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*Superintendent of Schools*

INTEGRITY CUSTOMER SERVICE ACCOUNTABILITY TEAMWORK INNOVATION PASSION

July 23, 2019

Mendocino County Grand Jury  
P.O. Box 939  
Ukiah, CA 95482-0939

Re: Response of the Mendocino County Superintendent of Schools to the Mendocino County Grand Jury Report dated April 3, 2019, entitled Advancing Education Through Sharing

Dear Members of the Grand Jury:

Our office is in receipt of the Mendocino County Grand Jury Report entitled “Advancing Education Through Sharing” (“Report”) dated April 3, 2019. The report pertains to concerns expressed by community members that there is an absence of interaction between public school districts and charter schools in Mendocino County. Charter schools in Mendocino County are independent legal entities, over which my office, the Mendocino County Superintendent of Schools, has limited knowledge of day-to-day operations and limited authority.

I hereby respond to the Report pursuant to Penal Code section 933.05. As requested, I am responding to Findings F4 and Recommendations R1 and R4.

### **RESPONSE TO GRAND JURY’S FINDINGS**

**Finding 4.** Where existing, the assigned oversight person between the district and the charter schools has not looked for opportunities to broaden the success of the district schools. Currently, the GJ found no evidence of collaborative processes between the charter and district schools.

DISAGREE

Mendocino County Office of Education (“MCOE”) is not a school district. Rather, as a county office of education, it provides services to and fulfills oversight duties for the school districts in the county. County offices of education also provide educational services to at risk students.

Collaboration between county charter schools and the MCOE and/or Mendocino county public school districts is already taking place. For example, in Willits, the charter schools and the school district have engaged in discussions to share curriculum and teaching strategies. In Ukiah, there is a positive and collaborative relationship between the district and the four charter schools it has authorized.

In Addition, MCOE sponsors regular meetings of all educational leaders on the Mendocino coast through the Mendocino Education Coordinating Council Association (“MECCA”). In MECCA, MCOE operates jointly with Fort Bragg Unified School District, Mendocino Unified School District, Mendocino College, and the Mendocino Coast Recreation and Park District as a coordinating council that meets regularly in the Fort Bragg area to share education strategies. County charter school representatives and private schools are invited to the MECCA meetings. MCOE will commit to further efforts to continue to invite charter school representatives to such meetings where the focus is on curriculum and best practices in teaching.

Although not required, the Mendocino County Governing Board of Education held a public meeting on June 24, 2019 to receive public input on the Grand Jury report and discuss the report in compliance with the Brown Act. A director of a charter school in Willits addressed the Board during public comment and gave the following examples of collaboration between her charter school and MCOE or school districts in the area: charter teachers visit multiple area schools to observe classrooms and find it a powerful collaborative experience; she has regular discussions with the local superintendent regarding curriculum; MCOE hosted trainings and site visits from staff for the charter school which was an excellent experience; and local high school principals collaborate with charter school leaders in networking meetings.

The MCOE Governing Board members opined that more collaboration was happening between charter schools and MCOE and county school districts than was reflected in the Grand Jury report. The board members speculated that perhaps the individuals interviewed by the Grand Jury did not have sufficient knowledge of all of the examples of collaboration and achievement occurring in the county.<sup>1</sup> The board members also expressed concern over providing centralized services to special needs students with limited resources.

Charter schools in the county do not report to, and are not operated under, the auspices of the county office of education. Instead, charter schools answer to the governing board of the school district which granted the charter establishing each such school. (Education Code §§ 47604 - 47604.33.) MCOE has the following annual oversight duties of charter schools in its county per Education Code §§ 47604.3, and 47604.33: review of the charter school’s financial reports and records, review of the charter school’s budget, and review of the charter school’s local control and accountability plan (“LCAP”). Its oversight duties are therefore fiscal only unless a charter school is directly authorized by MCOE, which is not currently the case.

There are limitations on a non-authorizing COE’s ability to provide rigorous oversight given the parameters of the Charter Schools Act. Charter schools are largely insulated from adequate public oversight by California's Charter School Act of 1992. For example, the law requires charter schools to maintain governing boards but their governing board members are not elected by the general public. Rather, their board members are self-selected. Therefore, charter schools are provided leeway under the law to maintain governance structures that insulate them from public accountability and rigorous public oversight. These concerns were recently highlighted in

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<sup>1</sup> Please note that the Grand Jury investigation occurred during a time of leadership turnover. MCOE’s current Superintendent is the most recent interim Superintendent, elected to a permanent position late last year, with 24 years of experience working in education and a commitment to inspiring and facilitating a culture of innovation to improve the educational success of all students who receive educational services in the county.

two recent task force reports about charter schools in California. (See “California Charter School Policy Task Force Report,” June 6, 2019 (located at <https://www.cde.ca.gov/eo/in/documents/charterstaskforcereport.pdf>), attached hereto as Exhibit A and “Charting a Way Forward: Recommendations for Improving Charter School Outcomes and Accountability by Supporting Charter Authorizers,” April 18, 2019, California County Superintendents Educational Services Association (located at <https://ccsesa.org/ccsesa-charter-authorizers-task-force-report/>), attached hereto as Exhibit B.) These reports identified the necessity for: more resources and authority to be provided to charter school authorizers and COE’s to provide fiscal and academic oversight; greater public transparency of a charter school’s financial information; lessening the fiscal impact on traditional public schools from charter schools; and giving school districts more time and discretion in approving charter school petitions.

In an attempt to prevent or stop fiscal mismanagement of charter schools that can spring from an environment that suffers from a lack of transparency, California recently passed AB 406, which prohibits a for-profit entity from managing charter schools. This law was passed too late to prevent a widescale embezzlement of millions of public dollars by a for-profit business entity who covertly managed 20 California charter schools. (See [https://www.washingtonpost.com/education/2019/06/17/how-does-million-charter-scam-work-heres-what-happened-california-before-people-were-indicted/?utm\\_term=.632ee7be80e8](https://www.washingtonpost.com/education/2019/06/17/how-does-million-charter-scam-work-heres-what-happened-california-before-people-were-indicted/?utm_term=.632ee7be80e8)).

MCOE does not receive any funds from the state or any charter schools in the county to pay for staff who perform oversight duties. There is no funding or training provided to county offices of education from the state to support a COE’s charter school oversight duties. It is important to note that multiple MCOE employees, not specifically staffed as charter school oversight, contribute greatly to the day-to-day management and oversight of the county’s charter schools by providing cross sector/cross departmental support. Both task force reports referenced above and attached as Exhibits have recommended providing greater resources to public education school districts and county offices of education for charter school oversight.

The California Charter School Policy Task Force Report dated June 6, 2019 (attached hereto as Exhibit A), resulted from months of intensive study, and concluded that collaboration between charter and traditional public schools cannot take place until the Charter Schools Act is reformed and the competition for scarce public resources is mitigated by an increase in funding. MCOE is hopeful that California will reform the Charter Schools Act to make the recommended revisions to fix these issues. Until that time, MCOE remains committed to continuing its collaboration with its county’s charter schools, and otherwise sharing ideas and resources where appropriate.

MCOE disagrees with the report’s assumption that competition will lead to better performance from both types of schools. This theory has not been supported by the facts. The Grand Jury report admits that charter schools are not doing as well as expected. Per the California Charter School Policy Task Force Report (attached as Exhibit A), charter school “competition” has proved to be a detriment because school districts do not perform better with the loss of funding that results from a loss of ADA and a myriad other expenses directly related to charter schools such as unreimbursed staff time fulfilling oversight duties. (California Charter School Policy Task Force Report (attached as Exhibit A) pp 2, and 8.)

It is also worth mentioning that an impediment to collaborating on creative teaching methodologies and other innovations is that while a California public school district is required to use the instructional methodology that supports Common Core State Standards (CCSS), charter schools are free to use teaching methodologies that would **not** be in compliance with California's Common Core Standards requirements (See <https://www.cde.ca.gov/re/cc/>). Examples of alternative teaching methodologies that charter schools can utilize, that traditional public schools cannot, include Montessori, Waldorf, and Steiner methodologies. For charter schools that use such methodologies that would not comply with the California requirements for traditional public schools, collaboration would be inappropriate.

That being said, moving forward, MCOE will make best efforts to increase collaboration opportunities between the county's charter schools and its public schools in order to increase student success in all schools.

### **RESPONSE TO GRAND JURY'S RECOMMENDATIONS**

**Recommendation 1.** The MCOE should facilitate structured discussions and interactions between district and charter schools for the benefit of all students, teachers and parents, to include training days for all credentialed and teaching personnel to improve teaching methodologies.

MCOE agrees with the Grand Jury that currently there is not a formalized, efficient mechanism for sharing of information. MCOE would note that it does not have a statutory responsibility to facilitate the sharing of such information and so would take exception to the characterization of not "adequately facilitating" this process. MCOE would also note that it is not opposed to serving in such a facilitative role.

See Response to Finding No. 1 above regarding the monthly educational MECCA meetings for educational leaders including charter schools, to share educational strategies.

MCOE commits to making best efforts to establish an environment of improved cooperation, in particular by both taking proactive steps to mend existing rifts in relationships, and by including charter school leaders in future county educational discussions and meetings. MCOE will explore other ways to include charter school leaders in relevant meetings held at MCOE. For example, the Curriculum and Instruction leaders have regularly scheduled meetings, as do Chief Business Officials and Chief Technology Officials. MCOE staff leading these meetings will reach out to the leadership of the county's charter schools to invite them to attend and participate in these meetings. In addition, MCOE will make a focused effort to let charter schools know they are invited to attend conferences and professional development activities held at MCOE where opportunities are readily available for sharing best practices.

**Recommendation 4.** Build a space on the MCOE website for teachers at any school in Mendocino County to publish tips and suggestions to improve the classroom experience, e.g., behavior and teaching methodologies.

The State of California hosts a website for this purpose (located at: <https://www.cde.ca.gov/ls/>; see also compendium of further resources for teachers: <https://www.cde.ca.gov/pd/te/er/>). Any public forum provided by or administered by a public agency faces First Amendment compliance issues, issues from lack of use, and the difficulties inherent in hosting any website where any person can post comments or content, i.e. monitoring the content for legality and accessibility.

That being said, MCOE will commit to exploring an internet-based site, listserv, or similar forum for confirmed and documented teachers of all schools to collaborate on methodologies to improve student learning, within its legal parameters and in compliance with all applicable laws.

Sincerely,

A handwritten signature in black ink that reads "Michelle Hutchins". The signature is written in a cursive, flowing style.

Michelle Hutchins, Superintendent  
Mendocino County Office of Education