



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 10.5

Meeting Date: November 16, 2017

Subject: Consider Resolution No. 2968 or 2969: Initial Charter Petition for Amethod Charter Schools: Sonia Sotomayor Charter Elementary

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading
- Conference/Action
- Action
- Public Hearing

Division: Academic Office

Recommendation: To take action to approve or deny the Initial Charter Petition for Amethod Charter Schools: Sonia Sotomayor Charter Elementary.

Background/Rationale: Sacramento City Unified School District received Amethod Charter Schools: Sonia Sotomayor Charter Elementary's initial charter petition on September 8, 2017. The Governing Board held a public hearing in accordance with Education Code Section 47605 (b) to consider the level of support for the initial charter petition of Sonia Sotomayor Charter Elementary on September 21, 2017. District staff met with Sonia Sotomayor Charter Elementary for a capacity interview on September 20, 2017 and conducted a comprehensive review of the initial charter petition and related submissions. The staff's analysis will be presented for Board Action on November 16, 2017.

Financial Considerations: The financial considerations are outlined within the Executive Summary.

LCAP Goal(s): Family and Community Engagement

Documents Attached:

1. Executive Summary
2. Resolutions 2968 and 2969
3. Charter Petition (Proposed): <http://www.scusd.edu/charter-petitions>
4. Appendices (Proposed): <http://www.scusd.edu/charter-petitions>

Estimated Time of Presentation: 10 minutes

Submitted by: Iris Taylor, Chief Academic Officer

Jack Kraemer, Innovative Schools and Charter
Oversight, Director

Approved by: Jorge A. Aguilar, Superintendent

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I. OVERVIEW / HISTORY

Action Proposed:

Sacramento City Unified School District (“District”) Staff and legal counsel have reviewed the charter petition (“Petition”) submitted by Amethod Public Schools, a California nonprofit public benefit corporation (“Petitioner”), proposing the creation of the Sonia Sotomayor Charter Elementary School (“SSCE” or “Charter School”). After careful review, District Staff has identified a number of concerns within the Petition, including, but not limited to, the Charter School’s staffing plan, finances, recruitment, and governance, which are set forth in this Report. As a result, District Staff believes deficiencies in the Petition could warrant a denial of the Petition on the following grounds, pursuant to Education Code section 47605:

1. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.
2. The Petition does not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A- P).

District Staff recommends that the Board approve Resolution 2968 to approve the Petition or approve Resolution 2969 and adopt these written Findings of Fact as its own to deny the Petition.

History:

On or about September 8, 2017, the District received an initial Petition proposing the creation of the Charter School for a term of five years, from July 1, 2018 through June 30, 2023. Pursuant to Education Code section 47605, subdivisions (a)(1)(B), the Petition is signed by the requisite number of teachers meaningfully interested in teaching at the Charter School. (Appendix B) The District held a public hearing on September 21, 2017, so that the District’s Governing Board (“Board”) could consider the “level of support for the petition by teachers employed by the district, other employees of the district, and parents.” (Ed. Code, § 47605, subd. (b).)

The Petition proposes to establish a charter school to serve 220 students in kindergarten through third grade in the 2018-2019 school year, and expand over the subsequent four years to serve a total of 480 students in transitional kindergarten (“TK”) through fifth grade in the 2022-2023 school year. Petitioner aspires for the Charter School to “provide a rigorous TK-5 academic program that reinforces the academic fundamentals in reading, math, science, language and history to all students who wish to attend...” (Petition, pg. 18.) Petitioner does not currently

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operate any charter schools in the District, but operates one elementary school, three middle schools and two high schools in Oakland and Richmond, California. Along with this Petition, Petitioner has also submitted an initial petition for the operation of a charter middle school in the District. A review of Benito Juarez Elementary (Petitioner's elementary school in Richmond) revealed strong academic performance for those students enrolled. On the whole, the students at Benito Juarez Elementary outperformed, or performed similar to students of the authorizing district and comparison schools.

II. DRIVING GOVERNANCE

The Charter Schools Act of 1992 ("Act") governs the creation of charter schools in the State of California. The Act includes Education Code section 47605, subdivision (b), which provides the standards and criteria for petition review, and provides that a school district governing board considering whether to grant a charter petition "shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged." (Ed. Code, § 47605, subd. (b).) Specifically, the governing board may not deny a petition unless it makes written factual findings setting forth specific facts to support one, or more of six findings:

- 1) The charter school presents an unsound educational program for the students to be enrolled in the charter school;
- 2) The petitioner is demonstrably unlikely to successfully implement the program set forth in the petition;
- 3) The petition does not contain the number of signatures prescribed by Education Code section 47605, subdivisions (a)(1)(A) or (a)(1)(B);
- 4) The petition does not contain an affirmation of each of the conditions set forth in Education Code section 47605, subdivision (d), including that the charter school: (1) will be nonsectarian in its admission policies, employment practices and all other operations; (2) will not charge tuition; and (3) will not discriminate against any student on the basis of the characteristics set forth in Education Code section 220;
- 5) The petition does not contain reasonably comprehensive descriptions of fifteen certain elements in its program and operations as set forth in Education Code section 47605, subdivision (b)(5) (A-O), which describes fifteen separate elements that must be addressed in every petition to establish a charter school. These elements include a

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description of the School's governance structure, admissions policy, health and safety and student discipline policies; or

- 6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purpose of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

Charter school petitions are also required to include discussion of the impact on the chartering district, including, the facilities to be utilized by a proposed charter school, the manner in which administrative services will be provided, potential civil liabilities for the school district, and a three year projected operational budget and cash flow. (Ed Code, § 47605, subd. (g)).

Results of Petition Review (Findings of Fact Determinations):

The Petition evaluation that follows summarizes the consensus of the District reviewers with respect to the educational program and proposed school operations, pursuant to the petition review process. The following Findings of Fact, and specific facts in support thereof, have been grouped for convenience under the aforementioned grounds for denial of the Petition. Certain Findings of Fact support more than one ground for denial of the Petition.

As a preliminary matter, District Staff note that the Petition suffers from sloppy and inconsistent drafting. For example, as detailed in this Executive Summary, there are multiple occasions in the Petition where Petitioner refers to a *different* proposed charter school and provides conflicting calculations for key areas of the educational plan. Much of the Petition appears "cut and paste" from petitions submitted by Petitioner for different charter schools.

A. Petitioner is Demonstrably Unlikely to Successfully Implement the Programs Set Forth in the Petition

When determining whether Petitioner is likely to successfully implement the programs described in the Petition, it is the District's practice to evaluate the Petitioner's ability to: demonstrate that it is familiar with the content of the Petition and the requirements of law applicable to the

proposed school, present a realistic financial and operational plan, have the necessary background in areas critical to the Charter School's success, or have a plan for securing the services of individuals with the necessary background, including curriculum, instruction, assessment, finance and business management. Based upon the information provided in the Petition, Petitioner is demonstrably unlikely to successfully implement the educational program for the following reasons:

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i. The Petition Presents an Inadequate Plan for Staffing.

The Petitioner’s plan for staffing does not provide a sufficient number of teachers to serve the anticipated enrollment of students. The Petition contemplates an initial enrollment of 220 students in the 2018-2019 school year, with 50 students in kindergarten, 50 students in first grade, 60 students in second grade, and 60 students in third grade. (Petition, pg. 147.) However, Petitioner only contemplates hiring two teachers for the 2018-2019 year. (Petition, pg. 149.) The Petitioner’s staffing roll-out plan is as follows:

	Avg. Salary per FTE 2017-2018	2018-19 FTE	2019-20 FTE	2020-21 FTE	2021-22 FTE	2022-23 FTE
Teacher	\$54,000	2	5	8	9	9
PE Teacher	\$48,500	1	1	1	1	1
Tutors	\$43,000	6	8	10	11	12
Site Director	\$100,000	0	1	1	1	1
Site Admin	\$40,000	1	1	2	2	2
Dean of Students	\$75,000	[0]	[0]	1	1	1

(Petition, pg. 149.) Under this staffing plan, two teachers will be responsible for teaching the entire student population of 220 students. In other words, each teacher will be responsible for ensuring that he/she provides proper, effective, and targeted instruction to 110 kindergarten to third grade students every day. This plan is unrealistic, unreasonable, and inadequate.

We note that despite the plain language of the Petition, the proposed budget does contemplate \$443,757 for “teacher salaries” in the 2018-2019 school year, which may indicate that the Charter School intends to hire more than simply two teachers. However, due to the conflicting information in the Petition, the District is unable to discern, with certainty, the Petitioner’s plan for staffing the Charter School.

In addition, the Petition fails to provide a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the Charter School, as required by Education Code section 47605, subdivision (b)(5)(E). While the Petition details the qualifications the Charter School requires for teachers “of core academic subjects” and the “site director,” it does not list the qualifications for a number of other important employees referenced in the staffing plan above. (Petition, pg. 111-12.) For example, the Petition does not list specific qualifications for the PE teacher, tutors, site administrators, and Dean of Students.

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ii. The Petition Presents an Inadequate Financial Plan

A charter petition should, at a minimum, include a first-year operational budget, start-up costs and cash flow, and financial projections for the first three years. (Ed. Code, § 47605, subd. (g).) The Petition states that the Charter School will use \$800,000 in federal grants to assist in start-up costs: “AMPS was the recent recipient of the federal expansion grant which will provide SSCE \$800,000 for startup salary and equipment costs.” (Petition, pg. 149.) Petitioner’s budget indicates that the \$400,000 of this federal “implementation grant” will be used in 2017-2018, \$300,000 will be used in 2018-2019, and the remaining \$100,000 will be used in 2019-2020. (Appendix F.) However, Petitioner has submitted a second petition to the District for a charter middle school that also claims that it will be using \$800,000 in federal expansion grants for startup salary and equipment costs: “AMPS was the recent recipient of the federal expansion grant which will provide SCA \$800,000 for startup salary and equipment costs.” (SCA Petition, pg. 145; emphasis added.) If the federal grant received by the Petitioner is, at minimum, \$1.6 million dollars, then Petitioner may be correct in stating that both SSCE and SCA will be able to “use \$800,000 in federal expansion grants.” However, District Staff are unclear whether Petitioner received \$800,000 *for each school*, or a total of \$800,000 to be shared between SSCE and SCA, and Petitioner should clarify.

In addition, the Petition states that the Charter School will pay Petitioner a fee of 10% of total governmental revenues to “help cover home office functions such as Chief Executive Officer,

Chief Academic Officer, Director of Instructional Quality, and Director of Talent Management. (Petition, pg. 151.) District Staff is concerned that the Charter School will be required to pay such a high fee to the Petitioner on an annual basis. In addition, District Staff are concerned that the Petition does not provide any description of how the Charter School and Petitioner will account for economies of scale and readjust these fees when Petitioner opens additional schools throughout California.

iii. The Petition Provides an Inadequate Plan for Parental Participation, and Does Not Contain a Reasonably Comprehensive Description of the Charter School’s Governance

A charter petition must include a reasonably comprehensive description of, “the governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.” (Ed. Code, § 47605, subd. (b)(5)(D).) Here, the Petition does not provide for sufficient parental involvement in the governance process.

Petitioner’s Board currently serves as the governing board for Petitioner’s six other charter schools. Not counting the current petition submissions, the Petitioner’s Board currently governs

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Benito Juarez Elementary, Oakland Charter Academy, Downtown Charter Academy, Richmond Charter Academy, Oakland Charter High School, and John Henry High School- <https://amps-ca.schoolloop.com/OurLocations>. These charter schools are located in the Richmond and Oakland communities, and all Petitioner’s Board meetings are currently held in either Richmond or Oakland. (Appendix C-3.) However, the Petition fails to provide any description of how the Charter School would ensure that parents of students who attend the Charter School, which intends to locate in Rancho Cordova, would be assured the opportunity to participate in Board meetings that are held so far outside of the boundaries of the District. Parental participation is a key requirement of the Charter Schools Act and the proposed governance structure of the Charter School fails to guarantee parents are afforded access to meaningful participation. *Even if some of the Petitioner’s Board meetings are held within the jurisdictional boundaries of the District (which is not contemplated in the Petition), the Petition fails to indicate how the families of the Charter School’s students will be able to meaningfully participate in any of the other meetings that would necessarily be held in the Oakland or Richmond communities.*

In addition, the Petitioner presents an inconsistent governance structure. While the Petition indicates that the Charter School’s Board “shall have. . . no more than seven (7) directors” (Petition, pg. 102; emphasis added), the accompanying Board’s Articles of Incorporation indicate that the Charter School’s Board shall have “no greater than nine (9) directors.” (Appendix C-1, Art. IV, § 4.) By failing to provide a clear understanding of: (1) how the Charter School would ensure parental participation in Petitioner’s Board meetings; and (2) the potential size and scope of Petitioner’s Board, the Petition provides an inadequate plan for parent participation and does not contain a reasonably comprehensive description of the Charter School’s governance.

iv. The Petition Presents an Inadequate Plan for Facilities

Education Code section 47605, subdivision (g) requires Petitioners to, “...provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be used by the school, [including] where the school intends to locate.” While the Petition states that the Charter School intends to locate at 9738 Lincoln Village Drive, Suite 100, Rancho Cordova, CA 95827, on non-district owned property (Petition, pg. 9, 155), the Petition’s description for the operation of the facility is both unclear and incomprehensible. Most notably, the Petition provides that the Charter School can save on facilities costs because it is “co-located” with itself:

- “[B]ecause SSCE will be co-located with Sonia Sotomayor Charter Elementary, we will be able to realize shared costs and efficiencies.” (Petition, pg. 151.)

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- “SSCE has secured a private facility, will be co-located with SSCE and has budgeted accordingly.” (Petition, pg. 149.)

It is unclear what the Petitioner means by stating that the Charter School will co-locate with itself, and how such an arrangement would lower the facilities costs to the Charter School.

v. The Petition Provides an Inadequate Plan for Food Services

The Petition fails to provide a detailed description of the Charter School’s plan for food services. Specifically, Petitioner states, “The Charter School may be a food service sponsor and contract for food services (with the SCUSD or another private food service provider) in the same manner consistent with other charter schools and food service providers.” (Petition, pg. 116.) Additionally, the Petition states, “Sonia Sotomayor Charter Elementary will serve a school lunch, in compliance with the National School Lunch Program.” (Petition, pg. 149.) These statements fail to provide important details regarding how the Charter School will deliver food services to students and do not mention whether or not the Charter School will provide a breakfast program to students.

B. The Petition Does Not Contain Reasonably Comprehensive Descriptions of Certain Required Elements Set Forth in Education Code section 47605, Subdivisions (b)(5)(A-P).

The Petition serves as the Petitioner’s proposal for the Charter School’s establishment and operation. As such, the Petition must provide reasonably comprehensive descriptions of certain essential elements in its program and operations as required in Education Code section 47605, subdivisions (b)(5)(A-O). The following elements do not meet this standard due to incomplete or inadequate information, which in some instances contradict the requirements of the law:

i. The Petition Does Not Contain a Reasonably Comprehensive Description of the Educational Program

As detailed below, the Petition’s description of the proposed Charter School fails to provide a clear and comprehensive description of key aspects of the educational program.

a. Special Education

A charter petition must set out a reasonably comprehensive description of the charter school’s plan to serve special education students. Most important, the special education “status” of a charter school determines who is legally responsible for providing special education supports and services to students enrolled in the charter school. If a charter school is deemed a “public school

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of the district,” than the charter authorizer is responsible for providing special education supports and services to the students enrolled in the charter school in the same manner as provided to other students in that district. (Ed. Code, § 47646, subd. (a).) Alternatively, if the charter school is categorized as an independent local educational agency (“LEA”), whereby it is accepted as an independent member into a special education local plan area (“SELPA”), the charter school itself is ultimately responsible for providing special education and supports to the students it enrolls. (Ed. Code § 47646, subd. (b).)

The Petition fails to contain a reasonably comprehensive description of the educational program, in part, because it identifies the Charter School as both a “school of the district” and as an independent LEA. On page 70, Petitioners indicate that they intend to operate as a school of the District: “The Charter School intends to be categorized as a public school of the District in accordance with Education Code Section 47641(b).” (Petition, pg. 70.) However, on page 149, Petitioners indicate that they will receive funding as part of the El Dorado County SELPA: “For Special Education, RCCE [*sic*] is part of the El Dorado County SELPA and does receive the Federal rate of \$125 per student [*sic*] and state rate of \$503 per student.”¹ (Petition, pg. 149.) It is not possible for the Charter School to operate as both an independent LEA and as a school of the District. Therefore, without a clear understanding of how the Charter School intends to

classify, the District is unable to evaluate whether the Charter School will be able to properly provide special education supports and services to its students.

b. Transitional Kindergarten

The Petition fails to provide a reasonably comprehensive description of the proposed transitional kindergarten (“TK”) program. According to the Petition, the Charter School “seeks to be a classroom based charter school serving grades TK-5th grade...” (Petition, pg. 9.) However, Petitioner fails to provide any further insight into its potential TK program. While Petitioners provide an overview of the recommended curriculum for kindergarten through 5th grade, any explanation of the TK program is noticeably absent. Not only does the Petition fail to describe a

targeted differentiated curriculum, it also does not detail the policies and procedures for the identification and enrollment of students eligible for TK, and the staffing of the program.

c. High Achieving Students

¹ On more than one occasion, Petitioner erroneously references the Charter School as “RCCE” rather than “SSCE.” (See also Petition, pg. 40, 43, 44, 103, 149.) This is one of a number of errors that appear throughout the Petition.

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The Petition fails to provide a reasonably comprehensive description of the Charter School’s plan to serve high-achieving students. The Charter School’s “plan for students who are academically high-achieving” largely relies on programs offered by the John Hopkins University Center for Talented Youth Program (“CTYP”). Petitioner indicates that high-achieving students at the Charter School will be afforded the opportunity to take part in the CTYP residential program, where they will be able to study at university campuses during the three week residential program. (Petition, pg. 71.) However, according to the CTYP website, CTYP residential programs are only for students grades 5 and up. (The Young Students residential program serves students grade 5-6 [<https://cty.jhu.edu/summer/grades2-6/0>] and the residential Summer Programs serves students grades 7 and above [<https://cty.jhu.edu/summer/grades7-12/index.html>].) In other words, the Petitioner’s plan for high achieving students only applies to 5th grade students, and does not account for or serve the Charter School’s TK, K, first, second, third, and fourth graders.

Moreover, Petitioners do not explain how they will ensure that eligible students will be permitted to participate in the CTYP residential free of charge, in Compliance with California’s Free School Guarantee. (Cal. Cons., Article IX, § 5; *Hartzell v. Connell* (1984) 35 Cal.3d 899; Ed. Code, §§ 49010-11.) While the Petition does provide that “many students receive scholarships,” it fails to explicitly note that all eligible students will be afforded the opportunity to participate in CTYP free of charge, and fails to detail how it plans to pay for such participation.

d. English Learning Program

The Petition fails to provide a reasonably comprehensive description of the Charter School’s plan to serve English learners. Specifically, District Staff have concerns regarding the Charter School’s English Learning reclassification procedures because Petitioner’s proposed standard for reclassification is unnecessarily stringent: “Students must meet an intermediate CELDT/ELPAC Score and proficient CAASPP score in three (3) consecutive years for Reclassification.” (Petition, pg. 87; emphasis added.) As a result of this procedure, students will find it increasingly difficult to be reclassified and join the general curriculum.

ii. The Petition Does Not Contain a Reasonably Comprehensive Description of Annual Goals

A charter petition should, at minimum, include a description “of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to

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achieve those goals.” (Ed. Code § 47605 subd. (b)(5)(A)(ii).) The Petition sets forth six goals, which include:

- Goal 1, English Language Development Goal: “Each student advances their English language proficiency by at least one level each year as measured by the ELPAC.”
- Goal 2, Mathematics: “Students demonstrate proficiency of grade level standards by the end of each academic year and exceed proficiency rate of state and neighboring schools by 3rd year of charter petition.”
- Goal 3, Access to, and Familiarity with Technology: “Students will master ISTE standards in Digital Citizenship, Research and Information Fluency by the 5th grade.”
- Goal 4, Daily Attendance: “Attendance numbers that exceed 90% or at least those of neighboring local elementary schools.”
- Goal 5, English Language Arts Goal: Students “demonstrate proficiency of grade level standards by the end of each academic year and exceed proficiency rate of state and neighboring schools by the 4th year of the charter petition.”
- Goal 6, Community Involvement: “We will offer at minimum three (3) Parent enrichment PEP workshops and seek to average 75% attendance.”

(Petition, pg. 90-91.) Relevant here, only one of the proposed goals (English Learners) are broken down by pupil subgroup as required by law.

iii. The Petition Does Not Contain a Reasonably Comprehensive Description of Measurable Pupil Outcomes

A charter petition must include measurable student outcomes that describe the extent to which all students of the school will demonstrate that they have attained the skills and knowledge specified as goals in the school’s educational program. When describing expected pupil outcomes, the Petition must, “...include outcomes that address increases in pupil academic achievement both school-wide and for all groups of pupils served by the charter school.” (Ed. Code, § 47605(b)(5)(B).) The Petition fails to provide measurable pupil outcomes. Instead, the Petition simply provides a “list of the current data systems that will be implemented at SSCE.” While

these data systems describe possible processes for measuring student progress, they fail to provide any specific measurable student outcomes.

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The Petition then notes that measurable outcomes “can be found in the Charter School’s Local Control Accountability Plan (“LCAP”).” (Petition, pg. 92.) Appendix B-1, entitled B-1 LCAP, appears to be the document Petitioner refers to. However, while Appendix B-1 provides minimal, and generic “outcomes” attached to “goals”, they appear to be “cut and pasted” and not specific to this Charter School. For example:

- The annual goals provided in Appendix B-1 do not match the annual goals provided in the Petition; and
- The SCA Petition includes the same goals and outcomes, with only the specific measurements different in some areas.

In addition, the “outcomes” associated with goals 2, 3, and 4 provided in Appendix B-1 are not broken down by pupil subgroups as required by law. Instead, they simply state that the goals and “outcomes” apply to all “applicable student subgroups.”

iv. The Petition Does Not Contain a Reasonably Comprehensive Description of the Charter School’s Plan to Achieve a Racial and Ethnic Balance Reflective of the District

A charter petition must include a reasonably comprehensive description of “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...” (Ed. Code, § 47605, subd. (b)(5)(G).) First and foremost, Petitioner fails to detail the racial and ethnic makeup of the students in the District. Without a clear understanding of the District’s racial and ethnic makeup, it is uncertain whether the Charter

School will be able to strive for, obtain, and ultimately maintain a racial and ethnic balance that is reflective of the community in which it proposes to locate.

In addition, the Petitioner’s “recruiting and marketing” strategies are noticeably broad, and are not specifically tailored to the community in which it intends to recruit. For example, the Petition provides the following strategies:

- Attending elementary school, and middle school option fairs;
- Meeting with local Athletic Teams and leagues;
- Hosting open houses at the Charter School and partnering campuses;
- Press releases and other communications with local news media;
-

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- Posting notices or banners in libraries and other public buildings and spaces, as well as with local business and religious institutions.
- Working with the community organizations to reach families in the local area
- Apartment recruitment fairs,
- Word of mouth among parents in the community and
- Speaking or distributing flyers at local churches, recreation centers, and groups working with families.

(Petition, pg. 118.) None of these strategies show an understanding of the community in which the Petitioners intend to locate. These strategies fail to mention specific schools, specific athletic teams, specific media outlets, specific dates, etc. Instead, each of these strategies are generic enough to have been included in petitions to a number of other school districts in California. Without more detailed and specific recruitment strategies, it is unclear how the Charter School will ensure a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the District.

This is particularly troubling because of the lack of racial and ethnic balance in the Petitioner's other charter schools. District Staff have concerns with the Petitioner's consistent under enrollment of African American students. For example, a review of the California Department of Education's ("CDE") "Dataquest" reports for Petitioner's charter schools in the West Contra Costa Unified School District ("WCCUSD") and the Oakland Unified School District ("OUSD") illustrates that Petitioner consistently enrolls significantly less African American students than their chartering districts do, and therefore fails to ensure that the charter schools reflect the racial and ethnic balance of its chartering districts as required by law.

To illustrate, WCCUSD's enrollment of African American and Hispanic Students over the last three academic years is provided below:

West Contra Costa Unified School District		
Academic Year	African American Enrollment	Hispanic or Latino Enrollment
2016-2017	16.7%	54.3%
2015-2016	17.8%	53.6%
2014-2015	18.4%	52.8%

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Petitioner's charter schools within WCCUSD, Richmond Charter Academy, Benito Juarez Elementary, and John Henry High School's enrollment figures for African American and Hispanic students over the last three academic years are as follows:

Richmond Charter Academy		
Academic Year	African American Enrollment	Hispanic or Latino Enrollment
2016-2017	1.6%	93.1%
2015-2016	1.7%	92.2%
2014-2015	0.9%	93.5%

Benito Juarez Elementary		
Academic Year	African American Enrollment	Hispanic or Latino Enrollment
2016-2017	1.7%	94.0%
2015-2016	1.7%	95.3%
2014-2015	1.9%	96.8%

John Henry High School		
Academic Year	African American Enrollment	Hispanic or Latino Enrollment
2016-2017	2.5%	94.6%
2015-2016	2.4%	94.4%

In sum, Petitioner's charter schools located in WCCUSD consistently enroll approximately 14% less African American students than WCCUSD, while enrolling approximately 40% more Hispanic students than WCCUSD. OUSD's enrollment of African American and Hispanic Students over the last three academic years similarly shows Amethod's under-enrollment of African American students:

Oakland Unified School District		
Academic Year	African American Enrollment	Hispanic or Latino Enrollment
2016-2017	25.0%	44.9%
2015-2016	25.8%	44.5%
2014-2015	26.7%	43.8%

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Petitioner's charter schools within OUSD, Oakland Charter Academy, Downtown Charter Academy, and Oakland Charter High School's enrollment figures for African American and Hispanic students over the last three academic years are as follows:

Oakland Charter Academy		
Academic Year	African American Enrollment	Hispanic or Latino Enrollment
2016-2017	5.0%	84.6%
2015-2016	7.9%	84.7%
2014-2015	9.9%	80.9%

Oakland Charter High School		
Academic Year	African American Enrollment	Hispanic or Latino Enrollment
2016-2017	4.9%	43.1%
2015-2016	5.0%	44.4%
2014-2015	3.7%	47.1%

Downtown Charter Academy		
Academic Year	African American Enrollment	Hispanic or Latino Enrollment
2016-2017	2.7%	14.3%
2015-2016	1.5%	16.7%
2014-2015	2.4%	14.5%

Similar to WCCUSD, Petitioner's charter schools located in OUSD consistently enroll between 16-23% less African American students than OUSD. These enrollment figures show that the Petitioner has not been able to recruit a student population reflective of its chartering district, and elevate the District Staff's concern that the Petitioner has not presented a sufficient plan in this Petition to ensure that the student population of the Charter School will match that of the District.

In light of the above, District Staff also have concerns that Petitioner's application (Appendix E) specifically requires all applicants to list their ethnicity. District Staff do not believe that this is an appropriate question to ask in an initial application form.

Finally, District Staff has concerns with the Petitioner's outreach to, and recruitment of, students with disabilities. According to the U.S. Department of Education, Office for Civil Rights,

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charter schools should “recruit [students] from all segments of the community served by the school, including *students with disabilities* and students of all races, colors and national origins.” (United States Department of Education’s Office for Civil Rights, Applying Federal Civil Rights Laws to Public Charter Schools (May 2000), < <https://www2.ed.gov/offices/OCR/archives/pdf/charter.pdf> > [as of October 2, 2017], emphasis added.) However, the Petition fails to include any discussion regarding how the Charter School intends to recruit students with disabilities.

v. The Petition Does Not Contain a Reasonably Comprehensive Description of the Charter School’s Suspension and Expulsion Procedures

Pursuant to Education Code section 47605, subdivision (b)(5)(J), a charter petition must include “the procedures by which pupils can be suspended or expelled.” Though not mandated by law, most charter schools adopt the suspension and expulsion policies enumerated in the Education Code. While Petitioner indicated that its suspension and expulsion procedures “closely mirrors the language of the Education Code Section 48900 *et seq.*,” (Petition, pg. 123) District Staff is concerned that the Petition does not also adopt standards that would clearly and effectively distinguish a standard for suspension as opposed to expulsion.

The Petition provides a list of offenses that are grounds for both the discretionary suspension and the discretionary expulsion of a student. (Petition, pg. 124-132). However, the Petition fails to provide guidance detailing how the Board will differentiate between a suspendable offense and an expellable offense. If the Board determines that a student “willfully used force or violence upon the person of another, except self-defense,” (Petition, pg. 124, 128) how will the Board determine whether suspension of the student or expulsion of the student is the proper punishment? (For example, in order to differentiate between a suspendable and expellable offense (other than a mandatory expulsion offense under Education Code section 48915 (c)),

District-operated schools look to see whether: (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or (2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.)

In addition, Petitioner’s proposed process for disciplining students with a qualifying disability does not comply with the requirements of law. The Petition states that the Charter School will hold a manifestation determination “within ten school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct.” (Petition, pg. 139; emphasis added.) However, a manifestation determination must also be held whenever a suspension results in eligible students accumulated

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more than ten days of suspension in an academic year. (34 CFR 300.530, subd. (a)(2).)
Petitioner fails to acknowledge or recognize this requirement.

vi. The Petition Does Not Contain a Reasonably Comprehensive Description of the Charter School's Dispute Resolution

Education Code section 47605, subdivision (b)(5)(N) requires a petition to include “the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.” However, the Petition’s dispute resolution process goes beyond establishing a process to resolve conflicts, and instead attempts to impose requirements upon the District. For example, the Petition requires the District to refrain from intervening when it receives complaints regarding the Charter School and the Petitioner’s Board: “the District will not intervene in internal disputes without the consent of the MAPS board and SCUSD shall refer any complaints or reports regarding such disputes to the AMPS Board or the Chief Executive Officer for Resolution.” (Petition, pg. 143.) In light of the District’s oversight obligation, the District must reserve its right to investigate any and all complaints it receives regarding the Charter School that are part of its oversight obligations and/or may be revocable offenses of the charter or the law.

III. BUDGET

State income and various other income sources to the District are reduced when students living in District boundaries enroll at a charter school. Under Education Code section 47604, subdivision (c), a school district that grants a charter to a charter school to be operated by, or as, a nonprofit public benefit corporation is not held liable for the charter school’s debts or obligations as long as the school district complies with all oversight responsibilities. The District will continue to have monitoring and oversight responsibility for charter school finances, as specified in the Charter Schools Act.

IV. GOALS, OBJECTIVES, AND MEASURES

Not Applicable.

V. MAJOR INITIATIVES

Not Applicable.

VI. RESULTS

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Due to concerns described in this report, District Staff recommends that Sacramento City Unified School District Board of Education conference and take action to approve or deny the Petition under the California Charter Schools Act, with due consideration of the factual findings in this report. The factual findings in this report demonstrate that the Petition meets the following conditions for denial under Education Code § 47605:

- 1) The Petitioner is demonstrably unlikely to successfully implement the program set forth in petition;
- 2) The Petition does not contain reasonably comprehensive descriptions of the required charter elements; and

VII. LESSONS LEARNED / NEXT STEPS

District Staff recommends that the Board approve Resolution 2968 to approve the Petition or approve Resolution 2969 and adopt these written Findings of Fact as its own to deny the Petition.

The initial charter petition is available online at: <http://www.scusd.edu/charter-petitions>

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2968
RESOLUTION TO APPROVE THE INITIAL CHARTER PETITION OF
AMETHOD CHARTER SCHOOLS: SONIA SOTOMAYOR CHARTER
ELEMENTARY**

WHEREAS, petitioners for Amethod Charter Schools (“Petitioners”) submitted to Sacramento City Unified School District (“District”) an initial charter petition (“Petition”), dated September 8, 2017 for Sonia Sotomayor Charter Elementary; and

WHEREAS, the District’s Governing Board held a public hearing on September 21, 2017 and took board action on November 16, 2017; and

WHEREAS, the Governing Board has considered the level of public support for Sonia Sotomayor Charter Elementary and has reviewed the Petition, including all supporting documentation; and

WHEREAS, in reviewing the Petition, the Governing Board has been guided by the intent of the California Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

NOW, THEREFORE, BE IT RESOLVED that the Sacramento City Unified School District Board of Education hereby approves the Petition of Sonia Sotomayor Charter Elementary.

BE IT FURTHER RESOLVED the term of the charter shall be for five (5) years, beginning on July 1, 2018 and expiring June 30, 2023.

BE IT FURTHER RESOLVED that the Petition approval is conditional upon signed Memorandums of Understanding for Operations and Special Education by Petitioners and District no later than February 1, 2018.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 16th day of November, 2017, by the following vote:

AYES: ____
NOES: ____
ABSTAIN: ____
ABSENT: ____
ATTESTED TO:

Jorge Aguilar
Secretary of the Board of Education

Jay Hansen
President of the Board of Education

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2969
RESOLUTION TO DENY THE INITIAL CHARTER PETITION OF AMETHOD PUBLIC
SCHOOLS: SONIA SOTOMAYOR CHARTER ELEMENTARY**

WHEREAS, petitioners for Amethod Public Schools (“Petitioners”) submitted to Sacramento City Unified School District (“District”) an initial charter petition (“Petition”), dated September 8, 2017 for Sonia Sotomayor Charter Elementary; and

WHEREAS, the District’s Governing Board held a public hearing on September 21, 2017 and took board action on November 16, 2017; and

WHEREAS, the Governing Board has considered the level of public support for Sonia Sotomayor Charter Elementary and has reviewed the Petition, including all supporting documentation; and

WHEREAS, in reviewing the Petition, the Governing Board has been guided by the intent of the California Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

WHEREAS, the District staff reviewed and analyzed the Petition and supporting documents for legal, programmatic, and fiscal sufficiency, and has identified deficiencies in the Petition, such that the Petition should be denied; and

NOW, THEREFORE, BE IT RESOLVED that the Sacramento City Unified School District Board of Education hereby adopts the written Staff Report and Proposed Findings of Fact regarding Sonia Sotomayor Charter Elementary; and

BE IT FURTHER RESOLVED, that based on the Findings of Fact set forth in the Executive Summary, the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.

BE IT FURTHER RESOLVED, that based on the Findings of Fact set forth in the Executive Summary, the petition does not contain reasonably comprehensive descriptions of required elements of the Petition.

BE IT FURTHER RESOLVED, that for the reasons given above, the Petition is hereby denied.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 16th day of November, 2017, by the following vote:

AYES: ____

NOES: ____

ABSTAIN: ____

ABSENT: ____

ATTESTED TO:

Jorge Aguilar
Secretary of the Board of Education

Jay Hansen
President of the Board of Education