

OFFICE OF JOHN G. MENDIBURU
Kern County Superintendent of Schools
Advocates for Children...

GROW Countywide Charter Petition

KCSOS Staff Findings and Recommendations

I. Introduction

The Kern County Superintendent of Schools received a petition from GROW Public Schools for a Countywide Charter on December 8, 2023.

II. Standards and Timetable for Review of a Countywide Charter Petition.

On behalf of the County Board, KCSOS will review a petition under Education Code 47605.6 for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. Such a petition must demonstrate, in addition to the other requirements of section 47605.6, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. The petition may be submitted to the county board of education for review after either of the following conditions is met:

- 1) The petition is signed by a number of parents or guardians of pupils residing within the county 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 and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.
- 2) The petition is 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 and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.

Following a comprehensive review of the petition and the public hearing, the County Board shall either grant or deny the charter within 90 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 {Education Code 47605.6(b)} On behalf of the County Board, KCSOS shall prepare and publish all Staff Findings and Recommendations at least 15 days before the public meeting in which the County Board will either grant or deny

the petition. At this meeting, KCSOS shall present the Staff Findings and Recommendations. Petitioners shall have equal time and procedures to present evidence and testimony in response to the Staff Findings and Recommendations. {Education Code 47605(b)}

KCSOS Staff Review Team

Dr. John Mendiburu, in collaboration with Dr. Lisa Gilbert, Deputy Superintendent of Instructional Support, created a team with expertise in all areas for review within the GROW Countywide Charter Petition including, charter-specific staff, as well as business/fiscal services, curriculum/instruction, legal, governance, special education and English Language learners, and human resources.

III. Kern County Board of Education Review Criteria {EC 47605.6(b)}:

A county board of education may grant a charter for the operation of a charter school under this part (EC 47605.6) only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district. The county board of education shall deny a petition for the establishment of a charter school if it finds one or more of the following:

- 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 subdivision(a) of EC 47605.6.
- 4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).
- 5) The petition does not contain reasonably comprehensive descriptions of all of the 15 required elements.
- 6) Any basis that the county board of education finds justifies the denial of the petition.

IV. Staff Findings – Based on the attached review matrix, incorporated herein.

A. The Petition does not contain reasonably comprehensive descriptions of the following:

1. Instructional Program Components (Item II-1 on the Review Matrix)

This finding is related to a limited number of Instructional Program Components, specifically:

- a. Omission of elementary Science and Social Studies Curriculum and Instructional Strategies.

- b. A few aspects of the English Language Development Program.
- c. English Language learners in regard to language acquisition programs and how Long-term English learners (LTEs) will be identified and monitored.
- d. Reclassification of EIs in regard to the specification of the charter to use the ELPAC Overall “level 4” as a primary criterion for reclassification.
- e. Strategies for English Learner Instruction and Intervention in regard to the charter fully aligning its EL program to include Structured English Immersion, as described in EC sections [305(a)(2) and 306(c)(3)] as well as an MTSS program that includes Dually-identified students (English learners with disabilities).

2. Method of Measuring Pupil Outcomes (Item II-3 on the Review Matrix)

- a. The charter’s petition description of its formative assessment system does not include formative assessments of students’ language proficiency.

3. Suspension and Expulsion Process (Item II-10 on the Review Matrix)

- a. Although the Petition describes the offenses for which students must be and may be suspended and expelled, it does not state the offenses or criteria for which a student might be involuntarily removed. The Petition states: *“involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions.* The Parent/Student Handbook (Appendix K) states: *“Students may be involuntarily removed for reasons including, but not limited to failure to comply with terms of a student’s master agreement (independent study issue).*

In addition, the Petition allows for an appeal to the KCBE following a decision to expel pursuant to EC 48900. However, the Parent/Student Handbook under “Expulsion Procedures,” states that *“there is no right to an appeal, which means there is no right to an appeal after a hearing for an involuntary removal, either.* While an appeal after expulsion does not necessarily apply to Charter schools, KCSOS has historically ensured that the charters it authorizes abide by the same expulsion criteria as school districts.

V. Staff Recommendations.

The GROW Countywide Charter Petition meets all of the major requirements and criteria for approval of a Countywide Charter Petition under Education Code 47605.6. It is the opinion of staff that the above Findings would not prevent the charter from successfully implementing the program set forth in the Petition and could be readily addressed through a Memorandum of Understanding. As such, it is the recommendation of KCSOS staff that the Kern County Board of Education approve the GROW Countywide Charter Petition.