



**RESOLUTION #20-14**  
**TO DENY REQUEST FOR MATERIAL REVISION TO PACIFIC COLLEGIATE SCHOOL**

**WHEREAS**, on April 16, 2020 lead petitioner Maria Reitano, Ed.D. (“Petitioners”) for the Pacific Collegiate School (“Charter School”) submitted a charter petition renewal (“Petition”) to the Santa Cruz County Office of Education Board of Trustees, that included a material revision to add a 6th grade program.

**WHEREAS**, the Santa Cruz County Board of Education (“County Board”) held a public hearing on May 21, 2020, as required by Education Code section 47605, for the purpose of considering the level of support for the Request for Material Revision by parents, teachers and other employees of the districts within the jurisdiction of the County Office; and

**WHEREAS**, the Santa Cruz County Superintendent of Schools and his charter school review team, along with legal counsel, have reviewed and analyzed the Request for Material Revision, including all supporting documentation submitted by Petitioners to the County Office following submittal of the Request for Material Revision, for legal, programmatic and fiscal sufficiency, and have submitted a Staff Report and Proposed Findings of Fact (“Staff Report”) to the County Board, which Staff Report was made part of the agenda for this meeting and shall be deemed integrated into this resolution as Exhibit B; and

**WHEREAS**, the Staff Report recommends approval of the Request for Material Revision, however, the board feels that the request does not meet one or more of the required Educational Code Criteria as listed below.

**NOW THEREFORE, BE IT RESOLVED**, that the Santa Cruz County Board of Education, having fully considered and evaluated the Request for Material Revision and supporting documentation determines that the following the criteria for approval has **not** been met as listed below, as is **further supported by the Exhibit A to this Resolution, Findings of Fact in Support of the Denial of the Material Revision for Pacific Collegiate Charter School**:

1. The proposed changes were educationally sound (Ed. Code, § 47605, (b)(1).)

2. The proposed changes are demonstrably likely to be successfully implemented (Ed. Code, § 47605, (b)(2).)
3. The description of the changes is reasonably comprehensive (Ed. Code, § 47605, (b)(5).)

**BE IT FURTHER RESOLVED** that the Request for Material Revision is hereby denied.

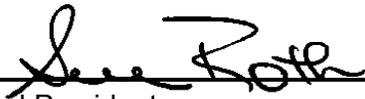
**PASSED and ADOPTED** by the Board of Education of Santa Cruz County on this **18th day of June, 2020** by the following vote:

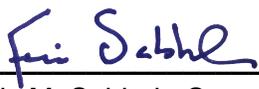
AYES: Barr, Filicetti, Nichols, Roth, Van Allen

NAYS: Sales, Sanchez

ABSTAIN: None

ABSENT: None

  
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Board President  
Santa Cruz County Board of Education

  
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Faris M. Sabbah, Secretary  
Santa Cruz County Superintendent of Schools

**FINDINGS OF FACT IN SUPPORT OF DENIAL OF THE MATERIAL REVISION FOR  
PACIFIC COLLEGIATE CHARTER SCHOOL  
BY THE SANTA CRUZ COUNTY OFFICE OF EDUCATION**

**June 18, 2020**

**I. INTRODUCTION**

On April 16, 2020, Pacific Collegiate Charter School (PCS) submitted a second request for a material revision to their charter application to the Santa Cruz County Office of Education (COE) seeking approval to add a 6th grade level to their 7-12th grade school. The first request for material revision of the Pacific Collegiate School (PCS) was received by the Santa Cruz County Office of Education on November 7, 2019, along with their Charter Renewal request. These requests were reviewed separately. A public hearing was held at the regular meeting of the Santa Cruz COE's board on November 21, 2019, wherein the Board considered the level of support for the material revision by parents, teachers, other employees, and community members. A decision was made at the Santa Cruz COE board meeting on December 17, 2019, to deny the material revision based on the staff report of findings and on responses to trustee questions. Pacific Collegiate School resubmitted their request, and a public hearing was held on May 21, 2020, wherein the Board again considered the level of support for the material revision by parents, teachers, other employees and community members. The decision regarding the material revision was made at the board meeting on June 18, 2020. At this time, although the staff report recommended approval of the material revision, the board denied the request. This report details the factual findings of the Trustees in support of the denial of the material revision.

**II. APPLICABLE LAW**

According to Education Code 47607, a charter school is required to submit a material revision to its charter when seeking to make substantial changes to the program that was originally described in its charter petition. Any material revision to the provisions of a charter petition may be made only with the approval of the authority that granted the charter. Material revisions of charters are governed by the standards and criteria in Section 47605, 47605.5, and 47606. In other words, the bases for a denial of a material revision are the same as those listed for general petition reviews. A charter authorizer may only deny a charter school material revision if it sets 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, as set forth in its charter, as amended by the material revision.
2. The charter school is demonstrably unlikely to successfully implement the program set forth in the charter, as amended by the material revision.
3. The charter, as amended by the material revision, does not contain an affirmation of each of the required conditions.
4. The charter, as amended by the material revision, does not contain reasonably comprehensive or detailed descriptions of the fifteen elements required by the Education Code.
5. The charter, as amended by the material revision, does not include a declaration whether or not the Charter School shall be deemed the exclusive public school employer of the employees of the charter school.

Additional Requirements: The material revision request should also discuss any impact on the authorizer, including the facilities to be utilized by the charter school, the manner in which administrative services will be provided, and potential civil liabilities for the authorizer. The revision should also include proposed start-up costs and a three year projected operational budget.

### **III. SUMMARY OF FINDINGS AND BASIS FOR DENIAL**

The Santa Cruz County Board of Education focused on attempting to verify if the Material Revision complied with three critical components of the Education Code, as the request complied with all necessary procedural rules:

1. The proposed changes were educationally sound (Ed. Code, § 47605, (b)(1).)
2. The proposed changes are demonstrably likely to be successfully implemented (Ed. Code, § 47605, (b)(2).)
3. The description of the changes is reasonably comprehensive (Ed. Code, § 47605, (b)(5).)

At its June 18, 2020, meeting, the Board of Education found for denial based on (b)(1) (unsound educational program), by a vote of 5-2. Trustees concluded that adding a 6th grade to a secondary school of 7-12th grade students would create an educationally unsound program. Multiple trustees remarked that 6th graders are considered elementary students and should not be on the same campus as high school students. One trustee noted that 7th and 8th graders are not considered elementary students. Given the limited size of the PCS building and the condensed outdoor space, trustees were concerned that 11-year-old students would not be well served and that there was no practical way to segregate them from the high-school-aged students. Additionally, PCS does not have room for playground space that elementary or middle schools typically have. Board members stated that it was developmentally inappropriate for 6th grade students to be on a small campus with high school students, with little chance for separation, even given the specialized class schedule that PCS has developed.

In addition, Board members had concerns about the claim that the “double jump” students experience by attending a middle school as 6th graders and then entering PCS as 7th graders was detrimental to enrollment of underrepresented populations. The Material Revision cited research for the purpose of finding that multiple school transitions can be barriers to achieving racial and ethnic balance at a school. County Board Trustees disagreed with the focus of the research, stating that the research was applicable to transitory students who experience multiple transitions within a school year, but that the research did not review the effects of a “double jump” on non-transitory students. Additionally, one Trustee mentioned that there are still junior high schools in the County, and that not all students would experience a “double jump” if they enrolled in PCS in the 7th grade.

Finally, the Trustees commended the PCS administration and board of directors for their deepened commitment to the school’s diversity plan and recognized that given their focus this past year, PCS will be enrolling a more diverse 7th grade class for 2020-2021. The Trustees found that existing changes were promising, and that adding a 6th grade program is not, at this time, necessary to help increase diversity at the school.

### **IV. CONCLUSION**

The Santa Cruz County Board of Education denied the material revision request pursuant to Education Code section 47605, subdivision (b)(1). This requires the Board to make “written factual findings, specific to the

particular petition, setting forth specific facts to support one or more” grounds for denying the revision. This Findings of Fact is an accurate description of the Board of Education’s findings to support denial of PCS’s Petition for Material Revision.