

West Contra Costa Unified School District
1108 Bissell Avenue
Richmond, California 94801
Office of the Superintendent

ITEM REQUIRING ATTENTION----BOARD OF EDUCATION

To: Board of Education **Meeting Date:** November 12, 2014

From: Dr. Bruce Harter **Agenda Item:** F.1 Amended
Superintendent

Subject: Resolution No. 37-1415: Resolution Directing Superintendent and Staff to Seek a Waiver of Education Code section 47605(b) from the State Board of Education

Background Information: In the 2014-2015 school year, there are eight charter schools operating within the boundaries of the West Contra Costa Unified School District (“District”) with a combined enrollment of approximately 2,700 students. Three charter school petitions from Aspire Richmond California College Preparatory Academy, Aspire Richmond Technology Academy, and Amethod Public Schools: John Henry High School are currently pending before the Board, with a combined projected enrollment of approximately 1,132 students. Education Code section 47605(b) requires the District to grant or deny each pending petition within 60 days of the District’s receipt of it.

Several studies regarding charter schools have demonstrated that charter schools disproportionately inhabit school districts in areas concentrated with both students of color and students of lower socioeconomic status, such as the District. The combination of those two factors has led to a saturation of charter schools operating within the boundaries of the District, which in turn has produced adverse and discriminatory impacts on both the District and the students attending District operated schools. These impacts include significant costs incurred from compliance with the facilities obligations of California Education Code section 47614 (“Prop 39”), disproportionate financial responsibility imposed on the District due to charter schools’ inadequate placement opportunities for students with disabilities, and constitutional violations stemming from charter schools’ inadequate placement opportunities for students with disciplinary histories.

The District relies upon the following information in review and consideration of these concerns:

Several studies regarding charter schools, including a 2013 study by Richard Buddin for the CATO Institute entitled The Impact of Charter Schools on Public and Private School

Legislature shall provide for a system of common schools” that must provide a uniform education for all public school students of the State of California.

The failure to limit the number of charter schools that may reside within one school district under the Charter Schools Act has a real and appreciable impact on students’ fundamental right to basic educational equality. The adverse impacts and discrimination created by both the current status of the Charter Schools Act, and the recruitment and enrollment practices of charter schools, negatively impacts the District’s ability to provide an equal and quality education to all District public school students.

The following studies are cited to support the basis for these prior referenced concerns:

1. Richard Buddin, The CATO Institute, The Impact of Charter Schools on Public and Private School Enrollments (August 28, 2012).
2. United States Government Accountability Office, Charter Schools: Additional Federal Attention Needed to Help Protect Access for Students with Disabilities (June 2012).
3. Dr. Thomas Hehir and Dr. Eduardo Mosequeda, San Diego Unified School District Special Education Issues Document Final Report (September 19, 2007).
4. Los Angeles Unified School District Office of the Independent Monitor, Pilot Study of Charter Schools’ Compliance with the Modified Consent Decree and the LAUSD Special Education Policies and Procedures (June 5, 2009).

The Board of Education finds that charter schools are having a disparate impact on the opera0(aM2(5 Td [(com)