



ORANGE COUNTY DEPARTMENT OF EDUCATION

Staff Recommendations and Findings Sycamore Creek Community Charter School February 14, 2023

I. INTRODUCTION

The following is a summary of the review conducted by Orange County Department of Education (OCDE) staff of the material revisions requested by Sycamore Creek Community Charter School (SCCCS) in compliance with Education Code section 47607, and recommendations for consideration by the Orange County Board of Education (the Board).

II. BACKGROUND

SCCCS serves students in grades transitional kindergarten through grade eight. On December 16, 2022, SCCC submitted material revisions requesting to:

1. Become a countywide charter school.
2. Add high school grade levels nine through twelve.
3. Open an additional school site within the boundaries of Los Alamitos Unified School District.
4. Change enrollment preferences to add a preference for students who reside in Orange County, add a preference for pupils who attend the public elementary school where 55% or more of the pupil enrollment is eligible for free and reduced-price meals for the Charter School Facilities Grant, and remove the preference for students who reside within the attendance area of Ocean View School District where the school is currently located.

On January 31, 2023, OCDE staff met with charter school representatives to better understand and clarify information in the material revision requests. A public hearing was held on February 1, 2023, to consider the level of support for the material revisions.

III. LEGAL STANDARD

Material revisions of charter schools are governed by the standards and criteria described in Education Code section 47605 and shall include, but not be limited to, reasonably comprehensive descriptions of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

IV. SUMMARY OF FINDINGS

A. Becoming a Countywide Charter

SCCCS was established under Education Code section 47605, and seeks as part of its material

revision request to “become” a countywide charter school. The charter school has chosen not to utilize the authorization process under Education Code section 47605.6 for countywide status.

When questioned during the clarification meeting for the legal basis that would allow a district-denied/county-approved charter to, by material revision, “become” a countywide charter, the response was to the effect of “because the Education Code does not specifically prohibit it, it is allowed.” This argument is not supported by statute since the Education Code provides a specific process for obtaining a countywide charter.

The process by which a district-denied/county-approved charter converts to, or becomes, a countywide charter school is not specified in Education Code. Instead, the process for establishing a countywide charter school is provided for in Education Code section 47605.6(a)(1). Specifically:

“A petition for the establishment of a countywide charter school may be circulated throughout the county by one or more persons seeking to establish the charter school. The petition may be submitted to the county board of education for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or guardians of pupils residing within the county that is equivalent to at least on-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

(B) The petition is signed by a number of teachers that is equivalent to at least on-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.”

Additionally, Education Code section 47605.6(a)(4) states:

“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 their 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.”

In order to approve a countywide charter petition, a county board of education must be able to make specific threshold findings, including signatures by meaningfully interested parents or teachers of the proposed countywide charter school. SCCCS is suggesting that signatures obtained over four years ago, in contemplation of a charter school to be authorized by the Ocean View School District,

should satisfy the requirement under Education Code section 47605.6(a)(1).

B. Addition of high school (grades 9-12)

Expansion of operations to one or more additional sites or grade levels for a district denied/county approved charter school is governed by Education Code section 47605(a)(4), which states:

“After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels.”

SCCCS is requesting to add high school grade levels nine through twelve to the charter. SCCCS is in its fourth year of operation and began serving eighth-grade students in 2021-22 and nine students were enrolled. This year, 2022-23, the school has 13 students in eighth grade and anticipates having 13 students in eighth grade for the 2023-24 school year. The charter school proposes to offer 9th and 10th grades in the 2024-25 school year. It does not appear that the school has enough students to adequately “feed” into the 9th and 10th grade levels based on enrollment projections. The school did not provide data on the community interest for the expansion of grade levels other than surveying their own students. It is unclear from those survey results if all 13 projected students would remain enrolled at SCCCS for ninth grade.

When SCCCS appealed their denial by Ocean View School District, the original staff report identified concerns regarding the educational program. Specifically, that the charter school’s Waldorf educational model resulted in the introduction of concepts or subjects at different grade levels than current California academic standards. For example, in grade six, approximately 40% of English Language Arts standards and 50% of mathematics standards taught are below grade level. The difference in what is being taught versus what is tested may naturally result in lower academic performance, particularly in the lower grade levels. However, petitioners assured the Board that SCCCS students would meet or exceed the performance standards by eighth grade. Additionally, page 59 of the petition states: “It is SCCCS’s goal for students to meet or exceed statewide performance standards by the completion of eighth grade, if not sooner in accordance with Education Code Section 47605.”

California Assessment of Student Performance and Progress (CAASPP) data for 2021-22, shows that overall, SCCCS students are performing significantly lower than the state in meeting or exceeding grade-level standards on the English Language Arts (46.1 points below standard) and Mathematics (80.8 points below standard) assessments. The 2022 California School Dashboard status levels for SCCCS are classified as Low for English Language Arts and Mathematics. There is no publicly available data for students in grade eight due to the low number of students tested.

After the clarification meeting, held on January 31, 2023, petitioners were afforded the opportunity to submit additional student achievement data for review. On February 8, 2023, Petitioners

submitted eighth grade 2021-22 CAASPP performance data for nine students. The data presented that only two students (22%) met the standard for English Language Arts and three students (33%) met the standard for Mathematics.

Due to the low number of students tested, caution must be used when analyzing the data. Therefore, OCDE staff cannot verifiably determine whether students demonstrate grade-level competency by eighth grade, and whether an expansion of the program to include grades nine through twelve is in the best interest of students. SCCCS will need to implement a robust intervention plan that results in significant improvement in students' academic performance across all grade levels in the coming years, or the charter school may be at risk.

C. Additional facility within the boundaries of Los Alamitos Unified School District

SCCCS proposes to expand operations to locate a site within the boundaries of Los Alamitos Unified School District in the city of Cypress. However, as a district-denied/county-approved charter school, SCCCS cannot locate outside the geographic boundaries of the chartering entity that initially denied the petition for the charter, Ocean View School District, per Education Code section 47605(a)(1), which states:

“A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition.”

Additionally, Education Code section 47605.1(a)(2) states that a charter school “may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter.”

D. Changes to enrollment preferences

Per Education Code section 47605(e)(2)(B), priority order for enrollment preferences shall be determined in the charter petition, and each type of enrollment preference shall be approved by the chartering authority at a public hearing.

SCCCS is proposing to change enrollment preferences to add a preference for students who reside in Orange County, add a preference for pupils who attend the public elementary school where the charter school locates if 55% or more of the pupil enrollment is eligible for free and reduced-price meals for the Charter School Facilities Grant, and remove the preference for students who reside within the attendance area of Ocean View School District where the school is currently located.

As a charter school approved under Education Code section 47605, SCCCS is bound by Education Code section 47605(e)(2)(B), which requires that a charter school extend enrollment preferences to pupils who reside in the school district where the charter school is located.

V. STAFF RECOMMENDATIONS

1. OCDE staff cannot provide a recommendation regarding the conversion to a countywide charter school as the Education Code does not provide a specific process for how a charter school denied by a school district and approved by a county board of education under Education Code section 47605, obtains countywide status via a material revision.
2. OCDE staff recommend denial of the request to add high school grade levels nine through twelve, because currently available academic performance data does not indicate that the charter school presents a sound education program for the students currently being served, does not allow staff to determine whether students demonstrate grade-level competency by grade eight, and does not demonstrate whether an expansion of the program to include grades nine through twelve is in the best interest of students.
3. OCDE staff recommend denial of the request to open an additional facility within the boundaries of Los Alamitos Unified School District as Education Code sections 47605 and 47605.1 do not allow for a district-denied/county-approved charter school to open a site outside of the geographic boundaries of the district that originally denied the charter school.
4. OCDE staff recommend approval of the additional enrollment preferences for students who reside in Orange County and for pupils who attend the public elementary school where the charter school locates for the Charter School Facilities Grant; and recommend denial of the request to remove the preference for students who reside in the attendance area of Ocean View School District where the school is currently located per Education Code section 47605(e)(2)(B).

VI. CONCLUSION

The Board has four options for action regarding the charter petition material revisions:

- Option One: Approve all of the material revisions.
- Option Two: Approve some, but not all, of the material revisions.
- Option Three: Approve one or more of the material revisions with conditions.
- Option Four: Deny all of the material revisions.

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