



## SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item # 11.1

**Meeting Date:** June 19, 2014

**Subject:** Approve Resolution No. 2796: Charter School Petition: New Joseph Bonnheim (NJB) Community Charter School – (Grant or Deny with Findings)

- ☐ Information Item Only
- ☐ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☐ Conference/First Reading (Action Anticipated: \_\_\_\_\_)
- ☐ Conference/Action
- ☒ Action
- ☐ Public Hearing

**Division:** Accountability Office

**Recommendation:** To adopt the Resolution to Deny the Petition to Charter the New Joseph Bonnheim Community Charter School.

**Background/Rationale:** The Board of Education held a public hearing in accordance with Education Code section 47605(b) to consider the level of support for the proposed K-6<sup>th</sup> grade. The District Board to take action at its scheduled Board Meeting, June 19, 2014.

Staff conducted a full, comprehensive review of the Petition pursuant to Education Code 47605 and recommends that the Petition be denied. The Staff Report details Staff and Legal's analysis of the Petition and the supporting evidence and legal basis for its recommendation of denial. Staff recommends the Board of Education adopt Resolution 2796 to deny the New Joseph Bonnheim Community Charter School based on the Findings of Fact and specific facts that support the following:

- The Petition, as drafted, presents an unsound educational program for the pupils to be enrolled in the charter school
- The Petition, as drafted, demonstrates it is unlikely that the petitioners will successfully implement the program set forth in the Petition
- The Petition, as drafted, does not contain reasonably comprehensive descriptions of all the items required by Education Code section 47605, subdivision (b)(5)

**Financial Considerations:** The financial considerations are outlined within the Executive Summary document.

**Documents Attached:**

1. Charter Petition: <http://www.scusd.edu/new-joseph-bonnheim-charter-petition>
2. Executive Summary
3. Resolution No. 2796

**Estimated Time of Presentation:** 10 minutes

**Submitted by:** Teresa Cummings, Ph.D., Chief Accountability Officer

**Approved by:** Sara Noguchi, Ed.D., Interim Superintendent

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**I. Introduction**

On April 23, 2014, lead petitioners for The New Joseph Bonnheim Community Charter School ("NJB") submitted a petition to establish a dependent charter school ("Petition") with the Sacramento City Unified School District ("SCUSD" or "District"). The Petition proposes to create a charter school to serve K-6<sup>th</sup> grade that would "develop responsible, respectful, and proactive citizens to become caretakers of our community, state, our country, and our planet" through a focus on agriculture (Petition, pp. 8). Petitioners seek to begin operations with 323 students opening its door in the 2014-2015 school year.

The public hearing was scheduled for, and took place on, May 15, 2014 to consider the level of support for the New Joseph Bonnheim Community Charter School ("NJB"). At that meeting, there were twelve public comments in support of the charter and no public comments against the charter.

As part of the review process, Staff conducted an interview with the lead petitioners and the proposed founding team for NJB on May 20, 2014 in an effort to clarify various aspects of the Petition as well as to evaluate the capacity of the petitioners to successfully implement the program set forth in the Petition.

In accordance with CA Education Code, the District has provided its recommendations and an Executive Summary for the Petition. This Executive Summary sets forth the findings of fact ("Findings of Fact") and specific findings based on staff's review of the Petition and its appendices.

**II. Driving Governance:**

The Charter Schools Act of 1992 ("Act") governs the creation of charter schools in the State of California. The Act includes Education Code section 47605(b) which provides the standards and criteria for petition review, and provides that a school district governing board considering whether to grant a charter petition "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." (Ed. Code, §47605(b).) Specifically, the governing board may not deny a petition unless it makes written factual findings setting forth for specific facts to support one, or more of five findings:

- 1) The charter school presents an unsound educational program for the students to be enrolled in the charter school;
- 2) The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition;

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- 3) The Petition does not contain the number of signatures prescribed by Education Code section 47605, subdivisions (a)(1)(A) or (a)(1)(B)
- 4) The Petition does not contain an affirmation of each of the conditions set forth in Education Code section 47605, subdivision (d), including that the charter school: (1) will be nonsectarian in its admission policies, employment practices and all other operations; (2) will not charge tuition; and (3) will not discriminate against any student on the basis on the characteristics set forth in Education Code section 220.
- 5) The Petition does not contain reasonably comprehensive descriptions of sixteen certain elements in its program and operations as set forth in Education Code section 47605, subdivision (b)(5) (A-P), which describes sixteen separate elements that must be addressed in every petition to establish a charter school. These elements include a description of the School's governance structure, admissions policy, and health and safety and student discipline policies.

Charter School petitions are also required to include discussion of the impact on the chartering district, including, the facilities to be utilized by the School, the manner in which administrative services will be provided, potential civil liabilities for the school district, and a three year projected operational budget and cash flow. (Ed Code 47605 (g)).

**III. Results of Petition Review (Findings of Fact Determinations):**

The Petition evaluation that follows summarizes the consensus of the District reviewers with respect to the educational program and proposed school operations, pursuant to the petition review process. The following Findings of Fact and specific facts in support thereof have been grouped for convenience under the aforementioned grounds for denial of the Petition. **Certain Findings of Fact support more than one ground for denial of the Petition.**

**Presents an Unsound Educational Program for Pupils to be Enrolled at the Charter School.**

Petitioners target students from the former Joseph Bonnheim Elementary School with a population of 40%-50% English Language Learners (ELs) and 14.5% special education and 100% free or reduced lunch (Petition, pp. 16 – 18).

**English Language Learners**

The Petition lacks a demonstrated understanding of the educational needs of the target population and effective approaches to meeting those needs, specifically for ELs.

Petition states that charter intends to use the 1999 CA English Language Development (ELD) Standards as benchmarks for English Learners rather than the ELD standards adopted by the State Board of Education in 2012, which are aligned to the Common Core State Standards

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(CCSS). For a school that will be operating with 40 – 50% English Learner population, it is critical that petitioners are aware of the current research-based language development theory and practices (Petition, pp. 120 – 122). The petition includes older research to qualify the charter’s instructional programs for ELs; however, the 30-year old work done by Stephen Krashen and Jim Cummins has been since amended and revised almost continuously by educational linguists as they search for instructional practices that help students build the academic language they need to engage in the type of learning and tasks called for in Common Core State Standards (CCSS). Simply citing a desire to consult two professional development providers, GLAD and Jo Gusman, engenders little confidence and sufficient evidence that NJB will meet the needs of ELs (Petition, pp. 41– 43). With regard to the teaching staff, there is no mention of teacher training on the new ELD standards.

**Petitioners are Demonstrably Unlikely to Successfully Implement the Programs Set Forth in the Petition**

Petitioners are operating under the concept that the charter school will be a district-affiliated “dependent” charter school. The Regulations require consideration of whether a charter petition has presented a realistic financial and operational plan in determining whether petitioners are likely to be successful in implementing the charter program. Based upon the information (or lack) provided in Petition, the petitioners are demonstrably unlikely to successfully implement the educational program for the following reasons:

**Financial**

1. The petition states “The LCFF provides sufficient funding to replicate the educational plan from YPSA at NJB with SCUSD employees;” however, through careful review of the financials, staff has identified that the projected expenditures are below average than Fiscal Year 2012-13, reserves are very low and the projected enrollment appears overly optimistic.
2. Petitioners have stated that during the first year the district will need to cover cash flow, as a dependent charter, the school is ineligible for the PCSGP grant. “Cash flow during the first year will be challenge. The problem is resolved with SCUSD covering cash flow” (Petition, pp. 85, 125).
3. Petitioners are operating under the concept that the former Joseph Bonnheim Elementary school will be provided and that in year 1, all students from the former Joseph Bonnheim would return to attend the proposed charter school totaling 323 students. The first year enrollment as well as enrollment from year 1 to 2 of 7% seems overly optimistic. The District calls this assumption into question. Enrollment is the driving factor for determining revenues, even moderate fluctuations in projections may

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result in significant revenue shortfalls and the district further incurring additional costs. At the capacity interview, Petitioners made staff aware that Dr. Mah Associates would be able to provide NJB with a \$300,000 loan.

*Ellie Boyce: As president of the board of Dr. Mah Associates, we do have funds and we are willing to back the school. Provided we are a go. We can provide up to \$300,000.*

*Dennis Mah: we can provide 100,000 per 100 students enrolled.*

*Ellie Boyce: Again, that is a loan, we expect to be paid back. Yav Pem Suab is a great example. We loaned them money and they paid us back.*

4. Lack of adequate funding/resources to support the implementation of the program (i.e. consultants fees, per diem for teaching professional development)

**Educational Program**

The Petition details a similar educational program as that of Yav Pem Suab, "The educational plan described in Element A is currently used at Yav Pem Suab Academy Charter School (YPSA) with great success," however, there are significant differences that would alter the success for the New Joseph Bonnheim Community Charter School (Petition, pp.9) When asked the following question:

Staff: Please list all of the issues that will need to be negotiated with the bargaining units in order to deliver the Charter School's program as described in the petition and if NJB is unable to secure any of the items listed, please describe the impact this would have upon the charter schools program.

Petitioners: " The program does not exist, if the charter is not approved as is."

5. The Petition provides a description of the theory undergirding the educational program; however it lacks cohesiveness and the specificity in describing how the theories will be actionable and implemented.
6. Petitioners lack a persuasive case for why the selected approach integrating agriculture and civic education best supports the targeted population.  
The school site that petitioners reference has 0% English Language Learners population, 39% Free or Reduced lunch students, significantly different demographics than what petitioners intend to serve.

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7. Petitioners outline several approaches to curriculum and instruction such as project-based learning, Body-Brain compatible teaching and learning, GLAD, STEM, HET, agricultural and civic education. Extensive professional development is needed for the program and the population.
8. Petition states that “applicants for new teaching positions at NJB must meet the following criteria:
  - Be familiar with HET model of learning. Preference will be given to those who have successfully used the model and
  - Available and willing to participate in a variety of PD experience during the year including a two week training sessions before the first day of school in Sept 2014”
9. Staff has concerns and lacks specificity as to what role the founding group representatives will have in the day-to-day operations of the school. At the capacity interview, Dr. Mah made staff aware that he would be working at the school site 30-40 hours a week, coaching the Steering Committee.

**Governance**

10. The Steering Committee, which functions as the “governing board” for the school site, has 12 voting members and has the potential to run into a 6 to 6 voting tie (Petition, pp. 57-58). The Petition lacks the specificity in describing how the Steering Committee members will have the capacity to run a successful school, develop the tools for a principal evaluation, evaluate principal, make decisions in the best interest of students, policy development, etc. Lacks of educational expertise, qualification of the three named lead petitioners that will serve as community members for the Steering Committee for the five years to run quality school.
11. Petition is unclear whether teachers will be compensated for their participation for extra duties.
12. The Petition establishes a governance structure that could significantly impact the District and its resources. Petitioners’ statement that NJB would be a dependent charter school implies that the District’s Governing Board will retain significant authority over the Charter School’s operation. However, this is not the case. For example, the Petition states that, “The NJB petitioners made a conscious decision to create a dependent charter school rather than an independent one.” (Petition, pp. 87.) However, the Petition also states, “At the same time, the [District’s Governing] Board recognizes that NJB can work *‘Independently from the existing school district structure,*

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[...]' ”. (Petition, pp. 54.) While these statements sound like a reasonable attempt to strike a balance between the power of District and the Charter School, this arrangement blurs the lines of authority when put into practice, and could expose the District to greater liability and lead to conflict over which body actually governs the Charter School. While nothing prevents the District from establishing a charter school with this type of governance structure, the Board should be aware of how such a structure will impact the District.

**13. NJB’s Steering Committee Has Complete Authority Over the Charter School.**

The Petition states that there will be three levels of decision-making at NJB. (Petition, pp. 52.) The first level will be the District’s Governing Board, which will authorize the Charter. The second level of authority is the policy making level, which is delegated to the Steering Committee. The third level will be NJB’s Principal, who will handle the day-to-day operations of the Charter School. (*Ibid.*) Of these three levels, the Steering Committee will have the greatest amount of authority. The Petition states that,

“The Steering Committee is the main decision-making body at NJB. The committee decides what, where, when, why and how decisions will be made and who will make the decisions. The Steering Committee approves all policy statements, including the Local Control Accountability Plan (LCAP), its annual update and the NJB Budget.” (Petition, pp. 57.)

This statement definitively establishes the Steering Committee as the decision-making body that governs the Charter School. Under this model, the District would have little to no decision-making authority. For Example, according to the Petition, the Steering Committee will be comprised of “five teachers, one classified staff member, the principal [of NJB], five community members and one non-voting district representative [...]” (Petition, pp. 57, emphasis added.) By making the District’s lone representative a non-voting member, the District will have less opportunity to participate in the Steering Committee’s decisions.

**14. How The Governance Structure Impacts the District’s Liability.**

In general, the law protects school districts from a charter school’s liability, debts, errors and omissions in situations where the charter school is operated by a nonprofit public benefit corporation, and so long as the school district performs its oversight responsibilities. (Ed. Code, § 47604, subd. (c).) Under NJB’s governance structure, NJB



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would not be organized as a nonprofit public benefit corporation. This arrangement would disqualify the District from receiving the statutory immunities from the Charter School's liability and debt. (Ed. Code, § 47604, subd. (c).)

**15. NJB's Steering Committee Is Not Compliant with the Brown Act**

Although the Petition states that, "All Steering Committee meetings will comply with the Ralph. M. Brown Act" (Petition, pp. 57), the Petition allows for meetings to be held, and actions to be taken, in violation of the Brown Act. For example, the Petition allows the Steering Committee to make decisions "if time is limited." (Petition, pp. 60.) Under these circumstances, "[...] the Steering Committee will make the decision without having to follow the usual decision-making process." (Petition, pp. 60, emphasis added.) In extreme circumstances, two members of the Steering Committee, along with the Principal, shall make a decision and report that decision at the next Steering Committee meeting. (Petition, pp. 60.) These types of decisions appear to require the vote of the full Steering Committee. To the extent that the phrase the "usual decision making process" includes noticing the agendas and allowing for the public's participation, the Steering Committee cannot waive this requirement, nor can take actions outside of a public forum by simply reporting the action at a subsequent meeting. (Gov. Code §§ 54954, 54954.2, subds. (a) and (b).)

**Dispute Resolution**

16. The Petition contemplates that the District and NJB will "jointly identify a neutral, third party arbitrator" to resolve disputes that cannot be resolved informally, and that do not involve the revocation of the Charter. (Petition, pp. 78.) Also, "The finding or recommendations of the arbitrator shall be non-binding, unless the Steering Committee and the SCUSD Board jointly agree to bind themselves." (*Ibid.*) Presumably, the Petition sets forth this process because it envisions the Steering Committee as a separate entity that governs the Charter School. However, because neither the Steering Committee, nor the Charter School, are separate legal entities from the District, it is not clear why a "third" party is necessary to resolve any dispute. The dispute resolution process should be simplified, and as a school of the District, disputes should be resolved by the Superintendent and the District's Governing Board.

**Labor Relations**

17. Although the section on labor relations attempts to provide clarity on the roles of the District and the Charter School, it actually raises more questions. The Petition states,



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“The charter school will not be the exclusive public school employer of employees at NJB. The Sacramento City Unified School District shall be deemed the exclusive public school employer for purposes of the Education Employment Relations Act. The respective collective bargaining agreements will be followed. The bargaining units bargain with the SCUSD Board, not with NJB Steering Committee or any part of its governance structure.” (Petition, pp. 79.)

Under this section, the District is “deemed the exclusive public school employer for purposes of the Education Employment Relations Act [(“EERA”).” However, the Petition also states, that NJB’s Principal will “supervise and evaluate teachers and other staff.” (Petition, pp. 63.) Under the Petition, NJB’s Principal “reports directly to the Steering Committee” and not to the District. (Petition, pp. 65.) It should be further noted that Petitioners’ intend to have the District exclude the Principal from membership in the United Profession Educators (“UPE”) (Petition, pp. 66.) Therefore, the District employees are supervised and evaluated by the Principal, who does not report to the District. This unusual supervisory chain of command could put the District in a position to be liable for actions and decisions implemented against its employees by the Steering Committee.

Further, the Petition states that NJB’s staff would be employees of the District, and that the District’s Governing Board would be responsible for negotiating collective bargaining agreements with these employees. (Petition, pp. 64.) However, the Petition also states that staff members are expected to participate in additional professional development and a year round calendar. (*Ibid.*) If NJB would like to require additional professional development and a year round calendar, such program features would be subject to the collective bargaining process. According to the Petition, the responsibility for negotiating the collective bargaining agreements falls on the District. This is an especially critical issue because Petitioners intend to open NJB in less than five months, which leaves the District a narrow window of time to complete the bargaining process necessary to effectuate the professional development and other significant features of the Charter School’s program.

Petitioners may claim that “the approval or a denial of a charter petition by a granting agency pursuant to subdivision (b) of Section 47605 shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment

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Relations Board.” (Ed. Code, § 47611.5, subd. (e).) Such an argument would be misplaced, as this statute merely prohibits a collective bargaining agreement from impacting whether a charter petition is approved. This statute does not prohibit the District from considering the impact of voluntarily taking on the additional responsibility of negotiating labor agreements or the impacts and liabilities to the District that go along with these bargaining issues.

**The Petition Does Not Contain Reasonably Comprehensive Descriptions of Certain Required Elements.**

The petition does not contain reasonably comprehensive descriptions of certain elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P), as set forth below.

**Education Program, Measurable Student Outcomes, Means to Measure Student Outcomes**

1. Petition provides a description of the theory behind the educational program and how it addresses the needs of the target population; however, it lacks specificity in describing how the theories will be made actionable and implemented in a manner to ensure the mission and vision are both actualized successfully.
2. Petition outlines a focus on Agriculture, but it does not provide explicit description of how this focus will serve the needs of the specific student population the school projects to serve (i.e. students from low income communities, English learners and high concentrations of academically underperforming students)
3. The Petition does not include available performance data from use of the same educational philosophy (agriculture focus) and approach to instruction with similar populations and demographics of students.
4. The educational philosophy of the school is very similar to Yav Pem Suab’s petition; however, only one data point measuring success is described—the school’s API. Although demographic groups have some similarities, the demographics at YPSA and the proposed NJB are different, it is unclear as to what changes will be made to the program to best serve the projected student populations’ unique needs.
5. Plan outlines the use of 175 instructional days or the minimum required for charter schools by the state. Given the student population to be served, it seems that more instructional time would be advantageous. The school that program is modeled after has an 8:00am-5:00pm school day with 175 instructional days

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whereas the NJB proposes a traditional day of 6.5 hours with minimum days each Wednesday. Staff believes this would greatly impact the results and success of the school. The Petition states additional learning time after school and during off track time from outside providers such as ClubZ and Luminous.

6. The Petition lacks reasonably comprehensive curriculum development plan; particularly considering Year 1 proposal of serving K-6 grades with an educational program that focuses on all of the following: HET, Body-brain compatibility, GLAD, STEM, agriculture, life skills, civic education, GLAD, Common Core.
7. The description of the curriculum is insufficient and does not provide enough information to determine soundness of the curriculum in core subject areas. Although a curriculum map is provided, it largely consists of a list of standards and topics. The curriculum map lacks the specific strategies that will be used to differentiate for the target population.
8. The petition states that the Steering Committee will develop a Wednesday professional development schedule by October 10<sup>th</sup>. In addition, the two-week pre-service Professional Development Plan before school opening still needs to be established as well.
9. The petition lacks clarity on the protocols and assessments that will measure and assess students' progress in English acquisition beyond the CELDT to ensure that students are appropriately re-designated to accurately reflect their English proficiency.
10. Petition lacks clear outcomes for students.
11. The petition lacks performance measures and goals; there is also an absence of information on specific targets and goals that are measurable and time bound for significant subgroups.
12. Lacks a clear description of the manner in which the school will prioritize the implementation of instructional strategies and pedagogies of the proposed educational program that will ensure likely achievement of the goals of the program

**Employee Qualifications**

13. The Petition includes lists of qualifications for the Principal, teachers, and school nurse, but no actual job descriptions. Information regarding the job duties and qualifications of classified staff (including an office manager, a plant manager, and yard duty staff) is entirely absent. (Petition, pp. 64-69.) Additionally, the Petition

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does not include any job descriptions for non-certificated instructors. While charter schools have “flexibility” for hiring instructors for non-core classes, the qualifications for these positions should be high and clearly articulated.

Petitioners must clarify whether they intend to use the District’s job descriptions or not. Without a clear idea of the qualifications and duties for all of the positions the Charter School intends to fill, the Board cannot be assured that Charter School employees will have sufficient experience and/or subject matter expertise.

14. The Petition indicates that the Charter School intends that its Principal will be the sole school administrator, with responsibility for budget forecasting, purchasing, accounting, budget monitoring, facilities management, staffing, proposing admissions regulations, serving as liaison with outside organizations, maintaining up-to-date-financial records, and developing organizational systems. (Petition, pp. 64-66.) However, the Petition also indicates the Charter School will be purchasing administrative services from the District, including accounts payable, budget, human resources, employee compensation, and purchasing. (Petition, pp. 84-85.) These statements appear to be in conflict with each other, and it is not clear how these functions will be apportioned between District staff and the Principal. These issues will need to be clarified before the Board takes action to approve or deny the Petition.
15. Charter school petitioners are required to provide information on the impact on the chartering district, including, the facilities to be utilized by the school, the manner in which administrative services will be provided, potential civil liabilities for the chartering school district, and a financial statements including a proposed first year operational budget, including startup costs, and cash flow and a three year projected operational budget. (Ed. Code § 47605, subd. (g).) The Charter School’s plan for the provision of administrative services appears adequate. (Petition, pp. 84.) However, the Petition fails to adequately address the following potential impacts on the District:

**Facilities**

16. Petitioners intend that the Charter School will be located at the District’s Joseph Bonnheim Elementary School, which is now closed. (Petition, pp. 83.) However, because NJB’s petition was not approved prior to March 15, 2014, NJB is not entitled to facilities under Prop 39 for the 2014-2015 school year. (5 CCR §

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11969.9, subd. (a).) If the Board decides to give NJB this site, the District would be reopening a site that it closed two years ago.

**Cash Flow**

17. Petitioners acknowledge that cash flow will be a problem during the Charter School's first year of operation. (Petition, pp. 125, 139.) To resolve this problem, the Petition calls for the District to cover any shortfall and to include the Charter School in any District application for Tax and Revenue Anticipation Notes. Requiring the District to assume responsibility for the Charter School's cash flow problem calls into question the overall financial viability of the Charter School.

**School Closure Process**

18. The Charter School's closure procedure is missing key details. The notification procedures stated in the Petition do not provide sufficient details regarding the timeframes that notices are to be issued to affected parties, or the method by which the affected parties will be notified. (5 CCR § 11962, subd. (b), *et seq.*) (pp. 80-81.) The Petition also fails to address how the Charter School's personnel records will be transferred, except to note that the records will be transferred "in accordance with applicable law." (5 CCR § 11962, subd. (e).) (p. 81.) Finally, it is unclear how Petitioners determined that \$5000 to \$10,000 will be sufficient funding to adequately address the closure process as required by law. (5 CCR § 11962, subd. (e).) (pp. 81-82.)

**V. Goals, Objectives and Measures:**

Not Applicable.

**VI. Major Initiatives:**

Not Applicable.

**VII. Results:**

In reviewing the Petition, the fact that there are weaknesses in multiple areas of the Petition, as stated above, is disconcerting. Most notable is the lack of specificity in the areas of the education program and school governance. Despite additions and changes to the education program from the previous submission, the education program does not contain reasonably comprehensive descriptions or meet the quality standard in critical areas including implementation planning (timing, resources, training, etc.) Overall, the program proposes an ambitious integration of GLAD, Life Skills, HET, civic education, project based/STEM, agriculture

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program for a target population with many challenges. The petition, as well as petitioners at the capacity interview, indicate that substantial planning, training and curricular development work remains to be done in order to achieve positive outcomes with this target population. Another concern is related to the capacity of the lead petitioners to operate a successful school in a community in incredible need. Therefore, staff finds that the Petitioners are demonstrably unlikely to successfully implement the program as presented in the Petition.

Based on the Findings of Fact and specific facts described herein, staff recommends that Sacramento City Unified School District Board of Education deny the Petition for New Joseph Bonnheim Community Charter under the California Charter Schools Act. The Findings of Fact and specific facts as stated herein supports the denial of this charter Petition pursuant to *Education Code § 47605* on the following grounds:

1. The Petition 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; and
3. The Petition does not contain reasonably comprehensive descriptions of certain required elements as stated above.

**VIII. Lessons Learned/Next Steps:**

In order to deny the Petition on the grounds set forth above, Education Code section 47605, subdivision (b), requires the Governing Board to make “written factual findings, specific to the particular petition, setting forth specific facts to support one or more” grounds for denying the Petition. District staff recommends that the Board adopt the Resolution to Deny the Petition to Charter The New Joseph Bonnheim Community Charter School (Resolution No. 2796).

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 2796**

**RESOLUTION TO DENY THE PETITION TO CHARTER THE NEW JOSEPH  
BONNHEIM COMMUNITY CHARTER SCHOOL**

WHEREAS, petitioners for the New Joseph Bonnheim Community Charter School (“Petitioners”) submitted to Sacramento City Unified School District (“District”) a charter petition (“Petition”), dated April 24, 2014 proposing the establishment of the New Joseph Bonnheim Community Charter School (“NJB”); and

WHEREAS, consistent with Education Code section 47605 subdivision (b), at a meeting on May 15, 2014, the District’s Board of Trustees (“Board”) held a public hearing on the Petition, at which time the Board considered the level of support for the Petition by teachers employed by the District, other employees of the District, and parents and guardians;

WHEREAS, the District has convened on June 19, 2014, to consider whether to grant or deny the Petition;

WHEREAS, the Governing Board has considered the level of public support for the New Joseph Bonnheim Community Charter and has reviewed and analyzed the Petition and all supporting documentation; and

WHEREAS, the District’s administration reviewed and analyzed the Petition and supporting documents for legal, programmatic, and fiscal sufficiency, and has identified deficiencies in the Petition, such that the Petition should be denied;

NOW, THEREFORE, BE IT RESOLVED that the Sacramento City Unified School District Board of Education hereby adopts the Staff Report and Proposed Findings of Fact Regarding the New Joseph Bonnheim Community Charter School;

BE IT FURTHER RESOLVED, that, based on the Findings of Fact set forth in the Executive Summary, the Petition sets forth an unsound educational program for pupils to be enrolled in the Charter School;

BE IT FURTHER RESOLVED, that, based on the Findings of Fact set forth in the Executive Summary, the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition;

BE IT FURTHER RESOLVED, that, based on the Findings of Fact set forth in the Executive Summary, the petition does not contain reasonably comprehensive descriptions of required elements of the Petition;

BE IT FURTHER RESOLVED, that for the reasons given above, the Petition is hereby denied.



**PASSED AND ADOPTED** by the Sacramento City Unified School District Board of Education on this 19th day of June, 2014, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

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Patrick Kennedy  
President of the Board of Education

ATTESTED TO:

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Dr. Sara Noguchi  
Secretary of the Board of Education