



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 10.3

**Meeting Date:** August 18, 2016

**Subject:** Approve Resolution No. 2900 or No. 2901: Initial Charter Petition for Growth Public Schools

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

**Division:** Strategy and Innovation Office

**Recommendation:** To conference and take action to approve or deny the Initial Charter Petition for Growth Public Schools.

**Background/Rationale:** Sacramento City Unified School District received Initial Charter Petition for Growth Public Schools on May 16, 2016. The Petition seeks to serve K-8 students utilizing a slow growth model starting with K-1 students in the 2017-2018 school year. 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 for Growth Public Schools on June 2, 2016. District staff met with Growth Public Schools for a capacity interview on June 6, 2016 and conducted a comprehensive review of the Initial Charter Petition. The staff's findings will be presented for Board Action on August 18, 2016.

**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 No. 2900 and No. 2901
3. Charter Petition: <http://www.scusd.edu/charter-petitions>

**Estimated Time of Presentation:** 10 minutes

**Submitted by:** Jack L. Kraemer, Innovative Schools, Director

**Approved by:** Al Rogers, Ed. D., Chief Strategy Officer

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### I. OVERVIEW / HISTORY

#### *Action Proposed:*

This Report sets forth findings based upon a review of the Petition by District Staff and legal counsel. After a careful review of the Charter Petition, District Staff has concern that the Petitioner's description of the proposed Charter School does not provide a clear and comprehensive description of the Charter School's operation, governance, and educational program. The Petition provides *pro forma* language and assurances, without sufficiently developing and describing key aspects of the Charter School's day-to-day operation. Based upon these omissions, **the Petition may be denied** on the following grounds:

- 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

District Staff recommends that Board conference and take action to approve or deny the Initial Charter Petition for Growth Public Schools.

#### *History:*

On May 16, 2016, the Sacramento City Unified School District ("District") received a charter petition ("Petition") from Growth Public Schools, Inc., a California nonprofit public benefit corporation ("Petitioner"). The Petition proposes the creation of the Growth Public Schools Charter School ("Charter School") for a term of five years, from July 1, 2017 through June 30, 2022. The District held a public hearing on June 2, 2016 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 112 students in kindergarten through first grade in the 2017-2018 school year, and expand over the subsequent eight (8) years to serve a total of 619 students kindergarten through eighth grade by the 2024-2025 school year. (Petition, p. 26.) Petitioner intends is to create "one of the most innovative schools in the country," by utilizing a mix of personalized learning, project based learning, and

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off-campus “expeditions.” (Petition, p. 8; Appx. (J).) Petitioner does not currently operate any charter schools in the District.

### 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 for 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

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- 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:

- **The Petition Presents an Unclear and Inadequate Educational Program**

The Petitioner presents an overly vague description of the Charter School's educational program and fails to sufficiently develop and describe how the program will be implemented on a day-to-day basis.

According to the Petition, all students who attend the proposed Charter School will split most of their instructional time on Monday through Thursday between "project based learning classroom time" ("PBL") and "personalized learning time." ("PL") (Appx. J.) However, Staff is

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unable to discern how instruction will be implemented and learning will occur in the classroom during PBL and PL on a day-to-day basis. PBL time is explained as “long term, real world, collaborative, interdisciplinary learning experiences that will culminate in authentic product that students will present and defend at exhibitions.” (Petition, p. 38.) However, many important aspects of PBL remain unclear, including what these “learning experiences” consist of, how they will be specifically chosen for each student, and how they will be implemented by Charter School staff. The Petition’s description of PL time is similarly vague. According to the Petition, PL time “incorporates differentiated instruction using both online and offline instructional (sic) and strategies and takes a step further to address the entire school and the whole child, and to include even more choice and voice.” (Petition, p. 34-35) PL time will be spent largely using “adaptive online tools.” (Petition, p. 35.) However Staff are unable to discern, what the “online and offline instructional strategies” consist of specifically, and how the proposed PL time will actually function within the daily classroom environment.

The Petition’s “Typical Day for a Student” (Appx. I) and a “Sample Daily Schedule” (Appx. J), equally fail to provide clarity as to the daily implementation of the Charter School’s instructional program. For example, the Typical Day for a Student describes PBL as follows:

*Between 8:30 am and 9:45 am the student will engage in Project Based Learning (PBL). Depending what project the students are working on, what the student has in his personalized learning plan, the student will be working through a project either individually or with a group.*

(Appx. I.) Based on this summary, Staff cannot discern whether the student will be working independently or with a group, what the student will be working on, and how the teacher will facilitate this instruction. By painting the educational program with such broad strokes, Staff is unable to discern how, specifically, instruction will occur in the classroom, and how the teachers will ensure that each student is provided the proper amount of instruction and guidance, particularly for younger students in grades kindergarten through second.

Additionally, the Petition does not appropriately identify curricula to be used during the PBL and PL time, does not enumerate a standard of measurement for each specific subject taught, and does not provide differentiated standards for each grade level. For example, the Petition does not commit to a curriculum for their proposed science instruction: “GPS science curriculum will likely be standards-based lessons from Lawrence Hall of Science’s Full Options Science System (FOSS).” (Emphasis added; Petition, p. 67.) While *suggesting* the use of the FOSS curriculum, Petitioner does not demonstrate an understanding of the curriculum, and does not identify how the curriculum will be used and implemented across PBL and PL time. In

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addition, Petitioner does not specify which part of the curriculum will be provided to each grade level, and does not specify how the school will determine whether a student has appropriately met the standard to progress on to the next grade. While the Petition provides that students will be placed in “multi-grade level pods,” it similarly fails to discuss how the Charter school will implement curriculum across pods, and how the students will move and progress through these pods. (Petition, p. 42.) Without this key and crucial information, Staff cannot adequately evaluate whether the proposed educational program can reasonably meet the needs of the grades to be served by the Charter School. The Petitioner’s description of the Charter School’s math, English, physical education, and history instruction similarly omit crucial and key information regarding curriculum, and its implementation across project based and personalized learning time.

Finally, Staff have concerns regarding the effectiveness of an educational program designed for elementary school students that is comprised mainly of self-motivated instruction. According to the Petition, students will engage in PL time for two hours and fifteen minutes per day (M-Th). (Appx. J.) During this time, students will engage in a combination of “student self-directed time and teacher created activities.” (Petition. P. 20.) “Students are able to work at their own path and at their own pace in our personalized learning and self-directed learning environment...” (Petition, p. 50.) Students entering kindergarten, first and even second grade generally require more structure and guidance than middle school students. While Petitioner acknowledges that, “teachers will need to explicitly teach proper norms, expectations and behavior around technology, or what to do when they get stuck during self-directed learning time,” Staff remain concerned about the appropriateness of this type of individualized, self-directed, and online instruction for young students entering the earlier elementary grades.”<sup>1</sup> (Petition, p. 51.) The Petition fails to describe with specificity what techniques and teaching methodologies Charter School staff will utilize to ensure that their young students will appropriately benefit from this self-directed personalized learning model.

- Petition Presents an Inadequate Plan for Professional Development

The Petition lacks a clear description of the manner in which the school will implement professional development. The Petition states that each faculty and staff member will have a Personalized Education Plan (“PEP”) where the employee will “identify a set of professional development goals from a list of educator skills and habits of success that have been identified as most pertinent to the success of a GPS education.” (Petition, pp. 125-126.) The Petition then

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<sup>1</sup> While Petitioner points to Summit Public Schools and their use of “playlists” as a model for the success of this teaching approach in California, (Petition p. 36.) it should be noted Summit Public Schools does not operate elementary schools, but rather middle and high schools.

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provides that there is “significant time built into the annual calendar for professional development.” (Petition, p. 126.) Other than this very basic description, Petitioner does not provide specific details, dates, structures, or instructional strategies related to the proposed professional development. In short, the Petition lacks a clear description of the manner in which the school will implement professional development keyed towards each teacher’s individual PEP, and targeted towards the improvement of the Charter School’s student population.

A review of the teacher signature page reveals that 7 of the 9 teachers who indicated that they were meaningfully interested in teaching at the Charter School have yet to meet the requirements for a clear credential. (Appx. D.) As a result, the teachers likely to be hired by the Charter School are expected to be relatively inexperienced, raising concerns about the lack of a formalized and comprehensive professional development plan.

Moreover, according to the Petition, these relatively inexperienced teachers are expected to develop the Charter School’s curriculum, as the Petitioner has yet to identify/develop curricula for each subject and grade level. (Petition, p. 100 [“Our facilitators will build curriculum in teams before and during the school year.”]) In the proposed first year, these teachers will be entering a brand new school, with brand new students, and a brand new, “innovative” teaching approach. Asking them also to create a curriculum that is “aligned with the most current and rigorous college-ready standards,” is a high burden to place on a group of potentially inexperienced teachers without a clear and comprehensive professional development plan. (Petition, p. 32)

- The Petition Presents an Inadequate Plan to Achieve 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 seem designed for success in this community.

The Petitioner’s recruitment strategies are not specifically tailored to the Sacramento City Unified School District community in which it intends to recruit. Petitioner provides that the Charter School “will engage in a variety of means and strategies to achieve a racially and ethnically diverse student population” including “earned media,” “social media,” “collateral materials/leave behinds,” and “open houses.” (Petition, p. 131.) However, the Petition does not address why these mediums will be particularly effective in the Rosemont community and

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the District as a whole. Equally important, Petitioner does not discuss with any specificity, when, how and where these means and strategies will be used. For example, Petitioner offers to print recruitment materials in “English, Spanish and other languages as necessary...” (Petition, p. 131.) The District serves a diverse community that includes, but is not limited to, native Chinese, English, Hmong, Russian, Spanish, and Vietnamese speakers and therefore should have all school materials, such as personalized learning plans, progress reports, and other relevant and important documents accessible in each language. The Petition does not indicate a recognition of the breadth of languages spoken within the District, or the need to provide all the aforementioned material in each of these languages. As presented, their plan is too generic and should be specific to the community. The plan, as stated by the Petitioner, could be discussing any community in California.

Moreover, Petitioner fails to identify how it will ensure that the Charter School will achieve racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the District, in light of the fact that the Rosemont area is demographically different than the District as a whole. According to the information provided in the Petition, Sacramento’s racial make-up is 35% white, 26.8 % Hispanic, 18.1% Asian and 12.9 % black. (Petition p. 29). Conversely, the Rosemont area where the Charter School intends to locate has noticeably different demographics, with a significant increase in the white population, and a significant decrease in the minority population. (51.1% white, 19.6% Hispanic, 13.1 % Asian, and 10.8% black; see Petition, p. 28.) While the Petitioner acknowledges this discrepancy, it fails to provide a reasonably comprehensive description of how the Charter School will address it. Petitioner simply relies on the “assumption” that the Charter School will “attract students from the surrounding communities [Elk Grove, Folsom Cordova, and San Juan school districts] to increase our diversity and broaden our impact.” (Petition, p. 31.) It is illogical that the Charter School’s plan to rely on neighboring school districts, *who are less diverse than the District*, will increase the Charter School’s minority population to better reflect that of the District.

- 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).) Staff has concerns about the financial plan set forth, including but not limited to:

- While the Petitioner “reserves the right to request a Proposition 39 facility” (Appx, AA.), they also contemplate procuring a private facility (Petition. p. 164). However, the budget, and the “Budget Narrative” fail to include any discussion or inclusion of funds



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for the rent or purchase of facilities. Instead the budget lists “5610 Rent” as a line-item, but simply provides “-” as the amount allocated.

- Petitioner’s proposed schedule includes 2 hours and 15 minutes per day of “personalized learning” (Appx. J), which “incorporates differentiated instruction using both online and offline (non-technology) instructional (sic) and strategies.” (Petition, p. 34.) However, Staff is unable to discern whether Petitioner incorporated the purchase of computers or online programs in the proposed budget. (Appx. DD)
- Staff is unable to discern the use of considerable funds for “5850 Non-Instructional Consultants” in the proposed budget for each of the five operational fiscal years. (Appx. DD)
- Petitioner’s proposed budget allocates \$91,800.00 for one employee “1300 Certificated Supervisor and Administrator Salaries” for the first year of operation serving Kindergarten and First grades with a student population of 112. Petitioner’s proposed budget allocates \$364,346.00 for three to four employees “1300 Certificated Supervisor and Administrator Salaries” for the fifth year of operation serving Kindergarten through Fifth grades with a student population of 319. Staff is unable to discern the need and function for the additional Certificated Supervisors and or Administrators. (Appx. DD)

- The Petition Presents an Inadequate Plan for the Use of Technology

Petitioner indicates technology will be an integral part of the Charter School’s educational program. For example, Petitioner’s proposed schedule includes 2 hours and 15 minutes per day of “personalized learning” (Appx. J), which “incorporates differentiated instruction using both online and offline (non-technology) instructional (sic) and strategies.” (Petition, p. 34.) However, Staff is unable to discern whether Petitioner incorporated the purchase of computers or online programs in the proposed budget. (Appx. DD). The Petition lacks crucial discussion regarding their technological program such as addressing how many computers are required, how Petitioner intends to purchase and maintain them, and whether students will be able to take this technology home. In addition, Petitioner fails to provide a reasonably comprehensive description of policies or procedures that ensure students with disabilities and students with limited English proficiency have equal access to this technology.

- The Petition is not compliant with the Brown Act

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The Petition states that the Charter School shall “[c]omply with the Ralph M. Brown Act.” (Appx. W.) The purpose of the Brown Act (Gov. Code, §§ 54590, et seq.), is to ensure that agencies take actions “openly and that their deliberations be conducted openly” and to ensure that the public remains informed about public affairs. (Gov. Code, § 54590.) However, the Petition presents numerous instances whereby the Charter School’s practices are inconsistent with the Brown Act.

Providing the members of the governing board, as well as the public, with notice of regular and special meetings is an essential requirement of the Brown Act. “Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.” (Gov. Code, § 54594.3, subd. (a).) The Petition does not ensure that members of the public receive proper notice under the Brown Act. In order to hold a special meeting consistent with the Brown Act, an agency must:

[D]eliver written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency’s Internet Web site, if the local agency has one. The notice shall be delivered *personally* or by any other means and shall be *received* at least 24 hours before the time of the meeting as specified in the notice.

(Emphasis added; Gov. Code, § 54596, subd. (a).)

The Petition does not ensure that notice of the Charter School Board’s meetings are actually received as required by the Brown Act. The Petition states that the Charter School’s Board may hold special meetings “only after twenty-four (24) hours-notice is given to the public. . .” (Appx. W.) However, the Petition defines its process for notice in a manner that is inconsistent with the Brown Act. The Petition states that, “Notice by mail shall be deemed received at the time a properly addressed written notice is deposited in the United States mail, postage prepaid.” (Id.) However, deeming notice received upon mailing is improper because it effectively defeats the purpose of a notice requirement. Simply dropping a written notice into the U.S. Mail, which

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may take 2-3 days for delivery, does not legally comply with the Brown Act regarding special meetings to take place within 24 hours.

- Requisite Signatures

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 both parents and teachers pursuant to these requirements (Appx. C and D.) However, Staff have concerns regarding the accuracy, validity, and or qualifications of the signators and their submitted signatures. In an attempt to verify the signatures provided, the District placed telephone calls to every fourth name provided on the "Parent Signature" appendix. The District placed calls to a total of 88 of the 350 parents who signed the petition.<sup>2</sup> The results of the telephone survey are as follows:

- Not a working number:	21 (24%)
- No answer/3 attempts:	33 (38%)
- Hung up:	2 (2%)
- Not interested:	4 (4%)
- Did not recall signing petition:	5 (6%)
- Still interested, but no children of qualifying age:	14 (16%)
- Signed petition for need of school only:	4 (4%)
➤ Families with non-qualified children for 2017-18:	<b>83 (94%)</b>
➤ Families with qualified children for 2017-18:	<b>5 (6%)</b>

\* (Number of qualified children – 6)

Family total: **88 (100%)**

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<sup>2</sup> Utilizing 350 as the population size, contacting 76 families yields a 95% confidence level with a 10% margin of error as a representative sampling of the overall population.

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Of the 88 families called, the District was only able to verify 5 families (6%) meaningfully interested in sending their child of qualifying age to the Charter School for the 2017-18 school year. Extrapolating 6% to the actual population size of 350 signatures yields a statistical result of approximately 21 interested families with children of qualifying age. Utilizing a ratio of 1 qualified student for every 14.66 families based on the sampling of 88 families yielding 6 qualified students, 350 families will statistically yield approximately 24 qualified students. The result is well below the projected enrollment of 112 for the 2017-18 school year, and well below the 66 signatures required per Education Code section 47605, subdivision (a) (1) (A), which raises questions about the sufficiency of parental support for the Charter School.

The District also placed calls to the 9 teachers that submitted signatures for the petition. Only 2 of the 9 were listed as cleared credentials, while 4 were listed as Preliminary and the other 3 as Intern. The results of the telephone survey are as follows:

- |   |   |
|---|---|
| - No answer/3 attempts:                 | 6 |
| - Not able to teach at the school:      | 1 |
| - Interested in teaching at the school: | 2 |
| (1 Preliminary and 1 Intern)            |   |

While the statutory requirements of Education Code section 47605, subdivision (a) (1) (B) are met for the first year of operation with 2 teacher signatures, the District is concerned with the teachers' experience and ability to meet the demands and expectations for high quality facilitators as cited on page 45.

**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:

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

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As noted above, the Petitioner presents a very general and vague description of the Charter School's educational program without sufficiently developing and describing how the program will be implemented on a day to day basis. As detailed below, the Petitioner's description of the proposed Charter School also fails to provide a clear and comprehensive description of other key aspects of the educational program.

#### ○ Expeditions

According to the Petition, "approximately one Friday per month, and for approximately six weeks total through the year, students will participate in hands-on, real-world, experiential learning experiences that may also take place outside of the school walls." (Petition p. 45.) Petitioner has termed this instruction "expeditions." Petitioner does not provide a reasonably comprehensive description of key aspects of these expeditions, including but not limited to the following:

- According to the Petition, these expeditions are "run in collaboration with community organizations and local business." The Petition does not specify which business and organizations it will work with, how it will seek out these business and organizations, and what financial arrangements will be made, if any, with these business and organizations.
- The Petition does not specify how the Charter School will ensure that all students are provided transportation, free of charge, to and from these off-campus expeditions.
- The Petition does not specify how the Charter School will determine what expeditions are appropriate for each grade level. If a specific expedition has a cap on the number of students who can participate, then how will the Charter School determine which student is selected for that specific expedition?
- In light of the fact that the Petition indicates that student expeditions will also serve as time for teacher professional development (Petition, p. 126), how will the Charter School staff the expeditions?
- The Petition does not specify how the Charter School will ensure student safety during these expeditions.

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Considering these expeditions comprise such a significant portion of the school year (approximately six weeks), it is imperative that this aspect of the educational program is carefully thought out and evaluated.

#### ○ 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 “reserves the right to add a TK to its program,” “should funding of this program continue to be available and there is expressed community need.” (Petition, p. 25.) However, Petitioner fails to provide any further insight into its potential TK program. For example, Petitioner fails to describe a targeted differentiated curriculum, policies and procedures for the identification and enrollment of students eligible for TK, and the staffing of the program.

Additionally, Petitioner does not indicate the number of students expected to enroll in the TK program, should they decide to implement it, and the subsequent effect on 1st grade enrollment. Petitioner’s “Figure 1: GPS Enrollment” provides a Kindergarten enrollment of 56 students for each year of the proposed charter term (2017-2022). (Petition, p. 26.) However there is no indication of what percentage of these 56 students are expected to be enrolled in the TK program. For each succeeding year, the plan provides a first grade enrollment of 56 students, without any indication that they have taken the TK enrollment into account. (*Id.*) For example, should the TK program enroll 20 students in year one, 36 students will be in the kindergarten program. In year two, *only those 36 students* in the kindergarten program will matriculate to the first grade, leaving an additional 20 spots to be filled to reach the 56 first graders estimated in the enrollment roll-out plan.

#### ○ Special Education

A charter petition must set out a reasonably comprehensive description of the charter schools plan to serve special education students. This plan should assure the chartering authority that the Charter School understands its legal obligations to serve special education pupils. While the Petition contains broad statements as to the Petitioner’s understanding of the legal duties and responsibilities under both the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”), it does not fully address many key aspects of a comprehensive special education plan. (Petition, p. 78-92.) For example, the Petition does not include any language that suggests that the Charter School is familiar with its “child find” obligations and other processes under the IDEA or the California Education Code to identify students who may qualify for special education programs or

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services. While the Petition indicates “GPS will follow SELPA child-find procedures to identify all students who may require assessment to consider special education eligibility...” it fails to demonstrate an understanding of what these SELPA policies are, who is responsible for following them, and what specific and individual duties are required by Staff members and the Charter School as a whole.

In addition, Petitioner’s proposed schedule relies heavily on online-based instruction, yet the Petition fails to discuss how it will ensure all students with disabilities will be able to continually access the online-based program. (Petition, p. 34.) For example, the Petition does not address how the Charter School will ensure that students with visual impairments will have equal access to the Charter School’s computer-based content in compliance with state and federal law.

- **English Language 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.

While the Petition provides a pro forma assurance that all state and Federal ELL compliance measures will be taken, Staff has concerns that the Petition does not provide a clear approach for implementing the excess of programs they propose. For example, in order to meet the needs of ELL students, the Charter School proposes to implement the following programs (1) Rethinking English Language Instruction: An Architectural Approach, (2) Specially Designed Academic Instruction in English (SDAIE), (3) Sheltered Instruction Observation Protocol, (SIOP), (4) Guided Language Acquisition Design (GLAD), (5) Results: Academic Language and Literacy Instruction (RALLI), and (6) Marzano’s Approach to Explicit Vocabulary Instruction. (Petition, p. 94.) However, not all of these approaches are complementary, and Staff has concerns with the implementation of this “mixed bag” of programs. In addition, some of these programs and approaches provide nearly identical services to students. Without a reasonably comprehensive description of how the Charter School will determine which program to use with each student, the District cannot adequately evaluate whether the Charter School can meet the needs of ELL students.

- **Before and After School Programs**

{GPS\_2016\_081816\_No Rec\_final}

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In addition to a traditional school year, Petitioners intend to offer before and after school programs for students that “need more time.” (Petition, p. 51.) However, the Petition provides no further detail about these before and after school programs. The Petition does not explain how many students will be enrolled, how many teachers will be needed to staff the programs, what days they will be offered, or how it has been budgeted.

- The Petition Does Not Contain 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).)

Petitioner acknowledges that the Petition does not include goals or measurable pupil outcomes that address increases in pupil achievement for each subgroup of pupils served by the Charter School. Petitioner provides, “[b]ecause GPS does not know what its numerically significant subgroups will be, all goals, actions and outcomes are designed to apply school wide and to all student subgroups.” (Petition, p. 103.) The fact that Petitioner does not know with certainty what its numerically significant subgroups will be is not sufficient reason to ignore the requirements of Education Code section 47605 subdivision (b)(5)(A&B). On pages 28-29 of the Petition, Petitioner provides both the racial demographics of Sacramento, as well as the racial demographics of the Rosemont area where the Charter School intends to locate if approved. Petitioner has the information to, at minimum, reasonably predict the likely pupil subgroups it would serve (i.e. English learners, socio-economically disadvantaged, etc.), and therefore should provide goals and measurable student outcomes that address increases in pupil academic achievement, for each apparent numerically significant subgroup to be served by the Charter School, as required by law.

Moreover, GPS does not demonstrate a comprehensive understanding of the California state testing requirements. Petitioner provides “GPS will utilize a comprehensive range of



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assessments to monitor pupil progress across grade level subjects and competencies, including state summative, diagnostic interim, and formative assessments.” (Petition p. 113.) Petitioner then provides, “GPS shall adhere to all state testing requirements,” and provides a list of the assessments to be administered. (Petition, p. 114.) The list provided demonstrates that the Petitioner does not have a comprehensive understanding of the assessments required by the state of California. For example students with severe cognitive disabilities would be administered the CAA. Furthermore, CMA is no longer used for ELA and math. Additionally, the Physical Fitness Tests are administered for students in the 5<sup>th</sup> and 7<sup>th</sup> grades rather than the 5<sup>th</sup> and 8<sup>th</sup> grades.

- The Petition Does Not Contain Reasonably Comprehensive Description of the Charter School’s Governance

The 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).) The Petitioner presents an unclear and contradictory governance structure. For example, the Petition and Board bylaws differ as to key aspects of the Charter School’s governing board:

- How many directors may the board have? While the Petition provides the Board shall consist of “at least three (3) and no more than (9) directors...” (Petition, p. 117), the Bylaws provide the Board shall consist of “no less than 3 and no more than 15” directors (Appx X, p. 2).
- How many directors will comprise the initial board? While the Petition provides the “initial Board of Directors shall comprise five (5) seats” (Petition, p. 117), the Bylaws provide the “initial Board of Directors shall be 7 seats” (Appx X, p. 2).
- Will the terms of the initial board be staggered? While the Petition provides the terms of the initial Board of Directors will be staggered, with terms expiring in 2017, 2018, and 2019 (Petition, p. 117), the Bylaws provide that each initial board member will have his/her term expire at the same time in July 2019 (Appx X, p. 2).

The Charter School’s board is charged with governing the Charter School, and “shall be ultimately responsible for the operation and activities of the Charter School.” (Petition, p. 177) Without a clear plan for board governance, Staff cannot be sure that the Charter School will be able to operate as proposed.

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- The Petition Does Not Contain Reasonably Comprehensive Description of the Health and Safety Procedures

Petitioners are required to provide a comprehensive description of “procedures that the school will follow to ensure the health and safety of pupils and staff.” (Ed. Code, § 47605, subd. (b)(5)(F).) The Petition does not provide a comprehensive description of all relevant aspects of the Charter School’s health and safety procedures. For example, on page 129 of the Petition, the Petitioner briefly addresses their policies for emergency preparedness. In short, Petitioner relies on an “Emergency Preparedness Handbook” that will be “drafted for the school,” however, the District did not receive the Handbook until June 24, 2016, only after District request. Regardless, the District’s review of the Handbook shows a less than comprehensive description of important aspects of any emergency preparedness plan, including but not limited to the Charter School’s response to bomb threats and lockdown shooting incidents, suicide prevention, and staff training to ensure compliance with, and understanding of, the emergency preparedness plans.

In addition, the Petition does not contemplate or discuss other key aspects of its health and safety procedures, including but not limited to the inclusion of health care coverage options and enrollment assistance pursuant to Education Code section 49452.9.

- The Petition Does Not Contain Reasonably Comprehensive Description of the Means to Achieve Racial and Ethnic Balance

As noted above, the Petitioner’s recruitment strategies are not specifically tailored to the community in which it intends to recruit, and fails to identify how it 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, in light of the fact that the Rosemont area is demographically different than the District as a whole.

Staff also 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, 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 June 27, 2016], emphasis added.) However the Petition fails to include any discussion regarding how the Charter School intends to recruit students with disabilities.

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- The Petition Does Not Contain a Reasonably Comprehensive Description of the Admissions Requirements

“If the number of pupils who wish to attend the charter school exceeds the school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing.” (Ed. Code § 47605, subd. (d)(2)(B).) It is common practice for charter schools to provide for either exemptions, or weighted admissions for particular subsets of students. The Charter School’s proposed public random drawing provides “preferences” as follows:

1. Existing students (exempt from the lottery);
2. Children of current GPS teachers and staff and founders of GPS;
3. Siblings of currently enrolled students or graduates of GPS residing within the boundaries of the District;
4. Siblings of currently enrolled students or graduates of GPS residing outside the boundaries of the District;
5. Students who are enrolled in, or reside in the attendance boundaries of the public elementary school where GPS is located;
6. Students residing within the boundaries of the District; and
7. All other students who wish to attend the charter school.

(Petition, p. 133.) However the Petitioner fails to describe how the aforementioned preferences are actually implemented. Without a reasonably comprehensive description of how Petitioner intends to implement these lottery “preferences,” the District cannot adequately evaluate the Charter School’s admission requirements. It is also notable that “Children of current GPS teachers and staff and founders of GPS” are second in priority ahead of siblings of currently enrolled GPS students.

Additionally, upon admittance into the Charter School, all parents and guardians are expected to sign the “Commitment to Excellence,” agreement. (Petition, p. 134.) This agreement was not provided to the District in the Charter School’s Petition, and as a result the District cannot adequately evaluate it for compliance with District policy or the law.

Furthermore, pursuant to the Student and Parent Handbook , the Charter School “expect[s] parents to make their best effort to contribute at least 30 Community Hours per family each.”

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(Petition, p. 34.) The inclusion of the language is questionable and potentially violates California’s constitutional guarantee to a free public education. Although “the community hours” are not expressly mandatory, the tone of these statements in both the Student and Parent Handbook and the Charter Petition are likely to dissuade working parents from attempting to enroll their child in the Charter School because the service hour requirement appears less than voluntary.

- The Petition Does Not Contain a Reasonably Comprehensive Description of the 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, p. 137) 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 twenty-four (24) offenses that are grounds for both the discretionary suspension and the discretionary expulsion of a student. (Petition, pp. 138, 142). However, the Petition fails to provide guidance detailing how the Board will differentiate between a suspendable offense and an expellable offense. For example, if the Board determines that a student “caused, attempted to cause, or threatened to cause physical injury to another person,” (Petition, pp. 138, 142) how will the Board determine whether suspension of the student or expulsion of the student is the proper punishment?<sup>3</sup>

- The Petition Does Not Contain a Reasonably Comprehensive Description of the Dispute Resolution Procedures

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

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<sup>3</sup> For example, in order to differentiate between a suspendable and expellable offense (other than a mandatory expulsion offense under Education Code section 48915 (c)), traditional public 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.

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process goes beyond establishing a process to resolve conflicts, and instead attempts to impose requirements upon the District. For example, the Petition provides that during the dispute resolution process between the District and the Charter School “no parties will make public comment.” (Petition p. 155.) The Petition is not a contract.<sup>4</sup> Any suggestion that the Petition somehow requires the District to refrain from making public comments is misguided.

### 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

Due to concerns described in this report, Staff recommends that Sacramento City Unified School District Board of Education conference and take action to approve or deny the Initial Charter Petition of Growth Public Schools 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:

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<sup>4</sup> The Petition on multiple occasions incorrectly insinuates that the Petition is a binding contract. For example, page 161 of the Petition includes a severability clause. The Petition is not binding contract, and shall not be construed as such.

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- 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 15 required charter elements; and

#### **VII. LESSONS LEARNED / NEXT STEPS**

District staff recommends that the Board approve Resolution 2901 to approve the Petition or approve Resolution 2900 and adopt these final 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. 2900  
RESOLUTION TO DENY THE INITIAL CHARTER PETITION OF  
GROWTH PUBLIC SCHOOLS**

WHEREAS, petitioners for Growth Public Schools, Inc. (“Petitioners”) submitted to Sacramento City Unified School District (“District”) an initial charter petition (“Petition”), dated May 16, 2016, for Growth Public Schools; and

WHEREAS, the District’s Governing Board held a public hearing on June 2, 2016 and took board action on August 18, 2016; and

WHEREAS, the Governing Board has considered the level of public support for Growth Public Schools 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 Growth Public Schools;

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 18th day of August, 2016, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ATTESTED TO:

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José L. Banda  
Secretary of the Board of Education

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Christina Pritchett  
President of the Board of Education

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT  
RESOLUTION NO. 2901  
RESOLUTION TO APPROVE THE INITIAL CHARTER PETITION OF  
GROWTH PUBLIC SCHOOLS**

WHEREAS, petitioners for Growth Public Schools, Inc. (“Petitioners”) submitted to Sacramento City Unified School District (“District”) an initial charter petition (“Petition”), dated May 16, 2016, for Growth Public Schools; and

WHEREAS, the District’s Governing Board held a public hearing on June 2, 2016 and took board action on August 18, 2016; and

WHEREAS, the Governing Board has considered the level of public support for Growth Public Schools 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.

NOW, THEREFORE, BE IT RESOLVED that the Sacramento City Unified School District Board of Education hereby approves the Petition of Growth Public Schools.

BE IT FURTHER RESOLVED the term of the charter shall be for five (5) years, beginning on July 1, 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 October 31, 2016.

**PASSED AND ADOPTED** by the Sacramento City Unified School District Board of Education on this 18th day of August, 2016, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ATTESTED TO:

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José L. Banda  
Secretary of the Board of Education

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Christina Pritchett  
President of the Board of Education