SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

Agenda Item 8.2

Meeting Date: November 2, 2017

Subject: **Consider Resolution No. 2965 and 2966: Initial Charter Petition for Urban Charter Schools Collective: Hidden Figures Academy**

- ☐ 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 Urban Charter Schools Collective: Hidden Figures Academy.

Background/Rationale: Sacramento City Unified School District received Urban Charter Schools Collective: Hidden Figures Academy'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 Hidden Figures Academy on September 21, 2017. District staff met with Hidden Figures Academy 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 2, 2017.

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

LCAP Goal(s): Family and Community Empowerment

Documents Attached:
1. Executive Summary
2. Resolutions 2965 and 2966
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, Director
Innovative Schools and Charter Oversight
Approved by: Jorge A. Aguilar, Superintendent

Board of Education Executive Summary

Academic Office

Consider Resolution No. 2965 and 2966: Initial Charter Petition for Urban Charter Schools Collective: Hidden Figures Academy
November 2, 2017

I. OVERVIEW / HISTORY

Action Proposed:

This Report sets forth findings based upon a review of the initial charter petition ("Petition") for Hidden Figures Academy Middle School ("HFA" or "Charter School") by Sacramento City Unified School District Staff and legal counsel. After a careful review, District Staff has identified a number of concerns with the Petition, including, but not limited to, the Charter School's plan for achieving a racial and ethnic balance; its plan for serving students eligible for special education and Section 504; its plans for serving English learners and students achieving above and below grade level; and employee qualifications, all of which are set forth in this Report. District Staff believes these deficiencies could warrant denial of the Petition on the following grounds, pursuant to Education Code section 47605:

1. The Petitioner is demonstrably unlikely to successfully implement the program set forth in the Petition;

2. The Petition does not contain reasonably comprehensive descriptions of the fifteen certain elements in its program and operations as set forth in Education Code section 47605, subdivision (b)(5) (A-O); and

Staff recommends that the District's governing board ("Board") deliberate and take action to approve or deny the Petition.

In order to deny a petition on the grounds set forth above, Education Code section 47605, subdivision (b) requires the Board to make "written factual findings, specific to the particular petition, setting forth specific facts to support one or more" of the grounds for denying the charter. Therefore, if the Board determines it will deny this Petition, Staff recommends that the Board adopt the proposed Findings of Fact, set forth below, as its own findings.

However, Staff further believes that deficiencies in the Petition might be addressed or remedied to the Board's satisfaction, in separate operational and special education memoranda of understanding ("MOUs") to be entered into between the District and Petitioner.

History:

On or about September 8, 2107, the District received an initial Petition from Urban Charter Schools Collective, Inc., ("Petitioner"), a nonprofit public benefit organization. The Petition proposes the creation of Hidden Figures Academy Middle School ("HFA" or "Charter School") for a term from November 2, 2017 through June 30, 2022. The District held a public hearing on

September 21, 2017, so the 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).)

Petitioner has been operating Yav Pem Suab Academy ("YPSA"), a District-approved charter school serving students in kindergarten through sixth grade, since 2010. HFA would be Petitioner's second charter school.

Petitioner states that the proposed Charter School was designed "to meet the needs expressed by parents, former middle school students, soon-to-be middle school students, educators, and community members" who were interviewed regarding their interest in a new middle school. (Petition, pp. 8-9) Petitioner did not include any of the actual surveys or interview materials for review by District Staff.

If approved, HFA would offer a classroom-based program serving students in grades 6, 7, and 8. Petitioner expects to enroll 150 students in HFA's first year of operation (2018-2019), "with three 6th grade classes and three 7th grade classes for a total of 6 classrooms with a 25:1 student to teacher ratio." At full enrollment, the Charter School would serve 225 students. (Petition, pp. 2, 10, and 176)

The proposed Charter School is described by Petitioner as "a small middle school with a focus on Science, Technology, Engineering, Art, and Mathematics (STEAM)." (Petition, p. 8) The Charter School intends to offer an extended school day, starting at 8:30 am and ending at 5:15 pm, except for Friday when school would be dismissed at 4:05 pm. (*Id*.) Petitioner also plans to offer "afternoon enrichment for all and *What-I-Need* (W.I.N.) sessions for students who need extra help." (*Id*.) Like YPSA, the Charter School would offer "daily instruction in Taekwondo (TKD) martial arts and the Six Tenets of TKD: Courtesy, Integrity, Perseverance, Self-Control, Indomitable Spirit, and Victory." (Petition, p. 11)

Petitioner states that the period from November 2, 2017 through June 30, 2018 would be a "planning year" and that school operations would not actually commence until July 1, 2018. As explained by Petitioner, HFA is applying for a $575,000 grant from the federal Public Charter Schools Grant Program ("PCSGP") that would help to support start-up costs during the planning year ($375,000) and the first year of operations ($200,000). (Petition, pp. 8, 208).

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 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.

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

In order to successfully implement the program described in the Petition, Petitioner must 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:

1. *YPSA Academic Achievement Lags Behind District Achievement*

Petitioner has operated YPSA since 2010, and many aspects of the educational program described in the Petition for the proposed Charter School replicate those offered at YPSA. For that reason, in evaluating the soundness of the educational program proposed for the Charter School, it is appropriate to examine the academic achievement of students enrolled in YPSA.

Petitioner anticipates that the majority of incoming 6th and 7th graders at the proposed Charter School will be matriculating from YPSA. Recently released results of the 2017 California Assessment of Student Performance and Progress ("CAASPP") show that the performance of YPSA's 4th through 6th grade students lags behind District student performance in nearly all measures.

On the English Language Arts ("ELA") portions of the CAASPP, overall performance of YPSA students declined 4.28% from 2015-16 to 2016-17. Of particular concern, the performance of African-American and Hispanic or Latino student groups declined by 8.5% and 11.09%, respectively. With the exception of English Learners, District student subgroups outperformed YPSA. (Petition, pp. 30-32; 2017 CAASPP scores available on CDE website at: https://caaspp.cde.ca.gov/sb2017/default)

The percentages of African-American, Asian, Hispanic or Latino, White, and English Learner students **meeting or exceeding state ELA Standards in 2017**, as compared to: (1) those same student groups in District schools; and (2) three comparison middle schools John Still (Comp School 1), Susan B. Anthony (Comp School 2), and Martin Luther King, Jr. (Comp School 3) are shown below:

	Yav Pem Suab	SCUSD	Comp School 1	Comp School 2	Comp School 3
Overall	24.72%	39.41%	15.86%	20.00%	28.16%
African-American	12.50%	22.11%	11.38%	18.18%	27.16%
Asian	27.02%	47.56%	21.39%	20.35%	41.38%
Hispanic or Latino	15.91%	31.27%	11.56%	17.86%	18.60%
White	33.33%	61.35%	0.00%	n/a	73.07%
English Learners	11.00%	10.39%	5.88%	11.88%	7.69%

With the exception of English Learners, students in District schools also outperformed YPSA students on the Math portion of the CAASPP. (Petition, pp. 30-32; 2017 CAASPP scores available on CDE website at: https://caaspp.cde.ca.gov/sb2017/default)

The percentages of African-American, Asian, Hispanic or Latino, and White students **meeting or exceeding state Math Standards in 2017**, as compared to: (1) those same student groups in District schools; and (2) three comparison middle schools John Still (Comp School 1), Susan B. Anthony (Comp School 2), and Martin Luther King, Jr. (Comp School 3) are shown below:

	Yav Pem Suab	SCUSD	Comp School 1	Comp School 2	Comp School 3
Overall	23.69%	31.46%	11.68%	12.12%	18.41%
African-American	4.17%	14.40%	4.92%	0.00%	17.29
Asian	25.29%	42.34%	20.44%	15.04%	51.73%
Hispanic or Latino	18.60%	22.79%	3.50%	3.57%	8.59%
White	41.67%	51.83%	0.00%	n/a	42.30%
English Learners	12.87%	11.10%	4.98%	2.97%	7.69%

The combined percentages of YPSA 3rd through 6th graders who met or exceeded the state standards in ELA in 2017 CAASPP testing as compared to District students is shown below:

Percentages of 3rd-6th Grade Students Meeting or Exceeding State ELA Standards—2017 CAASPP

3rd Grade—Yav Pem Suab	22.73%
3rd Grade—SCUSD	31.76%
4th Grade—Yav Pem Suab	33.34%
4th Grade—SCUSD	33.44%
5th Grade—Yav Pem Suab	18.84%
5th Grade—SCUSD	32.92%
6th Grade—Yav Pem Suab	23.33%
6th Grade—SCUSD	38.35%

The combined percentages of YPSA 3rd through 6th graders who met or exceeded the state standards in Math in 2017 CAASPP testing as compared to District students is shown below:

Percentages of Students Meeting or Exceeding State Math Standards—2017 CAASPP

3rd Grade—Yav Pem Suab	25.76
3rd Grade—SCUSD	37.35%
4th Grade—Yav Pem Suab	36.62%
4th Grade—SCUSD	30.9%
5th Grade—Yav Pem Suab	15.94%
5th Grade—SCUSD	24.50%
6th Grade—Yav Pem Suab	15.00%
6th Grade—SCUSD	32.66%

Acknowledging YPSA's poor academic performance, Petitioner states: "The data presented above suggests that much work needs to be done to improve ELA and Math skills among our incoming 6th and 7th graders, especially from YPSA, in order to have results comparable to 7th and 8th graders in traditional district schools." (Petition, p. 32)

In reviewing CELDT results, District Staff have noted that the number of YPSA students reclassified ("redesignated") as English language proficient in years 2014-2015 through 2016-2017, appears to be low, given the high number of English Learners enrolled. (See, additional information received from Petition following submission of Petition)

YPSA's academic achievement data may raise concerns with the District Board, in light of the fact that Petitioner intends to offer a program at HFA similar to the program it now offers to YPSA students. That being said, the Petition notes that "YPSA earned API scores of 752, 806, and 806, respectively, during the final three years of the former state testing program, which ended in 2013." (Petition, p. 8.)

2. *Petitioner Appears to have Limited Middle School Experience*

District Staff note that Petitioner appears to have limited experience operating a middle school. Specifically, the *Roster of Current UCSC Board Members as of July 27, 2017* included in the Petition's appendices lists only three current Board members: Miles E. Myles, Lance Fang, and See Lor. (Appendix B, p. 16) The biographies for Mr. Miles and Mr. Fang do not list any actual middle school teaching or administrative experience. Ms. Lor's biography states that she "was a former Site Instruction Coordinator and Assistant Principal at Will C. Wood Middle School." (*Id*.) Her biography does not indicate how long Ms. Lor held those positions. Petitioner's lack of experience in operating a middle school may be detrimental, particularly in light of the fact that middle schools must prepare students to succeed academically at the high school level.

3. *The Petition Presents an Inadequate Plan to Achieve a Racial and Ethnic Balance*

Pursuant to Education Code section 47605, subdivision (b)(5)(G), Petitioner must include a reasonably comprehensive description of the means by which it will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the District. As detailed below, Petitioner's plan does not adequately describe the means by which the Charter School intends to recruit a student population reflective of the population residing within the District.

The Petition includes demographic data for the District, noting that in 2016-2017, the student population in District schools was comprised of 39.49% Hispanic or Latino students, 17.42% White students, 16.58% Asian students, 16.13% African-American students, and 10.4% students from other ethnic groups. (Petition, p. 166; CDE Dataquest, available at: http://dq/cde/ca/gov)

In comparison, YPSA's student population in 2016-2017 was overwhelmingly Asian (65.9%), and within that subgroup, predominantly Hmong, with a few students listed as Laotian and Chinese. The next largest ethnic group, Hispanic or Latino students, made up only 17.4% of

YPSA's student population, followed by 8.9% African-American students, and 3.3% White students. Of particular concern, newly updated information indicates that the percentages of African-American and Hispanic or Latino students enrolled in YPSA for 2017-2018 decreased slightly from 2016-2017 (to 8% and 17%, respectively), demonstrating that Petitioner has made little progress in addressing this racial and ethnic imbalance since YPSA's charter was renewed in 2015. (Petition, pp. 27-28, 166-168; CDE Dataquest, available at: http://dq/cde/ca/gov; see also additional data submitted by Petitioner following submission of Petition)

Petitioner projects that a total of 140 incoming 6th and 7th graders from YPSA will enroll in the Charter School in 2018-2019 and that "due to high interest from parents at YPSA, we anticipate that most scholars the first year will come from there." Petitioner acknowledges that if their projection is accurate, the student population at HFA will, like YPSA, be predominantly Asian. (Petition, pp. 27, 168)

In order to address this racial and ethnic imbalance, Petitioner proposes to conduct "a focused campaign" during November through March of each year in neighborhoods of district elementary schools and in district elementary schools with a large percentage of students from groups underrepresented at HFA. (Petition, pp. 168-169) Petitioner includes a detailed analysis of the demographics of District schools with large percentages of students unrepresented in Petitioner's schools, but the Petition is vague as to how the Charter School actually intends to target its recruitment to African-American, Hispanic or Latino, or White students enrolled in the identified schools. (Petition, pp. 171-174) Other elements of the proposed recruitment plan are also vague and undefined, such as: running television or radio interviews and news stories featuring an event at HFA; creating a YouTube channel that would be loaded with content about HFA; and using Facebook and other social media. (Petition, p. 167) Petitioner notes that the Charter School intends to "make use of English language stations and foreign language stations (e.g., Spanish and Hmong)." (*Id.*) However, outside of targeting materials to Hmong and Spanish speakers, no mention is made of producing or distributing materials to other significant language groups represented within the District, including Chinese, Russian, and Vietnamese speakers.

Petitioner notes that if the Charter School is co-located on the campus now occupied by New Technology High School, it may attract pupils who would otherwise attend Sam Brannan or California, the two closest district middle schools—both of which have higher percentages of Hispanic or Latino, African-American, and White students than YPSA. (Petition, p. 28)

Even if the Charter School implements the measures set out in the Petition, if HFA's first year enrollment projections are accurate, only around ten spaces will be available for students coming from outside YPSA in 2018-2019. Given those circumstances, it is difficult to see how

recruitment of such a limited number of students from underrepresented ethnic groups will help to correct this imbalance or move HFA in the direction of a racial and ethnic balance compliant with state law. Moreover, this trend is likely to continue during the remainder of the charter term, as Petitioner appears to expect that YPSA will continue serve as "feeder school" for HFA.

The Petition does not include a detailed plan for correcting and monitoring racial and ethnic imbalances, but to their credit, Petitioner intends to meet in April with "those involved in the recruitment process to review the effectiveness of the just completed recruitment season and identify improvements to be used the next year." (Petition, p. 169)

The proposed admissions requirements described in the Petition may also increase the racial and ethnic imbalance at the proposed Charter School. For example, students residing within the District are not given an enrollment preference until "[a]fter the first year of operation and beginning with the lottery for the second year (2019-2020)." (Petition, p. 177) However, "after the first year of operation in 2018-2019, students already attending HFA will be automatically enrolled for the next year." (*Id*.) Assuming that YPSA will provide the majority of students for the Charter School's first year of operation, it seems unlikely that more a handful of spaces for non-YPSA students will be available via the lottery process.

As a related issue, the Petition fails to describe any specific procedures for recruiting special education students, economically disadvantaged students, and other student subgroups. In particular, the percentage of special education students enrolled at YPSA lags significantly behind the percentage enrolled in District schools. Data received from Petitioner indicates that special education students comprised 13.7 % of the student population in District schools in 2015-2016 and 13.3 % in 2016-2017. In contrast, the percentage of special education students enrolled in YPSA decreased from 5.0 % in 2015-2016 to 4.6 % in 2016-2017, and as of September 30, 2017, special education students account for only 4% of YPSA's student population. (See additional information submitted by Petitioner following submission of Petition)

4. *The Petition Presents an Inadequate Plan for Professional Development*

A review of the teacher signature page included with the Petition appendices reveals that four of the five teachers who signed the Petition have yet to meet the requirements for a clear credential. (Petition, p. 215; see discussion of teacher signatures, below) As a result, the teachers who are likely to be hired by the Charter School are expected to be relatively inexperienced, raising concerns about gaps in the proposed professional development plan.

The Petition describes a four-year plan to implement professional development during which "the first and second years of operation are sectioned by quarterly trainings." (Petition, pp. 121-

123) According to the plan set out at Table 48, a module of *ELD Training (Jo Gusman)* will be provided in the 4th quarter of 2017-2018, but will not be offered again until the first quarter of 2019-2020. *GLAD* training is not offered until the second quarter of 2018-2019. District Staff have also indicated that the plan does not indicate whether professional development training will be aligned to the California ELA/ELD Framework.

The opportunities for professional development in areas related to special education and Section 504 are also limited. During the first two years of operation, training in *Special Education Including the RTI Process* is only offered during the first quarter of 2018-2019. No training modules regarding *Section 504* appear on the preliminary professional development schedule.

In July of the Charter School's first year of operation, teachers will have 10 days of professional development, but five of those days "will be dedicated to a team-building experience outside of the school." (*Id*.) Thus, the Charter School's initial teaching staff—many of whom may be relatively inexperienced—will begin the school year with a limited amount of professional development. The professional development plan, as currently structured, does not appear to be appropriate for novice teachers, particularly those with limited previous exposure to special education, Section 504, and ELD.

5. *The Governance Structure Outlined in the Petition is Inadequate*

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).) In this case, the governance structure outlined in the Petition and the Bylaws does not provide for an appropriate number of corporate directors to ensure adequate governance of two charter schools.

In addition to the proposed Charter School, Petitioner's Board currently operates YPSA. The Bylaws provide for "no more than seven and no less than three" directors on the governing board. (Art. VII; § 3.) At present, it appears that there are only three members on the Board of Directors—Miles E. Myles (President); Lance Fang (Vice President), and See Lor (Secretary). (Appendix B, p. 16). Three other seats are listed as vacant. The seventh seat, reserved for a District representative, is also vacant. (*Id*.) At this time, the District has not chosen to appoint a District representative to the UCSC Board; however, it reserves its right to do so in the future. Concerns with the limited number of Directors on the UCSC Board were raised by the District during the YPSA renewal process in 2015. At that time, District staff that providing for a Board of only three members could limit community participation and could create issues with regard to creating a quorum to hold meetings. Since YPSA's 2015 renewal, the Bylaws have been amended to reflect that the District's representative on the governing board is a voting member. The Bylaws were also amended to clarify the procedures for removal of Board Directors.

However, the Bylaws have not been amended to increase the minimum number of Board Directors.

In addition, the Petition says that the UCSC Board will meet at least monthly. (Petition, p. 149) However, the Bylaws provide: "Regular meetings of the Board of Directors will be held at least quarterly, according to a schedule determined at the Board's annual meeting which shall be held in September." (Art. VII; § 17) This discrepancy should be remedied.

6. *Teacher Signatures Raise Concerns Regarding Experience of Proposed Teaching Staff*

Pursuant to Education Code section 47605, subdivision (a) (1), a charter petition may be submitted to the governing board of the school district for review only after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

Petitioner submitted signatures from five teachers with its Petition (Petition, p. 215.) As noted above, HFA plans to open in 2018-2019 with three 6th grade classes and three 7th grade classes. (Petition, p. 176) Thus, the five teacher signatures appear to meet the legal threshold for number of teacher signatures required under the Education Code. (Ed. Code, § 47605(a)(1)(B).)

However, a search of the California Commission on Teacher Credentialing website indicates that, with the exception of Chandra E. Roughton, all of the teachers who signed the Petition hold preliminary teaching credentials issued between 2015 and 2017. The fact that four of the six core teachers that HFA intends to hire for 2018-2019 may be novice teachers who have not met the requirements for clear credentials raises concern that the Charter School's teaching staff will not include an adequate number of seasoned teachers who would be available to mentor less experienced teaching staff.

Further, Ms. Roughton is listed on the UCSC webpage as "Associate Middle School Project Manager." On the YPSA website, Ms. Roughton is also listed as Director/Treasurer of the UCSC Board of Directors (which could possibly raise conflict of interest issues if she were to accept a teaching position); however, her term on the Board may have expired since she does not

appear on the Roster of Current UCSC Board Members as of July 27, 2017. (Appendix B, p. 16) Ms. Roughton's biography on the UCSC website states that she is a former YPSA teacher and is now CEO of Luminous Minds, in Clovis, California. This raises concerns as to whether Ms. Roughton intends to relocate from Clovis, if her current residence, in order to accept a teaching position at the proposed Charter School.

7. *The Petition Does Not Include Sufficient Information Regarding the Proposed Facilities*

Education Code section 47605, subdivision (g) requires Petitioner 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." The Petition does not include any specific information regarding facilities for the proposed Charter School, except to note that Petitioner wishes HFA to be co-located on a District site currently occupied by New Technology High School ("New Tech"). As discussed above, Petitioner's rationale for this request is twofold. First, Petitioner suggests that students matriculating from HFA may decide to attend New Tech, thus, increasing the number of New Tech students. Likewise, Petitioner suggests that co-locating on the campus occupied by New Tech might also attract students in racial and ethnic groups underrepresented at YPSA who would otherwise attend Sam Brannan or California, the two closest district middle schools. (Petition, p. 28)

However, Petitioner's reasoning is not supported by data or additional information. District Staff note that the Petition includes no demographic information or enrollment projections for New Tech, does not discuss how the physical layout of the proposed site would meet the needs of the proposed Charter School, or indicate how Petitioner intends to ensure that middle school students are not occupying the same facilities as high school students. District Staff also notes that the collective enrollment projections for New Tech and HFA may exceed the physical capacity of the campus.

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

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:

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

The Petition notes that the Charter School curriculum will have an emphasis on STEAM "using innovative STEAM curriculum from Project Lead the Way (PLTW) and Professor Pod Pi" (Petition, p. 10). The Petition includes proposed daily schedules for 6th, and 7th graders, and a sample Backwards Standards Map ("BSM") for the first quarter of 7th grade. (Petition, pp. 49-50, 53-57.) The Petition also includes outlines of courses of study for ELD, ELA, History, Math, and Science for 6th and 7th grades. (Petition, pp. 64-109). Petitioner states that the HFA curriculum will be aligned with the Common Core State Standards ("CCSS") for ELA; the CCSS and California History-Social Science Framework; the CCSS and Professor Pod Pi curriculum for Math; and the New Generation Science Standards ("NGSS") and PLTW for Science. (*Id*.) All students will also participate in a social action or community service project and daily Taekwondo instruction. However, as detailed below, the Petition's description of the proposed Charter School fails to provide a clear and comprehensive description of certain key aspects of the proposed educational program.

a. Plan for Special Education and Section 504

A charter petition must set out a reasonably comprehensive description of the charter school's plan to serve students eligible for special education and Section 504 services. This plan should assure the chartering authority that the Charter School understands its legal obligations to serve students with disabilities. While the Petition contains broad statements as to the Petitioner's understanding of its legal duties and responsibilities under both the Individuals with Disabilities Education Act ("IDEA") and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the entire plan for special education presented in the Petition is *less than two pages in length* and is missing most of the essential elements of a reasonably comprehensive plan, including, but not limited to any substantive discussion of: FAPE, Child Find, assessment, eligibility, the provision of specialized academic instruction and related services, interim placements within and outside of SELPA, least restrictive environment, the IEP process, extended school year services ("ESY"), procedural safeguards, and independent educational evaluations. (Petition, pp. 118-119) The Petition includes a brief discussion of discipline procedures for students with disabilities and the manifestation determination process, but this short discussion does not demonstrate that Petitioner understands its obligations under state and federal law with regard to discipline of students with disabilities. (Petition, pp. 119, 184)

That being said, the Petition indicates that HFA intends to remain a "public school" of the District for the purposes of special education. If a charter school is deemed a "public school of the district" for the purposes of special education, then the charter authorizer is responsible for

providing special education and related services to students enrolled in the charter school in the same manner as provided to other students in that district. 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).)

It appears that Petitioner intends for the District to provide special education and related services for the Charter School, in the same manner that it serves eligible students at YPSA. Under that scenario, the District would retain all state and federal special education funding allocated for Charter School students through its SELPA and HFA would pay the District "an amount of funding per ADA equal to the amount the district spends from its general fund per ADA to support special education costs in the district." (Petition, p. 118.)

The Petition notes that "HFA will be solely responsible for compliance with Section 504", but otherwise does not discuss Section 504 or the Charter School's obligations under that law. No Section 504 policies or procedures were included with the Petition. (Petition, p. 118-119)

b. Plan for English Learners

According to the California Department of Education, charter schools are subject to all federal requirements and specific state requirements established for English Language Learner ("ELL") programs. Program reviews for charter school, just as for other public schools, are conducted under the State's Categorical Program Monitoring Process. (See, http://www.cde.ca.gov/sp/cs/re/qandasec4mar04.asp#Q1.) At a minimum, the Petition should identify specific assessments, a consistent curriculum, and a schedule for monitoring student progress in reaching English proficiency.

Based on its assumption that most of the Charter School's students in its first year will be coming from YPSA, Petitioner expects an English Learner population of around 38%. (Petition, p. 64; see also, additional information submitted by Petitioner following submission of Petition.)

District staff notes concerns with the provision of ELD. The Petition identifies and briefly discusses the four English proficiency performance levels as set out in the California English Language Development ("ELD") standards and generally asserts that the Charter School's "adolescent-appropriate, brain compatible strategies" utilized in conjunction with GLAD and teaching of Jo Gusman" will support ELs in all content areas. (Petition, p. 65.)

ELA and History are integrated into a single 100-minute Humanities block each day. During that block, "60 minutes will be dedicated to ELA and ELD instruction." (Petition, p. 47.) As

described in the Petition, *all students* will be taught specific ELD lessons about how English works" during a designated 20 minute block of instruction in every student's Humanities class each day. (Petition, p. 66.) According to the Petition, the only time that differentiated ELD support would be provided is during twice-weekly 35-minute blocks during W.I.N. time. (*Id.*) The Petition also seems to suggest that standards from Part II of the California ELD Standards would be addressed separately from Part I during W.I.N. time. Except to say that students will be grouped by learning need, the Petition does not otherwise discuss how ELD will be differentiated to meet individual EL needs. (Petition, p. 66, 70; Appendix F: LCAP, p. 3)

The Petition provides that California ELD standards "will be integrated throughout every course at HFA." (Petition, p. 66.) However, District Staff note that over the three years that students would attend HFA, standards that are essential to English language development do not appear in either the sixth, seventh, or eighth grade lists of ELD "Power Standards. (Petition, pp. 71-76)

The Petition references a "multitude of instructional strategies we will employ to support our English learners" but the strategies listed appear to be general classroom supports that will be used with all students, rather than specific strategies and supports for ELs. (Petition, pp. 62, 68.) No specific strategies or supports for overcoming low performance with regard to English Language acquisition are discussed in the Petition.

Further, there is no mention of the reclassification (redesignation) process and criteria in the Petition. No specific assessments for ELs (other than the ELPAC and an annual summative assessment) are identified, and there is no schedule for monitoring student progress towards achieving English proficiency.

c. Students Performing Below/Above Grade Level

The Petition should describe how the Charter School will identify and respond to the needs of pupils who are achieving substantially above or below grade level. Except for a discussion of the RTI process, the Petition makes no mention of scaffolded instruction, types of learning materials, pre-teaching, re-teaching, or any of the other standard learning strategies used to address the needs of low performing students. The Petition discusses "afternoon clubs" that focus on an academic need (i.e., literacy or Math skills, as well as W.I.N. sessions "for students who need extra help." (Petition, pp. 8, 48.) But, as discussed below, it is not clear whether afternoon clubs focusing on academic skills will be taught by credentialed teachers, and if not, what criteria and qualifications the Charter School will require for instructors in its afternoon clubs. (Petition, pp. 49-50)

Petitioners devote only two paragraphs to the needs of advanced learners, and this description provides little actual information and no concrete examples as to how student learning will be

modified to meet the needs of high-achievers. (Petition, p. 119.) We are simply assured that the Charter School's "rigorous and engaging curriculum will ensure our advanced scholars are engaged and challenged." (*Id*.) No details are provided in support of Petitioners' assertion that "advanced scholars will be given extended learning opportunities to expand upon their projects" and that "[i]ndividualized instructional time will also support the acceleration of learning of our advanced learners." (*Id*). Without further information, the District cannot evaluate whether and how the Charter School intends to provide direction or support to high achieving students with regard to specific curricular enhancements and expanded learning opportunities necessary for them to pursue academic success.

Based on the limited information provided in the Petition, the Charter School's plans for meeting the needs of its low-achieving and high-achieving students are inadequate.

d. Technology Plan

According to Petitioner, technology and computer literacy skills will be taught during a Science through Technology elective block. (Petition, pp. 49-50) The Petition states that the Charter School will integrate the CCSS 6-12 Technology Skills Scope and Sequence "across all disciplines and will use the elective block to teach specific literacy skills." (Petition, p. 114) The Petition notes that "iSTEAM curriculum components (PLTW and Pod Pi)" also use a variety of software applications in conjunction with their units." (*Id*.) Students will have "access to laptops in the English/History, Math and Science classrooms." (Petition, pp. 111-112.) "Technology will be embedded in their daily curriculum" and "[c]omputer literacy and computer technology will be integrated into each core subject." (*Id*.) However, District Staff note that the Petition does not specify a student to computer ratio, so it not clear whether every student will have access to a laptop for each core and elective class. (*Id*.) The Petition also states that "to avoid any gaps in accessibility, HFA will provide access to computers before and after school through a sign-up basis." (Petition, p. 112) Having to sign up for computer use before or after school is likely to be burdensome for students who do not have internet access or computers in the home. It is not clear if Petitioner has explored the possibility of providing low-cost internet access to families or whether students will be able to check out laptops for home use.

e. Afternoon Clubs

Monday through Thursday, from 4:25 pm to 5:15 pm, all students participate in "afternoon clubs" that "will focus on either an academic need (i.e., literacy or Math skills), character development (e.g., leadership/ Scholar Council), or an enrichment activity (e.g., hip-hop dance)." (Petition, p. 48.) Since this time block is also listed as Teacher Personal Prep Time, it is not clear from the Petition whether afternoon clubs focusing on academic skills will be taught by credentialed teachers. (Petition, pp. 49-50)

2. *The Petition Does Not Contain a Reasonably Comprehensive Description of Goals and Measurable Pupil Outcomes*

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 achieve those goals." (Ed. Code § 47605 subd. (b)(5)(A)(ii).) In addition, 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, knowledge, and attitudes 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 schoolwide and for all groups of pupils served by the charter school." (Ed. Code § 47605(b)(5)(B).)

District Staff note that the listed percentages of students the Charter School expects to meet or exceed state testing standards by grade and subgroup seem arbitrary and do not provide differentiated outcomes for each student subgroup. Instead, outcomes are identical for all testing measures, both schoolwide and across all student subgroups, including English Learners, students with disabilities, and foster youth. (Petition, pp. 126-128.) These measurable outcomes do not appear to be based on a realistic, thoughtful evaluation process, and appear to be unreasonably aggressive, given current student academic performance at YPSA.

Additionally, individual pupil goals are very general and do not appear measurable. (Petition, pp. 124-144.) For example, in English Language Arts, the Petition states:

> Goal: Scholars listen and speak clearly and concisely in English. Scholars read with understanding across genres. Scholars read from a variety of test and cite evidence to support arguments and make valid claims. Written and oral presentations reflect the editorial process with a strong appreciation for expression and creativity.
>
> Measurable outcome: Every scholar will eventually meet or exceed the state ELA standards as measured by the CAASSP SBAC or CAA. This may take eight years. Table 50 illustrates our planned progress during the current term of the charter. At the pace described in the table, HFA will reach its goal by 2025-26.

Likewise, for Math, the Petition provides:

> Goal: Scholars use and apply mathematical skills and tools to understand and explain concepts, reason logically, and think critically to solve problems. Scholars understand the

connection between mathematics, engineering science, computer literacy, and technology.

Measurable outcome: Every scholar will eventually meet or exceed the state Math standards as measured by the CAASSP SBAC or CAA. This may take eight years. Table 51 illustrates our planned progress during the current term of the charter. At the pace described in the table, HFA will reach its goal by 2025-26.

3. *The Petition Does Not Contain a Reasonably Comprehensive Description of the Means to Achieve Racial and Ethnic Balance*

As discussed above in Section III.A.3, Petitioner's recruitment plans fail to adequately identify the means the Charter School will use to ensure a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the District.

Staff also has concerns with the Petitioner's outreach to, and recruitment of, students with disabilities, economically disadvantaged students, and other student subgroups. According to the U.S. Department of Education, Office for Civil Rights, 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 discussed in more detail at Section III.A.3, the Petition fails to include any discussion regarding how the Charter School intends to recruit students with disabilities, economically disadvantaged students, and other student subgroups.

4. *The Petition Does Not Include a Reasonably Comprehensive Description of Employee Qualifications*

A charter petition must include the qualifications to be met by individuals to be employed by the school. (Ed. Code, § 47605(b)(5)(E).

The Petition includes a list of minimum qualifications for the position of Principal, but no minimum qualifications are listed for teachers of core academic subjects. (Petition, pp. 155-156) The Petition provides only that teachers are required to hold the appropriate credentials (including authorization to teach English learners), and to have a "working knowledge" of the state's Common Core Standards. (Petition, pp. 156-157) The fact that no relevant teaching experience is required, coupled with the lack of experience of the teachers who signed the Petition, raises concern that the Charter School's teaching staff will not include teachers who are

sufficiently experienced to provide the educational program outlined in the Petition and to mentor novice teachers.

For non-core teachers, it is desirable, but not required, that they hold a CTC credential. The Petition further states: "In other cases, such as Taekwondo, non-core teachers will be recognized experts who have the skillset in their field and/or hold a license or the equivalent." (Petition, p. 157) This standard is vague and highly subjective. While charter schools have "flexibility" when hiring instructors for non-core classes, the qualifications for these positions should be high and clearly articulated. Also missing from the Petition is any discussion of the qualifications and requirements for instructors for the Charter School's academic and non-academic "afternoon clubs."

Although the Petition includes adequate job descriptions for Office Manager and Plant Manager, no job descriptions for any other classified employees are included. (Petition, pp. 158-159)

According to Petitioner, the UCSC Board plans to adopt job descriptions and job evaluation tools for Charter School employees during the 2017-2018 "planning year." (Petition, p. 160) However, a description of employee qualifications is required in every initial charter petition. It is puzzling that job descriptions for core and non-core teachers and all classified employees have not already been developed, since Petitioner has been operating YPSA since 2010, and presumably, the qualifications for employees at HFA will be similar in many respects to the job descriptions for YPSA employees.

Lastly, Petitioner intends to employ a full-time credentialed school nurse for HFA; however, if "a certificated nurse is not available or if circumstances dictate otherwise, a non-certified but properly licensed RN or LVN will be employed." (Petition, p. 157) The Petition does not provide any assurance that an RN or LVN hired by Petitioner will possess the necessary licensures and qualifications necessary to perform the duties of a school nurse as set forth in the Petition.

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(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.

Any modifications to the Charter School's petition or operations with significant financial implications would require District approval prior to implementation.

IV. GOALS, OBJECTIVES, AND MEASURES

Not Applicable.

V. MAJOR INITIATIVES

Not Applicable.

VI. RESULTS

Staff recommends that Sacramento City Unified School District Board of Education conference and take action to approve or deny the initial Charter Petition for Hidden Figures Academy Middle School 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 the Petition;

2. The Petition does not contain reasonably comprehensive descriptions of the required charter elements; and

In order to deny the Petition on the grounds set forth above, Education Code section 47605, subdivision (b) requires the Board to make "written factual findings, specific to the particular petition, setting forth specific facts to support one or more" of the grounds for denying the charter. Therefore, if the Board determines it will deny this Petition, Staff recommends that the Board adopt the proposed Findings of Fact, set forth below, as its own findings.

However, Staff further believes that deficiencies in the Petition might be addressed or remedied to the Board's satisfaction, in separate operational and special education memoranda of understanding ("MOUs") to be entered into between the District and Petitioner.

VII. LESSONS LEARNED / NEXT STEPS

District Staff recommends that the Board approve Resolution 2965 to approve the Petition or approve Resolution 2966 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. 2965
RESOLUTION TO APPROVE THE INITIAL CHARTER PETITION OF URBAN CHARTER SCHOOLS COLLECTIVE: HIDDEN FIGURES ACADEMY

WHEREAS, petitioners for Urban Charter Schools Collective ("Petitioners") submitted to Sacramento City Unified School District ("District") an initial charter petition ("Petition"), dated September 8, 2017 for Hidden Figures Academy; and

WHEREAS, the District's Governing Board held a public hearing on September 21, 2017 and took board action on November 2, 2017; and

WHEREAS, the Governing Board has considered the level of public support for Hidden Figures Academy 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 Hidden Figures Academy.

BE IT FURTHER RESOLVED the term of the charter shall be for five (5) years, beginning on November 2, 2017 and expiring June 30, 2022.

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 January 18, 2018.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 2nd day of November, 2017, by the following vote:

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

_____	_____
Jorge A. Aguilar	Jay Hansen
Secretary of the Board of Education	President of the Board of Education

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2966
RESOLUTION TO DENY THE INITIAL CHARTER PETITION OF URBAN CHARTER SCHOOLS COLLECTIVE: HIDDEN FIGURES ACADEMY

WHEREAS, petitioners for Urban Charter Schools Collective ("Petitioners") submitted to Sacramento City Unified School District ("District") an initial charter petition ("Petition"), dated September 8, 2017 for Hidden Figures Academy; and

WHEREAS, the District's Governing Board held a public hearing on September 21, 2017 and took board action on November 2, 2017; and

WHEREAS, the Governing Board has considered the level of public support for Hidden Figures Academy 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;

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;

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 Hidden Figures Academy;

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 2nd day of November, 2017, by the following vote:

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

_____	_____
Jorge A. Aguilar	Jay Hansen
Secretary of the Board of Education	President of the Board of Education