



**Tuesday, December 10, 2019
Special Board Meeting**

**Santa Ana Unified School District
Board of Education
Special Board Meeting Agenda
Closed Session: 5:30 pm**

**Valerie Amezcua: President, Rigo Rodriguez, Ph.D.: Vice President, Alfonso Alvarez, Ed.D.: Clerk,
John Palacio: Member, Carolyn Torres: Member
Alan Rasmussen, Ed.D. and Richard Tauer: Interim Co-Superintendents**

If special assistance is needed to participate in the Board meeting, please contact the Superintendent's office, at (714) 558-5512. Please call prior to the meeting to allow for reasonable arrangements to ensure accessibility to this meeting, per the Americans with Disabilities Act, Title II.

Mission Statement:

We assure well-rounded learning experiences, which prepare our students for success in college and career. We engage, inspire, and challenge all of our students to become productive citizens, ethical leaders, and positive contributors to our community, country and a global society.

Role of the Board:

The Governing Board is elected by the community to provide leadership and citizen oversight of the District's schools. The Board works with the Superintendent to fulfill its major role, including:

- 1. Setting a direction for the District.**
- 2. Providing a basic organizational structure for the SAUSD by establishing policies.**
- 3. Ensuring accountability.**
- 4. Providing community leadership on behalf of the District and public education.**

Agenda Items provided to the Board of Education that include the description of items of business to be considered by the Board for approval at Board Meetings. These items contain recommendations; the Board may exercise action they believe is best for the SAUSD.

Board Meeting Documentation:

Any and all supporting materials are made available to the public by the Public Communication Office. They may be reached from 8:00 a.m. – 4:30 p.m. at (714) 558-5555.

Public Comments at Board Meetings:

The agenda shall provide members of the public the opportunity to address the Board regarding agenda items before or during the Board's consideration of the item. The agenda also provides members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board.

Individual speakers are allowed three minutes to address the Board on agenda or nonagenda items. The Board may limit the total time for public input on each item to 20 minutes. With the Board's consent, the Board President may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The Board President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

The Board urges that complaints and derogatory remarks against a District employee be made in writing on forms available in the Office of the Superintendent. This allows the District and the Board to examine more carefully the complaint and to initiate the appropriate investigation.

Persons wishing to address the Board on an item on the agenda or an item of business in the Board's jurisdiction are requested to complete a card. This card is to be submitted to the Recording Secretary. The Request to Address the Board of Education cards are located on the table in the foyer.

Televised Meeting Schedule:

The Regular Board of Education meetings are broadcast live on the second and fourth Tuesdays of each month on Channel 31. The meeting is replayed on Tuesdays at 6:00 p.m. and Saturdays at 3:00 p.m., following the Board of Education meeting.

Agenda and Minutes on District Website at <http://www.sausd.us>

1. CALL TO ORDER 5:30 P.M.

2. RECESS TO CLOSED SESSION

2.1 With respect to every item of business to be discussed in Closed Session pursuant to Paragraphs (2) to (5) of Subdivision (D) (E) of Government Code Section 54956.9 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: 30-2019-01068167-CU-WM-CSC

2.2 With respect to every item of business to be discussed in Closed Session pursuant to Paragraphs (2) to (5) of Subdivision (D) (E) of Government Code Section 54956.9 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: 1 Potential Case

3. RECONVENE SPECIAL BOARD MEETING

4. PLEDGE OF ALLEGIANCE

5. SUPERINTENDENT'S REPORT

6. PUBLIC PRESENTATIONS (Pursuant to Government Code 54954.3)-In accordance with Board Bylaw 9320, individuals may address the Board on matters on this agenda, because this is a Special Board meeting.

7. REGULAR AGENDA - ACTION ITEMS

7.1 Approve, Approve with Conditions, or Deny Orange County School of the Arts Renewal Charter Petition and Adopt Resolution No. 19/20-3323 Effectuating that Action

8. STUDY SESSION

8.1 Budget Study, LCAP Planning and Initiation of Strategic Plan Process

9. ADJOURNMENT

10. FUTURE MEETING: Annual Organizational Meeting and Regular Board Meeting, Tuesday, December 17, 2019

7. REGULAR AGENDA - ACTION ITEMS

Subject	7.1 Approve, Approve with Conditions, or Deny Orange County School of the Arts Renewal Charter Petition and Adopt Resolution No. 19/20-3323 Effectuating that Action
Meeting	Dec 10, 2019 - Special Board Meeting
Access	Public
Type	Action
Preferred Date	Dec 10, 2019
Absolute Date	Dec 10, 2019
Fiscal Impact	Yes
Budget Source	Financial impact dependent upon Board action
Recommended Action	Approve, approve with conditions, or deny OCSA's charter petition renewal by adopting findings in support of a denial. Staff recommendation of approval with conditions.
Goals	<p>GOAL 3 - Cultivate and maintain a healthy, safe, secure, and respectful school and working environment for all. (BASE)</p> <p>ACTION 3.7 - Support the enhancement of school climate through smooth operations, processes, and customer service by ensuring that all staff engage in culturally proficient interaction with the public and customer service.</p> <p>SERVICES 3.07029 Charter Oversight</p>

AGENDA ITEM BACKUP SHEET

TITLE: Approve, Approve with Conditions, or Deny Orange County School of the Arts Renewal Charter Petition and Adopt Resolution No. 19/20-3323 Effectuating that Action

ITEM: Action

SUBMITTED BY: Sonia Llamas, Ed.D., L.C.S.W., Assistant Superintendent, K-12 School Performance and Culture

ITEM SUMMARY:

- Approve, approve with conditions, or deny OCSA charter petition renewal pursuant to Education Code Sections 47605 and 47607.

BACKGROUND INFORMATION:

Pursuant to the Charter Schools Act of 1992 (Ed. Code § 47600 et seq.) the entity that granted a charter school petition may grant one or more five-year renewals to that charter school. The Board is required to hold a public hearing and either approve, approve with conditions, or deny a charter petition renewal request within specified timelines. The Orange County School of the Arts' (OCSA) current charter term ends June 30, 2020. OCSA has requested that the Board approve renewal of its charter for a term July 1, 2020 – June 30, 2025. The charter renewal petition was received by the Board at its meeting of November 19, 2019, thereby commencing timelines for Board action on the renewal request. The purpose of this agenda item is for the Board to take action to approve, approve with conditions, or deny OCSA's charter petition renewal.

RATIONALE:

Pursuant to Education Code Section 47605(b), the governing board may not deny a charter school renewal petition unless it makes written factual findings specific to the particular charter to support one or more of the following findings:

1. The charter school presents an unsound educational program for the pupils to be enrolled.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the charter.
3. The petition does not include affirmations of specified conditions.
4. The petition does not contain reasonably comprehensive descriptions of all of the 15 required elements of a charter.

5. The petition does not include a statement regarding whether the charter school will be the exclusive public employer of all charter school employees for purposes of the Educational Employment Relations Act.

Pursuant to Education Code Section 47607(a)(3)(A), in considering OCSA's request for a charter renewal, the Board must consider increases in pupil academic achievement for all groups of pupils served by OCSA (including all numerically significant pupil subgroups as defined by Education Code Section 52052(a)(3)) as "the most important factor" in deciding whether to grant the renewal request. Additionally, the Board must consider the past performance of OCSA's academics, finances, and operations, as well as any future plans for improvement, in evaluating the likelihood of future success and lawful operation of OCSA. (Cal. Code Regs., Tit. 5 § 11966.4(b)(1).)

Finally, to have its charter renewed, OCSA is required to meet at least one of the specified academic performance criteria in Education Code section 47607, and/or alternative performance criteria set forth in Education Code Section 52052(e)(4), and submit documentation establishing that it met such criteria. (Ed. Code § 47607(b) and Cal. Code Regs., Tit. 5 § 11966.4.)

As required by Education Code Section 47605(b), a public hearing on the provisions of the renewal petition was conducted on November 19, 2019, at which time the Board considered the level of support for this charter by teachers employed by the District, other employees of the District, and parents. Per Education Code Sections 47605 and 47607 and California Code of Regulations, Title 5, Section 11966.4, the Board is required to take action regarding the charter renewal within sixty (60) days of receipt of the renewal petition, unless that timeline is extended by mutual agreement.

The District will present a recommendation to the Board regarding whether to renew OCSA's charter.

FUNDING:

Financial impact dependent upon Board action

RECOMMENDATION:

Approve, approve with conditions, or deny OCSA's charter petition renewal by adopting findings in support of a denial. Staff recommendation of approval with conditions.

File Attachments

[Staff Report OCSA Renewal Petition \(Draft 12.3.19\)_3480451_3\(DMS\).pdf \(488 KB\)](#)

[OCSA Staff Report Attachments_3485707_1\(DMS\).pdf \(5,755 KB\)](#)

[Attachment \(Comparative Data\)_3484089_2\(DMS\).pdf \(443 KB\)](#)

SANTA ANA UNIFIED SCHOOL DISTRICT
Santa Ana, California

December 10, 2019

STAFF REPORT
ORANGE COUNTY SCHOOL OF THE ARTS
CHARTER PETITION RENEWAL

I. BACKGROUND

The Orange County School of the Arts ("OCSA" or "Charter School") currently operates a charter school serving students in grades 7-12 under the oversight authority of the Santa Ana Unified School District ("District"). The Charter School's current term expires on June 30, 2020.

OCSA submitted a renewal petition ("Petition") to the District to renew its charter for a five year term. At District Board's meeting on November 19, 2019, the Board received the petition and held a public hearing to "consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents" at that meeting.

The District's Board must approve or deny the Petition within sixty (60) days of its receipt. (Cal. Code Regs., tit. 5, § 11966.4(c) ("5 C.C.R.")). If the Board grants the Petition, the Charter School will continue to operate as a legal entity under the chartering authority and oversight of the District. If the Board denies the Petition, the Charter School may request a renewal from the Orange County Office of Education. (5 C.C.R. § 11966.5(a).)

II. LEGAL STANDARD OF REVIEW

Charter renewals are governed by the standards and criteria in Education Code section 47605 regarding initial charter petition submission. (Ed. Code, § 47607(a)(2).) Education Code section 47605, subdivision (b), sets forth the following guidelines for governing boards to consider in reviewing charter 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 statute.*
- (4) *The petition does not contain an affirmation of each of the conditions required by statute.*
- (5) *The petition does not contain reasonably comprehensive descriptions of the required elements of a charter petition.*
- (6) *The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.*

A school district governing board shall grant a charter for the operation of a school if it is satisfied that granting the charter is consistent with sound educational practice. Although not binding on school district governing boards, review and analysis of a charter petition may be guided by the regulations promulgated by the SBE for their evaluation of charter petitions at Title 5, Division 1, Chapter 11, Subchapter 19 of the California Code of Regulations ("Regulations").

When considering a renewal petition, the authorizer must consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant the charter renewal. (Ed. Code, § 47607(a)(3)(A).) Effective January 1, 2020, this will no longer be a requirement for renewal petitions.¹ Furthermore, to be eligible for renewal, a charter school must submit with its renewal petition documentation that it meets at least one of the criteria specified in Education Code section 47607(b):

- (1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years both schoolwide and for all groups of pupils served by the charter school. [*Superseded by Education Code section 52052(f)*]²
- (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years. [*Superseded by Education Code section 52052(f)*]
- (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. [*Superseded by Education Code section 52052(f)*]
- (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

¹ Per changes to Education Code section 47607, amended by AB 1505 (Ch. 486, Stats. 2019).

² The last Academic Performance Index ("API") reports were produced in 2013, over five years ago and predating most of the Charter School's current term (2013-2018). Effective June 27, 2018, Education Code expressly recognizes that API is no longer relevant to charter school renewals because the data is outdated and would not tie renewal factors to current performance indicators. Instead, "alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups shall be used" for purposes of paragraphs (1) to (3) of Education Code section 47607(b). (Ed. Code, § 52052(f).) Renewal eligibility criteria is addressed below.

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.

(5) Qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.

A renewal petition must also provide a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law since the charter was granted or last renewed. (Ed. Code, § 47607(a)(2).)

In addition to consideration of pupil academic performance, the authorizer "shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any." (5 C.C.R. § 11966.4(b).) Renewal may only be denied if the authorizer makes written factual findings supporting one of the grounds for denial in Education Code section 47605(b) listed above;³ or that the charter school failed to satisfy one of the academic performance criteria in Education Code section 47607(b).

III. SUMMARY OF FINDINGS

District staff, in collaboration with legal counsel, conducted a comprehensive review of the Petition documents for compliance with the requirements summarized in this report. In accordance with law, increases in pupil academic achievement for all groups of pupils served by Charter School was considered as the most important factor in its analysis of the Petition.

Staff finds that even when considering increases in pupil academic achievement as the most important factor in determining whether to renew OCSA's Charter, the increases in pupil academic achievement are outweighed by the factual findings specified below; and Staff further specifically finds that the lack of increases and corresponding decreases in pupil academic achievement of special population students, particularly when combined with the other deficiencies and issues with the renewal Petition as described in this Report, do not support renewal of the OCSA Charter. However, renewal may be granted if conditioned upon addressing issues related to findings herein.

Given the Charter School failed to comprehensively describe all required elements of its program in the Petition, including in the areas of admissions, and suspension and expulsion procedures, as well as governance, any approval should be based on the Charter School engaging in corrective action and submitting a material revision to address findings in this Staff Report.

Factual findings regarding the most significant deficiencies are described below. This Staff Report does not exhaustively list every concern, and focuses on those believed to most greatly impact the District Board's decision on whether to grant the renewal of OCSA's

³ Grounds for denial of a renewal petition includes: (1) The charter school presents an unsound educational program for pupils to be enrolled in the charter school; (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; and (3) The petition does not contain reasonably comprehensive description of all required charter elements.

charter. Should the Board take action to deny the Renewal Petition, it may adopt this Staff Report as the written factual findings required to support the denial of the renewal.

A. OCSA Fails To Meet Eligibility For Renewal For Special Populations (Ed. Code, § 47607(b).)

To qualify for renewal, a charter school must provide information with its charter petition to allow the authorizer to evaluate whether “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.” (Ed. Code, § 47607(b)(4)(A).) This determination is to be based upon: (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) of Chapter 5 of Part 33 [of the Education Code] for demographically similar pupil populations in the comparison schools; and (iii) information submitted by the charter school. (Ed. Code, § 47607(b)(4)(B).) A charter school seeking renewal must submit “[d]ocumentation that the charter school meets at least one of the criteria specified in Education Code section 47607(b).” (5 C.C.R. § 11966.4(a)(1).)

Due to the fundamental differences in enrollment between students at OCSA and students in SAUSD discussed below in this Report, the CAASPP achievement Chart on pages 12 and 13 of the Petition that compares SAUSD scores and OCSA scores in demographic categories, does not provide an equitable or accurate comparison. The disparate low numbers of Hispanic/Latino, English Learners, low socioeconomic students enrolled in OCSA compared to the high numbers in SAUSD, provide an unbalanced look at OCSA’s achievement, and prevent any meaningful comparison. OCSA’s percentages of Hispanic/Latino, English Learners, and socioeconomically disadvantaged students are so much lower than those of SAUSD, that a justifiable comparison of OCSA’s scores to SAUSD scores cannot be made. Additionally, OCSA does not have statistically significant special populations further complicating comparison.

In fact, when OCSA compares its special population students to its own school’s overall achievement rates, the disparity is even more visible. For example, while OCSA’s schoolwide levels of meeting or exceeding Math standards was 81%, its percentage of economically disadvantaged students meeting or exceeding math standards was only 65%; and for English Learners it was 67%. (Petition, p. 14.). For English Language Arts, OCSA’s schoolwide achievement rate was 89%, while its EL rate was 67%. The overall picture is that OCSA’s small numbers of special populations’ achievement presents a significant lag compared to its schoolwide scores. See charts from the Petition at page 14:

TABLE 14			
% of Students Meeting or Exceeding Standards			
ELA			
	2016-2017	2017-2018	2018-2019
Schoolwide	92%	88%	89%
English Learners	N/A	20%	67%
IEP	71%	68%	54%

504	90%	90%	82%
Socioeconomically Disadvantaged	89%	68%	85%

TABLE 15
% of Students Meeting or Exceeding Standards
Math

	2016-2017	2017-2018	2018-2019
Schoolwide	77%	78%	81%
English Learners	N/A	60%	67%
IEP	43%	54%	43%
504	58%	67%	59%
Socioeconomically Disadvantaged	61%	63%	65%

B. The Charter School Is Demonstrably Unlikely To Successfully Implement The Program in a Lawful Manner (Ed. Code, § 47605(b)(2).)

Petitioners are demonstrably unlikely to successfully implement their program in a lawful manner for reasons including the following:

OCSA's Prior History and Operations Demonstrates Unlikelihood of Future Success

Education Code section 47605 requires the Charter School to show it is demonstrably likely to successfully implement the program set forth in the Petition. (Ed. Code, § 47605(b)(2).) In determining whether the Charter School is demonstrably likely to successfully implement the program, the Board "shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any." (5 C.C.R. § 11966.4(b).) In determining whether petitioners are demonstrably likely to successfully implement their proposed educational program, the District may consider the success or failure of petitioners' past history with charter schools. (5 C.C.R. § 11967.5.1(c)(1).) The petitioners' past unsuccessful history of operating OCSA is demonstrated by facts including the following:

1. OCSA's Admission Policies and Procedures Are Exclusive

OCSA's admission/enrollment policies and practices have encouraged applications from high achieving and well-resourced students and discouraged applications from those in the under-represented protected classifications, and the majority of SAUSD's population. OCSA policies and practices appear to continue and have contributed to a discriminatory disparate impact on special student populations, including socioeconomically disadvantaged, English Learner, special needs, foster youth, and homeless students. OCSA proposes to continue the audition and placement requirements which clearly discourage applications and enrollment of students without such means or talent.

Per Education Code section 47605, OCSA "shall admit all pupils who wish to attend the charter school" and "shall not discriminate against a pupil on the basis of the characteristics listed in Section 220." Per Education Code section 220:

No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid.

The Charter Schools Act expressly prohibits admission preferences that result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation. (Ed. Code § 47605(d)(2)(B)(iii).) Senate Bill 75 (SB 75) added Education Code section 47605(d)(4) to more explicitly prohibit a charter school from discouraging enrollment and from encouraging disenrollment of any student specifically for reasons including academic performance, and whether the student is disabled, academically low-achieving, an English learner, neglected or delinquent, homeless, economically disadvantaged, or a foster youth.

Furthermore, applicable law also expressly prohibits discrimination in **any** policy or practice.

"California law unequivocally provides that discrimination on any protected basis is unlawful and policies with a discriminatory adverse impact on a group of students because of race, color, national origin, disability, gender, or sexual orientation are prohibited."⁴

The Legislature has recently reinforced its intention that charter schools must serve all students by amending section 47605 of the Education Code to further require a charter school to enroll a balance of special education, English Learner ("EL"), and re-designated EL students that that is reflective of the authorizer school district. (Assembly Bill 1505, Ch. 486, Stats. 2019.) OCSA does not enroll or serve a population that is comparable to SAUSD.

OCSA's policies and practices have had, and continue to have, a discriminatory disparate impact on protected classes of low socioeconomic, EL, homeless, and special needs students, particularly those special education students with anything more than students have been disproportionately impacted by admissions requirements. (See Attachment 1, Enrollment by Subgroup Comparative Data, pp. 1-5.) ,The comparative data from **2018-2019** reflects a very significant disparity between OCSA's student subgroup population and that of the District and its high schools and intermediate schools:

	Total Enrollment:	Socioeconomically Disadvantaged:	English Learners:	SPED	Foster Youth:	Homeless:
OCSA	2,177	12.1%	1.1%	4.9%	0.0%	0.0%
SAUSD	46,597	87.8%	34.8%	12.7%	0.5%	12.9%
Century	1,782	94.4%	28.4%	15.8%	0.3%	16.0%
Godinez	2,449	89.9%	10.0%	6.7 %	0.2%	12.4%
Saddleback	1,574	87.2%	20.1%	13.3%	0.3%	15.9%
Santa Ana	3,057	93.1%	23.5%	13.3%	0.6%	18.4%
Segerstrom	2,435	72.1%	6.6%	7.1%	0.1%	7.7%
Valley	2,150	92.7%	29.2%	12.6%	0.7%	18.9%
High Schools Average:		88.2%	19.6%	11.5%	0.4%	14.9%
Carr	1,405	94.0%	37.0%	15.4%	0.4%	19.7%
Lathrop	948	95.6%	38.6%	18.2%	0.8%	27.5%
MacCarther	1,210	66.8%	5.6%	6.8%	0.1%	4.7%
McFadden	1,184	89.2%	30.2%	15.8%	0.6%	23.1%
Mendez	1,392	89.3%	16.3%	6.5%	0.2%	12.6%
Sierra	757	95.4%	42.8%	21.9%	0.9%	30.9%
Spurgeon	829	95.5%	42.6%	17.4%	0.8%	17.7%
Villa	1,390	93.5%	27.7%	6.4%	0.2%	10.1%
Willard	708	95.9%	42.9%	22.7%	0.3%	21.2%
Intermediate Schools Average:		90.6%	31.5%	14.5%	0.5%	18.6%

⁴ Cal. Const., art. I, § 7(a) & (b); Ed. Code, §§ 220, 262.3, & 262.4; Gov. Code, § 11135; Cal. Code Regs., tit. 5, § 4911 & Cal. Code Regs., tit. 2, § 11154. The following is a link is to the California Attorney General's recent letter calling upon all those who work with and on behalf of California students "to dedicate themselves to ensuring that California schools are free from policies and practices that have a discriminatory impact." <https://oag.ca.gov/system/files/attachments/press-docs/bcj-school-discipline-letter.pdf>

<https://dq.cde.ca.gov/dataquest/>

The disparity in students with disabilities attending OCSA versus SAUSD schools is also reflective of this finding::

2019-2020 (Current data as of 11/20/19):

	Intellectual Disability:	Emotional Disturbance:	Orthopedic Impairment:	Autism:	Total High Needs:
SAUSD	370	94	91	1,182	1,737
OCSA	0	4	1	23	28

2018-19

	Intellectual Disability:	Emotional Disturbance :	Orthopedic Impairment :	Autism:	Total High Needs:
SAUSD	379	90	107	1,089	1,665
OCSA	0	12	2	47	61

2017-18

	Intellectual Disability:	Emotional Disturbance :	Orthopedic Impairment :	Autism:	Total High Needs:
SAUSD	406	90	104	1,047	1,647
OCSA	0	3	0	20	23

2016-17

	Intellectual Disability:	Emotional Disturbance :	Orthopedic Impairment :	Autism:	Total High Needs:
SAUSD	419	83	121	1,009	1,632
OCSA	0	1	1	23	25

2015-16

	Intellectual Disability:	Emotional Disturbance :	Orthopedic Impairment :	Autism:	Total High Needs:
SAUSD	421	95	131	980	1,627
OCSA	0	0	1	20	21

There have also been complaints filed against OCSA in the current term of discriminatory admissions practices and failure to comply with the IDEA and State law relative to students with disabilities. Factors contributing to the disparate discriminatory impact on subgroup student populations are discussed below:

a. OCSA's Academic Requirements.

Per OCSA's 2018 Academic Profile (11/5/18): "Acceptance to Orange County School of the Arts is based on an audition and a recommended 2.0 academic GPA."
<https://www.ocsarts.net/Portals/0/PDFs/Academics%20PDFs/Academic%20Profile%202018.pdf?ver=2018-11-05-120049-250>

OCSA appears to be changing its practices and policies but it is not clear whether these are changes are in practice or policy and petition alone.

Per the above, OCSA will dismiss students who are not able to meet OCSA's rigorous academic requirement, and as a condition of applying for readmission, a student must demonstrate that they had a 2.0 average GPA or higher. Further, if a readmitted student who was dismissed one time previously for Academic reasons, and he/she is dismissed for a second time, the student "will not be eligible to reapply to OCSA as they have demonstrated an inability to be successful in OCSA's rigorous academic/arts program." (Student/Parent Handbook 2019-20, pp. 31-32.) In other words, OCSA will ban readmission of a student who is unable to maintain a 2.0 average GPA. OCSA's current academic requirements for continued participation in conservatory programs also seem to conflict with recently-changed Education Code section 47605.

While OCSA's website has been revised to remove the reference to a minimum GPA recommendation, the website under "Admission Guidelines" now currently states in part:

OCSA provides a rigorous college-preparatory academic program and adheres to the California State Mandated Requirements for High School Graduation. While the school's faculty and staff are committed to supporting the educational needs of each and every student, the students themselves are expected to make a commitment to their academics as well as their conservatory classes. In our experience, students who struggle academically in a traditional school setting will likely have trouble succeeding in our extended school day. Although no minimum GPA or other academic criteria is required for admission, any student who does not complete OCSA's minimum set of requirements for graduation by the end of their senior year will not be eligible to graduate.

<https://www.ocsarts.net/admissions/admissions-guidelines>

Similarly, under Admissions FAQs, OCSA's website states:

My child is very talented, but struggles academically. Will OCSA be a good fit?

OCSA provides a rigorous college-preparatory academic program. While the school's faculty and staff are committed to supporting the educational needs of each and every student, the students themselves are expected to make a commitment to their academics as well as their conservatory classes. Based on past experience, students who struggle academically in a traditional school setting will likely have trouble succeeding in OCSA's extended school day. That said, OCSA does not limit admission and enrollment for academically low-achieving pupils. OCSA adheres to the California State Mandated Requirements for High School Graduation. Any student who does not complete the minimum

set of requirements for graduation by the end of their senior year will not be eligible to graduate.

<https://www.ocsarts.net/applynow>

Although OCSA's website no longer expressly references a minimum GPA, the above content is inconsistent with Education Code section 47605 as it may foreseeably result in discouraging academically low-achieving pupils, English Learners, and students with disabilities from seeking admission to OCSA, and/or actively preventing them from gaining admission. Additionally, other schools operated by the same corporation continue to require certain GPA and other admissions and ongoing enrollment requirements previously employed at OCSA and now clearly unlawful. Staff questions the fidelity of implementation of changes that are inconsistently described in various places.

ACLU Report – Unequal Access.

In July 2015, the ACLU released a report entitled: *Unequal Access: How Some California Charter Schools Illegal Restrict Enrollment*, regarding exclusionary enrollment policies at charter schools. OCSA was one of the charter schools identified in the Report. The following complaint from the grandparent of an OCSA student was included in the ACLU Report:

"My grandson Angelo attended Orange County School of the Arts (OCSA). He has suffered serious health issues throughout his childhood. School, in particular, has become a challenge as he struggles to keep up with homework while checking in and out of hospitals. When I heard he was attending OCSA, I was happy and proud. Every time I picked him up from school, he was surrounded by friends, and his teachers praised him for his hard work, resilience and talent. However, after three years of him going to OCSA, I received a call from the school counselor requesting that I come to school to discuss his poor performance. They explained that Angelo's G.P.A. had fallen to 2.0 and that he faced dismissal unless he could bring his G.P.A. up within 10 days. When I asked how this happened so suddenly, especially since my grandson had been doing exceptionally well throughout the years, the school counselor merely replied, "it looks like this may not be the place for you. Maybe you should go back to your home school." Over the next two weeks, Angelo fought tirelessly to bring his grades up. Every day, he stayed up well into the night to complete assignments. He did bring his grades up, but despite his efforts, OCSA decided to dismiss him anyway. When they told Angelo that he had to leave the school, he was devastated. An otherwise positive kid, he started crying. Destroyed by the incident, he spiraled into a depression and grew quiet and distant. He is now trying to catch up at his new school, but it has been a struggle.

— Grandparent of former OCSA student"

(See *Unequal Access: How Some California Charter Schools Illegal Restrict Enrollment*, July 2015, p. 7.)

Attempts at correction have been made but not resulted in satisfactory pupil populations that reflect the Santa Ana community. Admissions policies and procedures in renewal petition do not either.

b. OCSA's Application Process.

Pre-Enrollment Placement Activity.

Per OCSA's 2019-2020 Academic Profile, "Enrollment at OCSA is determined by the completion of an application and participation in a placement activity." (Petition, p. 21.) OCSA's FAQs about the admission process states: "After becoming familiar with the various conservatories and the skills characteristic of those conservatories at one of OCSA's Preview Days, prospective students are invited to fill out an application *and participate in a placement activity to identify the appropriate placement in the conservatory to which they seek admission.* (<https://www.ocsarts.net/applynow>; See also, Petition at p. 108.) Exhibit "E" to the Petition includes "Placement Activity Guidelines" which "describe important information for each conservatory level." (Petition, p. 108.)

Per the Petition, "There is no level of ability required to be considered for admission. OCSA shall admit all applicants on a space-available basis to the appropriate level of the conservatory of choice. When applicants exceed spaces, a public random lottery will be conducted to determine which students are admitted." (Petition, p. 108; see also OCSA website, *What does the full admissions process look like at Orange County School of the Arts (OCSA)?*; <https://www.ocsarts.net/applynow>) "Should the number of applicants exceed space available, a lottery will be held to determine enrollment by conservatory, grade, and level. *Our placement activities are designed to ensure that every applicant is placed appropriately in this lottery.*" (<https://www.ocsarts.net/applynow>)

The process for determining the "appropriate placement" or "appropriate level" in a required conservatory is unclear and may allow for discriminatory admission/enrollment practices particularly given the highly intensive application and placement activity process. The above quoted Petition language is similar to OCSA's current charter that unlawfully conditions admission to OCSA on performance ability. Specifically, the 2015-2020 charter at page 33 states in part: "If the number of students who wish to attend OCSA exceeds capacity, *among equally qualified applicants*, preference will be extended . . ."

In addition to other application requirements which may include, YouTube video, essay writing, and portfolio submission requirements, the On-Site Placement Activities for each Conservatory include:

Conservancy	Placement Activity Round #1	On-Site Placement Activity*
Acting	<p>Application & YouTube Video Submission Please submit a completed application and YouTube video, no more than 4 minutes in length, based upon the guidelines described below.</p> <p>Video Content Guidelines: Prepare two memorized monologues — one dramatic and one comedic (no longer than 1 - 2 minutes each).</p>	<p>Applicants invited to the on-site placement activity should be prepared to perform one or both of their initial Round-One monologues. Please bring a current, wallet size photo. A school photo is acceptable.</p>
Ballroom Dance	Online Application	<ul style="list-style-type: none"> · Come prepared to learn routines based on International Ballroom and Latin Dances dances such as Cha Cha, Samba, Jive, Waltz, Tango, and Quickstep at the Bronze Level. · The placement activity will end with an interview briefly covering your personal dance experience. · Please bring a current, wallet-sized photo. School photo is acceptable.
Ballet Folklorico Dance	Online Application	<ul style="list-style-type: none"> · After a brief warm-up, students will review folklorico technique and will learn and perform choreography in Ballet Folklorico and Flamenco. · You may be asked to present a dance or routine of your choice demonstrating your strength as a dancer. · Please bring your own music to the placement activity (CD, iPod, iTunes or YouTube link). · Please bring a current, wallet size photo. A school photo is acceptable.
Culinary Arts & Hospitality	<p>Video Content Guidelines: Please create a 3-5 minute YouTube video. The video can demonstrate you preparing your fav3rite recipe, speaking about your submitted essay, or an explanation of why you would like to be part of the Culinary Arts & Hospitality Conservatory.</p>	<p>The Culinary Arts & Hospitality Conservatory placement activity process includes 2 components. The on-site placement activity and, if warranted, a cooking demonstration.</p> <p>Placement Activity & Portfolio Review Guidelines: The placement activity and portfolio review with Chef will run approximately 15 minutes and consist of:</p>

	<p>Portfolio Content Guidelines:</p> <p>Essay</p> <p>Please write an essay of 500 words or less, addressing any of the questions below and include this essay at the beginning of your portfolio:</p> <ul style="list-style-type: none"> · What is your motivation for entering the conservatory/industry? · What are your personal/professional goals? · What is your understanding of the industry? · Who is your mentor and why? (Chef, teacher, family, etc.) · Tell us about YOU, your heart, and your mind. <p>Your Favorite Recipe</p> <ul style="list-style-type: none"> · One recipe written in standard form. Copying and pasting from the internet is not acceptable. · Photo of the finished product. 	<ul style="list-style-type: none"> · Discussion of your essay · Participation in a conversation centered around professionalism, attitude, work ethic, passion, creativity, etc. · Please bring a current, wallet size photo. A school photo is acceptable.
Classical and Contemporary Dance	Online Application	<p>Applicants will participate in a 2 hour ballet class.</p> <ul style="list-style-type: none"> · Grades 7 & 8: Students will partake in a 2 hour ballet class that incorporates a ballet bare & center, pointe bare, and modern phase. An intermediate-advanced level of technique is recommended, as is pre-pointe or pointe experience for girls. · Grade 9-12: Students will partake in a 2 hour ballet class that incorporates a ballet bare & center, pointe bare & center, and modern phrase. An intermediate-advanced level of technique is recommended, as is pointe experience for girls.
Commercial Dance	Online Application	<ul style="list-style-type: none"> · After a short warm-up, students will learn and perform choreography in jazz, ballet, and hip hop. Students do not need to prepare a routine ahead of time but will be allowed (optional) to demonstrate ability in a dance area not listed above, should time allow. · If opting to show other dance form at the end of the placement activity, please have 30

		seconds of music ready on iPod, Smart Phone, iTunes or link. For safety reasons we will not ask to see any ballet in pointe shoes.
Classical Voice	Online Application	<p>Please prepare two classical songs or arias. Classical musical theatre will also be accepted. Selections may be sung in English or in the original foreign language.</p> <p>An accompanist will be provided or you can bring your own accompanist. Please bring clean sheet music for the accompanist. We do not recommend singing a cappella.</p> <ul style="list-style-type: none"> · Please have songs memorized. · It is recommended that applicants arrive dressed professionally. · Bringing a "Personal Evaluation" or "Recommendation" from current Choir Director or Music Teacher to the placement activity is highly recommended, but not required. All Recommendation Letters and Personal Evaluations must be signed and presented in a sealed envelope. Please bring all letters and evaluations to the on-site placement activity. · Please bring a current, wallet size photo. A school photo is acceptable.
Creative Writing	<p>Applicants must submit a portfolio of original creative writing examples which follow the guidelines below. Portfolio attachments must accompany the application at the time the application is submitted. Applications without a completed portfolio will be considered incomplete and will be delayed in processing.</p> <ul style="list-style-type: none"> · Your portfolio should consist of approximately 15 –20 pages of original creative writing in any genre: short story, poetry, dramatic writing, creative non-fiction etc. 	<p>Applicants invited to the on-site placement activity will be asked to write to a specific prompt. All writing materials will be provided at the placement activity.</p>
Digital Media	<p>With your application, upload a PDF portfolio. Multiple documents may be combined into a singly PDF or submitted as a YouTube link. Do not submit portfolio as a Zip File. Any motion or video files should be</p>	<p>Interview with the director. Applicants should arrive on time, bring a neatly organized portfolio, and be prepared to discuss their work, artistic influences, inspirations and goals. Round Two portfolio material should include 10-20 pieces of work that represents you best. Submissions from Round One</p>

	<p>uploaded as a YouTube link. Art work can be created by hand or digitally. Examples may include drawing, painting, sculpture, etc. Include 5 pieces as described below:</p> <ul style="list-style-type: none"> • A self portrait • An observational drawing or painting of your bedroom • An original character you have designed • Your choice, whatever you feel best represents you as an artist. Should reflect your ambitions and interests. • Your choice, whatever you feel best represents you as an artist. Should reflect your ambitions and interests. 	<p>portfolio are acceptable, as are the following examples:</p> <ul style="list-style-type: none"> • Character /concept designs (for a movie, story, videogame) • Storyboards, or comics • Animation or games, playable files • Environmental designs • Observational drawings/ paintings from life • Sketchbooks (highly recommended, each book counts as a piece)
Film & Television	<p>After your online application is processed you will be invited to participate in an on-site placement activity, which will consist of the following:</p> <ul style="list-style-type: none"> • Visual sample • Writing sample • Interview 	<p>The placement activity will last approximately fifteen minutes. We'll watch your visual sample and talk about your work and filmmaking interests. Be prepared to speak insightfully about your work and why studying film at OCSA would be important for you as an artist. Please also bring a current, wallet size photo with your name on it to the placement activity. A school photo is acceptable.</p>
Integrated Arts	<p>Applicants should showcase a minimum of three disciplines in the arts. Students may present more than three disciplines, if they choose. These three art disciplines can be showcased through portfolio or video submission.</p>	<p>5-10 minute personal interview with the Director. Applicants will be asked to perform or present one aspect of art from their Round One placement activity. The student can choose what will be performed or presented, but only one aspect will be permitted (just the song, just the monologue, just the dance, only creative writing, only visual art, etc.). Students should choose which artistic area they feel is their strongest and represents them the best. Below are guidelines for Round Two placement activity:</p> <ul style="list-style-type: none"> • If the applicant decides to showcase a song, we highly recommend that they bring a track recording or an accompanist. Although a cappella singing is not recommended, all singers will be considered. We will not have access to the internet, so a YouTube link is not recommended. • Monologues must be 1-2 minutes in length. • No instrumental pieces.

		<ul style="list-style-type: none"> · Creative writing pines should be typed. · Creative writing and artwork should be neatly organized (we recommend using a folder). · Original artwork can be brought to the on-site placement activity and will be returned at the end of the placement activity session. · If you are going to use a laptop to show Film or TV material, have it ready to play before entering the placement activity room. · Please bring a current, wallet size photo. A school photo is acceptable. · During your on-site placement activity, you may utilize the same material as you used it Round One or, you may prepare entirely new material.
Instrumental Music – Jazz Studies	Online Application	<p><u>High School</u></p> <ul style="list-style-type: none"> · All Instruments: <ul style="list-style-type: none"> o All 12 major scales -minor and jazz scale / chord knowledge a plus o Sight reading <p><u>Middle School</u></p> <ul style="list-style-type: none"> · All Instruments: <ul style="list-style-type: none"> o Scales up to four sharps and flats o Sight reading <p><u>All Grades</u></p> <ul style="list-style-type: none"> · Woodwind and brass: <ul style="list-style-type: none"> o Prepared jazz piece from one of the following: Charlie Parker Omnibook, Lennie Niehaus or Jim Snidero Jazz Conception Series. o Improvisation on Bb flat concert blues or "There Will Never be Another You" in Eb Major. · Piano, Guitar, Bass: <ul style="list-style-type: none"> o Prepared jazz piece from one of the following: Charlie Parker Omnibook, Lennie Niehaus or Jim Snidero Jazz Conception Series. o Improvisation on Bb concert blues or "There Will Never be Another You" in Eb Major. · Bass (additional demonstration): <ul style="list-style-type: none"> o Demonstrate swing walking bass, and Latin style bass. · Drums: <ul style="list-style-type: none"> o Demonstrate swing style at the following tempos — slow, medium, and up tempo. o Demonstrate the following styles: Big Band Jazz, Combo Jazz, Jazz, Waltz, Mambo, Bossa Nova, Samba. You may also be asked to sight read a basic chart in any of these styles.

		<ul style="list-style-type: none"> o Drummers will also be asked to perform medium swing with brushes. o It is recommended that you bring your own sticks and brushes to the placement activity. If you do not have access to your own sticks or brushes these will be provided. o Play and solo on 12 bar blues.
Instrumental Music – Pianist Program	Online Application	<p>Applicants will be asked to perform a maximum of three pieces. Repertoire guidelines as follows:</p> <ol style="list-style-type: none"> 1. Select one composition by J. S. Bach from the following options: <ul style="list-style-type: none"> · Sinfonia · Prelude and Fugue from Books I or II of The Well-Tempered Klavier · Toccata · Any two movements from the French, English Suites or Partita · Any Italian Concerto movement. 2. First movement of a standard Classical Sonata by Haydn, Mozart, Beethoven or Schubert. Please exclude Haydn Sonatas, Hoboken 1-30, Mozart Sonata K 545, Beethoven Sonatas op. 49. 3. One major work or movement by a Romantic era or 20th / 21st century composer. <ul style="list-style-type: none"> · We highly recommend, you select standard piano repertoire and exclude popular music, arrangements of classical repertoire, and Concerti. · All pieces must be played from memory. · Be prepared to sight read. <p>Grades 7 & 8: Be prepared to play any of the 7 major scales beginning on white notes, 2 octaves, hands together. Grades 9-12: Be prepared to play any major scale, 4 octaves, hands together.</p>
Instrumental Music – Strings & Orchestra Program	Online Application	<p>Strings and Harp:</p> <p>The placement activity will be in two parts:</p> <ol style="list-style-type: none"> 1. Scales Students will be asked to perform one major and one minor scale (up to four sharps or flats) in as many octaves as the student is capable. The judges will request the scales. Students will not know in advance which scales will be requested. Harpists will not be asked to play scales. 2. Solo performance Demonstrate two distinct styles of solo playing: <ul style="list-style-type: none"> · Lyrical, melodic, and slow.

		<ul style="list-style-type: none"> · Fast and more technical. <p>The solo selections are to be chosen by the student. The two different styles can be two separate pieces or two contrasting movements from the same work. We highly recommend that selected pieces be drawn from the traditional repertoire (i.e. Bach, Mozart, Beethoven, Brahms, Stravinsky, etc.) Avoid picking folks song, Broadway show tunes or pop tunes.</p> <p>ph _ 8th grade applicants Violinists, Violists, Cellists, and Bassists:</p> <ul style="list-style-type: none"> · Demonstrate range at least to 5th position and use vibrato · Perform scales in at least two octaves <p>9th _ 12th grade applicants Violinists, Violists, Cellists and Bassists:</p> <ul style="list-style-type: none"> · Demonstrate range at least to 7th position and use vibrato · Demonstrate different articulations of the bow in solo performance · Perform scales in at least three octaves
Instrumental Music – Wind Studies	Online Application	<p>Applicants for grades 7 and 8 should be prepared to perform major scales up to 4 flats and 4 sharps, in 2 octaves whenever possible. Applicants for grades 9-12 should be prepared to perform all 12 major scales on the full range of the instrument.</p>
Musical Theater	<p>Please submit a completed application and YouTube video, no more than 4 minutes in length. Songs and monologues can be uploaded as one combined file or two separate files. Please follow the guidelines described below.</p> <p>Vocal Selection - Prepare one vocal selection, up tempo or ballad (no more than 32 bars) NM one memorized monologue (no longer than 1 - 2 minutes in length). Students should sing with a track or a pianist. A cappella singing is not recommended.</p> <p>Monologue Selection — Prepare and memorize one dramatic or one comedic</p>	<p>Applicants who are invited to an on-site placement activity should be prepared to participate in a dance workshop and interview. Please wear comfortable clothing suitable for dancing (jazz shoes or tennis shoes).</p>

	<p>monologue. In addition to published plays and monologue anthologies, some of the following titles are available at bookstores, libraries, and online. Placement activity material is not limited to these titles but should be age-appropriate and must be from a published source — no original works:</p>	
Production & Design	<p>Online Application</p>	<p>The placement activity consist of an interview with the director, during which applicants will discuss the contents of their portfolio. Students must bring their portfolio to the placement activity.</p> <p>Portfolio Guidelines In addition to the items above, students may present a portfolio of their work from actual productions or class projects that demonstrate a basic understanding of design or construction techniques in scenic, costume, make-up, audio, or lighting. This can include production photographs, renderings, models, drawings, or audio recordings. Each applicant may also include a maximum of four drawings, watercolors, etc. from an art class.</p>
Popular Music	<p>Please submit a completed application and YouTube video based upon the guidelines described below. Video Content Guidelines:</p> <ul style="list-style-type: none"> · Vocalists. Prepare a piece of your choice in its entirety and perform with a backing track. Students may also accompany themselves on guitar or piano. It is advised that applicants do not sing a cappella. · Guitarists: Prepare one of the guitar solos and one of the rhythmic guitar selections listed in the Performance Guidelines for your correct grade level below. Please perform with the original recorded track. 	<p>The Round Two placement activity will consist of:</p> <ol style="list-style-type: none"> 1. A short applicant introduction and conversation with Popular Music Panelists 2. Knowledge of Scales (Guitarists, Bassists and Keyboardists Only; all 12 Major scales); Tonal Memory (Vocalists Only); Rudiments (Drummers Only) 3. Performance guidelines

	<ul style="list-style-type: none"> • Keyboardists: Prepare one of the keyboard /organ solos listed on the Performance Guidelines for your correct grade level below. Please perform with the original recorded track. • Bassists: Prepare one of the song selections listed in the Performance Guidelines for your correct grade level below. Please perform with the original recorded track. • Drummers: Prepare one of the song selections listed in the Performance Guidelines for your correct grade level below. Please perform with the original recorded track. 	
Visual Arts	<p>Please submit a portfolio as described below. Please note, the personal statement must be computer generated. Scan the four described artworks and combine into a single PDF. Scanned portfolios and personal statement must accompany the application at the time the application is submitted. Applications that do not have a completed portfolio and personal statement will be considered incomplete and the application will be delayed in processing. Please upload and insert your portfolio and personal statement directly into the appropriate place in the conservatory application.</p>	<p>Materials needed for portfolio review:</p> <ul style="list-style-type: none"> • Students must bring a labeled portfolio or any type of carrying case containing the 4 Round One artworks and up to 10 more original artworks produced in the last 12 months only. Please have portfolio and any individual art work clearly labeled with the applicant's full name. Total portfolio artworks should not exceed 14 items. Portfolios can have as little as 9 total pieces and not more than 14. (Remember this amount must include the original 4 artworks from Round One). <p>Drawing activity; The drawing activity will last 95 minutes and consists of three live drawing exercises done in the classroom (on a Saturday). All drawing materials will be provided. Drawings created during the placement activity will remain in the applicant's file. All portfolio works can be collected after the placement activity.</p>

**Recommended Attire:* Each of the dance conservancies recommends that student applicants wear specifically identified attire to their onsite placement activity audition. Some of the other conservatories state: "We highly recommend you come dressed professionally to your placement activity." Socioeconomically disadvantaged students may not be able to afford the recommended attire either potentially discouraging them from seeking admission to OCSA, or putting them at a disadvantage to other students in the audition process who are able to purchase the recommended attire.

The application/audition and placement activity process limits enrollment based on performance ability in cases where multiple prospective students apply for the same conservancy OCSA contrary to the law. (See Ed. Code Section 47605(d)(2)(A) ["A charter school shall admit all pupils who wish to attend the charter school . . . If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance . . . shall be determined by a public random drawing."].) It also deters applications for admission from target populations. Again, OCSA cannot continue to state one thing to purport legal compliance without implementing actions that accomplish it. While it appears efforts were made to correct the issue, it is ongoing and meaningful efforts to implement actual changes must be done to avoid admissions and attendance policies from being violative of current law.

c. Parent Donations Obligation

OCSA describes itself as “a tuition-free, donation-dependent, public charter school.” (Petition, p. 8; Sample LCAP for 2020-2021, Petition Appendix II, p. 197; OCSA website: <https://www.ocsarts.net/students-parents/annual-registration/parent-giving>.) The Budget Narrative in the Petition states that based on 15 years of historical data, OCSA anticipates receiving “Parent Funding Contributions” in the amount of \$7,359,461 in 2020-21. The Petition states that “*Parent Funding Contributions is our second largest revenue source.*” (Second to LCFF Average Daily Attendance apportionment – projected to be: \$20,301,194)(Petition, pp. 114-115.) OCSA anticipates enrolling 2200 students in 2020-21. If the parent of each student contributed the same amount of the budgeted Parent Funding Contributions, that would equate to a contribution of \$3,345.21 per student.

As further clarified on OCSA’s website, donations are necessary to underwrite OCSA’s arts conservatory programs.

Parent Giving Program

Orange County School of the Arts is a tuition-free, donation-dependent public charter school. No student is offered or denied enrollment based upon financial capacity. However, each school year we must raise more than \$10 million in private funds to underwrite the arts conservatory programs, and we rely on parents and the community-at-large to help us reach this goal.

The Parent Giving Program was created to provide parents with an opportunity to contribute an annual donation to their child’s arts education. All parent funding contributions are voluntary, and directly support the curriculum, classes, faculty wages, and operating costs for each arts conservatory. All cash donations to the school are tax deductible. Additional details on our Parent Giving Program are presented to parents at yearly meetings.

(OCSA website, <https://www.ocsarts.net/support-ocsa/giving-opportunities>.)

“Thirty-two credits of conservatory courses are required each year of all 9th through 12th grade students from one of the following conservancies: *Acting, Ballet Folklórico Dance, Ballroom Dance, Classical Voice, Classical & Contemporary Dance, Commercial Dance, Creative Writing, Culinary Arts & Hospitality, Digital Media, Film & Television, Instrumental Music, Integrated Arts, Musical Theatre, Popular Music, Production & Design, or Visual Arts.*” (OCSA Academic Profile, 9/10/2019)
<https://www.ocsarts.net/Portals/0/PDFs/Academics%20PDFs/Academic%20Profile%202019.pdf?ver=2019-09-10-153750-443>

Participation in a conservancy is a required component of each student’ education program and the conservancies are donation dependent. Therefore, while OCSA may state that the donations are voluntary, a student cannot attend OCSA without participating in a conservancy. Without parent donations funding conservancies, OCSA could not implement the educational program described in its petition.

Parent Funding Agreement.

In the Petition OCSA states that it will inform parents and prospective students about OCSA's policy regarding parent funding, including "full disclosure" of the following: "b. All money raised and/or donated as part of the *parent funding contract* is to be included in the Conservatory budget"; and "c. The average amount of the voluntary commitment of donations or fundraising activities." (Petition, p. 151.)

Per OCSA's Student/Parent Handbook for 2019-20 (p. 36), OCSA's Enrollment Policy requires completion/signature of a Parent Funding Agreement as a condition of attendance:

All families are required to complete and sign the *Parent Funding Agreement*, which will be distributed at the annual orientation meeting.

Complete all enrollment materials, including Enrollment Form, Enrollment Agreement, Health Form and *Parent Funding Agreement*. All completed forms must be turned in consistent with established timelines in order for the student to attend the first day of classes.

<https://www.ocsarts.net/Portals/0/PDFs/Academics%20PDFs/Student%20Handbook%202019-2020-revisedlanguage.pdf?ver=2019-09-10-153750-693>

Per OCSA's Registration information, OCSA will place holds on on-campus registration if a Parent Funding Agreement for the current school year is not completed and/or submitted prior to registration. (<https://www.ocsarts.net/students-parents/annual-registration/on-campus-registration/online-registration>) The Parent Funding Agreement referenced on the OCSA website is not included with the Petition documents and cannot be located on OCSA's website. However, a Parent Funding Agreement is available on OCSA's sister charter school California School of the Arts, San Gabriel Valley (CSARTS-SGV). Becky Parsons is identified as the "Family Liaison" for both charter schools regarding parent giving and she can be reached at the same 714 area code phone number even though CSARTS-SGV is located in Duarte. Under Parent Giving, the CSARTS-SGV website includes a link entitled "Pay My PFA" that takes parents to the Parent Funding Agreement available on the CSARTS-SGV website:

"The California School of the Arts is a tuition-free, donation-dependent public charter school. No student is admitted or denied based upon financial capacity. However, each school year we must raise approximately \$2 million to fund the ten arts conservatories, and we rely on our families and the community at large to help us reach this goal."

<https://sgv.csarts.net/hidden-transaction-pages/pay-my-pfa>

While OCSA's Parent Funding Agreement (PFA) was not provided with the renewal petition and has not been found publicly, Staff anticipates that it includes similar content to CSARTS-SGV's PFA given that OCSA is also dependent upon donations to fund its conservatories. In addition, Staff anticipates that the parent monetary support of the conservancies at OCSA is similarly characterized as an obligation rather than a voluntary option.

Also, per OCSA's website, to make a "Parent Funding Pledge payment donation" it is necessary to visit OCSA's website and log in with a registered account tied to a validated email. (<https://www.ocsarts.net/students-parents/annual-registration/parent-giving>.)

While Staff is similarly unable to access this “donation” payment page, OCSA’s parent funding page includes similar content to CSARTS-SGV.

Per *The 14th Conservatory* Blog post from a former OCSA parent regarding “How Much Does it Costs?”: “Each family is required to complete a Parent Funding Agreement (PFA) that outlines how much you will pay and when. The cost runs between \$3,000 and \$4,000 per year; it varies by grade and conservancy.”

A comment posted June 4, 2019, states: “I think the 3K to 4K figure is old. My understanding is it’s between 4.5K and 5K. The recommended donation varies by conservancy and middle vs. high school, but falls within that range. . . . Also, the donation is mentioned up front in the video shown to all applicants, so all should be aware before they apply.” (See *The 14th Conservancy* blog post.)

While OCSA appears to recognize this cannot be required, the manner in which contribution is sought and advertised is not consistent with that understanding. Parents who cannot afford to contribute are likely not to apply for admission.

d. Conservatory Application Requirement Costs.

In addition to the parent donation costs discussed above in this Report, each Conservatory requires specific and differing application requirements. (See Petition, Exhibit “E”, pp. 321-349; <https://www.ocsarts.net/admissions/admissions-guidelines>.)

The admissions requirements of the various conservatories appear to be inconsistent with one another in terms of whether a prospective student could apply without needing to have access to costly digital resources such as home computers and internet. Not all conservatories require that students have computers, internet, YouTube or Vimeo accounts. However, students applying to several of the 14 conservatories need to have access to cameras, or smart phones, as part of their admissions process. For instance, the Acting Conservatory, Culinary Arts Conservatory, Digital Media Conservatory, Film and Television Conservatory, and Integrated Arts conservatory all require the prospective new student to upload videos and other electronic content. Only the Film and Television Conservatory has a printed guideline for incoming 9th graders that allows them to submit a story board, if they don’t have funds or access to internet and equipment. (See [Attachment 4](#).)

By virtue of omission, the conservatories requiring digital submissions appear to be inferring that prospective 9th graders are subject to the expense of equipment and internet in order to apply.

On page 8, the Petition states: “Students enrolled in OCSA’s tuition-free, donation-dependent arts conservatory programs have had the opportunity to study with an inspiring caliber of guest artists...,” yet the very fact that some conservatories require pre-enrollment access to equipment, software and internet, may work to discourage low income families from applying. Because the submissions requirements are on OCSA’s website, low income families who do not have home computers or internet could be discouraged from having their child apply for admission. OCSA’s published application process infers the need for families to expend funds on digital submissions for numerous conservatories, which can cost money.

There is an assumption that all adolescent children have access to and possess basic technology skills. However, that is not the reality for low income families and many families

living in SAUSD that have not had or been given any meaningful ability to access OCSA. While OCSA's petition affirms otherwise, it is clear its admissions and ongoing enrollment policies discourage enrollment of student from target populations. Many parents of students and students in these target populations would not even apply.

e. Audition Preparation Classes.

The petition indicates audition preparation coaches/classes are available to specifically assist students applying to OCSA's conservatories and attempts to mitigate this reality. Two examples are attached to this Report. (See Attachment 5.) However, other sources and actual practice are not consistent. For example, a blog from one of the "preparation coaches/classes" provides:

KEEP IN MIND...

Some families come to me and have no idea how competitive, selective, and intense the OCSA audition process is and think that it will take little time and effort to prepare. Some are aware of the odds and the competition, and are completely overwhelmed by the pressure. It's important to remember that, though the stakes seem high, this is an audition like any other.

The administrators are casting a group, an ensemble, and a family. They are looking for students that will all work well together, and contribute to their needs as a school as well as for casting purposes technically. Just like any other audition, sometimes it's you, and sometimes it's not you. All you can do is be prepared, show your best self, and give it your very best. Everything else is out of your hands, and has nothing to do with the trajectory for the rest of your life. With or without OCSA, your path is your own, and if you work hard enough and don't give up, you will do amazing things!

UPDATE July 2018: 10 of my students have been admitted for this coming school year!! One, if not two or more have told me they are considering going to the CSArts location in Duarte! I've received varying stats, but it seems like Musical Theatre had 1000 applicants, Acting had 600. It seems like there were 2,600 total students who applied to any of the conservatories last year. Acting accepted 24 students for 7th grade and TWO students for 9th grade, one of which is our own Natalie! I only have the stats that parents relay to me, so if you would like to add any info, please let me know! Based on these numbers, in 7th grade Acting the acceptance rate is 4%, and for MT 2.5%. That's unreal! So competitive! I'm so proud of these kids! Congrats to all who were accepted, and all who applied, even if the results weren't as we hoped. This whole process is intense and takes a lot of work, and you should all hold your head high as you move towards your goals no matter where you're attending school next year! Be bold, be brave, be powerful. Xo

<http://ocprovoice.com/ocsa-audition-2018-19-school-year/>

This information, not in the Petition, highlights the significance of the audition requirements in terms of exclusion of target populations.

f. Pre-Enrollment Parent Meeting Requirement.

Per OCSA's Enrollment Policy, parents of newly accepted students are required to attend annual meetings. "Parent attendance of an annual meeting is an enrollment requirement per OCSA Board of Trustee policy." (<https://www.ocsarts.net/students-parents/annual-registration/annual-pfa-meeting-rsvp>) Additionally, parents: "must attend an annual orientation meeting each school year. The topics of this meeting will include a presentation of school-wide and conservatory goals, as well as a review of the responsibilities and expectations of families who elect to enroll/re-enroll their children at OCSA. (Student/Parent Handbook 2019-2020, Enrollment Policy, p. 36.)

Requiring parents to participate in these pre-enrollment meetings may prove to be an undue burden for some parents, and, as a result, may have a disparate impact on those parents and their children. The requirement alone may discourage families from even applying.

g. Pre-Enrollment Records Request.

Education Code section 47605(d)(4)(B) amended by SB 75 prohibits a charter school from requesting a student's records or requiring a parent to provide a student's records prior to enrollment in the charter school.

Under Admission FAQs, OCSA's website states:

What documentation do I need to include with my application?

OCSA will not request any student records prior to enrollment at OCSA. For placement activities, depending on the conservatory for which you are applying, an art portfolio or YouTube link(s) may be requested, along with the application submission. Please carefully review the placement activity guidelines for the conservatory for which you are applying.

<https://www.ocsarts.net/applynow>

However, the FAQs then state the following:

Why does my submitted application show "Documents Not Received" highlighted with a red X?

As part of the application processing, all submitted documents must be verified as correct. Once the application is processed and the documents are verified as correct, documents will be marked as "Received" and highlighted with a green check mark. If additional applicant information is needed, the Admissions Department will contact you via email. The email address used to create your applicant portal will be used for all communication. Please use a parent or guardian email address.

<https://www.ocsarts.net/applynow>

This second FAQ seems to conflict with the first FAQ, by indicating that documents must be submitted with a student's application. Furthermore, as discussed in this Report, the specific application requirements, including a YouTube video submission, may work to discourage students from seeking admission particularly those in special student populations.

2. OCSA's Student Population Does not reflect a racial and ethnic balance reflective of the District.

A charter must contain a reasonably comprehensive description of the “means by which the charter 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.” (Ed. Code, § 47605.) The Petition states that it “will seek a diverse student population that is representative of the SAUSD and Orange County student community, bringing students together from multiple ethnicities and backgrounds (socioeconomically disadvantaged students, English Learners, special education students, foster youth, homeless youth, and migrant education).” (p. 18). While OCSA states this as a goal, its demographics data reflects that OCSA has failed to implement actions to achieve a racial and ethnic balance reflective of the District and demonstrates that OCSA is unlikely to be successful in meeting this obligation going forward absent major revision to the admissions, audition, and ongoing enrollment requirements.

“OCSA students come largely from middle- and upper-class families across five counties. Ten percent of the students receive free or reduced-price lunches, compared to 94 percent in the rest of the Santa Ana district. In the past six years, enrollment has grown 25 percent—from 1,750 to 2,177—even as acceptance rates continue to decline. Admission hurdles are higher for some of the 14 arts conservatories than others, and acceptance rates can dip into single digits.”⁵

The Petition includes data comparing OCSA's student demographics by ethnicity for 2018-19 compared to the overall population demographics of Orange County by ethnicity. (pp. 17-18) However, OCSA does not compare its demographics data to SAUSD – likely because a comparison to SAUSD demographics reflects that OCSA's enrollment does not present a racial and ethnic balance reflective of SAUSD. The data comparing OCSA's demographics to Orange County as a whole is irrelevant for purposes of satisfying requirements of the Charter Schools Act (Element 7). This is not the comparison or balance required by the law.

The comparison data reflects an OCSA student body not reflective of SAUSD overall or its schools serving similar grade levels as OCSA. (See Attachment 1, Enrollment by Ethnicity and Comparative Data, pp. 6-9.) OCSA's Academic Profile reflects the following current student enrollment demographics: “Hispanic” (20%), “White” (47%); and “Asian-American” (21%). (Petition, p. 21) OCSA does not serve the same students as SAUSD despite being authorized and located in it, and promising to do so since opening.

The Outreach Programs and other methods described in the Petition for achieving a population reflective of the District have been ineffective. The minimal changes made to the admissions and audition requirements are not likely to make any meaningful change. OCSA asserts in the Petition that its “inclusive, recently updated, admissions process” will support OCSA's plan to achieve a racial and ethnic balance reflective of the District. The aspects of OCSA's “inclusive admission process” identified in the Petition includes: “Preview Days (*open house workshop sessions*) - “These open houses will explain and demonstrate such admissions requirements as placement activity specifications, portfolio submission, and other performance or demonstration expectations.” These preview days will now apparently

⁵ *Power House Prep: How OCSA became one of the most selective schools in the nation*, Susan F. Paterno, December 28, 2017, <https://www.orangecoast.com/features/orange-county-school-of-the-arts/>.

be “inclusive” because OCSA will schedule them and placement activities at dates, times, locations “in a manner which ensures, *to the extent possible*, that District students and racial and ethnic minorities are able to attend.” (p. 106)

As another example of OCSA’s newly updated admission process, OCSA states: “Additional support is available for students, parents, or guardians who require translation in order to best understand our admissions processes, as well as for those who need technology assistance.” (p. 106.) However, “OCSA shall also develop applications in other languages, *as needed*.” Given the high percentage of Hispanic/Latino and English Learner Spanish speaking students enrolled in SAUSD schools (See Attachment 1), admission materials and all others should already be available in Spanish. Instead, OCSA states in the Petition it will develop applications in languages other than English “as needed.” For obvious reasons, they are needed, and have been needed, but OCSA has yet to develop them.

Buried in the Petition under Element 8, OCSA briefly addresses accommodations for students with special needs stating: “Applicants are encouraged to request and will receive accommodations if needed for the application process to ensure that students with special needs who may qualify for services pursuant to the IDEIA and/or Section 504 shall not be excluded from admission solely on the basis of the disability or language classification.” (p. 109.) OCSA does not address how parents/students are informed of such accommodations or whether they extend to all portions of the admission process, including, placement activity, portfolio submission, student interviews, etc.

OCSA’s efforts to reach and serve socioeconomically disadvantaged, English Learner, Homeless, Special Needs and other protected class students are pre-textual and perfunctory. Despite OSCA’s outreach efforts, these underserved student population continue to not be enrolled in OCSA.

OCSA’s has not increased diversity. In correspondence dated July 16, 2019, in response to the District’s Charter School Oversight Report dated June 21, 2019, Dr. Ralph Opacic (OCSA founder and Executive Director) acknowledged that OCSA’s student body lacks diversity as a result of OCSA’s admissions criteria stating: “Because of the nature of the conservatory program, which English Learners and socioeconomically disadvantaged subgroups may not have had access to in conventional public schools, OCSA continues to strive to meet the goal of racial and ethnic balance reflective of SAUSD[.]” (See July 16, 2019, Letter p. 10.) The response from Dr. Opacic and changes made in the renewal Petition are not enough in light of current requirements.

3. OCSA has not demonstrated its ability to meet the needs of special education students.

Proposed Change of LEA Status/SELPA Membership

OCSA states it “shall establish and operate as its own local education agency (“LEA”) for the purposes of special education within a State Board-approved SELPA.” (P. 71). Further, OCSA states that it “hereby provides with verifiable, written assurances of its ability and capacity to participate as a LEA within the El Dorado County Charter SELPA prior to the commencement of the 2020-2021 school year.” (p. 71). OCSA has applied to become a member of El Dorado Charter SELPA but not verifiable written assurances or update on status was provided in Petition.

OCSA has not demonstrated its ability to meet the needs of special education students.

Under “Educational Services and Programs”, the petition states that OCSA will “provide and/or arrange” for special education and related services. (p. 74). However, the Petition does not describe how OCSA would provide anything other than their regular education program with some specialized academic instruction and related service support. Further, the Petition states that it may request service providers from its SELPA, hire their own, or enter into an MOU with the District (p. 74), but the petition later states it will hire its own or contract with a non-public agency for special education teachers and service providers. (p. 75). The Petition also includes a job description for a Coordinator of Special Education who will serve “under the direction of the Assistant Superintendent of Pupil Services for the District” and who will be responsible for implementing District policies and procedures. It seems that OCSA is unclear exactly how they will provide special education staffing and oversight to meet the needs of their students on IEPs. At this point, OCSA has a “Dean of Special Services” and no coordinator, despite invoicing the District for it.

OCSA has not shown ability to ensure academic performance of students with disabilities who are admitted. While enrolling a significantly smaller percentage of students, and students with less severe disabilities, the percentage of OCSA IEP/504 students meeting/exceeding standards on CAASPP has dropped from 2017/18 to 2018/19:

	2017/18	2018/19	Change
IEP Students (ELA)	68%	54%	-14%
IEP Students (Math)	54%	43%	-11%
504 Students (ELA)	90%	82%	-8%
504 Students (Math)	67%	59%	-8%

The OCSA Petition does state that “OCSA will continue to provide supports for special education students (IEP and 504) to maintain and increase academic achievement for these students” (p. 15), however, it fails to state how that will be accomplished or explain the decrease in the number of IEP/504 students who meet or exceed standards on the CAASPP. Also, in Priority 8 “Student Performance”, the listed School Action states that all students including students with exceptional needs will demonstrate grade level proficiency in core academic areas (p. 85), yet their test scores for IEP/504 students have decreased as shown above. This is not addressed, and needs to be particularly when proposing a material change to special education compliance on renewal.

It is particularly concerning since OCSA Petition states that all OCSA high school students have access to Honors and Advanced Placement classes (p. 64), but does not list the percentage of IEP/504 students who enroll or complete these classes.

4. OCSA has not demonstrated that it will be able to meet the 8 state priorities for students served.

Based upon the District’s review of the LCAP submitted by OCSA on or about June 24, 2019, OCSA has not demonstrated that it will not be able to meet the 8 state priorities for the students it serves for reasons including the following:

The LCAP is intended to address all 8 state priorities for all students including the unduplicated subgroups. However, only 1.1% of funds for the 2019-2020 school year is tied to actions/services in the LCAP (Page 17). Therefore, 98.9% of OCSA funding for the 2019-2020 school year is not reflected in the LCAP. With only 1.1% of the funding, it is

difficult to reconcile the intent of the legislation with the low level of funding presented in this LCAP.

On page 17 of the LCAP, the description of expenditures for the remaining \$29,554,000 was described in an inappropriately superficial manner as follows: "The budgeted expenditures that are not included in the LCAP will be used for the following: Personnel, Facilities, Other (marketing, insurance, legal counsel, technical support, general and admin costs, instructional supplies, etc.)" Under appropriate actions, all LCFF fund should be delineated with enough detail to actions, including base program expenditures such as classroom teachers, in order to establish a transparent and clear understanding of how and why public funds are allocated and expended.

On page 16 the LCAP states: "Of the \$19,681,603.00 in LCFF Funds, \$867,633.00 is generated based on the enrollment of high needs students (foster youth, English learner, and low-income students)."

All actions in the LCAP are identified to address the needs of "All students" and there is no breakdown by unduplicated subgroup or students with disabilities. Staff also notes that the amount earmarked for high needs students (\$867,633.00) is higher than the total amount delineated in OCSA's LCAP (\$346,000.00). Therefore, the total funding generated for high needs students was not substantially devoted to addressing the needs of the high needs students (foster youth, English learner, and low-income students.)

It is of significant concern to staff that OCSA's LCAP, the document that forms the basis for its entitlement to state apportionment of tax dollars, does not account for all students or all public education tax dollars OCSA is given to educate all students while not doing so.

C. The Petition Fails To Set Forth Reasonably Comprehensive Descriptions of Charter Elements (Ed. Code, § 47605(b)(5).)

Education Code section 47605, subdivisions (b)(5)(A)-(O) and (b)(6) require a charter petition to include "reasonably comprehensive" descriptions of numerous elements of the proposed charter school.

Element 1 – Education Program

(Ed. Code, § 47605(b)(5)(A); Regulations, § 11967.5.1(f)(1).)

The Petition does not contain a reasonably comprehensive description of the Charter School's educational program, based on findings including the following:

- Plan for Students with Special Needs

As explained above, the Petition does not provide a reasonably comprehensive description of OCSA's plan for meeting the needs of special education students.

- Plan for English Learners (EL)

OSCA's "Plan for English Learners" is described in the Petition on pages 68-71. The term "full access" to core instruction and curriculum is used consistently throughout OSCA's "Plan for English Learners." However, "full access" is not the same as successful access nor does it necessarily ensure successful access to core, grade level course content. On page 69, the plan references, "...instruction techniques, assessments, materials and approaches shall be focused on communicative competence and academic achievement covering listening,

speaking, reading, and writing skills (aligned with California ELA/ELD Framework) in all areas of the curriculum.” However, while the plan references the California ELA/ELD framework, the Petition is rather vague, employing general references to "instructional techniques" without specifics on what instructional techniques are employed to provide successful access to core curriculum.

There are not any references to schoolwide professional development on the specific instructional techniques referenced which ensures that teachers are fully trained on specific, targeted research-based instructional strategies proven effective with English Learners. Additionally, while the plan references the California ELA/ELD framework, the Petition content suggests that the ELA/ELD framework is used for instruction in an "EL designated class." However, the framework guides instruction, and is not a program of instruction.

Further, there is no specific mention of how integrated and designated ELD, key components of the state's ELA/ELD Framework, are part of the instructional program and plan to support English learners within the core instructional program, across all content areas, to provide the instructional support needed to ensure successful access to grade level core curriculum and content.

Later, on page 70, the "How School Will Meet Needs of English Learners" section references monitoring progress through the results of CAASPP ELA score, ELA course scores, Grade-Level Writing Sample. It is unclear what happens for EL students whose results on these assessments indicate a need for additional supports/interventions. For instance, it is unclear whether students are placed in core replacement classes or in the "designated EL" class mentioned on page 69 of the Petition, or whether all ELs are placed in those classes, simply because they are EL, regardless of the results of the aforementioned assessments.

- Plan for Students Achieving Below Grade Level

OCSA's Response to Intervention ("RtI") consists of recommendations to "teachers, students and parents for appropriate academic intervention. These interventions can include specific recommendations for classroom interventions, interventions at home and during study time, and more serious interventions, up to and including special education support." (Petition, p. 67).

Interventions by the classroom teacher is typically a Tier I RtI intervention. OCSA does not describe a well-developed system including Tier 2 and 3 interventions. While OCSA does offer an academic tutoring block (p. 67); this is voluntary and does not appear to be a systematic Tier 2 RtI intervention until a student drops below a 2.0 GPA or earns a D or F on a progress report. These data cut points could be too late to allow an intervention to be successful for higher academic achievement. Also, OCSA does not appear to use their RtI system for behavior or social/emotional challenges, only academics.

Regarding English Learners, OCSA states that they "will develop intervention strategies and techniques to meet the needs of English Learners" but they do not detail such strategies and techniques nor how they would work (p. 71).

- Description of Curriculum

English Language Arts. With regards to English Language Arts (ELA), OCSA states the classes to be offered without specifying the content, or instructional strategies that will be used to instruct students. OCSA does not mention a curriculum program that they will be using for their ELA classes. The Creative Writing Conservancy mentions the writing genres

to be taught and relies heavily on the fact that these courses would be taught by well-known authors.

Science. With regards to Science instruction, the Petition makes no mention of OCSA's implementation of the Next Generation Science Standards (NGSS). While the Petition on page 205 mentions that teachers were given 20 hours to create online instructional resources, given the nature of the NGSS, if this is the extent of the science being offered at OCSA, then it cannot adequately meet the requirements of NGSS. Furthermore, the course outline for both middle school and high school states that two years of science is required for graduation (p. 63); however, there is no mention of the curriculum that is being used to implement these requirements.

Social Studies. Although there is mention of Social Studies in the Petition, it is within the Professional Learning Communities (PLC) that they build within their school. There is mention of an assessment that will measure all the subject areas with the PLC, but there are no details. There is no discussion of the new California Social Science Framework, nor curriculum, nor skills that will be addressed through the History Social Science Courses. On page 63 there is a list of courses that students will be required to take in Social Science but no curriculum, programs or professional development is described/listed.

Element 2/Element 3 - Measurable Pupil Outcomes and Method by Which Outcomes will be Measured

(Ed. Code, § 47605(b)(5)(B),(C); Regulations, § 11967.5.1(f)(2),(3).)

The Petition does not sufficiently describe how student skills, knowledge and attitudes that reflect the OCSA's educational objectives will be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. The Petition lacks sufficient detail to determine the ability of the common assessments to provide objective information or their capability of being used to evaluate the effectiveness of and to modify instruction for individual students and for groups of students. While the English Learner section provides limited documentation about the process, types of assessment, and how the assessments are used; and IReady for 7th period mentioned in their LCAP, the overall, assessment is not directly addressed regarding frequency and details of the types of assessments (particularly formative and common assessments) for various subject matters and their potential to be used to modify instruction for individual and for groups of students.

The Petition lacks detail regarding the assessment tools and lacks evidence regarding the use of these to inform instruction. Further, there is no evidence, or any accompanying detail, of an articulated/comprehensive assessment plan regarding the use of ongoing formative and common assessments/benchmarks. With the exception of data collection for ELs, there is insufficient detail regarding who and how data will be used to continuously monitor the educational program. Also, limited information is provided regarding the variety of assessments being used. For instance, the Petition does not clearly describe the frequency, detail about the assessments themselves, how assessment data will be used within a PLC, the mechanism to monitor students' progress, and who will be evaluating progress (i.e., teachers? department chairs? leadership team?).

Element Four – Governance

(Ed. Code § 47605(b)(5)(D); Regulations, § 11967.5.1.)

- The Petition does not describe the relationship between the OCSA Board and the Orange County High School of the Arts Foundation ("Foundation") even though, per Article

III, Section 1, of the OCSA Board Bylaws submitted with the Petition, the Foundation is designated as the "sole statutory member" ("Statutory Member") of the OCSA corporation as that term is defined in Corporations Code section 5056. As Statutory Member, the Foundation has the right/power to vote for the election of a director or directors on the OCSA Board, on the disposition of all or substantially all of the assets of the OCSA corporation, and on changes to the OCSA corporation's Articles of Incorporation and Bylaws. The fact that the Foundation maintains these power calls into question the independence of OCSA's Board, and the extent to which the Foundation will be able to direct and control the operations of the OCSA Board and the decisions it makes regarding the operation of the Charter School. This structure may also work to inhibit the ability of SAUSD to effectively oversee the governance of the Charter School.

- Per the Petition, the OCSA Board shall comply with Government Code section 1090 et seq. However, the OCSA Board Bylaws submitted with the Petition allow for practices that may run contrary to Government Code section 1090. For instance, Article IV, Section 22 of the Board Bylaws state that not more than 49% of the trustees serving on the Board may be "interested persons" defined to include "[a]ny person compensated by the corporation for services rendered to it within the previous twelve (12) months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a trustee as a trustee." In addition, the Bylaws provide that any violation of this Section "shall not affect the validity or enforceability of any transaction entered into by the corporation."

Additionally, Article IV, Section 25 allows the OCSA Board to approve a contract or transaction in which a Board Trustee has a material financial interest (including an action by the Board "fixing the compensation of a trustee as a trustee"), if the interested Director refrains from voting and participating in the decision. Abstention from voting/participating in the transaction would not suffice to avoid a Government Code 1090 violation.

Element Seven – Achieving a Racial and Ethnic Balance

(Ed. Code, § 47605(b)(5)(G); Regulations, § 11967.5.1(f)(7).)

The Petition does not contain a reasonably comprehensive description of the means by which the Charter School will achieve a racial and ethnic balance among its pupils that is reflective of the District. It also does not address changes in this requirement effective July 1, 2020 that requiring OCSA to serve the same population of students with disabilities and English learners served by the District.

Element Eight – Admission Policies and Procedures

(Ed. Code, § 47605(b)(5)(H); Regulations, § 11967.5.1(f)(8).)

The Education Code and Regulations require the Petition to describe the Charter School's admission policies and procedures, consistent with Education Code section 47605, subdivision (d):

(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 a pupil on the basis of the characteristics listed in Section 220. 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 the pupil's parent or legal guardian, within this state, except that an 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 charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter 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 school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

The Petition does not contain sufficient description of the Charter School's admission requirements based on the following findings:

- For reasons described in this Report, OCSA's admissions policies and practices have discriminatory impact against students on the basis of the characteristics listed in Education Code section 220 by systematically perpetuating barriers to admission through means, including its admissions policies and procedures.
- OCSA admits disproportionately low numbers of Latino/Hispanic and English Learner students, and OCSA's Enrollment by City 2019-2020 that states OCSA only enrolls 215 students from Santa Ana out of 2,211 total enrollment ([Attachment 8](#)).⁶ It is unclear whether OCSA is extending admissions preference to students who reside within SAUSD's jurisdictional boundaries per Education Code section 47605.

⁶ "While OCSA's original charter set a goal of enrolling 30 percent of its students from Santa Ana, 10 percent come from the city. The 30 percent goal "is not a mandate," Opacic says." *Power House Prep: How OCSA became one of the most selective schools in the nation*, Susan F. Paterno, December 28, 2017, <https://www.orangecoast.com/features/orange-county-school-of-the-arts/>.

- OCSA's lottery preferences result in limiting enrollment access for students with disabilities, academically low-achieving pupils, English learners, neglected or delinquent students, homeless students, students who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, and/or students based on nationality, race, ethnicity, or sexual orientation.
- The Petition on page 109, the Petition states: "Applicants are encouraged to request and will receive accommodations if needed for the application process to ensure that students with special needs who may qualify for services pursuant to the IDEIA and/or Section 504 shall not be excluded from admission solely on the basis of the disability or language classification." The Petition continues by stating that a parent "may seek a review" of the decision to deny admission by making a written request for such review within 10 calendar days of the denial. (p. 110). First, the review process is not described. Additionally, the Petition fails to reference the complaint process added to Education Code 47605(d)(4)(E) effective July 1, 2019, which would enable parents/guardians/students to file complaints with SAUSD if OCSA discouraged from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, because the student was disabled, academically low-achieving, an English learners, and/or other characteristics identified in Education Code section 47605(d)(2)(B)(iii). Further, there is no explanation of why a student would be denied admission except by failing to be chosen in a random public lottery.
- The parent funding commitment described in this Report, constitutes an impermissible form of tuition, and violates the free public school guarantee as provided by law. Specifically, Education Code section 49011 prohibits all public schools, including charter schools, from providing privileges relating to educational activities in exchange for services from a pupil's parents or guardians, removing privileges relating to educational activities, or otherwise discriminating against a pupil if the pupil's parents or guardians do not provide services to the school. (Ed. Code, § 49011(b); CDE Fiscal Management Advisory 17-01, July 28, 2017.)

Element J – Suspension and Expulsion Procedures

(Ed. Code, § 47605(b)(5)(J); Regulations, § 11967.5(f)(10).)

The Education Code and Regulations require the Petition to describe the procedures by which students can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. The Petition does not contain a reasonably comprehensive description of the procedures by which students can be suspended or expelled, and the provisions exacerbate admissions issues by allowing OCSA to disenroll students.

- The Petition includes a provision entitled "Restraint/Seclusion" reflecting the new change to the law pertaining to all students in Education Code 49005 et. seq. (p. 138-139). The provision accurately quotes from the Education Code when restraint or seclusion may be used, and states that if OCSA is considered an LEA it will comply with the reporting requirements. The Petition fails to state that if OCSA is not considered an LEA, OCSA will cooperate with the District by annually submitting restraint/seclusion data to District personnel. OCSA also fails to include in this section information about compliance with restraint/seclusion specifically for students with IEPs. Education Code 56520 et. seq. requires documentation of certain

situations in a Behavioral Emergency Report and possible follow-up actions depending upon the particular special needs student's IEP. There does not appear to be a Positive Behavior Intervention and Supports or Restorative Justice system used as none are noted in the Petition. Instead, OCSA uses a demerit system.

- Regarding discipline, the demerit system includes a chart of violations with the corresponding demerit points. As part of the demerit system, students can receive 3 demerits for unauthorized use of the elevator unless authorized and wearing an "elevator pass". Requiring a student with special needs to wear an "elevator pass" because of a need to use the elevator due to his/her disability could be considered a violation of confidentiality under FERPA and IDEA.
- The attendance policy allows for medical-related absences (Petition, Exhibit F). However, such absences are at the discretion of OCSA's administration. While notification to administration of absences is understandable, students on IEPs may require medical-related absences which would fall within the purview of the IEP team. For example, a student with cerebral palsy may require an orthopedic surgery with extended recovery necessitating home instruction for a period of time. The IEP team would determine the services necessary during this time period and would craft an IEP amendment that would detail time away from school. Having a school administrator overrule an IEP team decision would run contrary to federal and state law regarding the education of students with special needs.
- The Petition confusingly includes in its list of offenses for which a student "may" be suspended or recommended for expulsion (discretionary offenses), offenses for which the OCSA requires suspension and recommendation for expulsion. For instance, the Petition states that students may be suspended or recommended for expulsion if the student "3. Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object. . . ." However, the list of grounds requiring immediate suspension and mandatory recommendation for expulsion (non-discretionary offenses) include: "1. Possessing, selling, or furnishing a firearm. . . ." and "5. Possession of an explosive." These inconsistencies create question as to OCSA's actual plan and whether OCSA has determined the offenses and procedures for suspension/expulsion instead of merely listing possibilities. Furthermore, the failure of OCSA to provide a clear list of offenses for which a student may be suspended and/or expelled raises due process concerns.

IV. STAFF RECOMMENDATION AND CONCLUSION

District Staff considered increases in pupil academic achievement for all groups of pupils served by the Charter School as the most important factor in its analysis. The findings in this Report could support denial of the renewal petition, if adopted by the Board to do so, or should be addressed through conditions on approving renewal.

Therefore, the findings listed above warrant Staff to recommend denial. However, the Board has two options for action regarding the Renewal Petition:

Option One: Grant the renewal and approve the Petition contingent upon an agreement that OCSA make significant revisions based on the findings of the review process, which includes most significantly, OCSA making significant and specified revisions to its admission procedures, staff qualifications, financial operations, LCAP, balance of student populations,

instructional program description, student outcome and progress measures description, and plan to meet the needs of identified student subgroups.

Option Two: Deny the renewal Charter Renewal Petition by adopting the factual findings contained in this Staff Report as the written factual findings in support of the denial of the Renewal Petition.

ATTACHMENT 1

Enrollment by Subgroup Comparative Data

CURRENT SCHOOL PROFILE (2019):

	Total Enrollment:	Free/Reduced Lunch:	English Learners:
OCSA	2,177	165 (7.6%)	24 (1.1%)
SAUSD	51,482	41,115 (79.9%)	17,438 (33.9%)
Century	1,660	1,467 (88.4%)	472 (28.4%)
Godinez	2,449	2,096 (85.5%)	246 (10.0%)
Saddleback	1,574	1,255 (79.7%)	316 (20.1%)
Santa Ana	3,057	2,675 (87.5%)	718 (23.5%)
Segerstrom	2,435	1,642 (67.4%)	160 (6.6%)
Valley	2,150	1,814 (84.4%)	627 (29.2%)
		Average: 82.2%	Average: 19.6%
Carr	1,405	1,251 (89.0%)	520 (37.0%)
Lathrop	948	875 (92.3%)	366 (38.6%)
MacCarther	1,210	770 (63.6%)	68 (5.6%)
McFadden	1,184	1,007 (85.1%)	357 (30.2%)
Mendez	1,392	1,193 (85.7%)	227 (16.3%)
Sierra	757	699 (92.3%)	324 (42.8%)
Spurgeon	Closed 6/30/19		
Villa	1,390	1,242 (89.4%)	385 (27.7%)
Willard	708	651 (91.9%)	304 (42.9%)
		Average: 86.2%	Average: 30.1%

<https://www.cde.ca.gov/sdprofile/details.aspx>

Key:

High Schools

Intermediate Schools

2018-19 Enrollment by Subgroup:

	Total Enrollment:	Socioeconomically Disadvantaged:	English Learners:	SPED	Foster Youth:	Homeless:
OCSA	2,177	12.1%	1.1%	4.9%	0.0%	0.0%
SAUSD	46,597	87.8%	34.8%	12.7%	0.5%	12.9%
Century	1,782	94.4%	28.4%	15.8%	0.3%	16.0%
Godinez	2,449	89.9%	10.0%	6.7 %	0.2%	12.4%
Saddleback	1,574	87.2%	20.1%	13.3%	0.3%	15.9%
Santa Ana	3,057	93.1%	23.5%	13.3%	0.6%	18.4%
Segerstrom	2,435	72.1%	6.6%	7.1%	0.1%	7.7%
Valley	2,150	92.7%	29.2%	12.6%	0.7%	18.9%
High Schools Average:		88.2%	19.6%	11.5%	0.4%	14.9%
Carr	1,405	94.0%	37.0%	15.4%	0.4%	19.7%
Lathrop	948	95.6%	38.6%	18.2%	0.8%	27.5%
MacCarther	1,210	66.8%	5.6%	6.8%	0.1%	4.7%
McFadden	1,184	89.2%	30.2%	15.8%	0.6%	23.1%
Mendez	1,392	89.3%	16.3%	6.5%	0.2%	12.6%
Sierra	757	95.4%	42.8%	21.9%	0.9%	30.9%
Spurgeon	829	95.5%	42.6%	17.4%	0.8%	17.7%
Villa	1,390	93.5%	27.7%	6.4%	0.2%	10.1%
Willard	708	95.9%	42.9%	22.7%	0.3%	21.2%
Intermediate Schools Average:		90.6%	31.5%	14.5%	0.5%	18.6%

<https://dq.cde.ca.gov/dataquest/>

2018 Dashboard (2017-2018):

	Total Enrollment:	Socioeconomically Disadvantaged:	English Learners:	SPED	Foster Youth:	Homeless:
OCSA	2,166	13.3%	0.6%	4.3%	0.0%	0.0%
SAUSD	48,326	87.8%	40.3%	12.3%	0.5%	12.1%
Century	1,782	94.8%	29.9%	15.1%	0.5%	15.0%
Godinez	2,540	89.0%	9.9%	5.9%	0.2%	12.8%
Saddleback	1,626	86.7%	21.2%	13.3%	0.7%	17.5%
Santa Ana	2,963	93%	24.6%	13.4%	0.3%	17.5%
Segerstrom	2,452	70.3%	7.5%	7.0%	0.1%	8.5%
Valley	2,113	91.5%	30.9%	11.7%	0.4%	19.7%
High Schools Average:		87.6%	20.6%	13.2%	0.4%	17.6%
Carr	1,455	93.0%	36.8%	13.7%	0.2%	18.6%
Lathrop	968	96.1%	39.4%	18.1%	0.7%	24.8%
MacCarther	1,210	65.8%	6.0%	6.8%	0.0%	4.8%
McFadden	1,205	88.9%	33.4%	14.4%	0.7%	21.4%
Mendez	1,407	88.3%	18.6%	7.0%	0.2%	12.3%
Sierra	812	95.8%	39.7%	19.6%	0.4%	24.8%
Spurgeon	868	94.2%	44.9%	16.2%	1.2%	13.5%
Villa	1,396	92.2%	28.2%	6.2%	0.2%	11.3%
Willard	740	95.8%	43.2%	19.6%	0.7%	22.4%
Intermediate Schools Average:		90.0%	32.2%	13.5%	0.5%	17.1%

<https://www.caschooldashboard.org/reports/>

2017 Dashboard (2016-2017):

	Total Enrollment:	Socioeconomically Disadvantaged:	English Learners:	SPED	Foster Youth:	Homeless:
OCSA	2,165	11.1%	0.4%	4.1%	0.0%	0.0%
SAUSD	49,793	92.4%	41.4%	12.1%	0.4%	10.8%
Century	1,838	98.4%	29.9%	13.9%	0.6%	13.9%
Godinez	2,576	95%	9.7%	6.1%	0.1%	13.0%
Saddleback	1,639	94.1%	21.5%	13.5%	0.5%	16.3%
Santa Ana	2,858	97.1%	24.2%	12.6%	0.4%	15.4%
Segerstrom	2,435	85.5%	6.8%	6.9%	0.0%	9.2%
Valley	2,204	96.1%	32.8%	12.3%	0.4%	21.4%
High Schools Average:		94.4%	20.8%	10.9%	0.3%	14.9%
Carr	1,430	98.5%	36.7%	13.0%	0.3%	17.0%
Lathrop	967	98.2%	34.5%	18.3%	0.8%	17.3%
MacCarther	1,221	82.8%	6.2%	7.5%	0.1%	4.0%
McFadden	1,270	95.8%	31.3%	13.3%	0.5%	16.4%
Mendez	1,384	94%	19.1%	7.4%	0.1%	12.1%
Sierra	918	97.4%	40.5%	18.3%	0.5%	15.4%
Spurgeon	950	98.3%	43.4%	16.0%	0.9%	9.7%
Villa	1,347	97.7%	27.9%	6.6%	0.1%	12.0%
Willard	803	99%	41.3%	17.1%	0.4%	25.7%
Intermediate Schools Average:		95.7%	31.2%	13.1%	0.4%	14.4%

<https://www.caschooldashboard.org/reports/>

2015-2016 Enrollment by Subgroup:

	Total Enrollment:	Socioeconomically Disadvantaged:	English Learners:	SPED	Foster Youth:	Homeless:
OCSA	2,096	11.6%	0.4%	2.2%	0.0%	0.0%
SAUSD	51,383	94.9%	43.6%	11.3%	0.4%	10.2%
Century	1,883	98.8%	30.1%	13.6%	0.4%	11.4%
Godinez	2,622	96.5%	12.3%	6.5%	0.1%	12.8%
Saddleback	1,627	96.1%	23.8%	14.4%	0.4%	17.9%
Santa Ana	2,800	97.9%	24.3%	12.7%	0.7%	14.5%
Segerstrom	2,433	90.1%	6.5%	6.7%	0.1%	10.1%
Valley	2,241	97.4%	36.4%	12.9%	0.5%	20.6%
High Schools Average:		96.1%	22.2%	11.1%	0.4%	14.6%
Carr	1,487	99.1%	33.0%	14.7%	0.3%	19.5%
Lathrop	966	99.6%	38.3%	16.3%	0.6%	12.8%
MacCarther	1,230	68.6%	5.0%	7.2%	0.1%	4.3%
McFadden	1,328	96.4%	32.1%	13.4%	0.5%	12.0%
Mendez	1,381	97.4%	18.9%	7.6%	0.0%	9.7%
Sierra	954	98.1%	41.1%	17.9%	0.3%	12.9%
Spurgeon	958	98.4%	43.6%	14.6%	0.2%	10.1%
Villa	1,350	98.8%	27.7%	6.7%	0.1%	8.7%
Willard	831	99.6%	42.7%	15.9%	1.3%	26.2%
Intermediate Schools Average:		95.1%	31.4%	12.7%	0.4%	12.9%

<https://dq.cde.ca.gov/dataquest/>

2014-2015 Enrollment by Subgroup:

	Total Enrollment:	Socioeconomically Disadvantaged:	English Learners:	SPED	Foster Youth:	Homeless:
OCSA	1,922	10.7%	0.3%	2.7%	0.0%	0.0%
SAUSD	52,638	92.8%	48.1%	11.5%	0.5%	8.3%
Century	1,864	97.9%	38.4%	12.8%	0.5%	7.3%
Godinez	2,613	95.2%	15.7%	6.9%	0.3%	12.4%
Saddleback	1,690	94.4%	33.5%	14.7%	0.8%	18.5%
Santa Ana	2,741	96.6%	36.4%	13.2%	0.7%	10.4%
Segerstrom	2,544	88.3%	10.9%	6.8%	0.3%	10.5%
Valley	2,263	96.8%	40.7%	13.2%	0.2%	18.5%
High Schools Average:		94.9%	29.3%	11.3%	0.5%	12.9%
Carr	1,557	98.3%	34.9%	14.5%	0.7%	14.1%
Lathrop	1,018	98.5%	40.0%	16.0%	0.7%	9.2%
MacCarther	1,235	84.2%	5.8%	7.5%	0.1%	4.2%
McFadden	1,374	94.8%	33.6%	13.5%	0.3%	9.4%
Mendez	1,378	95.6%	19.4%	7.6%	0.3%	6.7%
Sierra	978	97.9%	43.6%	16.8%	0.5%	5.2%
Spurgeon	992	97.4%	41.9%	12.9%	0.8%	6.3%
Villa	1,348	98.6%	27.4%	6.8%	0.1%	6.5%
Willard	878	98.1%	45.6%	13.9%	0.9%	15.4%
Intermediate Schools Average:		95.9%	32.5%	12.2%	0.5%	8.6%

<https://dq.cde.ca.gov/dataquest/>

Enrollment by Ethnicity Comparative Data

ENROLLMENT BY ETHNICITY DATA:**2018-19**

	Total Enrollment:	Hispanic or Latino:	White:	Asian:
OCSA	2,177	20.6%	40.8%	20.2%
SAUSD	51,482	92.9%	2.6%	2.7%
Century	1,660	97.2%	0.2%	2.1%
Godinez	2,449	98.2%	0.4%	1.0%
Saddleback	1,574	95.1%	1.5%	1.7%
Santa Ana	3,057	98.9%	0.2%	0.3%
Segerstrom	2,435	89.7%	1.3%	6.5%
Valley	2,150	97.3%	0.4%	1.8%
High Schools Average:		96.0%	0.7%	2.2%
Carr	1,405	97.2%	0.3%	1.6%
Lathrop	948	98.7%	0.1%	0.8%
MacCarther	1,210	88.9%	1.7%	7.0%
McFadden	1,194	93.6%	1.9%	2.5%
Mendez	1,392	98.9%	0.0%	0.7%
Sierra	757	98.4%	0.5%	0.8%
Spurgeon	829	96.3%	0.8%	2.1%
Villa	1,390	98.3%	0.3%	1.2%
Willard	708	97.7%	1.0%	0.4%
Intermediate Schools Average:		96.4%	0.7%	1.9%

<https://dq.cde.ca.gov/dataquest/>

2017-18

	Total Enrollment:	Hispanic or Latino:	White:	Asian:
OCSA	2,166	21.7%	42.5%	18.9%
SAUSD	53,131	92.9%	2.6%	2.7%
Century	1,782	97.8%	0.3%	1.5%
Godinez	2,540	97.8%	0.5%	1.2%
Saddleback	1,626	94.2%	1.5%	2.5%
Santa Ana	2,963	98.6%	0.3%	0.3%
Segerstrom	2,452	89.5%	1.3%	6.6%
Valley	2,113	96.8%	0.5%	1.9%
High Schools Average:		95.8%	0.7%	2.3%
Carr	1,455	98.3%	0.0%	1.2%
Lathrop	968	98.5%	0.1%	1.2%
MacCarther	1,210	88.3%	2.1%	7.2%
McFadden	1,205	94.9%	1.4%	2.0%
Mendez	1,407	98.4%	0.1%	0.9%
Sierra	812	97.4%	0.6%	1.5%
Spurgeon	868	95.7%	0.7%	2.0%
Villa	1,396	98.6%	0.2%	1.1%
Willard	740	97.8%	0.5%	0.5%
Intermediate School Average:		96.4%	0.6%	1.95%

<https://dq.cde.ca.gov/dataquest/>

2016-17

	Total Enrollment:	Hispanic or Latino:	White:	Asian:
OCSA	2,165	23.7%	44.2%	18.2%
SAUSD	54,505	93%	2.7%	2.7%
Century	1,838	97.1%	0.7%	1.6%
Godinez	2,576	97.8%	0.6%	1.1%
Saddleback	1,639	94.4%	1.9%	2.1%
Santa Ana	2,858	98.5%	0.5%	0.3%
Segerstrom	2,435	89.5%	1.4%	6.8%
Valley	2,204	97.0%	0.5%	1.9%
High Schools Average:		95.7%	0.9%	2.3%
Carr	1,430	98.6%	0.1%	0.8%
Lathrop	967	98.2%	0.3%	1.0%
MacCarther	1,221	86.8%	1.9%	8.9%
McFadden	1,270	93.9%	1.3%	2.7%
Mendez	1,384	98.2%	0.1%	1.1%
Sierra	918	97.2%	0.4%	1.5%
Spurgeon	950	96.2%	0.3%	2.1%
Villa	1,347	98.6%	0.3%	1.0%
Willard	802	98.3%	0.6%	0.5%
Intermediate Schools Average:		96.2%	0.6%	2.2%

<https://dq.cde.ca.gov/dataquest/>

2015-16

	Total Enrollment:	Hispanic or Latino:	White:	Asian:
OCSA	2,096	23.6%	45.7%	16.8%
SAUSD	55,909	93.1%	2.7%	2.5%
Century	1,883	97.2%	0.4%	1.9%
Godinez	2,622	97.6%	0.8%	1.1%
Saddleback	1,627	94.5%	1.7%	2.5%
Santa Ana	2,800	98.5%	0.5%	0.2%
Segerstrom	2,433	89.7%	1.6%	6.9%
Valley	2,241	97.1%	0.6%	1.7%
High Schools Average:		95.8%	0.9%	2.4%
Carr	1,487	98.5%	0.2%	1.1%
Lathrop	966	98.1%	0.4%	0.8%
MacCarther	1,230	86.0%	2.4%	9.3%
McFadden	1,328	92.5%	2.2%	2.6%
Mendez	1,381	98.4%	0.2%	0.8%
Sierra	954	97.3%	0.3%	1.3%
Spurgeon	958	96.9%	0.4%	1.9%
Villa	1,350	98.7%	0.1%	0.9%
Willard	831	98.7%	0.5%	0.2%
Intermediate Schools Average:		96.1%	0.7%	2.1%

<https://dq.cde.ca.gov/dataquest/>

2014-15

	Total Enrollment:	Hispanic or Latino	White	Asian
OCSA	1,922	22.5%	48.4%	15.9%
SAUSD	56,815	93.4%	2.6%	2.5%
Century	1,864	97.6%	0.3%	1.8%
Godinez	2,613	97.1%	0.8%	1.4%
Saddleback	1,690	95.1%	1.4%	2.5%
Santa Ana	2,741	98.7%	0.5%	0.1%
Segerstrom	2,544	89.0%	1.8%	7.0%
Valley	2,263	97.3%	0.6%	1.6%
High Schools Average:		95.8%	0.9%	2.4%
Carr	1,557	98.1%	0.4%	0.8%
Lathrop	1,108	98.2%	0.4%	1.1%
MacCarther	1,235	85.9%	2.1%	9.4%
McFadden	1,374	92.3%	1.8%	3.3%
Mendez	1,378	98.5%	0.4%	0.4%
Sierra	978	96.7%	0.6%	1.8%
Spurgeon	992	97.5%	0.2%	1.5%
Villa	1,348	98.7%	0.1%	0.9%
Willard	878	98.6%	0.5%	0.2%
Intermediate Schools Average:		96.1%	0.7%	2.2%

<https://dq.cde.ca.gov/dataquest/>

English Learner Students Comparative Data

ENGLISH LEARNER STUDENT DATA:**2018-19**

	Total # of English Learner Students (All Languages):	Total # of Students & % of All English Learners (Spanish only):
OCSA	24	0 (0%)
SAUSD	17,438	17,196 (98.61%)
Century	472	465 (98.51%)
Godinez	246	246 (100%)
Saddleback	316	301 (95.2%)
Santa Ana	718	714 (99.44%)
Segerstrom	160	154 (96.25%)
Valley	627	611 (97.45%)
		Average: 97.81%
Carr	520	515 (99.04%)
Lathrop	366	364 (99.45%)
MacCarther	68	67 (98.53%)
McFadden	357	344 (96.36%)
Mendez	227	227 (100%)
Sierra	324	324 (100%)
Spurgeon	353	347 (98.30%)
Villa	385	384 (99.74%)
Willard	304	303 (99.67%)
		Average: 99.01%

<https://dq.cde.ca.gov/dataquest/>

2017-18

	Total # of English Learner Students (All Languages):	Total # of Students & % of All English Learners (Spanish only):
OCSA	14	3 (21.43%)
SAUSD	20,575	20,269 (98.51%)
Century	532	526 (98.87%)
Godinez	252	252 (100%)
Saddleback	345	326 (94.49%)
Santa Ana	728	720 (98.90%)
Segerstrom	185	177 (95.68%)
Valley	653	631 (96.63%)
		Average: 95.93%
Carr	536	535 (99.81%)
Lathrop	381	378 (99.21%)
MacCarther	72	69 (95.83%)
McFadden	402	396 (98.51%)
Mendez	261	260 (99.62%)
Sierra	322	321 (99.69%)
Spurgeon	390	382 (97.95%)
Villa	394	394 (100%)
Willard	320	317 (99.06%)
		Average: 98.85%

<https://dq.cde.ca.gov/dataquest/>

2016-17

	Total # of English Learner Students (All Languages):	Total # of Students & % of All English Learners (Spanish only):
OCSA	9	1 (11.11%)
SAUSD	21,718	21,419 (98.62%)
Century	550	543 (98.73%)
Godinez	250	250 (100%)
Saddleback	353	335 (94.90%)
Santa Ana	692	686 (99.13%)
Segerstrom	165	156 (94.55%)
Valley	724	703 (97.10%)
		Average: 97.40%
Carr	525	524 (99.81%)
Lathrop	334	331 (99.10%)
MacCarther	76	75 (98.68%)
McFadden	398	387 (97.24%)
Mendez	265	264 (99.62%)
Sierra	372	370 (99.46%)
Spurgeon	412	400 (97.09%)
Villa	376	375 (99.73%)
Willard	331	328 (99.09%)
		Average: 98.87%

<https://dq.cde.ca.gov/dataquest/>

2015-16

	Total # of English Learner Students (All Languages):	Total # of Students & % of All English Learners (Spanish only):
OCSA	9	4 (50%)
SAUSD	23,530	23,211 (98.64%)
Century HS	567	560 (98.77%)
Godinez HS	323	323 (100%)
Saddleback HS	387	373 (96.38%)
Santa Ana HS	679	675 (99.41%)
Segerstrom HS	157	153 (97.45%)
Valley HS	815	796 (97.67%)
		Average: 98.28%
Carr Intermediate	490	489 (99.8%)
Lathrop Intermediate	370	366 (98.92%)
MacCarther Intermediate	61	59 (96.72%)
McFadden Intermediate	426	411 (96.48%)
Mendez Intermediate	261	261 (100%)
Sierra Preparatory	392	389 (99.23%)
Spurgeon	418	406 (97.13%)
Villa Intermediate	374	373 (99.73%)
Willard Intermediate	355	353 (99.44%)
		Average: 98.61%

<https://dq.cde.ca.gov/dataquest/>

2014-15

	Total # of English Learner Students (All Languages):	Total # of Students & % of All English Learners (Spanish only):
OCSA	5	3 (80%)
SAUSD	26,377	25,975 (98.48%)
Century HS	716	709 (99.02%)
Godinez HS	409	409 (100%)
Saddleback HS	566	552 (97.53%)
Santa Ana HS	998	996 (99.80%)
Segerstrom HS	277	270 (97.47%)
Valley HS	922	901 (97.72%)
		Average: 98.59%
Carr Intermediate	544	541 (99.45%)
Lathrop Intermediate	407	404 (99.26%)
MacCarther Intermediate	72	69 (95.83%)
McFadden Intermediate	461	438 (95.01%)
Mendez Intermediate	267	267 (100%)
Sierra Preparatory	426	421 (98.83%)
Spurgeon	416	406 (97.60%)
Villa Intermediate	369	369 (100%)
Willard Intermediate	400	399 (99.75%)
		Average: 98.41%

<https://dq.cde.ca.gov/dataquest/>

ATTACHMENT 2



Unequal Access

How Some California Charter Schools Illegally Restrict Enrollment

Charter schools are changing the landscape of public education in California.

The original vision of charter schools in the 1990s was to provide new opportunities to improve the quality of education for thousands of students living in under-resourced communities. However, charter schools can also heighten existing inequities. Through admissions policies that exclude vulnerable students by erecting various barriers to entry, charter schools have the potential to create a two-tiered system of public education. We believe charter schools are viable only if they are open to all students.

Although charter schools may be privately controlled and receive non-government funding, they are part of California's public education system. The California Constitution requires that all students, whether they choose to attend traditional public schools or charter schools, have equal access to educational opportunity. Like other public schools, it is illegal for charter schools to select which students to

enroll. The state legislature made this principle clear in the California Charter Schools Act, which plainly requires charter schools to **"admit all pupils who wish to attend."**¹ In other words, except for limitations due to space, **charter schools may not enact admissions requirements or other barriers to enrollment and must admit all students who apply, just as traditional public schools cannot turn away students.**

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Although the law is clear, our review of California charter schools' public, written policies reveals that many charters illegally prevent students from enrolling or remaining at their schools. **Specifically, out of the roughly 1,200 charter schools in California, at least 253, representing over 20% of all of California's charter schools, have policies that are plainly exclusionary because they:**

- **Deny enrollment to students who do not have strong grades or test scores.**

Example: Western Center Academy, Riverside County: "In order to apply as a sophomore: . . . Students must be earning an 'A' or 'B' in both Geometry and Biology; Students must have an overall 3.0 or higher GPA with no failing grades."

- **Expel students who do not maintain strong grades or test scores.**

Example: The Grove School, San Bernardino County: "Only students who show steady academic progress and remain independent and self-motivated (as evidenced by participation, attendance and effort) will be eligible for enrollment."

- **Deny enrollment to students who do not meet a minimum level of English proficiency.**

Example: Forest Charter School, Nevada County: "Each Student must demonstrate a language arts ability that is equivalent to scoring 80% or higher on a basic language arts assessment that is no lower than one grade level below his or her enrolled grade level." In addition to taking an exam, students may demonstrate English proficiency by "Independently writing a letter/paragraph to the teacher (and in front of the teacher) that demonstrates the required language arts ability."

- **Select students based on onerous pre-enrollment requirements such as student or parent/guardian essays or interviews.**

Example: University Preparatory High School, Tulare County: "Prior to admission, both students and parents will be required to complete The Student Application for Admission and participate in an interview."

- **Discourage or preclude immigrant students from attending by requiring parents/guardians or students to provide Social Security numbers or other citizenship information before enrollment.**

Example: Juan Bautista de Anza Charter Academy, San Diego County: "Check here if student was born outside the U.S. but granted U.S. citizenship at time of birth; Check here if foreign student temporarily schooling in the U.S.; Check here if student is foreign born and has been enrolled less than 3 cumulative years in the U.S."

- **Refuse to enroll students unless their parents/guardians volunteer or donate money to the school.**

Example: Paragon Collegiate Academy, Yuba County: "I support the parent partnership expectations and will fulfill 20 or more hours of annual volunteer service with Paragon Collegiate Academy. PCA recognizes that not all parents can be in the classroom for these hours, therefore, other specific service opportunities can and will be arranged on a one-to-one basis. A buy-out option is also available (only as a last option). PCA believes that showing your child that you are invested in their education is vital to their success. The fee is \$15.00 per hour for each hour that parents are unable to volunteer."

The policies identified in this report are likely only the tip of the iceberg.

Many charter schools do not post their admissions procedures, student handbooks, or enrollment materials online, and we have received reports from students and parents/guardians across the state that charter schools are engaging in exclusionary practices that are not apparent in the public materials.

These practices disadvantage certain groups of students, including legally protected classes such as English-language learners, students with disabilities, and immigrants, among others, by deterring or outright precluding enrollment. These exclusionary policies violate the California Education Code, the California and U.S. Constitutions, and state and federal civil rights laws.²

The fact that the websites, handbooks, and other public materials of so many schools contain plain violations demonstrates a clear failure of accountability. The entities that authorize charter schools, which include the California State Board of Education, county offices of education, and local public school districts, are responsible for ensuring that charter schools follow all laws and abide by the terms of their charters.³ Regardless of whether this failure is caused by a lack of resources, a misunderstanding of the law, or inadequate procedures for reviewing charter policies, it is troubling that so many authorizing entities have missed these clear violations of the law, all of which are publicly posted on the schools' websites.

What can you do?

According to the California Department of Education: "What is the protocol for filing a complaint about a charter school?

Complaints should first be addressed at the school site by talking with the teacher and, if necessary, the school principal. If the problem is not resolved, the school's governing board should be contacted, followed by the school's charter-authorizing entity. Charter schools receiving federal funds are subject to provisions of the Uniform Complaint Procedure."⁴

Complaints can also be filed directly with the county office of education for the county where the charter school is located.⁵ Upon receiving a complaint, the county superintendent may monitor or conduct an investigation into the operations of the charter school.⁶

We are calling on the California Department of Education to issue guidance making clear that the practices highlighted in this report are illegal and ordering any offending charter schools to change their policies and immediately and publicly notify parents/guardians and students.

We ask charter school operators and charter-authorizing entities to check charter policies and public materials for legal compliance and to ensure that schools maintain simple and straightforward admissions procedures.

We urge students and their families to check their local charter schools' policies and advocate for changes when these policies are confusing, discouraging, or illegal. If the school refuses to remedy the problems, families, students and others should file complaints with the schools' authorizers or the county office of education where the school is located. Because charter schools lack a centralized authority, we must all be vigilant in ensuring that they meet their obligations.

Other exclusionary programs:

We are also concerned by the proliferation of magnet schools in California, many of which enact admissions barriers and exclude students for a variety of reasons, including based on academic performance. Such schools may amplify existing inequities by creating a system in which students who are already performing well receive more services at the expense of the students who need the most help.

In this report, we provide (1) an analysis of illegal charter school policies; (2) a description of the framework of laws that prohibit exclusionary policies; and (3) recommendations to ensure equal admission.

These policies are part of a larger trend.

In California and across the nation, certain charter schools have adopted other requirements and entrance barriers, some of which are beyond the scope of this report, including: applications made available just a few hours each year; lengthy application forms, often printed only in English; barriers based on disciplinary records; requiring teacher or other recommendations; medical records requirements; assessment exams; requiring documentation of a disability; and requirements about students' behavior at home.⁷

Examples:

- Willow Creek Academy, Marin County: "Willow Creek Academy's program must be determined to be an appropriate setting in which to implement your child's current IEP [Individualized Education Program] before they can be enrolled."
- West Sac Prep Charter, Sacramento County: "West Sac Prep Charter follows a lottery policy that gives preference to students who meet the following criteria. Please complete all questions: Please indicate parent(s) education level."
- SunRidge Charter, Sonoma County: Parents must enter into a partnership with the school to ensure their children receive "[w]holesome, minimally processed family meals"; have "[p]rotective layers of natural fibers, including hats for warmth and protection from the sun"; and have a "media free experience . . . at home. Media refers to electronic and screen technology, including handheld devices."

ACADEMIC REQUIREMENTS

Charter schools are governed by fewer rules than traditional public schools; they have the flexibility to develop unique learning environments and pursue innovative pedagogical approaches. However, under California law (described in more detail in the *Legal Framework* section, page 15), charter schools still must accept all students who apply if space permits.⁸ If the school is at capacity, it must use a random lottery to select students.⁹ In California, charter schools may not deny admission to students who have struggled academically in their previous schools or push out students who do not meet certain performance standards.¹⁰ Indeed, charters should embrace those students because they may benefit most from the schools' innovative educational philosophies.

In California, charter schools may not deny admission to students who have struggled academically in their previous schools or push out students who do not meet certain performance standards.

The majority of charter schools in California that make their policies available online appear to accept all students. However, at least 22 schools in California have policies that expressly exclude low academic performers: (Visit aclusocal.org/unequal-access for a list of offending schools and the report's methodology)

- University High School, Fresno County: "Students entering UHS as **freshmen must have completed all of Algebra 1, Clovis USD Advanced Math 8 or Math 8, or other UHS approved math equivalent course with a grade of 'B' or better at each semester by the end of the 8th grade.** Include a copy of your final report card from Grade 7, and your first semester report card for Grade 8; applications will not be processed without this. Junior transfer applicants must submit a high school transcript."
- Visalia Technical Early College, Tulare County: "Requirements: 9-12 grade . . . **attendance record of 70% or higher.** No pattern of violence or discipline issues."
- Nuvview Bridge Early College High School, Riverside County: "Students applying for Nuvview Bridge Early College High School **must demonstrate a commitment to academics by having at least a 2.0 most recent term or cumulative G.P.A. of most recent four terms** (whichever is higher) from unweighted core classes of English Language Arts, Mathematics, Social Studies, and Science. Basic or above on state standardized tests are highly encouraged." "Eleventh and Twelfth grade applicants **must have passed both sections of the CAHSEE** prior to acceptance."
- Health Sciences High, San Diego County: "**HSHMC, Inc. will evaluate the performance of all enrollees annually and consider each for readmission.**" Criteria for evaluating students re-admission include:
 - Whether or not the student may have engaged in disruption of school activities or willful defiance of valid school authorities.¹¹
 - Whether or not the student and student's family reasonably continue to demonstrate a commitment to the instructional program.
 - Whether there is evidence of non-compliance with the provisions of the Student Handbook.
- Redding School of the Arts II, Shasta County: "Students entering Redding School of the Arts must be in **good standing academically and behaviorally at their current or previous school.** . . . Students will not be admitted to RSA with 10 or more absences, 5 unexcused absences, or excessive tardies."
- Elise P. Buckingham Charter Magnet High School, Solano County: "Buckingham Charter Magnet High School is a performance-based school. . . . [Students must]
 - **Complete 100% of all assigned work** (daily work, authentic assessments, and comprehensive tests) that is to be submitted within the deadlines established by each instructor.

- o **Maintain a minimum 70% competency level (equivalent to a C-), as established by each instructor's grading policy, in a minimum of four (4) academic classes** per semester.
- o **Failure to maintain these requirements will lead to dismissal from the school.** . . . To maintain compliance, students must [also] earn a minimum of 20 units per semester, maintain a 97% attendance rate, and maintain positive behavior."

- Western Center Academy, Riverside County: "Requires 3.0 minimum G.P.A. without failing grades for 9th grade applicants, and 'A' or 'B' grades in Geometry (along with the 3.0 G.P.A. without failing grades) for 10-12th grade applicants."

The legislature intended charters to provide low-performing students with greater opportunities to succeed, not fewer.

The California legislature created charter schools to "increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils

who are identified as academically low achieving."¹² So even if charter schools do not maintain policies that explicitly exclude low-performing students, they should not have any policies or practices that discourage academically struggling students from attending. The legislature intended charters to provide low-performing students with greater opportunities to succeed, not fewer. Still, many schools maintain policies that appear to be designed to discourage low-performing students from applying initially or push them out once enrolled.

- Mare Island Technology Academy, Solano County: "Students who do not turn in one or more assignments are subject to an escalating series of consequences, including calls home, Academic Recovery sessions scheduled after school and on Saturdays, and behavioral contracts. **Students who refuse to turn in assigned work, and/or refuse to comply with Academic Support assignments, will be designated as "Intentional non-Learners" and are subject to termination of enrollment (TOE)."***

- Mueller Charter, San Diego County: "Mueller Charter Leadership Academy (MCLA) is an academically rigorous, accelerated program that reflects the curriculum standards and expectation of a high achieving middle school 'honors' program. All eligible students are welcome to apply. However, it should be noted that **because this is a highly advanced, demanding program, it may not be appropriate for everyone.**"

- Accelerated Achievement Academy, Mendocino County: "Students in grades 9-12 who are on academic probation two consecutive semesters are considered to be in **a school that does not meet their needs.**"

RECOMMENDATION: Although charter schools may be privately controlled and receive private sources of funding, charter schools are still public schools, not private schools. To comply with the law, schools must accept all students and may not adopt any academic admissions requirements. To avoid all doubt, schools should ask for transcripts or test scores only after the school has enrolled the student and guaranteed him/her a place in the school. Schools may never disenroll, expel, or otherwise encourage a student to leave for struggling academically. Instead, the school must provide those students with extra attention and support.

* *Emphasis added to policy examples.*



My grandson Angelo attended Orange County School of the Arts (OCSA). He has suffered serious health issues throughout his childhood. School, in particular, has become a challenge as he struggles to keep up with homework while checking in and out of hospitals. When I heard he was attending OCSA, I was happy and proud. Every time I picked him up from school, he was surrounded by friends, and his teachers praised him for his hard work, resilience and talent. However, after three years of him going to OCSA, I received a call from the school counselor requesting that I come to school to discuss his poor performance. They explained that Angelo's G.P.A. had fallen to 2.0 and that he faced dismissal unless he could bring his G.P.A. up within 10 days. When I asked how this happened so suddenly, especially since my grandson had been doing exceptionally well throughout the years, the school counselor merely replied, "it looks like this may not be the place for you. Maybe you should go back to your home school." Over the next two weeks, Angelo fought tirelessly to bring his grades up. Every day, he stayed up well into the night to complete assignments. He did bring his grades up, but despite his efforts, OCSA decided to dismiss him anyway. When they told Angelo that he had to leave the school, he was devastated. An otherwise positive kid, he started crying. Destroyed by the incident, he spiraled into a depression and grew quiet and distant. He is now trying to catch up at his new school, but it has been a struggle.

— Grandparent of former OCSA student



Families and students want charter schools to be respectful of community needs and wants. In September 2015, the Oceanside Unified School District informed families that Jefferson Middle School might be converted to a performing arts charter school. The school district proposed partnering with the Orange County School of the Arts Charter School to open a charter school. This charter school would have required a successful audition and a certain grade-point average for its students. It would have also strongly encouraged a \$5,000 donation per student. Students, teachers, and families spoke up against the proposed charter school at a packed hearing.

Community activists saw that the proposed partner charter, OCSA in Santa Ana, did not serve the students in its low-income neighborhood. Although people of color make up about 90% of the population in Santa Ana, only 10% to 20% of students who attended OCSA were people of color. Residents of the neighborhood surrounding Jefferson were concerned that the proposed charter school would similarly exclude local children of color.

Despite fierce opposition, the school district approved the charter school. However, in light of community concerns and environmental requirements, in February 2015, OCSA decided to search for a different location.

— Lillie Sanchez, Human Rights Council of Oceanside

The National Alliance for Public Charter Schools:

"Charter schools are unique public schools that are allowed the freedom to be more innovative while being held accountable for advancing student achievement. Because they are public schools, they are:

- Open to all children;
- Do not charge tuition; and
- Do not have special entrance requirements."¹³

ENGLISH LANGUAGE PROFICIENCY REQUIREMENTS

California has a long tradition of providing equal educational opportunity and access to students who come from families where English is not the primary language.¹⁴ **Like traditional public schools, charters may not bar from attending or otherwise discriminate against students who are learning English or whose families speak another language at home.**¹⁵ Based on our review of documents available online, many charter schools uphold this tradition and work to provide services and resources to students learning English; however, a handful of charter schools maintain policies that openly discriminate against students who are English learners or whose parents/guardians predominantly speak another language.

- ☐ Forest Charter, Nevada County: Students must “**scor[e] 80% or higher on a basic language arts assessment that is no lower than one grade level below his or her enrolled grade level. . . .** Independently writ[e] a letter/paragraph to the teacher (and in front of the teacher) that demonstrates the required language arts ability.”
- ☐ Community Montessori, San Diego County: “**Parents are expected to be enrolled in a program to learn English as well.**”
- ☐ West Sac Prep Charter, Sacramento: “West Sac Prep Charter School follows a lottery policy that gives preference to students who meet the following criteria. . . . What is the primary language spoken at home?”

Some schools do not have policies that exclude English learners outright but still include language in their public materials signaling that those students are not welcome. It is a violation of both federal and California law to adopt a policy that has an unjustified detrimental impact on protected classes of people, including English learners.¹⁶ For instance, Manzanita Middle School in Contra Costa has an application form that is available only in English and asks a number of questions aimed to identify English learners. The application only has a single sentence in Spanish: “Manzanita provides ALL instruction in English. We do not have bilingual classes. Manzanita usa INGLES para toda instruction. No tenemos clases bilingües.” Such policies leave schools vulnerable to legal liability because they may suppress attendance by English learners by sending a message that they are not welcome, which is generally prohibited by state and federal law.¹⁷

Further, many schools have forms that ask about the student’s and parent’s/guardian’s home language, students’ place of birth, or other information aimed to identify English learners during the admissions process. While schools need to determine students’ level of English proficiency to identify what services they need, questions about language proficiency **in the admissions materials** may have a chilling effect on non-English speaking families and discourage them from applying.

- ☐ Pacific Collegiate School, Santa Cruz County: “**What is the primary language spoken at home?**” “If Foreign Born: When did the student first attend school in the United States?”
- ☐ American River Charter, El Dorado County: “What language/dialect does your son/daughter most frequently use at home? Which language/dialect did your son/daughter learn when he/she first began to talk? **What language/dialect do you most frequently speak to your child?** Has your child ever been given the CELDT Test (Calif English Language Development Test)?”

RECOMMENDATION: Charter schools should make clear that they will accept and serve all students, including students who are English learners and whose parents/guardians are not proficient in English. Charter schools should only ask for information regarding the student’s or parent’s/guardian’s English proficiency or administer English proficiency tests after the school guarantees the student a spot. Further, charter schools should prominently note that they will use information families provide about their English proficiency only to identify services for the student and it will not affect his/her enrollment eligibility.



I am a ninth grader in high school. I live with my mother, father, sister, and older brother. I speak English and Spanish at home equally. When I am at school I speak mostly in English. I am an English-language learner. I went to Public Safety Academy of San Bernardino (PSASB) for middle school. I went there because I wanted to be a police officer.

When I was at PSASB I had trouble understanding my teachers. My teachers talked too fast and used words that were not familiar to me. When I asked for help, some teachers would help me but others would not. I received no help from the school to help me learn English. I did not receive tutoring or any special classes, so my grades started to drop.

At the end of the first semester of my 8th grade year, I was kicked out for failing to maintain a 2.0 G.P.A. At the time, my G.P.A. was 1.9. In late December, the principal called me into a meeting with her and several other English-language learner students. The principal told us we were being kicked out because of our poor grades. She sent me home with a letter to my parents saying that I was no longer allowed to go to PSASB. I was sad about leaving my school and it was so hard for me to catch up at my new school.

— English-language learner student

Charter schools must provide English language services.

In addition to not maintaining any minimum language requirements, charter schools must provide English-language services to students who are not proficient in English. As the U.S. Supreme Court recognized in 1974, schools must provide an effective language instruction education program that allows students to have meaningful access to the school's academic content.¹⁸

PRE-ENROLLMENT INTERVIEW AND ESSAY REQUIREMENTS

Some charter schools have burdensome and complicated applications or enrollment processes resembling those of private schools. **Charter schools may not use students' performance on essays or interviews to determine which students to enroll.**¹⁹ These hurdles undermine the principle that charter schools must provide opportunities to all students, not only a select few, and violate the Charter Schools Act's requirement that charter schools must admit all students who wish to enroll.²⁰

Further, even when charter schools require essays or interviews but purportedly do not use them to select students, these hurdles give the appearance of selectivity, which may discourage applications from students from less-privileged backgrounds or students who lack confidence in their abilities. Such policies may violate state and federal civil rights laws if they have an unjustified negative disparate impact on protected student groups such as students of color, English learners, or immigrant students.²¹

At least 92 California charter schools maintain mandatory essay or interview requirements. (Visit aclusocal.org/unequal-access for a list of offending schools).

Interview Requirements:

- Delta Charter, Santa Cruz County: **"Interview Details: You must be on time to guarantee an interview. Remember to bring the following: Two Letters of Reference; . . . Writing sample; . . . Letter of Intent to Apply; . . . Transcripts; . . . Recent Grade Reports (If available); . . . Special Education Requirements/I.E.P.; . . . Application Form - Completed."**
- University Preparatory High, Tulare County: "Prior to admission, both student and parents/guardians will be required to complete the Student Application for Admission and **participate in an interview.**"
- Redding School of the Arts II, Shasta County: "Students in grades 6-8 must **complete an interview process** prior to enrollment."
- Forest Charter School, Nevada County: "Forest Charter School **interviews each student and family** to ensure our personalized learning program is the best fit for your student."
- Orange County School of the Arts (OCSA), Orange County: "Prospective and current OCSA students can audition for a maximum of two conservatories or programs. Audition requirements should be carefully reviewed, applicants who do not conform to the audition requirements will not be considered for admissions."
- Orchard View School, Sonoma County: "At the appointment with the student and parent, the philosophy of the school will be explained and a decision will be made regarding the appropriate placement of the student at Orchard View School."

Essay Requirements:

- Orange County Educational Arts Academy, Orange County: "Grades 2 and 3 – Personal Essay Instructions: In a 2 to 3 paragraph essay (minimum 5 sentences per paragraph), tell us why you want to come to OCEAA – what interests you most about the school? You must use proper grammar and punctuation."
- Paragon Collegiate Academy, Yuba County: "Please have your child write a letter from the student stating why they would like to attend Paragon Collegiate Academy. (If your children are unable to write, please have them draw a picture on the back representing the same.)"
- Creative Connections Arts Academy Elementary School, Sacramento County: "Student Essay Form: Write a one-page essay describing why you want to attend Creative Connections Arts Academy Elementary School and why you would be a good addition to the student body. You may use the space below or attach another handwritten sheet. All students must complete essay in his/her own handwriting (Parental assistance is okay for children entering Kindergarten); typed responses will not be accepted. ... Parent/Guardian Essay Form Write a one-page essay describing why you want your child to attend Creative Connections Arts Academy Elementary School and why your participation would benefit the school. You may use this page, or attach a computer generated response."
- University Preparatory High, Tulare County: **"Please read the following article, *Let Kids Run Wild Online*, out of Time Magazine and produce a 500-600 word persuasive essay taking a stance on kids' online access.** Do you agree that kids should be free to explore online without parent interference or should parents have control over what their kids do online? Your persuasive essay needs to be typed, contain a clear stance, be double-spaced, use spell check and grammar check, use MLA Format, and be clear and concise."

- Tree of Life Charter, Mendocino County: “1. What are your responsibilities at home that pertain to taking care of yourself [getting dressed, brushing teeth, washing clothes, etc.]? 2. What are your responsibilities at home that pertain to helping your family? 3. Do you have pets for which you are responsible? If so, what kind of pet and what are your duties? 4. What activities do you like to do at home? 5. How do you usually spend your time at home? 6. Do you receive an allowance or spending money? If so, do you earn it by doing special jobs, or do you receive it whether you do jobs or not? School Life. 7. Where did you go to school before Tree of Life Charter School? Did you enjoy that school? 8. What activities do you like to do at school? 9. What activities do you do well at school? 10. What activities were most difficult for you at school? 11. What would you like to learn next? 12. What do you want more help with? 13. Have you ever done research or reports on subjects that you chose because you wanted to find out something? If so, what were your favorites? 14. In this school students have the freedom to set their own goals and make decisions about what they want to study. Have you ever done this before? How do you think you will do? 15. In this school students are excited about learning and do not need grades or competition to get them to learn better. What do you think about this? 16. In this school students and staff decide together about rules of respect and responsibility. Have you ever done this before? 17. Do you have any questions about this school that haven’t been answered?”

**Alex Medler, vice president of policy and advocacy at the
National Association of Charter School Authorizers:**

“I believe strongly that these [test and interview] practices should not be allowed. There shouldn’t be barriers to entry based on test performance or interviews where the school is picking or choosing the child.”²²

RECOMMENDATION: Charter schools should not maintain any essay or interview requirement during the application or enrollment process. If a charter school insists on using essays or interviews to determine what level of services to provide to students, it should (1) only request the essay or interview after the student is guaranteed a spot at the school and (2) the school should make clear that the essays and interviews will not impact the student’s admission status or continued enrollment.

SOCIAL SECURITY AND BIRTH CERTIFICATE REQUIREMENTS

Over 30 years ago, the Supreme Court held that immigrant or undocumented students are guaranteed equal access to public education under the 14th Amendment.²³ The Court recognized that “denying these children a basic education” would “deny them the ability to live within the structure of our civic institutions” and deny our nation the future contributions of educated undocumented students.²⁴ Yet many charter schools maintain policies that deny immigrant or undocumented children this basic equality by requiring admissions documents such as Social Security numbers and birth certificates that immigrant families cannot provide or asking intrusive questions about citizenship that discourage them from enrolling.

The U.S. Department of Education Office for Civil Rights (ED OCR) and U.S. Department of Justice have made clear that schools:

- “may not prevent your child from enrolling in or attending school if you choose not to provide your child’s social security number;”
- “may not require you to provide your own social security number in order for your child to enroll in or attend school;” and
- “may not prevent or discourage your child from enrolling in or attending school because he or she lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate.”²⁵

Still, at least 132 charter schools in California require that students or parents/guardians provide a birth certificate or Social Security number without clarifying that applicants can provide alternative forms of documentation or explaining that non-citizens are eligible for enrollment. (Visit aclusocal.org/unequal-access for a list of offending schools). Many of these schools directly ask students or parents/guardians about their immigration status or whether they are citizens – a question that might cause some non-citizens to avoid the application process altogether.

Birth Certificates and Social Security Numbers

- ASA Charter, San Bernardino County: “Birth Verification – State or hospital issued birth certificate, current passport, NUMI printout [Social Security application printout], Certificate of US Naturalization, Alien registration card or other INS work papers.”
- Morris E. Dailey Charter Elementary, Fresno County: “Enrollment Kindergarten Requirements: Birth Certificate – Must be a State Certification of Vital Records, not a hospital birth notice, Social Security card (office can make a copy).”

Citizenship

- Juan Bautista de Anza Charter, San Diego County: “Check here if student was born outside the U.S. but granted U.S. citizenship at time of birth; Check here if foreign student temporarily schooling in the U.S.; Check here if student is foreign born and has been enrolled less than 3 cumulative years in the U.S.”
- Sacramento Valley Charter, Yolo County: “When did/will your child first enter the United States?” “From what country did your child enter the United States?” “When did/will your child first attend school in the United States?”

What documentation can you ask for?

ED OCR recommends that schools provide families with the following **options** for identity verification: “a religious, hospital, or physician’s certificate showing date of birth; an entry in a family bible; an adoption record; an affidavit from a parent/guardian; a birth certificate; previously verified school records; or any other documents permitted by law.”²⁶



At least 253 charter schools in California, representing over 20% of all of the state's charter schools, have policies that are plainly exclusionary.

Social Security numbers should not be used as ID.

The Social Security Administration recommends that schools do not use Social Security numbers as identifiers: "An organization's collection and use of SSNs can increase the risk of identity theft and fraud. . . . We strongly urge all organizations that use SSNs as the identifier in their record keeping systems to use alternate identifiers. . . . Organizations should avoid using Social Security numbers (SSNs) as identifiers for any type of transaction."²⁷

RECOMMENDATION: Charter schools should provide families and students with a range of documents with which to establish the students' residency and age. The application materials should make clear that the school will enroll non-citizens and will accept non-U.S. documents, including birth records. Charter schools should not request full or partial Social Security numbers from parents/guardians or students.

PARENT/GUARDIAN VOLUNTEER REQUIREMENTS

Familial support and engagement are important ingredients of student success, and parent/guardian volunteers can enrich school communities. It is therefore important for schools to encourage parental involvement and provide families with the resources they need to participate. However, charter schools that require parent/guardian involvement cross the line between encouraging healthy participation and excluding certain student groups. For example, students in foster care or group home situations, students raised by elderly grandparents, and students whose parents have intensive work and child-care obligations are often unable to meet such obligations. Further, these requirements violate the California Constitution and Education Code's guarantee of free public education for all children.²⁸ A November 2014 Public Advocates report (<http://www.publicadvocates.org/forced-parent-work-policies>) found nearly one in three charter schools reviewed required parent/guardian volunteer hours, which prompted 2015 guidance from the California Department of Education clarifying that this practice is illegal.²⁹

At least 63 charter schools maintain illegal parent/guardian volunteer requirements. (Visit aclusocal.org/unequal-access for a list of offending schools). These schools require parents/guardians to commit a certain number of work hours to the schools, with some allowing "buyouts" for parents to pay their way out of these work obligations.

Oasis Charter Public School, Monterey County: "There is a school requirement that **ALL families are obligated to contribute a minimum of 45 hours in volunteer time OR the equivalent of \$10.00 per hour for any portion of the hours your family is unable to volunteer.**"

Santa Ynez Valley Charter, Santa Barbara County: "**Parents/Guardians will: . . . volunteer a minimum of 3 hours per month or 36 hours per year.** . . . In recognition of the fact that the work schedules of some parents do not allow them to regularly participate in volunteer activities, families are allowed to make a financial contribution to the school in lieu of volunteer hours at the rate of \$25 per volunteer hour. Failure to put in volunteer hours and/or make financial contributions in lieu of such hours may result in a student's loss of enrollment priority for the following school year."

Paragon Collegiate Academy, Yuba County: "**I support the parent partnership expectations and will fulfill 20 or more hours of annual volunteer service with Paragon Collegiate Academy.** PCA recognizes that not all parents can be in the classroom for these hours, therefore, other specific service opportunities can and will be arranged on a one-to-one basis. A buy-out option is also available (only as a last option). PCA believes that showing your child that you are invested in their education is vital to their success. The fee is \$15.00 per hour for each hour that parents' are unable to volunteer."

River School, Napa County: "2014-2015 Family Participation Agreement: **I AGREE to fulfill my 25 hour volunteer commitment to the River School Community.** I UNDERSTAND that my work at River School is valuable because it shows my student what it means to be a responsible member of a community. I UNDERSTAND that my work at River School is important because it helps keep River School's administrative costs low and frees up that money to be spent on the students. I UNDERSTAND that failure to complete my volunteer commitment will result in the loss of sibling priority status in the school admissions lottery; AND, it will result in my 8th grade student not being able to attend the 8th grade field trip; AND, it may result in my student's dismissal from River School."

RECOMMENDATION: Charter schools should encourage family engagement, but should make clear in all of its policies that parent volunteering or contributions are not mandatory. Charter schools may take no adverse actions against students or parents who choose not to volunteer or who are unable to volunteer.

CHARTER SCHOOLS MAY NOT EXCLUDE STUDENTS BASED ON ACADEMIC REQUIREMENTS

Charter schools must admit and serve all students, regardless of whether they are academically low-achieving, require greater academic support, or belong to any other high-need student group. The Charter Schools Act plainly states that **a charter school “shall admit all pupils who wish to attend the school.”**³⁰ This means that charter schools may not adopt any policy that limits access for certain students. Indeed, the California legislature has long made clear that students who are struggling academically are precisely the students who should benefit from charter schools, which were created to “increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.”³¹ **Accordingly, refusing enrollment, disenrolling, or threatening to disenroll students who do not maintain a minimum G.P.A., have failing grades, or require academic support is illegal.**

The Charter Schools Act only allows for a handful of exceptions to the general rule that charter schools shall be open to all students, and none of those exceptions allows schools to adopt academic admission requirements.

The Act only allows charter schools to implement three types of admissions preferences:

- If applications exceed capacity, schools “shall” hold a “public random drawing.”³² Preference “shall” be extended to current pupils and pupils who reside in the district.³³
- If a charter school was partially or entirely converted from a public school, the school must give “an admission preference to pupils who reside within the former attendance area of that public school.”³⁴
- If a charter school is located in the attendance area of a public elementary school in which 50 percent or more students are low-income (qualify for free or reduced lunch), then the school “may give a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter school site is located.”³⁵

California courts have consistently recognized that charter schools have a legal responsibility to admit and serve all students. According to the California Supreme Court, charter schools function “within public school districts, accept all eligible students, charge no tuition,³⁶ and are financed by state and local tax dollars[.]”³⁷ Indeed, a California Court of Appeal determined that charter schools did not violate the California Constitution in part because they are “open to all students” and are free, nonsectarian, and nondiscriminatory.³⁸ Most recently, in 2010, the Court of Appeal acknowledged that “charter schools must admit all students who wish to attend to the extent the schools have the capacity to do so.”³⁹

As such, charter schools may not enact any admissions requirement or adopt any other practice or policy that excludes students aside from the limited geographical preferences described above.

Charter schools may not maintain minimum G.P.A. requirements, requirements that students cannot fail classes, requirements that students meet a minimum level of academic progress, or any other requirements that condition enrollment on academic performance, just as traditional public schools cannot.⁴⁰

While the majority of charter schools in California appear to understand and abide by the law, many maintain illegal academic admission requirements on their websites, charters, or handbooks. Some schools require students to have a minimum G.P.A. of 2.0 to enroll. Others refuse to admit students who have a single failing

California Charter School Association (CCSA):

“Charter schools are open to ALL children and they are committed to serving a student body that reflects the local community. . . By law, charter schools cannot have admission processes that unlawfully discriminate against students. Charter schools accept all students who want to attend. If there are more students who want to attend than there are seats available, a charter school will use a process to randomly select students, oftentimes a lottery system.”⁴³

A charter school in San Bernardino informed an 8th grade student with an auditory processing disability that he would be dismissed from the school if he did not bring his G.P.A. above 2.0. The student's guardian filed a lawsuit against the charter claiming numerous civil rights violations.⁴⁴ The charter argued that it was not a state actor and that it was exempt from the application of many civil rights laws.⁴⁵ In an order denying the charter school's motion to dismiss the case, the court found that charter schools are state actors and within the public school system and decided that the plaintiffs could move forward with the lawsuit.⁴⁶ Ultimately, the parties settled the matter. In exchange for withdrawal of the lawsuit, the charter school agreed to numerous conditions including eliminating the minimum 2.0 G.P.A. requirement, complying with its legal obligations to serve all students including those with disabilities, and paying a settlement sum of \$190,000.

grade in a class, regardless of overall G.P.A. Still others require students to make a minimum level of academic progress, which often is left undefined, under threat of being disenrolled and sent back to their traditional public school. None of these policies are permitted by the law, and the schools or their authorizing entities must take immediate steps to rescind them.⁴¹

Charter schools cannot enact admissions requirements because such barriers cannot be reconciled with the charter school mission to expand learning experiences for students who need the most support.⁴² Under the California Constitution and Education Code, charter schools have an obligation to expand learning opportunities for **every** student – not only those who are already performing well or who already have the appropriate resources. Charter schools cannot be a viable alternative to public schools unless they remain open to all students and serve the entire communities in which they are located.

CHARTER SCHOOLS MAY NOT DISCRIMINATE AGAINST ENGLISH LEARNERS AND MUST PROVIDE THEM WITH APPROPRIATE LANGUAGE INSTRUCTION

1. CHARTER SCHOOLS MAY NOT RESTRICT ACCESS TO ENGLISH LEARNERS

Charter schools may not restrict access to English learners or maintain policies that discourage English learners from enrolling. Beyond requiring charter schools to admit all pupils, the Charter Schools Act also provides that “a charter school shall not discriminate against any pupil on the basis of” certain protected characteristics, including “disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, [and] sexual orientation[.]”⁴⁷ It is well-settled that denying English learners equal access to educational opportunities because of their limited English proficiency constitutes unlawful discrimination under Title VI of the 1964 federal Civil Rights Act.⁴⁸

Other California laws buttress the non-discrimination provision in the Charter Schools Act. For instance, California Government Code section 11135, modeled after Title VI, protects against discrimination in state-administered and state-funded programs and activities, including charter schools, stating:

“No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.”⁴⁹

Section 11135 prohibits not only intentional discrimination, but also actions or policies that have an adverse disparate impact on protected groups.⁵⁰ In other words, section 11135 prevents charter schools from establishing practices that seem neutral, but have an unjustified negative impact on a protected class, including English learners.⁵¹

The Equal Educational Opportunities Act of 1974 ("EEOA"), in addition to Title VI, bars discrimination based on race, color, or national origin, including policies that restrict access to English learners or any practices that disproportionately discourage them from applying or enrolling. This right to equal educational participation regardless of linguistic background or ability has been confirmed by numerous court decisions and was recently reiterated by ED OCR in a Dear Colleague Letter.⁵² ED OCR further made clear that any enrollment practices that "may chill or discourage the participation, or lead to the exclusion, of students based on their or their parents' or guardians' actual or perceived citizenship or immigration status . . . contravene Federal law."⁵³ These enrollment practices do not necessarily have to be intended to exclude students based on impermissible categories to violate the EEOA or Title VI; it is enough that they have the effect of such exclusion or discouragement.⁵⁴ Taken together, these guidelines make clear that charter schools, like other schools that are part of the public school systems receiving federal funding, may not institute practices that discriminate against or discourage enrollment by English learners or students whose parents/guardians are limited English proficient.⁵⁵

U.S. Department of Education Office for Civil Rights:

"Federal civil rights laws, regulations, and guidance that apply to charter schools are the same as those that apply to other public schools. For this reason, it is essential that charter school officials and staff be knowledgeable about Federal civil rights laws. These laws extend to all operations of a charter school, including recruiting, admissions, academics, educational services and testing, school climate (including prevention of harassment), disciplinary measures (including suspensions and expulsions), athletics and other nonacademic and extracurricular services and activities, and accessible buildings and technology."⁵⁶

Again, while most charter schools appear to have policies that comply with the law, a handful of charters have enacted minimum language proficiency requirements such as requiring minimum test scores on language testing or requiring that students or their parents/guardians be proficient in English. These requirements plainly discriminate against English learners and are in violation of the Charter Schools Act and federal and state civil rights laws. Further, many schools ask parents and students information about their English proficiency during the application process without making it clear that applicants' answers will not be used to select students. The inclusion of such questions in schools' application materials without the appropriate context, may prevent English learners from applying.

In sum, Charter schools may not prevent English learners from enrolling and, to the contrary, must provide them with appropriate language instructions.

California Charter Schools Association:

Charter schools should be "committed to serving a student body that reflects the local community."⁵⁷ As such, CCSA encourages charter schools to actively recruit English-learner students by "(1) leveraging strong community relationships, (2) proactive, assertive recruitment efforts focused on non-English speaking families, including multilingual outreach, and (3) word of mouth."⁵⁸

California Charter Schools Association:

"How is oversight provided to charter schools? Charter schools must operate in accordance with state and federal law. They must abide by health and safety laws, and cannot discriminate on the basis of race, color, religion, sex or national origin."⁵⁹

Who may investigate potential discrimination?

Any Federal agency, including the Department of Justice and the Department of Education Office for Civil Rights, may investigate a charter school's compliance with Title VI and the EEOA and may bring a lawsuit or administrative action against these educational entities.⁶⁰ Further, students or families who are discriminated against in violation of these laws can file a civil lawsuit under certain circumstances or file a complaint with ED OCR to initiate an administrative investigation.⁶¹ To find more information about filing a complaint with ED OCR, visit <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

2. CHARTER SCHOOLS MUST PROVIDE ENGLISH LANGUAGE SERVICES TO ENGLISH LEARNERS

Beyond ensuring that charter schools do not enact discriminatory admission policies, they must also actively identify English learners and provide them with services and instruction to overcome their language barriers. Title VI and the EEOA require school districts to ensure that English learners can participate meaningfully and equally in educational programs. These laws require schools to provide English learners with "language assistance to enable them to participate in the instructional program of the district[.]"⁶² California law bolsters these federal protections, providing that:

"the government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important."⁶³

Under these laws, local education agencies including charters shall take "appropriate action" to overcome language barriers that impede students from equal participation in instructional programs.⁶⁴ Appropriate action includes an effective language instruction education program that affords meaningful access to the school's academic content.⁶⁵ **In other words, it is not enough for charter schools to end restrictions on access to English learners; charter schools must also provide these students with effective language instruction and services.**

CHARTER SCHOOLS MAY NOT SELECT STUDENTS BASED ON PERFORMANCE ON ESSAYS OR INTERVIEWS

Many charter schools in California require students or parents/guardians to submit essays or conduct interviews during the admissions process. As discussed, charter schools must accept all students and generally may not enact any policies or practices that have an adverse disparate impact on English learners or other protected classes.⁶⁶ Charter schools that use application essays or interviews as a basis for selecting or rejecting students plainly violate their obligation to admit all students. Even when a charter school does not choose students based on their performance on interviews or essays, subjecting families and students to such requirements before enrollment may violate Title VI or Section 11135 because they have the potential to discourage enrollment by members of protected classes.⁶⁷ For instance, these procedures may prevent students and parents/guardians who are not English proficient from submitting applications to the school because they believe they will be rejected for their inability to speak English or because the task is unduly onerous for them.

Still, in certain narrow circumstances, a charter school may have legitimate reasons for requesting student essays or interviews. For instance, a charter school could use the essays or interviews to assess whether a student needs additional support or use an interview as an opportunity to explain school procedures to families. In order to ensure that such policies do not discourage or exclude certain students, charter schools should be sure to conduct essays or interviews only after a student is already admitted, and schools should make clear that they are optional. Doing so will protect the school from legal liability by eliminating the possibility and appearance of bias or discrimination and will ensure that all students have an equal opportunity to attend.

CHARTER SCHOOLS MAY NOT ADOPT POLICIES OR PRACTICES THAT EXCLUDE IMMIGRANT STUDENTS

Charter schools may not enact policies that prevent or impede immigrant students from enrolling or otherwise deny them equal access to an education. In *Plyler v. Doe*, the Supreme Court held that it is unconstitutional for school districts to deny enrollment and withhold state funds for undocumented K-12 students.⁶⁸ The Court emphasized that a policy that denies innocent children – whatever their immigration status – access to an education “can hardly be considered rational[.]”⁶⁹ On the basis of *Plyler*, ED OCR published guidance making clear that “immigration or citizenship status is not relevant to establishing residency in the district.”⁷⁰ ED OCR states that a school “cannot deny enrollment to a student if he or she (or his or her parent) chooses not to provide the student’s social security number” and “may not bar or discourage a student from attending school because the student lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate.”⁷¹ Accordingly, to the extent that charter schools ask for such documents, they must inform families that they are able to choose from a number of methods of verifying their students’ identity and age, including prior academic records, an affidavit, a foreign birth certificate, or some other form of identification.

CHARTER SCHOOLS MAY NOT FORCE PARENTS/GUARDIANS TO VOLUNTEER OR WORK FOR THE SCHOOL

While schools should encourage familial participation, public schools, including charters, may not require parents to perform work at the school as a condition of their child's enrollment or participation in educational activities. Such policies discriminate against poor families, single-parent families, non-traditional households, and working parents, and thereby exclude children who may stand to benefit significantly from attending nurturing public schools. Most important, requiring parents or family members of a student to work at a public charter school violates both the California Constitution and the California Education Code.

AB 1575

In 2012, California passed AB 1575, which allows any person to submit a UCP complaint if he/she believes that a school or charter school is charging an illegal fee, including illegally requiring parents to volunteer. *For more information on the complaint process, visit:* aclusocal.org/cases/doe-v-california/school-fees/.

The California Constitution includes education as a fundamental right guaranteed to all California children⁷² and requires the state to establish a system of free public schools.⁷³ Requiring parents/guardians to do unpaid work at a public school violates the California Constitution's "free schools" clause because the requirement to perform unpaid labor constitutes a non-monetary fee.⁷⁴ A parent/guardian who is forced to work is compelled to give up her labor instead of dollars in exchange for her child's enrollment or participation in educational activities. This also violates section 49011(b)(4) of the California Education Code, which prohibits public schools from requiring donations of money or services from families.⁷⁵

In 2014, Public Advocates released a report (<http://www.publicadvocates.org/forced-parent-work-policies>) exposing the widespread practice of public charter schools regularly requiring parents to work at the school in exchange for educating their

child.⁷⁶ In response, the California Department of Education (CDE) issued Fiscal Management Advisory 15-01 clarifying that existing law prohibits charter schools and school districts from requiring parents to donate "service hours" to a public school.⁷⁷ In the wake of Public Advocates' report and the CDE's advisory, numerous charter schools modified their policies to clarify that parent volunteer hours are truly voluntary and not required. Yet more than two years later, our investigation reveals that at least 57 charter schools still maintain explicit parent work requirements in their written policies and parent handbooks.

A school that wishes to encourage familial participation should ensure that its policy makes clear that this participation is not a requirement and that no adverse consequence will occur for any family that does not contribute service hours. The policy statement should advise families to file a complaint using the AB 1575 process if they believe the parent service hours are being interpreted as mandatory rather than truly voluntary.

RECOMMENDATIONS FOR PARENTS AND STUDENTS

Review your charter school's charter petition, handbooks, and admissions forms to ensure that they do not have any illegal or exclusionary admissions policies or practices that may discourage enrollment, including:

- o G.P.A. or other academic requirements or minimums
- o Minimum level of English proficiency
- o Questions regarding citizenship, immigration status, or country of birth of students or parents/guardians
- o Mandatory submission of Social Security numbers or birth certificates
- o Pre-enrollment entrance essays
- o Pre-enrollment student or family interviews
- o Parent/guardian volunteer or buyout requirements

If your charter school has an illegal or exclusionary policy, first contact the school's administration or charter network and ask them to change their policy. If you speak to them over the phone or in person, ask for the individual's name and be sure to follow up in writing (with an email or letter). If they do not change the policy, you should file a complaint with the charter school authorizer. If the school still does not change the policy, you can file a complaint with the county office of education in which the school is located.

RECOMMENDATIONS FOR CHARTER SCHOOL OPERATORS

Eliminate all exclusionary admission or continued enrollment requirements, including:

- o G.P.A. or other academic requirements or minimums
- o Minimum level of English proficiency
- o Questions regarding citizenship, immigration status, or country of birth of students or parents/guardians
- o Mandatory submission of Social Security numbers or birth certificates
- o Pre-enrollment entrance essays
- o Pre-enrollment student or family interviews
- o Parent/guardian volunteer or buyout requirements

If a charter school asks for academic records, student or parent identification, essays, or interviews, it must not consider the information when determining whether to enroll a student. To avoid all doubt, the school should request the information only after it has guaranteed a student enrollment and it may not rescind admission on the basis of any information students or their parents/guardians provide. Academic records may include transcripts, report cards, English-language proficiency surveys, information about student disabilities, and information about previous enrollment in special programs.

Make clear that students may verify their residency with a variety of documents, including but not limited to:

- o utility bills
- o lease agreements
- o tax documents
- o payroll stubs
- o social services documents
- o affidavits from a parent/guardian

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- ☐ Make clear that students may verify their age with a variety of documents, including but not limited to:
 - o U.S. or foreign birth certificates
 - o adoption records
 - o passports
 - o baptismal records
 - o previous school records
 - o other forms of U.S. or foreign government-issued identification
 - o affidavits from a parent/guardian or pediatrician
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- ☐ Include the following information on your website, handbook, and charter:
 - o All students are welcome to enroll, including English learners, non-U.S. citizens, students with disabilities, low-income students, and students who are struggling academically or require additional academic supports.
 - o Make clear that students may only be turned away if more students want to attend than there are seats available. In those instances, the school will use a “public random drawing” process to select students.
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- ☐ If your school formerly had admissions requirements or other illegal requirements
 - o Make clear on all materials that the requirements have been rescinded
 - o Send a letter to families notifying them that the requirements are no longer in effect
 - o Post notices on school grounds informing families that no student will be removed or excluded for the specified admission or enrollment requirements
 - o Notify administrators and teachers that previous admission or enrollment requirements are no longer grounds for student exclusion or removal
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- ☐ Conduct an annual internal compliance review to ensure that all policies and practices comply with the Charter Schools Act, Education Code, and state and federal civil rights laws.
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RECOMMENDATIONS FOR CHARTER AUTHORIZERS

- ☐ Do not approve or renew any charter petition with illegal or exclusionary admissions or enrollment requirements, including:
 - o G.P.A. or other academic requirements or minimums
 - o Minimum level of English proficiency
 - o Questions regarding citizenship, immigration status, or country of birth of students or parents/guardians
 - o Mandatory submission of Social Security numbers or birth certificates
 - o Pre-enrollment entrance essays
 - o Pre-enrollment student or family interviews
 - o Parent/guardian volunteer or buyout requirements
-

- ☐ As required by Education Code § 47604.32, audit, monitor, or otherwise investigate every charter school under your jurisdiction at least once a year to ensure that each school does not use any of the illegal admissions or enrollment requirements described above. If any schools are not in compliance, direct them to correct their policies. If schools do not make the appropriate corrections, begin the charter-revocation process.
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- ☐ Ensure that charter schools allow students to verify their residency with a variety of documents, including but not limited to:

- o utility bills
- o lease agreements
- o tax documents
- o payroll stubs
- o social services documents
- o affidavits from a parent/guardian

- ☐ Ensure that charter schools allow students to verify their age with a variety of documents, including but not limited to:
 - o U.S. or foreign birth certificates
 - o adoption records
 - o passports
 - o baptismal records
 - o previous school records
 - o other forms of U.S. or foreign government-issued identification
 - o affidavits from a parent/guardian or pediatrician

- ☐ Disseminate a directive to all authorized charter schools informing them that they are not allowed to deny admission or dismiss students based on any of the discussed exclusionary practices. Such guidance should include the legal obligation of charter schools to enroll and serve all students pursuant to federal and state law.

RECOMMENDATIONS FOR CALIFORNIA DEPARTMENT OF EDUCATION

- ☐ Issue formal guidance informing all charter schools and authorizers in California that charters may not bar admission to students who do not meet academic minimums; exclude English learners; select students based on their performance on entrance essays or interviews; require students to submit Social Security numbers, U.S. birth certificates, or other citizenship information to enroll; or require families to volunteer at or provide payment to the school.
- ☐ Take appropriate action, including immediate and effective steps, to ensure that the charter schools listed at [placeholder webpage] correct their illegal policies, including investigating the schools' relevant policies, sending individualized notices to the schools providing guidance about the law and their obligations, providing technical assistance where appropriate, and following up to ensure that the schools have come into compliance with the law.
- ☐ Investigate the remaining charter schools in California to determine if any are implementing these illegal policies.
- ☐ Revisit this issue annually to assess whether charter schools are complying with the law. If certain charter schools are not, take further steps with greater penalties at that time to abolish the practice.
- ☐ Require yearly training on civil rights laws and best practices for charter school board members and administrators.
- ☐ Make clear that authorizers must review new applications for charter schools for compliance with the Charter Schools Act, Education Code, and state and federal civil rights laws.
- ☐ Require authorizers to conduct bi-annual reviews of charter schools for compliance with the Charter Schools Act, Education Code, and state and federal civil rights laws.

¹ Cal. Educ. Code § 47605(d)(2)(A) (“A charter school shall admit all pupils who wish to attend the school.”).

² Cal. Educ. Code § 47605(d)(2)(A); 20 U.S.C. § 1703(f); Cal. Gov’t. Code § 11135; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; *Plyler v. Doe*, 457 U.S. 202, 229-30 (1982).

³ Charter Schools FAQ Section 3, California Department of Education (last visited July 12, 2016), available at <http://www.cde.ca.gov/sp/cs/re/qandasec3mar04.asp> (“The charter authorizing entity is responsible for ensuring the charter school operates in compliance with all applicable laws and the terms of its charter.”).

⁴ *Id.*

⁵ Cal. Educ. Code § 47604.4 (“a county superintendent of schools may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a charter school located within that county and conduct an investigation into the operations of that charter school.”).

⁶ *Id.*

⁷ See, e.g., Stephanie Simon, *Special Report: Class Struggle- How Charter Schools get Students They Want*, Reuters (Feb. 2013), available at <http://mobile.reuters.com/article/idUSBRE91EOHF20130215?irpc=932>.

⁸ Cal. Educ. Code § 47605(2)(A) (“A charter school shall admit all pupils who wish to attend the school.”).

⁹ Cal. Educ. Code § 47605(2)(B).

¹⁰ *Id.*

¹¹ Willful defiance is a subjective rule violation susceptible to interpretations of student behavior that often reflect implicit racial and other biases. Willful defiance remains the single largest category for which students are suspended from school in California, and students of color are disproportionately impacted by such policies. See Daniel Losen, et al., *Closing the School Discipline Gap in California: Signs of Progress*, The Civil Rights Project (Nov. 2015), available at <https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/ccrr-school-to-prison-pipeline-2015>.

¹² Cal. Educ. Code § 47601(b).

¹³ About Charter Schools, National Alliance for Public Charter Schools (last visited July 12, 2016), available at <http://www.publiccharters.org/get-the-facts/public-charter-schools/>.

¹⁴ See, e.g., Cal. Educ. Code § 300.

¹⁵ Cal. Ed. Code § 47605(d)(1) (citing Cal. Educ. Code § 220 (listing characteristics)); Cal. Educ. Code § 220, Cal. Gov’t. Code § 11135, 42 U.S.C. § 2000d, et seq.; 20 U.S.C. § 1703(f).

¹⁶ Cal. Educ. Code § 220, Cal. Gov’t. Code § 11135, 42 U.S.C. § 2000d, et seq.

¹⁷ *Id.*

¹⁸ *Lau v. Nichols*, 414 U.S. 563, 566 (1974); 20 U.S.C. § 1703(f).

¹⁹ Ed Code § 47605(2)(A) (“A charter school shall admit all pupils who wish to attend the school.”).

²⁰ *Id.*

²¹ Cal. Gov’t. Code § 11135, 42 U.S.C. § 2000d, et seq.

²² Avi Wellman-Arent, *Delaware School Entrance Assessments Face Tough Test*, Newsworks (Dec. 15, 2014), available at <http://www.newsworks.org/index.php/local/delaware/76322-delaware-school-entrance-assessments-face-tough-test>.

²³ *Plyler v. Doe*, 457 U.S. 202, 229-30 (1982).

²⁴ *Id.* at 223.

²⁵ Fact Sheet: Information on the Rights of All Children to Enroll in School, U.S. Department of Justice & U.S. Department of Education (2014), available at <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>.

²⁶ Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, U.S. Department of Justice & U.S. Department of Education (2014), available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf>.

²⁷ Avoid Identity Theft: Protect Social Security Numbers, U.S. Social Security Administration (last visited July 13, 2016), available at <https://www.ssa.gov/phila/ProtectingSSNs.htm>.

²⁸ *Hartzell v. Connell*, 35 Cal. 3d 899, 905-08 (1984); Cal. Const. Art. IX, § 5; see also Cal. Educ. Code § 49011(b)(4).

²⁹ Richard Zeiger, Pupil Fees: Parent Service Hours, California Department of Education (Jan. 20, 2015), available at <http://www.cde.ca.gov/re/lr/fm/fma1501.asp>.

³⁰ Cal. Educ. Code § 47605(d)(2)(A) (emphasis added).

³¹ Cal. Educ. Code § 47601(b).

³² Cal. Educ. Code § 47605(d)(2)(B).

³³ Cal. Educ. Code § 47605(d)(2)(B) also states “[o]ther preferences may be permitted by the chartering authority on an individual basis and only if consistent with the law[.]” but this merely refers to the discussed geographic preferences.

³⁴ Cal. Educ. Code § 47605(d)(1).

³⁵ Cal. Educ. Code § 47065.3.

³⁶ Charter schools may also supplement their state and federal funding with private contributions. Any additional private financial support does not affect their obligations to enroll all students.

³⁷ *Wells v. One2One Learning Foundation*, 39 Cal. 4th 1164, 1178 (2006).

³⁸ *Wilson v. State Board of Educ.*, 75 Cal. App. 4th 1125, 1137 (1999) (emphasis added).

³⁹ *California School Boards Association v. State Bd. of Educ.*, 191 Cal. App. 4th 530, 573 (2010).

⁴⁰ Cal. Educ. Code § 47605(d)(2)(A)

⁴¹ *Id.*

⁴² Cal. Educ. Code § 47601(b).

⁴³ Frequently Asked Questions, California Charter School Association (last visited July 13, 2016), available at <http://www.ccsa.org/understanding/faqs/>.

⁴⁴ *C.S. v. Public Safety Academy of San Bernardino, et al.*, First Amended Complaint for Declaratory and Injunctive Relief, and Individual Damages, filed 08/12/14, (EDCV14-00941-RGK).

⁴⁵ *Id.*, Notice of Motion and Motion to Dismiss Complaint for Failure to State a Claim Upon Which Relief can be Granted; Memorandum of Points and Authorities in Support, filed 08/29/14.

⁴⁶ *Id.*, Order re Academy’s Motion to Dismiss, filed 11/26/2014.

⁴⁷ Cal. Educ. Code § 47605(d)(1) (citing to Cal. Ed. Code § 220 (listing characteristics)).

⁴⁸ *Lau v. Nichols*, 414 U.S. 563, 567-68 (1974).

⁴⁹ Cal. Govt. Code § 11135.

⁵⁰ To determine whether a policy or practice has an adverse disparate impact in violation of section 11135, a court will first determine whether the policy has a negative impact on a protected class of students. If there is an adverse impact, the court will then assess whether there is a substantial legitimate justification for the policy or, in other words, whether the policy is necessary to meet an important educational goal. Finally, if there is a legitimate justification, the court will determine whether there are alternative policies that would meet the stated goal with less of a burden or adverse impact on the affected group. If such alternatives exist, the policy or practice violates section 11135. See *Darensburg v. Metro. Transp. Comm’n*, 636 F.3d 511, 519 (9th Cir. 2011).

⁵¹ California Education Code § 220 also prohibits discrimination against students based on race/ethnicity, nationality, and other characteristics. See Cal. Educ. Code § 220, *et seq.*

⁵² Catherine Lhamon, et al., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, U.S. Department of Education & U.S. Department of Justice at 6 (Jan. 7, 2015), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf> (citing *Castañeda v. Pickard*, 648 F. 2d 989 (5th Cir. 1981) (sets the standards for English learner programs’ compliance with civil rights law); *United States v. Texas*, 601 F.3d 354, 366 (5th Cir. 2010) (reaffirming and applying the *Castañeda* test); *Horne v. Flores*, 557 U.S. 433, 439 (2009) (holding that state agencies as well as local educational agencies have an affirmative duty for states as well as local educational agencies to ameliorate language barriers)).

⁵³ Catherine Lhamon, et al., Dear Colleague Letter: School Enrollment Procedures, U.S. Department of Education & U.S. Department of Justice at 1 (May 8, 2014), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>.

⁵⁴ Catherine Lhamon, Dear Colleague Letter: Charter Schools, U.S. Department of Education Office for Civil Rights at 3 (May 14, 2014), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405-charter.pdf> (“In addition, a charter school may not use admissions criteria that have the effect of excluding students on the basis of race, color, or national origin from the school without proper justification.”).

⁵⁵ *Id.*

⁵⁶ *Id.* at 1.

⁵⁷ Frequently Asked Questions, California Charter School Association (last visited July 13, 2016), available at <http://www.ccsa.org/understanding/faqs/>.

⁵⁸ Matt Taylor, *Success for English Learners in Charter Schools*, California Charter Schools Association at 11 (June 2015), available at <http://www.ccsa.org/SuccessForEnglishLearnersInCharterSchools.pdf>

⁵⁹ Frequently Asked Questions, California Charter School Association (last visited July 13, 2016), available at <http://www.ccsa.org/understanding/faqs/>.

⁶⁰ Catherine Lhamon, et al., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, U.S. Department of Education & U.S. Department of Justice at 5 n.10 (Jan. 7, 2015), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

⁶¹ See, e.g., Cal. Educ. Code § 262.3-b and Cal. Gov’t. Code § 11139.

⁶² *Castaneda v. Pickard*, 648 F.2d 989, 1008 (5th Cir. 1981).

⁶³ Cal. Educ. Code § 300.

⁶⁴ 20 U.S.C. § 1703(f).

⁶⁵ *Lau v. Nichols*, 414 U.S. 563, 566 (1974).

⁶⁶ See, e.g., Cal. Gov't. Code § 11135; Cal. Educ. Code § 47605(d)(2)(A) ("A charter school shall admit all pupils who wish to attend the school.").

⁶⁷ See Cal. Gov't. Code § 11135; 42 U.S.C. § 2000d, et seq.

⁶⁸ *Plyler v. Doe*, 457 U.S. 202, 223-24 (1982).

⁶⁹ *Id.* at 223.

⁷⁰ Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts, and Parents, U.S. Department of Justice & U.S. Department of Education at 1 (May 2014), available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf>.

⁷¹ *Id.* at 3-4.

⁷² *Serrano v. Priest*, 5 Cal. 3d 584, 607-09 (1971).

⁷³ *Hartzell v. Connell*, 35 Cal. 3d 899, 905-08 (1984); Cal. Const. Art. IX, § 5.

⁷⁴ *Id.*

⁷⁵ In 2011, in response to a lawsuit by the ACLU, the California legislature codified the Constitution's "free schools" guarantee through the passage of AB 1575. This codification includes Education Code § 49011(b)(4), which provides a "school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school."

⁷⁶ Hilary Hammell, *Charging for Access: How California Charter Schools Exclude Vulnerable Students by Imposing Illegal Family Work Quotas*, Public Advocates (Nov. 2014), available at <http://www.publicadvocates.org/forced-parent-work-policies>.

⁷⁷ Richard Zeiger, *Pupil Fees: Parent Service Hours*, California Department of Education (Jan. 20, 2015), available at <http://www.cde.ca.gov/re/tr/fm/fma1501.asp>

ACKNOWLEDGEMENTS

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For more resources visit aclusocal.org/unequal-access



ATTACHMENT 3



June 1, 2019

Dear Students and Parents:

Thank you for helping to support your arts conservatory program through one of our annual fundraising activities – the Opportunity Drawing. As indicated on your Parent Funding Agreement, your family has committed to sell tickets by **September 6, 2019**.

The activity begins June 1 and ends September 6. Once you have sold your tickets, you may drop off your envelopes with the completed drawing ticket stubs and checks (**checks only no cash or coins**) to the CSArts-SGV reception desk in the main lobby, Monday through Friday, between the summer hours of 9:00 a.m. and 3:00 p.m. If you are unable to come to the school you may also mail ticket stubs and checks. All checks should be made payable to CSArts-SGV.

Enclosed, please find *Helpful Hints* that should aid you in your solicitation process and help you reach your committed goal by the September 6, 2019 deadline. Please make sure you complete the drawing stubs, including Student's Name in the "Sold by" section, to ensure that your family receives credit for any tickets sold through your efforts. The Opportunity Drawing will be held on October 11, 2019.

If you have any questions regarding your fundraising commitment, please contact Eileen Greenbaum at Eileen.greenbaum@sgv.csarts.net or 657-321-4000, ext. 60007. Again, thank you for your dedication to your arts conservatory.

Sincerely,

A handwritten signature in black ink that reads "Ralph S. Opacic" followed by a horizontal line.

Ralph S. Opacic, Ed.D.
President and Executive Director

1401 Highland Ave.
Duarte, CA 91010

657-321-4000

www.sgv.csarts.net

ATTACHMENT 4

The 14th Conservatory

THE ART OF NAVIGATING OCSA

OCSA is a public charter school and is part of the Santa Ana Unified School District and is *tuition free*. However, it is *donation-dependent* because your child's art education (conservatory classes) which make OCSA special, are not free and are paid for by parents. Each year the school must raise approximately \$5 million to fund the eleven arts conservatories.

Each family is required to complete a Parent Funding Agreement (PFA) that outlines how much you will pay and when. The cost runs between \$3,000 and \$4,000 per year; it varies by grade and conservatory. You can pay in full, monthly for 10-mos. or on a schedule of your choosing. There are several fundraising opportunities that you and your child can participate in and the money you raise goes toward your PFA. If you buy Scrip (see 'Lingo') 75% of the rebate goes toward your PFA.

In addition to funding your students conservatory, there is a 'Bridge the Gap' on-time payment that parents are asked (but not required) to contribute each year to help offset the negative effects of recent school budget cuts. Plus there are many school fundraisers and your ticket purchases and/or contributions help to raise funds for the school too. There is also an opportunity for employer matching.

All cash donations to the school are tax deductible

OCSA's official stance is that "no student is admitted or denied based on financial capacity."

To see how OCSA breaks down the facts about Parent Giving, [click here](#).

Discussion

7 thoughts on "How Much Does It Cost?"

1. I think the 3K to 4K figure is old. My understanding is it's between 4.5K and 5K. The recommended donation varies by conservancy and middle vs high school, but falls within that range. For the quality of education your child gets there, I think it is a very fair price. Also, the donation is mentioned upfront in the video shown to all applicants, so all should be aware before they apply.

POSTED BY JANICE DEANE | [JUNE 4, 2019, 4:22 PM](#)

REPLY TO THIS COMMENT

2. I had no idea that attending a "conservatory" meant I have to pledge a parent monetary amount for my child to attend? Yikes! This should be mentioned in the school description and in the application process early on. This way parents can make an informed decision before allowing their children to audition. Now what? My daughter is excited to attend and now I have to try and figure out how I

ATTACHMENT 5

CONSERVATORY APPLICATION PROCESS
APPLICANT ACCESS TO COMPUTERS, INTERNET, AND/OR OTHER FORMS OF TECHNOLOGY

Conservatories which require access to equipment and other technologies are bolded below:

Acting: (All Grades)

(Petition, p. 322; on OCSA website)

The Acting Conservatory placement activity is a two-round process.

Round One: Application & YouTube Video Submission

Please submit a completed application and YouTube video, no more than 4 minutes in length, based upon the guidelines described below.

Culinary Arts & Hospitality: (Grades 9-12)

Page 325 of Petition and on OCSA website)

The Culinary Arts & Hospitality Conservatory placement activity is a two-round process.

Round one: Application. YouTube Video & Portfolio Submission

Please submit a completed application, You Tube video, and portfolio based upon the guidelines described below.

Video Content Guidelines:

Please create a 3-5-minute YouTube video. The video can demonstrate you preparing your favorite recipe, speaking about your submitted essay, or an explanation of why you would like to be part of the Culinary A-Is & Hospitality Conservatory.

Digital Media: (Grades 9-12)

(Page 331 of Petition and on website)

The Digital Media Conservatory placement activity is a two-round process.

Round One: -Application & Portfolio submission

With your application, **upload a PDF portfolio. Multiple documents may be combined into a single PDF or submitted as a You Tube link.** Do not submit portfolio as a Zip File. Any motion or video files should be uploaded as a You Tube link. Art work can be created by hand or dig ally. Examples may include drawing, painting, sculpture, etc.

Film & Television: (Grades 9-12)

(Page 332 of Petition and on website)

Round One Placement Activity

Visual Sample: For the placement activity, please prepare one of the following:

A short film, documentary. music video or TV news piece: Please upload your sample to YouTube or Vimeo and insert the link into your on line application. Be sure the video plays back properly and keep this link active until the placement activity process is finished. Keep your sample to 5 minutes maximum. (As a backup, it's highly recommended you bring your film on a thumb drive to the placement activity in case there are playback issues online.

For incoming 9th graders only, if you don't have access to camera and editing equipment: 20 to 30 storyboard frames that you have created that tell a complete story. These may be computer-generated, hand drawn or consist of a series of photographs. Imagine that these frames are stills from your movie..."

Integrated Arts: (All Grades)

(Page 334 of Petition and on website)

The integrated Arts Conservatory placement activity is a two-round process.

Round One: Application You Tube Video Submission & Art Portfolio

In the Round One placement activity, applicants should showcase a minimum of three disciplines in the arts. Students may present more than three disciplines, if they choose. These three art disciplines can be showcased through portfolio or video submission.

Video Content Guidelines: Video submission can include singing, dancing and/or acting (monologue). Songs, monologues, and dancing must be submitted as a YouTube video.

ATTACHMENT 6

OCSA Audition – 2018-19 school year

by ocprovoice | Mar 11, 2018 | auditioning, How To, ocsa, singing, technique, voice lessons



OCSA Audition 2018-19 School Year

This year's OCSA Audition season was very busy over here at OC ProVoice! I'm so proud of all my students. As of today March 11, 2018, 16 of my 18 auditioners have been called back, many for multiple conservatories! These kids have put so much work into these auditions, they should all be proud of their journey and preparation.

THE OCSA AUDITION DEETZ

Students auditioning for OCSA are as young as 11 auditioning for 7th-12th grades. Thousands of kids submit applications and pre-screen audition videos each year. Some conservatories require a pre-screen video audition as round one and a live interview/audition for round two, while some conservatories will hold a single, in person interview/audition only. The OCSA audition has very specific instructions to follow, and each conservatory has different requirements and expectations

WHY OCSA?

OCSA has a long history of prestige, and is highly competitive to incoming students, auditioning and hoping to be part of the legacy. This year niche.com ranked OCSA #4 in California and #12 in America for Best Schools for the Arts, so it's no wonder OCSA auditioning is highly competitive, with students applying nation wide. This season I consulted and coached students from San Francisco, to Hawaii, to Atlanta, as well as my local Orange County students. Because OCSA students excel in arts as well as academics and are admitted to top rated colleges, this middle school and high school experience attracts students with many different goals and aspirations.



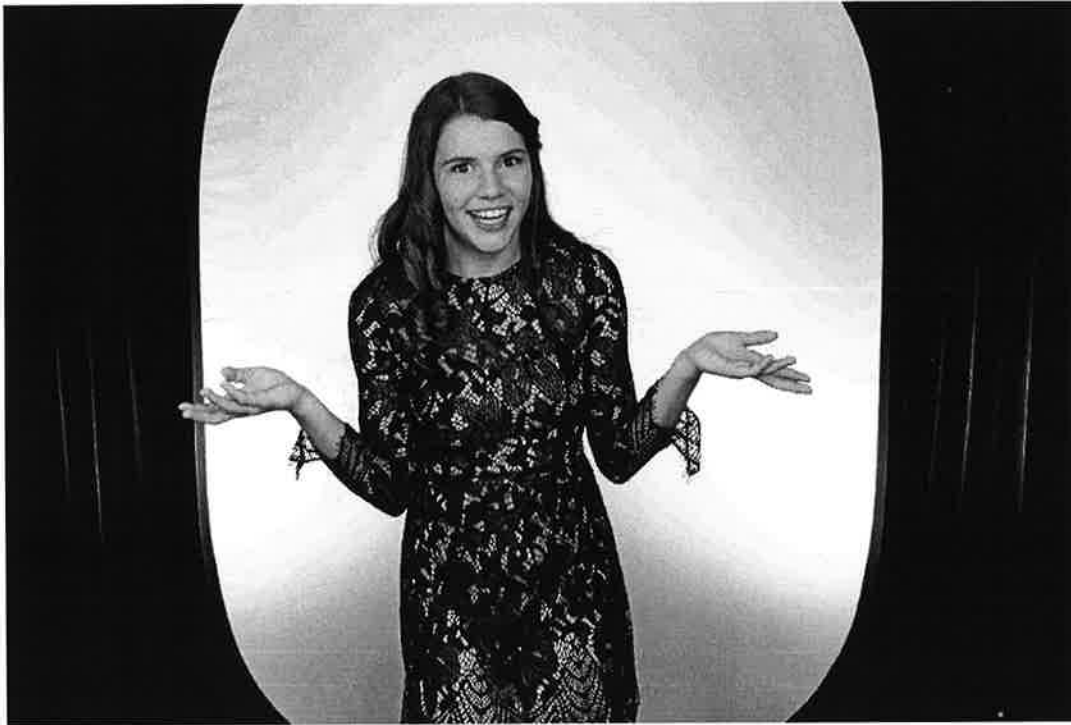
(Photo: OC ProVoice students auditioning for OCSA for the fall of 2018.)

WE'RE IN THIS TOGETHER

I've been in the trenches with parents since September, trying out and selecting the right material, filming, editing, preparing for the interviews, and trying to keep each other informed during the waiting period. As stressful as it can be, with proper preparation it's a huge accomplishment to even participate in the audition. Students should be proud of the work they've done in preparation for their OCSA audition.

Need help with your OCSA audition or any other upcoming audition?

Book a lesson



OCSA AUDITION REQUIREMENTS

This year, students auditioned for up to two conservatories, and I coached students for Musical Theatre, Acting, Integrated Arts, and Commercial Music (Vocal) auditions. Many of the requirements were the same as or very similar to previous years, however Commercial Music required a pre-screen video this year, which was different from previous years where their audition was only an in person audition.

Quick Overview of OCSA AUDITION Requirements this year:

MUSICAL THEATRE

* Song (16-32 bars, about a minute)

* Monologue (1-2 minutes)

(callback round: dance call and interview)

ACTING

* 2 contrasting monologues (1-2 minutes each)

(callback round: perform monologues and interview)

INTEGRATED ARTS

students must submit 3 forms of art from the following:

* Song (at least 32 bars or the whole song)

* Monologue (1-2 minutes long)

* Dance

* Visual Art (painting, drawing, and/or ceramics)

* Set Design

* Video of a Film Piece

* Creative Writing

(callback round: present art and writing portfolio, perform live pieces, and interview)

COMMERCIAL MUSIC (VOICE)

* 1 Song from the Pre-Selected list

* 1 Song of your choice

(video pre-screen: one piece only, callback round: both pieces and interview)

These are very simplified versions of the OCSA audition requirements. Each conservatory also requires a SLATE, a short introduction where the student states their Name, the Grade they're auditioning for, and for some conservatories their age, and the names of the pieces they are to perform. For my tips on a great slate, check out my Facebook Live tutorial. It's important to read all auditioning instructions carefully and follow directions exactly. Following directions and presenting your best self will give you your best chance at showcasing well.



WHAT NOW??

After the OCSA audition pre-screen segments are filmed, compiled (edited), uploaded, and the applications are submitted, then comes the waiting. Callbacks roll out in no particular order and the waiting period can be brutal, but at this point, all the work you could have done has been done! I always tell my students, prepare to the best of your abilities and give it all you have, and the rest is out of your hands. I realize that this may not relieve the anxiousness and anticipation, but hopefully it can help to ease the tension.

The most important thing to remember is to show them your best self, and have so much fun! The administration wants to find people who they will enjoy spending long days with, who will contribute to their family with joy and love, and who will work hard to make their community strong and proud. Shine bright like a diamond in the sky and show them you are that person!

KEEP IN MIND...

Some families come to me and have no idea how competitive, selective, and intense the OCSA audition process is and think that it will take little time and effort to prepare. Some are aware of the odds and the competition, and are completely overwhelmed by the pressure. It's important to remember that, though the stakes seem high, this is an audition like any other.

The administrators are casting a group, an ensemble, and a family. They are looking for students that will all work well together, and contribute to their needs as a school as well as for casting purposes technically. Just like any other audition, sometimes it's you, and sometimes it's not you. All you can do is be prepared, show your best self, and give it your very best. Everything else is out of your hands, and has nothing to do with the trajectory for the rest of your life. With our without OCSA, your path is your own, and if you work hard enough and don't give up, you will do amazing things!

UPDATE July 2018: 10 of my students have been admitted for this coming school year!! One, if not two or more have told me they are considering going to the CSArts location in Duarte! I've received varying stats, but it seems like Musical Theatre had 1000 applicants, Acting had 600. It seems like there were 2,600 total students who applied to any of the conservatories last year. Acting accepted 24 students for 7th grade and TWO students for 9th grade, one of which is our own Natalie! I only have the stats that parents relay to me, so if you would like to add any info, please let me know! Based on these numbers, in 7th grade Acting the acceptance rate is 4%, and for MT 2.5%. That's unreal! So competitive! I'm so proud of these kids! Congrats to all who were accepted, and all who applied, even if the results weren't as we hoped. This whole process is intense and takes a lot of work, and you should all hold your head high as you move towards your goals no matter where you're attending school next year! Be bold, be brave, be powerful.

xo



Are you ready to step up your game, put your best self forward, and SLAY your audition??

Private coaching with a passionate, professional coach will push you to your potential, giving you the opportunity to really show them what you're made of.

Book Now!



Michelle Hernandez - OC ProVoice

Michelle has been coaching kid, teens, and adults in voice, acting, and performance for 10 years. She specializes in pop, rock, and musical theatre singing styles, and has a BFA in Drama from New York University.

I would love to see how you can help my child be their best self for their OCSA Audition!

Name

Email Address

Tell me about your child and their goals for their OCSA audition!

12 + 15 =

Submit

MORE INFO FOR YOUR OCSA
AUDITION:



OCSA Auditioning – 2017-18 school year

by ocprovoice | Nov 16, 2016 | ocsa

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Disclaimer: I am not associated with OCSA and coaching with me does not guarantee admittance. As with any audition, professional coaching and guidance will simply give you your best chance at presenting your full potential. I have a high acceptance rate for OCSA and, as a former OCSA conservatory instructor, I have insight on what makes a successful audition, however competition is fierce and many factors are involved on the administration's end that will lead to offering an invitation for admittance. My job is to help you put your best foot forward which will give you your best opportunity!

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25 MIN

\$ 53

Book now!

55 MIN

\$ 81 75

YOUR STUFF: You are welcome to record ANYTHING on your own recording devices during your session, if time provides. If you need to film, I usually recommend doing a FULL COACHING FIRST, and then booking another session JUST for recording. This will give us ample time to workshop the material, and hopefully give you time to go home and work on it before going on camera. In my experience, rushing to film in a short 55 minute session without proper preparation can be stressful and rarely yields desirable results. There are nerves that come into play when the camera is on, so unless you are a one-take wonder, or have already worked your piece at length, I recommend giving yourself the time you need to get the best result. ALSO... MAKE SURE YOU HAVE PLENTY OF SPACE ON YOUR RECORDING DEVICE!!

MY STUFF: If you would like me to take care of the filming, not a problem! Just let me know so I can make sure the camera is charged and the SD card is empty. The price includes the filming, audio syncing, editing, and uploading of the video. This can take several hours, but I am offering the work at a flat rate for my students. (Note: This rate is for a clip, audition tape, or what else can fit into a 55 minute session. For school audition tapes, please see below.) Sample in-house produced videos available upon request! Please note, the rate for the video does not include the session rate. Sessions may be booked at <http://bookocprovoice.com> and the cost of the video can be paid additionally with cash, check, or through venmo or paypal.

EITHER WAY: COME PREPARED! Make sure you know your material so we can showcase your best work!

SCHOOL AUDITION VIDEOS SUBMISSIONS and DEMOS

(ex. OCSA AUDITION/VIRTUAL PORTFOLIO)

<p>Demo Filming / Editing</p> <p>\$ 150-500</p>
<p>Book now!</p>

The final rate will be relative to the amount of hours spent in the studio and the amount of editing necessary to create a great demo.

Please contact me for a quote and current pricing.

Please note, the quote is my best guess on what the price will be, but may change if more work is necessary. We will do our best to land on the rate we agree on, and will always try to make our rates fair and relative to the work we do.

ADDITIONAL TIME

\$50

- Price for each additional half hour for recording time

ADDITIONAL VIDEO

\$50

- 2 cuts of the footage are included in the audition package. However, if you require an additional cut, please be advised.

FILING AND SUBMITTING OF APPLICATION

\$200

(\$300 if contracted within 7 days of the deadline, and only if scheduling permits)

- If filing and submitting your application is overwhelming and upsetting you or technology makes you go “oohhh nooooo!”, don’t worry, I can help you! In fact every year I end up submitting a student’s application because a parent is tired of looking at it all J I get it! As this is usually a long process, and requires a lot of back and forth communication so that everything is submitted correctly, I need at least 2 weeks to submit comfortably. Last minute filing is not recommended, includes a fee, and subject to my availability. I will not accept contracts I can not fulfil, so last minute booking is not guaranteed.

LAST MINUTE FILM SHOOT

\$500

- Filming 14 days before your deadline is considered last minute. We will not accept contracts we cannot finish before a deadline, so booking is based on scheduling and availability for editing and uploading, etc.
- Contracting and pricing may vary if additional help is required to finish your video, therefore I do not recommend waiting.

CALL US: **(800) 581-4609** EMAIL US: info@mollysmusic.org

Select Page



AUDITIONS

Audition Prep

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B... E D

Maximize Your Potential

Maximizing your audition potential means developing a unique skill set which includes everything from script reading, to interviewing, to choosing songs, to developing stage presence. We offer personalized coaching in all aspects of vocal and musical theater auditions, as well as a specialized program for prospective OCSA and APA students.

PREP PROGRAM

OCSA Audition Prep



Orange County School of the Arts (OCSA) in Santa Ana is one of the premier arts schools in the country. Competition is fierce, and to win a spot in your conservatory of choice means honing a masterful audition.

But here's the thing—buckets of talent doesn't always equate to an outstanding audition. Knowing what to expect, choosing the best material for your abilities, and taming stage fright are all factors that can make or break your chance to attend OCSA.

GET AHEAD

Of the Competition

You may only get one chance in front of the panel, but we've had plenty—we routinely accompany our students at their auditions, so we see what goes on. Choose your package, and we'll work with you to figure out what you need to do to put your best foot forward.

\$180

2 Private Sessions



Popular

\$320

4 Private Sessions

\$450

6 Private Sessions

***Only available if you book at least 6 weeks
before your audition.***



WHAT TO EXPECT

Audition Coaching for Musicals and Competitions

Our job is to evaluate your strengths and weaknesses, bring your weaknesses make your strengths really sparkle. Each student and audition is unique, so s dramatically. Audition coaching takes all or some of the following factors into

VOCAL TECHNIQUE AND DEVELOPMENT

If your audition is for a singing-heavy role, it's in your best interest to train your voice as much as possible beforehand. We'll look at the kind of part you're interested in, and make sure your vocal style aligns with it.

CHOOSING, CUTTING, DELIVERING THE RIGHT SONG

In a situation where you get only one chance to shine, choosing the right song is as important as having good technique. We'll help you cut it to the required length, and then work to make your song delivery irresistible.



CHOOSING, CUTTING, AND DELIVERING THE RIGHT MONOLOGUE

It's rare that both a student's song and monologue are of the same caliber. We'll help you choose an appropriate monologue, and work with you to deliver it in a way that's sincere and powerful.

STAGE PRESENCE, STAGE FRIGHT MANAGEMENT, AND INTERVIEW PREPARATION

We'll practice your overall demeanor in front of the judges. You'll squelch stage fright and foster confidence.

AN AUDITION BACKING TRACK

If you need someone to prepare a backing track to your exact specifications, we're the ones to ask.

O C S A

OCSA Prep



All of our OCSA prep packages are designed for the individual student. Depending on your needs, your package may include all or some of the following:

VOCAL TECHNIQUE AND DEVELOPMENT

CHOOSING, CUTTING, & DELIVERING THE RIGHT

MONOLOGUE

CHOOSING, CUTTING, & DELIVERING THE RIGHT SONG

STAGE PRESENCE & MOVEMENT COACHING

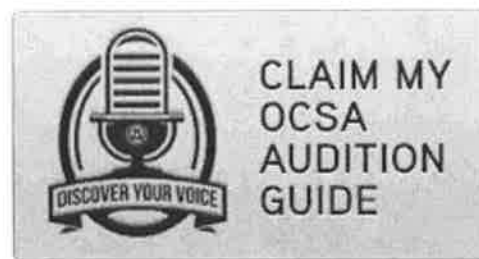
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STAGE FRIGHT MANAGEMENT

MICROPHONE TECHNIQUE

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A WORD

From Our Founder

Many people mistakenly believe that you're either born a singer or not. This is simply not true. There are so many coordinations that go into singing, from pitch matching, to breath support, to soft palate and tongue control. While these things may come easier and earlier to some than others, the bottom line is that they are skills that can be learned. If I can leave you with one piece of advice, it's that you *can* learn to sing, and we'd love to be the ones to help you discover your voice.

-Molly Webb

FULL BIO



OUR SCHOOL

Locations, Teachers and Programs

With 3 convenient studio locations, a wide variety of programs and performance opportunities, an in-home and online music lesson option, and a unique team of teachers all over the musical spectrum, we're confident we can help meet your music lesson needs.



Locations

Costa Mesa Studio

419 E. 17th St, Ste. 204, Costa Mesa, CA

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Our Teachers



The Inside Voice



Recitals



Studio M



Pop Star Camp



ATTACHMENT 7



July 16, 2019

VIA U.S. MAIL & ELECTRONIC MAIL

Santa Ana Unified School District
1601 East Chestnut Avenue
Santa Ana, CA 92701-6322
Marjorie.Cochran@SAUSD.US

Attn: Marjorie Cochran Ed.D.
Charter Liaison

Re: SAUSD June 21, 2019 Charter School Oversight Report
for Orange County School of the Arts

Dear Ms. Cochran:

Thank you for providing the Charter School Oversight Report. Although OCSA has a long history of working closely with chartering entity Santa Ana Unified School District, this is the first time in nineteen years of working with the District that we have received such a report. We thank you for your input. This letter responds to the report. For ease of reference, we have set forth the reviewers' statements in bold type, followed by the OCSA's response. The numbers correspond to the items numbered in the Charter Oversight Report and begin with Item 18.

SAUSD Comments on Item 18

18. The charter school provides access to grade-level core curricula for English Learners.

Services to students who are English Learners 17[sic]. The program described for supporting ELs indicates that it varies from year to year. There is not a consistent plan because the numbers of ELs enrolled at OCSA were reportedly very low – 12 for the 2018-2019 school year. As a follow up, the current LCAP was reviewed. It was noted that no actions have been specifically designated to support ELs.

OCSA Response:

OCSA will amend its 2019-2020 LCAP to specifically address the amount and use of resources to address the needs of English learners.

OCSA will meet all applicable federal and state legal requirements regarding EL including annual notification to parents, student identification, placement, program options, English Language Development and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program



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effectiveness, and standardized testing requirements. OCSA will ensure English Learners have equal access to instructional materials and supports.

Identification

OCSA will use approved English Language Proficiency Assessments for California (ELPAC): (1) ELPAC Initial Assessment (IA) and (2) ELPAC Summative Assessment (ELPAC-SA). (Education Code section 313)

- ELPAC-IA: Students whose primary language is other than English as determined by the Home Language Survey, who have not previously taken the California English Language Development Test (CELDT) or ELPAC and who have not been previously classified as an EL, shall be assessed using ELPAC-IA.

Based on ELPAC-IA results, the student will be classified as an EL or an initial Fluent English Proficient (IFEP) student. EL students will receive both integrated and designated ELD. IFEP students will receive instruction designed for fluent English speakers.

- English Learners will be tested annually using the ELPAC-SA until the student is re-designated as Fluent English Proficient.

The ELPAC will be used to fulfill the requirements of Every Student Succeeds Act for annual English proficiency testing.

English Learners with an IEP/504 Plan will be assessed using accommodations, modifications, or alternative assessments as specified in their plan. (California Code of Regulations, title 5, sections 11516, 11516.5 – 11516.7)

Parent Notifications

OCSA shall send parents/guardians an Initial Parent Notification Letter of OCSA's responsibility for ELPAC testing and notify parents/guardians of their child's results on the test within 30 calendar days following receipt of the results. (California Code of Regulations, title 5, section 11511.5.)

OCSA shall annually notify parents/guardians of English Learners of assessment results.

English Language Development

OCSA will provide English Language Development (ELD) instruction and support to English Learners, including daily instruction based upon student needs and abilities. ELD will be consistent with California ELD standards and framework. English Learners will not be denied



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participation in standard instructional program or courses required for graduation and college admission.

Reclassification

English Learners shall be reclassified as fluent English Proficient in accordance with Education Code section 52164.6. Reclassification procedures shall include, but not be limited to:

1. Assessment of English language proficiency using the ELPAC;
2. Participation of the student's classroom teacher and other certificated staff with direct responsibility for teaching or placement decisions for the student;
3. Parent/guardian involvement through: (a) notice to parent/guardian of language reclassification and placement, including a description of reclassification process and the parent's opportunity to participate; and (b) encouragement of the participation of parent(s) or guardian(s) in the reclassification procedure;
4. Evaluation shall be as specified in California Code of Regulations, title 5, section 11302(b), or Education Code section 313(d)(4) statewide standard.

Reclassified students will be monitored for four consecutive years to ensure correct classification, placement, and additional academic support. If not meeting the academic criteria, the student will receive support services and/or intervention strategies. (United States Code, title 20, section 6841(a)(5); California Code of Regulations, title 5, section 11304.) On successful completion of four years of monitoring, the student will be exited from ELD.

How School Will Meet Needs of English Learners: English Learners that Make Progress in All Academic Subjects

OCSA's individualized support of English Learners will continually assess their progress using formative assessments and provide support for success in their academic classes.

Intervention

OCSA will develop intervention strategies and techniques to meet the needs of English Learners.

OCSA will identify one administrator to serve as the EL coordinator, whose duties will include regular tracking of yearly ELPAC scores and formation of an EL RtI team to track students' grades and Smarter Balanced Assessment Consortium scores, writing samples, and English Language Proficiency Assessments for California offer interventions to support student success. The EL coordinator will coordinate academic and individualized support, monitor and guide progress of English Learners.



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The EL coordinator will assemble an EL advisory board, comprised of parents, counselors and teachers to oversee students' progress under ELPAC regulations of the California Department of Education.

OCSA will establish, as needed, academic support blocks in English Language Arts, Mathematics, Science and Social Science, taught by teachers trained in Cross-Cultural Language and Academic Development (CLAD) practices, and will serve as additional academic support. Regular PLC time will be spent between support teachers and regular academic teachers to improve student learning outcomes.

Additionally, upon renewal, OCSA will memorialize these services in its charter renewal petition for 2020.

SAUSD Comments on Items 24 and 27

"24. The charter school is complying with the admissions practices described in the charter.

27. If the charter school has need to use a lottery system to determine which students will be allowed to enroll, there is documentation that the process was held in the manner described in the approved petition."

SAUSD's findings on these two items are as follows:

Admissions 24 and 27. The 2016 OCSA charter renewal (Element 8) indicates that *"Students will be rank-ordered based on established audition rubrics. Students will be selected for each conservatory program based on their place in this rank-order. Should there be more "Qualified" students than enrollment slots allow, Qualified, in this case defined as those students who have met both the Academic and Audition requirements, then a public random drawing will be held to determine student enrollment."*

And *"Admission practices will be administered in accordance with provisions defined by charter school law. If the number of students who wish to attend OCHSA exceeds capacity, among equally qualified applicants, preference will be extended to pupils who reside in the District."*

However, the process for selecting students for enrollment in the event that there are more qualified students than slots available, as described by OCSA staff during the site visit, was that students would be ranked based on both audition and academic criteria for each conservatory, and then selected based on this ranking.



Effective January 1, 2018, Education Code 47605(d)(2) has an updated definition of a reasonably comprehensive description of a charter's admissions policies as follows:

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

(B) If the number of pupils who wish to attend the charter school exceeds the charter 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 school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

- i. Each type of preference shall be approved by the chartering authority at a public hearing.**
- ii. Preferences shall be consistent with federal law, the California Constitution, and Section 200.**
- iii. Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.**

OCSA Response:

The District's findings make reference to students being ranked on both audition and academic criteria for each conservatory. It is possible that staff misunderstood your question or that you misunderstood the response. Notwithstanding current charter language, OCSA has not, for at least two years, applied academic criteria, either for admission to OCSA, or for admission to a conservatory. Moreover, as you are no doubt aware, Education Code section 47605(d)(2) as modified effective January 1, 2018, was not in effect upon OCSA last renewal. The procedure for admission that OCSA will follow for school year 2019 – 2020 and also include in its' 2020 renewal petition is as follows:



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Admission Requirements – Education Code Section 47605(b)(5)

Arts conservatories are a fundamental part of the OCSA educational experience. For this reason, prospective OCSA students are invited to attend a preview day to become familiar with the skills consistent with the levels of the conservatory for which they wish to apply. Prior to or during OCSA's open enrollment period each year, prospective students shall participate in a placement interview/activity to identify the appropriate level of placement in the conservatory to which they seek admission. OCSA shall admit all such applicants who wish to attend on a space available basis to the appropriate level of the conservatory of choice. When applicants exceed spaces, a public random drawing will be conducted in accordance with the procedures outlined in this section to determine which students are admitted. No minimum GPA or other academic, behavior, or performance criteria is required for admission, other than space at the appropriate performance level.

Admissions

OCSA will be non-sectarian in its programs, admissions policies, and all other operations, and will not discriminate against any student on the basis of disability, gender, gender identity, gender expression, nationality, national origin, race or ethnicity, religion, sexual orientation, or any other characteristic contained in the definition of hate crimes set forth in Penal Code Section 422.55, including immigration status.

If the charter school site is physically located in the attendance area of a public elementary school in which 50% or more of the pupil enrollment is eligible for free or reduced-price meals, OCSA may give a preference in application for admission to pupils currently enrolled in that public elementary school and to pupils who reside in the attendance area of that elementary school in accordance with Education Code 47605.3. (The students in this preference group shall be referred to herein as "47605.3 Preference Students.").

In the event of a public random lottery, preference in admission to OCSA shall be granted in the following order:

1. Siblings of students admitted to or attending OCSA.
2. Education Code section 47605.3 Preference Students.
3. All other students who reside in the District except as provided for in Education Code section 47614.5.
4. All other applicants.

OCSA will hold a public hearing to authorize the preferences.

Preferences shall not result in limiting enrollment access for students with disabilities,



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academically low-achieving, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are socioeconomically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, sexual orientation, or immigration status.

In accordance with Education Code sections 47605(d)(2)(B)(iv) and 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

In no event shall OCSA limit space in any or all of its programs, including any particular conservatory or any performance level, in a manner that would exclude any students in preference groups 1 or 2 from attending/enrolling/reenrolling for the following school year.

Except as required by Education Code section 47605.3 and the preferences for students who reside in the District, admission shall not be determined according to the place of residence of the student, or his or her parent or legal guardian within the state.

Students who are currently attending OCSA shall be automatically admitted for the next year, without being required to reapply or participate in the public random drawing.

Applicants are encouraged to request and will receive accommodations if needed for the application process to ensure that students with special needs who may qualify for services pursuant to the IDEIA and/or Section 504 shall not be excluded from admission solely on the basis of the disability or language classification.

A parent/guardian who provides reliable evidence that the denial of admission is a direct result of the student applicant's special education/504 or EL status may seek review of the decision not to admit by making written request for such review within 10 calendar days of the decision to deny admission.

Admission practices will be administered in accordance with provisions defined by charter school law and all other applicable provisions of law.

Public Random Drawing Procedures

The following is an explanation of OCSA's admission and public random drawing process should applicants exceed spaces:

1. Prospective students who have indicated an interest in attending OCSA will be invited to attend a preview day to become familiar with the various conservatories and the skills characteristic of the conservatory in which they wish to study. Students shall



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participate in a placement interview/activity that will identify the appropriate level of placement in the conservatory in which they wish to be admitted.

No minimum GPA is required for admission. If applicants exceed spaces available, a public random drawing for a reserved number of spaces will be conducted to determine the order of admission for all students who seek admission. Those individuals whose names are drawn after all spaces in the particular conservatory at the pertinent performance level have been filled will be placed on the waiting list in the order drawn. This waiting list will allow students the option of enrollment in the case of an opening. In no event shall a waiting list extend beyond the end of the current school year.

2. Students who are currently enrolled in OCSA need not apply for readmission to the school and/or the conservatory, but shall be automatically entitled to attend. Depending on the progress they have made in their conservatory of choice, they will either advance to the next level of conservatory, or remain in their current level of conservatory. No placement interview/activity is necessary for these students.

If conservatory slots are not filled through this process, an admission process comprised of (1) a preview day, (2) a placement interview/activity, (3) a public random drawing, and (4) waiting list shall be conducted for each remaining level of preference (siblings of students admitted or attending OCSA, 47605.3 Preference Students, all other students who reside in the District except as provided for in Education Code section 47614.5, and all other applicants) for which there are more applicants than there are spaces available. All applicants in each preference group will be either offered admission or be placed on a waiting list before any applicants in any subsequent preference group are offered admission or permitted to participate in a public random drawing.

Requirement for Conservatory Enrollment

Although initial admission to a conservatory is not based on academic criteria, continued participation in a conservatory program requires satisfactory educational progress, defined as maintenance of a 2.0 grade point average in all enrolled courses on a 4.0 scale and maintenance of minimum progress toward meeting the high school graduation requirements prescribed by the school's governing board. No students shall be disenrolled from OCSA based on a failure to maintain satisfactory educational progress, but, rather, OCSA shall work with the student on addressing academic issues in order to return the student to participation in his/her conservatory program as quickly as possible. A student who does not maintain the satisfactory educational progress required for participation in a conservatory program, but who stays enrolled while working to address his/her academic performance issues, shall be deemed to be participating for purposes of this "continuous conservatory participation" requirement in order to be entitled to be reenrolled for the following school year.



SAUSD Comments on Item 26

26. Enrollment forms indicate compliance with all applicable laws and with the charter.

Admissions 26. OCSA enrollment documents include a request *“to bring a photocopy of the child’s valid State Birth Certificate, or photocopy of valid/unexpired US Passport, or photocopy of valid/unexpired out of country passport, or Visa/Green Card.”*

K-12 Model Policies (AB-699) prohibits school districts and LEAs from collecting birth certificates and entry date information during the enrollment process. Instead, LEAs *“shall solicit that documentation or information separately from the school enrollment process.”* As of February 25, 2019, LEAs, including independently operated charter schools, were required to revise their enrollment process so that the required collection and documenting of information related to a student’s national origin (i.e. information regarding birthplace, entry date into the U.S., date of first enrollment in U.S., etc.) to satisfy certain federal reporting requirements is handled separately from the initial enrollment process.

OCSA Response:

The chartering authority is confusing *admission* to the charter school with *enrollment* at the charter school once a student is admitted. *The admission process requires no proof of citizenship whatsoever.* Upon enrollment, which typically occurs multiple weeks after admission, the family is required to provide proof of birth date and transcripts from previous enrollment. Any birth certificate or other equivalent document is acceptable, and such certificate need not be issued by a state within the United States. No student is required to provide proof of immigration status, either in the admission process, or in the enrollment process. OCSA will review enrollment documents to reinforce this requirement, as OCSA does not discriminate on the basis of citizenship or immigration status.

SAUSD Comments on Item 28

28. Recognizing the limitations on admissions to charter schools imposed by EC 47605(d), 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 as required by EC 47605(b)(5)(G), shall be presumed to have been met, absent specific



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information to the contrary. There is no information gathered that leads the authorizer to believe the contrary.

Admission 28. In reviewing whether or not OCSA is maintaining a racial and ethnic balance reflective of SAUSD, the 2018-2019 Enrollment reports (CDE website) were reviewed. The charts below, copied from the CDE website, clearly show that OSCA's demographics are not reflective of the racial and ethnic balance of the general population residing within the territorial jurisdiction of the school district as required by EC 47605(b)(5)(G) with regards to English learners and socio-economically disadvantaged subgroups nor Hispanic/Latino, Asian and White ethnic groups. Further, OCSA racial and ethnic makeup is also not reflective of Orange County for Hispanic/Latino and White ethnic groups.

OCSA's Response:

Because of the nature of the conservatory program, which English Learners and socioeconomically disadvantaged subgroups may not have had access to in conventional public schools, OCSA continues to strive to meet the goal of racial and ethnic balance reflective of SAUSD, notwithstanding the fact that it draws students from 100 cities throughout and beyond Orange County. To attract and support the admission of such students, OCSA continues to identify and implement a number of inclusive strategies.

Since opening its doors in downtown Santa Ana in September 2000, the nationally recognized Orange County School of the Arts (OCSA) has been a strong community partner with the City of Santa Ana and with its chartering agency, the Santa Ana Unified School District.

Our charter with the SAUSD calls for the following provisions, to which we have complied:

Page 14: OCSA will collaborate with the District if requested to develop appropriate art programs on their respective campuses. OCSA will share its expertise, experience, best practices, contacts, and other resources to encourage full development of the arts programs in the designated art school in the District.

- We assisted Santa Ana Unified School District with developing their Santa Ana High School Conservatory Program.
- We offer two 10-week programs in Creative Writing to students from OCEAA and El Sol Charter Schools. In some instances, the students come to the OCSA campus for classes and in others, OCSA students travel off-campus to other schools to teach classes.



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PAGE 31-32: The Orange County School of the Arts will work collaboratively to develop programs to identify and enroll students to achieve and maintain a racial and ethnic balance reflective of the general population residing within the District's territorial jurisdiction.

These pathway/community programs include:

- **Camp OCSA:** OCSA annually offers 10 weeks of free after-school arts training for approximately 500 underserved Santa Ana students in grades 4 through 6. Camp OCSA is a positive, nurturing environment that helps identify young people with an interest in the arts and the desire to discover and develop their talents. Classes are taught by approximately 140 OCSA student volunteer counselors in grades 10-12, under the supervision of OCSA's Director of Arts Enrichment, Coordinator of Community Programs, and faculty program directors. The camp program, which consists of beginning classes in guitar instruction, musical theatre singing, acting, ballet, creative writing, ballroom dance, ballet folklórico, drawing, painting, and jazz dance, enhances interest in the arts and creativity while helping to develop self-esteem, self-discipline, and self-awareness. OCSA works closely with the Santa Ana Unified School District, teachers, parents, community groups to coordinate recruitment efforts for the camp. OCSA intends not only to serve these young people with outstanding arts enrichment and training programs to increase their skills and self-confidence, but also to instill the idea that this Camp can help them to prepare, if desired, for future admission to the school as well as develop a lifelong passion for the arts.
- **CSArts Academy:** Exploratory arts experiences in culinary arts, dance, digital media, music, theatre, visual arts, and more are offered to 5 to 15-year-old students in the Santa Ana community. Classes are given on Saturdays and during the summer months. All classes are taught on campus by professional artist teachers from the Orange County School of the Arts. OCSA provides \$40,000 of financial assistance to students who need it to access the program. The "Adults in the Arts" program gives adults in the community an opportunity to explore their creative side in culinary, dance and visual arts classes. The Academy often serves as a training ground and a pathway for students interested in applying to OCSA as a full time student.
- **Dragon Kim Foundation Music Program:** This program annually provides free music lessons and instruments to dozens of economically challenged Santa Ana elementary school students in grades 4 through 6, many of whom have never held an instrument before. OCSA is looking to further expand this popular program to include vocal music.

PAGE 33-34: OCSA will strive to have a minimum of thirty percent (30%) of the student body composed of students who reside in the District; provided, however, in the



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event OCSA fails to meet this requirement, the District and OCSA shall agree to an Outreach Plan to meet this goal. So long as OCSA is acting in good faith to comply with the Outreach Plan, OCSA's failure to meet this requirement shall not be cause for revocation of this Charter. OCSA will set no maximum limit to the number of qualified students from the District who may be admitted to OCSA. The Outreach Plan will define OCSA's strategies for outreach to assure the minimum participation from the District.

OCSA shall develop and maintain a fund for low income students to provide for permissible costs of supplies and materials and to assist students with daily transportation assistance (bus passes) and to develop a payment plan to assist with the payment of funds for particular kinds of events that are not "educational activities of OCSA and for which costs are permissibly required to be borne by students pursuant to the Free Schools Guarantee (e.g. tours). OCSA will also provide funds relating to field trips, tours, transportation, or anything necessary for students to fully participate in OCSA performances or extracurricular activities. As needed, OCSA will provide free or reduced priced tickets to all OCSA performances in which students appear, in order to ensure that parents and close family members of the student performers are encouraged and able to attend regardless of financial considerations. Policies regarding eligibility for these funds and the process for accessing these funds will be made available to all OCSA students. Requests for financial assistance will be handled confidentially by the OCSA business office.

- **Enrollment at OCSA:** OCSA annually provides 7th through 12th-grade full-time schooling and arts education to the children of approximately 200 Santa Ana families, of whom more than 90% are economically challenged. This education provides a path to college and a professional career for students who may not have had the opportunity otherwise due to limited resources. These students receive a large portion of the \$500,000 in financial scholarships OCSA annually provides through its *Artist Scholar Sponsorship Program* to assist with arts training. Most of these students are also provided free or reduced lunches and assistance with other school needs. Requests for financial assistance are handled confidentially by the OCSA business office.
- **Ballet Folklórico:** To serve the specific interests of this community, OCSA created the Ballet Folklórico Dance Conservatory in 2002, which provides the opportunity for students to receive intensive and specialized training in the art of Mexican folk dance and international dance styles.
- **Gluck Community Service Arts Fellowship:** This program helps to provide annual funding to produce and stage approximately 120 different free student performances and arts activities for local community and non-profit organizations that serve the underserved and economically challenged, including youth centers, schools, retirement and nursing facilities, libraries, parks, health centers, and others. Soloists, ensembles and other groups



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typically present concerts/performances of approximately 25-40 minutes in length that include interaction with the audience and include discussion about technique, musical motifs or other pertinent information. Some of the community partners are: The Orange County Educational Arts Academy, El Sol Academy, the Orange County Children's Therapeutic Arts Center, Santa Ana Police Athletic and Activity League, The Santa Ana Public Library, The Boys and Girls Club of Santa Ana, The UCI Medical Center in Santa Ana, Loaves and Fishes Soup Kitchen, Ronald McDonald House, Bowers Museum, The Blind Children's Learning Center, Hands Together, and The Santa Ana Zoo, to name a few.

- **Peer Tutoring at The Wooden Floor:** OCSA students regularly provide peer tutoring to participants at The Wooden Floor in Santa Ana.
- **Partnership with Relámpago del Cielo Grupo Folklórico:** Through a partnership with the award-winning Relámpago del Cielo Grupo Folklórico, OCSA ballet folklórico students regularly perform in downtown Santa Ana for the local community. OCSA also hosts a free bilingual 12-week leadership class on its campus that is open to community residents.
- **Complimentary Tickets to Student Performances:** OCSA offers complimentary tickets to the Santa Ana Police Athletic & Activity League (SAPAAL), Orange County Children's Therapeutic Arts Center (OCCTAC), and several elementary schools, so that local children can attend and enjoy various OCSA student performances throughout the school year.
- **Student Community Service and Volunteer Work in Local Santa Ana Community:** The school's students perform a significant amount of volunteer work and community service for a variety of local non-profit organizations in the Santa Ana community including the Second Harvest Food Bank, CHOC Hospital, and STEAMPORT, an educational program that helps connect young girls to STEAM activities and careers. OCSA's Spanish Honor Society participates in the Noche de Altares community event that takes place in downtown Santa Ana. One of the school's students was honored this year by the Leukemia & Lymphoma Society of Orange County for their successful effort to develop an innovative relationship with SUBWAY to work with their customers to expand the fight against blood cancers.

OCSA's move to midtown Santa Ana and their investment in over \$70 million purchasing and renovating 8 different deteriorated downtown business properties and constructing 1 new building from the ground up to service its 2,200 students, has helped to significantly revitalize this redevelopment area and position Santa Ana as one of the cultural epicenters in Orange County and Southern California. Not only has the school of the arts helped serve as a major catalyst for rejuvenation of the City's midtown, but its students, faculty, and



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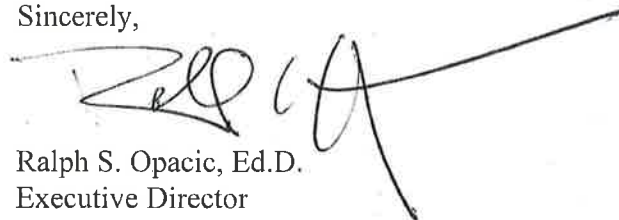
parents have also made community outreach and service to Santa Ana and its residents a major priority.

Conclusion

The Orange County School of the Arts has partnered with the Santa Ana Unified School District since OCSA's inception in the year 2000. We strive to comply with the requirements of the charter and with state laws, including with changes in state law. We believe that the above commitments bring OCSA into full compliance with its charter and state law as we begin the 2019-2020 school year.

After reviewing this response, should you have remaining concerns about the items identified, please contact me at your earliest convenience to schedule a meeting.

Sincerely,



Ralph S. Opacic, Ed.D.
Executive Director

cc: OCSA Board of Trustees
Sonia Llama, SAUSD
Alfonso Jimenez, SAUSD

ATTACHMENT 8



ORANGE COUNTY

Aliso Viejo	64
Anaheim	80
Anaheim Hills	10
Brea	22
Buena Park	28
Capistrano Beach	1
Corona del Mar	19
Costa Mesa	41
Coto de Caza	12
Cowan Heights	1
Cypress	24
Dana Point	12
Dove Canyon	3
Foothill Ranch	14
Fountain Valley	21
Fullerton	62
Garden Grove	39
Huntington Beach	88
Irvine	399
La Habra	6
La Palma	11
Ladera Ranch	42
Laguna Beach	34
Laguna Hills	21
Laguna Niguel	55
Lake Forest	34
Los Alamitos	10
Mission Viejo	50
Newport Beach	52
Newport Coast	13
North Tustin	6
Orange	108
Placentia	17
Rancho Mission Viejo	1
Rancho Santa Margarita	28
Rossmore	8
San Clemente	36
San Juan Capistrano	16
Santa Ana	215
Seal Beach	16
Silverado	6
Stanton	1
Sunset Beach	1
Trabuco Canyon	19
Tustin	82
Villa Park	6
Westminster	13
Yorba Linda	56
Orange County Total	1,903

LOS ANGELES COUNTY

Artesia	1
Baldwin Park	1
Bellflower	4
Cerritos	25
Claremont	1
Commerce	1
Diamond Bar	6
Downey	5
Hacienda Heights	3
Harbor City	1
La Habra Heights	1
La Mirada	12
La Puente	1
La Verne	1
Lakewood	10
Long Beach	80
Los Angeles	5
Lynwood	1
Manhattan Beach	7
Northridge	1
Norwalk	6
Pacoima	1
Paramount	1
Pomona	3
Rancho Palos Verdes	3
Redondo Beach	5
Rowland Heights	2
San Pedro	2
Santa Fe Springs	2
Signal Hill	2
Torrance	6
Valencia	1
Walnut	5
West Covina	1
Whittier	12
Los Angeles County Total	219

RIVERSIDE COUNTY

Beaumont	1
Corona	23
Eastvale	9
Murrieta	3
Norco	2
Riverside	2
Temecula	5
Riverside County Total	45

SAN BERNARDINO COUNTY

Chino	4
Chino Hills	13
Lake Arrowhead	1
Rancho Cucamonga	1
Rialto	1
Upland	2
San Bernardino County Total	22

SAN DIEGO COUNTY

Carlsbad	9
Oceanside	2
San Diego	3
Vista	1
San Diego County Total	15

OTHER CALIFORNIA /
OUT OF STATE

Hillsborough, CA	1
Santa Cruz, CA	1
Honolulu, HI	2
Quakertown, PA	1
West Linn, OR	2
Other California / Out of State Total	7

TOTAL STUDENTS 2,211

Enrollment by Subgroup Comparative Data

CURRENT SCHOOL PROFILE (2019):

	Total Enrollment:	Free/Reduced Lunch:	English Learners:
OCSA	2,177	165 (7.6%)	24 (1.1%)
SAUSD	51,482	41,115 (79.9%)	17,438 (33.9%)
Century	1,660	1,467 (88.4%)	472 (28.4%)
Godinez	2,449	2,096 (85.5%)	246 (10.0%)
Saddleback	1,574	1,255 (79.7%)	316 (20.1%)
Santa Ana	3,057	2,675 (87.5%)	718 (23.5%)
Segerstrom	2,435	1,642 (67.4%)	160 (6.6%)
Valley	2,150	1,814 (84.4%)	627 (29.2%)
		Average: 82.2%	Average: 19.6%
Carr	1,405	1,251 (89.0%)	520 (37.0%)
Lathrop	948	875 (92.3%)	366 (38.6%)
MacCarther	1,210	770 (63.6%)	68 (5.6%)
McFadden	1,184	1,007 (85.1%)	357 (30.2%)
Mendez	1,392	1,193 (85.7%)	227 (16.3%)
Sierra	757	699 (92.3%)	324 (42.8%)
Romero Cruz (formerly Spurgeon)	196	168 (85.7%)	85 (43.4%)
Villa	1,390	1,242 (89.4%)	385 (27.7%)
Willard	708	651 (91.9%)	304 (42.9%)
		Average: 86.1%	Average: 31.6%

<https://www.cde.ca.gov/sdprofile/details.aspx>

Key:

	High Schools
	Intermediate Schools

2018-19 Enrollment by Subgroup:

	Total Enrollment:	Socioeconomically Disadvantaged:	English Learners:	SPED	Foster Youth:	Homeless:
OCSA	2,177	12.1%	1.1%	4.9%	0.0%	0.0%
SAUSD	46,597	87.8%	34.8%	12.7%	0.5%	12.9%
Century	1,782	94.4%	28.4%	15.8%	0.3%	16.0%
Godinez	2,449	89.9%	10.0%	6.7 %	0.2%	12.4%
Saddleback	1,574	87.2%	20.1%	13.3%	0.3%	15.9%
Santa Ana	3,057	93.1%	23.5%	13.3%	0.6%	18.4%
Segerstrom	2,435	72.1%	6.6%	7.1%	0.1%	7.7%
Valley	2,150	92.7%	29.2%	12.6%	0.7%	18.9%
High Schools Average:		88.2%	19.6%	11.5%	0.4%	14.9%
Carr	1,405	94.0%	37.0%	15.4%	0.4%	19.7%
Lathrop	948	95.6%	38.6%	18.2%	0.8%	27.5%
MacCarther	1,210	66.8%	5.6%	6.8%	0.1%	4.7%
McFadden	1,184	89.2%	30.2%	15.8%	0.6%	23.1%
Mendez	1,392	89.3%	16.3%	6.5%	0.2%	12.6%
Sierra	757	95.4%	42.8%	21.9%	0.9%	30.9%
Spurgeon	829	95.5%	42.6%	17.4%	0.8%	17.7%
Villa	1,390	93.5%	27.7%	6.4%	0.2%	10.1%
Willard	708	95.9%	42.9%	22.7%	0.3%	21.2%
Intermediate Schools Average:		90.6%	31.5%	14.6%	0.5%	18.6%

<https://dq.cde.ca.gov/dataquest/>

2018 Dashboard (2017-2018):

	Total Enrollment:	Socioeconomically Disadvantaged:	English Learners:	SPED	Foster Youth:	Homeless:
OCSA	2,166	13.3%	0.6%	4.3%	0.0%	0.0%
SAUSD	48,326	87.8%	40.3%	12.3%	0.5%	12.1%
Century	1,782	94.8%	29.9%	15.1%	0.5%	15.0%
Godinez	2,540	89.0%	9.9%	5.9%	0.2%	12.8%
Saddleback	1,626	86.7%	21.2%	13.3%	0.7%	17.5%
Santa Ana	2,963	93%	24.6%	13.4%	0.3%	17.5%
Segerstrom	2,452	70.3%	7.5%	7.0%	0.1%	8.5%
Valley	2,113	91.5%	30.9%	11.7%	0.4%	19.7%
High Schools Average:		87.6%	20.7%	11.1%	0.4%	15.2%
Carr	1,455	93.0%	36.8%	13.7%	0.2%	18.6%
Lathrop	968	96.1%	39.4%	18.1%	0.7%	24.8%
MacCarther	1,210	65.8%	6.0%	6.8%	0.0%	4.8%
McFadden	1,205	88.9%	33.4%	14.4%	0.7%	21.4%
Mendez	1,407	88.3%	18.6%	7.0%	0.2%	12.3%
Sierra	812	95.8%	39.7%	19.6%	0.4%	24.8%
Spurgeon	868	94.2%	44.9%	16.2%	1.2%	13.5%
Villa	1,396	92.2%	28.2%	6.2%	0.2%	11.3%
Willard	740	95.8%	43.2%	19.6%	0.7%	22.4%
Intermediate Schools Average:		90.0%	32.2%	13.5%	0.5%	17.1%

<https://www.caschooldashboard.org/reports/>

2017 Dashboard (2016-2017):

	Total Enrollment:	Socioeconomically Disadvantaged:	English Learners:	SPED	Foster Youth:	Homeless:
OCSA	2,165	11.1%	0.4%	4.1%	0.0%	0.0%
SAUSD	49,793	92.4%	41.4%	12.1%	0.4%	10.8%
Century	1,838	98.4%	29.9%	13.9%	0.6%	13.9%
Godinez	2,576	95%	9.7%	6.1%	0.1%	13.0%
Saddleback	1,639	94.1%	21.5%	13.5%	0.5%	16.3%
Santa Ana	2,858	97.1%	24.2%	12.6%	0.4%	15.4%
Segerstrom	2,435	85.5%	6.8%	6.9%	0.0%	9.2%
Valley	2,204	96.1%	32.8%	12.3%	0.4%	21.4%
High Schools Average:		94.4%	20.8%	10.9%	0.3%	14.9%
Carr	1,430	98.5%	36.7%	13.0%	0.3%	17.0%
Lathrop	967	98.2%	34.5%	18.3%	0.8%	17.3%
MacCarther	1,221	82.8%	6.2%	7.5%	0.1%	4.0%
McFadden	1,270	95.8%	31.3%	13.3%	0.5%	16.4%
Mendez	1,384	94%	19.1%	7.4%	0.1%	12.1%
Sierra	918	97.4%	40.5%	18.3%	0.5%	15.4%
Spurgeon	950	98.3%	43.4%	16.0%	0.9%	9.7%
Villa	1,347	97.7%	27.9%	6.6%	0.1%	12.0%
Willard	803	99%	41.3%	17.1%	0.4%	25.7%
Intermediate Schools Average:		95.7%	31.2%	13.1%	0.4%	14.4%

<https://www.caschooldashboard.org/reports/>

2015-2016 Enrollment by Subgroup:

	Total Enrollment:	Socioeconomically Disadvantaged:	English Learners:	SPED	Foster Youth:	Homeless:
OCSA	2,096	11.6%	0.4%	2.2%	0.0%	0.0%
SAUSD	51,383	94.9%	43.6%	11.3%	0.4%	10.2%
Century	1,883	98.8%	30.1%	13.6%	0.4%	11.4%
Godinez	2,622	96.5%	12.3%	6.5%	0.1%	12.8%
Saddleback	1,627	96.1%	23.8%	14.4%	0.4%	17.9%
Santa Ana	2,800	97.9%	24.3%	12.7%	0.7%	14.5%
Segerstrom	2,433	90.1%	6.5%	6.7%	0.1%	10.1%
Valley	2,241	97.4%	36.4%	12.9%	0.5%	20.6%
High Schools Average:		96.1%	22.2%	11.1%	0.4%	14.6%
Carr	1,487	99.1%	33.0%	14.7%	0.3%	19.5%
Lathrop	966	99.6%	38.3%	16.3%	0.6%	12.8%
MacCarther	1,230	68.6%	5.0%	7.2%	0.1%	4.3%
McFadden	1,328	96.4%	32.1%	13.4%	0.5%	12.0%
Mendez	1,381	97.4%	18.9%	7.6%	0.0%	9.7%
Sierra	954	98.1%	41.1%	17.9%	0.3%	12.9%
Spurgeon	958	98.4%	43.6%	14.6%	0.2%	10.1%
Villa	1,350	98.8%	27.7%	6.7%	0.1%	8.7%
Willard	831	99.6%	42.7%	15.9%	1.3%	26.2%
Intermediate Schools Average:		95.1%	31.4%	12.7%	0.4%	12.9%

<https://dq.cde.ca.gov/dataquest/>

2014-2015 Enrollment by Subgroup:

	Total Enrollment:	Socioeconomically Disadvantaged:	English Learners:	SPED	Foster Youth:	Homeless:
OCSA	1,922	10.7%	0.3%	2.7%	0.0%	0.0%
SAUSD	52,638	92.8%	48.1%	11.5%	0.5%	8.3%
Century	1,864	97.9%	38.4%	12.8%	0.5%	7.3%
Godinez	2,613	95.2%	15.7%	6.9%	0.3%	12.4%
Saddleback	1,690	94.4%	33.5%	14.7%	0.8%	18.5%
Santa Ana	2,741	96.6%	36.4%	13.2%	0.7%	10.4%
Segerstrom	2,544	88.3%	10.9%	6.8%	0.3%	10.5%
Valley	2,263	96.8%	40.7%	13.2%	0.2%	18.5%
High Schools Average:		94.9%	29.3%	11.3%	0.5%	12.9%
Carr	1,557	98.3%	34.9%	14.5%	0.7%	14.1%
Lathrop	1,018	98.5%	40.0%	16.0%	0.7%	9.2%
MacCarther	1,235	84.2%	5.8%	7.5%	0.1%	4.2%
McFadden	1,374	94.8%	33.6%	13.5%	0.3%	9.4%
Mendez	1,378	95.6%	19.4%	7.6%	0.3%	6.7%
Sierra	978	97.9%	43.6%	16.8%	0.5%	5.2%
Spurgeon	992	97.4%	41.9%	12.9%	0.8%	6.3%
Villa	1,348	98.6%	27.4%	6.8%	0.1%	6.5%
Willard	878	98.1%	45.6%	13.9%	0.9%	15.4%
Intermediate Schools Average:		95.9%	32.5%	12.2%	0.5%	8.6%

<https://dq.cde.ca.gov/dataquest/>

Enrollment by Ethnicity Comparative Data

ENROLLMENT BY ETHNICITY DATA:**2018-19**

	Total Enrollment:	Hispanic or Latino:	White:	Asian:
OCSA	2,177	20.6%	40.8%	20.2%
SAUSD	51,482	92.9%	2.6%	2.7%
Century	1,660	97.2%	0.2%	2.1%
Godinez	2,449	98.2%	0.4%	1.0%
Saddleback	1,574	95.1%	1.5%	1.7%
Santa Ana	3,057	98.9%	0.2%	0.3%
Segerstrom	2,435	89.7%	1.3%	6.5%
Valley	2,150	97.3%	0.4%	1.8%
High Schools Average:		96.1%	0.7%	2.2%
Carr	1,405	97.2%	0.3%	1.6%
Lathrop	948	98.7%	0.1%	0.8%
MacCarther	1,210	88.9%	1.7%	7.0%
McFadden	1,194	93.6%	1.9%	2.5%
Mendez	1,392	98.9%	0.0%	0.7%
Sierra	757	98.4%	0.5%	0.8%
Spurgeon	829	96.3%	0.8%	2.1%
Villa	1,390	98.3%	0.3%	1.2%
Willard	708	97.7%	1.0%	0.4%
Intermediate Schools Average:		96.4%	0.7%	1.9%

<https://dq.cde.ca.gov/dataquest/>

2017-18

	Total Enrollment:	Hispanic or Latino:	White:	Asian:
OCSA	2,166	21.7%	42.5%	18.9%
SAUSD	53,131	92.9%	2.6%	2.7%
Century	1,782	97.8%	0.3%	1.5%
Godinez	2,540	97.8%	0.5%	1.2%
Saddleback	1,626	94.2%	1.5%	2.5%
Santa Ana	2,963	98.6%	0.3%	0.3%
Segerstrom	2,452	89.5%	1.3%	6.6%
Valley	2,113	96.8%	0.5%	1.9%
High Schools Average:		95.8%	0.7%	2.3%
Carr	1,455	98.3%	0.0%	1.2%
Lathrop	968	98.5%	0.1%	1.2%
MacCarther	1,210	88.3%	2.1%	7.2%
McFadden	1,205	94.9%	1.4%	2.0%
Mendez	1,407	98.4%	0.1%	0.9%
Sierra	812	97.4%	0.6%	1.5%
Spurgeon	868	95.7%	0.7%	2.0%
Villa	1,396	98.6%	0.2%	1.1%
Willard	740	97.8%	0.5%	0.5%
Intermediate School Average:		96.4%	0.6%	1.95%

<https://dq.cde.ca.gov/dataquest/>

2016-17

	Total Enrollment:	Hispanic or Latino:	White:	Asian:
OCSA	2,165	23.7%	44.2%	18.2%
SAUSD	54,505	93%	2.7%	2.7%
Century	1,838	97.1%	0.7%	1.6%
Godinez	2,576	97.8%	0.6%	1.1%
Saddleback	1,639	94.4%	1.9%	2.1%
Santa Ana	2,858	98.5%	0.5%	0.3%
Segerstrom	2,435	89.5%	1.4%	6.8%
Valley	2,204	97.0%	0.5%	1.9%
High Schools Average:		95.7%	0.9%	2.3%
Carr	1,430	98.6%	0.1%	0.8%
Lathrop	967	98.2%	0.3%	1.0%
MacCarther	1,221	86.8%	1.9%	8.9%
McFadden	1,270	93.9%	1.3%	2.7%
Mendez	1,384	98.2%	0.1%	1.1%
Sierra	918	97.2%	0.4%	1.5%
Spurgeon	950	96.2%	0.3%	2.1%
Villa	1,347	98.6%	0.3%	1.0%
Willard	802	98.3%	0.6%	0.5%
Intermediate Schools Average:		96.2%	0.6%	2.2%

<https://dq.cde.ca.gov/dataquest/>

2015-16

	Total Enrollment:	Hispanic or Latino:	White:	Asian:
OCSA	2,096	23.6%	45.7%	16.8%
SAUSD	55,909	93.1%	2.7%	2.5%
Century	1,883	97.2%	0.4%	1.9%
Godinez	2,622	97.6%	0.8%	1.1%
Saddleback	1,627	94.5%	1.7%	2.5%
Santa Ana	2,800	98.5%	0.5%	0.2%
Segerstrom	2,433	89.7%	1.6%	6.9%
Valley	2,241	97.1%	0.6%	1.7%
High Schools Average:		95.8%	0.9%	2.4%
Carr	1,487	98.5%	0.2%	1.1%
Lathrop	966	98.1%	0.4%	0.8%
MacCarther	1,230	86.0%	2.4%	9.3%
McFadden	1,328	92.5%	2.2%	2.6%
Mendez	1,381	98.4%	0.2%	0.8%
Sierra	954	97.3%	0.3%	1.3%
Spurgeon	958	96.9%	0.4%	1.9%
Villa	1,350	98.7%	0.1%	0.9%
Willard	831	98.7%	0.5%	0.2%
Intermediate Schools Average:		96.1%	0.7%	2.1%

<https://dq.cde.ca.gov/dataquest/>

2014-15

	Total Enrollment:	Hispanic or Latino	White	Asian
OCSA	1,922	22.5%	48.4%	15.9%
SAUSD	56,815	93.4%	2.6%	2.5%
Century	1,864	97.6%	0.3%	1.8%
Godinez	2,613	97.1%	0.8%	1.4%
Saddleback	1,690	95.1%	1.4%	2.5%
Santa Ana	2,741	98.7%	0.5%	0.1%
Segerstrom	2,544	89.0%	1.8%	7.0%
Valley	2,263	97.3%	0.6%	1.6%
High Schools Average:		95.8%	0.9%	2.4%
Carr	1,557	98.1%	0.4%	0.8%
Lathrop	1,108	98.2%	0.4%	1.1%
MacCarther	1,235	85.9%	2.1%	9.4%
McFadden	1,374	92.3%	1.8%	3.3%
Mendez	1,378	98.5%	0.4%	0.4%
Sierra	978	96.7%	0.6%	1.8%
Spurgeon	992	97.5%	0.2%	1.5%
Villa	1,348	98.7%	0.1%	0.9%
Willard	878	98.6%	0.5%	0.2%
Intermediate Schools Average:		96.1%	0.7%	2.2%

<https://dq.cde.ca.gov/dataquest/>

English Learner Students Comparative Data

ENGLISH LEARNER STUDENT DATA:**2018-19**

	Total # of English Learner Students (All Languages):	Total # of Students & % of All English Learners (Spanish only):
OCSA	24	0 (0%)
SAUSD	17,438	17,196 (98.61%)
Century	472	465 (98.51%)
Godinez	246	246 (100%)
Saddleback	316	301 (95.2%)
Santa Ana	718	714 (99.44%)
Segerstrom	160	154 (96.25%)
Valley	627	611 (97.45%)
		Average: 97.81%
Carr	520	515 (99.04%)
Lathrop	366	364 (99.45%)
MacCarther	68	67 (98.53%)
McFadden	357	344 (96.36%)
Mendez	227	227 (100%)
Sierra	324	324 (100%)
Spurgeon	353	347 (98.30%)
Villa	385	384 (99.74%)
Willard	304	303 (99.67%)
		Average: 99.01%

<https://dq.cde.ca.gov/dataquest/>

2017-18

	Total # of English Learner Students (All Languages):	Total # of Students & % of All English Learners (Spanish only):
OCSA	14	3 (21.43%)
SAUSD	20,575	20,269 (98.51%)
Century	532	526 (98.87%)
Godinez	252	252 (100%)
Saddleback	345	326 (94.49%)
Santa Ana	728	720 (98.90%)
Segerstrom	185	177 (95.68%)
Valley	653	631 (96.63%)
		Average: 97.43%
Carr	536	535 (99.81%)
Lathrop	381	378 (99.21%)
MacCarther	72	69 (95.83%)
McFadden	402	396 (98.51%)
Mendez	261	260 (99.62%)
Sierra	322	321 (99.69%)
Spurgeon	390	382 (97.95%)
Villa	394	394 (100%)
Willard	320	317 (99.06%)
		Average: 98.85%

<https://dq.cde.ca.gov/dataquest/>

2016-17

	Total # of English Learner Students (All Languages):	Total # of Students & % of All English Learners (Spanish only):
OCSA	9	1 (11.11%)
SAUSD	21,718	21,419 (98.62%)
Century	550	543 (98.73%)
Godinez	250	250 (100%)
Saddleback	353	335 (94.90%)
Santa Ana	692	686 (99.13%)
Segerstrom	165	156 (94.55%)
Valley	724	703 (97.10%)
		Average: 97.40%
Carr	525	524 (99.81%)
Lathrop	334	331 (99.10%)
MacCarther	76	75 (98.68%)
McFadden	398	387 (97.24%)
Mendez	265	264 (99.62%)
Sierra	372	370 (99.46%)
Spurgeon	412	400 (97.09%)
Villa	376	375 (99.73%)
Willard	331	328 (99.09%)
		Average: 98.87%

<https://dq.cde.ca.gov/dataquest/>

2015-16

	Total # of English Learner Students (All Languages):	Total # of Students & % of All English Learners (Spanish only):
OCSA	9	4 (50%)
SAUSD	23,530	23,211 (98.64%)
Century HS	567	560 (98.77%)
Godinez HS	323	323 (100%)
Saddleback HS	387	373 (96.38%)
Santa Ana HS	679	675 (99.41%)
Segerstrom HS	157	153 (97.45%)
Valley HS	815	796 (97.67%)
		Average: 98.28%
Carr Intermediate	490	489 (99.8%)
Lathrop Intermediate	370	366 (98.92%)
MacCarther Intermediate	61	59 (96.72%)
McFadden Intermediate	426	411 (96.48%)
Mendez Intermediate	261	261 (100%)
Sierra Preparatory	392	389 (99.23%)
Spurgeon	418	406 (97.13%)
Villa Intermediate	374	373 (99.73%)
Willard Intermediate	355	353 (99.44%)
		Average: 98.61%

<https://dq.cde.ca.gov/dataquest/>

2014-15

	Total # of English Learner Students (All Languages):	Total # of Students & % of All English Learners (Spanish only):
OCSA	5	3 (80%)
SAUSD	26,377	25,975 (98.48%)
Century HS	716	709 (99.02%)
Godinez HS	409	409 (100%)
Saddleback HS	566	552 (97.53%)
Santa Ana HS	998	996 (99.80%)
Segerstrom HS	277	270 (97.47%)
Valley HS	922	901 (97.72%)
		Average: 98.59%
Carr Intermediate	544	541 (99.45%)
Lathrop Intermediate	407	404 (99.26%)
MacCarther Intermediate	72	69 (95.83%)
McFadden Intermediate	461	438 (95.01%)
Mendez Intermediate	267	267 (100%)
Sierra Preparatory	426	421 (98.83%)
Spurgeon	416	406 (97.60%)
Villa Intermediate	369	369 (100%)
Willard Intermediate	400	399 (99.75%)
		Average: 98.41%

<https://dq.cde.ca.gov/dataquest/>

8. STUDY SESSION

Subject	8.1 Budget Study, LCAP Planning and Initiation of Strategic Plan Process
Meeting	Dec 10, 2019 - Special Board Meeting
Access	Public
Type	Discussion

AGENDA ITEM BACKUP SHEET

TITLE: Budget Study, LCAP Planning and Initiation of Strategic Plan Process

ITEM: Presentation/Study Session

SUBMITTED BY: Alan Rasmussen Ed.D., and Richard Tauer, Interim Co-Superintendents

ITEM SUMMARY:

Provide the Board of Education with the beginning budget for the 2019-20 school year; status of this year's budget as of today; and projected ending balance for June 30, 2020. This study session will begin with a presentation and conclude a Board discussion regarding affirming priorities, the establishment of a budget committee, researching site utilization, as well as consideration of the development of a long range strategic plan.

BACKGROUND INFORMATION:

In response to the Board requests, this special study session will provide the Board with a budget update presentation, an update of the LCAP, and a discussion to clarify and affirm overall district goals and priorities.

RATIONALE:

The Board of Education will establish the criterion to be used for good decision-making that will lead to an appropriate balance between spending and revenues.

FUNDING:

No Fiscal Impact

RECOMMENDATION:

Identify the timeline for a strategic plan.