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**SUBJECT: REQUEST FROM THE DIRECTOR OF MARE ISLAND  
TECHNOLOGY ACADEMY (MITA) HIGH SCHOOL TO RENEW ITS  
CHARTER**

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**RECOMMENDED ACTION: It is recommended that the Governing Board take action on the request from representatives of Mare Island Technology Academy High School to renew its charter.**

**BACKGROUND:** California law provides a process for the presentation and consideration of renewal/reauthorization of Charter School petitions. The process and timeline are the same as those for the consideration of petitions to establish a charter school with one additional consideration (which is on page 4 of this item). The first step in the process after the submission of a Charter School renewal petition is for the Governing Board to schedule a presentation of the renewal petition and public hearing within 30 days after the receipt of the petition. The Governing Board's decision on the renewal must be made within 60 days of the submission of the petition unless the timeline is extended for an additional 30 days by mutual agreement by the District and the petitioners.

There are legal criteria for reviewing the petition before the Governing Board makes a decision on the renewal petition. The California Education Code includes very specific requirements regarding the review of the petition beginning with Section 47605 subdivisions (b), (c) (d), (g), and (h). These sections are as follows:

Section 47605 subdivision (b): “. . . the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents. . . . In reviewing petitions . . . , the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. A school district governing board 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, specific to the particular petition, setting forth specific facts 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 subdivision (a).*
4. *The petition does not contain an affirmation of each of the conditions described in subdivision (d).*
5. *The petition does not contain reasonably comprehensive descriptions of all of the following:*
  - (A) (i) *A description of the educational program of the school, designed, among other things, to identify those 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. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.*
  - (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. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.*
  - (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) *Admission requirements, if applicable.*
  - (I) *The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.*
  - (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 (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).*

*(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) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.*

*(2) Charter schools shall, on a regular basis, consult with their parents, guardians, and teachers regarding the school's educational programs.*

*(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability. Except as provided in paragraph (2) admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.*

*(2) (A) A charter school shall admit all pupils who wish to attend the school.*

*(B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.*

*(g) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. The description of the facilities to be used by the charter school shall specify where the school intends to locate. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.*

*(h) In reviewing petitions for the establishment of charter schools within the school district, the school district governing board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032.*

Consideration of petitions for charter school renewals also requires a review of student achievement data, specifically:

*Section 47607(b) Commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever date occurs later, a charter school shall meet at least one of the following criteria prior to receiving a charter renewal pursuant to paragraph (1) of subdivision (a):*

*(1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.*

*(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.*

*(B) The determination made pursuant to this paragraph shall be based upon all of the following:*

*(i) Documented and clear and convincing data.*

*(ii) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program*

*established by Article 4 (commencing with Section 60640) for demographically similar pupil populations in the comparison schools.*

*(iii) Information submitted by the charter school.*

*(C) A chartering authority shall submit to the Superintendent copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.*

Matt Smith, Director of Mare Island Technology Academy, submitted the petition to renew including supporting documentation on February 10, 2011. The required Public Hearing on the renewal request was held and representatives of MIT Academy were present at two Governing Board meetings to provide information about the renewal request and answer questions. The deadline for the Governing Board to make a decision regarding the renewal is April 11, 2011 unless the timeline is extended by mutual consent with the petitioners.

Copies of the Charter School petition for renewal have been provided to members of the Governing Board. A copy of the Petition is available for public review at the Reception Desk at the District's Administrative Office, 665 Walnut Avenue, Vallejo. Mr. Smith has emailed one amendment to the MIT Charter Renewal request which deletes the language to allow MIT Academy to become its own Special Education Local Plan Area (SELPA) and remove itself from the District's SELPA.

**DESCRIPTION:** The laws pertaining to the consideration of Charter School requests for renewal provide that renewal requests need to meet the same legal criteria as petitions seeking to start a charter school. In addition, Education Code Section 47607 states that, "Once a charter school has been in operation for four years, a charter shall meet at least one of the following criteria prior to receiving renewal." The performance criteria and the District's review of MITA's performance on each performance criterion results in the following conclusions:

<b>Legal Criteria</b>	<b>Data</b>	<b>Criterion Met/Unmet</b>
(1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years	MITA Charter attained its Academic Performance Index growth target by aggregating the growth over the prior three years. The aggregate growth surpassed the required growth 6 points.	Met

(2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years	MITA Charter has ranked in deciles 4 to 10 in the prior year when it was ranked at 4 and in two of the three last years with rankings of 3 in 2008, 5 in 2009 and 4 in 2010.	Met
(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	MITA was 1 in comparable school rankings on API in 2010 with rankings of three years with rankings of 2 in 2008 and 6 in 2009.	Not Met
4) 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.	MITA has an Academic Performance Index 11 points below the District's 9-12 grade programs and the percentages of MITA students who score "below basic" and "far below basic" are significantly higher than those of VCUSD students.	Not Met

Attached to this Agenda item are the comparison charts which are the basis on which the District made the determination of "Not Met" on Criterion 4 which is different than MITA's conclusion.

**Although the District finds that MITA has met the two of the renewal criteria for student performance-- one more than is needed--and that reasonably complete descriptions have been provided for the other 16 elements for renewal, the District has serious concerns in the following areas:**

### **Educational Program**

- Services to English Learners
  - English Language Development must be more thoroughly addressed in the curriculum plan, course catalog, materials list and curriculum maps.
  - The Reclassification criteria for English Learners that MITA submitted do not match Education Code requirements which may result in an undercounting of English Learners.
  - ELD instruction is not being provided by an appropriately credentialed employee.
- Mathematics
  - Mathematics achievement data, as measured by the CST from 2008-2010, continue to show that the vast majority of MITA students are performing at “below basic” and “far below basic” levels.
  - Several math courses including support classes are being taught by teachers with either no credential or a preliminary credential only.
- Curriculum and Instruction for At Risk Students
  - The content of Math support classes for students who are “below basic” and “far below basic” are not described in the course catalogue. The materials being used for Math support are not on the list of course materials provided either. In addition, the Read 180 materials are not on the course materials list either.
- Students with Disabilities
  - There is a lack of a fully articulated system for screening and providing services to students with disabilities.
- Academic Intervention
  - MITA provides academic intervention through its after school program which is funded by ASES. The District has been notified recently that MITA’s ASES funding for next year is in jeopardy because MITA has not met the legal requirements for levels of attendance. The California Department of Education has notified the District and MITA that MITA’s 2011-12 ASES funding is being reduced from \$199,000 to \$148,358. MITA needs to submit a plan to the District for how it will continue to provide Academic Interventions for students.

### **Student Achievement**

- MITA's API ranking compared to similar schools is currently a 1 out of 10. This is a cause for great concern as this is the lowest level that it can be and the lowest that it has been in recent years.
- MITA has failed to meet API growth targets for the last two years and declined 18 points in the 2009-2010 school year. During this same year, the VCUSD high schools gained from 19 to 48 points. MITA is in danger of not meeting the student performance criteria required by law.
- In 2006, MITA was put on notice by the District about the poor achievement levels of students in math. There has not been any significant improvement made and, in some cases, there has been a further decline in student performance in math. In 2010, between 73 and 86% of MITA 9<sup>th</sup>-11<sup>th</sup> graders tested who were in "a-g" math courses were "below basic" or "far below basic." In comparison 46-57% of VCUSD students in "a-g" courses were "below" or "far below basic."

### **Governance and Communication**

- Membership and Quorum on the Board of Directors: It was noted in the petition that, as of its presentation, the Board of Directors did not have its required membership. In response to a question, MITA's Director indicated that the Board had only been short a member since November 2010. The District believes that the Board of Directors was short 1-2 members a substantial part of last year. A review of MITA's Board minutes from its website for June-November 2010, indicated that there were one or two vacancies during that five month period and that the minimum Board composition of 9 members occurred only at one meeting in November before the number dropped again. The District fully expects to be notified when the terms of either MIT Charter are not being followed. As was indicated at the Governing Board meeting, the District is very concerned about what constitutes a quorum and what number of votes is needed to take action.
- Communication: The District believes that a change in administration is a substantial change in MITA. To the best of the administration's knowledge, there was no official notification of the MITA Board's actions last spring and the selection of three new administrators.

### **Due to these concerns, the District:**

- Will monitor MITA for student achievement requirements annually and more closely monitor the instructional program including doing walk-throughs with appropriate notice, and consider revocation of the Charter if either the legal performance targets or the targets that are included in the new petition are not met.

- Will appoint a VCUSD representative to the Board of Directors for MIT as provided for in the current Charter at the Board's option;
- Requires that the proposed Charter be revised by no later than May 1, 2011, to include 1) the amended language regarding special education and the District remaining the SELPA for MITA; 2) timely notification when the Charter's provisions are not being followed and about any changes in administration; 3) including a VCUSD representative on the Board as provided in the original Charter petition; and 4) language recognizing all agreements and MOUs that the District and MITA have;
- Require a new budget and program description by May 15, 2011 that reflects 1) the loss of ASES funding and how academic interventions will be supported and 2) the budgeted expenditure for the legal requirement for MITA to pay its share of excess special education costs.

**FISCAL IMPACT:** Substantial staff time has been spent in reviewing the renewal request pursuant to the requirements of State law.

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Vote: \_\_\_\_\_