



Grand Jury  
 800 South Victoria Avenue  
 Ventura, CA 93009  
 (805) 477-1600  
 Fax: (805) 658-4523  
 grandjury.countyofventura.org

**Response to Grand Jury Report Form**

Report Title: Oversight of Charter Schools Authorized by Ventura County School Districts and the Ventura County Office of Education

Report Date: May 2020

Response by: Doreen Learned Title: Director of Operations, CAPE Charter Schools

**FINDINGS / CONCLUSIONS**

- I (we) agree with the Facts / Conclusions numbered: C-04
- I (we) disagree wholly or partially with the Facts / Conclusions numbered:  
None  
 (Attach a statement specifying any portions of the Facts / Conclusions that are disputed; including an explanation of the reasons.)

**RECOMMENDATIONS**

- Recommendations numbered \_\_\_\_\_ have been implemented.  
 (Attach a summary describing the implemented actions and date completed.)
- Recommendations number \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
 (Attach a time frame for the implementation.)
- Recommendations numbered R-04 require further analysis.
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.

Date: 6/30/2020

Signed: 

Number of pages attached: 2



July 8, 2020

Via Email: [Anida.Margolis@ventura.org](mailto:Anida.Margolis@ventura.org)

Anida Margolis, Foreperson  
Ventura County Grand Jury  
800 South Victoria Avenue  
Ventura, CA 93009

**RE: Camarillo Academy for Progressive Education Response to Grand Jury Report,  
“Oversight of Charter Schools Authorized by Ventura County School Districts and the  
Ventura County Office of Education”**

Dear Foreperson Margolis,

The Camarillo Academy for Progressive Education (“CAPE”) is in receipt of your letter dated May 19, 2020, and the referenced Ventura County Grand Jury Report entitled, “*Oversight of Charter Schools Authorized by Ventura County School Districts and the Ventura County Office of Education.*” In the report, the Grand Jury requested a response from CAPE regarding the following:

- 1) Conclusion (C-04): The Grand Jury concluded that a benefit would accrue to each charter school’s operations by having an official representative of the authorizing district or VCOE on its governing board.
- 2) Recommendation (R-01): The Grand Jury recommends that VCOE, in conjunction with charter schools and district authorizers, collaborate to review and enhance the current VOCE oversight checklist/timeline utilizing the FCMAT suggested guidelines for oversight.
- 3) Recommendation (R-04): The Grand Jury recommends that each existing charter school’s governing board have at least one official representative from the authorizing district or VCOE.
- 4) Recommendation (R-05): The Grand Jury recommends that charter school authorizing entities within the County require future charter school petitions for authorization to include an agreement that the charter school will have a representative from the authorizing school district and/or VCOE on its governing board.

This letter is CAPE’s response to the report.

CAPE appreciates the relationship we have with our charter authorizer, Oxnard Union High School District (“District”), since our opening in 2007. We believe the District has provided helpful and essential oversight over the past 13 years. If the District cares to follow the Grand Jury report recommendation to review and enhance the current oversight checklist/timeline for charter schools utilizing the FCMAT suggested guidelines, CAPE has no objection.

Regarding CAPE Board of Directors representation, Education Code Section 47604(c) states: “A chartering authority that grants a charter to a charter school to be operated as or by a nonprofit public benefit corporation shall be entitled to a single representative on the board of directors of the nonprofit



public benefit corporation.”<sup>1</sup> Additionally, the CAPE charter renewal petition, approved by the District, specifically allows for the District to have a single representative on the CAPE Board of Directors pursuant to Education Code Section 47064(c).

Currently, the District has not chosen to place a representative on the CAPE Board of Directors. Although the Education Code provides for such an individual, there are several reasons why many school districts throughout California choose to actively oversee charter schools without implementing this code section. First, the District would likely need to appoint an individual who is not an employee or compensated by the District to avoid potential financial conflicts of interest and to comply with Government Code Section 1090, *et seq.* Second, the Board member appointed by the District must perform the duties of a director with care, in “good faith,” and in a manner that the Board member believes to be in the best interest of the corporation/charter school pursuant to Corporations Code Section 5231(a). Any person appointed to serve on the CAPE Board of Directors must provide complete loyalty to the Charter School and must maintain confidentiality of all things acquired in closed session. This can occasionally prove to be problematic when the person is appointed by the District (and believes he/she has to be loyal to the District) and there may be a conflict between the Charter School and the District. Finally, and in connection with the first two concerns mentioned, the District may also face liability by appointing a CAPE Board member if a conflict of interest or a violation of the Corporation Code occurs. And in many cases even just the placement of a representative on the charter school board has involved the granting agency in any lawsuits that might be filed by former charter school employees or expelled students etc. Most granting agencies find they can adequately monitor the charter school’s activities by attending the board meetings (without being on the board), reviewing charter school records, and communicating with the school on a regular basis without exposing themselves to that potential liability

With that understanding of concerns, CAPE, of course, would be pleased to follow the law and the language in the charter renewal petition, and accept the appointment of a member of the Board of Directors if the District would so choose to make such an appointment.

CAPE appreciates the work completed and the report submitted by the Ventura County Grand Jury on the issue of charter school oversight. We continue to be a local leader in education and a provider of school choice for parents and students in Ventura County.

Sincerely,

Doreen Learned  
Director of Operations  
CAPE Charter School

Maryellen Lang  
Director of Education  
CAPE Charter School

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<sup>1</sup> The Grand Jury report recommends the “charter school’s governing board have *at least one* official representative from the authorizing district...” (emphasis added.) It should be noted that Education Code Section 47604(c) allows for a “single representative” that may be appointed by the District.

## Landon, Carolyn

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**From:** Boehmer, Richard  
**Sent:** Monday, July 27, 2020 12:43 PM  
**To:** Landon, Carolyn  
**Subject:** FW: Grand Jury Report Responses from CAPE  
**Attachments:** Cape\_Response\_Oversight.pdf; Cape\_Response\_sex-education.pdf

Carrie:

Please see the email and attachments below.

Rick

**From:** Maryellen Lang [mailto:maryellen.lang@capecharter.org]  
**Sent:** Friday, July 24, 2020 2:29 PM  
**To:** Boehmer, Richard <Richard.Boehmer@ventura.org>; Doreen Learned <Doreen.learned@capecharter.org>  
**Subject:** Grand Jury Report Responses from CAPE

**CAUTION:** If this email looks suspicious, DO NOT click. Forward to [Spam.Manager@ventura.org](mailto:Spam.Manager@ventura.org)

Hello Richard,

CAPE sent an email to both Dustin and Anida and it was returned. We also faxed the attached reports to your office on the fax number of your letterhead. Please find attached the reponses from CAPE for both the charter oversight and sex education.

Maryellen Lang  
Director of Education  
CAPE Charter School  
777 Aileen Street, Camarillo CA 93010  
805-384-1415  
[www.camarillocharter.org](http://www.camarillocharter.org)

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