition for the Augustus Academy for Creative Arts and Technology Charter School

**DATE OF MEETING:** May 8, 2018

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### BACKGROUND

On or about February 27, 2018, the petitioners delivered to the Central Unified School District (“District”) office a charter petition (“Charter”) for Augustus Academy for Creative Arts and Technology Charter School (“Augustus Academy” and/or “Charter School”). The District Board received the Charter on March 13, 2018 thereby commencing the timelines for action.

Pursuant to Education Code Section 47605, the Governing Board of the 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 Charter from teachers employed by the District, other employees of the District, and parents. In order to fulfill this requirement, the District Governing Board conducted a public hearing on April 10, 2018, to consider the level of support for the Petition by teachers employed by the District, other employees of the District, and parents. During the public hearing, the lead petitioner and several other individuals spoke in support of the Charter. No District teachers or other District employees spoke in favor of the Charter.

The Augustus Academy Petition seeks approval for granting of a petition for establishment of a charter school, which proposes a TK-12<sup>th</sup> grade program, starting with 120 students for all grades in 2018-2019 and increasing enrollment every year for a total enrollment of 260 students at full capacity.

The District administrative staff has the responsibility of providing the District Governing Board with a comprehensive recommendation regarding the Augustus Academy Charter. The Charter has been assessed against the standards and requirements, as set forth in the Education Code and Charter Schools Act, in order to develop final recommendations to the Board regarding approval or denial of the Augustus Academy Petition.

Pursuant to Education Code Section 47605(b), the Governing Board of a school district shall not deny a petition for the establishment of a charter school unless it is not satisfied that granting the charter is consistent with sound educational practice and it makes written factual findings, specific

to the particular petition, setting forth specific facts to support one or more of the following findings:

1. The Petition presents an unsound educational program for the pupils to be enrolled in the School.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The Petition does not include the required number of signatures.
4. The Petition does not contain required non-discrimination and enrollment affirmations.
5. The Petition does not contain reasonably comprehensive descriptions of fifteen (15) required elements.
6. The Petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).

Working as a collaborative professional team, District administration and legal counsel from the law firm of Atkinson, Andelson, Loya, Ruud and Romo submit that the recommendation to the Governing Board of the District is well documented and based upon solid criteria. Analysis of the Petition demonstrates that the Charter is deficient in a variety of respects and that approval of the Petition would not be consistent with sound educational practice. District administrative staff has noted a number of issues and concerns. The proposed Resolution of Denial (*attached*) includes written factual findings specific to the Augustus Academy Charter setting forth some of the most significant defects in the Petition and supporting the denial of the Augustus Academy Charter.

Furthermore, the staff recommendation and subsequent Governing Board action falls within the required timeline parameters, as set forth in the California Education Code and applicable state and federal laws.

In accordance with Education Code Section 47605(b), the specific factual findings in the Board Resolution are within the following statutory findings for denial of the Petition:

1. The Petition presents an unsound educational program for the pupils to be enrolled in the School. [Education Code Section 47605(b)(1)]
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter Petition. [Education Code Section 47605(b)(2)]
3. The Charter Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(b)(5)]

## **RECOMMENDATION**

Having fully considered and extensively reviewed the elements of the Augustus Academy Charter Petition, the District administrative staff hereby recommends that the Governing Board of Trustees of the Central Unified School District take action to adopt the attached Board Resolution denying the Augustus Academy Charter Petition.