

SANTA ANA UNIFIED SCHOOL DISTRICT
Santa Ana, California

December 10, 2019

STAFF REPORT
ORANGE COUNTY SCHOOL OF THE ARTS
CHARTER PETITION RENEWAL

I. BACKGROUND

The Orange County School of the Arts ("OCSA" or "Charter School") currently operates a charter school serving students in grades 7-12 under the oversight authority of the Santa Ana Unified School District ("District"). The Charter School's current term expires on June 30, 2020.

OCSA submitted a renewal petition ("Petition") to the District to renew its charter for a five year term. At District Board's meeting on November 19, 2019, the Board received the petition and held a public hearing to "consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents" at that meeting.

The District's Board must approve or deny the Petition within sixty (60) days of its receipt. (Cal. Code Regs., tit. 5, § 11966.4(c) ("5 C.C.R.")). If the Board grants the Petition, the Charter School will continue to operate as a legal entity under the chartering authority and oversight of the District. If the Board denies the Petition, the Charter School may request a renewal from the Orange County Office of Education. (5 C.C.R. § 11966.5(a).)

II. LEGAL STANDARD OF REVIEW

Charter renewals are governed by the standards and criteria in Education Code section 47605 regarding initial charter petition submission. (Ed. Code, § 47607(a)(2).) Education Code section 47605, subdivision (b), sets forth the following guidelines for governing boards to consider in reviewing charter petitions:

- The chartering authority 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.
- A school district governing board shall grant a charter for the operation of a school under this part, if it is satisfied that granting the charter is consistent with sound educational practice.
- The governing board of the school district shall not deny a petition for the establishment of a charter school, unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(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 statute.*
- (4) *The petition does not contain an affirmation of each of the conditions required by statute.*
- (5) *The petition does not contain reasonably comprehensive descriptions of the required elements of a charter petition.*
- (6) *The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.*

A school district governing board shall grant a charter for the operation of a school if it is satisfied that granting the charter is consistent with sound educational practice. Although not binding on school district governing boards, review and analysis of a charter petition may be guided by the regulations promulgated by the SBE for their evaluation of charter petitions at Title 5, Division 1, Chapter 11, Subchapter 19 of the California Code of Regulations (“Regulations”).

When considering a renewal petition, the authorizer must consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant the charter renewal. (Ed. Code, § 47607(a)(3)(A).) Effective January 1, 2020, this will no longer be a requirement for renewal petitions.¹ Furthermore, to be eligible for renewal, a charter school must submit with its renewal petition documentation that it meets at least one of the criteria specified in Education Code section 47607(b):

- (1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years both schoolwide and for all groups of pupils served by the charter school. [*Superseded by Education Code section 52052(f)*]²
- (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years. [*Superseded by Education Code section 52052(f)*]
- (3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years. [*Superseded by Education Code section 52052(f)*]
- (4) (A) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools

¹ Per changes to Education Code section 47607, amended by AB 1505 (Ch. 486, Stats. 2019).

² The last Academic Performance Index (“API”) reports were produced in 2013, over five years ago and predating most of the Charter School’s current term (2013-2018). Effective June 27, 2018, Education Code expressly recognizes that API is no longer relevant to charter school renewals because the data is outdated and would not tie renewal factors to current performance indicators. Instead, “alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups shall be used” for purposes of paragraphs (1) to (3) of Education Code section 47607(b). (Ed. Code, § 52052(f).) Renewal eligibility criteria is addressed below.

that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

(5) Qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.

A renewal petition must also provide a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law since the charter was granted or last renewed. (Ed. Code, § 47607(a)(2).)

In addition to consideration of pupil academic performance, the authorizer "shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any." (5 C.C.R. § 11966.4(b).) Renewal may only be denied if the authorizer makes written factual findings supporting one of the grounds for denial in Education Code section 47605(b) listed above;³ or that the charter school failed to satisfy one of the academic performance criteria in Education Code section 47607(b).

III. SUMMARY OF FINDINGS

District staff, in collaboration with legal counsel, conducted a comprehensive review of the Petition documents for compliance with the requirements summarized in this report. In accordance with law, increases in pupil academic achievement for all groups of pupils served by Charter School was considered as the most important factor in its analysis of the Petition.

Staff finds that even when considering increases in pupil academic achievement as the most important factor in determining whether to renew OCSA's Charter, the increases in pupil academic achievement are outweighed by the factual findings specified below; and Staff further specifically finds that the lack of increases and corresponding decreases in pupil academic achievement of special population students, particularly when combined with the other deficiencies and issues with the renewal Petition as described in this Report, do not support renewal of the OCSA Charter. However, renewal may be granted if conditioned upon addressing issues related to findings herein.

Given the Charter School failed to comprehensively describe all required elements of its program in the Petition, including in the areas of admissions, and suspension and expulsion procedures, as well as governance, any approval should be based on the Charter School engaging in corrective action and submitting a material revision to address findings in this Staff Report.

Factual findings regarding the most significant deficiencies are described below. This Staff Report does not exhaustively list every concern, and focuses on those believed to most greatly impact the District Board's decision on whether to grant the renewal of OCSA's

³ Grounds for denial of a renewal petition includes: (1) The charter school presents an unsound educational program for 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 description of all required charter elements.

charter. Should the Board take action to deny the Renewal Petition, it may adopt this Staff Report as the written factual findings required to support the denial of the renewal.

A. OCSA Fails To Meet Eligibility For Renewal For Special Populations (Ed. Code, § 47607(b).)

To qualify for renewal, a charter school must provide information with its charter petition to allow the authorizer to evaluate whether “the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.” (Ed. Code, § 47607(b)(4)(A).) This determination is to be based upon: (i) documented and clear and convincing data; (ii) pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 [of the Education Code] for demographically similar pupil populations in the comparison schools; and (iii) information submitted by the charter school. (Ed. Code, § 47607(b)(4)(B).) A charter school seeking renewal must submit “[d]ocumentation that the charter school meets at least one of the criteria specified in Education Code section 47607(b).” (5 C.C.R. § 11966.4(a)(1).)

Due to the fundamental differences in enrollment between students at OCSA and students in SAUSD discussed below in this Report, the CAASPP achievement Chart on pages 12 and 13 of the Petition that compares SAUSD scores and OCSA scores in demographic categories, does not provide an equitable or accurate comparison. The disparate low numbers of Hispanic/Latino, English Learners, low socioeconomic students enrolled in OCSA compared to the high numbers in SAUSD, provide an unbalanced look at OCSA’s achievement, and prevent any meaningful comparison. OCSA’s percentages of Hispanic/Latino, English Learners, and socioeconomically disadvantaged students are so much lower than those of SAUSD, that a justifiable comparison of OCSA’s scores to SAUSD scores cannot be made. Additionally, OCSA does not have statistically significant special populations further complicating comparison.

In fact, when OCSA compares its special population students to its own school’s overall achievement rates, the disparity is even more visible. For example, while OCSA’s schoolwide levels of meeting or exceeding Math standards was 81%, its percentage of economically disadvantaged students meeting or exceeding math standards was only 65%; and for English Learners it was 67%. (Petition, p. 14.). For English Language Arts, OCSA’s schoolwide achievement rate was 89%, while its EL rate was 67%. The overall picture is that OCSA’s small numbers of special populations’ achievement presents a significant lag compared to its schoolwide scores. See charts from the Petition at page 14:

TABLE 14			
% of Students Meeting or Exceeding Standards			
ELA			
	2016-2017	2017-2018	2018-2019
Schoolwide	92%	88%	89%
English Learners	N/A	20%	67%
IEP	71%	68%	54%

504	90%	90%	82%
Socioeconomically Disadvantaged	89%	68%	85%

TABLE 15
% of Students Meeting or Exceeding Standards
Math

	2016-2017	2017-2018	2018-2019
Schoolwide	77%	78%	81%
English Learners	N/A	60%	67%
IEP	43%	54%	43%
504	58%	67%	59%
Socioeconomically Disadvantaged	61%	63%	65%

B. The Charter School Is Demonstrably Unlikely To Successfully Implement The Program in a Lawful Manner (Ed. Code, § 47605(b)(2).)

Petitioners are demonstrably unlikely to successfully implement their program in a lawful manner for reasons including the following:

OCSA's Prior History and Operations Demonstrates Unlikelihood of Future Success

Education Code section 47605 requires the Charter School to show it is demonstrably likely to successfully implement the program set forth in the Petition. (Ed. Code, § 47605(b)(2).) In determining whether the Charter School is demonstrably likely to successfully implement the program, the Board "shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any." (5 C.C.R. § 11966.4(b).) In determining whether petitioners are demonstrably likely to successfully implement their proposed educational program, the District may consider the success or failure of petitioners' past history with charter schools. (5 C.C.R. § 11967.5.1(c)(1).) The petitioners' past unsuccessful history of operating OCSA is demonstrated by facts including the following:

1. OCSA's Admission Policies and Procedures Are Exclusive

OCSA's admission/enrollment policies and practices have encouraged applications from high achieving and well-resourced students and discouraged applications from those in the under-represented protected classifications, and the majority of SAUSD's population. OCSA policies and practices appear to continue and have contributed to a discriminatory disparate impact on special student populations, including socioeconomically disadvantaged, English Learner, special needs, foster youth, and homeless students. OCSA proposes to continue the audition and placement requirements which clearly discourage applications and enrollment of students without such means or talent.

Per Education Code section 47605, OCSA "shall admit all pupils who wish to attend the charter school" and "shall not discriminate against a pupil on the basis of the characteristics listed in Section 220." Per Education Code section 220:

No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid.

The Charter Schools Act expressly prohibits admission preferences that result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation. (Ed. Code § 47605(d)(2)(B)(iii).) Senate Bill 75 (SB 75) added Education Code section 47605(d)(4) to more explicitly prohibit a charter school from discouraging enrollment and from encouraging disenrollment of any student specifically for reasons including academic performance, and whether the student is disabled, academically low-achieving, an English learner, neglected or delinquent, homeless, economically disadvantaged, or a foster youth.

Furthermore, applicable law also expressly prohibits discrimination in **any** policy or practice.

"California law unequivocally provides that discrimination on any protected basis is unlawful and policies with a discriminatory adverse impact on a group of students because of race, color, national origin, disability, gender, or sexual orientation are prohibited."⁴

The Legislature has recently reinforced its intention that charter schools must serve all students by amending section 47605 of the Education Code to further require a charter school to enroll a balance of special education, English Learner ("EL"), and re-designated EL students that that is reflective of the authorizer school district. (Assembly Bill 1505, Ch. 486, Stats. 2019.) OCSA does not enroll or serve a population that is comparable to SAUSD.

OCSA's policies and practices have had, and continue to have, a discriminatory disparate impact on protected classes of low socioeconomic, EL, homeless, and special needs students, particularly those special education students with anything more than students have been disproportionately impacted by admissions requirements. (See Attachment 1, Enrollment by Subgroup Comparative Data, pp. 1-5.) ,The comparative data from **2018-2019** reflects a very significant disparity between OCSA's student subgroup population and that of the District and its high schools and intermediate schools:

	Total Enrollment:	Socioeconomically Disadvantaged:	English Learners:	SPED	Foster Youth:	Homeless:
OCSA	2,177	12.1%	1.1%	4.9%	0.0%	0.0%
SAUSD	46,597	87.8%	34.8%	12.7%	0.5%	12.9%
Century	1,782	94.4%	28.4%	15.8%	0.3%	16.0%
Godinez	2,449	89.9%	10.0%	6.7 %	0.2%	12.4%
Saddleback	1,574	87.2%	20.1%	13.3%	0.3%	15.9%
Santa Ana	3,057	93.1%	23.5%	13.3%	0.6%	18.4%
Segerstrom	2,435	72.1%	6.6%	7.1%	0.1%	7.7%
Valley	2,150	92.7%	29.2%	12.6%	0.7%	18.9%
High Schools Average:		88.2%	19.6%	11.5%	0.4%	14.9%
Carr	1,405	94.0%	37.0%	15.4%	0.4%	19.7%
Lathrop	948	95.6%	38.6%	18.2%	0.8%	27.5%
MacCarther	1,210	66.8%	5.6%	6.8%	0.1%	4.7%
McFadden	1,184	89.2%	30.2%	15.8%	0.6%	23.1%
Mendez	1,392	89.3%	16.3%	6.5%	0.2%	12.6%
Sierra	757	95.4%	42.8%	21.9%	0.9%	30.9%
Spurgeon	829	95.5%	42.6%	17.4%	0.8%	17.7%
Villa	1,390	93.5%	27.7%	6.4%	0.2%	10.1%
Willard	708	95.9%	42.9%	22.7%	0.3%	21.2%
Intermediate Schools Average:		90.6%	31.5%	14.5%	0.5%	18.6%

⁴ Cal. Const., art. I, § 7(a) & (b); Ed. Code, §§ 220, 262.3, & 262.4; Gov. Code, § 11135; Cal. Code Regs., tit. 5, § 4911 & Cal. Code Regs., tit. 2, § 11154. The following is a link is to the California Attorney General's recent letter calling upon all those who work with and on behalf of California students "to dedicate themselves to ensuring that California schools are free from policies and practices that have a discriminatory impact." <https://oag.ca.gov/system/files/attachments/press-docs/bcj-school-discipline-letter.pdf>

<https://dq.cde.ca.gov/dataquest/>

The disparity in students with disabilities attending OCSA versus SAUSD schools is also reflective of this finding::

2019-2020 (Current data as of 11/20/19):

	Intellectual Disability:	Emotional Disturbance:	Orthopedic Impairment:	Autism:	Total High Needs:
SAUSD	370	94	91	1,182	1,737
OCSA	0	4	1	23	28

2018-19

	Intellectual Disability:	Emotional Disturbance :	Orthopedic Impairment :	Autism:	Total High Needs:
SAUSD	379	90	107	1,089	1,665
OCSA	0	12	2	47	61

2017-18

	Intellectual Disability:	Emotional Disturbance :	Orthopedic Impairment :	Autism:	Total High Needs:
SAUSD	406	90	104	1,047	1,647
OCSA	0	3	0	20	23

2016-17

	Intellectual Disability:	Emotional Disturbance :	Orthopedic Impairment :	Autism:	Total High Needs:
SAUSD	419	83	121	1,009	1,632
OCSA	0	1	1	23	25

2015-16

	Intellectual Disability:	Emotional Disturbance :	Orthopedic Impairment :	Autism:	Total High Needs:
SAUSD	421	95	131	980	1,627
OCSA	0	0	1	20	21

There have also been complaints filed against OCSA in the current term of discriminatory admissions practices and failure to comply with the IDEA and State law relative to students with disabilities. Factors contributing to the disparate discriminatory impact on subgroup student populations are discussed below:

a. OCSA's Academic Requirements.

Per OCSA's 2018 Academic Profile (11/5/18): "Acceptance to Orange County School of the Arts is based on an audition and a recommended 2.0 academic GPA."
<https://www.ocsarts.net/Portals/0/PDFs/Academics%20PDFs/Academic%20Profile%202018.pdf?ver=2018-11-05-120049-250>

OCSA appears to be changing its practices and policies but it is not clear whether these are changes are in practice or policy and petition alone.

Per the above, OCSA will dismiss students who are not able to meet OCSA's rigorous academic requirement, and as a condition of applying for readmission, a student must demonstrate that they had a 2.0 average GPA or higher. Further, if a readmitted student who was dismissed one time previously for Academic reasons, and he/she is dismissed for a second time, the student "will not be eligible to reapply to OCSA as they have demonstrated an inability to be successful in OCSA's rigorous academic/arts program." (Student/Parent Handbook 2019-20, pp. 31-32.) In other words, OCSA will ban readmission of a student who is unable to maintain a 2.0 average GPA. OCSA's current academic requirements for continued participation in conservatory programs also seem to conflict with recently-changed Education Code section 47605.

While OCSA's website has been revised to remove the reference to a minimum GPA recommendation, the website under "Admission Guidelines" now currently states in part:

OCSA provides a rigorous college-preparatory academic program and adheres to the California State Mandated Requirements for High School Graduation. While the school's faculty and staff are committed to supporting the educational needs of each and every student, the students themselves are expected to make a commitment to their academics as well as their conservatory classes. In our experience, students who struggle academically in a traditional school setting will likely have trouble succeeding in our extended school day. Although no minimum GPA or other academic criteria is required for admission, any student who does not complete OCSA's minimum set of requirements for graduation by the end of their senior year will not be eligible to graduate.

<https://www.ocsarts.net/admissions/admissions-guidelines>

Similarly, under Admissions FAQs, OCSA's website states:

My child is very talented, but struggles academically. Will OCSA be a good fit?

OCSA provides a rigorous college-preparatory academic program. While the school's faculty and staff are committed to supporting the educational needs of each and every student, the students themselves are expected to make a commitment to their academics as well as their conservatory classes. Based on past experience, students who struggle academically in a traditional school setting will likely have trouble succeeding in OCSA's extended school day. That said, OCSA does not limit admission and enrollment for academically low-achieving pupils. OCSA adheres to the California State Mandated Requirements for High School Graduation. Any student who does not complete the minimum

set of requirements for graduation by the end of their senior year will not be eligible to graduate.

<https://www.ocsarts.net/applynow>

Although OCSA's website no longer expressly references a minimum GPA, the above content is inconsistent with Education Code section 47605 as it may foreseeably result in discouraging academically low-achieving pupils, English Learners, and students with disabilities from seeking admission to OCSA, and/or actively preventing them from gaining admission. Additionally, other schools operated by the same corporation continue to require certain GPA and other admissions and ongoing enrollment requirements previously employed at OCSA and now clearly unlawful. Staff questions the fidelity of implementation of changes that are inconsistently described in various places.

ACLU Report – Unequal Access.

In July 2015, the ACLU released a report entitled: *Unequal Access: How Some California Charter Schools Illegal Restrict Enrollment*, regarding exclusionary enrollment policies at charter schools. OCSA was one of the charter schools identified in the Report. The following complaint from the grandparent of an OCSA student was included in the ACLU Report:

"My grandson Angelo attended Orange County School of the Arts (OCSA). He has suffered serious health issues throughout his childhood. School, in particular, has become a challenge as he struggles to keep up with homework while checking in and out of hospitals. When I heard he was attending OCSA, I was happy and proud. Every time I picked him up from school, he was surrounded by friends, and his teachers praised him for his hard work, resilience and talent. However, after three years of him going to OCSA, I received a call from the school counselor requesting that I come to school to discuss his poor performance. They explained that Angelo's G.P.A. had fallen to 2.0 and that he faced dismissal unless he could bring his G.P.A. up within 10 days. When I asked how this happened so suddenly, especially since my grandson had been doing exceptionally well throughout the years, the school counselor merely replied, "it looks like this may not be the place for you. Maybe you should go back to your home school." Over the next two weeks, Angelo fought tirelessly to bring his grades up. Every day, he stayed up well into the night to complete assignments. He did bring his grades up, but despite his efforts, OCSA decided to dismiss him anyway. When they told Angelo that he had to leave the school, he was devastated. An otherwise positive kid, he started crying. Destroyed by the incident, he spiraled into a depression and grew quiet and distant. He is now trying to catch up at his new school, but it has been a struggle.

– Grandparent of former OCSA student"

(See *Unequal Access: How Some California Charter Schools Illegal Restrict Enrollment*, July 2015, p. 7.)

Attempts at correction have been made but not resulted in satisfactory pupil populations that reflect the Santa Ana community. Admissions policies and procedures in renewal petition do not either.

b. OCSA's Application Process.

Pre-Enrollment Placement Activity.

Per OCSA's 2019-2020 Academic Profile, "Enrollment at OCSA is determined by the completion of an application and participation in a placement activity." (Petition, p. 21.) OCSA's FAQs about the admission process states: "After becoming familiar with the various conservatories and the skills characteristic of those conservatories at one of OCSA's Preview Days, prospective students are invited to fill out an application *and participate in a placement activity to identify the appropriate placement in the conservatory to which they seek admission.* (<https://www.ocsarts.net/applynow>; See also, Petition at p. 108.) Exhibit "E" to the Petition includes "Placement Activity Guidelines" which "describe important information for each conservatory level." (Petition, p. 108.)

Per the Petition, "There is no level of ability required to be considered for admission. OCSA shall admit all applicants on a space-available basis to the appropriate level of the conservatory of choice. When applicants exceed spaces, a public random lottery will be conducted to determine which students are admitted." (Petition, p. 108; see also OCSA website, *What does the full admissions process look like at Orange County School of the Arts (OCSA)?*; <https://www.ocsarts.net/applynow>) "Should the number of applicants exceed space available, a lottery will be held to determine enrollment by conservatory, grade, and level. *Our placement activities are designed to ensure that every applicant is placed appropriately in this lottery.*" (<https://www.ocsarts.net/applynow>)

The process for determining the "appropriate placement" or "appropriate level" in a required conservatory is unclear and may allow for discriminatory admission/enrollment practices particularly given the highly intensive application and placement activity process. The above quoted Petition language is similar to OCSA's current charter that unlawfully conditions admission to OCSA on performance ability. Specifically, the 2015-2020 charter at page 33 states in part: "If the number of students who wish to attend OCSA exceeds capacity, *among equally qualified applicants*, preference will be extended . . ."

In addition to other application requirements which may include, YouTube video, essay writing, and portfolio submission requirements, the On-Site Placement Activities for each Conservatory include:

Conservancy	Placement Activity Round #1	On-Site Placement Activity*
Acting	<p>Application & YouTube Video Submission Please submit a completed application and YouTube video, no more than 4 minutes in length, based upon the guidelines described below.</p> <p>Video Content Guidelines: Prepare two memorized monologues — one dramatic and one comedic (no longer than 1 - 2 minutes each).</p>	<p>Applicants invited to the on-site placement activity should be prepared to perform one or both of their initial Round-One monologues. Please bring a current, wallet size photo. A school photo is acceptable.</p>
Ballroom Dance	<p>Online Application</p>	<ul style="list-style-type: none"> · Come prepared to learn routines based on International Ballroom and Latin Dances dances such as Cha Cha, Samba, Jive, Waltz, Tango, and Quickstep at the Bronze Level. · The placement activity will end with an interview briefly covering your personal dance experience. · Please bring a current, wallet-sized photo. School photo is acceptable.
Ballet Folklorico Dance	<p>Online Application</p>	<ul style="list-style-type: none"> · After a brief warm-up, students will review folklorico technique and will learn and perform choreography in Ballet Folklorico and Flamenco. · You may be asked to present a dance or routine of your choice demonstrating your strength as a dancer. · Please bring your own music to the placement activity (CD, iPod, iTunes or YouTube link). · Please bring a current, wallet size photo. A school photo is acceptable.
Culinary Arts & Hospitality	<p>Video Content Guidelines: Please create a 3-5 minute YouTube video. The video can demonstrate you preparing your favorite recipe, speaking about your submitted essay, or an explanation of why you would like to be part of the Culinary Arts & Hospitality Conservatory.</p>	<p>The Culinary Arts & Hospitality Conservatory placement activity process includes 2 components. The on-site placement activity and, if warranted, a cooking demonstration.</p> <p>Placement Activity & Portfolio Review Guidelines: The placement activity and portfolio review with Chef will run approximately 15 minutes and consist of:</p>

	<p>Portfolio Content Guidelines: Essay Please write an essay of 500 words or less, addressing any of the questions below and include this essay at the beginning of your portfolio:</p> <ul style="list-style-type: none"> · What is your motivation for entering the conservatory/industry? · What are your personal/professional goals? · What is your understanding of the industry? · Who is your mentor and why? (Chef, teacher, family, etc.) · Tell us about YOU, your heart, and your mind. <p>Your Favorite Recipe</p> <ul style="list-style-type: none"> · One recipe written in standard form. Copying and pasting from the internet is not acceptable. · Photo of the finished product. 	<ul style="list-style-type: none"> · Discussion of your essay · Participation in a conversation centered around professionalism, attitude, work ethic, passion, creativity, etc. · Please bring a current, wallet size photo. A school photo is acceptable.
<p>Classical and Contemporary Dance</p>	<p>Online Application</p>	<p>Applicants will participate in a 2 hour ballet class.</p> <ul style="list-style-type: none"> · Grades 7 & 8: Students will partake in a 2 hour ballet class that incorporates a ballet bare & center, pointe bare, and modern phase. An intermediate-advanced level of technique is recommended, as is pre-pointe or pointe experience for girls. · Grade 9-12: Students will partake in a 2 hour ballet class that incorporates a ballet bare & center, pointe bare & center, and modern phrase. An intermediate-advanced level of technique is recommended, as is pointe experience for girls.
<p>Commercial Dance</p>	<p>Online Application</p>	<ul style="list-style-type: none"> · After a short warm-up, students will learn and perform choreography in jazz, ballet, and hip hop. Students do not need to prepare a routine ahead of time but will be allowed (optional) to demonstrate ability in a dance area not listed above, should time allow. · If opting to show other dance form at the end of the placement activity, please have 30

		seconds of music ready on iPod, Smart Phone, iTunes or link. For safety reasons we will not ask to see any ballet in pointe shoes.
Classical Voice	Online Application	<p>Please prepare two classical songs or arias. Classical musical theatre will also be accepted. Selections may be sung in English or in the original foreign language.</p> <p>An accompanist will be provided or you can bring your own accompanist. Please bring clean sheet music for the accompanist. We do not recommend singing a cappella.</p> <ul style="list-style-type: none"> · Please have songs memorized. · It is recommended that applicants arrive dressed professionally. · Bringing a "Personal Evaluation" or "Recommendation" from current Choir Director or Music Teacher to the placement activity is highly recommended, but not required. All Recommendation Letters and Personal Evaluations must be signed and presented in a sealed envelope. Please bring all letters and evaluations to the on-site placement activity. · Please bring a current, wallet size photo. A school photo is acceptable.
Creative Writing	<p>Applicants must submit a portfolio of original creative writing examples which follow the guidelines below. Portfolio attachments must accompany the application at the time the application is submitted. Applications without a completed portfolio will be considered incomplete and will be delayed in processing.</p> <ul style="list-style-type: none"> · Your portfolio should consist of approximately 15 –20 pages of original creative writing in any genre: short story, poetry, dramatic writing, creative non-fiction etc. 	<p>Applicants invited to the on-site placement activity will be asked to write to a specific prompt. All writing materials will be provided at the placement activity.</p>
Digital Media	<p>With your application, upload a PDF portfolio. Multiple documents may be combined into a singly PDF or submitted as a YouTube link. Do not submit portfolio as a Zip File. Any motion or video files should be</p>	<p>Interview with the director. Applicants should arrive on time, bring a neatly organized portfolio, and be prepared to discuss their work, artistic influences, inspirations and goals. Round Two portfolio material should include 10-20 pieces of work that represents you best. Submissions from Round One</p>

	<p>uploaded as a YouTube link. Art work can be created by hand or digitally. Examples may include drawing, painting, sculpture, etc. Include 5 pieces as described below:</p> <ul style="list-style-type: none"> · A self portrait · An observational drawing or painting of your bedroom · An original character you have designed · Your choice, whatever you feel best represents you as an artist. Should reflect your ambitions and interests. · Your choice, whatever you feel best represents you as an artist. Should reflect your ambitions and interests. 	<p>portfolio are acceptable, as are the following examples:</p> <ul style="list-style-type: none"> · Character /concept designs (for a movie, story, videogame) · Storyboards, or comics · Animation or games, playable files · Environmental designs · Observational drawings/ paintings from life · Sketchbooks (highly recommended, each book counts as a piece)
<p>Film & Television</p>	<p>After your online application is processed you will be invited to participate in an on-site placement activity, which will consist of the following:</p> <ul style="list-style-type: none"> · Visual sample · Writing sample · Interview 	<p>The placement activity will last approximately fifteen minutes. We'll watch your visual sample and talk about your work and filmmaking interests. Be prepared to speak insightfully about your work and why studying film at OCSA would be important for you as an artist. Please also bring a current, wallet size photo with your name on it to the placement activity. A school photo is acceptable.</p>
<p>Integrated Arts</p>	<p>Applicants should showcase a minimum of three disciplines in the arts. Students may present more than three disciplines, if they choose. These three art disciplines can be showcased through portfolio or video submission.</p>	<p>5-10 minute personal interview with the Director. Applicants will be asked to perform or present one aspect of art from their Round One placement activity. The student can choose what will be performed or presented, but only one aspect will be permitted (just the song, just the monologue, just the dance, only creative writing, only visual art, etc.). Students should choose which artistic area they feel is their strongest and represents them the best. Below are guidelines for Round Two placement activity:</p> <ul style="list-style-type: none"> · If the applicant decides to showcase a song, we highly recommend that they bring a track recording or an accompanist. Although a cappella singing is not recommended, all singers will be considered. We will not have access to the internet, so a YouTube link is not recommended. · Monologues must be 1-2 minutes in length. · No instrumental pieces.

		<ul style="list-style-type: none"> · Creative writing pines should be typed. · Creative writing and artwork should be neatly organized (we recommend using a folder). · Original artwork can be brought to the on-site placement activity and will be returned at the end of the placement activity session. · If you are going to use a laptop to show Film or TV material, have it ready to play before entering the placement activity room. · Please bring a current, wallet size photo. A school photo is acceptable. · During your on-site placement activity, you may utilize the same material as you used it Round One or, you may prepare entirely new material.
<p>Instrumental Music – Jazz Studies</p>	<p>Online Application</p>	<p><u>High School</u></p> <ul style="list-style-type: none"> · All Instruments: <ul style="list-style-type: none"> o All 12 major scales -minor and jazz scale / chord knowledge a plus o Sight reading <p><u>Middle School</u></p> <ul style="list-style-type: none"> · All Instruments: <ul style="list-style-type: none"> o Scales up to four sharps and flats o Sight reading <p><u>All Grades</u></p> <ul style="list-style-type: none"> · Woodwind and brass: <ul style="list-style-type: none"> o Prepared jazz piece from one of the following: Charlie Parker Omnibook, Lennie Niehaus or Jim Snidero Jazz Conception Series. o Improvisation on Bb flat concert blues or "There Will Never be Another You" in Eb Major. · Piano, Guitar, Bass: <ul style="list-style-type: none"> o Prepared jazz piece from one of the following: Charlie Parker Omnibook, Lennie Niehaus or Jim Snidero Jazz Conception Series. o Improvisation on Bb concert blues or "There Will Never be Another You" in Eb Major. · Bass (additional demonstration): <ul style="list-style-type: none"> o Demonstrate swing walking bass, and Latin style bass. · Drums: <ul style="list-style-type: none"> o Demonstrate swing style at the following tempos — slow, medium, and up tempo. o Demonstrate the following styles: Big Band Jazz, Combo Jazz, Jazz, Waltz, Mambo, Bossa Nova, Samba. You may also be asked to sight read a basic chart in any of these styles.

		<ul style="list-style-type: none"> o Drummers will also be asked to perform medium swing with brushes. o It is recommended that you bring your own sticks and brushes to the placement activity. If you do not have access to your own sticks or brushes these will be provided. o Play and solo on 12 bar blues.
Instrumental Music – Pianist Program	Online Application	<p>Applicants will be asked to perform a maximum of three pieces. Repertoire guidelines as follows:</p> <ol style="list-style-type: none"> 1. Select one composition by J. S. Bach from the following options: <ul style="list-style-type: none"> · Sinfonia · Prelude and Fugue from Books I or II of The Well-Tempered Klavier · Toccata · Any two movements from the French, English Suites or Partita · Any Italian Concerto movement. 2. First movement of a standard Classical Sonata by Haydn, Mozart, Beethoven or Schubert. Please exclude Haydn Sonatas, Hoboken 1-30, Mozart Sonata K 545, Beethoven Sonatas op. 49. 3. One major work or movement by a Romantic era or 20th / 21st century composer. <ul style="list-style-type: none"> · We highly recommend, you select standard piano repertoire and exclude popular music, arrangements of classical repertoire, and Concerti. · All pieces must be played from memory. · Be prepared to sight read. <p>Grades 7 & 8: Be prepared to play any of the 7 major scales beginning on white notes, 2 octaves, hands together. Grades 9-12: Be prepared to play any major scale, 4 octaves, hands together.</p>
Instrumental Music – Strings & Orchestra Program	Online Application	<p>Strings and Harp:</p> <p>The placement activity will be in two parts:</p> <ol style="list-style-type: none"> 1. Scales Students will be asked to perform one major and one minor scale (up to four sharps or flats) in as many octaves as the student is capable. The judges will request the scales. Students will not know in advance which scales will be requested. Harpists will not be asked to play scales. 2. Solo performance Demonstrate two distinct styles of solo playing: <ul style="list-style-type: none"> · Lyrical, melodic, and slow.

		<ul style="list-style-type: none"> · Fast and more technical. <p>The solo selections are to be chosen by the student. The two different styles can be two separate pieces or two contrasting movements from the same work. We highly recommend that selected pieces be drawn from the traditional repertoire (i.e. Bach, Mozart, Beethoven, Brahms, Stravinsky, etc.) Avoid picking folks song, Broadway show tunes or pop tunes.</p> <p>ph _ 8th grade applicants Violinists, Violists, Cellists, and Bassists:</p> <ul style="list-style-type: none"> · Demonstrate range at least to 5th position and use vibrato · Perform scales in at least two octaves <p>9th _ 12th grade applicants Violinists, Violists, Cellists and Bassists:</p> <ul style="list-style-type: none"> · Demonstrate range at least to 7th position and use vibrato · Demonstrate different articulations of the bow in solo performance · Perform scales in at least three octaves
Instrumental Music – Wind Studies	Online Application	<p>Applicants for grades 7 and 8 should be prepared to perform major scales up to 4 flats and 4 sharps, in 2 octaves whenever possible. Applicants for grades 9-12 should be prepared to perform all 12 major scales on the full range of the instrument.</p>
Musical Theater	<p>Please submit a completed application and YouTube video, no more than 4 minutes in length. Songs and monologues can be uploaded as one combined file or two separate files. Please follow the guidelines described below.</p> <p>Vocal Selection - Prepare one vocal selection, up tempo or ballad (no more than 32 bars) NM one memorized monologue (no longer than 1 - 2 minutes in length). Students should sing with a track or a pianist. A cappella singing is not recommended.</p> <p>Monologue Selection — Prepare and memorize one dramatic or one comedic</p>	<p>Applicants who are invited to an on-site placement activity should be prepared to participate in a dance workshop and interview. Please wear comfortable clothing suitable for dancing (jazz shoes or tennis shoes).</p>

	<p>monologue. In addition to published plays and monologue anthologies, some of the following titles are available at bookstores, libraries, and online. Placement activity material is not limited to these titles but should be age-appropriate and must be from a published source — no original works:</p>	
Production & Design	<p>Online Application</p>	<p>The placement activity consist of an interview with the director, during which applicants will discuss the contents of their portfolio. Students must bring their portfolio to the placement activity.</p> <p>Portfolio Guidelines In addition to the items above, students may present a portfolio of their work from actual productions or class projects that demonstrate a basic understanding of design or construction techniques in scenic, costume, make-up, audio, or lighting. This can include production photographs, renderings, models, drawings, or audio recordings. Each applicant may also include a maximum of four drawings, watercolors, etc. from an art class.</p>
Popular Music	<p>Please submit a completed application and YouTube video based upon the guidelines described below. Video Content Guidelines:</p> <ul style="list-style-type: none"> · Vocalists: Prepare a piece of your choice in its entirety and perform with a backing track. Students may also accompany themselves on guitar or piano. It is advised that applicants do not sing a cappella. · Guitarists: Prepare one of the guitar solos and one of the rhythmic guitar selections listed in the Performance Guidelines for your correct grade level below. Please perform with the original recorded track. 	<p>The Round Two placement activity will consist of:</p> <ol style="list-style-type: none"> 1. A short applicant introduction and conversation with Popular Music Panelists 2. Knowledge of Scales (Guitarists, Bassists and Keyboardists Only; all 12 Major scales); Tonal Memory (Vocalists Only); Rudiments (Drummers Only) 3. Performance guidelines

	<ul style="list-style-type: none"> · Keyboardists: Prepare one of the keyboard /organ solos listed on the Performance Guidelines for your correct grade level below. Please perform with the original recorded track. · Bassists: Prepare one of the song selections listed in the Performance Guidelines for your correct grade level below. Please perform with the original recorded track. · Drummers: Prepare one of the song selections listed in the Performance Guidelines for your correct grade level below. Please perform with the original recorded track. 	
Visual Arts	<p>Please submit a portfolio as described below. Please note, the personal statement must be computer generated. Scan the four described artworks and combine into a single PDF. Scanned portfolios and personal statement must accompany the application at the time the application is submitted. Applications that do not have a completed portfolio and personal statement will be considered incomplete and the application will be delayed in processing. Please upload and insert your portfolio and personal statement directly into the appropriate place in the conservatory application.</p>	<p>Materials needed for portfolio review:</p> <ul style="list-style-type: none"> · Students must bring a labeled portfolio or any type of carrying case containing the 4 Round One artworks and up to 10 more original artworks produced in the last 12 months only. Please have portfolio and any individual art work clearly labeled with the applicant's full name. Total portfolio artworks should not exceed 14 items. Portfolios can have as little as 9 total pieces and not more than 14. (Remember this amount must include the original 4 artworks from Round One). <p>Drawing activity; The drawing activity will last 95 minutes and consists of three live drawing exercises done in the classroom (on a Saturday). All drawing materials will be provided. Drawings created during the placement activity will remain in the applicant's file. All portfolio works can be collected after the placement activity.</p>

**Recommended Attire:* Each of the dance conservancies recommends that student applicants wear specifically identified attire to their onsite placement activity audition. Some of the other conservatories state: "We highly recommend you come dressed professionally to your placement activity." Socioeconomically disadvantaged students may not be able to afford the recommended attire either potentially discouraging them from seeking admission to OCSA, or putting them at a disadvantage to other students in the audition process who are able to purchase the recommended attire.

The application/audition and placement activity process limits enrollment based on performance ability in cases where multiple prospective students apply for the same conservancy OCSA contrary to the law. (See Ed. Code Section 47605(d)(2)(A) ["A charter school shall admit all pupils who wish to attend the charter school . . . If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance . . . shall be determined by a public random drawing."].) It also deters applications for admission from target populations. Again, OCSA cannot continue to state one thing to purport legal compliance without implementing actions that accomplish it. While it appears efforts were made to correct the issue, it is ongoing and meaningful efforts to implement actual changes must be done to avoid admissions and attendance policies from being violative of current law.

c. Parent Donations Obligation

OCSA describes itself as “a tuition-free, donation-dependent, public charter school.” (Petition, p. 8; Sample LCAP for 2020-2021, Petition Appendix II, p. 197; OCSA website: <https://www.ocsarts.net/students-parents/annual-registration/parent-giving>.) The Budget Narrative in the Petition states that based on 15 years of historical data, OCSA anticipates receiving “Parent Funding Contributions” in the amount of \$7,359,461 in 2020-21. The Petition states that “*Parent Funding Contributions is our second largest revenue source.*” (Second to LCFF Average Daily Attendance apportionment – projected to be: \$20,301,194)(Petition, pp. 114-115.) OCSA anticipates enrolling 2200 students in 2020-21. If the parent of each student contributed the same amount of the budgeted Parent Funding Contributions, that would equate to a contribution of \$3,345.21 per student.

As further clarified on OCSA’s website, donations are necessary to underwrite OCSA’s arts conservatory programs.

Parent Giving Program

Orange County School of the Arts is a tuition-free, donation-dependent public charter school. No student is offered or denied enrollment based upon financial capacity. However, each school year we must raise more than \$10 million in private funds to underwrite the arts conservatory programs, and we rely on parents and the community-at-large to help us reach this goal.

The Parent Giving Program was created to provide parents with an opportunity to contribute an annual donation to their child’s arts education. All parent funding contributions are voluntary, and directly support the curriculum, classes, faculty wages, and operating costs for each arts conservatory. All cash donations to the school are tax deductible. Additional details on our Parent Giving Program are presented to parents at yearly meetings.

(OCSA website, <https://www.ocsarts.net/support-ocsa/giving-opportunities>.)

“Thirty-two credits of conservatory courses are required each year of all 9th through 12th grade students from one of the following conservancies: *Acting, Ballet Folklórico Dance, Ballroom Dance, Classical Voice, Classical & Contemporary Dance, Commercial Dance, Creative Writing, Culinary Arts & Hospitality, Digital Media, Film & Television, Instrumental Music, Integrated Arts, Musical Theatre, Popular Music, Production & Design, or Visual Arts.*” (OCSA Academic Profile, 9/10/2019)
<https://www.ocsarts.net/Portals/0/PDFs/Academics%20PDFs/Academic%20Profile%202019.pdf?ver=2019-09-10-153750-443>

Participation in a conservancy is a required component of each student’ education program and the conservancies are donation dependent. Therefore, while OCSA may state that the donations are voluntary, a student cannot attend OCSA without participating in a conservancy. Without parent donations funding conservancies, OCSA could not implement the educational program described in its petition.

Parent Funding Agreement.

In the Petition OCSA states that it will inform parents and prospective students about OCSA's policy regarding parent funding, including "full disclosure" of the following: "b. All money raised and/or donated as part of the *parent funding contract* is to be included in the Conservatory budget"; and "c. The average amount of the voluntary commitment of donations or fundraising activities." (Petition, p. 151.)

Per OCSA's Student/Parent Handbook for 2019-20 (p. 36), OCSA's Enrollment Policy requires completion/signature of a Parent Funding Agreement as a condition of attendance:

All families are required to complete and sign the *Parent Funding Agreement*, which will be distributed at the annual orientation meeting.

Complete all enrollment materials, including Enrollment Form, Enrollment Agreement, Health Form and *Parent Funding Agreement*. All completed forms must be turned in consistent with established timelines in order for the student to attend the first day of classes.

<https://www.ocsarts.net/Portals/0/PDFs/Academics%20PDFs/Student%20Handbook%202019-2020-revisedlanguage.pdf?ver=2019-09-10-153750-693>

Per OCSA's Registration information, OCSA will place holds on on-campus registration if a Parent Funding Agreement for the current school year is not completed and/or submitted prior to registration. (<https://www.ocsarts.net/students-parents/annual-registration/on-campus-registration/online-registration>) The Parent Funding Agreement referenced on the OCSA website is not included with the Petition documents and cannot be located on OCSA's website. However, a Parent Funding Agreement is available on OCSA's sister charter school California School of the Arts, San Gabriel Valley (CSARTS-SGV). Becky Parsons is identified as the "Family Liaison" for both charter schools regarding parent giving and she can be reached at the same 714 area code phone number even though CSARTS-SGV is located in Duarte. Under Parent Giving, the CSARTS-SGV website includes a link entitled "Pay My PFA" that takes parents to the Parent Funding Agreement available on the CSARTS-SGV website:

"The California School of the Arts is a tuition-free, donation-dependent public charter school. No student is admitted or denied based upon financial capacity. However, each school year we must raise approximately \$2 million to fund the ten arts conservatories, and we rely on our families and the community at large to help us reach this goal."

<https://sgv.csarts.net/hidden-transaction-pages/pay-my-pfa>

While OCSA's Parent Funding Agreement (PFA) was not provided with the renewal petition and has not been found publicly, Staff anticipates that it includes similar content to CSARTS-SGV's PFA given that OCSA is also dependent upon donations to fund its conservatories. In addition, Staff anticipates that the parent monetary support of the conservancies at OCSA is similarly characterized as an obligation rather than a voluntary option.

Also, per OCSA's website, to make a "Parent Funding Pledge payment donation" it is necessary to visit OCSA's website and log in with a registered account tied to a validated email. (<https://www.ocsarts.net/students-parents/annual-registration/parent-giving>.)

While Staff is similarly unable to access this “donation” payment page, OCSA’s parent funding page includes similar content to CSARTS-SGV.

Per *The 14th Conservatory* Blog post from a former OCSA parent regarding “How Much Does it Cost?”: “Each family is required to complete a Parent Funding Agreement (PFA) that outlines how much you will pay and when. The cost runs between \$3,000 and \$4,000 per year; it varies by grade and conservancy.”

A comment posted June 4, 2019, states: “I think the 3K to 4K figure is old. My understanding is it’s between 4.5K and 5K. The recommended donation varies by conservancy and middle vs. high school, but falls within that range. . . . Also, the donation is mentioned up front in the video shown to all applicants, so all should be aware before they apply.” (See *The 14th Conservancy* blog post.)

While OCSA appears to recognize this cannot be required, the manner in which contribution is sought and advertised is not consistent with that understanding. Parents who cannot afford to contribute are likely not to apply for admission.

d. Conservatory Application Requirement Costs.

In addition to the parent donation costs discussed above in this Report, each Conservatory requires specific and differing application requirements. (See Petition, Exhibit “E”, pp. 321-349; <https://www.ocsarts.net/admissions/admissions-guidelines>.)

The admissions requirements of the various conservatories appear to be inconsistent with one another in terms of whether a prospective student could apply without needing to have access to costly digital resources such as home computers and internet. Not all conservatories require that students have computers, internet, YouTube or Vimeo accounts. However, students applying to several of the 14 conservatories need to have access to cameras, or smart phones, as part of their admissions process. For instance, the Acting Conservatory, Culinary Arts Conservatory, Digital Media Conservatory, Film and Television Conservatory, and Integrated Arts conservatory all require the prospective new student to upload videos and other electronic content. Only the Film and Television Conservatory has a printed guideline for incoming 9th graders that allows them to submit a story board, if they don’t have funds or access to internet and equipment. (See [Attachment 4](#).)

By virtue of omission, the conservatories requiring digital submissions appear to be inferring that prospective 9th graders are subject to the expense of equipment and internet in order to apply.

On page 8, the Petition states: “Students enrolled in OCSA’s tuition-free, donation-dependent arts conservatory programs have had the opportunity to study with an inspiring caliber of guest artists...,” yet the very fact that some conservatories require pre-enrollment access to equipment, software and internet, may work to discourage low income families from applying. Because the submissions requirements are on OCSA’s website, low income families who do not have home computers or internet could be discouraged from having their child apply for admission. OCSA’s published application process infers the need for families to expend funds on digital submissions for numerous conservatories, which can cost money.

There is an assumption that all adolescent children have access to and possess basic technology skills. However, that is not the reality for low income families and many families

living in SAUSD that have not had or been given any meaningful ability to access OCSA. While OCSA's petition affirms otherwise, it is clear its admissions and ongoing enrollment policies discourage enrollment of student from target populations. Many parents of students and students in these target populations would not even apply.

e. Audition Preparation Classes.

The petition indicates audition preparation coaches/classes are available to specifically assist students applying to OCSA's conservatories and attempts to mitigate this reality. Two examples are attached to this Report. (See Attachment 5.) However, other sources and actual practice are not consistent. For example, a blog from one of the "preparation coaches/classes" provides:

KEEP IN MIND...

Some families come to me and have no idea how competitive, selective, and intense the OCSA audition process is and think that it will take little time and effort to prepare. Some are aware of the odds and the competition, and are completely overwhelmed by the pressure. It's important to remember that, though the stakes seem high, this is an audition like any other.

The administrators are casting a group, an ensemble, and a family. They are looking for students that will all work well together, and contribute to their needs as a school as well as for casting purposes technically. Just like any other audition, sometimes it's you, and sometimes it's not you. All you can do is be prepared, show your best self, and give it your very best. Everything else is out of your hands, and has nothing to do with the trajectory for the rest of your life. With or without OCSA, your path is your own, and if you work hard enough and don't give up, you will do amazing things!

UPDATE July 2018: 10 of my students have been admitted for this coming school year!! One, if not two or more have told me they are considering going to the CSArts location in Duarte! I've received varying stats, but it seems like Musical Theatre had 1000 applicants, Acting had 600. It seems like there were 2,600 total students who applied to any of the conservatories last year. Acting accepted 24 students for 7th grade and TWO students for 9th grade, one of which is our own Natalie! I only have the stats that parents relay to me, so if you would like to add any info, please let me know! Based on these numbers, in 7th grade Acting the acceptance rate is 4%, and for MT 2.5%. That's unreal! So competitive! I'm so proud of these kids! Congrats to all who were accepted, and all who applied, even if the results weren't as we hoped. This whole process is intense and takes a lot of work, and you should all hold your head high as you move towards your goals no matter where you're attending school next year! Be bold, be brave, be powerful. Xo

<http://ocprovoice.com/ocsa-audition-2018-19-school-year/>

This information, not in the Petition, highlights the significance of the audition requirements in terms of exclusion of target populations.

f. Pre-Enrollment Parent Meeting Requirement.

Per OCSA's Enrollment Policy, parents of newly accepted students are required to attend annual meetings. "Parent attendance of an annual meeting is an enrollment requirement per OCSA Board of Trustee policy." (<https://www.ocsarts.net/students-parents/annual-registration/annual-pfa-meeting-rsvp>) Additionally, parents: "must attend an annual orientation meeting each school year. The topics of this meeting will include a presentation of school-wide and conservatory goals, as well as a review of the responsibilities and expectations of families who elect to enroll/re-enroll their children at OCSA. (Student/Parent Handbook 2019-2020, Enrollment Policy, p. 36.)

Requiring parents to participate in these pre-enrollment meetings may prove to be an undue burden for some parents, and, as a result, may have a disparate impact on those parents and their children. The requirement alone may discourage families from even applying.

g. Pre-Enrollment Records Request.

Education Code section 47605(d)(4)(B) amended by SB 75 prohibits a charter school from requesting a student's records or requiring a parent to provide a student's records prior to enrollment in the charter school.

Under Admission FAQs, OCSA's website states:

What documentation do I need to include with my application?

OCSA will not request any student records prior to enrollment at OCSA. For placement activities, depending on the conservatory for which you are applying, an art portfolio or YouTube link(s) may be requested, along with the application submission. Please carefully review the placement activity guidelines for the conservatory for which you are applying.

<https://www.ocsarts.net/applynow>

However, the FAQs then state the following:

Why does my submitted application show "Documents Not Received" highlighted with a red X?

As part of the application processing, all submitted documents must be verified as correct. Once the application is processed and the documents are verified as correct, documents will be marked as "Received" and highlighted with a green check mark. If additional applicant information is needed, the Admissions Department will contact you via email. The email address used to create your applicant portal will be used for all communication. Please use a parent or guardian email address.

<https://www.ocsarts.net/applynow>

This second FAQ seems to conflict with the first FAQ, by indicating that documents must be submitted with a student's application. Furthermore, as discussed in this Report, the specific application requirements, including a YouTube video submission, may work to discourage students from seeking admission particularly those in special student populations.

2. OCSA's Student Population Does not reflect a racial and ethnic balance reflective of the District.

A charter must contain a reasonably comprehensive description of the “means by which the charter school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.” (Ed. Code, § 47605.) The Petition states that it “will seek a diverse student population that is representative of the SAUSD and Orange County student community, bringing students together from multiple ethnicities and backgrounds (socioeconomically disadvantaged students, English Learners, special education students, foster youth, homeless youth, and migrant education).” (p. 18). While OCSA states this as a goal, its demographics data reflects that OCSA has failed to implement actions to achieve a racial and ethnic balance reflective of the District and demonstrates that OCSA is unlikely to be successful in meeting this obligation going forward absent major revision to the admissions, audition, and ongoing enrollment requirements.

“OCSA students come largely from middle- and upper-class families across five counties. Ten percent of the students receive free or reduced-price lunches, compared to 94 percent in the rest of the Santa Ana district. In the past six years, enrollment has grown 25 percent—from 1,750 to 2,177—even as acceptance rates continue to decline. Admission hurdles are higher for some of the 14 arts conservatories than others, and acceptance rates can dip into single digits.”⁵

The Petition includes data comparing OCSA's student demographics by ethnicity for 2018-19 compared to the overall population demographics of Orange County by ethnicity. (pp. 17-18) However, OCSA does not compare its demographics data to SAUSD – likely because a comparison to SAUSD demographics reflects that OCSA's enrollment does not present a racial and ethnic balance reflective of SAUSD. The data comparing OCSA's demographics to Orange County as a whole is irrelevant for purposes of satisfying requirements of the Charter Schools Act (Element 7). This is not the comparison or balance required by the law.

The comparison data reflects an OCSA student body not reflective of SAUSD overall or its schools serving similar grade levels as OCSA. (See Attachment 1, Enrollment by Ethnicity and Comparative Data, pp. 6-9.) OCSA's Academic Profile reflects the following current student enrollment demographics: “Hispanic” (20%), “White” (47%); and “Asian-American” (21%). (Petition, p. 21) OCSA does not serve the same students as SAUSD despite being authorized and located in it, and promising to do so since opening.

The Outreach Programs and other methods described in the Petition for achieving a population reflective of the District have been ineffective. The minimal changes made to the admissions and audition requirements are not likely to make any meaningful change. OCSA asserts in the Petition that its “inclusive, recently updated, admissions process” will support OCSA's plan to achieve a racial and ethnic balance reflective of the District. The aspects of OCSA's “inclusive admission process” identified in the Petition includes: “Preview Days (*open house workshop sessions*) - “These open houses will explain and demonstrate such admissions requirements as placement activity specifications, portfolio submission, and other performance or demonstration expectations.” These preview days will now apparently

⁵ *Power House Prep: How OCSA became one of the most selective schools in the nation*, Susan F. Paterno, December 28, 2017, <https://www.orangecoast.com/features/orange-county-school-of-the-arts/>.

be “inclusive” because OCSA will schedule them and placement activities at dates, times, locations “in a manner which ensures, *to the extent possible*, that District students and racial and ethnic minorities are able to attend.” (p. 106)

As another example of OCSA’s newly updated admission process, OCSA states: “Additional support is available for students, parents, or guardians who require translation in order to best understand our admissions processes, as well as for those who need technology assistance.” (p. 106.) However, “OCSA shall also develop applications in other languages, *as needed*.” Given the high percentage of Hispanic/Latino and English Learner Spanish speaking students enrolled in SAUSD schools (See Attachment 1), admission materials and all others should already be available in Spanish. Instead, OCSA states in the Petition it will develop applications in languages other than English “as needed.” For obvious reasons, they are needed, and have been needed, but OCSA has yet to develop them.

Buried in the Petition under Element 8, OCSA briefly addresses accommodations for students with special needs stating: “Applicants are encouraged to request and will receive accommodations if needed for the application process to ensure that students with special needs who may qualify for services pursuant to the IDEIA and/or Section 504 shall not be excluded from admission solely on the basis of the disability or language classification.” (p. 109.) OCSA does not address how parents/students are informed of such accommodations or whether they extend to all portions of the admission process, including, placement activity, portfolio submission, student interviews, etc.

OCSA’s efforts to reach and serve socioeconomically disadvantaged, English Learner, Homeless, Special Needs and other protected class students are pre-textual and perfunctory. Despite OSCA’s outreach efforts, these underserved student population continue to not be enrolled in OCSA.

OCSA’s has not increased diversity. In correspondence dated July 16, 2019, in response to the District’s Charter School Oversight Report dated June 21, 2019, Dr. Ralph Opacic (OCSA founder and Executive Director) acknowledged that OCSA’s student body lacks diversity as a result of OCSA’s admissions criteria stating: “Because of the nature of the conservatory program, which English Learners and socioeconomically disadvantaged subgroups may not have had access to in conventional public schools, OCSA continues to strive to meet the goal of racial and ethnic balance reflective of SAUSD[.]” (See July 16, 2019, Letter p. 10.) The response from Dr. Opacic and changes made in the renewal Petition are not enough in light of current requirements.

3. OCSA has not demonstrated its ability to meet the needs of special education students.

Proposed Change of LEA Status/SELPA Membership

OCSA states it “shall establish and operate as its own local education agency (“LEA”) for the purposes of special education within a State Board-approved SELPA.” (P. 71). Further, OCSA states that it “hereby provides with verifiable, written assurances of its ability and capacity to participate as a LEA within the El Dorado County Charter SELPA prior to the commencement of the 2020-2021 school year.” (p. 71). OCSA has applied to become a member of El Dorado Charter SELPA but not verifiable written assurances or update on status was provided in Petition.

OCSA has not demonstrated its ability to meet the needs of special education students.

Under “Educational Services and Programs”, the petition states that OCSA will “provide and/or arrange” for special education and related services. (p. 74). However, the Petition does not describe how OCSA would provide anything other than their regular education program with some specialized academic instruction and related service support. Further, the Petition states that it may request service providers from its SELPA, hire their own, or enter into an MOU with the District (p. 74), but the petition later states it will hire its own or contract with a non-public agency for special education teachers and service providers. (p. 75). The Petition also includes a job description for a Coordinator of Special Education who will serve “under the direction of the Assistant Superintendent of Pupil Services for the District” and who will be responsible for implementing District policies and procedures. It seems that OCSA is unclear exactly how they will provide special education staffing and oversight to meet the needs of their students on IEPs. At this point, OCSA has a “Dean of Special Services” and no coordinator, despite invoicing the District for it.

OCSA has not shown ability to ensure academic performance of students with disabilities who are admitted. While enrolling a significantly smaller percentage of students, and students with less severe disabilities, the percentage of OCSA IEP/504 students meeting/exceeding standards on CAASPP has dropped from 2017/18 to 2018/19:

	2017/18	2018/19	Change
IEP Students (ELA)	68%	54%	-14%
IEP Students (Math)	54%	43%	-11%
504 Students (ELA)	90%	82%	-8%
504 Students (Math)	67%	59%	-8%

The OCSA Petition does state that “OCSA will continue to provide supports for special education students (IEP and 504) to maintain and increase academic achievement for these students” (p. 15), however, it fails to state how that will be accomplished or explain the decrease in the number of IEP/504 students who meet or exceed standards on the CAASPP. Also, in Priority 8 “Student Performance”, the listed School Action states that all students including students with exceptional needs will demonstrate grade level proficiency in core academic areas (p. 85), yet their test scores for IEP/504 students have decreased as shown above. This is not addressed, and needs to be particularly when proposing a material change to special education compliance on renewal.

It is particularly concerning since OCSA Petition states that all OCSA high school students have access to Honors and Advanced Placement classes (p. 64), but does not list the percentage of IEP/504 students who enroll or complete these classes.

4. OCSA has not demonstrated that it will be able to meet the 8 state priorities for students served.

Based upon the District’s review of the LCAP submitted by OCSA on or about June 24, 2019, OCSA has not demonstrated that it will not be able to meet the 8 state priorities for the students it serves for reasons including the following:

The LCAP is intended to address all 8 state priorities for all students including the unduplicated subgroups. However, only 1.1% of funds for the 2019-2020 school year is tied to actions/services in the LCAP (Page 17). Therefore, 98.9% of OCSA funding for the 2019-2020 school year is not reflected in the LCAP. With only 1.1% of the funding, it is

difficult to reconcile the intent of the legislation with the low level of funding presented in this LCAP.

On page 17 of the LCAP, the description of expenditures for the remaining \$29,554,000 was described in an inappropriately superficial manner as follows: "The budgeted expenditures that are not included in the LCAP will be used for the following: Personnel, Facilities, Other (marketing, insurance, legal counsel, technical support, general and admin costs, instructional supplies, etc.)" Under appropriate actions, all LCFF fund should be delineated with enough detail to actions, including base program expenditures such as classroom teachers, in order to establish a transparent and clear understanding of how and why public funds are allocated and expended.

On page 16 the LCAP states: "Of the \$19,681,603.00 in LCFF Funds, \$867,633.00 is generated based on the enrollment of high needs students (foster youth, English learner, and low-income students)."

All actions in the LCAP are identified to address the needs of "All students" and there is no breakdown by unduplicated subgroup or students with disabilities. Staff also notes that the amount earmarked for high needs students (\$867,633.00) is higher than the total amount delineated in OCSA's LCAP (\$346,000.00). Therefore, the total funding generated for high needs students was not substantially devoted to addressing the needs of the high needs students (foster youth, English learner, and low-income students.)

It is of significant concern to staff that OCSA's LCAP, the document that forms the basis for its entitlement to state apportionment of tax dollars, does not account for all students or all public education tax dollars OCSA is given to educate all students while not doing so.

C. The Petition Fails To Set Forth Reasonably Comprehensive Descriptions of Charter Elements (Ed. Code, § 47605(b)(5).)

Education Code section 47605, subdivisions (b)(5)(A)-(O) and (b)(6) require a charter petition to include "reasonably comprehensive" descriptions of numerous elements of the proposed charter school.

Element 1 – Education Program

(Ed. Code, § 47605(b)(5)(A); Regulations, § 11967.5.1(f)(1).)

The Petition does not contain a reasonably comprehensive description of the Charter School's educational program, based on findings including the following:

- Plan for Students with Special Needs

As explained above, the Petition does not provide a reasonably comprehensive description of OCSA's plan for meeting the needs of special education students.

- Plan for English Learners (EL)

OSCA's "Plan for English Learners" is described in the Petition on pages 68-71. The term "full access" to core instruction and curriculum is used consistently throughout OSCA's "Plan for English Learners." However, "full access" is not the same as successful access nor does it necessarily ensure successful access to core, grade level course content. On page 69, the plan references, "...instruction techniques, assessments, materials and approaches shall be focused on communicative competence and academic achievement covering listening,

speaking, reading, and writing skills (aligned with California ELA/ELD Framework) in all areas of the curriculum." However, while the plan references the California ELA/ELD framework, the Petition is rather vague, employing general references to "instructional techniques" without specifics on what instructional techniques are employed to provide successful access to core curriculum.

There are not any references to schoolwide professional development on the specific instructional techniques referenced which ensures that teachers are fully trained on specific, targeted research-based instructional strategies proven effective with English Learners. Additionally, while the plan references the California ELA/ELD framework, the Petition content suggests that the ELA/ELD framework is used for instruction in an "EL designated class." However, the framework guides instruction, and is not a program of instruction.

Further, there is no specific mention of how integrated and designated ELD, key components of the state's ELA/ELD Framework, are part of the instructional program and plan to support English learners within the core instructional program, across all content areas, to provide the instructional support needed to ensure successful access to grade level core curriculum and content.

Later, on page 70, the "How School Will Meet Needs of English Learners" section references monitoring progress through the results of CAASPP ELA score, ELA course scores, Grade-Level Writing Sample. It is unclear what happens for EL students whose results on these assessments indicate a need for additional supports/interventions. For instance, it is unclear whether students are placed in core replacement classes or in the "designated EL" class mentioned on page 69 of the Petition, or whether all ELs are placed in those classes, simply because they are EL, regardless of the results of the aforementioned assessments.

- Plan for Students Achieving Below Grade Level

OCSA's Response to Intervention ("RtI") consists of recommendations to "teachers, students and parents for appropriate academic intervention. These interventions can include specific recommendations for classroom interventions, interventions at home and during study time, and more serious interventions, up to and including special education support." (Petition, p. 67).

Interventions by the classroom teacher is typically a Tier I RtI intervention. OCSA does not describe a well-developed system including Tier 2 and 3 interventions. While OCSA does offer an academic tutoring block (p. 67); this is voluntary and does not appear to be a systematic Tier 2 RtI intervention until a student drops below a 2.0 GPA or earns a D or F on a progress report. These data cut points could be too late to allow an intervention to be successful for higher academic achievement. Also, OCSA does not appear to use their RtI system for behavior or social/emotional challenges, only academics.

Regarding English Learners, OCSA states that they "will develop intervention strategies and techniques to meet the needs of English Learners" but they do not detail such strategies and techniques nor how they would work (p. 71).

- Description of Curriculum

English Language Arts. With regards to English Language Arts (ELA), OCSA states the classes to be offered without specifying the content, or instructional strategies that will be used to instruct students. OCSA does not mention a curriculum program that they will be using for their ELA classes. The Creative Writing Conservancy mentions the writing genres

to be taught and relies heavily on the fact that these courses would be taught by well-known authors.

Science. With regards to Science instruction, the Petition makes no mention of OCSA's implementation of the Next Generation Science Standards (NGSS). While the Petition on page 205 mentions that teachers were given 20 hours to create online instructional resources, given the nature of the NGSS, if this is the extent of the science being offered at OSCA, then it cannot adequately meet the requirements of NGSS. Furthermore, the course outline for both middle school and high school states that two years of science is required for graduation (p. 63); however, there is no mention of the curriculum that is being used to implement these requirements.

Social Studies. Although there is mention of Social Studies in the Petition, it is within the Professional Learning Communities (PLC) that they build within their school. There is mention of an assessment that will measure all the subject areas with the PLC, but there are no details. There is no discussion of the new California Social Science Framework, nor curriculum, nor skills that will be addressed through the History Social Science Courses. On page 63 there is a list of courses that students will be required to take in Social Science but no curriculum, programs or professional development is described/listed.

Element 2/Element 3 - Measurable Pupil Outcomes and Method by Which Outcomes will be Measured

(Ed. Code, § 47605(b)(5)(B),(C); Regulations, § 11967.5.1(f)(2),(3).)

The Petition does not sufficiently describe how student skills, knowledge and attitudes that reflect the OCSA's educational objectives will be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. The Petition lacks sufficient detail to determine the ability of the common assessments to provide objective information or their capability of being used to evaluate the effectiveness of and to modify instruction for individual students and for groups of students. While the English Learner section provides limited documentation about the process, types of assessment, and how the assessments are used; and IReady for 7th period mentioned in their LCAP, the overall, assessment is not directly addressed regarding frequency and details of the types of assessments (particularly formative and common assessments) for various subject matters and their potential to be used to modify instruction for individual and for groups of students.

The Petition lacks detail regarding the assessment tools and lacks evidence regarding the use of these to inform instruction. Further, there is no evidence, or any accompanying detail, of an articulated/comprehensive assessment plan regarding the use of ongoing formative and common assessments/benchmarks. With the exception of data collection for ELs, there is insufficient detail regarding who and how data will be used to continuously monitor the educational program. Also, limited information is provided regarding the variety of assessments being used. For instance, the Petition does not clearly describe the frequency, detail about the assessments themselves, how assessment data will be used within a PLC, the mechanism to monitor students' progress, and who will be evaluating progress (i.e., teachers? department chairs? leadership team?).

Element Four – Governance

(Ed. Code § 47605(b)(5)(D); Regulations, § 11967.5.1.)

- The Petition does not describe the relationship between the OCSA Board and the Orange County High School of the Arts Foundation ("Foundation") even though, per Article

III, Section 1, of the OCSA Board Bylaws submitted with the Petition, the Foundation is designated as the "sole statutory member" ("Statutory Member") of the OCSA corporation as that term is defined in Corporations Code section 5056. As Statutory Member, the Foundation has the right/power to vote for the election of a director or directors on the OCSA Board, on the disposition of all or substantially all of the assets of the OCSA corporation, and on changes to the OCSA corporation's Articles of Incorporation and Bylaws. The fact that the Foundation maintains these power calls into question the independence of OCSA's Board, and the extent to which the Foundation will be able to direct and control the operations of the OCSA Board and the decisions it makes regarding the operation of the Charter School. This structure may also work to inhibit the ability of SAUSD to effectively oversee the governance of the Charter School.

- Per the Petition, the OCSA Board shall comply with Government Code section 1090 et seq. However, the OCSA Board Bylaws submitted with the Petition allow for practices that may run contrary to Government Code section 1090. For instance, Article IV, Section 22 of the Board Bylaws state that not more than 49% of the trustees serving on the Board may be "interested persons" defined to include "[a]ny person compensated by the corporation for services rendered to it within the previous twelve (12) months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a trustee as a trustee." In addition, the Bylaws provide that any violation of this Section "shall not affect the validity or enforceability of any transaction entered into by the corporation."

Additionally, Article IV, Section 25 allows the OCSA Board to approve a contract or transaction in which a Board Trustee has a material financial interest (including an action by the Board "fixing the compensation of a trustee as a trustee"), if the interested Director refrains from voting and participating in the decision. Abstention from voting/participating in the transaction would not suffice to avoid a Government Code 1090 violation.

Element Seven – Achieving a Racial and Ethnic Balance

(Ed. Code, § 47605(b)(5)(G); Regulations, § 11967.5.1(f)(7).)

The Petition does not contain a reasonably comprehensive description of the means by which the Charter School will achieve a racial and ethnic balance among its pupils that is reflective of the District. It also does not address changes in this requirement effective July 1, 2020 that requiring OCSA to serve the same population of students with disabilities and English learners served by the District.

Element Eight – Admission Policies and Procedures

(Ed. Code, § 47605(b)(5)(H); Regulations, § 11967.5.1(f)(8).)

The Education Code and Regulations require the Petition to describe the Charter School's admission policies and procedures, consistent with Education Code section 47605, subdivision (d):

(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of the pupil's parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall

adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

The Petition does not contain sufficient description of the Charter School's admission requirements based on the following findings:

- For reasons described in this Report, OCSA's admissions policies and practices have discriminatory impact against students on the basis of the characteristics listed in Education Code section 220 by systematically perpetuating barriers to admission through means, including its admissions policies and procedures.
- OCSA admits disproportionately low numbers of Latino/Hispanic and English Learner students, and OCSA's Enrollment by City 2019-2020 that states OCSA only enrolls 215 students from Santa Ana out of 2,211 total enrollment ([Attachment 8](#)).⁶ It is unclear whether OCSA is extending admissions preference to students who reside within SAUSD's jurisdictional boundaries per Education Code section 47605.

⁶ "While OCSA's original charter set a goal of enrolling 30 percent of its students from Santa Ana, 10 percent come from the city. The 30 percent goal "is not a mandate," Opacic says." *Power House Prep: How OCSA became one of the most selective schools in the nation*, Susan F. Paterno, December 28, 2017, <https://www.orangecoast.com/features/orange-county-school-of-the-arts/>.

- OCSA’s lottery preferences result in limiting enrollment access for students with disabilities, academically low-achieving pupils, English learners, neglected or delinquent students, homeless students, students who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, and/or students based on nationality, race, ethnicity, or sexual orientation.
- The Petition on page 109, the Petition states: “Applicants are encouraged to request and will receive accommodations if needed for the application process to ensure that students with special needs who may qualify for services pursuant to the IDEIA and/or Section 504 shall not be excluded from admission solely on the basis of the disability or language classification.” The Petition continues by stating that a parent “may seek a review” of the decision to deny admission by making a written request for such review within 10 calendar days of the denial. (p. 110). First, the review process is not described. Additionally, the Petition fails to reference the complaint process added to Education Code 47605(d)(4)(E) effective July 1, 2019, which would enable parents/guardians/students to file complaints with SAUSD if OCSA discouraged from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, because the student was disabled, academically low-achieving, an English learners, and/or other characteristics identified in Education Code section 47605(d)(2)(B)(iii). Further, there is no explanation of why a student would be denied admission except by failing to be chosen in a random public lottery.
- The parent funding commitment described in this Report, constitutes an impermissible form of tuition, and violates the free public school guarantee as provided by law. Specifically, Education Code section 49011 prohibits all public schools, including charter schools, from providing privileges relating to educational activities in exchange for services from a pupil’s parents or guardians, removing privileges relating to educational activities, or otherwise discriminating against a pupil if the pupil’s parents or guardians do not provide services to the school. (Ed. Code, § 49011(b); CDE Fiscal Management Advisory 17-01, July 28, 2017.)

Element J – Suspension and Expulsion Procedures

(Ed. Code, § 47605(b)(5)(J); Regulations, § 11967.5(f)(10).)

The Education Code and Regulations require the Petition to describe the procedures by which students can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. The Petition does not contain a reasonably comprehensive description of the procedures by which students can be suspended or expelled, and the provisions exacerbate admissions issues by allowing OCSA to disenroll students.

- The Petition includes a provision entitled “Restraint/Seclusion” reflecting the new change to the law pertaining to all students in Education Code 49005 et. seq. (p. 138-139). The provision accurately quotes from the Education Code when restraint or seclusion may be used, and states that if OCSA is considered an LEA it will comply with the reporting requirements. The Petition fails to state that if OCSA is not considered an LEA, OCSA will cooperate with the District by annually submitting restraint/seclusion data to District personnel. OCSA also fails to include in this section information about compliance with restraint/seclusion specifically for students with IEPs. Education Code 56520 et. seq. requires documentation of certain

situations in a Behavioral Emergency Report and possible follow-up actions depending upon the particular special needs student's IEP. There does not appear to be a Positive Behavior Intervention and Supports or Restorative Justice system used as none are noted in the Petition. Instead, OCSA uses a demerit system.

- Regarding discipline, the demerit system includes a chart of violations with the corresponding demerit points. As part of the demerit system, students can receive 3 demerits for unauthorized use of the elevator unless authorized and wearing an "elevator pass". Requiring a student with special needs to wear an "elevator pass" because of a need to use the elevator due to his/her disability could be considered a violation of confidentiality under FERPA and IDEA.
- The attendance policy allows for medical-related absences (Petition, Exhibit F). However, such absences are at the discretion of OCSA's administration. While notification to administration of absences is understandable, students on IEPs may require medical-related absences which would fall within the purview of the IEP team. For example, a student with cerebral palsy may require an orthopedic surgery with extended recovery necessitating home instruction for a period of time. The IEP team would determine the services necessary during this time period and would craft an IEP amendment that would detail time away from school. Having a school administrator overrule an IEP team decision would run contrary to federal and state law regarding the education of students with special needs.
- The Petition confusingly includes in its list of offenses for which a student "may" be suspended or recommended for expulsion (discretionary offenses), offenses for which the OCSA requires suspension and recommendation for expulsion. For instance, the Petition states that students may be suspended or recommended for expulsion if the student "3. Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object. . . ." However, the list of grounds requiring immediate suspension and mandatory recommendation for expulsion (non-discretionary offenses) include: "1. Possessing, selling, or furnishing a firearm. . ." and "5. Possession of an explosive." These inconsistencies create question as to OCSA's actual plan and whether OCSA has determined the offenses and procedures for suspension/expulsion instead of merely listing possibilities. Furthermore, the failure of OCSA to provide a clear list of offenses for which a student may be suspended and/or expelled raises due process concerns.

IV. STAFF RECOMMENDATION AND CONCLUSION

District Staff considered increases in pupil academic achievement for all groups of pupils served by the Charter School as the most important factor in its analysis. The findings in this Report could support denial of the renewal petition, if adopted by the Board to do so, or should be addressed through conditions on approving renewal.

Therefore, the findings listed above warrant Staff to recommend denial. However, the Board has two options for action regarding the Renewal Petition:

Option One: Grant the renewal and approve the Petition contingent upon an agreement that OCSA make significant revisions based on the findings of the review process, which includes most significantly, OCSA making significant and specified revisions to its admission procedures, staff qualifications, financial operations, LCAP, balance of student populations,

instructional program description, student outcome and progress measures description, and plan to meet the needs of identified student subgroups.

Option Two: Deny the renewal Charter Renewal Petition by adopting the factual findings contained in this Staff Report as the written factual findings in support of the denial of the Renewal Petition.