



January 8, 2020

VIA PERSONAL DELIVERY

To: Members of the Orange County Board of Education
Orange County Superintendent of Schools

Re: **Orange County School of the Arts' Response to Santa Ana Unified School District Board of Education's December 10, 2019 Staff Report and Findings of Fact**

Dear Superintendent Dr. Mijares and Members of the Board:

The Santa Ana Unified School District ("SAUSD" or "District") Board of Education approved the Orange County School of the Arts ("OCSA") initial charter school petition on January 28, 2000.

For the past twenty years, over multiple subsequent SAUSD renewals, OCSA has provided an outstanding academic and arts educational program to students, including students from an assortment of ethnicities and special student populations, years of test scores indicating increases in academic achievement, and a track record of financial and operational success. OCSA has maintained a 100% graduation rate and has been honored locally, regionally, and nationally for innovation and excellence in education. OCSA is ranked the #1 Best Charter High School in California by Niche Rankings, is an Arts Schools Network Exemplary School, is an Exceptional Charter School in Special Education, and has been recognized by U.S. News and World Report, California Department of Education, GRAMMY Foundation, and Newsweek.

On October 15, 2019, SAUSD received OCSA's charter renewal petition for the term of July 1, 2020 through June 30, 2025, extensively updated since the 2015 renewal term in order to implement recent statutory changes including those which will become operative on July 1, 2020.

On November 19, 2019, the SAUSD Board held a public hearing to consider the level of support for the petition by teachers employed by the district, other employees, and parents. OCSA Executive Director and President Dr. Ralph Opacic officially presented the renewal petition to the SAUSD Board and discussed both a letter from OCSA's Board of Trustees and OCSA's community impact brochure, attached as **Exhibits 1** and **2**, respectively. An OCSA twelfth grade student spoke about his positive experience at OCSA since seventh grade, and read OCSA's Board of Trustees letter.

On December 10, 2019, the SAUSD Board adopted Resolution No. 19/20-3323 to conditionally approve the renewal petition by a 5-0 vote based on the District's Staff Report. Resolution No. 19/20-3323 states at page 3, "*should OCSA fail to satisfy the Conditions of Approval, the Renewal Petition shall be deemed denied as of the date this Resolution was passed . . . per the findings of the Staff Report attached . . . which would otherwise constitute the written*



factual findings required by Education Code § 47605(b) to deny the renewal.” (Emphasis added.) The Staff Report fails to suggest language nor clearly define conditions that OCSA should adopt in order to achieve unconditional charter approval.

Although SAUSD made no inquiries and posed no questions to OCSA during the fifty-six days that they spent reviewing the renewal petition, after Board action and issuance of the Staff Report, on December 12, 2019, SAUSD Assistant Superintendent Dr. Sonia Llamas invited OCSA “to meet and discuss the areas of concern in the renewal resolution.”

After thorough review of the District’s Conditional Renewal and December 10th Staff Report, OCSA’s Board of Trustees on December 18, 2019 determined not to submit a “material revision” to the 2020 renewal petition because OCSA has already met the statutory standards for renewal. As stated on page 5 of OCSA’s Board action, “should OCSA proceed with the intention of meeting conditions that have yet to be made clear to us, and then learn that the District in June 2020 still does not approve the contents of the conditionally renewed petition, OCSA would have no recourse to appeal the decision, since an OCBOE appeal must be submitted within 30 days of the (December 10, 2019) denial.” Thus, pursuant to SAUSD’s Resolution No. 19/20-3325, and OCSA’s Board action of December 18, 2019, *the renewal petition is deemed denied as of December 10, 2019.*

On December 18, 2019, OCSA’s Board of Trustees adopted Resolution No. 19/20-1218, attached as **Exhibit 3**.

On December 19, 2019, Dr. Opacic notified SAUSD of OCSA’s decision to appeal the denial to the Orange County Board of Education. The letter is attached as **Exhibit 4**.

OCSA NOW RESPONDS TO SAUSD BOARD’S STAFF REPORT BELOW:

I. THE RELATIONSHIP BETWEEN SAUSD AND OCSA

Over two decades until early March 2019, the working relationship between OCSA and SAUSD has been positive and collaborative. In each charter renewal year, the leadership teams at SAUSD and OCSA have met for months prior to the submission of the charter to review and negotiate the updates to the document, resulting in an unconditional approval of the charter renewal petition each time. At no time in nineteen years has SAUSD ever expressed concern with OCSA’s adherence to the terms of the mutually agreed upon charter. Until March of 2019, SAUSD has never provided any written oversight report or documented any concerns with OCSA’s practices or governance structure, which suggests that SAUSD has been consistently pleased with OCSA’s programming and their commitment as partners in education.

On March 8, 2019, contrary to the SAUSD Board approved language of the OCSA charter renewal petitions, SAUSD administration demanded an unspecified amount of money for its special education costs not incurred by OCSA. On March 20, 2019, without legal or factual



justification, SAUSD issued an invoice to OCSA in the amount of \$19,493,329.00. When OCSA informed SAUSD that they believed that none of this amount was owed due to specific language in the SAUSD Board approved renewal petition of 2015, the following timeline of events occurred, resulting in a deterioration of the previously positive relationship between SAUSD and OCSA:

- SAUSD threatened, without legal justification, to withhold OCSA’s annual in-lieu property tax funds in the amount of \$500,000 per month until a judge issued a restraining order and a subsequent injunction preventing them from doing so;
- SAUSD attempted to cause OCSA’s annual \$2,000,000 Senate Bill 740 funding to be withheld by the California Department of Education without a lawful basis to do so until a judge mandated that they reverse these attempts;
- SAUSD withheld a parent complaint for 41 days, failing to provide OCSA a timely opportunity to reply to the complaint;
- SAUSD announced that they would not communicate during the charter renewal process concerning questions and charter language as they had consistently done in previous renewal years.

While none of the ongoing litigation between SAUSD and OCSA has a direct connection with the status of OCSA’s renewal petition, the above provides important context as to why, after nineteen years of cooperation and collaboration, SAUSD has written a Staff Report with findings filled with mischaracterizations and untruths about OCSA’s practices, resulting in the denial of OCSA’s 2020 charter renewal petition.

II. THE FINDINGS FAIL TO SET FORTH SPECIFIC FACTS REQUIRED BY EDUCATION CODE § 47605

Education Code § 47605 *mandates approval* unless the educational agency “makes factual findings, *specific to the particular petition*, setting forth specific facts to support one or more of the following findings[.]” (Education Code § 47605(b) (Emphasis added).) Section 47605, subdivision (b) is an exclusive list of the grounds by which charter petitions can be denied. The Legislature intended Education Code § 47605(b)’s denial to be supported by “factual findings, specific to the particular petition,” and those findings alone. A findings requirement serves to conduce the school district to draw legally relevant subconclusions supportive of its ultimate decision. (*See American Indian Model Schools (AIMS) v. Oakland Unified School District* (2014) 227 Cal.App.4th 258; *Topanga Ass’n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514-17.) The *specific* findings must demonstrate the school district conducted a methodical analysis, and not “randomly leap from evidence to conclusions.” (*Topanga, supra*, 11 Cal.3d at 515–516.)



The District’s findings consistently contain the following patterns of utilizing misinformation and mischaracterizations to draw conclusions:

- **The findings utilize outdated documents and previously removed website language.**
- **The findings judge past events and practices by referring to statutory language not yet operative.**
- **The findings use outside, unverified sources as evidence.**
- **The findings use incomplete or misrepresented data.**
- **The findings make conclusory and speculative statements about OCSA’s program without support.**

The District’s Staff Report fails to set forth *specific* factual findings *particular to the OCSA renewal petition* because the District refers to selective sources both hearsay and lacking evidentiary foundation and credibility, and unspecific to the petition – unrelated blog posts and websites, webpages of charter petitioners’ other charter school, and an obsolete and unsubstantiated ACLU Report making repeated baseless allegations.

Throughout the Staff Report, conclusory and speculative statements are not findings specific to the OCSA renewal petition. For example, at page 11 of the Staff Report, the District states, “Although OCSA’s website no longer expressly references a minimum GPA, the above content is inconsistent with Education Code § 47605 as it *may foreseeably result* in discouraging academically low-achieving pupils . . .” and at page 27 of the Staff Report, the District uses the following speculative language: “The minimal changes made to the admissions . . . are *not likely* to make any meaningful change” devoid of evidence to support this position.

Without specific facts supporting at least one of the findings, the Charter Schools Act expressly requires a school board to approve a charter petition, in this case, OCSA’s charter renewal petition. (*See* Education Code §§ 47605(b), 47607(a)(2).) OCSA’s renewal petition, at 158 pages without counting the pages for appendices, goes above and beyond what is required by law.

III. CONTRARY TO THE SAUSD STAFF REPORT, OCSA’S RENEWAL PETITION MEETS LEGAL STANDARDS FOR RENEWAL

A. The Petitioners Met Eligibility for Renewal For Special Populations

Education Code § 47605(b) requires that a charter school meet at least one of five listed criteria before receiving renewal. Applicable criteria is stated in Education Code § 47605(b)(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 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.

(B) The determination made pursuant to this paragraph shall be based upon all of the following:

- (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 for demographically similar pupil populations in the comparison schools.
- (iii) Information submitted by the charter school.”

OCSA fulfilled the renewal eligibility requirement under Education Code § 47605(b)(4)(A) and provided California Assessment of Student Performance and Progress (CAASPP) data in the renewal petition.

The findings use incomplete or misrepresented data.

The District asserts at page 4 in the Staff Report,

“Due to the fundamental differences in enrollment between students at OCSA and students in SAUSD 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, and socioeconomically disadvantaged students enrolled in OCSA compared to the high numbers in SAUSD, provide an unbalanced look at OCSA’s achievement, and prevent any meaningful comparison . . . a justifiable comparison of OCSA scores to SAUSD cannot be made.”

In essence, *SAUSD refuses to apply the statutory criteria, complaining that it is unable to do so because OCSA draws its enrollment from far beyond the geographical boundaries and demographics of SAUSD.* OCSA vigorously disputes the District’s assertion. The student achievement comparisons included in the charter petition are precisely what the statute requires as



a criterion for renewal eligibility. *OCSA is not required to have precisely the same demographics as the District in order for the District to consider the required academic achievement for renewal.*

However, as the data demonstrates, OCSA has made a consistent effort throughout the past twenty years to grow its special student populations and to achieve a racial and ethnic balance reflective of the general population residing within the territorial jurisdiction of the District. It welcomes and admits English Learners and socioeconomically disadvantaged students. Historical enrollment data of OCSA from 2000 to the 2018-2019 school year demonstrates enrollment increases in many subgroups, including special education students, English Learners, socioeconomically disadvantaged students, Hispanic/Latino students, and Asian students. For example, in 2000, approximately 111 Hispanic/Latino students enrolled at OCSA, which made up approximately 13.8% of the student population. In 2018, approximately 449 Hispanic/Latino students enrolled, comprising 20.6% of the student population.

OCSA cannot guarantee that its demographics will exactly match SAUSD's demographics when it has no control over which students decide to apply to the school's specialized programs. Furthermore, under current practices and charter language, enrollment is determined through a random public lottery. OCSA's primary and most effective tool to increase racial and ethnic balance in its demographics is through its significant and increasing outreach efforts in the Santa Ana community. OCSA's outreach programs are further discussed below in section III.B.2.

The District unjustifiably attacks OCSA's satisfactory CAASPP results for socioeconomically disadvantaged students and English Learners, asserting "OCSA's small numbers of special populations' achievement presents a significant lag compared to its schoolwide scores."

The findings make conclusory and speculative statements about OCSA's program without support.

It is unfair to compare academic achievements of special student populations against schoolwide scores, and instead these subgroups should be compared against subgroups in other schools.

In October 2019, CAASPP data for the 2018-2019 school year was released. The table below reflects CAASPP data schoolwide of numerically significant subgroups percent meeting and exceeding standards from 2018-2019 in ELA and Math for OCSA and schools within the District that serve demographically similar student populations as OCSA.



% Met/Exceeded 2017-18	SPED		Socio-economically Disadvantaged		English Learners	
	ELA	Math	ELA	Math	ELA	Math
OCSA	54.05%	44.44%	80.70%	65.17%	*	*
Mendez Fundamental Intermediate	6.25%	11.25%	40.69%	37.16%	1.81%	2.26%
MacArthur Fundamental Intermediate	17.28%	19.75%	39.10%	33.59%	1.59%	1.59%
Godinez HS	10.00%	10.35%	49.18%	35.46%	2.86%	0.00%
Segerstrom HS	10.00%	2.50%	47.55%	25.53%	0.00%	0.00%

Source: CAASPP, <https://caaspp.cde.ca.gov/sb2018/default>. [Note: In order to protect student privacy, an asterisk (*) will be displayed instead of a number on test results where 10 or fewer students had tested.]

In reviewing the CAASPP data above, OCSA’s socioeconomically disadvantaged students and special education students outperformed those students at demographically similar schools.

As the CAASPP data from the petition demonstrates, OCSA’s socioeconomically disadvantaged students are meeting and exceeding state standards in English Language Arts and Math, special education students are meeting and exceeding standards in ELA, and nearly meeting and exceeding standards in Math.

Based on the CAASPP data included in the petition and from the 2018-2019 school year, OCSA continues to make progress in growth and learning for students, rendering OCSA eligible for renewal.

B. Petitioners Are Demonstrably Likely to Successfully Implement the Sound Educational Program Set Forth in the Petition

Education Code § 47605(b)(2) provides as a nonrenewal criterion, “The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.”

The District failed to use the correct language under Education Code § 47605(b)(2) because the District replaced “petitioners” with “charter school,” failed to state “*set forth in the petition,*” and added new words not present in statute: “in a lawful manner.”

Inexplicably, the District found that “OCSA’s Prior History and Operations Demonstrates Unlikelihood of Future Success.”

The findings make conclusory and speculative statements about OCSA’s program without support.

The findings contain *no evidence* that the petitioners are unlikely to successfully implement the program set forth in the petition based on the criteria specified in 5 CCR § 11967.5.1(c)(1)



which lists four factors to consider in determining whether charter petitioners are demonstrably unlikely to successfully implement the program:

- “(1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), *the history is one that [is regarded] as unsuccessful*, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners’ control.
- (2) The petitioners are unfamiliar in the [authorizer’s] judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.
- (3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school.
- [. . .]
- (4) The petitioners personally lack the necessary background in the following areas critical to the charter school’s success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in these areas: (A) Curriculum, instruction, and assessment; (B) Finance and business management.” (Emphasis added.)

None of these four factors apply here:

1. Petitioners have no past history of involvement in charter schools or other education agencies in which the history is one that is regarded as unsuccessful. Petitioners have never received any notice of proposed revocation for OCSA or OCSA’s sister school, California School of the Arts - San Gabriel Valley (CSArts-SGV). Both are highly successful charter schools. Lead petitioner Dr. Opacic has worked with OCSA for 32 years, including in special school status before it was chartered in 2000, and with CSArts-SGV for more than two years.
2. Petitioners are very familiar with the content of the OCSA renewal petition; they have been working with OCSA for more than 20 years. Petitioners thoroughly reviewed the requirements of law and recent amendments in preparing the renewal petition to comply with Education Code §§ 47607 and 47605. Therefore, petitioners are familiar with the renewal petition and requirements for a renewal petition.

3. OCSA's financial and operational plan continues to be successful. OCSA's EBITDA (Earnings Before Interest, Tax, Depreciation, and Amortization) for the current year budget (19-20) projection, and for the past four years actual, have been positive. (Petition, p. 16.)

In preparing a financial and operational plan for the 2020 charter renewal, petitioners reviewed historical financial data such as state funding, Facility Grant funding, voluntary parent contributions, state and federal revenue, conservatory costs, utilities, maintenance, insurance, legal, and personnel costs.

The budget narrative can be found at pages 114 through 117, the Proforma budget is at page 118, assumptions at page 119, and the LCFE calculator is at pages 120-121. The financial and operational plan sufficiently describes the location of facilities needed to operate the size and scope of the educational and arts program and reflects the facility lease costs. Petitioners therefore understand how to prepare a viable budget based on the past twenty years of successful charter practice.

4. Petitioners have the necessary background in the areas critical to OCSA's success: curriculum, instruction, assessment, management, and finance. Lead petitioner Dr. Opacic, founder, President and Executive Director of OCSA hires and mentors outstanding arts and academic instructors at OCSA and works with the school's administrative team to establish OCSA's curriculum. Mr. Steven R. Wagner, Chief Operations Officer and Vice President of Business, is responsible for the management and finances of OCSA. He prepared OCSA's financial and operational plan. Mr. Wagner is also responsible for the management and supervision of the academic and arts instructional programs. Both have extensive previous successful experience in traditional California public schools. Dr. Opacic's and Mr. Wagner's combined efforts support two academically thriving and fiscally sound charter schools, OCSA and CSArts-SGV, demonstrating strong background in the areas critical for OCSA's success.

Where the petitioners do not have the necessary background for assignment, evaluation, and administration of special education services, a well-qualified Dean of Special Services with demonstrated successful educational experience, expertise, and the necessary background is employed by OCSA.

Petitioners strongly disagree with SAUSD's contention that petitioners are unlikely to successfully implement this arts and academic charter school program – the program has been and will continue to be implemented successfully.

FOR EASE OF REFERENCE, OCSA SEPARATELY RESPONDS TO THE FINDINGS MADE BY SAUSD STAFF AT PAGES 6 – 26 BELOW:



1. OCSA is Committed to Providing Students from All Backgrounds with Access and Equity in its Admissions Policies and Procedures

The District incorrectly alleges at page 6 that OCSA’s admissions policies and procedures are “exclusive.”

OCSA vigorously disputes this allegation, and points to extensive revisions of procedures to address very recently enacted legislation.

State and federal law generally prohibit discrimination of students based on actual or perceived sex, gender, gender identity or expression, sexual orientation, race or ethnicity, nationality, religion, disability, age, religion, marital or parental status, or association with a person or group with one or more of these actual or perceived characteristics. (California Constitution Article I, Section 31; Education Code § 220; Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d – 2000d-7); Americans with Disabilities Act (42 U.S.C. §§ 12101-12213), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794).)

In addition, Education Code § 234.1 mandates that a school districts and charter schools adopt a policy prohibiting discrimination based on the above categories at school or in any school activity related to school attendance or under the authority of the school.

Education Code § 47605(d)(1) specifically requires a charter school to be “nonsectarian in its programs, admission policies . . . and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220.” Education Code § 47605(d)(2)(A) provides, “A charter school shall admit all pupils who wish to attend the charter school.”

OCSA’s admissions process for the 2019-2020 school year and the 2020 renewal petition and practices are consistent with all of the above legal standards. OCSA complies with its nondiscrimination policies and statements, which reflect federal and state statutory prohibitions against discrimination based on membership in a protected class.

OCSA’s admissions policies and process *are not exclusive*, therefore, OCSA is committed to providing students from all backgrounds with access and equity in its admissions policies and procedures.

The District alleges at page 6 without evidence, that OCSA’s admissions policies and practices “appear” to have a discriminatory impact on special student populations.

The findings make conclusory and speculative statements about OCSA’s program without support.

There is no evidence OCSA’s admissions policies and practices “appear” to have a discriminatory impact on special student populations. OCSA enrolls students from these special



student populations. OCSA has made significant changes to its admissions policies and procedures described in the petition precisely due to the recent legislation regarding charter school admissions.

The District claims “OCSA proposes to continue the . . . placement requirements which clearly discourage applications and enrollment of students without such means or talent.”

This is false. The Conservatory Placement Activity Guidelines *do not discourage applications* – they do provide information to students seeking to apply to a particular conservatory. The petition states at page 108, “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” and affirms at page 110 that a student would not be adversely impacted in admissions for financial reasons.

The District cites to statutory language from Education Code § 47605(d)(4)(A)-(E), contained in the 2020 charter renewal petition.

At page 7 of the findings, the District applies to previous enrollment practices the revised Education Code § 47605 effective January 1, 2020, claiming that because OCSA has not enrolled “a balance of special education, English Learner . . . and re-designated EL students that . . . is reflective of the authorizer school district OCSA does not enroll or serve a population that is comparable to SAUSD.”

In making this finding, the District fails to apply the current Education Code § 47605, effective until January 1, 2020.

The findings judge past events and practices by referring to statutory language not yet operative.

OCSA submitted its 2015 renewal petition prior to the revised Education Code § 47605 becoming effective. The District cannot judge procedures approved by SAUSD’s Board in the most recent renewal by new legislation not yet in effect.

Current Education Code § 47605(b)(5)(G) requires a charter petition to contain 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.” OCSA’s current charter satisfied this requirement and was approved by the SAUSD Board of Education.

Revised Education Code § 47605(c)(5)(G) requires a charter petition to contain reasonably comprehensive description of:



“The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.”

The 2020 renewal petition does contain a reasonably comprehensive description of this required element pursuant to Education Code § 47605(b)(5)(G) – the petition states at page 18: “OCSA 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).”

Until after March 2019, the District has never raised any concerns in the twenty years it authorized OCSA about OCSA’s student subgroup populations.

In reviewing 2018-2019 demographic data of site-based instruction charter schools serving similar grade levels as OCSA authorized by OCBE and that serve larger student populations, such as Oxford Preparatory Academy – Saddleback Valley charter school, EPIC charter school, and Legacy College Prep charter school, the enrollment of English Learners at OCSA are comparable with the size of the charter schools. In addition, OCSA enrolls more students with disabilities than Oxford, EPIC, Samueli Academy, and Legacy College Prep, and OCSA enrolls significantly more socioeconomically disadvantaged students than Oxford and Legacy College Prep. This information indicates that other charter schools in Orange County authorized by the OCBE have similar special student populations to OCSA.



Table: Comparison of Special Student Populations Enrollment at OCSA with OCBE Charter Schools of Similar Size and Serving Similar Grade Levels

Charter School/ Grades Served	Total Enrollment	English Learners	Foster Youth	Homeless Youth	Migrant Education	Students with Disabilities	Socioeconomically Disadvantaged
OCSA 7th – 12th	2,177	24	0	0	0	106	263
Samueli Academy 7th – 12th	529	52	7	0	0	38	360
Vista Heritage Global Academy 6th – 8th	275	111	3	2	0	19	274
Legacy College Prep 9th-12th	305	59	2	7	0	37	224
O.C. Workforce Innovation 9th-12th	209	40	0	38	0	46	174
Oxford Prep. – Saddleback Valley K-8th	595	31	0	0	0	70	73
EPIC Charter K-8th	626	35	1	21	0	66	342
OC Academy of Sciences and Arts K-12th	360	15	0	0	0	49	42
Citrus Springs Charter K-12th	256	66	1	20	0	32	174

Source: California Department of Education, DataQuest, 2018-19 Enrollment for Charter and Non-Charter Schools



District findings include a chart of students with disabilities attending OCSA versus SAUSD schools at page 8.

The findings use incomplete or misrepresented data.

This chart underrepresents OCSA’s population of students with disabilities by excluding disabilities like Specific Learning Disability (OCSA has 38 students who are identified in their IEPs as having this as their primary disability) and Other Health Impairment (OCSA has 43 students who are identified in their IEPs as having this as their primary disability). The designation of a student as mild/moderate or moderate/severe has nothing to do with which disability the student has, but instead the student’s level of need, so excluding specific categories of disability, specifically the categories that represent a large portion of OCSA’s special education population, is a misrepresentation of data. It is also worth noting that this chart does not consider the vastly different enrollment numbers between OCSA and SAUSD, which appears to inflate SAUSD’s numbers. OCSA has 2,200 students enrolled and SAUSD has 47,000 students enrolled. Approximately five percent of OCSA’s student population has an IEP.

The District alleges at page 8 *without support*, that “complaints” have been 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.”

Aside from the single complaint of summer 2019 that SAUSD withheld from OCSA for 41 days, OCSA is not aware of any other formal complaints against admissions processes in the charter term. SAUSD’s investigative report of that complaint is replete with misrepresentations and is currently on appeal to the California Department of Education. After belatedly receiving the complaint from SAUSD, OCSA’s own investigative report concluded that there was no unlawful discrimination and that its’ actions were consistent with the current OCSA charter petition approved by SAUSD’s Board of Education in 2015. In the past charter term, OCSA has received only two complaints from OCSA families about IDEA and State compliance, *both of which were actually complaints about SAUSD’s compliance, as OCSA’s SELPA, with IDEA and state law.*

The District asserts that there are seven “factors” allegedly “contributing to the disparate discriminatory impact on subgroup student populations.”

None of the “factors” raised by the District contribute to “disparate discriminatory impact.” For organizational purposes, OCSA responds to each “factor” below:

- a. OCSA’s Renewal Petition Does Not Have Academic Requirements For Admission

At page 9 of the findings, the District cites to OCSA’s 2018 Academic Profile dated November 5, 2018, which states acceptance is based on an audition and a *recommended 2.0*



academic GPA. This language is based on admissions requirements in OCSA's 2015 charter renewal, which the SAUSD Board approved.

The findings utilize outdated documents and previously removed website language.

SAUSD's citation of language in OCSA's 2018 Academic Profile is disingenuous. This language predates recent amendments to Education Code § 47605 regarding admissions.

The District acknowledges "OCSA appears to be changing its practices and policies" but then states, "it is not clear whether these [*sic*] are changes are in practice or policy and petition alone."

OCSA has never, in twenty years, given the District any reason to doubt that its practices would be wholly faithful to the language laid out in its charter. OCSA's 2020 charter renewal petition, submitted to the District on October 15, 2019 is unambiguous on admissions. It includes revised admissions procedures based on the most recent amendments to Education Code § 47605. The petition states at page 107, "*No minimum GPA or other academic, behavior, or performance criteria is required for admission.*" (Emphasis added.) Revised admissions procedures *currently in practice* contain no minimum grade point average requirement for admissions. OCSA has already updated the language in its 2019 Academic Profile, *which was included within the charter petition as submitted*, and did not include the language cited by SAUSD from the 2018 Academic Profile. SAUSD elected to instead find and cite an outdated Academic Profile, rather than the updated one submitted with the charter.

The District incorrectly alleges "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" and that "OCSA will ban readmission of a student who is unable to maintain a 2.0 average GPA."

This finding is incorrect. OCSA does not presently dismiss students who fail to meet OCSA's academic requirements and does not ban readmission of a student unable to maintain a 2.0 grade point average. OCSA's Student/Parent Handbook has been updated to reflect OCSA's current practice.

The District claims, "OCSA's current academic requirements for continued participation in conservatory programs also seem to conflict with recently changed Education Code § 47605."

This is false. OCSA's academic procedures for the 2019-2020 school year as stated in the Student/Parent 2019-2020 Handbook are consistent with the Charter Schools Act as of 2015, when the District approved the 2015 charter renewal. In preparing the 2020 renewal petition, OCSA has revised its academic procedures to be consistent with the recent updates to Education Code § 47605 and is still in the process of updating its Student/Parent Handbook. Had SAUSD staff reviewing the petition asked, this would have been readily explained.



OCSA is revising its Student/Parent Handbook which formerly stated at page 29:

“If a student earns an F or two or more D’s in conservatory classes at the end of a semester, he/she will be placed on Conservatory Intervention for the following semester, and a Conservatory Intervention contract to guarantee that conservatory performance remains the priority will be put into place as a result. Failure to complete the requirements of the contract may result in dismissal from OCSA.”

This revision will be consistent with the language in the 2020 renewal petition, which was revised to reflect amendments to Education Code § 47605 by California Senate Bill 75 enacted on July 1, 2019 and effective on July 1, 2019. Senate Bill 75 added paragraphs (4) and (5) to subdivision (d) of Education Code § 47605, amending § 47605, subdivision (d)(4) to state in relevant part:

“(d)(4)(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (b).”

OCSA has cited the above statutory language in its 2020 charter renewal and updated its website referencing Education Code § 47605(d)(4)(A)-(E) language on or around August 22, 2019. Emails received by students from OCSA’s admissions department also include Education Code § 47605(d)(4)(A)-(E) language. Plainly, SAUSD refuses to acknowledge that OCSA is in the process of revising procedures to be compliant with new state law.

The District, when referencing OCSA’s webpages “Admissions Guidelines” and “Admissions FAQs,” relied upon underlined language it believes “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.”

Again, the findings utilize outdated documents and previously removed website language.

First, the District ignored OCSA’s updated webpages “Admissions Guidelines” and “Admissions FAQs” when making this finding. Had the District carefully reviewed OCSA’s webpages on October 15, 2019, the date OCSA submitted its renewal petition, it would have found

that OCSA *updated* both webpages to be consistent with the admissions procedures language of the renewal petition and that *the language it relied upon no longer existed on both webpages*. However, the District failed its duty of due diligence to confirm whether OCSA had updated its procedures in accordance with new legislation, suggesting the District had begun preparation of its denial/conditional renewal findings *prior to OCSA's submission of its renewal petition*. The District failed to provide a specific date indicating when the District accessed OCSA's webpages to make that finding. Because the District did not confirm current language in OCSA's webpages on or after the date OCSA submitted its renewal petition, this finding is at best, disingenuous.

For detailed background of OCSA's updates to its webpages we provide the below chronology:

- On August 22, 2019, OCSA added Education Code § 47605(d)(4)(A)-(E) language to its admissions webpage.
- On September 17, 2019, OCSA updated language on its webpages "Admissions Guidelines" and "Admissions FAQs".
- In late September 2019, language for some "Admissions FAQs" webpage was revised.

As of September 17, 2019, OCSA's webpage "Admissions Guidelines" provides:

"OCSA provides a rigorous college-preparatory academic program and adheres to the California State Mandated Requirements for High School Graduation. The school's faculty and staff are committed to supporting the educational needs of each and every student. Students are expected to make a commitment to their academics as well as their conservatory classes. Students must complete the minimum set of requirements for graduation by the end of their senior year."

Therefore, the underlined language the District referenced in its December 10, 2019 findings was removed by OCSA prior to its October 2019 submission of the renewal petition.

As of *late September 2019*, the revised Admissions FAQ states,

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

OCSA provides a rigorous college-preparatory academic program. The school's faculty and staff are committed to supporting the educational needs of each and every student. Students are expected to make a commitment to their academics as well as their



conservatory classes. OCSA does not limit admission or enrollment for academically low-achieving pupils. OCSA adheres to the California State Mandated Requirements for High School Graduation. Students must complete the minimum requirements for graduation by the end of their senior year.”

Therefore, the language the District referenced in its December 10, 2019 was removed prior to the submission of the renewal petition.

Second, there is no evidence to support the District’s allegation that the content the District cited “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.”

The findings make conclusory and speculative statements about OCSA’s program without support.

OCSA understands the requirements of Education Code § 47605(d)(2)(B)(iii), as cited in the renewal petition. Education Code § 47605(d)(2)(B)(iii) provides, “Preferences must not result in limiting enrollment access for students with disabilities, academically low-achieving students, English Learners, neglected or delinquent students, homeless students, economically disadvantaged students, foster youth, and must not limit enrollment based on nationality, race, ethnicity, or sexual orientation.”

The District also alleges, “[O]ther 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.”

This finding is untrue and also unspecific to the OCSA 2020 charter renewal itself, which is what the District is required to review. CSArts-SGV is an entirely separate school *based on a different charter petition* for term commencing July 1, 2017 and ending June 30, 2022 approved by a *different charter authorizer*, and consistent with charter requirements in effect in 2016-2017 and only recently revised. Again, OCSA has never given the District any reason to suspect that it would not fully adhere to the practices outlined in its own charter.

The findings use outside, unverified sources as evidence.

The District next references a global American Civil Liberties Union (ACLU) report from July 2015 which was critical of over 200 charters. This finding is also disingenuous. When the report was released four years ago, the District *never* contacted OCSA to investigate or inquire about it. The report itself was made without inquiry to OCSA as to the actual application of the admission practice in effect at the time, and was never presented to OCSA for a response



concerning its accuracy. The report was never linked to any litigation or mediation and to this date remains unverified.

The purported quote from “Angelo’s grandfather” in the ACLU report is entirely unsubstantiated and never questioned by SAUSD before its’ reliance on the report in the December 10, 2019 findings.

OCSA believes the statement concerns a former student who was placed on academic intervention twice and had multiple disciplinary issues while attending OCSA. Records indicate counselors and administration provided multiple levels of support while he attended OCSA and that he successfully graduated in 2017. The student was never dismissed.

The District’s use of the unsubstantiated quote in its findings demonstrates the length to which it has gone to mischaracterize OCSA’s academic procedures without inquiry to OCSA. The unsubstantiated quote is further unspecific to the academic procedures stated in the 2020 renewal petition and is therefore *irrelevant*.

The District alleges that “Admissions policies and procedures in renewal petition do not” result in “satisfactory pupil populations that reflect the Santa Ana community.” The District failed to thoroughly review Element Eight Admissions Requirements (pages 107-111) in the renewal petition. Pages 110-111 briefly describes OCSA’s Outreach Plan:

“As part of OCSA’s Outreach Plan the School shall target the programs described in Element Seven to students residing in the District.

As part of its commitment to the community of Santa Ana and the District, OCSA shall hold Preview Days to review the application processes with students, at least three (3) months prior to the opening of each application filing period. At a Preview Day, OCSA staff will explain and demonstrate such admissions policies as placement activity specifications, portfolio submission, and other performance or demonstration expectations. In addition to the community programs described in Element Seven, the Outreach Plan includes a marketing plan which details significant outreach activities in Spanish language media, and other language media as needed, including without limitation newspaper and television. The marketing plan shall also include the preparation and distribution to the District of recruiting materials in English and Spanish. OCSA shall also develop applications in other languages, as needed.

The Outreach Plan includes scheduled dates, times, and locations of open house, informational meetings, placement activities, and other



activities in a manner which ensures, to the extent possible, that District students and racial and ethnic minorities are able to attend. The Outreach Plan also includes a program which ensures that arts teachers within the District have access to open houses, informational meetings, placement activities, student evaluation and ranking sessions, and other activities, such as meetings provided solely for arts instructors, so that they may be better equipped to prepare their students or identify talent for the Charter School.”

This language demonstrates OCSA is striving for a racial and ethnic balance of pupils reflective of the general population residing within the territorial jurisdiction of the District. As stated earlier, the data demonstrates that OCSA has made a consistent effort throughout the past twenty years to grow its special student populations and to achieve a racial and ethnic balance reflective of the general population residing within the territorial jurisdiction of the District. OCSA welcomes and admits English Learners and socioeconomically disadvantaged students. Historical enrollment data of OCSA from 2000 to the 2018-2019 school year demonstrates enrollment increases in many subgroups, including special education students, English Learners, socioeconomically disadvantaged students, Hispanic/Latino students, and Asian students. For example, in 2000, approximately 111 Hispanic/Latino students enrolled at OCSA, which made up approximately 13.8% of the student population. In 2018, approximately 449 Hispanic/Latino students enrolled, comprising 20.6% of the student population.

OCSA cannot guarantee that its demographics will exactly match SAUSD’s demographics when it has no control over which students apply to the school’s specialized programs. Furthermore, under the current practices and charter language, enrollment is determined through a random public lottery. OCSA’s primary and most effective tool to increase racial and ethnic balance in its demographics is through its significant and increasing outreach efforts in the Santa Ana community. OCSA’s outreach programs are further discussed below in section III.B.2.

b. The Petition’s Updated Application Process

The District claims at page 11 in the findings that OCSA’s “process for determining the ‘appropriate placement’ or ‘appropriate level’ in a required conservatory is unclear and may allow for discriminatory admission/enrollment practice particularly given the highly intensive application and placement activity process.”

The findings make conclusory and speculative statements about OCSA’s program without support.

OCSA explained in its October 21, 2019 correspondence to SAUSD Assistant Superintendent Sonia Llamas and Charter Liaison Marjorie Cochran what “appropriate level” means; it appears SAUSD did not review OCSA’s correspondence in evaluating the petition. OCSA’s October 21, 2019 correspondence is attached as **Exhibit 5**.



OCSA explained to SAUSD changes to its admissions process with the following description:

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. OCSA does not condition its admissions on performance ability. 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.

For example, assume that there are 20 available 7th grade spaces in the Commercial Dance Conservatory. The Master Schedule for Commercial Dance schedules students by level, in addition to grade, which is dictated by facility and equipment. There may be space for 5 emerging level dancers in 7th grade, 10 intermediate dancers in 7th grade, and 5 advanced dancers in 7th grade. A prospective student whose conservatory of choice is Commercial Dance and who is identified as an emerging level dancer through their placement activity is directly admitted, regardless of GPA, performance ability, or disability, applying in order the admission preferences in the petition. Should there be more applicants than space available in each grade and level, a public random lottery will be conducted to determine enrollment. All applicants will be placed in the lottery in the appropriate grade and level. There is no minimum level of ability required to participate in the lottery. Students not admitted in the public random lottery will be placed on the waitlist and may be admitted during the school year as space becomes available.

The appropriate placement level determination is similar to math placement exams, which ensure that a school is appropriately placing students in algebra prior to geometry in the interest of successful instructional practice.

Prospective students' participation in a placement activity to identify the appropriate placement in the conservatory to which they seek admission does not establish a discriminatory admission/enrollment practice as the District alleges.

The District disingenuously claims the language highlighted in its finding is similar to OCSA's current charter, ignoring that OCSA has undergone a major revision of its Admissions

Procedures, which is reflected in the 2020 renewal petition and on OCSA’s website. The language in OCSA’s current charter is not similar to the renewal petition.

The District provides a table at pages 12-20 of the findings identifying a conservatory, the placement activity, and the on-site placement activity, which is based on Exhibit E: Conservatory Placement Activity Guidelines included in the renewal petition. The Conservatory Placement Activity Guidelines are in the process of being updated to conform to OCSA’s 2020-2025 revised admissions procedures. The District made no inquiries about this during its review of the renewal petition. For example, the Guidelines may state words to the effect, “Applicants who are English language learners, have a disability or need technology assistance are encouraged to reach out for support with the admissions process.” OCSA will provide the updated Conservatory Placement Activity Guidelines upon request.

The District alleges at page 20 of the findings that because some conservatories recommend specific attire for prospective students that “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 it [*sic*] the audition process who are able to purchase the recommended attire.”

This is false. It is not OCSA’s practice to potentially discourage any student from seeking admission to OCSA or to create the idea that students who are unable to purchase recommended attire would be placed at a disadvantage of other students applying to OCSA. Students who do not wear the recommended attire are not at a disadvantage. The Conservatory Placement Activity Guidelines state professional attire is not required. During information sessions regarding the placement activities, prospective students are again informed professional attire is not required. Any clothing that is necessary for a student’s successful participation in the Placement Activity (for example, appropriate skirts in Ballet Folkórico), will be provided to students who do not have said attire, if requested in advance.

The District claims at page 21 that “application/audition and placement activity process limits enrollment based on performance ability in cases where multiple prospective student apply for the same conservancy [*sic*] OCSA contrary to the law.”

OCSA’s admissions process for the 2019-2020 school year, including the requirements that prospective students submit an online application and video, and participate in a placement activity, were consistent with its renewal petition approved by the District in 2015. Conservatory guidelines for the 2019-2020 school year posted on OCSA’s website were permissible under the current SAUSD approved petition. There is no evidence OCSA did not follow these SAUSD approved admissions procedures.

Admissions procedures have now been revised – OCSA does not audition for enrollment based on ability. Where applicants for a conservatory exceed spaces, a public random lottery will



be conducted to determine which students are admitted in accordance with Education Code § 47605(d)(2)(B).

c. Parent Donations Are Voluntary

The District claims at page 22 of the findings that “donations are necessary to underwrite OCSA’s arts conservatory programs.” This is accurate as far as it goes. OCSA’s conservatories are not funded by state apportionments. No family, however, is in any way required to donate for conservatory offerings, and current statistics demonstrate that over 200 OCSA families have chosen not to contribute in the 2018-2019 school year. The SAUSD Board has on multiple occasions renewed OCSA’s charters containing explicit statements that OCSA’s arts offerings are donation dependent

OCSA has used this voluntary donation model for many years. The District has never raised any concerns with the donation model nor has the District raised any issue with the donations after receiving OCSA’s financial audits.

Voluntary donations from parents and the community support high quality conservatory instruction. OCSA’s award winning arts conservatories are not funded by the State of California and would not be possible without generous voluntary donations from parents, community supporters, and other business partners.

If a parent does not donate, the student’s conservatory experience is identical to those of donating families. No school site staff members, including principals and deans, are aware of which families do and do not contribute.

Additional resources support the conservatory programs: the nonprofit Orange County School of the Arts Foundation raises \$3.3 million dollars a year, of which \$365,000 annually supports the Artist Scholar Program, contributing to conservatory programming on behalf of families who are living on or below the Federal Poverty Level.

Parental involvement is not a requirement for acceptance to, or continued enrollment at the school. The renewal petition states at page 6 that OCSA “shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School” and at page 108 “admission preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.”

Had SAUSD inquired, it would have learned that OCSA has renamed the former Parent Funding Agreement as the Parent Voluntary Contribution Agreement and is in the process of updating its Enrollment Policy to be consistent with recent amendments to Education Code § 47605. The draft Enrollment Policy, pending Board approval at the next Board of Trustees meeting on January 29, 2020 now states:

“The success of any school is dependent upon the active participation of all the stakeholder groups associated with the school. While parent financial commitments are voluntary, they are essential to fund the high quality conservatory instruction that we provide. OCSA’s award winning arts conservatory instruction is not funded by the State of California and would not be possible without the generous voluntary donations of parent and community supporters. In order to ensure that families understand the importance of their participation in the success of the Orange County School of the Arts, OCSA requests that all families complete the following parts of the registration process:

1. A parent is requested to 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 ways families can support their children at OCSA. While parental involvement is not a requirement for acceptance to, or continued enrollment at the charter school, it is an important way for parents to support their student’s success.
2. All families are asked to consider and complete the Parent Voluntary Contribution Agreement which will be distributed at the annual orientation meeting.
3. Timely complete all enrollment materials, including Enrollment Form, Enrollment Agreement, Health Form and Parent Voluntary Contribution Agreement.”

As discussed in the Enrollment Policy, families are asked to consider and complete the Parent Voluntary Contribution Agreement, attached as **Exhibit 6**. Section B of the Agreement has a box to check “I elect not to make a financial contribution at this time.” OCSA is also in the process of updating references to the Parent Voluntary Contribution Agreement to provide an even clearer message that OCSA does not require parents to make contributions.

Parents or guardians are also provided verbal notice that donations are not required for acceptance or attendance to OCSA during pre-enrollment meetings.

OCSA has discontinued any reference to placing a hold on-campus registration if a Parent Voluntary Contribution Agreement for the current school year is not completed and/or submitted prior to registration.



The District refers to CSArts-SGV’s Parent Funding Agreement at page 23 of the findings, which is unspecific to the 2020 renewal petition, and as stated, is a document from a wholly different institution with a different charter and a different chartering authorizer. Had the District requested a copy of OCSA’s updated Voluntary Contribution Agreement, OCSA would have provided it.

The findings use outside, unverified sources as evidence.

At page 24 of the findings, the District cites to an unsubstantiated hearsay post from, “The 14th Conservatory” blog, a non-school sanctioned website, and comments on the post that are unspecific to the petition. OCSA’s updated Enrollment Policy does not require parents to complete the Parent Voluntary Contribution Agreement the day of the meeting.

d. OCSA Conservatory Application

The District asserts at page 24 of the findings that the “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.”

The District is mistaken about OCSA’s practice in its admissions policies and procedures.

OCSA will provide resources to the student so the student can successfully apply to the conservatory the student seeks admission. When a prospective student does not have necessary resources, such as internet, to submit an online application, OCSA will assist the student by inviting the student to the computer lab to submit the online application. As for other conservatory placement guidelines such as preparing and uploading a video, OCSA will provide the necessary equipment and support to the student to prepare a video. Offers of technological support are clearly detailed on OCSA’s Admissions website.

OCSA does not discourage any families from applying to any of its conservatories.

The 2020 renewal petition affirms OCSA’s practice to provide students from all backgrounds with access in its admissions policies and procedures:

“OCSA shall comply with the terms and requirements of the free schools guarantee of the California Constitution, Article IX, Section 5, Education Code sections 49010-49013, Government Code Section 905, and California Code of Regulations, Title 5, section 350, (collectively “Free Schools Guarantee”) in all aspects of the Charter School program.

No student shall be adversely impacted in admission or in any academic program for financial reasons, including not making a financial contribution of any kind.” (P. 110.)

OCSA’s practice to provide access is also demonstrated by outreach programs to the Santa Ana community, such as:

- Camp OCSA is an arts training workshop at the Orange County School of the Arts and offered free of charge to students, grades four through six, attending schools in Santa Ana. Camp OCSA is a positive, nurturing environment for young people with an interest in the arts and the desire to discover and develop their talents.
- The Dragon Kim Foundation Music Program provides free vocal and instrumental weekly music instruction for economically disadvantaged children in grades four through six from Santa Ana. The program includes instruction, as well as access to free instruments for these students.

Therefore, the District misunderstood OCSA’s practice in its admissions policies and procedures.

e. OCSA Does Not Require Auditions

At page 25 of the findings, the District cites to an unsubstantiated blog from a “preparation coach” not employed by OCSA and alleges that the information in the blog excludes target student populations. The assertion and percentages in the blog post are unverified and inaccurate.

The findings use outside, unverified sources as evidence.

The District’s reliance upon not one but two unsubstantiated blogs shows the extent to which it has gone to manipulate information to paint OCSA in a poor light. This blog is unspecific to the 2020 renewal petition.

f. OCSA’s Pre-Enrollment Parent/Guardian Meeting is Optional

The District alleges at page 26 of the findings that OCSA requires parents to attend pre-enrollment annual meetings which “may have a disparate impact on those parents and their children.”

The findings make conclusory and speculative statements about OCSA’s program without support.



This mischaracterizes OCSA’s pre-enrollment meeting for parents by drawing the incorrect conclusion that OCSA is requiring parents to be involved at OCSA as a condition for admitting a student.

OCSA does not require parents or guardians to volunteer their time for a student to be admitted or continue to be enrolled.

The charter renewal under Affirmations at page six states, “OCSA may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. (Education Code section 47605(n).)”

OCSA provides the timely notice discussed above to parents or guardians at the pre-enrollment meeting verbally or in writing through the Parent Voluntary Contribution Agreement and in emails. At the meeting, notice is provided that donations are not required for acceptance to or attendance at OCSA.

OCSA provides up to 14 different meeting dates so that parents or guardians have access to information about the services their student will receive. If a parent or guardian is unable to attend, OCSA’s parent liaison extends an opportunity for a meeting with the parent or guardian at the earliest convenient date and time.

OCSA therefore does not require parents or guardians to participate as a requirement for a student to be admitted or to continue enrollment at OCSA.

To align with OCSA’s affirmation regarding parental involvement, OCSA has updated its enrollment policy in its handbook to state, “OCSA will hold annual meetings for a parent or guardian to attend each year. Should a parent or guardian be unable to attend, OCSA will extend an opportunity for a make-up meeting and provide any meeting materials to the parent or guardian.”

g. OCSA Does Not Request a Prospective Student to Submit Records Prior to Enrollment

At page 26 of the findings, the District alleges two Admissions FAQs from OCSA’s website “seem to conflict” with one another.

The District is mistaken. There is no conflict between the referenced first FAQ and second FAQ. The first FAQ confirms OCSA will not request a prospective student’s records prior to enrollment at OCSA, consistent with Education Code § 47605(d)(4)(B). Education Code § 47605(d)(4)(B) provides, “A charter school shall not request *a pupil’s records* or require a parent, guardian, or pupil to submit the pupil’s records to the charter school before enrollment.” (Emphasis added.)



The second FAQ’s reference to “all submitted documents” has *no relation to student records*. Submitted documents refers to previous work which may include artworks or a written portfolio, depending on the conservatory for which the applicant is applying. Therefore, the District misapplies the requirements under Education Code § 47605(d)(4)(B).

The findings make conclusory and speculative statements about OCSA’s program without support.

The District also fails to review OCSA’s website to determine whether the FAQs it referenced were still current.

The first FAQ cited in the Staff Report is not consistent with what was stated under Admissions FAQs on OCSA’s website as of the time the petition was submitted:

“OCSA will not request a prospective student to submit any student records including transcripts, birth certificates, individualized education plans, or 504 plans prior to enrollment at OCSA. For placement activities, depending on the conservatory for which you are applying, a prospective student may submit an art portfolio or YouTube link(s), along with the application submission. Please carefully review the placement activity guidelines for the conservatory for which you are applying.”

The findings utilize outdated documents and previously removed website language.

The District fails to correct its reference to the first FAQ to the one posted on OCSA’s website at the time of the submission of OCSA’s renewal petition, again demonstrating that SAUSD had begun to prepare their denial recommendation prior to receiving the petition itself.

The District alleges without any evidence in support that “the special application requirements, including a YouTube video submission, may work to discourage students from seeking admission particularly those in special student populations.” It ignores the support provided to potential applicants on multiple preview days to obtain information about conservatory admission, the support provided to any prospective student who may request it, and the language detailing this support located in multiple places on the website and in the petition.

As stated in OCSA’s renewal petition at page 107, “OCSA shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code section 47605(d)(2)(B)(iii).”



2. *OCSA Strives to Achieve a Racial and Ethnic Balance Among its Pupils that is Reflective of the General Population Residing within the Territorial Jurisdiction of SAUSD*

The District alleges at page 27 that because OCSA’s demographics do not match exactly to SAUSD’s demographics, “OCSA has failed to implement actions to achieve a racial and ethnic balance reflective of the District”

The findings make conclusory and speculative statements about OCSA’s program without support.

Here, the District ignores the language it approved in OCSA’s 2015 charter renewal petition stated, “OCSA will strive to have a minimum of thirty percent (30%) of the student body composed of students who reside in the District; provided, however, in the event OCSA fails to meet this requirement, the District and OCSA shall agree to an Outreach Plan to meet this goal.” The District never provided notice to OCSA over the last five years that it had any concerns about OCSA’s student population demographics, and has not reached out to partner with OCSA to increase outreach to students residing in the District.

Even so, since the 2015 charter renewal petition, OCSA has developed *four additional outreach strategies*, for a total of seven outreach strategies used to recruit its student population (Camp OCSA, Gluck Community Service Arts Fellowship Program, California School of the Arts Academy, Dragon Kim Foundation Music Program, Creative Writing Conservatory’s Community Arts Outreach class, Complimentary Tickets to Student Performances, and Grupo Folkórico). These increased outreach programs are described at pages 104-105 of the petition, but overlooked by SAUSD reviewers.

The 2020 charter renewal describes how OCSA has increased the amount of places it distributes information about its program in Santa Ana, and how OCSA will hold open house workshop sessions and informational meetings to review the application process with prospective students.

OCSA therefore has successfully implemented actions to strive to achieve a racial and ethnic balance of the District, and has demonstrated a commitment to continually increase outreach and communication efforts to reinforce those actions.

The District alleges that “OCSA promised to” serve the same students as SAUSD despite being authorized and located in it since opening. This finding is false. Noticeably, this SAUSD finding is not supported by any citation to the current charter petition.

While OCSA has always aimed for a racial and ethnic balance, its’ past charters have not dictated a requirement of the same ethnic and racial makeup as SAUSD. The initial charter



language provided that OCSA would be racially balanced, which OCSA has more than achieved in the last twenty years of operations.

The District claims, without supporting evidence, that the “Outreach Programs and other methods described in the Petition for achieving a population reflecting of the District have been ineffective.” OCSA rejects this claim in its entirety. Since the last renewal, OCSA’s racial and ethnic demographics have changed significantly and improved in diversity. Historical enrollment data of OCSA from 2000 to the 2018-2019 school year demonstrates enrollment increases in many subgroups, including special education students, English Learners, socioeconomically disadvantaged students, Hispanic/Latino students, and Asian students. For example, in 2000, approximately 111 Hispanic/Latino students enrolled at OCSA, which made up approximately 13.8% of the student population. In 2018, approximately 449 Hispanic/Latino students enrolled, 20.6% of the student population.

As described in the petition at pages 104-105, OCSA has increased Outreach Programs. Instead of partnering with OCSA towards achieving a racial and ethnic balance, SAUSD created road blocks – such as blocking marketing and communications efforts (communications that have been consistently approved for the past nine years) about OCSA’s Outreach Programs that are aimed towards SAUSD students. In the fall of 2019, SAUSD inexplicably limited OCSA’s access to SAUSD students, disrupting OCSA’s attempts at meaningful outreach. Due to SAUSD’s actions, the attendance at one of OCSA’s outreach programs, Camp OCSA, was vastly lower this year than in years past – only 120 students enrolled compared to 450 students the year prior. This calls into question SAUSD’s commitment towards a partnership with OCSA to help OCSA achieve a racial and ethnic balance. The emails from OCSA staff to SAUSD staff imploring them to allow OCSA to communicate with SAUSD students about these opportunities are attached as **Exhibit 7**.

The District alleges without foundation at page 28 that OCSA has not provided applications in Spanish. OCSA has created a translation toggle on OCSA’s website so that all content is available in Spanish, and encourages, in multiple locations on the website, non-English speaking applicants and their families to reach out for further support.

The District next claims that OCSA does not provide information of accommodations for its admissions process. Parents or students are informed at prospective student information meetings about requesting accommodation in the admissions process, and there is language in multiple locations on the website encouraging students who need accommodations to apply. If parents or students request accommodations for the admissions process, OCSA will provide them.

The renewal petition does demonstrate OCSA will continue to strive to achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the District.



3. *The Renewal Petition Demonstrates OCSA's Ability to Meet the Needs of Special Education Students*

The District claims at page 28 of the findings that OCSA has not provided “verifiable written assurances” regarding OCSA’s 2019 application to become a member of the El Dorado Charter SELPA effective July 1, 2020.

The District misunderstands the SELPA application process which involves multiple stages of review. A charter school cannot automatically be accepted to a SELPA after submitting an application.

The renewal petition states at page 71,

“OCSA hereby provides with verifiable, written assurances of its ability and capacity to participate as a LEA within the El Dorado County Charter SELPA. **OCSA will provide the District with proof of acceptance to the El Dorado County Charter SELPA prior to commencement of the 2020-2021 school year.**” (Emphasis added.)

The petition explicitly states OCSA would provide the District with proof of acceptance to the El Dorado County Charter SELPA *prior* to commencement of the 2020-2021 school year. On November 20, 2019, the El Dorado County Charter SELPA confirmed its receipt of OCSA’s application for admission and on November 21, 2019, El Dorado County Charter SELPA confirmed OCSA’s application has met the criteria to move to its Stage 2 review. (See attached **Exhibit 8** Correspondence dated November 20, 2019 and November 21, 2019.)

At page 29 of the findings, the District alleges that 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.”

The findings make conclusory and speculative statements about OCSA’s program without support.

The District mischaracterizes the language in the petition related to OCSA’s provision of services to students with special needs. The petition states at page 71, “A student with disabilities attending OCSA shall receive special education instruction or designated instruction and services, or both, *in a manner consistent with their individualized education program or 504 plan, as applicable and in compliance with the IDEIA.*” (Emphasis added.)

OCSA understands the responsibilities in complying with Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) and how to serve students with disabilities. OCSA has been awarded with the designation of “Exceptional Charter School for Special Education” by

the National Association of Special Education Teachers. OCSA ensures all placement options appropriately meet the needs of students.

Students with disabilities receive services within the general education classroom. This includes the use of accommodations, modifications, instructional aide supported classrooms, and co-taught (special education with general education teacher) classrooms. Students may take a study skills class through special services as a general education elective course to learn strategies for study, organization, and test preparation. Additionally, the IEP team may determine that a student may need an academic lab and/or an academic specific strategy class to pair with the general education classes. Students will not be removed from the general education classes but will have an additional Specialized Academic Instruction (SAI) class paired with the content course. These SAI courses have been designed to carry elective course credit. Under OCSA's current SELPA plan, if a student requires more restrictive placement, students are referred to the SELPA to access these services for part or all of their school day. Historically, OCSA has been able to meet the unique needs of all students without the need to refer students to more restrictive environments.

This model has a proven history of success in which almost every year 100% of OCSA students, including those with disabilities, have graduated with a high school diploma.

OCSA is fully committed to expanding our co-taught classes, especially in the areas of ELA and Math. OCSA is also fully committed to bringing additional reading, writing, and math intervention programs into the SAI elective classes and has started that process by implementing Step Up to Writing and iReady reading and math intervention programs for the 2019-20 school year.

The District claims at page 29 of the findings that OCSA is “unclear exactly how they will provide special education staffing and oversight to meet the needs of their students on IEPs.”

OCSA vigorously rejects this claim. OCSA employs fully credentialed special education teachers and has added iReady reading and math assessments and Step Up to Writing assessments to assist in the identification of reading, writing, and math needs. Additionally, OCSA's special education teachers are trained and have access to the Woodcock Johnson Test of Academic Achievement and Key Math.

The District makes a finding about the Dean of Special Services acting as the Coordinator of Special Education described in the charter, even though the District annually approves OCSA's special education budget which allows OCSA to bill back the SAUSD Coordinator Salary Schedule to offset the salary of OCSA's Dean of Special Services, whose role includes all of the responsibilities listed under Coordinator of Special Education in the charter.

OCSA's Dean of Special Services will ensure sufficient special education staff to meet the needs of students with IEPs. The Dean of Special Services used the District's policies regarding

special education because the District was providing special education services to OCSA before OCSA decided to apply to a different SELPA.

The District alleges OCSA “has not shown ability to ensure academic performance of students with disabilities who are admitted.” The District’s evidence for this finding is a table demonstrating a decrease in academic achievement rates for students in special education over the past few years.

This finding uses incomplete or misrepresented data.

OCSA has demonstrated the ability to ensure academic performance of students with disabilities because students with disabilities have a 100% graduation rate from OCSA.

Moreover, OCSA has the highest ELA and Math achievement rates for students in special education out of all Unified and Union High School Districts in Orange County based on the data compiled by the California Department of Education, Special Education Division in the 2017-2018 Local Level Annual Performance Report and prepared in December 2018:

OCSA

ELA Achievement Rate	68.00%
Math Achievement Rate	54.17%

Santa Ana Unified

ELA Achievement Rate	9.97%
Math Achievement Rate	8.39%

Anaheim Union High School District

ELA Achievement Rate	8.29%
Math Achievement Rate	4.61%

Brea Olinda Unified

ELA Achievement Rate	22.13%
Math Achievement Rate	20.73%

Capistrano Unified

ELA Achievement Rate	31.15%
Math Achievement Rate	24.90%

Fullerton Joint Union High School District

ELA Achievement Rate	15.51%
Math Achievement Rate	6.45%

Garden Grove Unified

ELA Achievement Rate	16.05%
Math Achievement Rate	13.39%



Huntington Beach Union High School District

ELA Achievement Rate	20.96%
Math Achievement Rate	9.40%

Irvine Unified

ELA Achievement Rate	40.01%
Math Achievement Rate	36.44%

Laguna Beach Unified

ELA Achievement Rate	48.78%
Math Achievement Rate	44.39%

Los Alamitos Unified

ELA Achievement Rate	47.23%
Math Achievement Rate	44.77%

Newport-Mesa Unified

ELA Achievement Rate	19.19%
Math Achievement Rate	15.73%

Orange Unified

ELA Achievement Rate	19.45%
Math Achievement Rate	13.39%

Placentia-Yorba Linda Unified

ELA Achievement Rate	23.85%
Math Achievement Rate	20.88%

Saddleback Valley Unified

ELA Achievement Rate	21.21%
Math Achievement Rate	16.35%

Tustin Unified

ELA Achievement Rate	17.77%
Math Achievement Rate	14.94%

The District alleges that the petition “fails to state how [providing supports to maintain and increase academic achievement] will be accomplished or explain the decrease in the number of IEP/504 students who meet or exceed standards on the CAASPP.”

Over the past five years, as OCSA’s numbers have increased for identified special education students, OCSA has experienced some regression towards the mean, but has continued to yield academic achievement results that far surpass most schools in Orange County. Even with the regression, OCSA’s Special Services Department is designed to support a fully inclusive general education program that provides support to students with disabilities and helps ensure academic performance of students. Had the District requested a more thorough description of the supports, OCSA would have gladly provided it.



Responsibilities of the special education teachers include providing support within the general education curriculum and instruction, monitoring student progress, implementing and revising IEPs, coordinating services, and consulting with parents and staff. As described in the petition at pages 74-75, support services may include assistive technology, instructional aids/supports, specialized academic instructional support and other related services (speech, occupational therapy, adapted P.E., nursing, and transportation) as deemed appropriate by the IEP team.

The District makes an inaccurate finding that because the petition states students with exceptional needs “will demonstrate grade level proficiency in core academic areas,” of a school action in Priority 8 “Student Performance,” OCSA must address why test scores for IEP/504 students have decreased. Education Code § 47605(b)(5)(A) only requires a reasonably comprehensive description of how the charter school will meet the needs of special education students. As described in the petition, OCSA will provide such supports to maintain and increase academic performance.

OCSA’s student services department has added the following, “closing the gap” goals for students with disabilities:

- 2019-20 Closing the Gap Goal: By the end of each semester, the percentage of high school students with an IEP/504 plan passing all of their classes with a “C” or higher will maintain or improve each semester.
- 2019-20 Closing the Gap Goal: By the end of the 2019-20 school year, the percentage of seniors with an IEP plan graduating with UC/CSU college-readiness will increase to 60% or higher and the percentage of seniors with 504 plans graduating with UC/CSU readiness will increase to 82% or higher.

In reviewing the petition and OCSA’s support for special education students as a whole demonstrates OCSA’s ability to successfully meet the needs of special education students.

4. The Renewal Petition Demonstrates OCSA’s Ability to Meet the Eight State Priorities for Students Served

The District alleges, without any support, that “OCSA has not demonstrated that it will not be able to meet the eight state priorities for the students it serves” despite reviewing OCSA’s LCAP for the 2019-2020 school year prior to OCSA’s submission of the renewal petition in October 2019. SAUSD never raised any concerns with OCSA’s 2019-2020 LCAP.

The findings make conclusory and speculative statements about OCSA’s program without support.

Pages 81 through 85 describe information regarding the actions OCSA is taking to achieve its performance goals and the eight state priorities, and OCSA has included Appendix I, OCSA’s Board-adopted LCAP for the 2019-2020 school year, and Appendix II, OCSA’s sample LCAP for the 2020-2021 school year, with the petition, which addresses the eight state priorities listed for local educational agencies to address.

The District highlights the 1.1% of the budget is tied to actions/services in the LCAP and that the expenditures for \$29,554.00 was described in an “inappropriately superficial manner.” This is the first time that the District raised any issues with OCSA’s LCAP, since it was reviewed by the District in June 2019. Furthermore, there is no requirement that the LCAP must include an entire budget with line items listed.

The District claims, “there is no breakdown by unduplicated subgroup or students with disabilities.”

OCSA is not required to provide a monetary breakdown indicating OCSA is expending specific amounts to address the needs of specific student populations. The California Department of Education’s webpage, “Local Control Funding Formula” provides:

“Is there a requirement to include any specific amount of the funds apportioned to an LEA on the basis of its number and concentration of unduplicated pupils as Budget Expenditures in the Actions/Services section of the LEA’s LCAP? (Posted January 8, 2018)

No. Regulation states that funds apportioned on the basis of the number and concentration of unduplicated pupils shall be used to increase services (grow services in quantity) or improve services (grow services in quality) for unduplicated pupils compared to services provided to all students in the in proportion to the increase in funds apportioned on that basis. (5 CCR sections 15495(k) and (l); 15496(a).) As such, there is not a spending requirement. Although an LEA may choose to track LCFF funds as ‘Base,’ ‘Supplemental’ or ‘Concentration’ grant funds at the local level, they are not required to do so. An LEA may choose to simply identify a fund source for Budgeted Expenditures to implement an action/service as LCFF funded. However, the LEA’s LCAP must demonstrate how it will meet the requirements to proportionally increase or improve service for its unduplicated pupils. This demonstration must include the required justifications for actions/services provided on a districtwide, schoolwide, countywide or charter wide (‘wide’) basis. (5 CCR 15496(b).)”



The 2019-2020 LCAP demonstrates OCSA has met the requirements to proportionally increase or improve service for certain subgroups.

C. The Renewal Petition Contains Reasonably Comprehensive Descriptions of All Charter Elements

Education Code § 47605(b)(5) does not require a petition to contain a “entirely” comprehensive description of each element, which the District infers by using language such as “does not detail,” “does not sufficiently describe,” “does not contain a sufficient description” in these findings for the charter elements. In order to be eligible for renewal, the petition must only contain *reasonably comprehensive* descriptions of all elements.

OCSA NOW RESPONDS TO THE SAUSD STAFF REPORT FINDINGS FOR THE SEVEN ELEMENTS:

1. *The Renewal Petition Contains a Reasonably Comprehensive Description of the Educational Program of OCSA*

The District alleges the renewal petition “does not contain a reasonably comprehensive description of the Charter School’s educational program.”

OCSA asserts the renewal petition complied with Education Code § 47605(b)(5)(A) requirements. (*See pp. 17-79.*)

OCSA addresses the findings from the SAUSD’s Staff Report under educational program below:

a. Plan for Students with Special Needs

The petition does indeed contain a reasonably comprehensive description of how OCSA will support and serve students with special needs. All of the arguments discussed in Section III.B.3 as to a separate finding covering these areas are incorporated herein by reference.

b. Plan for English Learners

The District finds, without support, OCSA’s use of “full access” throughout its English Learner plan is not the same thing as “successful access.” Full access does not imply English Learners are not provided with successful instruction.

The findings make conclusory and speculative statements about OCSA’s program without support.



The District alleges that OCSA’s English Learner plan employs “general references to ‘instructional techniques’ without specifics on what instructional techniques are employed” but the petition is not required to contain such “specifics;” the educational program element of the petition only needs to be “reasonably comprehensive.” The description of the English Learner plan within the educational program satisfies legal standards. We observe that the 2020 renewal petition contains a greatly expanded definition of services for EL students over the SAUSD approved 2015 renewal petition.

All OCSA academic teachers are fully credentialed and have received training to appropriately differentiate their instruction in order to meet the needs of all of their students. The petition demonstrates OCSA is providing instructional techniques aligned with the California ELA/ELD Framework at page 69: “OCSA teachers will use California ELD standards and framework for instruction. It is a priority for all teachers of ELs to be knowledgeable in differentiation and Universal Design for Learning practices that support all student in reaching English proficiency and primary language proficiency.” Teachers incorporate English Learner strategies daily.

If English Learner students require additional supports, OCSA will provide the additional support in one or more of the following areas: assigned study skills class, taught by a credentialed English teacher, given access to Rosetta Stone for English language development, given access to textbooks in their native language when available, assigned a peer tutor, given individual interventions and accommodations based on the teacher’s Classroom Accommodations for English Learner checklist.

The District finds “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” without support.

OCSA provides clarification for the District: English Learners are placed in core classes with additional supports, such as, access to textbooks in their primary language when available, assigned a peer tutor, given individual interventions and accommodations based on the teacher’s Classroom Accommodations for English Learner checklist. English Learners experience full inclusion and are provided opportunities to work in small groups as well as individual one-to-one instruction as part of OCSA’s holistic approach of meeting the needs of all students.

The District’s allegation that, “There are not any references to schoolwide professional development on the specific techniques” is without merit. New OCSA academic teachers participate in the Beginning Teacher Support and Assessment Grant Program which provides professional development through Orange County Department of Education. These opportunities include supporting English Learner students and differentiating instruction. Teachers also meet weekly in professional learning communities where they collaborate and discuss useful teaching strategies for all students, including English Learners.



c. Plan for Students Achieving Below Grade Level

The District alleges that OCSA “does not describe a well-developed system including Tier 2 and 3 interventions.”

The findings make conclusory and speculative statements about OCSA’s program without support.

This allegation attempts to expand what is required by law. A renewal petition only requires a reasonably comprehensive description of OCSA’s educational program, including a plan for students achieving below grade level, which the renewal petition contains. Further, had SAUSD merely inquired, OCSA would have replied that OCSA has a successful Response to Intervention program and uses a three-tiered pyramid of intervention to support all students. Tier One is what is already happening in the classroom (regular classroom interventions and differentiation for both struggling and advanced learners). Tier Two is reached when it is determined that more specific interventions need to be implemented based on the individual needs of a student. An “SST” (Student Success Team) meeting is scheduled with teachers, administration, and parents to discuss interventions that have been implemented and a plan is written to provide more specific interventions to support the student. Tier Three is reached when a student is still not succeeding regardless of the specific interventions implemented in class, at school, and/or at home. Another meeting is scheduled to analyze data and revisit personalized interventions. Students may be referred at this level for testing and possible placement in Special Education. An excerpt of the Employee Handbook, attached as **Exhibit 9**, outlines the three described Tier levels. The excerpt demonstrates OCSA uses interventions for academics, attendance, behavior, social, emotional, and motivational concerns. The District’s claim that “OCSA does not appear to use the RtI system for behavior or social/emotional challenges, only academics” is false.

The District alleges that OCSA does not “detail” strategies and techniques to meet the needs of English Learners or how they would work. A petition only requires a “reasonably comprehensive” description, not “detail.” Had the District requested more information, OCSA would have promptly provided “detailed” strategies and techniques in use.

Specific behavior interventions are discussed in OCSA’s attendance and behavior policies included with the petition. These policies show a progression of consequences and opportunities for students to remediate behaviors before reaching the threshold for recommending suspension or dismissal.

d. Description of Curriculum

Concerning the past three renewal petitions submitted to the District, the District has never requested that OCSA provide “details” or “specifics” for the academic curriculum.

OCSA’s academic curriculum is sound. Evidence of this: OCSA has a 100% graduation rate and 98% if students are accepted into institutions of higher education. OCSA’s academic courses are accredited by the Western Association of Schools and Colleges. (Petition, p. 20.)

The District alleges at page 31 that the petition does not “mention a curriculum program that [OCSA] will be using for their ELA classes.” This finding is inaccurate and is not a lawful basis for denial. The petition describes the academic program is aligned to the California Content Standards implemented by Common Core instruction.

The findings make conclusory and speculative statements about OCSA’s program without support.

The District incorrectly claims at page 32 that “the Petition makes no mention of OCSA’s implementation of the Next Generation Science Standards,” whereas the petition states at page 64, “All science classes have been redesigned to implement the Next Generation Science Standards (NGSS). Science teachers have engaged in professional development both internally and externally to assess where changes are required, and existing curriculum can continue.”

The District misunderstands the content of the petition when it claimed in the findings at page 32 that “there are no details.” Again, the standard for a description of the educational program is not “details,” it is whether the petition’s educational program description is reasonably comprehensive.

The petition states at page 20 that the California State Board of Education and State Superintendent of Instruction adopted standards for subject areas including social studies, and that OCSA’s academic program consists of a curriculum aligned to those state standards. By implication, social studies is part of OCSA’s curriculum and follows the California Social Science Framework. The petition also states OCSA maintains and will provide the District annually if requested a description of each course offered. To date, the District has never requested a description of its Social Science courses.

2. The Renewal Petition Contains a Reasonably Comprehensive Description of the Measurable Pupil Outcomes and the Method of Measuring Pupil Outcomes

Had the District thoroughly reviewed both the Measurable Pupil Outcomes and Method of Measuring Pupil Progress elements, it would have found both are reasonably comprehensive.

The District alleges 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 findings make conclusory and speculative statements about OCSA’s program without support.

The petition does contain a reasonably comprehensive description of measurable pupil outcomes outlined in Appendix I, OCSA’s Board-adopted LCAP for the 2019-2020 school year, and Appendix II, OCSA’s sample LCAP for the 2020-2021 school year.

Assessment tools are sufficiently identified in the petition - State assessments, formative and summative assessments, student observation, student performance data, and student work products such as projects. Frequency of measurement is also described. For example, the petition states at page 86, “Summative assessments typically occur at the conclusion of grading periods, and formative assessments are teacher driven and coincide with the pace of the curriculum and instructional needs of the course.”

The District alleges, “The Petition lacks detail regarding the assessment tools and lacks evidence regarding the use of these to inform instruction.”

This is false. The petition states at page 87 that Professional Learning Communities (PLCs) meet *on a weekly basis* and examine assessment results, and use the assessment results to adjust curricular and instructional outcomes.

The District claims, “there is insufficient detail regarding who and how data will be used to continuously monitor the educational program.”

This finding is unsound. The petition explains the PLCs will be evaluating the educational program at pages 86-87 and that the PLCs meet on a weekly basis to examine results from common assessments in each curricular area. PLCs use the data to drive discussions regarding student outcomes and adjust curricular and instructional outcomes accordingly – which implies monitoring the educational program. Submitting the LCAP to the District annually indicates OCSA must continuously monitor its educational program to prepare the LCAP.

The District alleges that, “there is no evidence . . . of an articulated/comprehensive assessment plan regarding the use of ongoing formative and common assessments/benchmarks,” ignoring the following language in the petition, “Daily instruction will provide consistent feedback through teacher observations, project achievements, criterion referenced tests, open-ended tasks, and performance samples. OCSA will measure progress on an ongoing basis so parents and educators know how well students are performing.” Regular monitoring via assessments and other tools allows for improvement of student academic achievement.

3. The Renewal Petition Contains a Reasonably Comprehensive Description of Governance Structure of OCSA



The SBE considers the following factors pursuant to 5 CCR § 11967.5.1(f)(4) to determine whether the governance structure description is reasonably comprehensive:

“The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement in supporting the school's effort on behalf of the school's pupils, as required by Education Code section 47605(b)(5)(D), at a minimum:

(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.

(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:

1. The charter school will become and remain a viable enterprise.
2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).
3. The educational program will be successful.”

The petition has met all the criteria listed above.

The District alleges, without support, that the renewal petition does not contain a reasonably comprehensive description of the governance structure of OCSA because it does not describe the relationship between the OCSA Board of Trustees and the Orange County School of the Arts Foundation.

The findings make conclusory and speculative statements about OCSA’s program without support.

It appears the District failed to review the description of the Orange County School of the Arts Foundation in the renewal petition. Page 91 of the renewal petition depicts a graphic showing the relationship between the Foundation and OCSA, and page 95 describes the Foundation in great detail. Based on the graphic, it is clear OCSA’s Board of Trustees is *not* governed by the Foundation.

The Bylaws for the OCSA Board of Trustees confirm the Foundation is a sole statutory member. The Foundation’s principal tasks include appointment and where necessary, removal of members of the Board of Trustees, providing financial support to the school, marketing resources, and implementing community outreach programs. OCSA has no problem with providing



assurances to OCBE that OCSA’s Board of Trustees is independent from the Foundation and that its governance structure is transparent. For example, OCSA’s Board of Trustees governs the school by focusing on learning and achievement, setting policies, and overseeing the personnel, students, curriculum, public finances, and operations of the charter school. The Foundation cannot operate the charter school, rather, the Foundation provides support to the charter school.

As for the District’s finding regarding Article IV, Sections 22 and 25 of the Bylaws and whether those sections comply with Government Code § 1090, the Bylaws appropriately limit self-dealing transactions at Section 24 (pages 260-263 of the Petition), and at Exhibit C, where the Draft Conflict of Interest Policy which specifically recognizes limitations of the California Political Reform Act and Government Code § 1090. Additionally, the renewal petition affirms OCSA’s understanding of Government Code § 1090 at pages 88-89:

“All business of OCSA and its Board of Trustees shall comply with laws controlling charter schools . . . Government Code Section 1090 et seq. . . .

The Board will adopt and maintain a Conflict of Interest Code and Policy that complies with the Political Reform Act and Government Code section 1090.”

The renewal petition therefore contains a reasonably comprehensive description of its governance structure. The OCSA governance structure has remained unchanged since the school opened twenty years ago, and the District has never raised any concerns regarding the transparency of its operations.

4. *The Renewal Petition Contains a Reasonably Comprehensive Description of the Means by which OCSA Strives to Achieve a Racial and Ethnic Balance Among its Pupils that is Reflective of the General Population Residing within the Territorial Jurisdiction of SAUSD*

The District alleges the renewal petition does not contain a reasonably comprehensive description of the means by which OCSA will achieve a racial and ethnic balance among its students reflective of the District.

The renewal petition *does* contain a reasonably comprehensive description of this element.

5 CCR § 11967.5.1(f) provides a factor in consideration of whether the reasonably comprehensive description of the racial and ethnic balance element has been met:

“(7) Recognizing the limitations on admissions to charter schools imposed by Education Code section 47605(d), the means by which the 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, as required by Education Code section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.”

The petition demonstrates that OCSA will strive to achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the District because OCSA developed four additional outreach strategies, totaling to seven outreach strategies used to recruit its student population, increased the amount of places in Santa Ana that information will be distributed about the OCSA program, and will hold multiple open house workshop sessions at OCSA to review the application process with prospective students and families. OCSA’s revised admissions preferences three through five also will likely adjust demographic enrollment for the next five-year term. These measures are discussed thoroughly in the above response under section III.B.2.

The District fails to apply the current Education Code § 47605 effective until January 1, 2020, and instead applies the revised Education Code § 47605 effective January 1, 2020.

The findings judge past events and practices by referring to statutory not yet operative.

OCSA submitted its renewal petition prior to the revised Education Code § 47605 becoming effective.

The District should have reviewed the renewal petition using the current Education Code § 47605.

Current Education Code § 47605(b)(5)(G) requires a charter petition to contain 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.”

Revised Education Code § 47605(c)(5)(G) requires a charter petition to contain reasonably comprehensive description of:

“The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.”

The renewal petition does contain a reasonably comprehensive description of this required element pursuant to Education Code § 47605(b)(5)(G).

The 2020 charter renewal describes how OCSA has increased the amount of places it distributes information about its program in Santa Ana, and how OCSA will hold in-house workshop sessions to review the application process with students and informational meetings.

5. *The Renewal Petition Contains a Reasonably Comprehensive Description of the Admissions Policies and Procedures*

The SBE considers the following factors pursuant to 5 CCR § 11967.5.1(f)(8) to determine whether the admissions policies and procedures description is reasonably comprehensive:

“To the extent admission requirements are included in keeping with Education Code section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of Education Code section 47605(d) and any other applicable provision of law.”

Based on recent revisions to Education Code § 47605, OCSA affirms the petition’s description of its admissions policies and procedures are reasonably comprehensive. As discussed throughout this response, the admissions policies and procedures are consistent with Education Code § 47605(d).

6. *The Renewal Petition Contains a Reasonably Comprehensive Description of the Suspension and Expulsion Procedures*

The District alleges at pages 35-36 of the findings that the renewal petition does not contain a reasonably comprehensive description of suspension and expulsion procedures.

This is false. OCSA’s suspension and expulsion procedures can be found at pages 122-139 and are reasonably comprehensive.

The District alleges that the petition fails to state OCSA will cooperate with the District if OCSA is not considered an LEA.

This finding is blatantly false. The petition states at page 139, “If OCSA meets the specified federal definition of “local educational agency” specified in Section 300.28 of Title 34 of the Code of Federal Regulations, OCSA will comply with the collection and reporting procedures specified in Education Code sections 49006, 49006.2, 49006.4.” The petition affirms OCSA’s understanding of Education Code § 49005 et seq. Exhibit F describes the Behavior Management Policy for students. OCSA is in the process of updating its Behavior Management Policy to comply with the recent amendments to Education Code § 49005.



The District claims at page 36 that wearing an “elevator pass” is a “violation of confidentiality under FERPA and IDEA.”

The findings make conclusory and speculative statements about OCSA’s program without support.

This finding has no foundation or evidence to support it. Any student may receive an elevator pass for a variety of reasons. OCSA does not discriminate against students with disabilities and OCSA complies with FERPA and IDEIA regulations.

The District alleges that OCSA’s attendance policy allows for medical-related absences at the discretion of OCSA’s administration.

This finding is untrue and entirely misrepresented. An administrator cannot overrule an IEP team decision on medical-related absence decisions.

The District asserts findings about OCSA’s list of offenses. Had the District thoroughly reviewed the language, it would see OCSA’s list of offenses is consistent with law. For example, Education Code § 48900.2 states, “In addition to the reasons specified in Section 48900, *a pupil may be suspended from school*” providing discretion to school administrators for the suspension. The language from OCSA’s list of offenses is directly from Education Code. OCSA complies with all due process procedures regarding suspension and expulsions.



CONCLUSION

The SAUSD Staff Report findings contain many purposeful misrepresentations and mischaracterizations of OCSA's practices that SAUSD has reason to know are false. In several instances, the findings were unspecific to the renewal petition and conclusory and speculative.

The District's findings consistently contain the following patterns of utilizing misinformation and mischaracterizations to draw conclusions:

- **The findings utilize outdated documents and previously removed website language.**
- **The findings judge past events and practices by referring to statutory language not yet operative.**
- **The findings use outside, unverified sources as evidence.**
- **The findings use incomplete or misrepresented data.**
- **The findings make conclusory and speculative statements about OCSA's program without support.**

The renewal petition complies with the renewal criteria under Education Code §§ 47607 and 47605.

OCSA respectfully requests the Orange County Department of Education staff recommend that the Orange County Board of Education adopt a resolution approving the renewal petition. Should the Orange County Board of Education have any questions regarding the renewal petition, OCSA is most willing to address any questions and provide additional clarification.

Respectfully,

Dr. Ralph Opacic
OCSA Executive Director

Mr. Steve Wagner
OCSA Chief Operations Officer
and Vice President of Business



November 14, 2019

Santa Ana Unified School District Board of Education
1601 East Chestnut Avenue
Santa Ana, CA 92701-6322

Dear Ms. Amezcua and members of the Santa Ana Unified School District Board of Education:

In 2000, Orange County School of the Arts (OCSA) was honored to be invited by Santa Ana city officials to move from the campus of Los Alamitos High School and open its own comprehensive charter school, under the sponsorship of Santa Ana Unified School District (SAUSD). For twenty years, OCSA has been providing students with an exceptional arts and academic program in its longtime Santa Ana home. OCSA is considered one of the nation's premier arts schools — a place for students in grades 7-12 to flourish as artists and scholars in a uniquely challenging and nurturing environment. We have been proud to be part of the Santa Ana Unified School District for the past two decades and look forward to continuing our relationship with the District.

As we have stated in our 2020-25 charter renewal petition, OCSA has been honored locally, regionally, and nationally for innovation and excellence in both arts and academic education, preparing students to reach their highest potential and thrive in the 21st century. OCSA is ranked the **#1 Best Charter High School in California** by Niche, is an Arts Schools Network Exemplary School and Exceptional Charter School in Special Education, and has been recognized by U.S. News and World Report, California Department of Education, GRAMMY Foundation, and Newsweek. In addition, just last week, State Senator Tom Umberg presented a declaration to recognize OCSA's incredible 20-year impact on the Santa Ana community.

OCSA has a **100% graduation rate**, and **98% of students are accepted into institutions of higher education**, including some of the nation's top universities. The class of 2019 was offered more than **\$15 million in college scholarships**. OCSA uses California Assessment of Student Performance and Progress (CAASPP) data for Smarter Balanced Assessments (SBAC). **OCSA's performance on CAASPP not only exceeds that of comparable schools, but it also shows a general increase in pupil academic performance from year to year on our own campus**, a statistic that demonstrates a continued focus on assessing and improving our instructional methods. In addition to its successful academic program, **the school's world-class arts programs provide an opportunity for students to participate in enriching classroom instruction, life-changing master classes and field trips, and unique performance opportunities** on campus and in other prestigious arts venues.

Since establishing its home in Santa Ana as one of the county's first charter schools, **OCSA has invested more than \$70 million** in purchasing and renovating nine buildings along Main Street to **create 350,000 square feet of instructional space**, including the largest instructional dance facility in the nation. OCSA's campus and its students and families have been instrumental in helping to revitalize the midtown area into a creative and vibrant community. Annually, OCSA supports local businesses by spending approximately **\$500,000 on Santa Ana contractors and vendors** for a wide variety of goods and services. Our **families have stimulated significant economic activity through their support of local businesses, restaurants, and retailers**. In addition, real estate professionals comment that **local housing prices remain strong as families look to relocate close to the school**. In the last 20 years, OCSA has grown from serving 800 students to serving more than 2,200 students from over 100 cities throughout Southern California, and has **created 550 new jobs for the local economy**. Approximately 50 of these positions are held by Santa Ana residents, who work daily as teachers, administrators, and support employees on campus.

Beyond its full-time program, OCSA provides many additional benefits to local students, their families, and the Santa Ana community. These include extracurricular arts classes for children, free community performances, student-led service projects, low-cost facility rentals, and much more.

- Camp OCSA is a series of after-school **arts workshops available free of charge** to Santa Ana elementary school students, and over the past 20 years this program has **served 5,000 children**.
- The Dragon Kim Foundation Music Program provides **free, after-school vocal and instrumental music instruction to nearly 200 economically disadvantaged youth** from Santa Ana each year.
- The Gluck Community Service Arts Fellowship Program provides **free artistic performances and activities to underserved children and adults** in non-traditional community venues, and over the past 20 years this program has **served 500,000 community members**.
- CSArts Academy provides **arts and academic enrichment classes for children from the community** in the fall, spring, and summer. Over the past 20 years, the CSArts Academy has served nearly 12,000 children and has provided over **\$50,000 in annual financial assistance**.
- For almost 20 years, OCSA has provided free and **low-cost facility rental to the award-winning Relámpago del Cielo Grupo Folklórico, allowing 200 Santa Ana dancers** a quality place to rehearse and perform each Saturday.

These community programs provide children, adults, and seniors access to the arts with enriching experiences that help to remove boundaries, broaden horizons, and instill a lifelong passion for the arts.

This year alone, **OCSA serves the children of more than 200 Santa Ana families, of whom over 90% have economic challenges**. Attending OCSA provides a pathway to college and a professional career for students who may not have had the opportunity otherwise due to limited resources. In its 33-year history, OCSA has touched the lives of **tens of thousands of students from five counties across Southern California** with its pioneering tuition-free education programs and unparalleled learning environment.

Since 2000, the support and collaboration from SAUSD has been instrumental in OCSA's success. While the ongoing litigation between SAUSD and OCSA has made this past year challenging, OCSA remains committed to continuing a positive collaboration. It is clearly demonstrated in OCSA's petition and in its successful history as a Santa Ana institution that the school has fulfilled the criteria for charter renewal. We trust that the SAUSD Board of Education will come to this conclusion upon the completion of their review, renewing OCSA's charter petition, as it has done for the past 20 years.

Respectfully submitted,

Orange County School of Arts Board of Trustees

Paul Satkin, Chair



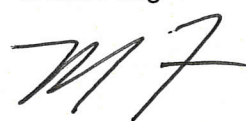
Jessica Herthel



Vince Foley



Maria Fong



Gary Humphreys






Orange County School of the Arts



CELEBRATING

20

YEARS
OF SERVICE

TO SANTA ANA AND THE SURROUNDING COMMUNITY

OVERVIEW

Since opening its doors in Santa Ana in September of 2000, Orange County School of the Arts (OCSA) has been a major asset to the City of Santa Ana and the surrounding community. Led by visionary educator Ralph S. Opacic, Ed.D., the public charter school not only provides dynamic and innovative instructional programs to hundreds of Santa Ana students, but also continues to prioritize community outreach and service to the city and its residents. OCSA has served as a key catalyst for transforming the midtown area into a creative and vibrant city center by directly investing more than \$70 million in economic development, creating more than 550 new jobs, and stimulating significant economic activity through the support of local businesses and retailers.

Twenty years ago, OCSA was honored to have been invited by the City of Santa Ana to relocate from Los Alamitos and grow its campus and programs in the heart of this wonderful community. Today, OCSA is proud to continue expanding its impact while giving back to the city it calls home.



Preparing students for the future

Nationally recognized for its award-winning programs, OCSA provides an unparalleled arts and academic education to approximately 2,200 students each year, preparing them for success in higher education and careers of their choosing.

This full-time learning environment is provided to 7th-12th grade children of more than 200 Santa Ana families, of whom over 90% have economic challenges. Attending OCSA provides a pathway to college and a professional career for students who may not have had the opportunity otherwise due to limited resources. With access to college-preparatory classes and a nationally recognized counseling program, these students join the 99% of OCSA graduates matriculating to colleges and universities. Additionally, nearly \$20 million in college scholarships are offered to OCSA students each year.

Santa Ana students receive a large portion of the \$500,000 in annual financial scholarships that OCSA provides through its Artist Scholar Sponsorship Program to assist with arts training. Many of these students are also provided free or reduced lunches. OCSA allows these passionate Santa Ana students a unique opportunity to further their interest and study of the arts. To serve one of the specific interests of this community, OCSA created the Ballet Folklórico Dance Conservatory in 2002, which offers the opportunity for students to receive intensive and specialized training in the art of Mexican folk dance and international dance styles.



ACADEMICS
+ Arts

Beyond its full-time program, OCSA provides many additional benefits to local students, their families, and the Santa Ana community. These include extracurricular arts classes for children, free community performances, student-led service projects, low-cost facility rentals, and much more.



Camp OCSA

Each year, OCSA offers 10 weeks of free after-school arts training for hundreds of underserved Santa Ana students in grades 4-6. Classes are taught by faculty program directors and approximately 140 OCSA student volunteer counselors in grades 10-12, under the supervision of OCSA's Director of Arts Enrichment. The camp program, which consists of beginning classes in acting, ballet, ballet folklórico, ballroom dance, creative writing, drawing, jazz dance, musical theatre, instrumental music, painting, and singing, enhances interest in the arts and creativity while helping to develop self-esteem, self-discipline, and self-awareness.

Dragon Kim Foundation Music Program

This program provides free vocal and instrumental music instruction and performance opportunities to economically disadvantaged children in grades 4-6 from Santa Ana. Over the course of several weeks each semester, dozens of elementary school students come to OCSA to learn the foundations of classical music from professional musicians, teachers, and OCSA student mentors.

CSArts Academy

Exploratory arts experiences in a wide variety of disciplines are offered to children ages 8-15 from throughout the community. Multi-week classes are taught on Saturdays in the fall and spring and every week day over the course of five weeks in the summer. OCSA annually provides more than \$50,000 of financial assistance to low-income students to participate in the CSArts Academy program.



COMMUNITY PROGRAMS

Creative Writing Community Arts Outreach Program

The Creative Writing Conservatory's community arts outreach program was recognized by Santa Ana for its positive contribution to the city in 2012. For two 10-week sessions each year, the students in the conservatory teach 50 Santa Ana elementary school students creative writing skills, including poetry, storytelling, playwriting, and screenwriting. Several of the local elementary school students have gone on to attend OCSA and have even taught in the program.

Gluck Community Service Arts Fellowship

Since 2001, this program has provided funding to produce approximately 120 different free student performances and arts activities each year for local community and non-profit organizations that serve the underserved and economically challenged. The program reaches approximately 50,000 community members annually, including those at youth centers, schools, retirement and nursing facilities, parks, health centers, and others.

OCSA has partnered with the following organizations to bring free arts programs to the community:

[Acacia Adult Day Services](#)

[Alzheimer's Association](#)

[American Heart Association](#)

[Bowers Museum](#)

[Boys and Girls Club of Central Orange Coast](#)

[Children's Hospital of Orange County \(CHOC\)](#)

[City of Santa Ana](#)

[Court Appointed Special Advocates \(CASA\)](#)

[Día del Niño/Day of the Child](#)

[El Sol Academy](#)

[Festival of Children Foundation](#)

[Grateful Table](#)

[Hollybrook Senior Living](#)

[Noche de Altares, Santa Ana's Día de los Muertos Celebration](#)

[Orange County Child Abuse Prevention Center](#)

[Orange County Educational Arts Academy \(OCEAA\)](#)

[Orange County Children's Therapeutic Arts Center \(OCCTAC\)](#)

[Orange Home Grown Foundation](#)

[Ronald McDonald House](#)

[Saint Francis Home Assisted Living](#)

[Saint Joseph Catholic Church](#)

[Santa Ana Public Library](#)

[Santa Ana Police Athletic and Activity League \(SAPAAL\)](#)

[Segerstrom Center for the Arts' Community Events](#)

[UCI Family Health Center – Santa Ana](#)

[United Nations of Orange County](#)

[WISEPlace](#)





Relámpago del Cielo Grupo Folklórico Partnership

For almost 20 years, OCSA has provided free and low-cost facility rental to the award-winning Relámpago del Cielo Grupo Folklórico, allowing 200 Santa Ana dancers a quality place to rehearse and perform each Saturday. Out of this partnership came the founding of OCSA's Ballet Folklórico Dance Conservatory, which provides the opportunity for children in grades 7-12 to connect to their heritage and receive specialized training in the art of Mexican folk dance. Both groups regularly perform in downtown Santa Ana for the local community. Through this partnership, OCSA also hosts a free bilingual 12-week leadership class on its campus, as well as free Mexican folk art workshops for the senior community, funded by the City of Santa Ana Arts and Culture Commission.

Complimentary Tickets to Student Performances

OCSA offers complimentary tickets to the Santa Ana Police Athletic and Activity League, Orange County Children's Therapeutic Arts Center, and several elementary schools, so that local children can attend and enjoy various OCSA student performances throughout the school year, including the annual Season Finale at Segerstrom Center for the Arts.

Student Community Service and Volunteer Work in the Local Santa Ana Community

OCSA students perform a significant amount of volunteer work and community service for a variety of local non-profit organizations in Santa Ana and beyond, including the Second Harvest Food Bank, Children's Hospital of Orange County, WISEPlace, and STEAMPORT. Students also volunteer with the Notre Dame Breakfast Club and Hashtag Lunchbag to provide hot breakfasts and packaged meals to the homeless in Santa Ana. Nearly 85 active OCSA student-run clubs identify as community service oriented, and many students have made an impact through individual and small-group projects.



FINANCIAL IMPACT

With its annual operating budget of \$30 million, nearly \$10 million of which is raised from parents and donors, OCSA also infuses a significant amount of dollars into the local Santa Ana economy.

Utilizes Numerous Local Santa Ana Contractors and Vendors

OCSA spends almost \$500,000 annually with various Santa Ana contractors and vendors for a wide variety of goods and services ranging from food catering and janitorial service to school supplies and construction work. The school frequently hires local food establishments like Crave, Corner Bakery, Country Garden Caterers, Pop's Cafe, Subway, 4th Street Market, and Starbucks to cater numerous special events and meetings on campus.

Provides a Unique Combination of Civic Investment and Community Engagement

OCSA employees, students, and parents frequently shop at a variety of Santa Ana businesses, including flower shops, convenience stores, gas stations, and MainPlace Mall. In addition to lunchtime and after-school visits to local restaurants, the school's 200+ evening and weekend events generate significant economic activity from attendees who visit downtown restaurants before and after shows.

Connects Culinary Arts & Hospitality Interns to Numerous Santa Ana Restaurants

The Mekjian Family Culinary Arts & Hospitality Conservatory provides numerous student interns to virtually every major restaurant in Santa Ana, including Eat Chow, MAR, Dos Chinos, Rooster Republic, and even the Discovery Cube. A number of these students end up working part-time while in school, and many internships result in ongoing part-time or full-time positions after graduation.





Helps to Economically Revitalize Downtown Santa Ana

Since moving to Santa Ana in 2000, OCSA has invested more than \$70 million toward purchasing and renovating eight different deteriorated downtown business properties and constructing one new building from the ground up to service its 2,200 students. These actions have helped to significantly revitalize Main Street and position Santa Ana as one of the cultural epicenters in Orange County and Southern California.

Provides Local Jobs

Approximately 50 different Santa Ana residents work daily at OCSA as teachers, administrators, and support employees. Full-time staff receive competitive benefits, including medical, dental, vision, and participation in the California Public Employee's Retirement System (CalPERS).

Contributes to Public Transportation Revenues

More than 200 OCSA students commute daily from outlying areas to the Santa Ana Train Station through Metrolink and OCTA Bus Service. Numerous others are looking forward to utilizing the soon-to-be-completed Santa Ana Streetcar to access campus.



Over the past 20 years, Orange County School of the Arts has:

Invested
\$70 million
in local economic
development



Created **550**
new jobs



Presented
extracurricular arts
and academic
classes to
12,000
children through
CSArts Academy



Provided **3,200**
Santa Ana students with
full-time arts and
academic education



Served **5,000**
Santa Ana elementary
school children by providing
beginning arts education
through Camp OCSA



Given uplifting performances to **500,000** community members
through the Gluck Community Service Arts Fellowship



Each year, Orange County School of the Arts :

Gives **\$500,000**
in financial scholarships to
students in need through
the Artist Scholar
Sponsorship Program



Provides **\$50,000**
in annual financial assistance
for children to attend
CSArts Academy



Spends approximately
\$500,000 with
Santa Ana contractors
and vendors



Offers **120** free community
performances given by OCSA students



Supports **85**
student-run
community service
clubs

Welcomes **200** students
who commute through Metrolink at
the Santa Ana
Train Station



Employs **50** Santa Ana
residents who work as
teachers, administrators,
and support staff

RESOLUTION NO. 19/20- 1218
BOARD OF TRUSTEES
ORANGE COUNTY SCHOOL OF THE ARTS
SANTA ANA, CALIFORNIA

**Directing OCSA Petitioners to Decline to Prepare and Submit a “Material Revision”
to the Renewal Petition and to Appeal SAUSD’s Denial to
the Orange County Board of Education**

WHEREAS, the Orange County School of the Arts was invited by Santa Ana city officials in the year 2000 to move from the campus of Los Alamitos Unified School District and encouraged to open its own comprehensive charter school under the sponsorship of the Santa Ana Unified School District (“SAUSD”);

WHEREAS, OCSA has been honored locally, regionally, and nationally for innovation and excellence in both arts and academic education, preparing students to reach their highest potential and thrive in the 21st century;

WHEREAS, OCSA has a 100% graduation rate, and 98% of students are accepted into institutions of higher education, including some of the nation’s top universities;

WHEREAS, OCSA’s performance on CAASPP not only exceeds that of comparable schools, but it also shows a general increase in pupil academic performance from year to year;

WHEREAS, OCSA has invested more than \$70 million in purchasing and renovating nine buildings along Main Street to create 350,000 square feet of instructional space, including the largest high school instructional dance facility in the nation.

WHEREAS, OCSA's campus, its students and families have been instrumental in helping to revitalize the midtown area into a creative and vibrant community;

WHEREAS, OCSA has grown from serving 800 students to serving more than 2,200 students from over 100 cities throughout Southern California, and has created 550 new jobs for the local economy;

WHEREAS, beyond its full-time program, OCSA provides many additional benefits to local students, their families, and the Santa Ana community, including extracurricular arts classes for children, free community performances, student-led service projects, low-cost facility rentals, and much more:

- Camp OCSA is a series of after-school arts workshops available free of charge to Santa Ana elementary school students. Over the past 20 years, this program has served 5,000 children.
- The Dragon Kim Foundation Music Program provides free, after-school vocal and instrumental music instruction to nearly 200 economically disadvantaged youth from Santa Ana each year.
- The Gluck Community Service Arts Fellowship Program provides free artistic performances and activities to underserved children and adults in non-traditional community venues. Over the past 20 years, this program has served 500,000 community members.
- The CSArts Academy provides arts and academic enrichment classes for children from the community in the fall, spring, and summer. Over the past 20 years, the CSArts Academy has served nearly 12,000 children and has provided over \$50,000 in annual financial assistance.
- For almost 20 years, OCSA has provided free and low-cost facility rental to the award-winning Relámpago del Cielo Grupo Folklórico, allowing 200 Santa Ana dancers a quality place to rehearse and perform each Saturday.

EXHIBIT 3

WHEREAS, OCSA serves the children of more than 200 Santa Ana families, of whom over 90% have economic challenges;

WHEREAS, OCSA has touched the lives of tens of thousands of students from five counties across Southern California with its pioneering tuition-free education programs and unparalleled learning environment;

WHEREAS, since OCSA's initial charter petition effective in the year 2000, the Board of Education of SAUSD has unconditionally approved multiple OCSA charter renewal petitions;

WHEREAS, in October, 2019, OCSA submitted a renewal petition to SAUSD for the term of July 1, 2020 through June 30, 2025;

WHEREAS, OCSA's October 2019 charter renewal petition is extensively updated since the 2015 renewal in order to implement recent statutory changes including those which will become operative on July 1, 2020.

WHEREAS, on December 10, 2019, the District's Board of Education *conditionally approved* the renewal of the charter, directing OCSA to submit "material revisions" consistent with the December 10, 2019 Staff Report;

WHEREAS, on March 8, 2019, contrary to the language in the OCSA charter renewal petitions it previously approved, SAUSD demanded an unspecified amount of money for its special education costs, and on March 20, 2019, demanded that OCSA pay SAUSD \$19,493,329.00, none of which is owed;

WHEREAS, when OCSA notified SAUSD that none of this amount was owing due to charter renewal petition language that the SAUSD Board of Education had publicly taken action to approve,

SAUSD embarked on a nine-month campaign to undermine and retaliate against OCSA including but not limited to the following:

- Threatening to withhold OCSA's annual in-lieu property tax funds in the amount of \$500,000 per month;
- Attempting to cause OCSA's annual \$ 2,000,000 SB 740 funding to be withheld without a lawful basis to do so;
- Withholding a complaint about the admission process for 41 days, and failing to provide OCSA a timely opportunity to reply to the complaint;
- Announcing, through their attorney, that SAUSD would not communicate during the charter renewal process concerning questions and charter language as they had consistently done in previous renewals;
- Utilizing outdated documents and removed postings as grounds for recommending denial of renewal rather than using the language in the 2020-2025 renewal petition;
- Judging past events from the evolving admissions process by legislation which is not yet operative and offering these as a basis for nonrenewal;
- Recommending, in the alternative, nonrenewal or *conditional approval*, disregarding the multiple changes made to the 2020 renewal petition for the express purpose of updating the petition to be consistent with new law, some of which is not yet operative.

WHEREAS, SAUSD's findings neither suggest language nor clearly define conditions that OCSA should adopt in order to achieve unconditional charter approval. Many are purposeful misrepresentations and mischaracterizations of OCSA's practices that SAUSD has reason to know are false;

WHEREAS, SAUSD has now, after-the-fact, claimed to have interest in collaborating with OCSA leadership to cure the conditional renewal by June 2020; it states in the conditional approval resolution that should OCSA fail to satisfactorily meet their conditions, the conditional approval *reverts to a charter denial effective on December 10, 2019*.

WHEREAS, should OCSA proceed with the intention of meeting conditions that have yet to be made clear to us, and then learn that the District in June 2020 still does not approve the contents of the conditionally renewed petition, OCSA would have no recourse to appeal the decision, since an OCBOE appeal must be submitted within 30 days of the (December 10, 2019) denial on January 9, 2020; that date would have long since passed.

WHEREAS, we can only assume that this was intentional, recommending a “conditional approval” to ultimately deny OCSA the right to a due process appeal. It does not appear that SAUSD’s intention was ever to collaborate, but rather to run out the 30-day appeal window (including over 2 weeks when most school agencies are closed for the winter holidays).

WHEREAS, these actions demonstrate SAUSD’s ongoing bad faith; they further evidence that SAUSD is no longer interested in a productive, collaborative relationship with OCSA.

WHEREAS, OCSA cannot risk working with SAUSD in the brief days before the January 9, 2020 deadline to appeal to OCBOE passes. Doing so and trusting that SAUSD will unconditionally approve would forfeit OCSA’s opportunity to appeal. Given the destructive and deceptive conduct of SAUSD toward OCSA these past nine months, SAUSD has not demonstrated that they deserve the OCSA community’s trust, nor that they are a reliable, well-meaning partner in supporting educational excellence for OCSA students.

WHEREAS, the Board of Trustees and OCSA petitioners have fully considered the December 10th Resolution and Staff Report adopted by the Santa Ana Unified School District Board of Education; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:

1. That OCSA’s Board of Trustees finds the above-listed recitals to be true and correct and incorporates them herein by this reference.

December 19, 2019

Santa Ana Unified School District
1601 East Chestnut Avenue
Santa Ana, CA 92701-6322

Attn: Mr. Rigo Rodriguez, Ph.D.
President, Board of Education

Ms. Valerie Amezcua
Vice President, Board of Education

Mr. Alfonso Alvarez, Ed.D.
Clerk, Board of Education

Mr. John Palacio
Member, Board of Education

Ms. Carolyn Torres
Member, Board of Education

Mr. Alan Rasmussen, Ed.D.
Interim Superintendent

Mr. Richard V. Tauer
Interim Superintendent

**Re: Orange County School of the Arts Response to Santa Ana Unified School District's
December 10, 2019 Conditional Approval of Charter Renewal Petition**

Dear Members of the Board of Education and Interim Superintendents:

After careful review of the Santa Ana Unified School District's December 10, 2019 Conditional Renewal Resolution and Staff Report, OCSA's Board of Trustees has determined not to submit a material revision of our 2020 charter renewal petition. Therefore, pursuant to SAUSD's Resolution No. 19/20-3323, page 3, Section 4, lines 87-92, our renewal petition is deemed denied as of December 10, 2019.

Be advised that OCSA will timely appeal this denial to the Orange County Board of Education. A copy of the OCSA's Board Resolution adopted on December 18, 2019 is enclosed for your reference.

Respectfully,



Ralph S. Opacic, Ed.D.
Executive Director

Orange County School of the Arts



October 21, 2019

VIA U.S. MAIL & ELECTRONIC MAIL

Santa Ana Unified School District
 1601 East Chestnut Avenue
 Santa Ana, CA 92701-6322
Sonia.Llamas@SAUSD.US
Marjorie.Cochran@SAUSD.US

Attn: Sonia Llamas, Ed.D., L.C.S.W.
 Assistant Superintendent

Marjorie Cochran Ed.D,
 Charter Liaison

Re: SAUSD's October 10, 2019 Letter

Dear Dr. Llamas and Dr. Cochran:

Orange County School of the Arts responds to Santa Ana Unified School District's letter dated October 10, 2019 regarding admission guidelines and OCSA's 2020-2025 renewal petition.

For ease of reference, we have set forth SAUSD's requests from the letter in italics type, followed by OCSA's response.

1. Admission Guidelines

SAUSD's Request:

Although OCSA's website no longer expressly references a minimum GPA, the above content is inconsistent with Education Code section 47605 as it may foreseeable 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.

Please respond to the District addressing this issue and how/when OCSA will take action to correct.

OCSA Response:

OCSA will comply with Senate Bill 75's additions to Education Code section 47605(d)(4). OCSA shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code section 47605(d)(2)(B)(iii).

OCSA's website provides information on student enrollment rights. (See <https://www.ocsarts.net/students-parents/general-information/sb-47605-d>.) OCSA has amended its Admission Guidelines webpage and its Admissions FAQs webpage to ensure compliance with Education Code section 47605(d).

OCSA's 2020-2025 renewal petition complies with Senate Bill 75's additions to Education Code section 47605(d)(4).

2. "Appropriate Level" Meaning

SAUSD's Request:

The process for determining the 'appropriate level' of performance or 'appropriate placement' remains unclear. OCSA's 'appropriate level' admissions practices uses similar language as in 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 . . .' OCSA's current academic requirements for continued participation in conservatory programs also seem to conflict with recently-changed Education Code section 47605. OCSA's admissions practices of using 'placement activities' to ensure that 'every application is placed appropriately in [OCSA's] lottery' also conflicts with Education Code section 47605(d)(2)(B) which requires a 'public random drawing.' Please address this issue both in separate correspondence to the District and in the renewal petition itself.

OCSA Response:

With input from SAUSD's recent correspondence and in conjunction with review of updated Education Code, OCSA has undergone a major revision of its Admissions Procedures for the 2019-2020 schoolyear, which is reflected online and in the charter renewal petition. OCSA clarifies SAUSD's misunderstanding of its admissions process with the following description of this revised admissions practice which is stated in the 2020-2025 renewal petition:

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. *OCSA does not condition its admissions on performance ability.* 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.

For example, assume that there are 20 available 7th grade spaces in the Commercial Dance Conservatory. The Master Schedule for Commercial Dance schedules students by level, in addition to grade, which is dictated by facility and equipment. There may be space for 5 emerging level dancers in 7th grade, 10 intermediate dancers in 7th grade, and 5 advanced dancers in 7th grade. A prospective student whose conservatory of choice is Commercial Dance and who is identified as an emerging level dancer through their placement activity is directly admitted, regardless of GPA, performance ability, or disability, applying in order the admission preferences in the petition. Should there be more applicants than space available in each grade and level, a public random lottery will be conducted to determine enrollment. All applicants will be placed in the lottery in the appropriate grade and level. There is no minimum level of ability required to participate in the lottery. Students not admitted in the public random lottery will be placed on the waitlist and may be admitted during the school year as space becomes available.

The appropriate placement level determination is similar to math placement exams, which ensure that a school is appropriately placing students in algebra prior to geometry in the interest of successful instructional practice.

The 2020-2025 renewal petition does not use the “among equally qualified applicants” language.

OCSA hopes to also clarify SAUSD’s misunderstanding of its placement activities. Prospective students participate in a placement activity to identify the appropriate placement in the conservatory to which they seek admission. Where applicants exceed spaces after applicants participated in a placement activity, a public random lottery will be conducted to determine which students are admitted in accordance with Education Code section 47605(d)(2)(B).

OCSA’s current admissions policies and procedures are described in the 2020-2025 renewal petition.

3. Pre-Enrollment Records Request

SAUSD’s Request:

The second FAQ seems to conflict with the first FAQ, by indicating that documents must be submitted with a student’s application. Please address this apparent inconsistency and provide the District with a complete copy of the student enrollment Application, including all questions and fields that must be completed by applicants using the online application portal.

OCSA Response:

The District is mistaken. There is no inconsistency between the referenced first FAQ and second FAQ. The first FAQ confirms OCSA will not request a prospective student’s records prior to enrollment at OCSA, consistent with Education Code section 47605(d)(4)(B). The second FAQ’s reference to “all submitted documents” has *no relation to student records*. Submitted documents refers to portfolio documents which may include artworks or a written portfolio, depending on the conservatory for which the applicant is applying.

OCSA will amend the first FAQ to also state OCSA will not require a parent, guardian, or pupil to submit the pupil’s records to OCSA before enrollment.

Please visit this link to review the entire application: <https://www.ocsarts.net/applynow>

4. Request for InformationSAUSD's Request:

Please provide the District with a response to this inquiry and documentation supporting OCSA position on legal compliance with regard to past practice, current admissions, and plans for renewal. This includes requests for enrollment, offers of enrollment, conditions placed on admission, applications, dates and procedures for lotteries held, and other documentation [sic] relation to OCSA's enrollment of students, including requests that were denied.

OCSA Response:

In response to the District's request, OCSA encloses the following documentation:

- Sample admittance letter
- Sample denial letter

In response to the District's request, OCSA refers to the following documentation:

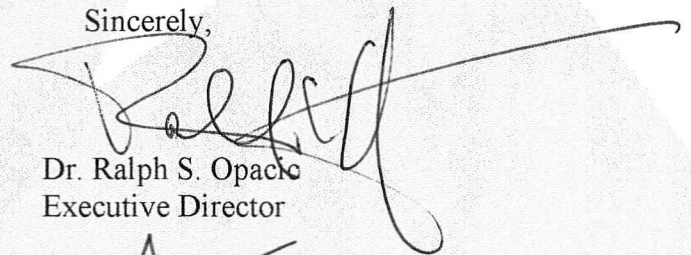
- 2015-2020 Renewal Petition, Pages 4, 34, 155-157
- 2020-2025 Renewal Petition, Pages 5, 6, 107-111
- OCSA's Webpage regarding Admissions:
<https://www.ocsarts.net/admissions/admissions-overview>
- 2020-2021 Prospective Student Application <https://www.ocsarts.net/applynow>

We believe this letter, the above documentation, and the 2020-2025 charter renewal petition addresses this request. If there are additional documents that the district requests, please specify.

5. Renewal Petition

OCSA has responded to SAUSD's proposal to schedule a meeting with OCSA and/or other representatives to discuss the renewal petition process, timelines, and the District expectations about what documents will need to be submitted by OCSA with its renewal petition, under separate cover.

Sincerely,



Dr. Ralph S. Opacko
Executive Director



Steve Wagner
Chief Operations Officer

Enclosures

October 2020

<applicant fn> <applicant ln>
<hm address>
<city>, <state> <zip code>

Dear <applicant fn>,

On behalf of Orange County School of the Arts, I am pleased to inform you that you have been offered enrollment into the following program:

<conservatory>

Congratulations on your offer of enrollment at OCSA for the 2020-2021 school year!

Orange County School of the Arts is one of the top academic programs in Orange County and you will have the opportunity to study with peers who share your enthusiasm and commitment for the arts. Our dedicated faculty and staff will help you develop the skills necessary to succeed in your education and prepare you for your future.

To finalize your enrollment it is necessary for you to complete the following:

- Confirm your enrollment by submitting your Reply to Offer form within 5 days.
- Complete all steps listed in the New Student Enrollment Checklist. The link to this document has been posted in your applicant portal.
- Register and attend the Annual Parent Meeting. The link to register has been posted in your applicant portal.
- Register and attend the Enrollment Meeting. The link to register has been posted in your applicant portal.

Again, congratulations on beginning this exciting journey and welcome to the OCSA family!

Sincerely,
Janet M. Infiesto
Admissions Coordinator
Orange County School of the Arts

October 2020

<applicant fn> <applicant ln>
<hm address>
<city>, <state> <zip code>

Dear <applicant fn>,

Thank you for participating in Orange County School of the Arts 2020 Admission Session. We enjoyed meeting you during your <conservatory> placement activity and were impressed with your passion for the arts.

This year we have had a record number of applications, far exceeding our available enrollment space. Unfortunately your name was not pulled from the enrollment lottery held in March.

Although this may be disappointing news, I encourage you to continue to pursue your passion for the arts.

Thank you for sharing your time and enthusiasm for the arts with us. We look forward to having the opportunity to work with you again in the future.

All the best,

Janet M. Infiesto
Admissions Coordinator
Orange County School of the Arts

Orange County School of the Arts 2020-2021 Voluntary Contribution Agreement

A. STUDENT / PARENT INFORMATION

Student Name:	
2020-2021 Grade Level:	2020-2021 Conservatory:
Parent/Guardian Name 1:	Parent/Guardian Name 2:
Employer 1:	Employer 2:
Position 1:	Position 2:
My employer has a Matching Gifts Program <input type="checkbox"/>	My employer has a Matching Gifts Program <input type="checkbox"/>
<input type="checkbox"/> Yes <input type="checkbox"/> No	My cash contributions and fundraising activities will be recognized by listing my name only in various publications throughout the year. I would like to be recognized as:
<input type="checkbox"/> Yes <input type="checkbox"/> No	My family currently qualifies for the Federal Free and Reduced Lunch Program (FRLP). A link to complete the FRLP application online will be provided prior to the start of school.

B. CONSERVATORY CASH CONTRIBUTION - All cash contributions are tax-deductible and non-refundable. PLEASE CIRCLE

Acting (ACT) \$5,400 (7-8) \$4,950 (9-12)	Ballet Folklorico (BF) \$5,300 (7-8) \$5,650 (9-12)	Ballroom Dance (BD) \$5,300 (7-8) \$5,650 (9-12)	Classical/Cont. Dance (CCD) \$5,750 (7-8) \$5,750 (9-12)
Classical Voice (CV) \$5,500 (7-8) \$4,950 (9-12)	Commercial Dance (CMD) \$5,200 (7-8) \$5,550 (9-12)	Creative Writing (CW) \$5,850 (9-12)	Culinary Arts/Hospitality (CA) \$5,850 (9-12)
Digital Media (DM) \$5,850 (9-12)	Film & TV (FTV) \$5,850 (9-12)	Instrumental Music: Guitar, Jazz, Orchestra, Piano, Winds \$5,750 (7-8) \$5,750 (9-12)	Integrated Arts (IA) \$5,200 (7-8) \$5,650 (9-12)
Musical Theatre (MT) \$5,400 (7-8) \$5,950 (9-12)	Popular Music (PM) \$5,750 (7-8) \$5,750 (9-12)	Production & Design (PD) \$5,300 (7-8) \$5,650 (9-12)	Visual Arts (VA) \$5,500 (7-8) \$5,850 (9-12)

I will make a cash contribution toward my child's arts conservatory in the amount of:	\$
I will make an additional cash contribution toward my child's conservatory in the amount of:	\$
My employer will match my <u>personal</u> cash contribution with a donation of: It is my responsibility to provide my company's matching gift information with my payment(s) as indicated in the payment plan selected below. Matching gift information is available from your company's HR department or employer website.	\$
SUB TOTAL CASH CONTRIBUTIONS:	\$

Choose one of the following payment plans:

A **one-time payment** in the amount of \$ _____ will be made starting July 1, 2020 or _____.

Three quarterly payments in the amount of \$ _____ will be made by July 1, 2020, Oct. 1, 2020, and January 1, 2021.

Ten monthly installment payments of \$ _____ will be made each month starting July 1, 2020 and ending April 1, 2021.

I elect not to make a financial contribution at this time.

C. FUND RAISING OPPORTUNITY – Advertising materials will be available by June 1st.

Any balances not satisfied within 30 days of the due date will be converted to a cash pledge.

I will sell and/or purchase program advertising in the amount of (\$125 minimum pledge):	\$
TOTAL CONTRIBUTION: CASH + FUND RAISING B + C	\$

D. PAYMENT METHOD / ACCOUNT INFORMATION – Please select one

<input type="checkbox"/>	I request to be invoiced and will fulfill my cash contribution according to the payment plan selected in Section B.
<input type="checkbox"/>	I authorize OCSA to charge and/or debit my credit/bank card or checking account according to the payment plan selected in Section B. Charge/Debit my card or checking account for future pledge payments on the <u>1st</u> or the <u>15th</u> of the month. (circle one) Default date is the 1st
Payment type: <input type="checkbox"/> VISA <input type="checkbox"/> MasterCard <input type="checkbox"/> Discover <input type="checkbox"/> American Express <input type="checkbox"/> Direct Debit <input type="checkbox"/> Check Please make checks payable to OCSA	
Card number:	Expiration date: (MM/DD/YY)
Direct Debit: Attach voided check or complete the following	
Bank name:	Account number:
	Routing number:
Print name on card:	Signature:

Please initial each of the following three items and sign:

_____ I understand that my student's arts conservatory program is not funded by the State of California and that conservatory budgets are based solely on parent commitments of cash donations and fund-raising activities.

_____ I understand all cash donations are tax-deductible as provided by law. Consult your tax advisor for specific tax advice.

_____ I understand my commitment is voluntary and not required for my child to participate in any conservatory or academic programs.

Parent/Guardian Signature: _____ Date: _____

From: Laurie Barber [<mailto:Laurie.Barber@ocsarts.net>]

Sent: Tuesday, September 3, 2019 4:46 PM

To: Stekol, Thomas <Thomas.Stekol@SAUSD.US>

Cc: Martinez, Maribel <Maribel.Martinez@SAUSD.US>; Amador, Josie <Josie.Amador@SAUSD.US>; Cisneros, Theresa <Theresa.Cisneros@SAUSD.US>

Subject: Requesting information regarding Flyer Distribution Denial

Hello Mr. Stekol,



I hope this email finds you well and that I am reaching out to the appropriate person.

I am reaching out in hopes that I can gain some clarity regarding a Flyer Distribution Request we had submitted on July 22nd to the Communications Department.

I have reached out to Josie Amador and Theresa Cisneros several times in the past few weeks without a response. We submitted the attached request for distribution of flyers that promote our free community arts program.

We have submitted this request through SAUSD and have been approved for the last 18-19 years.

This community program serves 4th, 5th, and 6th graders and is limited to student that attend Santa Ana Schools.

Our sole recruitment for this program went through SAUSD to ensure the Santa Ana Community had access to this opportunity.

I have reviewed the submission process and guidelines and cannot find any reason why this request would be denied nor has Ms. Amador or Ms. Cisneros responded to my requests for clarification.

I also reviewed the minutes for the board meetings that this request would have been included in (July 30th or August 13th) and the minutes indicated that all flyer request were approved 3-0 but the minutes to do not list the programs that were included in the meeting.

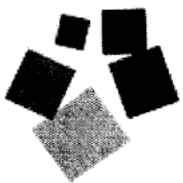
Would you please help me figure out why this request was not approved or connect me someone that can help explain this decision?

Our programs are designed to engage the local community and provide increased access to the arts, a goal we believe aligns with the mission and vision of both Orange County School of the Arts and SAUSD.

We are committed to continuing to provide this opportunity and would like to work with SAUSD to do so.

Any information you can provide is most appreciated. I look forward to hearing from you.

Best,
Laurie Barber



Laurie Barber
Director of Arts Enrichment

Orange County School of the Arts
1010 North Main Street, Santa Ana, CA 92701
714.560.0900 ext. 3220 | F: 714.664.0461
laurie.barber@ocsarts.net | www.ocsarts.net

From: Laurie Barber

Sent: Tuesday, September 3, 2019 10:02 AM

To: Josie.amador@SAUSD.US; Theresa.Cisneros@SAUSD.US

Cc: Cindy Gutierrez <cindy.gutierrez@ocsarts.net>

Subject: RE: Community Program Request to distribute flyers Denied

Good Morning Josie and Theresa,

I hoping that one of you will respond to my emails or connect me with someone that can illuminate the approval process for flyer distribution and why our request was not approved.

I appreciate your time and look forward to your response.

Best,

Laurie Barber



Laurie Barber
Director of Arts Enrichment

Orange County School of the Arts
1010 North Main Street, Santa Ana, CA 92701
714.560.0900 ext. 3220 | F: 714.664.0461
laurie.barber@ocsarts.net | www.ocsarts.net

From: Laurie Barber

Sent: Monday, August 26, 2019 12:42 PM

To: Josie.amador@SAUSD.US; Theresa.Cisneros@SAUSD.US

Cc: Cindy Gutierrez <cindy.gutierrez@ocsarts.net>

Subject: RE: Community Program Request to distribute flyers Denied

Hello Josie and Theresa,

I hope you are doing well. I am following up regarding my email last Friday.

I am hoping we can get some clarity as to why our request to distribute flyers for our free arts enrichment classes was denied.

Any help illuminating this denial would be much appreciated.

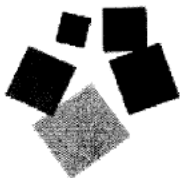
We are committed to providing this arts access to the local Santa Ana Community and would like to be able to distribute this information through the district to ensure students of Santa Ana are aware of this opportunity.

We look forward to hearing from one of you at your earliest convenience.

We have printed materials waiting to be shared with the community.

Best,

Laurie



Laurie Barber
Director of Arts Enrichment

Orange County School of the Arts
1010 North Main Street, Santa Ana, CA 92701
714.560.0900 ext. 3220 | F: 714.664.0461
laurie.barber@ocsarts.net | www.ocsarts.net

From: Laurie Barber
Sent: Friday, August 23, 2019 9:37 AM
To: Josie.amador@SAUSD.US; Theresa.Cisneros@SAUSD.US
Cc: Cindy Gutierrez <cindy.gutierrez@ocsarts.net>
Subject: Community Program Request to distribute flyers Denied

Hello Josie,

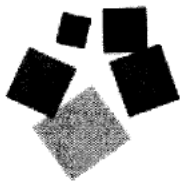
Cindy Gutierrez shared with me this morning that our request to distribute flyers through SAUSD for our Camp OCSA community program has been denied.

Is there further information you can share with us regarding the reason this request was denied?

We have run this program for the past 19 years and have used this channel of communication to make the Santa Ana community aware of this free arts enrichment program.

Any information or connection to someone with more information regarding this denial would be greatly appreciated.

Best,
Laurie Barber



Laurie Barber
Director of Arts Enrichment

Orange County School of the Arts
1010 North Main Street, Santa Ana, CA 92701
714.560.0900 ext. 3220 | F: 714.664.0461
laurie.barber@ocsarts.net | www.ocsarts.net

From: Amador, Josie [<mailto:Josie.Amador@SAUSD.US>]
Sent: Friday, August 23, 2019 9:25 AM
To: Cindy Gutierrez <cindy.gutierrez@ocsarts.net>
Cc: Cisneros, Theresa <Theresa.Cisneros@SAUSD.US>
Subject: RE: Flyer for Distribution Electronically (Camp OCSA 2019)

Good morning Cindy,

Thank you for your patience. The request was not approved. Please see attached.

Respectfully,
Josie Amador

Santa Ana Unified School District | Communications Office
1601 E. Chestnut Ave., Santa Ana, CA 92701 | 714-558-5555 | Fax 714-558-5812

Connect with Us on Social Media



Download the FREE SAUSD App today!



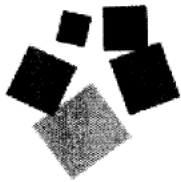
From: Cindy Gutierrez <cindy.gutierrez@ocsarts.net>
Sent: Thursday, August 22, 2019 9:01 AM
To: Amador, Josie <Josie.Amador@SAUSD.US>
Subject: FW: Flyer for Distribution Electronically (Camp OCSA 2019)

Hello Josie,
Do you know when I will get a response on my approval request?
Best,
Cindy

From: Cindy Gutierrez
Sent: Wednesday, August 14, 2019 8:29 AM
To: Amador, Josie <Josie.Amador@SAUSD.US>
Subject: RE: Flyer for Distribution Electronically (Camp OCSA 2019)

Hello Josie,
Thank you for your prompt response. We have posted in the flyer that our lottery for the classes will be on August 24th due to this we need to adjust that day until the August 31st so we can have enough time to print the flyers after the approval.
Do we need to send you another flyer with the change of date or we can change it after the approval?

Please advised?
Best,



Cindy Gutierrez
Arts Enrichment Associate

Orange County School of the Arts
1010 North Main Street Santa Ana, CA 92701
714.560.0900 ext. 4000 | F: 714.664.0462
Academy@csarts.net | www.ocsarts.net

From: Amador, Josie [<mailto:Josie.Amador@SAUSD.US>]
Sent: Tuesday, August 13, 2019 3:41 PM
To: Cindy Gutierrez <cindy.gutierrez@ocsarts.net>
Subject: RE: Flyer for Distribution Electronically (Camp OCSA 2019)

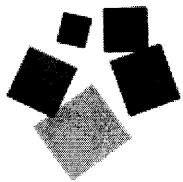
Hi Cindy,

Thanks for your email. I anticipate having a response to your request by next week.

Thank you,
Josie

From: Cindy Gutierrez <cindy.gutierrez@ocsarts.net>
Sent: Tuesday, August 13, 2019 3:18 PM
To: Amador, Josie <Josie.Amador@SAUSD.US>
Subject: RE: Flyer for Distribution Electronically (Camp OCSA 2019)

Hello Josie,
I just wanted to follow up with you regarding the status for the approval request I send you.
Thank you!
Best,



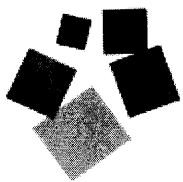
Cindy Gutierrez
Arts Enrichment Associate

Orange County School of the Arts
1010 North Main Street Santa Ana, CA 92701
714.560.0900 ext. 4000 | F: 714.664.0462
Academy@csarts.net | www.ocsarts.net

From: Cindy Gutierrez
Sent: Monday, July 22, 2019 11:27 AM
To: Amador, Josie <Josie.Amador@SAUSD.US>
Cc: Laurie Barber <Laurie.Barber@ocsarts.net>
Subject: RE: Flyer for Distribution Electronically (Camp OCSA 2019)

Hello Josie,
I hope this email finds you well. Attached is the Distribution/Approval request form along with the flyer and note for teachers that is sent to the schools.
Please let me know if you need anything else from me.
I look forward to hear from you soon.

Thank you!
Best,



Cindy Gutierrez
Arts Enrichment Associate

Orange County School of the Arts
1010 North Main Street Santa Ana, CA 92701
714.560.0900 ext. 4000 | F: 714.664.0462
Academy@csarts.net | www.ocsarts.net

From: Amador, Josie [mailto:Josie.Amador@SAUSD.US]
Sent: Wednesday, May 8, 2019 2:40 PM
To: Cindy Gutierrez <cindy.gutierrez@ocsarts.net>
Cc: Laurie Barber <Laurie.Barber@ocsarts.net>
Subject: RE: Flyer for Distribution Electronically (Camp OCSA 2019)

Hi Cindy,

Please see my answers below in red.

Thanks!
Josie

From: Cindy Gutierrez <cindy.gutierrez@ocsarts.net>
Sent: Wednesday, May 8, 2019 1:30 PM
To: Amador, Josie <Josie.Amador@SAUSD.US>
Cc: Laurie Barber <Laurie.Barber@ocsarts.net>
Subject: Flyer for Distribution Electronically (Camp OCSA 2019)

Good Afternoon Josie,

I hope this email finds you well. I'm reaching out because we are starting the prep and planning for Camp OCSA 2019 and I have a question regarding the requirements for schools flyer distribution.

We wanted to check and see if we could limit the distribution of flyers to a region of Santa Ana Unified or if all distributions need to go to all the school sites that serve grades 4th through 6th graders throughout the district? We are wondering if it is better to concentrate on schools closer to our campus for accessibility reasons? Totally up to you. Submit your Flyer Distribution Request Form and note the specific schools you wish to target.

Also, this may be too early to ask, but do you have this information available?

- Date SAUSD classes start for 2019-2020 – school begins August 12, 2019
- Latest enrollment report for 2019-2020 – an enrollment report for 2019-2020 will be available after the first day of school, Aug. 12
- Is this link still the correct to download the flyer distribution form: <http://www.sausd.us/page/14644> ?
Yes!

Once you confirm this information I will get our Camp OCSA program applications ready for SAUSD approval/distribution. I am looking forward to hearing from you soon at your earliest convenience.

Thank you for your time and help,

Best,



Cindy Gutierrez
Arts Enrichment Associate

Orange County School of the Arts
1010 North Main Street, Santa Ana, CA 92701
714.560.0900 ext. 4000 | F: 714.664.0461
cindy.gutierrez@ocsarts.net | www.ocsarts.net



Santa Ana Unified School District
Flyer/Poster Distribution Request/Approval Form

Please submit your request via email to the Communications Office and allow up to
30 Business Days for Approval

Phone: (714) 558-5555 Email: pioinfo@sausd.us

Name of Organization: Orange County School of the Arts

Address: 1010 N. Main St. City: Santa Ana Zip Code: 92701

Individual Making Request: Cindy Gutierrez Title: Arts Enrichment Associate

Phone: 714-560-0900 Fax: 714-664-0462 Email: cindy.gutierrez@ocsarts.net

Status of Organization: (Please check one) For Profit Non Profit

Non Profit Inception Date: 2000

Describe event, service or program being promoted:

Free arts enrichment program for students in grades 4-6 who live in Santa Ana or attend SAUSD.

Requested Distribution:

All Elementary Schools All Intermediate Schools All High Schools
 All SAUSD Schools (includes elementary, intermediate, and high schools)
 Specific Elementary Schools – Please list by name: Lowell, Garfield, Franklin, Walker, Wallace R. Davis, Wilson, King, Heroes, Monte Vista, Hoover, and Pio Pico.

Specific Intermediate Schools – Please list by name: Spurgeon and Willard

Specific High Schools – Please list by name:

Specific Grades (please circle grades):

K 1 2 3 **4** **5** **6** 7 8 9 10 11 12

School Front Office Only – For Display and pickup by visitors

Flyer/Poster Requirements: (please specify “yes” or “no”)

Is flyer/poster being submitted for approval in English and Spanish?

Is the event, program or service being promoted free of charge?

If the event is free does the flyer or poster indicates that it’s “free”?

Is there a charge or fee?

If there’s a fee does the flyer/poster state clearly, in English and Spanish, that “scholarships and/or stipends” are available?

Please include the following disclaimer on your flyer:

- “DISCLAIMER: This activity is not a school-sponsored activity and is not endorsed by the school or the Santa Ana Unified School District. The activities, products, or services advertised in this flyer are not endorsed by the school or the District.”
- “DESMENTIDO: Esta actividad no está patrocinada por la escuela, y no está promocionada por la escuela ni el Distrito Escolar Unificado de Santa Ana. Las actividades, productos o servicios publicitados en este panfleto no están respaldados por la escuela ni el Distrito.”

For SAUSD Office Use Only:

Not Approved

Approved

Requester Notified on: 8/22/19

Authorized Representative:
Signature



November 20, 2019

Steve Wagner
Orange County High School of the Arts
1010 N. Main Street
Santa Ana, CA 92701
steven.wagner@ocsarts.net

Sent via email

Dear Mr. Wagner,

On November 20, 2019, the following charter school(s) submitted an application for admission to the El Dorado Charter SELPA for the 2020-21 school year:

- OCSA

We are in the process of evaluating the applications for membership and will notify you of the outcome in late January when the process is complete. Please contact Kelly Carnahan, kcarnahan@edcoe.org, if you have any questions or need additional information.

Sincerely,

David M. Toston
Associate Superintendent

DMT:kc

cc: Alan Rasmussen, Santa Ana Unified, Authorizer & Administrative Unit
Doreen Lohnes, Santa Ana Unified, Current/Geographic SELPA

From: [Kelly Carnahan](#)
Cc: [Jessica Takacs](#)
Subject: Stage 1 Determination - El Dorado Charter SELPA
Date: Thursday, November 21, 2019 3:18:49 PM

Hello,

Stage one application reviews have been completed, and it was determined that your organization's application met the criteria to move to Stage 2.

Please access your application, <https://app.edcoecharterselpa.org/Account/Login>, and complete all fields in Stage 2, including uploading all additional required documents by noon on December 17, 2019, to be considered for a Capacity Interview.

Stage 2 reviews will be completed by January 9, 2020, and if the application meets the criteria and your organization is scheduled for a Capacity Interview, an email invitation will be sent to the CEO email address on the application shortly after.

If you have any questions, please contact me. Thank you.

Sincerely,

Kelly Carnahan

Program Assistant

Ph: 530.295.2452 | F: 530-295-9227

El Dorado County SELPA / Charter SELPA

Hours Mon-Fri 7 am – 4 pm



Pyramid Response to Intervention

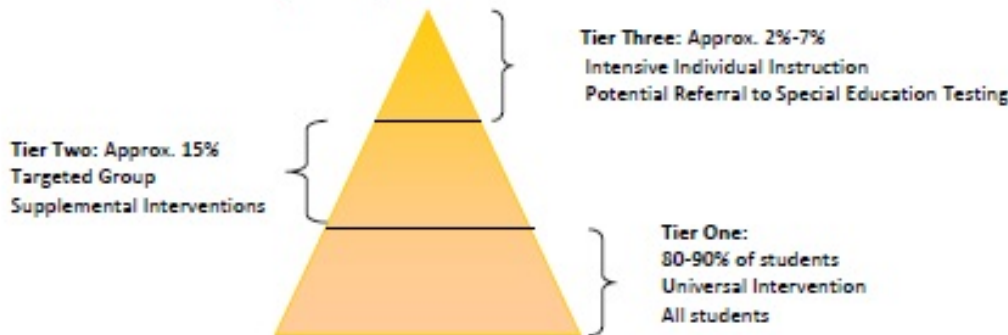
What is RTI? Response to Intervention (RTI) is an ongoing process of using student performance and other data to guide instructional and intervention decisions. It uses a problem solving model which is a decision making process to develop and evaluate intervention plans that significantly improve the school performance of individual and/or groups of students.

RTI Problem Solving Model:

- 1) Define the Problem: *What is it and Why is it happening?* (Problem analysis)
- 2) Develop a Plan: *What am I going to do about it?* (Brainstorm and develop intervention strategies)
- 3) Implement Plan: *Carry out the intervention(s)*
- 4) Evaluation: *Did it work?*



Pyramid Response to Interventions



Tier One: What is already happening in the classroom and on campus: (80-90% of students will be successful at this level)

Support for All Students	School Structures	Core Curriculum
Block 7 Online grade access Sharepoint New student orientation CSF Tutors	Safe and orderly campus Weekly collaboration (PLCs) Curriculum team meetings School wide Behavior Standards	All classes teach state standards Honors/AP Classes School wide and team goals Identified essential standards for every course Common Assessments Differentiated Instruction

What possible interventions could be implemented in Tier Two?

Type of Concern	Interventions to Implement at Tier 2
Academic Difficulty	Block 7 support for specific academic area of concern Double Block Math, if possible ELLA, if appropriate CAHSEE Revolution Prep (Math and ELA) NHS Tutors-individualized support Assessments to identify specific skill gaps
Motivation/Effort	Support plan designed to meet the individual needs of referred student Required Study Skills class during Block 7
Behavior/Social/Emotional	Behavior support plan designed to meet individual needs of referred student Social Skills group
Attendance	Handout to document plan of attack for missing work Mentor/Buddy assigned to support student Parent support

What interventions will be implemented in Tier Three?

Type of Concern	Interventions to Implement at Tier 3
Academic Difficulty	Academic Probation-one on one support for struggling student Intensive Math or Reading/Writing Support Mandatory tutorial
Motivation/Effort	Intensive responsibility support
Behavior/Social/Emotional	Student contracts
Attendance	Student contracts