



ORANGE COUNTY DEPARTMENT OF EDUCATION

Staff Recommendations and Findings

Sycamore Creek Community Charter School II

July 18, 2023

I. INTRODUCTION

The following is a summary of the review conducted by Orange County Department of Education (OCDE) staff of the countywide charter school petition submitted by Sycamore Creek Community Charter School II (SCCCS II) in compliance with Education Code section 47605.6, and recommendations for consideration by the Orange County Board of Education (the Board).

Based on information gathered throughout the review process, which included a clarification meeting held with petitioners on June 13, 2023, OCDE staff recommends denial of the Sycamore Creek Community Charter School II countywide petition. The information in this report has been condensed to the most relevant areas and does not include items deemed less significant.

II. BACKGROUND

On May 1, 2023, the Orange County Board of Education (the Board) received a countywide charter school petition from Sycamore Creek Community Charter School proposing to expand to a countywide seat-based charter school, serving 720 students in transitional kindergarten through grade twelve beginning fall 2024. SCCC II notified three districts of potential facilities: Anaheim Union High School District, Oceanview School District and Cypress School District. On October 27, 2022, the governing board of the school approved a lease agreement with Red Hook Capital Partners IV LLC for a school site at 4321 West Cerritos Ave., Cypress, CA.

On June 7, 2023, the Board held a public hearing on the provisions of the charter petition and to consider the level of support for the petition by parents/guardians, teachers, and school districts in which the charter school proposes to place facilities.

The Board must take action to either grant or deny the charter within ninety (90) days of receipt of the petition, unless this date is extended by up to an additional 30 days by agreement. Board action is scheduled to take place at the regular meeting of the Board on August 2, 2023.

III. LEGAL STANDARD

The overall statutory scheme of the Charter Schools Act reflects a preference for charter schools that are locally authorized by the school district in which the charter school operates. As a result, in order to approve a countywide charter petition, a county board of education must be able to make certain threshold findings in addition to determining whether the petition satisfies the legal standards and criteria under Education Code section 47605.6(b)(1)-(5). Specifically:

“A county board of education may approve a countywide charter only if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services

and that cannot be served as well by a charter school that operates in only one school district in the county.” Education Code §47605.6(a)(1)

Additionally, Education Code section 47605.6(b) states:

“A county board may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Education Code section 47605.”

Should the charter school petition meet the threshold requirement for a countywide charter school, the Board must then determine whether the petition satisfies the legal standards and criteria under Education Code section 47605.6(b)(1)-(5). The Board shall deny a petition for the establishment of a charter school if it finds one or more of the following:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision (a).
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).
- (5) The petition does not contain reasonably comprehensive descriptions of the required elements under Education Code section 47605.6.
- (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.
- (7) Any other basis that the county board of education finds justifies the denial of the petition.

Should the Board deny the petition, there is no right to appeal to the State Board of Education (5 CCR § 11966.5). However, the petitioners would have the option to submit charter petitions to the school districts in which they propose to operate under Education Code section 47605.

IV. SUMMARY OF FINDINGS

A. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

Staff concerns regarding the educational program remain unchanged from the initial petition for Sycamore Creek Community Charter School (SCCCS) from 2019 and the material revision submitted in December 2022. The submitted countywide charter petition includes no information on the academic performance of the charter school currently being operated by the petitioners. Publicly available academic performance data does not indicate that the charter school presents a sound education program for the students currently being served. The data does not demonstrate

that an expansion of the program, including the addition of high school, would be of educational benefit to the pupils who attend.

Page 56 of the petition states, “It is SCCCS II’s goal for students to meet or exceed statewide performance standards by the completion of eighth grade (if not sooner) and continue to meet our [sic] exceed statewide standards through their senior year of high school in accordance with Education Code Section 47605.6(d).” This is similar language to what is in the petition for SCCCS.

The charter school’s Waldorf educational model results in the introduction of concepts or subjects at different grade levels than current California academic standards. Public schools are required to show grade level competency throughout the entire elementary, middle and high school years. The difference in what is being taught versus what is tested has resulted in low academic performance for the petitioner’s current school.

California Assessment of Student Performance and Progress (CAASPP) data for 2021-22, shows that overall, SCCCS students are performing significantly lower than the state in meeting or exceeding grade-level standards on the English Language Arts (46.1 points below standard) and Mathematics (80.8 points below standard) assessments. The 2022 California School Dashboard status levels for SCCCS are classified as Low for English Language Arts and Mathematics.

The alternative data, NWEA MAP Growth Reports, for spring 2023, provided by SCCCS demonstrates that majority of students across the grade levels fall in the Low-Low Average ranges for mathematics and language arts, with few exceptions. These percentages equate to below average and failing performance for the majority of students.

SCCCS will need to take meaningful steps to address the underlying causes of low performance and implement a robust intervention plan that results in significant improvement in students’ academic performance across all current grade levels. The most current 2022-23 CAASPP data should be taken into consideration, however, that data is not publicly available until fall 2023, making the expansion of the model, particularly to include high school grades, premature.

NWEA MAP Growth Reports Spring 2023

Overall Performance Class Report	Mathematics				Language Arts			
	Low-Low Average		Average-High		Low-Low Average		Average-High	
	Percentile <21-40		Percentile 41->80		Percentile <21-40		Percentile 41->80	
	count	%	count	%	count	%	count	%
Grade 1	11	61%	7	40%	12	64%	7	37%
Grade 2	13	47%	15	53%	16	57%	12	43%
Grade 3	9	90%	1	10%	5	50%	5	50%
Grade 4	17	85%	3	15%	9	45%	11	55%
Grade 5	9	53%	8	48%	6	35%	11	65%
Grade 6/7/8	19	53%	17	45%	12	34%	24	65%

B. The petition does not contain reasonably comprehensive descriptions of the required elements under Education Code section 47605.6.

1. The charter petition does not contain reasonably comprehensive description of the Career Technical Education program to be offered. Per the petitioners, the program has not been developed and is not currently aligned to the proposed curriculum.
2. The petition was missing information in the area of measurable pupil outcomes, including outcomes related to A-G, CTE, AP, and college preparedness; conflicting statements regarding chronic absenteeism and middle school drop-out rate; and missing descriptions of the programs/services for students with exceptional needs and the outcomes. On June 8, 2023, petitioners were sent a breakdown of the missing or unclear information and asked to submit the information by June 20, 2023. On June 30, 2023, petitioners submitted a revised charter petition that addresses the deficiencies in this area.

C. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

1. Enrollment numbers in the near term do not appear to be realistic and the school did not provide data on the community interest to account for the projected 217% increase. SCCCS has been open to TK-8th grade students since 2021-22 and increased by 10 total students in 2022-23. SCCCS ended its fourth year of operation with 155 students and projects to have 180 students in 2023-24. The school projects a growth of an additional 312 students at the start of the 2024-25 academic year, prior to adding any of the high school grades.
2. The school's governing board entered into a lease agreement for a facility in the city of Cypress on October 27, 2022. Per the agreement, lease costs will be a fixed base rent of 8% of the lessors' costs and expenses in connection with acquiring and improving the premises, increasing by 3% annually thereafter. The lease agreement gives an example of project costs totaling approximately \$25.5 million, with base rent in year one totaling \$1.1 million (approximately 20% of LCFF revenue), that includes a five-month rent abatement in year one. The school currently pays \$144,406 for their district owned facility (9.15% of LCFF revenue). It is unclear when the school will have final lease cost numbers. If the school does not meet its projected enrollment, the negative affects on the budget, cash flow and reserves cannot be overstated.

V. STAFF RECOMMENDATIONS

Orange County Department of Education staff recommend that the Orange County Board of Education deny the SCCCS II petition to expand as a countywide charter. Should the Board choose to approve the charter petition, staff recommend that a mutually acceptable Agreement be put in

place to address the issues and deficits outlined in this report, which may be adopted by the Board as a condition of approving the charter petition.

VI. CONCLUSION

The Board has three options for action regarding a countywide charter school petition:

- Option One: Approve the charter petition.
- Option Two: Approve the charter petition with conditions. This action would result in the charter petition being approved and require the charter school to address concerns included in this staff report.
- Option Three: Deny the charter petition.

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