



August 3, 2021

**STAFF ANALYSIS AND PROPOSED FINDINGS OF FACT REGARDING
UNBOUND STOCKTON COMMUNITY SCHOOL CHARTER PETITION**

INTRODUCTION

Unbound Stockton Community School seeks to serve students throughout the San Joaquin County and accomplish the following mission, *“We work to understand ourselves and our role in the community. We develop the knowledge, skills, and experiences that allow us to choose how to unpack and undo the systems that have divided us and, by learning together, unlock the potential of an unbound community.”* Unbound Stockton Community School requests to serve 560 students across grades 4-8 and would mirror the demographic profile of Stockton and the San Joaquin County.

RECOMMENDATION

On the basis detailed herein and in accordance with the requirements of the Charter Schools Act of 1992, San Joaquin County Office of Education (“SJCOE”) staff recommends that the Unbound Stockton Community School (“Unbound Stockton” or “Charter School”) be denied by the San Joaquin County Board of Education (“SJCBOE”).

PROCEDURAL STATUS

The SJCOE received a countywide charter petition (“Petition” or “Charter”), from Unbound Stockton on or about May 24, 2021, requesting approval of Unbound Stockton as a countywide benefit charter school for a term of July 1, 2022, through June 30, 2027. The SJCBOE consideration and action on the Charter is governed by the standards, criteria, and procedures set forth in Education Code Section 47605.6.

On July 21, 2021, the SJCBOE held a public hearing on Unbound Stockton, consistent with the requirement to do so within 60 days of receipt of the charter petition. Per Education Code Section 47605.6, the SJCBOE has 90 days from receipt of the petition to act, which may be extended by an additional 30 days by mutual agreement.

The complete Charter that the SJCBOE is acting on is available for review at: <https://bit.ly/UnboundStockton>.

CRITERIA OF A COUNTYWIDE CHARTER PETITION

The standards and requirements for consideration and action on a countywide charter school petition differ from those applicable to a charter petition that is submitted initially to a school district. Education Code Section 47605.6(b) specifies that a county board of education *may* grant a charter for the operation of a countywide charter school *only* if the board is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Education Code Section 47605.

- I. In order to approve a petition for a countywide charter, a county board must find that the educational services to be provided by the proposed charter school will benefit its target pupil

population and that cannot be served as well by a charter school that operates in only one school district in the county, and the county board must be satisfied that the petitioner has provided reasonable justification for why it could not be established by petition to a school district. A charter petition that does not meet these standards and for which the county board does not make these findings cannot be approved as a countywide benefit charter pursuant to Education Code Section 47605.6. (Education Code Section 47605.6(a) and (b).)

- II. The petitioners must provide notice to school districts where the charter school will operate a facility at least 30 days prior to submission of the charter petition. (Education Code Section 47605.6(a)(1)(A)-(B).)
- III. The county board must hold a public hearing on the provisions of the charter at which it considers the level of support for the charter by teachers, parents/guardians, and school districts where the charter school proposes to place school facilities. (Education Code Section 47605.6(b).)
- IV. The county board shall deny a countywide charter petition if it makes one or more of the following findings (Education Code Section 47605.6(b)(1)-(7)):
 - A. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
 - B. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
 - C. The petition does not contain the number of signatures required by Education Code Section 47605.6(a).
 - D. The petition does not contain an affirmation of each of the conditions described in Education Code Section 47605.6(d).
 - E. The petition does not contain reasonably comprehensive descriptions of all the required elements.
 - F. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employees Relations Act (EERA).
 - G. Any other basis that the county board of education finds justifies the denial of the petition.
- V. The county board is to require charter petitioner(s) to provide information regarding the proposed operation and potential effects of the proposed school, including but not limited to:
 - A. The facilities to be used by the school.
 - B. The manner in which administrative services of the school are to be operated.

- C. Potential civil liability effects, if any, upon the school, any school district where the charter school may operate and upon the county board of education.

Financial statements that include a first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.

- D. The names and relevant qualifications of all persons whom the petitioner nominates to serve on the charter school nonprofit corporation's board of trustees.

REVIEW AND ANALYSIS OF THE CHARTER PETITION'S JUSTIFICATION FOR SUBMISSION AS A COUNTYWIDE BENEFIT CHARTER

The SJCOE staff reviewed the Charter using the criteria established in Education Code Section 47605.6, as described above. The SJCOE staff recommendations and recommended findings are set forth below.

- I. In order to approve the Unbound Stockton countywide Charter, the SJCBOE must find that the educational services to be provided by the proposed Unbound Stockton will benefit its target pupil population and that cannot be served as well by a charter school that operates in only one school district in San Joaquin County, and the County Board must be satisfied that the Unbound Stockton petitioner has provided reasonable justification for why it could not be established by petition to a school district. (Education Code Section 47605.6(a) and (b).)

The Petition proposes to open and operate an in-person charter school at only a single school site located in downtown Stockton. The various stated rationales for proposing Unbound Stockton as a countywide charter are unconvincing and do not justify approval as a countywide benefit charter.

While Unbound Stockton's stated justification for countywide status specifies a desire to serve students from all areas of San Joaquin County equally, when reviewing the Charter as a whole, it is evident that the emphasis is on students residing within the City of Stockton, and within Stockton Unified School District ("SUSD") in particular. This emphasis is also consistent with the name of the proposed school and the location of the school as a single site in downtown Stockton, within SUSD's boundaries. While Unbound Stockton's discussion on this point focuses on its stated desire to accept students from across the San Joaquin County, rather than only from one district or SUSD in particular, the Charter includes a contradictory assertion that the "majority" of students will come from SUSD. Moreover, the Charter repeatedly states that its target is to enroll 50 percent of students from SUSD, with 10 percent each from two other districts in the City of Stockton, 20 percent from another district in the City of Stockton, and only 10 percent of enrollment from elsewhere in the County. Enrolling 50 percent or more of students from SUSD, where the school is proposed to be located, and then targeting relatively low percentages of enrollment from other districts and the County at large, would be consistent with submission of the Charter to SUSD, and not as a countywide benefit charter submitted to the SJCBOE.

While a charter submitted to a school district is required to give preference to residents of that district, that is not the only permissible preference, and the petitioners could potentially obtain district board approval of other preferences as appropriate to the desired recruitment and enrollment efforts. With a charter submitted directly to a district, Unbound Stockton would also be able to conduct extensive recruitment efforts throughout the districts that operate within the City of Stockton and across San Joaquin County. Additionally, regardless of a preference for residents of the school district to which a charter is

submitted, charter schools are required to accept students from outside of that district, including throughout San Joaquin County and the state.

Unbound Stockton's assertion that centralized supervisory oversight would be beneficial because the school would not have to respond to the requirements of multiple oversight agencies is theoretical at best and is not an adequate justification for countywide status. First, Unbound Stockton is very clear that it desires to operate a single school in a single location, so there is no risk of it having to respond to the oversight requirements of multiple school district authorizers. Additionally, this argument would apply to each and every charter school that proposes to operate multiple schools in different districts; it is not unique to Unbound Stockton and does not itself justify countywide approval. Authorization by a school district rather than the SJCBOE does not result in the district's charter oversight role emphasizing the needs of charter students who reside in the district over the needs of other charter students.

Unbound Stockton's ability to implement and/or convey to its students its "three pillars," as described in the Charter, is not dependent on or tied to the school being a countywide charter rather than a charter submitted to a district. To Unbound Stockton's statements about its "first pillar," charter schools are schools of choice and Unbound Stockton would be free to recruit and is *legally required* to enroll students from throughout San Joaquin County (and beyond) if approved by a school district. Being a countywide charter does not convey greater openness to students from throughout the County, and there is no need for students to "cross district boundaries or be part of a school district that technically does not serve them" if they attend a charter school that was submitted to a school district. All charter schools are explicitly prohibited from determining admission according to the place of residence within California. Most, if not all, California charter schools enroll and serve students from outside the school district that authorized the charter school. Should Unbound Stockton obtain charter approval from *any* entity, it would be incumbent on Unbound Stockton to create an inclusive school community welcoming of all students and demonstrating diversity and inclusion.

Unbound Stockton's stated justifications for countywide status based on its "second pillar" and "third pillar" both relate to community building, community partnerships, and community engagement. Of course, submitting a charter to a school district rather than to the SJCBOE does not limit Unbound Stockton's ability to convey the importance of understanding and engaging with the broader community in the County or actively engaging and partnering with the broader community and groups and organizations throughout the County. As noted above, a charter submitted to a single district results in students enrolling from multiple districts and perhaps multiple counties, and Unbound Stockton can still "ensure that [its] students explore, experience, and contribute to places across the County." Countywide charter status is not necessary to pursue these goals or benefits.

The SJCOE staff does not believe that the educational services to be provided by the proposed Unbound Stockton cannot be served as well by a charter school that operates in only one school district in San Joaquin County or that the Unbound Stockton petitioner has provided adequate justification for why it could not be established by petition to a school district. For those reasons, the SJCOE staff does not believe that the SJCBOE should make these findings, nor be satisfied, with Unbound Stockton's justification for seeking countywide status, therefore Unbound Stockton has not met the requirements in order to be approved as a countywide charter school pursuant to Education Code Section 47605.6.

Since Unbound Stockton does not satisfy these required standards and findings to be authorized as a countywide benefit charter school, it is unnecessary to set forth a full analysis of the Charter or to make

any recommendations or recommended findings as to whether it meets the other standards for charter approval.

CONCLUSION

The SJCOE staff reviewed the Charter for Unbound Stockton utilizing the criteria for consideration and action on a petition for a countywide charter set forth in Education Code Section 47605.6. It is the SJCOE staff's recommendation that the Unbound Stockton Community School countywide Charter be denied because it does not satisfy the required standards and findings to be authorized as a countywide benefit charter school.