



September 28, 2020

Via: Email

jmorse@mcn.org

Board of Trustees

Jason Morse, Superintendent

Mendocino Unified School District

44141 Little Lake Road

Mendocino CA 95460

Re: *Caspar Creek Learning Community – Response to Findings*

Dear Trustees of the Mendocino Unified School District and Superintendent Morse:

On behalf of Caspar Creek Learning Community, Inc. (“Caspar Creek Learning Community,” “Caspar Creek,” “CCLC ” or “Charter School”), we are grateful for the feedback provided in the Mendocino Unified School District (“MUSD” or “District”) Staff Recommendations and proposed Findings (“Findings”). The purpose of this letter is to respond to the Findings, provide clarifications, and respectfully request the Board’s approval of the Caspar Creek Learning Community charter petition with provision to enter into a memorandum of understanding (“MOU”) to address the seven District concerns identified in the Findings document.

In this letter, we first address the three Findings. Each Finding is cited in full or in part, followed by Caspar Creek’s response to the Finding.

Following the District’s three Findings, we address the seven concerns identified in the Findings document. Each concern is cited in full or in part, followed by Caspar Creek’s response to the concern, and the steps Caspar Creek has taken or will take to remedy or address the concern.

Highlights:

- The basis for the key Finding relied upon by the District as it sought to invalidate our petition, a now-obsolete version of the CDE’s Charter School Action Form, was, as we predicted, revised days later by CDE to accommodate charter petitioners in Caspar Creek’s precise situation—an existing nonclassroom-based resource center petitioning its district of location for authorization as a “continuing charter school”—thereby invalidating the District’s key Finding.
- Other District Findings are based upon misstatements of fact and law.
- Caspar Creek’s responses and Action Plans to remedy or address the seven concerns the District identified as needing to be addressed for the petition to be approved.

III. SUMMARY OF FINDINGS OF FACT, Findings a. through c.

MUSD Finding (a): *The District Finds the Petition is Subject to a Current Moratorium on Nonclassroom-Based Charter Schools.*

Caspar Creek is proposing to operate as a nonclassroom-based charter school, which requires approval from the District and requires that their funding structure be approved by the State Board of Education. However, Caspar Creek is subject to a two-year moratorium on nonclassroom-based charter schools.

Caspar Creek's Response:

This finding misstates the facts and law. The change in law that implemented a temporary "moratorium" on new nonclassroom-based schools also implemented two major exceptions to that temporary moratorium, one of which is clearly applicable to CCLC. One of the exceptions, found in Education Code Section 47612.7(b)(1) states:

(b) [The moratorium] shall not apply to a nonclassroom-based charter school that was granted approval of its petition and providing educational services to pupils before October 1, 2019, under either of the following circumstances:

(1) If Assembly Bill 1507 [(2019)] amends Section 47605.1 and becomes operative on January 1, 2020, and the charter school is required to submit a petition to the governing board of a school district or county board of education in an adjacent county in which its existing resource center is located in order to comply with Section 47605.1, as amended by Assembly Bill 1507 of the 2019-20 Regular Session, or to retain current program offerings or enrollment. (Emphasis added.)

CCLC is a resource center of Pivot North Bay, authorized in Sonoma County, which is adjacent to Mendocino County. As per Education Code Section 47605.1, Pivot North Bay will no longer be able to operate CCLC as an adjacent county resource center, precisely as imagined by the exception to the temporary moratorium. CCLC is thus "required to submit a petition to the governing board of a school district ... in which its existing resource center is located."

The Findings fail to recognize that CCLC meets one of the two exceptions in law to the temporary moratorium, and therefore that its charter petition was properly submitted and may be properly authorized.

Accordingly, this Finding is an impermissible basis to deny the charter.

MUSD Finding (a)(1): *For any new charter schools, in order to obtain a charter school number that reflects the new LEA authorizer, the CDE is requiring the authorizing LEA to complete and file a “Charter School Action Form” for any new charter school. That form is clear that there are only three situations in which charter schools will be granted a new CDS code. Those are:*

- *If they are a new classroom-based charter school;*
- *If a currently-existing charter school has changed authorizing LEAs; or*
- *If there has been a change to a nonclassroom-based charter school resource center.*

The form must be affirmed and attested as correct and true by the new authorizing LEA’s Administrator or Principal.

Caspar Creek’s Response:

The key Finding prepared by District legal counsel is entirely premised on language in one specific form created by the California Department of Education (“CDE”). This Finding has now been invalidated because the underlying form has been changed.

During a call with District staff, Board members, legal counsel, and CCLC petitioners, consultant, and legal counsel, the Charter School team pleaded with the District not to rely on a bureaucratically prepared form, because the form could be changed. The CCLC team explained that a CDE form does not have the same weight as statute, and that since humans prepared it, humans could change it. Indeed, that is exactly what happened.

CCLC counsel spoke with CDE counsel and the Director of the CDE’s Charter Schools Division, and the form was changed the next day. Now, the form that MUSD counsel relies on in order to support a conclusion that CCLC was required to have submitted a charter renewal petition to qualify for the exception to the temporary moratorium no longer has the “renewal” clause that counsel points to. See the updated form attached as Appendix A.

That is, a petition to change a resource center into a charter school, just like CCLC seeks to do, does not have to be a renewal charter.

Accordingly, this Finding is an impermissible basis to deny the charter.

MUSD Finding (a)(ii): *Caspar Creek does not qualify under any provision of law to permit establishment of a new charter school.*

First, Caspar Creek is not a classroom-based charter school.

Second, the Petition to the District does not result in a change to the authorizing LEA of an existing charter school. This exception would be used if Pivot Charter School was the petitioner, not Caspar Creek.

Finally, Caspar Creek has not met the legal requirements to petition a resource center into a charter school. The information from the CDE, attached, is clear that such a petition should have been filed as a renewal petition and that such a petition must be from a resource center that is "currently operating." (Attachment A). Caspar Creek has not met either condition. Pursuant to Sections 47607 and 47607.2, a "chartering authority shall consider the performance of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5" in determining whether to renew the charter petition.

Caspar Creek's Response:

As to the first argument, CCLC agrees that it is not a classroom-based charter school. Instead, it is a nonclassroom-based charter school that falls into one of the two exceptions to the temporary moratorium on new nonclassroom-based charter schools.

As to the second argument, there is no legal requirement that the existing charter school must be the same entity that seeks a new charter under the exception to the temporary moratorium. If the Legislature had intended this, it would have drafted Education Code Section 47612.7(b)(1) to apply only to the "entity managing the charter school." The Legislature declined to do this. Accordingly, there is no legal limitation on the entity that can submit a charter petition under this exception.

The third argument was dispensed with in the CCLC response immediately above.

Accordingly, this Finding is an impermissible basis to deny the charter.

MUSD Finding (a)(ii): *Moreover, Caspar Creek is not currently in operation. It is unclear why this is the case. Caspar Creek, through the end of the 19-20 school year, was a nonclassroom-based charter school resource center, operating under Mattole Valley Charter School (Humboldt County) and Pivot Charter School (Sonoma County). Under the law, Pivot Charter School was permitted to continue operating a resource center outside of the jurisdiction of its authorizing LEA until it submitted a request for renewal to its authorizing LEA. (Educ. Code § 47605.1). With that renewal petition, the charter school is permitted to continue operating the resource center so long as the school district in which the resource center is operating to gives permission for the resource center to operate within its boundaries. (Id.). A Pivot Charter School representative shared that they were being required to submit renewal early due to “political issues” but would not elaborate further. Accordingly, although the law permitted Caspar Creek to continue to operate through at least the next renewal of Pivot Charter School, they have not done so.*

Caspar Creek’s Response:

CCLC submitted its charter petition in early July, during the summer months when it would not typically be in operation, and when most schools are not in operation. CCLC was seeking action on its charter petition by MUSD during the summer, so that it could resume operations this fall. Legally, the exception to the temporary moratorium does not require current operation.

Accordingly, this Finding is an impermissible basis to deny the charter.

MUSD Finding (b)(i)(1) Failure to Address Funding for 20-21 School Year

Petition assumes retroactivity to July 1, 2020.³ Pursuant to Senate Bill 98 and the CDE, “[a] newly operational charter school is only eligible for funding in 2020–21 if it is authorized by the governing board of a school district or county board of education on or before June 1, 2020, or approved by the state board at its July 8 and 9, 2020 meetings and will begin offering instruction in FY 2020–21 prior to September 30, 2020.” (Educ. Code § 43505; <https://www.cde.ca.gov/fq/aa/pa/pafaqs.asp>). Notably, the language from SB 98 that CDE relies on in limiting funding for newly operational charter schools was not amended (or “cleaned up”) in the recent “clean up” education budget bill, Senate Bill 820.

When this concern was raised to Petitioners, they seemed upset with the CDE’s statement, but offered no insight as to how they were going to fund operations during the 20-21 school year. Accordingly, Caspar Creek’s financial plan for the 20-21 school year is unsound.

MUSD Finding (b)(i)(2) Failure to Submit a Three-Year Budget Plan.

Based on the fact that Caspar Creek cannot open until the 21-22 school year given funding restrictions, the District anticipated that a revised three-year budget would be submitted. That has not been provided.

Caspar Creek’s Response:

These two MUSD Findings are based on the faulty premise that Caspar Creek is regarded by CDE as a “newly-operational charter school” rather than as a “continuing charter school.”

Assembly Bill 1505 [Chaptered 486, Statutes of 2019] defines specific instances in which a charter school is to be treated as “continuing” by the California Department of Education (CDE), one of which directly applies to Caspar Creek: “...a NCB charter school resource center has petitioned to become its own charter school.” The September 2020 revision of the CDE form by which the District would report Caspar Creek’s change of status from a Resource Center to a nonclassroom-based charter school, the Charter School Action Form, attached hereto as Appendix A, provides for Caspar Creek’s exact situation. While the quoted restrictions may apply to funding of “newly-operational charter schools,” as a “continuing charter school” they do not apply to Caspar Creek.

Regarding the timeframe for submission of the Charter School Action Form, the CDE website states, “California *Education Code (EC)* does not specify a date by which this information is to be reported to the CDE; however, the CDE recommends the Charter School Action Form be submitted to the Charter Schools Division (CSD) within 10 calendar days of the official action taken by the new authorizing LEA.”

Moreover, while Education Code § 47653 (a) states, “A charter school required to be regarded as a continuing charter school by the department pursuant to subparagraph (E) paragraph (5) of subdivision (a) of Section 47605, subparagraph (B) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (d) of Section 47605.9, or paragraph (3) of subdivision (b) of Section 47612.7 shall notify the department by May 15 prior to the fiscal year the charter school is to be regarded as continuing by the department in a format to be established by the Superintendent,” given the fact that the “format” for a currently-operating Resource Center to be reported to CDE as a “continuing charter school” under this statute was first “established by the Superintendent” in the form of the September 2020 revision of the CDE’s Charter School

Action Form; the fact that the form cannot be submitted by an LEA until after a charter is authorized; and the fact that it is now late September and MUSD has yet to authorize Caspar Creek's July 10, 2020 petition; the May 15 deadline could not possibly operate with regard to Caspar Creek's continuation in 20-21.

Caspar Creek will work with CDE and the Department of Finance to determine the mechanism for funding of Caspar Creek as a "continuing charter school" for the 20-21 school year.

Accordingly, these two Findings are impermissible bases to deny the charter.

MUSD Finding (c)(i) Consideration of Fiscal Impact of Caspar Creek

Because the District is a basic aid/excess tax district, approval of a charter school petition can cost the District money. In essence, a charter school is entitled to LCFF funding for each of its students. The District is required to pay that LCFF funding to the charter school out of its budget, and receives a "backfill" from the state equal to 70% of the LCFF base grant for any students who are not district residents.

Caspar Creek's Response:

In the 15 years since 2005—most of the 20 years Caspar Creek has existed as a nonclassroom-based public school program operating inside MUSD—MUSD's basic aid status has resulted in MUSD receiving 100% of the tax revenue intended for the education of MUSD-resident students, including those attending Caspar Creek, whose education has instead been funded by state charter school grants, donations, and fundraising. None of the local property tax revenue intended for their education has been used for that purpose. Instead, tax revenue intended for the education of MUSD-resident Caspar Creek students has been absorbed by MUSD, with no benefit to these students. As of the 20-21 school year, new legislation has closed the loophole that allowed this benefit to accrue to MUSD; Caspar Creek must now be funded by local taxes received by MUSD, with "backfill" to MUSD for out-of-district students at 70% of LCFF.

Only because MUSD has grown accustomed to receiving the whole pot does the prospect of sharing—even just the roughly 2-3% that would allow Caspar Creek to continue—now register as a loss to MUSD.

It is our understanding that districts in which a charter school resource center is located routinely include sponsorship of a charter school as a key budget risk in the annual adoption the Board approves each June, and include sentences about the potential risk in the Management Discussion and Review section of the annual audit, using potential dollar cost figures discussed in the Board Finance Committee. In MUSD board meetings, we have observed MUSD's own CBO routinely present projections that include such an estimate.

MUSD states that its plans include deficit spending, "currently," and "for the next three fiscal years." Such planned deficit spending would not be possible without significant reserves.

Accordingly, this Finding is an impermissible basis to deny the charter.

MUSD Finding (c)(ii) *The Extent to Which the Proposed Charter School Would Substantially Undermine Existing Services, Academic Offerings, or Programmatic Offerings*

A loss of funds in the amount estimated above would substantially undermine existing services, academic offerings, or programmatic offerings of the District. The District currently is deficit spending, and is projected to do so for the next three fiscal years in order to maintain current services, academic offerings, and programs.

At the public hearing, many members of the public commented that they were in support of Caspar Creek. In so doing, they mentioned how the District's alternative education programs were crucial to their own, or their family's, educational success. The District is committed to providing alternative education to the small, geographically isolated community served by the District. The District has six alternative schools and two traditional schools. The District operates two one-room schools and a one-room preschool, all of which serve students in small, isolated communities such that attending school in Mendocino is often prohibitive at such a young age. The three high school programs include one "traditional" high school.

Examples of services and/or programs that could be cut to address the budget deficit created by Caspar Creek are high school elective offerings, instructional aide support, certificated teaching staff which would result in higher class sizes, and closure of a one-room school or preschool.

The District does not recommend granting the Petition to the detriment of existing District services and programs. As currently proposed, Caspar Creek would serve a majority of non-resident students. When questions were asked of Petitioners regarding increasing the proportion of in-District students, the Petitioners pushed back on such constraints. It is illogical to cut programs benefitting residents for a program that serves mostly non-resident students.

Caspar Creek's Response:

As we stated repeatedly in the public hearing, we applaud MUSD's commitment to supporting valuable educational alternatives. We believe Caspar Creek's petition represents a great opportunity to allow the continuation of a proven alternative with a 20-year history of success, at a net per-student cost of less than one third of what MUSD typically spends. It is difficult to imagine a more cost-effective way for MUSD to further their support for alternatives.

MUSD's decision to deficit-spend, "currently" and "for the next three fiscal years" should not in itself preclude authorization; rather, a plan to deficit-spend for four years implies the existence of substantial reserves.

While we acknowledge that authorizing Caspar Creek may require some adjustments to the breadth and scale of some of MUSD's offerings, it is our hope that such adjustments will not rise to the level of cutting entire programs or closing entire schools, but can instead be accomplished with small adjustments spread over multiple programs. Though that may involve some degree of sacrifice, it seems vastly preferable to the alternative: the complete elimination of an entire program that's been successful for 20 years, resulting in the dispersal of a community of students and teachers, the elimination 2-3 certificated positions and several classified positions, and the closing of a beloved facility.

As previously stated, Caspar Creek's initial reluctance to agree to prioritize MUSD-resident students beyond what is required by law stemmed from three considerations: the potential negative impact on families of enrolled students of excluding newly-age-eligible younger

siblings, which could create severe logistical challenges for those families, especially the socio-economically disadvantaged families that are in the majority at CCLC; the extent to which inability to guarantee continued enrollment to existing students might conflict with cultivation of the long-term student-teacher relationships that are essential to CCLC's core mission; and the increased negative fiscal impact on MUSD of an increase in the proportion of MUSD-resident students, for whom MUSD would receive no additional "backfill" funding, relative to FBUSD students, for whom MUSD would receive "backfill" funding over and above its basic aid funding. However, as noted elsewhere, CCLC is willing to enter into an MOU with the District regarding enrollment priorities that better align with the District's objectives by prioritizing District residency ahead of other considerations.

Accordingly, this Finding is an impermissible basis to deny the charter.

MUSD Finding (c)(iii) *Whether the Proposed Charter School Would Duplicate a Program Currently Offered Within the School District and the Existing Program has Sufficient Capacity for the Pupils Proposed to be Served within Reasonable Proximity to Where the Charter School Intends to Locate*

Notably, at the public hearing, Petitioners did not explain their program. Per the Petition, it is unclear what makes this elementary school unique or different from the current programs offered by the District. The District currently runs three different elementary schools, some of which operate multi-grade classrooms, all of which have individualized attention to student needs, including their emotional needs. Accordingly, this program appears duplicative of the current programs of the District. The District is positioned to serve the in-District students who attended Caspar Creek in the 19-20 school year.

Caspar Creek's Response:

There is only one MUSD program whose grade span and geographic location invite a direct comparison with Caspar Creek's program: the Mendocino K-8. Similarities in grade span and location may make the two programs appear duplicative on the surface. However, the following facts provide evidence that the programs are very different, and are in no way interchangeable:

- Caspar Creek has thrived as a coexisting alternative to the K-8 for 20 years
- Students who have not fared well in traditional settings, including the K-8, have thrived at Caspar Creek, eventually returning to MUSD for success in middle school and high school, continuing to post-secondary and career successes.
- There is a rich history of MUSD staff enrolling their own children at Caspar Creek

The following are some of the characteristics of Caspar Creek that are not duplicated at the K-8:

- It's the only true mixed-age K-5 program in Mendocino
- Its size; research supports the many benefits of small schools
- Its setting bordered on three sides by state park and state forest
- Its unparalleled ratio of teaching staff to students
- Up to six-year teacher-student relationships (vs. the typical 10-month relationship)
- The freedom and inclination to tailor the student experience to a wide range of learning styles, developmental readiness and family situations
- The focus on social-emotional development

While similar in grade span and location to only one MUSD school, Mendocino K-8, Caspar Creek's nonclassroom-based program is markedly different from the K-8 in almost every other respect, so cannot reasonable be described as "duplicative of current programs of the District."

Accordingly, this Finding is an impermissible basis to deny the charter.

Findings, III. d. Concerns: The District Has Identified Other Concerns with the Educational Program as Set Forth in the Petition.

If the Board votes to grant the Petition, the District recommends granting the Petition with the condition that the following concerns be remedied prior to operation of Caspar Creek.

i. Free Education/Parental Involvement

The Petition provides that enrollment at Caspar Creek “may involve a considerable sacrifice,” to include transportation, that “parents shoulder a considerable fundraising burden, and contribute themselves financially if able.” Under California law, no public school can require students participate in fundraising. (Educ. Code § 49011). Charter schools are specifically prohibited from requiring parental involvement in order to be accepted or maintain enrollment in a charter school. (Educ. Code § 47605(n)).

Caspar Creek’s Response:

Caspar Creek is fully aware of, and compliant with, Educ. Code § 49011 and 47605(n). Caspar Creek does not require students to participate in fundraising, nor does it require parental involvement in any aspect of school operations, including fundraising.

The statements the District quotes in support of this concern appear in the petition in the context of a paragraph describing the extraordinary sacrifices parents voluntarily make to enable their child to attend a charter school such as Caspar Creek. Quoting the statements without that context distorts their meaning.

For reasons beyond Caspar Creek’s control, having a student in a charter school typically demands more of parents than enrolling in a school where transportation is provided, and where there is sufficient revenue to support spending, for example, upwards of \$18,000 per student per year, as MUSD does. Like most charter schools, Caspar Creek has never received funds for transportation, so parents must provide or arrange transportation for their students. Similarly, like most charter schools, Caspar Creek has typically been funded—and would continue to be funded if authorized by MUSD—at a fraction of that amount per student, so must engage in significant fundraising to make ends meet, and many parents voluntarily engage in those efforts. Similarly, while a culture of philanthropy is necessarily cultivated within the school community, and parents are invited to participate if able, Caspar Creek’s communications to parents on that topic have always included the following statement (or equivalent language): “Because we are a public school program, no payment or donation is ever required, and no distinction will ever be made based on personal circumstances.”

Action Plan:

Caspar Creek will continue to comply with Educ. Code § 49011, and is happy to share with MUSD, upon request, details of its fundraising activities, including, if desired, examples of fundraising materials it has developed and used over the 20 years of its existence.

ii. Demographics

The law requires that each charter school petition describe the means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English Learner pupils that is reflective of the general population of the District. The petition itself contains no comparison of Caspar Creek's most recent enrollment and District pupil populations in any area. Moreover, when directly asked about this area of concern, Caspar Creek representatives seemed unaware of the demographics of the District and of the plan set out in the Petition in which balance would be achieved. The Petition indicates, for example, that between 0% and 2.5% percent of Caspar Creek pupils typically are English Learners. The petitioners were unaware of how that compared to the District's English Learner population, and were unaware of the steps the Petition indicates would be taken to increase English Learner enrollment.

Caspar Creek's Response:

The petition, page 9, under Student Demographics, contains historical data on Caspar Creek's English Learner enrollment, and, as the author of this concern acknowledges, does not presume to inform the District of the District's own statistics in this regard. Further, the author's characterization of our interchange on this topic in the Capacity Interview differs significantly from our recollection. We were asked, "Does CCLC know MUSD's percentages of racial, ethnic, special education, socioeconomically disadvantaged students, and EL populations?" This is a yes-or-no question. We responded affirmatively that we do have that data, and that it is publicly available data. When we were asked, "How will CCLC work to create balance as they attempt to compare their student population with the population of MUSDS students," we referred the questioner to page 47 of the petition; the section entitled "Student Population Balance," and briefly summarized its contents. We acknowledge that we did not recite the section in full. Had the District wished to hear the entire section recited in full, it had only to request such. The author's conclusion that we "were unaware...of the plan set out in the petition" we had authored, signed and submitted is wholly inaccurate.

Action Plan:

Caspar Creek acknowledges that, for reasons beyond its control, the English Learner enrollment percentage at Caspar Creek in the 2018-2019 and 2019-2020 school years did not match MUSD's. Caspar Creek will continue to seek increased enrollment of English Learner pupils, racial and ethnic pupils, and special education pupils by following the outreach steps outlined on page 47 of the petition designed to increase such enrollment.

iii. Students with Disabilities

The Petition assumes that the District will serve the students with disabilities enrolled in Caspar Creek. The District does not have capacity to do so. If the Petition is granted, it should be granted contingent on a Memorandum of Understanding that addresses this and other operational concerns. Petitioners were open to an agreement that resolved these concerns.

Caspar Creek Response:

Caspar Creek drafted and submitted its petition with the good faith intention to offer MUSD the first right of refusal to contract for Special Education services. It was our hope that doing so might benefit the District; for example, by enabling the District to afford staff or other resources it currently cannot. Since the services Caspar Creek has historically required have typically not equaled the funds available for that purpose, we believed there could be a financial benefit to the District. However, should the District decline to contract with Caspar Creek to provide these services to Caspar Creek's students, Caspar Creek is willing to enter into an MOU with the District to address the means by which they can otherwise be provided.

Action Plan:

Caspar Creek will enter into an MOU with the District regarding the means by which services will be provided to students with disabilities.

iv. Admissions Policies and Procedures

Caspar Creek's admissions policies and procedures are lawful; however, they were unwilling to amend enrollment priorities to prioritize residents of the District above last years' enrollees or siblings of enrolled students.

Caspar Creek's Response:

CCLC's initial reluctance to agree to prioritize MUSD-resident students beyond what is required by law stems from three considerations: the potential negative impact on families of enrolled students of excluding newly-age-eligible younger siblings, which could create severe logistical challenges for those families, especially the socio-economically disadvantaged families that are in the majority at CCLC; the extent to which inability to guarantee continued enrollment to existing students might conflict with the cultivation of the long-term student-teacher relationships that are part of CCLC's core mission; and the increased negative fiscal impact on MUSD of an increase in the proportion of MUSD-resident students, for whom MUSD would receive no additional "backfill" funding, relative to FBUSD students, for whom MUSD would receive "backfill" funding over and above its Basic Aid funding. However, CCLC is willing to reconsider its enrollment priorities.

Action Plan:

Caspar Creek will enter into an MOU with the District regarding enrollment priorities that better align with the District's objectives by prioritizing District residency ahead of other considerations.

v. Student Academic Achievement

Caspar Creek's 18-19 SBAC scores, summarized above, are not reflective of a strong educational program. More information will be needed about plans to support academic achievement if the Petition is granted.

Caspar Creek's Response:

The SBAC data provided in the petition was collected prior to significant staffing changes at CCLC and does not accurately reflect the efficacy of the program as it currently exists, and will exist, moving forward. (Sarah Cullar assumed responsibility for the grades 2-5 program at the start of the 2019-2020 school year.) Caspar Creek is committed to providing students with a high quality, rigorous education that meets or exceeds the standards adopted in California while still preserving the program elements that make CCLC unique. Caspar Creek will design and implement throughout the year a test-taking strategy curriculum to help students better understand and interpret what is being asked of them in a standardized testing situation. Caspar Creek is also willing to implement regular benchmark assessments that will provide data that can be used to drive instruction.

Action Plan:

Caspar Creek will continue using the adopted California content standards to guide a robust, rigorous educational program. Caspar Creek will implement regular benchmark assessments to provide data with which to guide instruction and placement in the MTSS structure as described in the petition.

vi. 20-21 Distance Learning

Caspar Creek did not provide the District with a written plan for opening during the 20-21 school year. Its proposed lead teacher did speak to her plans for the program; however, it is not clear that the Caspar Creek Board has had any involvement or given any consideration to opening a school during a pandemic that has necessitated the closure of in-person learning for most schools in the state.

Caspar Creek's Response:

The board and staff of Caspar Creek have given significant consideration to opening a school during a pandemic. Ms. Cullar reports regularly to the Caspar Creek Board regarding considerations, plans, parental input, and current requirements. This is an extremely fluid situation, and could change even by the time these responses are shared. As of this writing, and as per parental input gathered at the end of the 2019-2020 school year and throughout the summer, the plan for distance learning for the beginning of the 2020-2021 school year is as follows:

- Full distance learning involving bi-weekly distribution and collection of work. Work will be standards-based, address all content areas, and involve projects or thematic units that parents can guide at home. All materials and resources will be provided. The goal is to provide parents and students what they need to work from home without completely relying on “packets” of worksheets or Internet access.
- Daily morning circle time online for grades 2-5. This time will provide an opportunity to check in on the physical and emotional health of our students as well as providing a start to the students’ academic day. This time will not (and due to technological limitations of some of our families, cannot) be required. If students cannot make these meetings regularly, Caspar Creek teachers will check in via phone calls or other means.
- Weekly grade level meetings online (same limitations and room for accommodations as above) to discuss work and answer any questions for students.
- Bi-weekly meetings (online or by phone) with parents to discuss progress and concerns.
- Continuous analysis of student work and apparent health and wellness to identify students that may be in need of additional supports to prevent learning loss.
- Ongoing availability for parents to reach out with questions, concerns, or needs for materials, modifications, and advice.
- Especially in the case of K-1 students, for whom we are less inclined to require online time, we plan to create and provide instructional videos that maintain the continuity of certain aspects of the CCLC curriculum, including letter story presentations, puppet show presentations, and main lesson book entry lessons for letters and numbers.
- Our parents have expressed strong interest in limiting time spent online. However, should it be necessary and desired, CCLC teachers are capable and practiced at providing direct instruction and tutoring via online platforms such as Google Meet and Zoom.

Should it become possible and desired to meet in person, proper precautions that comply with CDE and CDPH guidelines will be followed, including, but not limited to, temperature checks, proper PPE (hand sanitizer, masks, face shields, etc.), appropriate distancing and compliant cleaning and sanitizing schedules.

Action Plan:

Caspar Creek will implement a cohesive and comprehensive distance learning plan that meets the needs of its students and provides continuity of learning to all. Caspar Creek will also keep apprised of current requirements and guidance regarding potential in-person instruction so that, if and when the time comes, we are ready to comply with such requirements.

vii. District Capacity for Oversight

The law requires that each chartering authority provide certain “oversight authority. (Educ. Code § 47604.32). Specifically, the chartering authority must:

- (1) Identify at least one staff member as a contact person for the charter school.*
- (2) Visit each charter school at least annually.*
- (3) Ensure that each charter school under its authority complies with all reports required of charter schools by law, including the local control and accountability plan and annual update to the local control and accountability plan required pursuant to Section 47606.5.*
- (4) Monitor the fiscal condition of each charter school under its authority.*
- (5) Provide timely notification to the department if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:*
 - (A) A renewal of the charter is granted or denied.*
 - (B) The charter is revoked.*
 - (C) The charter school will cease operation for any reason.*

The District is permitted to charge an oversight fee of up to 1% of the charter school’s budget to complete those tasks. However, it is unclear who in the District has capacity to take on such tasks. Oversight of a new charter school can take many hours of staff time, and can be a large burden on a small district.

Caspar Creek’s Response:

Caspar Creek understands the requirement for authorizing districts to provide oversight of charter schools they authorize. We are confident that through cooperation and mutual respect, the two entities can work together to enable MUSD to adequately discharge its oversight responsibility without creating a significant burden.

Action Plan:

In the interest of a mutually beneficial ongoing relationship, Caspar Creek will:

- (1) Honor MUSD’s designation of contact person for its communication with MUSD.
- (2) Welcome MUSD’s oversight visit(s) at least annually.
- (3) Endeavor to timely provide reporting required by law, including LCAP and updates.
- (4) Cooperate with MUSD’s oversight of its fiscal condition.
- (5) Cooperate with MUSD on the above-listed eventualities (5) (A), (5) (B), or (5) (C).

Conclusion

On behalf of the entire Caspar Creek team and community, we thank you for your careful consideration of the above responses.

We believe Caspar Creek fills a niche no other Mendocino Coast program fills, as evidenced by our 20-year history of success in serving the entire Mendocino Coast community.

We understand that, as Trustees of the District, you have a responsibility to ensure that any charter school you authorize conforms to all applicable legal requirements for charter schools, and that the charter school will uphold the District's standard of excellence while providing a valuable educational alternative for Mendocino Coast students. We acknowledge that the system of exchanging recommendations, findings and responses is an important part of the process of determining how well our program fulfills those expectations. We are happy to be participating in this process with you, and confident that with the above responses we will have addressed all of the District's proposed Findings, and the seven additional identified concerns, to your satisfaction, thus opening the way for your authorization of Caspar Creek and the continuation of its program.

Sincerely,



Hilleary Burgess
Lead Petitioner
Caspar Creek Learning Community

Appendix A: CDE Charter School Action Form, revised 9/2020

Charter School Action Form

Instructions: Authorizing local educational agencies (LEAs) are required to complete and submit the Charter School Action Form as follows:

- To request a charter school number for a new classroom-based (CB) charter school, **or**
- To inform that a currently-existing charter school has changed authorizing LEAs*, **or**
- To inform of a change to a nonclassroom-based charter school resource center.

*The completion and submission of the Charter School Action Form is the responsibility of the charter school's *new* authorizing LEA, not the charter school's previous authorizing LEA.

Questions regarding the completion of this form should be directed to the Charter Schools Division (CSD) by phone at 916-322-6029 or by email at charters@cde.ca.gov. Detailed instructions regarding the submission of this form can be found in the Charter School Action Form Instructions, which is available at <https://www.cde.ca.gov/sp/ch/chrterpkg.asp>.

Section 1. Charter School Information

Complete this section as it pertains to the charter school.

1. School Name:

2. Charter School Number (if applicable):

3. County-District-School Code (if applicable):

4. School Address:

5. School City:

6. School County:

7. School Zip Code:

8. Mailing Address:

9. Mailing City:

10. Mailing County:

11. Mailing Zip Code:

12. School Website:

13. School Administrator/Principal Name:

14. School Administrator/Principal Email:

15. School Administrator/Principal Phone:

Section 2. Authorizing Local Educational Agency Information

Complete this section as it pertains to the charter school's new authorizing LEA.

1. LEA Name:

2. County:

3. Superintendent Name:

4. Superintendent Email:

5. LEA Contact Name (if different from superintendent):
6. LEA Contact Email: 7. LEA Contact Phone:
8. Date Petition Approved by LEA: 9. Approved Charter Term: to
10. Serving Student Start Date: 11. Grade Span Offered:

Section 3. Action

Complete sub-section 3a. Request Charter School Number, 3b. Change Authorizing LEA by Existing Charter School, or 3c. Petition Resource Center into Charter School, as appropriate.

3a. Request Charter School Number

Check the box that most accurately describes the reason for requesting a charter school number:

- 1. New petition for a CB charter school, as defined by [EC Section 47605](#).
- 2. New petition for a CB county charter school, as defined by [EC Section 47605.5](#).
- 3. New petition for a CB countywide charter school, as defined by [EC Section 47605.6](#).
- 4. New petition for a CB exclusive partnership charter school, as defined by [EC Section 47612.1\(a\)](#).

3b. Change Authorizing LEA by Existing Charter School

Check the box that most accurately describes the charter school's reason for changing authorizing LEAs:

- 1. The charter school was previously operating outside the geographical boundaries of the charter authorizer; charter school submitted a request for renewal of the charter petition to the school district in which the charter school is located in order to continue operating, pursuant to [EC sections 47605\(a\)\(5\)\(A\)](#) and [47607](#).

1a. Previous Authorizing LEA Name:

1b. County:

- 2. A resource center is currently operating outside of the boundaries of the authorizing LEA under a currently-approved charter school that is operating within the boundaries of the authorizing school district.

The charter school under which the resource center is currently operating submitted a petition to physically locate and operate within the boundaries of the school district in which the resource center is currently located, as defined by [EC sections 47605.1\(c\)\(5\)\(A\)](#) and [47612.7\(b\)](#).

2a. Previous School District Name:

2b. County:

- 3. The charter school was renewed on appeal by the county office of education in which the charter school is located, as defined by [EC Section 47605\(j\)\(1\)](#).

3a. Denying School District Name:

3b. Change Authorizing LEA by Existing Charter School [continued]

Check the box that most accurately describes the charter school's reason for changing authorizing LEAs:

- 4. The charter school was operating under the State Board of Education and was renewed by the governing board of the school district or county office of education in which the charter school is located, as defined by [EC Section 47605.9\(c\)](#).

3c. Petition Resource Center into Charter School

- A resource center has been operating outside of the boundaries of the authorizing LEA under a currently-approved charter school that is operating within the boundaries of its respective authorizing school district.

The resource center submitted a petition to the school district in which it is located to operate as its own charter school, as defined by [EC sections 47605.1\(c\)\(5\)\(A\)](#) and [47612.7\(b\)](#). The charter school under which it previously operated remains in the school district in which it is located.

Provide the following information of the charter school under which the resource center previously operated.

School Name:

County-District-School Code:

School District:

Charter School Number:

County:

Section 4. Certifications

Read, understand, sign, and date the applicable certification.

Authorizing Local Educational Agency Certification

By signing below, I hereby certify to the best of my knowledge and belief that that the information is correct and true. The authorizing LEA's governing board has reviewed and approved the charter petition pursuant to relevant *EC* sections and *California Code of Regulations*, Title 5 sections in their entirety.

1. New Authorizing LEA Superintendent Signature

2. Date

Charter School Administrator/Principal Certification

By signing below, I hereby certify to the best of my knowledge and belief that that the information is correct and true. The charter petition complies with all requirements pursuant to [EC sections 47605\(a\)\(5\)](#) and [47605.1](#).

1. Charter School Administrator/Principal Signature

2. Date