



Thursday, May 21, 2020

Special Board Meeting - Charter Committee

Charter Committee Meeting

County Office of Education

1:00 p.m.

Zoom Meeting

1. CALL TO ORDER

1.1 The Committee Chairperson will Call the Meeting to Order
Meeting was called to order at 1:05.

1.2 Roll Call

Present: Member Lewis, Dr. Tyson, Deputy Superintendent Clark, Exec. Assistant Kiernan, and Member Alleyne

1.3 Approval of Agenda

Member Lewis moved approval – Member Alleyne seconded

2. GENERAL INFORMATION

2.1 General Information

None.

3. PUBLIC COMMENT

3.1 Public Comment

None.

4. CHARTER COMMITTEE

4.1 Approval of Minutes: March 3, 2020 Charter Standing Committee Meeting

Approved

4.2 Manzanita School Charter

Member Alleyne outlined the purpose of this item was for the committee to discuss (1) the process of approval for Manzanita Charter, and (2) possible issue of conflict of interest in the past.

Deputy Superintendent Clark outlined the standard process of petition review:

- Review committee (with experts from various departments in the agency) has already met once and will meet again before completing the rubric of requirements for petition review as is outline in EdCode and CCR.
- Review is independent of the district's review, however, the committee also reads the district's review
- At the Board Meeting where the decision was made by WCCUSD there was an unusual occurrence in which the staff report did not have written findings even through the board denies renewal. The board had to reconvene at a future meeting to approve findings. This may prove to be an issue for the district in the future, but it doesn't change what we are required to do.
- There has also been a claim of a conflict of interest because Dr. Linda Delgado's connection to Manzanita. Deputy Clark said that based on Delgado's interaction with Manzanita he does not find this to be at issue. Dr. Delgado has been firm with Manzanita and in his experience Dr. Delgado has not shown favoritism.
- Committee discussed which schools were to be compared to Manzanita ... should it be just DeJean and Helms which is where it is claimed that 90% of the Manzanita population would otherwise be enrolled, or should there also be comparisons with the other Middle Schools in the district. Dr. Alleyne requested to get a legal interpretation of the and the statement of the law which includes comparisons to the district.
- Member Lewis also requested that staff provide 3-4 years of data to compare Manzanita's performance over time.

Beginning at 1:25 there were four people with public comment. The text of these comments was read by the committee members (and is also below in this document.) The public comment in addition to arguing that the district acted illegally in its process and that only DeJean and Helms provide a legitimate basis of comparison, took issue with WCCUSD labeling itself an open-enrollment district.

After public comment a hand was raised in the chat section and was allowed to speak. Dr. Delgado spoke on her own behalf, openly stated her past relationship with Manzanita and gave examples of her connection to other charters in the district as well. In her opinion there was no conflict of interest on her part.

Public comment ended at 1:38

4.3 Clayton Valley Charter High School Petition (Clark) – ACTION

The four remaining issues with the CVCHS MOU were each discussed. Dr. Alleyne had to go off line during this discussion an wasn't able to weigh in, but Member Lewis was in support of the following four statements.

Element 1: Educational Program, Students with Disabilities

“The Charter School is responsible for having the following individuals in attendance at the IEP meetings: an administrator with appropriate administrative authority as required by the IDEA; the student’s special education teacher; at least one of the student’s general education teachers if the student is or may be in regular education classrooms; the student, a parent or guardian; and other Charter School representatives who are knowledgeable about the regular education program at the Charter School and/or about the student.”

Element 3: Methods of Assessing Pupil Progress Toward Meeting Outcomes

“Annual Parent and Stakeholder Surveys”

“CVCHS compiles survey results gathered at the end of each school year where students, parents and staff evaluate students' educational experiences offered at CVCHS. The survey asks parents and other stakeholders to measure satisfaction in a variety of categories such as overall student growth (academic and social), satisfaction with program offerings, how well CVCHS fulfilled its mission and vision, and overall parent satisfaction. Results are reported to the County, CVCHS Board and through other means where appropriate, including being published in the SARC.”

Element 14: Dispute Resolution Process

“In the event an internal dispute regarding the operation of the Charter School is brought to the County, the County will redirect the matter to the Charter School for resolution. The County shall promptly refer all disputes not related to a possible violation of the charter or law to the Charter School.”

BILL STILL NEEDS TO WEIGH IN ON THIS – I ASKED HIM TO RESPOND

Element 15: Charter School Closure Procedures

“On closure of CVCHS, all assets of CVCHS, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending CVCHS, **all net assets shall be distributed to another public school that satisfies the requirements of paragraphs (a) through (e) of section III.A of Notice 2015-07 issued by the Internal Revenue Service and the Treasury Department entitled “Relief for Certain Participants in § 414(d) Plans” or any final regulations implementing 26 U.S.C. § 414(d), or to a State, political subdivision of a State, or an agency or instrumentality thereof.**”

5. ADJOURNMENT

5.1 Adjournment

Adjournment occurred at 2:10/

Good afternoon, my name is Jason Miller. I am with the law offices of Young, Minney, and Corr. The District’s denial of the Manzanita charter renewal was predicated on misstatements of law and fact. The District Board inappropriately compared Manzanita students’ academic achievement with the District as a whole rather than the schools the District was required to compare them to: 1- The schools the students would otherwise be required to attend and 2- schools in the district, taking into account the

composition of the pupil population i.e. those most demographically similar to the Charter School.

Manzanita is a Richmond/San Pablo neighborhood school. 90% of Manzanita students would be required to attend either DeJean or Helms, and the student population at Manzanita most closely aligns with the demographics of students at those two schools. As demonstrated in the charter petition, the Response to findings, and the District's own staff report, Manzanita outperforms these schools overall and among all numerically significant subgroups.

Rather than acknowledging this, the majority of the District Board compared Manzanita to 1- the District overall and, inexplicably, 2- the District DISCOUNTING these two schools.

The majority of the District Board, in defense of this comparison, relied on the notion that West Contra Costa County is an "open enrollment District." As every parent in Richmond and San Pablo knows – this is blatantly not true. The District does have some procedures in which some students may seek a "priority transfer" but this does not guarantee students can attend their school of choice, and the process has a very tight application window in February, so no kids from Manzanita could take advantage of it this year. Moreover, students participating in this "priority transfer" program are required to meet attendance, behavior, and grade requirements in order to continue in the program. Requirements Manzanita does not and would not be allowed to enforce.

West Contra Costa is not an open enrollment District. 90% of the students at Manzanita will be assigned to DeJean or Helms – those are the schools the District should have limited its analysis to.

The Board majority did not even attempt to explain why it ignored the statutorily required demographic comparison. Again, the Board inappropriately based its denial on a comparison with schools with dramatically different student populations than Manzanita.

Manzanita is the highest performing and safest Richmond/San Pablo neighborhood school. The District had no legal grounds to attempt to close it.

We urge you to keep this in mind as you review the petition and Manzanita's achievement, and make your recommendation to the County Board.

Thank you

Martin Coyne

Dear Subcommittee members,

West Contra Costa Unified School District (WCCUSD) did not follow the law when they denied Manzanita Middle School's (Manzanita) renewal petition.

The Education Code clearly states "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."

The Education Code does not say all of the Districts schools. This clearly is not what the statute calls for. If the intention was to compare a charter school to all schools in the district, the statute would have said all schools and not schools that they would have been required to attend.

In the District's Findings of Facts supporting Denial of Manzanita Renewal Petition

The District states in paragraph 2, page 3 "however, it is important to note that WCCUSD is an "open enrollment" district. This means that students are not required to attend schools within their particular attendance area. Instead, students may request enrollment in any District school, subject to capacity limits. Thus, it is most appropriate to view Manzanita's academic performance, as compared to that of all of the District's middle schools."

This is a false statement.

The District did not apply a comparison to all schools to any of the other charter school renewal petitions reviewed during the year. So, we have a new interpretation of Education Code applied to only Manzanita Middle School.

If the District was open enrollment district, why was open enrollment for transfers only open from February 4, 2019 to February 15, 2019 for the following year. I would think that an open enrollment office (which does not exist) would be open all year for transfers in a truly open enrollment environment. There is a Transfer Office, there is no Open Enrollment office. There is not one single document on the District's website that says that it is an open enrollment or school of choice district. In every sentence where the word open enrollment is used, the word transfer is also in the same sentence. Please see the two-page WCCUSD 2019-2020 Open Enrollment Transfer Application form in the supplemental materials submitted for appeal. Please review this document and make your own determination.

On the District's website under our schools, there is an enrollment and registration tab which leads to a new family enrollment tab.

It states that registering is a Three Step Process

1. "Find your Neighborhood School. In the interactive SchoolSite Locator you will enter an address in the search box or browse through the map to find school of attendance!"
2. Register Online
3. In person ID verification at your resident school (not at any school of your choice)

There is a poster on the new family enrollment website for 2020-2021. It has two highlighted blue boxes. In both boxes, the enrolling process says that you can sign up at your local neighborhood school or register your child online at your neighborhood school of residence. There is no school of choice or open enrollment mentioned in the process instructions provided by the District.

Requiring students to sign up at their neighborhood school of residence using the WCCUSD school locator is requiring students to attend their required neighborhood school. WCCUSD should follow the Education Code and not apply a made-up interruption to suit their needs to refuse approval of the Manzanita Middle School's renewal petition.

WCCUSD's actions during the renewal process seems unfair, unethical and illegal.

Thank you for time and consideration.

Stay Safe and Healthy

Janelle Ruley

Good afternoon. I am an attorney with the Law Offices of Young, Minney and Corr. We are in strong support of Manzanita Middle School's charter renewal appeal. We appreciate the County Board and Charter Committee's attention to this matter.

As you review the materials, we are confident that you will conclude that the West Contra Costa Unified School District Board's denial of this 20-year-old charter school was unfair, irregular, and done with dubious legal support. Closing down a school that is a safe haven for its students, a home away from home, during a pandemic, would add tragedy to these already fearful times.

Briefly, Manzanita's renewal charter petition was recommended for *approval* by District staff. The District concluded that Manzanita's students were performing academically at least as well as they would if they had attended resident schools in the District and schools in the District that are demographically comparable. District staff also gave high marks to Manzanita's new leadership.

Ninety percent of Manzanita's students would otherwise be required to attend just 2 schools in the District: Helms and DeJean. Manzanita well out-performed both of these schools on both the English Language Arts and Math CAASPP tests for 2019. The District staff report also documented cohort growth year-for-year at Manzanita, in both ELA and Math. We are certain that County staff will recognize these trends, as well.

Despite Manzanita's remarkable performance in relation to the schools where 90% of its students would attend, the District Board disregarded the staff report and instead tried to take action to deny the renewal. However, the action to deny was unlawful because the Board did not adopt written, factual findings to support the denial. The Board was advised of the questionable nature of its action, and proceeded nonetheless.

Then, realizing that the action was unlawful, the District hastily called a special meeting on the last day of the legal timeline, and relied on legal counsel to invent findings for denial. Because the staff report was positive, the District had to cast about for something to shield its unlawful decision. They settled on the untrue theory that the District is an "open enrollment" school district, and, therefore, students could attend any school in the District, which meant that Manzanita's performance must be compared to all District schools. Not only is the comparison unlawful, it is simply not true that WCCUSD is an open enrollment district. At best, the District allows for a limited number of transfers for existing students, during a limited window of time, who meet strenuous requirements.

We are confident that the County will see through the unlawful denial and save Manzanita's students from being sentenced to attend lower performing schools with higher student populations. Thank you.

Chantel Caldwell

Manzanita is a vital school of choice in its community, offering families a small, safe learning environment with a robust academic program that is continuously modified through thorough progress-monitoring and data analysis, providing multiple tiers of support accordingly. According to the WCCUSD WEBSITE's OWN SCHOOL FINDER, which is used to inform families of which school their student would attend based on their address, 75% of students would otherwise attend DeJean and 15% Helms, which also demonstrate similar demographics. At this time, if our school closed and students were forced to attend district schools, almost all students would be enrolled at one of these two, which do not offer an equal or better education than they are currently receiving at Manzanita, which was also addressed by one of the WCCUSD Board's student trustees. In addition, most of our students walk to and from Manzanita, which also limits their ability to equity in access to an equal or better academic program.

By comparing Manzanita's performance to schools they wouldn't attend is a false narrative.

According to CAASPP math and ELA scores since the 2015-2016 year, and possibly prior, Manzanita has out-performed the two schools that 90% of the students would otherwise attend: DeJean and Helms. In addition, for both math and ELA over the same time span, Manzanita has outperformed both schools in all their common significant subgroups: socio-economically disadvantaged, Hispanic or Latino. Over this same year span, Manzanita's RFEP rate was significantly higher than both schools; likewise, Manzanita outperformed both schools, the state average, and the district average on ELPAC gains in 2019, the first and only year with this specific data available.

According to the State Dashboard's safety indicator, Manzanita has significantly less suspensions than both comparison schools, and the district and state averages. According to the State Dashboard's student engagement indicator, Manzanita also demonstrates lower rates of Chronic Absenteeism than both comparison schools.