

**OCEAN VIEW SCHOOL DISTRICT OF ORANGE COUNTY
HUNTINGTON BEACH, CALIFORNIA**

RESOLUTION NO. 10:1819

**A RESOLUTION OF THE BOARD OF TRUSTEES OF OCEAN VIEW SCHOOL
DISTRICT OF ORANGE COUNTY, DENYING PETITION FOR
SYCAMORE CREEK COMMUNITY CHARTER SCHOOL**

WHEREAS, pursuant to the Charter Schools Act of 1992 (Education Code Section 47605 *et seq.*), the Governing Board of the Ocean View School District of Orange County (“OVSD” and/or “District”) is required to review and consider authorization of charter schools; and

WHEREAS, on or about September 21, 2018, lead petitioner Amy Green-Bosinoff delivered to the District office a charter petition (“Petition”) for Sycamore Creek Community Charter School (“SCCCS” or “Charter”) to be operated as a 501(c)(3) nonprofit public benefit corporation; and

WHEREAS, in accordance with the Charter Schools Act, the Charter was brought to the District Board meeting of October 2, 2018, at which time it was received by the Board, thereby commencing the timelines for the Board to take action thereon; and

WHEREAS, a public hearing on the provisions of the SCCCS Charter was conducted on November 13, 2018, pursuant to Education Code Section 47605, at which time the District Board considered the level of support for this Charter by teachers employed by the District, other employees of the District, and parents; and

WHEREAS, at the public hearing a number of individuals spoke in support of and against the Petition; and

WHEREAS, the Charter proposes to open with approximately 192 students in TK-6th grade in the 2019-2020 school year, eventually to serve grades TK-8th grade with 240 students at capacity; and

WHEREAS, the SCCCS petitioners previously submitted a version of their charter petition to the District, which the Board ultimately denied on or about December 13, 2016 (by Resolution No. 17:1617), and petitioners appealed the District’s denial to the Orange County Department of Education (“County”) but withdrew their appeal before the County took action on their petition;

WHEREAS, in reviewing the current Petition for SCCCS, the Board has been cognizant of 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; and

WHEREAS, the District’s staff, working with District legal counsel, has reviewed and analyzed all information received with respect to the Petition and information related to the operation and potential effects of the proposed Charter, and based on that review, the District staff identified a number of flaws still apparent in SCCCS’ operational program and has therefore made a recommendation to the Board that the SCCCS Petition be denied;

WHEREAS, the Board has fully considered the Petition and the recommendation provided by District staff;

WHEREAS, the Board specifically notes that this Resolution No. 10:1819 does not include findings relative to every defect in the Charter submitted, but is limited to a few significant issues in the Charter. Not only are the findings set forth herein legally sufficient to support the Board’s denial of the Charter, but also it is imperative, should these petitioners propose another charter, either to District or elsewhere, that such petition establish that the petitioners themselves have the knowledge, understanding, and expertise necessary both to write an educationally, fiscally, and practically sound charter petition and to open and operate a sound charter school, not just respond directly to findings of this Board;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board finds the above listed recitals to be true and correct and incorporates them herein by this reference.

BE IT FURTHER RESOLVED AND ORDERED that the Board, having fully considered and evaluated the Petition for the establishment of SCCCS hereby denies the Petition based on the following findings pursuant to Education Code Section 47605:

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

BE IT FURTHER RESOLVED AND ORDERED that the Board hereby determines the foregoing findings are supported by the following specific facts:

I. **THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION.** [Education Code 47605(b)(2).]

A. **Lack of Executive Director or Principal**

SCCCS does not plan to hire an “Executive Director” until April 2019 (after securing an approved charter), and does not plan to hire a “Principal” until Year 3. The Petition states the “*Executive Director will be the business leader and in concert with the Principal.*” There is no alternative position to carry out the duties of these leaders, and the possibility of not filling these critical positions is untenable and an inappropriate proposal.

The Petition is unclear as to what role founding members Amy Bosinoff or Sarah Bach will play in the operation of SCCCS. Appendix 8 of the Petition identifies lead petitioner Ms. Bosinoff as the corporate executive officer or “CEO” of SCCCS. Yet, to the extent she is to be hired as Executive Director after the Petition is approved, Ms. Bosinoff’s background does not reflect training, experience, or expertise in California public school finance, necessary to the duties of the Charter’s Executive Director (which include handling “the business and regulatory requirements of the school”; overseeing school finances; development of the school annual performance report,

SARC, and LCAP; as well as proper implementation of special education and disability programs).

Sarah Bach is not identified as Executive Director or Principal, but the Petition states she will be “spearheading” SCCCS, and also lists Ms. Bach as the Charter’s corporate agent for service of process. (Ms. Bach was also previously identified as lead petitioner, in the petition submitted to the District in 2016.) According to the SCCCS Petition, Ms. Bach currently “serves as director for a two-day homeschool enrichment program, Linden Tree Learning, in Costa Mesa that offers Waldorf-inspired enrichment to home-schooled students TK-5th grade.” To the extent Ms. Bach is the intended Executive Director for SCCCS, it is unclear how Ms. Bach would manage duties of the Executive Director while also administering her own private enrichment program.

As such, without an identifiable Executive Director or Principal, or viable plan for hiring these positions, petitioners are demonstrably unlikely to successfully implement their program.

B. Concern of Public Funds Directed to Private Enrichment Program

The Petition is unclear about the arrangement (if any) between SCCCS and Linden Tree Learning, a nonprofit corporation providing a homeschool enrichment program of which Ms. Bach serves as the director and agent for service of process. As noted above, Ms. Bach also serves as SCCCS’ agent for service of process, and was previously identified as lead petitioner of SCCCS. Linden Tree Learning offers the same educational program (Waldorf-inspired enrichment) in the same county to nearly all the same grade levels to be served by SCCCS. Linden Tree Learning is currently listed as a vendor for independent study charter schools (such as Inspire Charter Schools), and accepts instructional funds for students to purchase its Waldorf enrichment activities.¹

Given the similarities (and common leadership) between these two corporations, it is reasonably unclear whether SCCCS plans to divert its funding to Linden Tree Learning, if SCCCS plans to refer its charter students to Linden Tree Learning for purchase of Waldorf courses, or if SCCCS plans to provide Waldorf courses as part of a homeschool, independent study program when it has proposed itself to the District exclusively as a site-based program.

C. Insurance and Indemnification

¹Inspire Charter Schools, Enrichment & Vendor, Vendor List
<https://www.inspireschools.org/apps/pages/enrichmentcentre>; <https://inspirationstation.org/vendor-list.html>;
https://www.inspireschools.org/apps/pages/index.jsp?uREC_ID=450987&type=d&pREC_ID=1287530 [last visited November 21, 2018].

The Petition includes a very short discussion of its insurance and indemnification obligations. California Code of Regulations, Title 5, section 11967.5.1(c)(3)(C) states that a factor in determining if petitioners have presented an unrealistic financial and operational plan in the area of insurance is whether the charter does not adequately:

Provide for the acquisition of and budgeting for general liability workers compensations, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance.

Apart from listing the regulatory language referenced above, the Petition only elaborates (on pages 193-94) that “insurance amounts will be determined by recommendation of the District and SCCCS’ insurance company.” It also states that “SCCCS and the District shall enter into a memorandum of understanding, wherein SCCCS shall indemnify the District for the actions of SCCCS under this charter.” These elements are not adequate to protect SCCCS or the District from potential liability for the acts or omissions of the proposed school, even if SCCCS will be operated by a 501(c)(3) nonprofit public benefit corporation. Moreover, the limited indemnification provisions included in the Charter do not protect the District from liability, particularly if there is not adequate insurance to allow those indemnification provisions to be enforced.

D. Unrealistic Special Education Plan and Anticipated Revenue

The Petition indicates that petitioners are unfamiliar with the financial implications associated with designation of the Charter as a public school of the District for purposes of special education funding. The Petition states, “*SCCCS shall initially be deemed, by default, a public school of OVSD for purposes of special education, pursuant to Education Code Section 47641(b).*” This means SCCCS’ special education services will initially be the responsibility of the District, and that in exchange, the District will directly receive the full amount of federal and state special education funding. Yet, according to its budget, SCCCS assumes “SPED State revenues start in Year 1 at \$514/ADA” totaling a “Special Education - Entitlement (State)” of \$94,740 for “Year 1 2019-20.”

Further, Charters that operate as schools of their district authorizer must contribute an equitable portion of their block grant funding to support district-wide special education services. (Education Code 47646(c).) Although the Petition budgets \$514 per ADA for special education contractors in Year 1, none of the Charter’s projected expenses include the District’s encroachment costs as required by Education Code 47646(c). (Appendix 16 of the Petition.) The Charter’s financial projections are therefore miscalculated.

E. Unrealistic Professional Development Plan

SCCCS’ professional development plan is unsupported by its budgeted expenditure of \$20,333. The Petition indicates, at page 138, that SCCCS will subsidize Waldorf teacher training:

If the [teacher] applicant does not have sufficient Waldorf training SCCCS will aid them in pursuing further Waldorf professional development in one of the summer intensive training programs and/or the programs offered during the year in Southern California.

Throughout the Petition, it is emphasized that “Teachers will participate in Waldorf Teacher Training.” (See pages 114-119.) To the extent SCCCS aids teachers in pursuing training at the Waldorf School of Orange County (WSOC), for example — this training costs upwards of \$2,500 per adult student per year, based on WSOC adult enrichment brochures. In addition, page 61 of the Petition states, “Teachers and designated specialty teachers will sign up for a three-week online training course with the SIOP Training for Teachers Virtual Institute” — and cross-references websites showing a \$300 registration cost. The Petition also states at page 142 that “All administrators and teacher facilitators will receive in-service training by consultants, outside providers, and/or employees hired for such purpose.” It is unrealistic that \$20,333 for professional development in Year 1 would be adequate to cover Waldorf training, in addition to other consultant services, for all teachers.

Moreover, none of the meaningfully interested teachers who signed the Petition are represented as having completed Waldorf training. Neither have all founding members completed this training (the Petition states Ms. Bosinoff “is a student in the Foundation Studies program at the Waldorf School of Orange County”; Ms. Bach “plans to continue for one more year to complete her training to become a certified Waldorf teacher”; and for founder Juliet Santa-Cruz, who intends to teach at SCCCS, the Petition does not specify any Waldorf training). It is therefore unclear whether staff in Year 1 will possess Waldorf training to implement the program stated in the Petition.

F. Staffing Unaligned with Educational and Operational Plan

There is also no indication that any of the eight (8) classroom teachers hired in Year 1 will be able to provide the highly specialized activities promised throughout the Petition (e.g. Handwork, Woodworking, World Language; that “students in 4th grade and higher *will learn* string instruments”; that in first grade, “children *will be taught* to play the pentatonic flute”; or that the “typical day” for students will include violin lessons or orchestra class). Although SCCCS “may also employ non-certificated instructional staff” with specialized skills — the Charter has only budgeted \$15,120 for each of these “elective” positions, there is no indication these individuals would be hired in Year 1, and the Petition (pages 137-38) lacks a substantive description of qualifications for non-certificated teachers (besides that Waldorf training or experience is “preferred”). It is therefore unrealistic that students enrolled at SCCCS for (at least) Year 1 will receive “pervasive arts-integration” throughout their curriculum as promised in the Petition.

Moreover, the Petition conditions major aspects of its educational program and related staffing on budgetary limits. For example:

- At page 32: “Through handwork that includes, knitting, weaving, crochet, sewing, and woodwork (*when the budget allows*) students will develop Visual/Spatial Intelligence.”

- At page 32: SCCCS’ “program will support students in reaching their full Bodily-Kinesthetic Intelligence by engaging in thoughtful games and movement led by experts such as those trained in Eurythmy (*so long as budget allows, Eurythmy will be offered*).”
- At page 45: the Petition references specialty teachers who will “teach world languages, music, games, movement (*as the budget allows*), woodwork and handwork so students benefit from other instructor’s special skills.”
- At page 52: the Petition represents its instructional day as including “Specialty Classes” which “could include Spanish, Vietnamese (*if budget allows*), Handwork, Woodwork, Movement/Games, and/or Music.” It also provides that all students will “benefit from class time devoted to instruction in at least one other world language, most likely Spanish, but also perhaps Mandarin (*if the budget permits*).”

The Petition’s emphasis on Waldorf-inspired activities to achieve grade-level proficiency in all subjects is inconsistent with this conditional language which suggests these activities may not be offered in the first year or at any time during the charter term.

- G. Further, SCCCS assumes an influx of state (\$3,484) and federal (\$59,222) revenue, and related expenses, in Year 1 for child nutrition services. However, it is unclear who will provide student food services for SCCCS’ 192 students — if the Charter only plans to hire “eight (8)” certificated positions, “(1) Executive Director” and “1 Clerical position” in Year 1. Further, the Petition provides no description of its plan for nutrition services, whether it will comply with legal requirements (such as Education Codes 49431.9 and 49564) surrounding charter school participation in the federal National School Lunch or Breakfast Program, and/or its obligation to provide free breakfast and lunch services if it qualifies as a high poverty school.

Based on the above, the petitioners are demonstrably unlikely to successfully implement the program set forth in their Petition.

II. THE CHARTER SCHOOL PRESENTS AN UNSOUND EDUCATIONAL PROGRAM FOR THE PUPILS TO BE ENROLLED IN THE CHARTER SCHOOL. [Education Code 47605(b)(1).]

The Petition raised concern that SCCCS is unlikely to be of educational benefit for the following reasons:

- A. The Petition states that the Charter’s “Public Waldorf curriculum determines that some state standards will be addressed at different grade levels from those stated in the CCSS [Common Core State Standards].” District staff was concerned this different progression of Common Core may result in learning gaps for SCCCS students, including those who may later decide to transfer to another school.

Although the Petition states that “Parents will be informed when the delivery of the SCCCS curriculum differs in sequence” from CCSS at traditional schools — it also

states that “there is tremendous freedom in how each teacher may choose to present that curriculum” at SCCCS. The Petition therefore indicates that implementation of the SCCCS curriculum will vary widely depending on the individual teacher; which is concerning given that SCCCS (on pages 136, 138) appears to reserves its right to hire new teachers who may not be trained in the Waldorf method or have even completed their credential program (as teachers hired may “be enrolled in credential programs” but not have necessarily obtained a credential) for core subject assignments.

- B. The Petition lacks a reasonably comprehensive description of annual goals for foster and homeless youth. Although, from its budget narrative, SCCCS is clearly anticipating receipt of unduplicated pupil percentage funding for these student subgroups, the Petition states at page 106, “*SCCCS cannot guess whether or not it will have a numerically significant population of homeless or foster students but plans to address the unique needs of all numerically significant subgroups once the composition of the student body is known.*” District staff noted that goals in the Petition related to improving student attendance, or maintaining low suspension and expulsion rates did not address these pupil subgroups.

Education Code 47605 requires that the “annual goals ... for all pupils and *for each subgroup* of pupils identified pursuant to Section 52052 [such as foster and homeless youth] ... and *specific* annual actions to achieve those goals” be described in the actual Petition, not be contingent on later enrollment developments. State regulations reinforce that the Petition describe “how the charter school will meet the needs of ... special student populations”; and “[f]or elements that have multiple aspects,” a “reasonably comprehensive description” in a charter petition is one that specifically “addresses essentially all aspects of the elements, not just selected aspects.” (5 CCR § 11967.5.1(f),(g).) The Petition therefore must include a full description of the educational plan that is to control SCCCS operations for the next five years, regardless of what the student body composition turns out to be.

- C. Further, the Petition repeats (on pages 114 to 119) the same generalized “action” to achieve goals for grade-level proficiency in English, Mathematics, Social Sciences, Science, Visual and Performing Arts, Physical Education, Health, World Languages, Applied Arts. For proficiency of all student subgroups, in all these core subjects, SCCCS plans to implement the following description of the Waldorf model:

Teachers will participate in Waldorf Teacher Training, as well as other types of professional development, that will aid them in implementing the Waldorf/Common Core State Standards and the nine multiple intelligences through storytelling, performing and visual arts, movement and music. Teachers will deliver the Waldorf/Common Core curriculum through the use of methods guided by the core principles of public Waldorf education, which includes direct instruction, projects, storytelling, performing and visual arts, movement and music.

In 2016, the California Department of Education, in a letter copied to the District, denied petitioners’ request for funding from the Public Charter Schools Grant Program because the SCCCS petition back then was “[g]eneralized in terms of methodology” and needed more discussion “as to goals and objectives.” These deficiencies still do

not appear to be remediated. Moreover, these similar flaws in SCCCS' former petition demonstrates petitioners' lack of history of success.

- D. The Petition lacks a comprehensive description of student outcomes insofar as the Petition states that letter grades "may be used for specific classes" and that "85% of all TK through 8th grade students will progress one grade/skill level each academic year." It is unclear how SCCCS plans to measure "skill level", what classes will track pupil progress with letter grades, or whether SCCCS will set clear educational objectives that can be assessed to determine whether students are making satisfactory progress. (See 5 CCR § 11967.5.1(f)(2).)
- E. With respect to the needs of English Learners, District staff noted that the substance of SCCCS' EL plan simply reemphasizes the Waldorf model. The Petition does not, for example, address how the Charter will provide ELD instruction appropriate to the English proficiency level of each EL student, or whether state-adopted (or any) ELD instructional materials will be used for grades K-8. The Petition also indicates that newly hired core-subject teachers may not be properly authorized for EL instruction (according to page 84, teachers are given three years from their date of employment to acquire CLAD certification). In at least these respects, it is unclear from the Petition how SCCCS will meet the needs of its English Learners.

For the aforesaid reasons, the Petition presents an unsound educational program that is unlikely to be of educational benefit.

III. **THE PETITION DOES NOT CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF ALL OF THE REQUIRED ELEMENTS. [Education Code 47605(b)(5)]**

A. Educational Program [Ed. Code, § 47605(b)(5)(A)]

The concerns noted in Section II above, regarding that the overall program is unsound and unlikely to be of educational benefit, are hereby incorporated by reference.

B. Measurable Pupil Outcomes [Ed. Code, § 47605(b)(5)(B)]

The concerns noted in Section II above, regarding that the overall program is unsound and whether SCCCS will set clear educational objectives to measure pupil progress, are hereby incorporated by reference.

C. Governance Structure [Ed. Code, § 47605(b)(5)(H)]

- 1. SCCCS plans to hold regular board meetings outside the jurisdiction of the District, which undermines the involvement of SCCCS parents in its operations and interferes with the District's ability to properly oversee the operations of the proposed school. In fact, the principal office of SCCCS has been amended from its location at one private residence, 9093 Blair River Circle, Fountain Valley in CA, to another private residence at 8844 Cardinal Avenue, Fountain Valley in CA that also falls outside the District's attendance boundaries and is where Board meetings are to be located (Article VII, Section 14, Charter

Bylaws). To the extent SCCCS' board meetings are located at a private residence (of Ms. Bosinoff or another founding member), the Petition lacks evidence that SCCCS will become and remain a viable enterprise. (5 CCR § 11967.5.1(f)(4).)

2. Further, the Petition states that SCCCS “will comply with ... Government Code section 1090,” however, Article X of the Bylaws states that “*The Corporation shall not enter into a contract or transaction in which a Trustee directly or indirectly has a material financial interest*” — thereby suggesting that some degree of financial interest by a Charter board trustee is permissible for contracts or transactions entered into by the Charter. Contrary to what is suggested in the Bylaws, Government Code 1090 prohibits any financial interest in contracts entered into by members of the SCCCS governing board:

Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. ... (Gov. Code, § 1090.)

This inconsistency between the Petition and Bylaws suggests petitioners are not familiar with section 1090, and/or the contents of their Petition. The potential for self-dealing of public funds, and policy considerations to avoid such misuse in public schools, necessitate that the District require charter schools under its authorization to demonstrate that they will comply with all conflict of interests laws, including section 1090, that govern public agencies.

The Petition therefore does not include a comprehensive description of the governance structure of the proposed charter school.

D. Employee Qualifications [Ed. Code §47605(b)(5)(E)]

The staffing concerns noted in Section I above with respect to unlikelihood that the SCCCS program will be successfully implemented are incorporated herein by reference.

In addition, the Petition indicates not all core subject teachers hired by Year 1 will be appropriately credentialed. According to page 136, “Teachers hired by SCCCS will hold credentials (*or be enrolled in credential programs*) equal to those required ... for Core and College Prep courses.” However, Education Code section 47605(l) requires that “Teachers in charter schools *shall hold* a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold” — flexibility is only “with regard to noncore, noncollege preparatory courses.” SCCCS teachers are also afforded “three years” from the start of their employment to acquire English Learner authorization, or CLAD certificates. Therefore, for its first year of operation, the 2019-20 school year, SCCCS is unlikely to have core subject teachers who are lawfully credentialed, and/or appropriately assigned to meet the needs of EL students.

Moreover, the educational program is dependent on implementation of the Waldorf method. As stated above, it is unclear whether teaching staff in Year 1 will possess Waldorf training to implement the program stated in the Petition.

The Petition therefore does not include a comprehensive description of the qualifications of all school employees.

E. Pupil Admission Requirements [Ed. Code §47605(b)(5)(H)]

The Petition indicates petitioners are unfamiliar with legal requirements regarding admission, and/or SCCCS' duty to address the needs of special subgroups such as homeless students. The Petition states:

SCCCS shall reserve the right to withdraw any student at the close of the school year whose parent/guardian misrepresents their guardianship status, place of residence or any other information including, but not limited to, admission and enrollment forms. ... 'Place of residence' in this context refers to whether the parent lives within the State of California and/or the Ocean View School District or not, which is important for determining whether the child receives a preference in the lottery. ... If the discovery is made before the start of the upcoming school year, the student will be withdrawn.

Education Code 47605(d) specifies that “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 legal guardian, within this state [except, in the case of a conversion charter school],” and moreover, that admission preferences “shall not result in limiting enrollment access for ... homeless pupils.” (Ed. Code, § 47605(d).) District staff was concerned the Petition does not address the potential impact of a proof of residency verification on a homeless student's access to enrollment, much less mention the McKinney-Vento Homeless Assistance Act (as it applies to charter schools) anywhere in the Petition. Moreover, the Petition does not mention if students who are “withdrawn” from SCCCS on account of fraudulent admission forms will be provided with the due process (notice and right to a hearing) as required before any student can be involuntarily removed from the Charter. (See Education Code 47605(b)(5)(J).)

The Petition therefore does not include a comprehensive description of pupil admissions requirements.

F. Suspension and Expulsion Procedures [Ed. Code §47605(b)(5)(J)]

The Petition lacks evidence that the Charter's discipline procedures will serve the due process interests of its students. Education Code 47605 now expressly requires that prior to expulsion, charter students be provide “a hearing adjudicated by a neutral officer.”

However, the Petition does not identify how a neutral hearing officer will adjudicate expulsion hearings at SCCCS when the Charter's Board of Trustees makes the final decision to expel regardless of the recommendation of an administrative panel. According to page 174, “A student may be expelled either by the neutral and impartial Charter School Board of Trustees following a hearing before it or by the Charter

School Board of Trustees upon the recommendation of a neutral and impartial Administrative Panel, to be assigned by the Board of Trustees as needed. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil nor a member of the Charter School Board of Trustees. Each entity shall be presided over by a designated neutral hearing chairperson. ... In the event an Administrative Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel.”

It is unclear how an administrative panel would serve as a “neutral” body to adjudicate a student’s hearing, or how a “neutral hearing chairperson” would contribute to the process, if the Board ultimately makes a final expulsion determination. The Petition therefore does not include a comprehensive description of the procedures for pupil suspension and expulsion.

G. Dispute Resolution Procedures

The Petition’s dispute resolution procedures are unworkable for the District, to the extent mandatory mediation is required for any disputes. According to page 185, both the District and SCCCS “shall informally meet and confer” to resolve disputes; “both parties shall identify two Board members from their respective boards” to help resolve a dispute; and if these steps fail, both parties “shall meet to jointly identify a neutral third-party mediator.”

The District cannot agree to mandatory mediation without having an opportunity to first assess the value of mediation under the circumstances. Mandatory mediation, or other prerequisites, would also potentially interfere with the District’s statutory obligation to timely conduct its oversight duties where immediate action is required. Moreover, the Petition requires that during its dispute resolution process “both parties will agree to not make any public comments.” This restraint on public comment is unworkable, to the extent either party is obligated to disclose public information pursuant to the Public Records Act, for example. The Petition therefore does not contain a comprehensive description of dispute resolution procedures.

BE IT FURTHER RESOLVED AND ORDERED that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings is invalid, the remaining findings and/or factual determinations and the denial of the Charter shall remain in full force and effect. In this regard, the District Board specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

