

THE K-5th GRADE WILLITS CHARTER SCHOOL

March 6, 2013

SUMMARY

The 2012-13 Grand Jury (GJ) investigated community concerns about a Charter School located at a questionable location. Of concern was how a group of citizens could exempt themselves from all State, local zoning and building codes. The speed with which the development proceeded shocked many in the Willits community. The GJ learned that it was a well planned project that exempted itself from local building ordinances and environmental restrictions. The school founders and staff believe they are meeting a definite need in the community by providing an alternative to traditional education. They meet the standard for credentialed teachers and use non-credentialed faculty as well. They do not have a salary scale or a unionized teaching staff.

The GJ recommends that the Charter School continue the search for a permanent location by the end of their three year lease and provide current location with appropriate safety and security measures.

GLOSSARY

CEQA: California Environmental Quality Act regulates land use regarding environmental impact.

State guidelines: Government code 53090-53097 and Education code 47604 and 47607. Education code 47610 exempts charter schools.

Flood-way: An area where the flood hazard is the greatest, next to a body of water which must be preserved.

Flood plain: A flat area adjoining a body of water that is subject to one percent or greater chance of flooding in any given year.

BACKGROUND

The 2012-13 GJ received a complaint that a K-5 grade charter school in Willits was being developed at a location unsuitable for a school site. Also of concern was this was happening without the general knowledge of Willits residents. The organizers exempted themselves from following school construction guidelines and approval by the State architect. The complaint stated the proposed location, 504 Commercial Street, was on a major thoroughfare. The school location is bordered by a salmon bearing creek known to flood, and a housing complex that has had a history of drug sales and violence. The Charter school purchased and refurbished portable classrooms on this piece of leased land. The Charter School consists of two portable classrooms donated by the Willits Unified School District and other portables purchased online. The Superintendent of

schools advised against the school district supporting the location of the charter school, and the self exemption from local building zoning requirements. This was overruled by the school board. The GJ was told the City of Willits Technical Advisory Board was persuaded that the charter school was going forward at that site. The Board reluctantly made a list of mitigating recommendations essential for the charter school to move forward.

The GJ felt it was essential to research whether or not an independent group of citizens could exempt themselves from local and State regulations on the location of a school.

APPROACH

The GJ studied and compared written statements from the school's legal counsel and legal counsel of those opposed to the school. The GJ reviewed Board of Education minutes, Memorandum of Understanding between the Charter School Association and Willits Unified School District, and studied state requirements for charter schools. The GJ also interviewed school district staff, city authorities and police, charter school staff and made visits to the school and the surrounding area.

DISCUSSION

Parents and community members supporting the new school attended several City Council meetings. Founding members exempted themselves from CEQA requirements and local planning restrictions. They did not use the services of the state school architect for review but asked the city manager and received the services of the city building inspector. The city building inspector insisted that the foundations be built to withstand the 100 year flood level. The creek overflowed in November 2012 and destroyed the school landscaping but did not enter the portable classrooms.

The charter school principal explained the short notice to the community was due to the receipt of their grant monies. If they did not move forward at that time the grant money would have been lost. Exempting themselves from all zoning laws and restrictions accelerated the construction process and caused community concern. School staff stated the school had been in planning for four years. The founders approved the location as "perfect", close to the park, library, County Museum, and the new Mendocino College site.

A member of the Charter School Board stated, "State laws concerning charter schools are ambiguous." Attorneys for the charter school and the school district had different interpretations of the same case laws.

At the first interview, with the school principal, the GJ was informed this was a temporary location and a permanent location would be found by the end of the three year lease. At a second interview it was reported by school staff, they were hoping to be able to renew the lease. The long range plan is to create a campus adjoining the school's grades 6-12 counterpart. The property adjoining the 6-12 school is suspected of being

contaminated. Correcting a contaminated soil problem would be very expensive.

The charter school board supporters promised city authorities they would mitigate all problems by conforming to parking regulations, providing crossing guards and the installation of proper gates. When questioned, the Willits police stated that the charter school had made every effort to mitigate location problems. They said the school generally obeys parking restrictions.

The speed limit on Commercial Street has been lowered from 30 mph to 25 mph.

Police reported that the adjoining property owner has made an effort to improve the safety in the complex. The school and the complex are separated by a fence that needs safety improvements.

The Willits Unified School District reports the loss of 70 students at a cost to the district of at least \$350,000 in tax revenues.

The charter school has credentialed teachers for core subjects, such as language arts and math and uses non-credentialed teachers for non-core subjects such as art and physical education. Core subjects are taught to meet proposed federal standards not CA state standards. The teaching model is “inquiry based”. The school is reputed by community members to meet the needs of accelerated students, as well as those having difficulty in the public schools.

The GJ observed safety issues including the following:

- the school ramps lack a non-skid surface
- open electrical panels
- uncovered electrical outlets
- cleaning supplies in open, unlocked cabinet and accessible to students
- uncovered windows
- classrooms did not have internal locks
- physical activity room floors were not level
- carpets unclean and unsanitary for children
- classrooms appeared in disarray
- the fence on the lower portion of the south side appeared insufficient to restrain children or dogs
- no public address system

FINDINGS

- F1. Advanced planning, private donations/loans and the dedicated work of parent volunteers enabled the school to become functional within six months.
- F2. The charter school is meeting the needs of particular students at a cost to general educational funding for the Willits School District.
- F3. State laws concerning requirements for schools are very specific; however schools may exempt themselves from these laws by a 2/3 vote of the governing board i.e. Willits Unified School District Board.
- F4. The school appeared suddenly at a problematic location after the Charter School Board exempted themselves from all restrictions. The school has made an effort to overcome the problems of the location.
- F5. The GJ noticed the following areas of concern:
- the school ramps lack a non-skid surface
 - windows lack coverings
 - classroom doors do not have internal locks
 - cabinets for cleaning supplies require locks
 - electrical panels need to be locked
 - classrooms need general cleaning to meet the sanitary and safety demands of a school environment
 - the school has no public address system for early warning

RECOMMENDATIONS

- R1. The charter school should continue and document the search for a permanent location that meets the needs of child safety and environmental regulations. (F4)
- R2. Install window coverings immediately and make every attempt to improve classroom safety and cleanliness. (F5)
- R3. Install internal locks and a public address system for school security. (F5)

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the following responses are *required*:

- Willits Charter School Board of Trustees: respond to F1, F4 and R1 within 90 days
- Willits Unified School Board of Trustees: respond to F2 and F3 within 90 days
- Willits City Council: respond to F3 and F4 within 90 days

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

The Grand Jury *requests* the following individuals to respond:

- Kara McClellan, Principal, Willits Elementary Charter School: respond to F1-F5 and R1-R3 within 60 days
- Debra Pearson, Acting Superintendent, Willits Unified School District: respond to F2 and F3 within 60 days

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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