

# Petition Review

## Proposed Charter School

Patricia A. Crawford, M.A., Consultant  
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*Best Step Charter School Petition*  
*Presented to the Coronado Unified School District Board of Education*

This review covers the following elements of the Best Step Charter School Petition:

- Educational Program
- English Learner Services
- Provision of services to students with exceptional needs (Special Education, Section 504 of the Rehabilitation Act)

The proposed charter presented by the petitioners for the Best Step Charter School (BSCS) to the Coronado Unified School District Board of Education for consideration was reviewed pursuant to:

- Education Code 47601, describing the legislative intent of the Charter School's Act
- Education Code 47605, providing the required elements of a charter petition in California
- Title 5 California Code of Regulations section 11967.5.1 providing guidance for the State Board of Education in reviewing a charter application.
- Education Code 56145: Individuals with exceptional needs attending charter schools pursuant to Part 26.8 (commencing with Section 47600) shall be served in the same manner as individuals with exceptional needs are served in other public schools.
- APPLYING FEDERAL CIVIL RIGHTS LAWS TO PUBLIC CHARTER SCHOOL, a publication of the U.S. Department of Education, delineating the requirements for charter schools related to the provision of services to English Learners and to students who are eligible for services under Section 504 of the Rehabilitation Act.

### **EDUCATIONAL PROGRAM**

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Based on the regulations found in 5CCR 11967.5.1 (f) (1)(A-H) the educational program presented in the petition meets or exceeds required standards in most areas of review.\*

47605(b)(5)(A)(i) A description of the educational program of the school, designed, among other things, to identify those pupils whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

5 CCR 11967.5.1 (f)(1)(A-H)The description of the educational program of the school as required by Ed Code.  
The description of the educational program of the school:

<b>Yes</b>	<i>Indicates the proposed charter school’s target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.</i>
<b>Yes</b>	<i>Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners’ definition of an “educated person” in the 21st century, belief of how learning best occurs, and a goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners</i>
<b>Yes</b>	<i>Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.</i>
<b>Yes</b>	<i>Indicates the proposed charter school’s target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.</i>
<b>Yes</b>	<i>Indicates the basic learning environment or environments (e.g. site-based matriculation, independent study, community-based education, technology-based education).</i>
<b>Yes</b>	<i>Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school’s pupils to master curriculum content standards and to achieve the objectives specified in the charter.</i>
<b>Yes</b>	<i>Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.</i>
<b>Partial*</b>	<i>Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.</i>
<b>Partial*</b>	<i>Specifies the charter school’s special education plan, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities</i>
<b>Yes</b>	<i>Reflects a focus on California’s adopted Common Core State Standards.</i>

*\*Petition does not address Section 504 of the Rehabilitation Act*

*\*The petition indicates that Catapult Learning’s instructional services have successfully addressed the learning challenges of students with the following special needs:*

- *Borderline intelligence*
- *Mild cognitive impairment*
- *Mild communication impaired*
- *SLD (mild to moderate)*
- *Other Health Impairment*
- *Mild autism/Asperger’s*

*Students identified with the disabilities listed above are considered to be mildly to moderately disabled. As a public school, how would BSCS address the needs of students with more severe disabilities or with sensory impairments?*

*Examples of students with these disabilities are individuals who have:*

- *Visual Impairment (limited vision or blindness)*
- *Hearing Impairment (Hard-of-hearing, deafness)*
- *Physically Impairment*
- *Severe Cognitive Impairment*
- *Students who are Medically Fragile*

*While it is likely that by electing to be a school of the district under the plan for special education as submitted in the charter, the students with disabilities listed above would have their services provided through the district, the petitioners might want to consider adding language that reflects their recognition that the charter cannot*

arbitrarily deny admission to any disabled student. The provision of services would be determined through the IEP process.

Areas of note for exceeding expectations include:

- Drop-out recovery aspects of the program
- Blended learning opportunities
- Certified teachers and counselors
- Flexible scheduling to address students' individual needs and lifestyle
- Guidance services
- Enhanced on-demand access to AP and Honors courses for high achieving students

► **A question** that arose during this section of the review and that the district may want to pose to petitioners for clarification purposes:

1. Does the Parent Handbook, referenced on page 4 of the charter petition, include any language that is in opposition to the legislative intent of the Charter Schools Act as referenced in EC 47601(b)?

*\*47601. It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following: (a) Improve pupil learning.*

***(b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.***

For example, does the handbook referenced within the text of the petition provide for student dismissal or disenrollment for any of the following?

- Poor achievement
- Failure to meet a minimum grade point average
- Incomplete or missing assignments
- Poor attendance
- Discipline issues that do not meet the criteria for expulsion
- Parental behaviors and/or actions
- Other reasons that are not reflective of the concept that charter schools are public schools

## INDIVIDUALS WITH EXCEPTIONAL NEEDS

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**EC 56145.** Individuals with exceptional needs attending charter schools pursuant to Part 26.8 (commencing with Section 47600) shall be served in the same manner as individuals with exceptional needs are served in other public schools.

*Petition provides that:*

<b>Yes</b>	<i>All eligible students enrolled in the charter school will receive appropriate special education services in accordance with applicable state and federal law and the SELPA Local Plan for Special Education.</i>
<b>Yes</b>	<i>No student "otherwise eligible to enroll in the charter school" will be denied enrollment due to a disability</i>

	<i>or to the charter school's inability to provide necessary services.</i>
<b>Yes</b>	<i>Staff members providing special education services are appropriately credentialed</i>
<b>Yes</b>	<i>Any facility used by the school does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular programs.</i>
<b>Yes</b>	<i>The charter school will assume full responsibility for appropriate accommodation to address the needs of any student.</i>
<b>Yes</b>	<i>The responsibility of the school to provide special education, instruction and related serves to the students enrolled in the school regardless of students' district of residence</i>

*Petition includes a "Reasonably comprehensive description" of:*

<b>n/a</b>	<i>Specialized instruction and services available at the school</i>
<b>n/a</b>	<i>The provision of Designated Instruction and Services (DIS)</i>
<b>n/a</b>	<i>Special transportation for students whose IEPs indicate that service is necessary for the provision of FAPE.</i>
<b>Yes</b>	<i>The procedures for ensuring that students are referred, assessed and served in a timeline manner</i>

*\*n/a items above are designated as such because the school has opted to begin operations as a school of the district for the purposes of Special Education.*

The Plan for Special Education beginning of page 10 of the petition meets required standards for mildly to moderately disabled students. However, the petition fails to address how the school would provide for services to students who are sensory impaired, physically disabled, demonstrate severe cognitive impairment, or present with moderate to severe autism.

**► District staff may want to seek petitioner input for clarification purposes regarding the concern noted below:**

Special Education services described within the petition appear to be provided through Catapult Learning. Page 12 of the petition includes the following language:

- “Catapult Learning offers special education students the support they need to be successful in their coursework. *Previously classified students will be served in a general education instruction program...*”
  - The statement above causes concern in that it does not reflect the legal requirement to administratively place a student who has been previously identified in the setting determined by the student’s prior IEP team.

**Section 504 of the Rehabilitation Act**

Reference: U.S. Department of Education publication: [APPLYING FEDERAL CIVIL RIGHTS LAWS TO PUBLIC CHARTER SCHOOLS](#)

“Under Section 504 and Title II, students with disabilities enrolled in public schools, including your charter school, are entitled to a free appropriate public education (FAPE). The Section 504 regulation includes several substantive and procedural requirements regarding the provision of FAPE. Among these requirements is that a student with a disability must receive appropriate regular or special education and related aids and services. The requirement is designed so that the individual educational needs of the disabled student are met as adequately as the needs of nondisabled students.”

The charter petition provides that:

<b>No</b>	<i>All eligible students enrolled in the charter school will receive appropriate accommodations and modifications consistent with Section 504 of the Rehabilitation Act</i>
<b>No</b>	<i>No student “otherwise eligible to enroll in the charter school” will be denied enrollment due to a disability or to the charter school’s inability to provide necessary services.</i>
<b>No</b>	<i>ALL Staff members providing services to the student are familiar with the identified needs of the student</i>
<b>No</b>	<i>Any facility used by the school does not present physical barriers that would limit an eligible student’s full participation in the educational and extracurricular programs.</i>
<b>No</b>	<i>The charter school will assume full responsibility for appropriate accommodations to address the needs of any identified student.</i>
<b>No</b>	<i>The responsibility of the school to provide accommodations, modifications and services to the student regardless of the student’s district of residence</i>

Reviewer was unable to find any reference in the petition related to the provision of services to students under Section 504 of the Rehabilitation Act

It should be noted that it is typical for most students identified as qualifying for services under Section 504 to be served in the regular classroom setting with appropriate accommodations. Therefore, electing to be a school of the district for Special Education may not be relevant to services required under 504.

## **ENGLISH LEARNER SERVICES**

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Reviewer Notes:

The Plan for English Learners beginning on page 9 of the petition meets or exceeds 6 of the 9 standards of review. Areas of note for exceeding expectations include:

- Teacher qualifications and expectations for the provision of English Learner Services
- Schedule of assessments

Reference: U.S. Department of Education publication: [APPLYING FEDERAL CIVIL RIGHTS LAWS TO PUBLIC CHARTER SCHOOLS](#)

Federal civil rights law requires that public schools provide LEP children appropriate services designed to teach English and the general curriculum.

*Petition provides:*

<b>Yes</b>	<i>All eligible students enrolled in the charter school will receive appropriate English Learner services in accordance with applicable state and federal law.</i>
<b>Yes</b>	<i>Staff members providing English Learner Services are appropriately credentialed.</i>
<b>Yes</b>	<i>A description of the manner in which students are identified as requiring English Learner Services</i>
<b>Yes</b>	<i>A description of the process for reclassification of English Learners</i>
<b>Yes</b>	<i>An acknowledgment of the responsibility of the charter school to provide access to grade-level core</i>

	<i>curriculum for English Learners. (Check for reference to the use of California English-language Development Standards.)</i>
<b>No</b>	<i>References to curriculum and materials that will be utilized in the instruction of English Learners.</i>
<b>No</b>	<i>Petition tells how English Learners will be reclassified English Learners will be monitored</i>
<b>Yes</b>	<i>Timely identification of language-minority students who have limited proficiency in reading, writing, speaking, or understanding English</i>
<b>No</b>	<i>Effective language instruction educational program that also affords meaningful access to the school's academic content.</i>

While the charter describes efforts to provide effective instruction to ELL students, it does not discuss a specific curriculum for English learners; nor does it reference to the California English-language Development standard.