



## SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 11.1

**Meeting Date:** March 5, 2015

**Subject:** Approval of the Extension of the Charter Term for Capitol Collegiate Academy

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

**Department:** Office of the Superintendent

**Recommendation:** To conference and take action to approve the extension of the charter term for Capitol Collegiate Academy.

**Background/Rationale:** Sacramento City Unified School District received Capitol Collegiate Academy's charter renewal petition on January 5, 2015 (Charter petition expiration date: June 30, 2015). The Governing Board held a public hearing in accordance with Education Code Section 47607 (b) to consider the level of support for the renewal of Capitol Collegiate Academy on January 22, 2015. District staff has conducted a review of the petition. The staff report and a recommendation to extend the charter term for the Charter School will be presented for Board Action on March 5, 2015.

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

**LCAP Goals:** Family and Community Engagement.

**Documents Attached:**

1. Executive Summary
2. Extension of Initial Charter Term for Capitol Collegiate Academy

**Estimated Time of Presentation:** 5 minutes

**Submitted by:** Sue Lee, Ed.D., Charter Oversight, Coordinator II  
Lisa Allen, Deputy Superintendent

**Approved by:** José L. Banda, Superintendent

# Board of Education Executive Summary

## Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate Academy  
March 5, 2015



### I. OVERVIEW / HISTORY

#### *Action Proposed:*

Staff recommends approval of the extension of the charter term for Capitol Collegiate Academy (CCA) for one (1) year, beginning July 1, 2015 and ending June 30, 2016.

#### *Staff Rationale:*

A one-year extension will allow CCA the opportunity to demonstrate that the charter school meets the minimum standard for renewal, the opportunity to demonstrate further improvements in implementing the governance plan and EL plan, and the opportunity to complete a standard initial charter term of five years.

#### *History:*

Capitol Collegiate Academy is a public, independent charter school located at 2118 Meadowview Road, Sacramento, CA 95832. Sacramento City Unified School District (SCUSD) granted CCA's charter petition for establishment on May 6, 2010, and approved the charter petition for four years. The charter petition expires on June 30, 2015. The Charter School operates on a "slow growth model" and is currently in its fourth year of operation. The school started with only kindergarten students in its first year and continues to add one grade level each year until CCA has fully grown to serve students in grade levels K-8. The Charter School currently serves about 220 students in grade levels K-3.

Sacramento City Unified School District received a charter renewal petition from CCA on January 5, 2015. A public hearing was held to consider the level of support for the renewal of the charter for CCA on January 22, 2015. After revising the petition for renewal twice, District Staff and CCA agreed that extending the initial term by one year, thus increasing the initial term from four, to five years, will provide additional time for the Charter School to demonstrate an effective operation and program, and the District to evaluate CCA's operation and program.

After reviewing the renewal petition, District Staff provided CCA with a list of six (6) elements that needed updates and clarification. In response, CCA provided District Staff with two revised petitions addressing Staff's concerns.

### II. DRIVING GOVERNANCE

#### *Governance for the Minimum Standard for Renewal*

As defined by Education Code Section 47607, after a charter school has been in operation for four years, a charter school shall meet one of the following criteria before receiving a charter renewal:

# Board of Education Executive Summary

## Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate

Academy

March 5, 2015

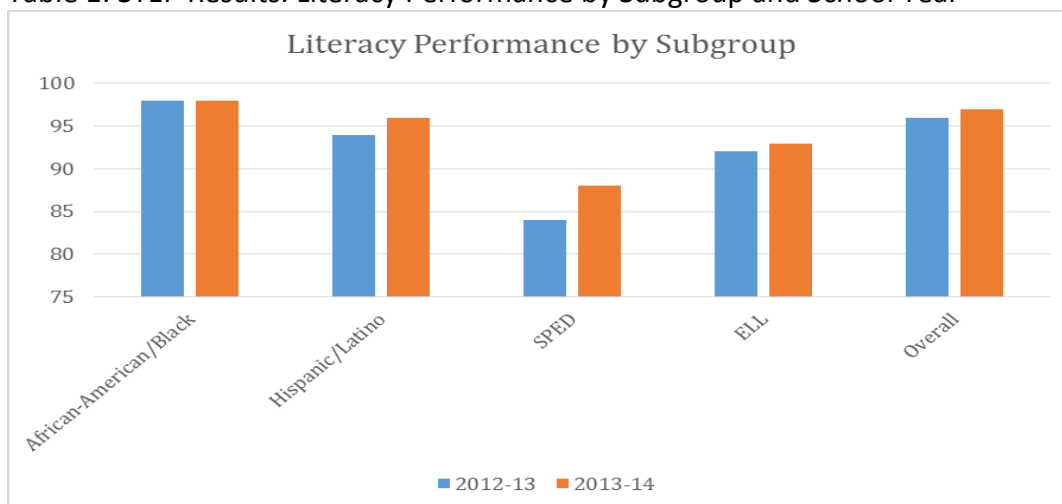


- 1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years;
- 2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years;
- 3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years; or
- 4) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend.

The Charter School has not been in operation for four years, so the minimum standard for renewal does not have to apply to the Charter School. Extending the initial charter term will allow the Charter School to have achievement data that can be compared to the District's achievement data. Currently, the Charter School does not meet the minimum standard for renewal, because the Charter School has only served students in grade levels K-3. In addition, CCA has never acquired an API score, a similar school rank, and a statewide rank; further, CCA does not have achievement data that can be compared to the District's achievement data.

According to Education Code section 47607, the District "shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal." Although achievement data that are comparable to District achievement data are not available, CCA has consistently provided STEP and Terra Nova achievement data as evidence that there are increases in pupil academic achievement for all groups served by CCA, as seen in the two tables below.

Table 1: STEP Results: Literacy Performance by Subgroup and School Year



# Board of Education Executive Summary

## Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate Academy  
March 5, 2015



Table 2. Terra Nova Results: Breakdown (Subgroup Population Breakdown 2013-14)

ACHIEVEMENT GAP NUMBERS					
	SCHOOL	BL	HISP/ LAT	ELL	GIRLS
<b>Overall National Percentile</b>	<b>83%</b>	<b>86%</b>	<b>78%</b>	<b>74%</b>	<b>85%</b>
<i>Percent of Students Above 90%</i>	56%	65%	39%	36%	66%
<i>Percent of Students Above 80%</i>	72%	77%	61%	50%	78%
<i>Percent of Students Above 70%</i>	82%	84%	72%	64%	84%
<i>Percent of Students Above 50%</i>	91%	94%	83%	79%	94%
<b>Overall Percent Mastery</b>	<b>100%</b>	<b>100%</b>	<b>84%</b>	<b>100%</b>	<b>100%</b>
<i>Advanced (90% or above)</i>	57%	74%	39%	29%	63%
<i>Proficient (70% or above)</i>	43%	26%	63%	71%	37%
<i>Proficient/Advanced</i>	100%	100%	100%	100%	100%
<b>ELA Percent Mastery</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<i>Advanced (90% or above)</i>	63%	74%	56%	50%	69%
<i>Proficient (70% or above)</i>	37%	26%	44%	50%	31%
<b>Math Percent Mastery</b>	<b>98%</b>	<b>100%</b>	<b>94%</b>	<b>93%</b>	<b>100%</b>
<i>Advanced (90% or above)</i>	70%	63%	39%	33%	69%
<i>Proficient (70% or above)</i>	28%	37%	55%	57%	31%
<b>ELA National Percentile</b>	<b>65%</b>	<b>68%</b>	<b>59%</b>	<b>51%</b>	<b>67%</b>
<i>Percent of Students Above 90%</i>	11%	16%	11%	7%	9%
<i>Percent of Students Above 80%</i>	35%	32%	28%	7%	31%
<i>Percent of Students Above 70%</i>	52%	61%	33%	14%	41%
<b>Math National Percentile</b>	<b>87%</b>	<b>90%</b>	<b>83%</b>	<b>82%</b>	<b>88%</b>
<i>Percent of Students Above 90%</i>	67%	71%	56%	57%	72%
<i>Percent of Students Above 80%</i>	76%	81%	61%	64%	75%
<i>Percent of Students Above 70%</i>	87%	90%	78%	79%	88%

### Governance for an Extension:

An extension of an initial term of a charter is not recognized in California Education Code, but has been practiced in other California school districts. Extending an initial charter term allows charter schools and district authorizers more time to gather substantial evidence and data to ensure due process and fully examine if the Charter School meets any criteria to have the charter renewed or denied under California Education Code.

## Board of Education Executive Summary

### Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate Academy  
March 5, 2015



On May 6, 2010, the District's Board of Education approved the initial charter petition establishing the Charter School for a period of four (4) years, to expire June 30, 2015. Education Code Section 47607, subdivision (a) states in part that "a charter may be granted pursuant to Sections 47605, 47605.5, and 47606 for a period not to exceed five years." The Charter School submitted the Charter Renewal Petition for Capitol Collegiate Academy to the District on or about January 5, 2015. District Staff recommends to extend the Charter School's initial term by one year, thus increasing the initial term from four, to five years, so as to provide the Charter School with additional time to demonstrate an effective operation and program, and for the District to evaluate the Charter School's operation and program.

By approving the extension of CCA's initial charter term, the District and CCA would agree to the following.

1. The Charter School agrees to unconditionally withdraw the Renewal Petition.
2. The District agrees to extend the Charter School's initial charter term from four years, to five years, with a revised expiration date of June 30, 2016.

#### *District Staff's Review:*

Although the originally submitted renewal petition included the information required, District Staff recommended revisions to improve the petition in six areas: 1) Element A, Educational Program; 2) Element B, Measureable Pupil Outcomes; 3) Element C, Methods to assess pupil progress; 4) Element D, Governance; 5) Element G, Racial and Ethnic Balance; 6) and Element J, Pupil Suspension and Expulsion.

Capitol Collegiate Academy provided two Revised Petitions addressing District Staff's concerns and recommendations by revising, updating, and/or providing the following.

#### *ELEMENT A: Educational Program*

##### *Round 1: Staff's Recommendation(s):*

- Review, revise and update the Charter School's plan for educating English Learners to address Staff's concerns.
- Review and revise the Renewal Petition to clarify that Charter School is its own LEA for purposes of special education.
- Include an enrollment plan with the enrollment capacity for each school year for the next five years.

##### *Round 1: CCA's Revision(s):*

The remaining description of the EL program was too vague for meaningful review. The majority of the remaining description reiterated the law (e.g. "EL students will receive the same

## Board of Education Executive Summary

### Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate Academy  
March 5, 2015



academic material as those students who are native speakers of English” p. 16) or outlined the state-required default for providing instruction to less than proficiency ELs—Structured English Immersion. District Staff followed up with specific questions for CCA to answer, as seen in *Round 2: Staff Recommendations* below in this Element A section.

The Petition has been revised to clarify that the Charter School intends to operate as its own LEA and not as a public school of the District for the purposes of special education. (Renewal Petition, p. 26-27.) Staff determined that the Charter School’s plan for serving students with disabilities, as revised, is legally compliant.

The revised Renewal Petition includes an enrollment plan from school year 2014-15 to school year 2019-20. The Charter School’s maximum capacity for the school year 2019-20 is 461 students. (Renewal Petition, p. 22) Staff determined that the Charter School’s plan, as indicated in the revised Renewal Petition, is reasonably comprehensive.

#### *Round 2: Staff’s Recommendation(s):*

The LEA submitted the following question regarding the instructional program for ELs:

- How will the charter school provide instruction in the ELD standards using integrated and designated ELD, as described in the CA ELA/ELD Framework?  
In other words:
  - When will this instruction occur, especially in light of the requirement that ELs not miss core instruction?
  - By whom will the instruction be provided?
  - How will the charter connect ELD to the core content areas?
  - What assessments will be used to determine student needs in ELD?
  - What professional development will be provided to teachers so that they may learn about the fundamental changes in ELD instruction as laid out in the CA ELA/ELD Framework?

#### *Round 2: CCA’s Revision(s):*

The CCA instructional program, as described, ensures that English learners will have access to the same curriculum as all other students (pp. 16-20), but does not sufficiently describe how students will receive regular instruction in the ELD standards. For example, the petition describes Text Talk, a research-based program emphasizing vocabulary and higher order thinking skill in reading comprehension, but Text Talk is not a program designed to address the ELD needs of ELs.

In addition, statements such as “We believe that best practices for ELD are also best practices for many students who enter school academically behind ...” (p. 18) raise concerns that the

## Board of Education Executive Summary

### Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate Academy  
March 5, 2015



school believes that ELD is a set of practices, not standards to be learned in their own right. There is a brief mention of small groups of students receiving ELD, phonics and reading comprehension support during a 30-minute period during the literacy review and support block. However, no further information is added.

Finally, the goal of having “98% of EL students proficient in English after three years of enrollment” is too inexact to be meaningful; it does not take into account students’ proficiency levels upon entering CCA. For a student who enters as a Beginner in Kindergarten, this goal is probably unrealistic; most studies have shown that it takes at least five years for students in mainstream classes to achieve reasonable proficiency, unless they are already literate in their primary language. By the same token, a student who enters third grade at an Intermediate or Early Advanced proficiency level should take fewer than three years to become proficient. A goal such as this one seems to point to a lack of awareness regarding the diversity among English learners.

#### *Staff’s Final Recommendation(s):*

Staff recommended that within 60 days, the Charter School provides a detailed description of a coherent ELD program, which includes integrated and designated ELD, and that is based on the CA ELD Standards and guided by the CA ELA/ELD Framework. This description shall include the Charter School’s approaches for addressing the varying needs of students at different English language proficiency levels and in different grade levels. It shall also include a plan for professional development that will enable teachers and instructional leaders to implement the ELD program.

#### *ELEMENT B: Measurable Pupil Outcomes*

##### *Round 1: Staff’s Recommendation(s):*

- Revise the Petition to set out specific growth and achievement targets for special education students, even if the subgroup is not a significant subgroup.

##### *Round 1: CCA’s Revision(s):*

As revised, the Renewal Petition sets forth growth targets for the special education student subgroup. Specifically, the Renewal Petition states that its special education students will place in the top quartile when compared to other special education students on the Reading and Mathematics portion of the CAASPP. (Renewal Petition, p. 96.) Alternatively, the Renewal Petition states that its special education students will be at least 25% proficient in English Language Arts (“ELA”) and 30% proficient in Mathematics, both of which are 10% higher than the current projection for students with special needs. (Renewal Petition, p. 96.)



## Board of Education Executive Summary

### Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate Academy  
March 5, 2015



Staff determined that the Charter School's measurable outcomes for special education students, as revised, are legally compliant.

#### ELEMENT C: Methods to Assess Pupil Progress

##### *Round 1: Staff's Recommendation(s):*

- Revise the Renewal Petition to include examples of compliance with requirement that the Charter School's method for measuring pupil outcomes for the State priorities is consistent with the way information is reported on the SARC.
- Correct Table 3.1 to align assessments with the Common Core standards.

##### *Round 1: CCA's Revision(s):*

The Renewal Petition has been revised to reflect that the Charter School will report out its method for measuring pupil outcomes for the State priorities in a way that is consistent with how information is reported on the Student Accountability Report Card ("SARC"). (Renewal Petition, p. 109.) Further, Table 3.1 of the Renewal Petition has been revised to reflect the required testing under the California State Testing Program. (Renewal Petition, p. 109.) The Renewal Petition also states that internal assessments will align with the State Common Core standards and such assessments are currently administered every six weeks. (Renewal Petition, p. 112.)

Staff finds the revisions to be reasonably comprehensive.

##### *Round 2: Staff Recommendation(s):*

- Update what the benchmarks are based upon or clarify if the Charter School intends to continue using CST released questions and CST content (and if the latter, explain why).

##### *Round 2: CCA's Revision(s):*

The revised petition no longer states that CST blue prints will be used for benchmark tests; rather, they will use released CAASP questions.

Staff finds the revisions to be reasonably comprehensive.

#### ELEMENT D: Governance

##### *Round 1: Staff's Recommendation(s):*

- Review and revise the Renewal Petition to indicate what parent committees will be established by CCA and how parent involvement information will be communicated in languages other than English.
- Clarify which persons sit on the Board of Directors and their role with CCA.
- Confirm whether the Executive Director receives a salary from CCA.



## Board of Education Executive Summary

### Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate Academy  
March 5, 2015



#### *Round 1: CCA's Revision(s):*

The Renewal Petition, as revised, states that the Charter School currently has a Parent Site Council committee, which also represents the English Language Advisory Committee ("ELAC"), due to the small size of the school. (Renewal Petition, p. 132.) The Charter School makes assurances that both English and Non-English speaking families are represented in the Parent Site Council. The Renewal Petition also states that a parent governing board position will be established in February 2015. (Renewal Petition, p. 132.) Additionally, the revised Renewal Petition states that the Charter School currently translates documents into Spanish and that Spanish-speaking staff are available on site and in the front office to support family engagement. (Renewal Petition, p. 133.) The Renewal Petition also includes assurances that the Charter School will provide translation services for languages other than Spanish on an as-needed basis. (Renewal Petition, p. 133.)

Lastly, the revised Renewal Petition states that the Charter School provides several methods for communicating academic and non-academic progress to parents, including, hold family conferences each trimester, providing parents with daily "STAR" reports, monthly school reports, and weekly CAL reports that outline all of the standards and contents covered during the week. (Renewal Petition, p. 130.)

Staff determined that the Charter School's plan for parental involvement, as revised, is legally compliant.

The revised Renewal Petition clarifies that no paid staff member shall sit on the governing board. (Renewal Petition, p. 126.) Specifically, the Renewal Petition and supporting documents clarify that Penny Schwinn currently receives a salary as the Executive Director of the Charter School but that Mrs. Schwinn does not sit on the governing board. Further, the Charter School has provided information that Mrs. Schwinn was not employed by the District during any time in which she previously was employed by the Charter School. Staff has determined that there is no conflict of interest found; however, staff found that the Board of the Charter School does not have an adequate amount of members, which led to other concerns.

#### *Round 2: Staff's Recommendation(s):*

- Provide the District with a statement regarding how many Board meetings will occur each school year.
- Explain why it is stated in the petition and Bylaws that ten Board meetings will take place in one school year and only four Board meetings are scheduled for the 2014-15 school year.

## Board of Education Executive Summary

### Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate

Academy

March 5, 2015



- Provide copies of agendas and approved minutes for all Board meetings for the 2013-14 school year and 2014-15 school year thus far.
- Explain why there are currently only two Board of Directors, why the petition states that there will be at least seven (7) Board of Directors, and why the Bylaws state that there will be at least five (5) Board of Directors.
- Make the number of Directors who sit on the Board in the charter petition consistent with the number of Directors who sit on the Board in the bylaws.
- Submit an updated and accurate list of names of current Board of Directors, with the dates that they became Board of Directors.
- Begin appointing qualified Board of Directors.
- Provide a response to the District regarding where the District and public can access Board meeting dates, agendas, and minutes.
- Clarify in Figure 4.1 if the Executive Director position is an administrative staff or not, and if the position will exist in the future, because it is not represented in the organization structure.
- Provide a response to the District regarding if the proposed six administrator positions in the organization are accounted for in the multiyear budget next year.
- Address all contradictions regarding the duties of the Executive Director and the Head of School, and respond to the following questions,
  1. Does the Board or Executive Director evaluate the Head of School?
  2. Who reports to the Board of Directors?
  3. Who hires and evaluates all employees?

#### *Round 2: CCA's Revision(s):*

The Charter School explained that the change to four board meetings was already approved and updated in the charter school's bylaws; the change was missed in the original revisions to the charter. The Charter School further noted that the change could be found as in compliance, per the school's audit, which is the most official reconciliation of the School.

The Charter School's response included that the Board has always gone by the specific Bylaws, so there always had to be at least five (5) Board of Directors. Three new Board of Directors were appointed to the CCA Board in February 2015. The Charter School further explained that meeting agendas are posted publicly at the school. Meetings are posted on the school's website via the Facebook account and/or the calendar. Meeting dates, agendas, and minutes are provided to the SCUSD representative, and have been consistently provided to that representative; however, CCA notes that there have not been any meetings during the 2014-15 school year due to a lack of quorum, so the District was unable to locate the postings of such meetings. Also, all meeting minutes and agendas are readily available in the front office for public view and/or in the business office for public view.

## Board of Education Executive Summary

### Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate Academy  
March 5, 2015



The Petitioners explained that the Executive Director is administrative staff (LEA level and not school level); changes have been made to the organization structure in the petition to reflect both LEA and school-site staff. The petitioners note that the Executive Director position may exist in the future, pending annual budget review (as with any position at the school, where everyone is given a one-year offer letter). Petitioners also responded to District Staff by saying that all proposed administrative staff positions are accounted for in the multiyear budget.

To provide clarification regarding the organizational structure, CCA included in the revised petition:

*"The Board and the Executive Director evaluate the Head of School. The Executive Director provides a recommendation which the Board may approve, deny, or edit. The Executive Director reports to the Board of Education. The Head of School hires and evaluates all employees, as approved by the Executive Director." (Renewal Petition, p. 40)*

The Revised Petition further states that the overlap of the Executive Director and Head of School's positions/job descriptions is:

*"intentional and part of the school program, as one person is responsible for the tasks in the day-to-day programming (Head of School/Principal) and one is responsible for the LEA-level and organizational outcomes and strategy (ED). Oftentimes, both members participate in and are responsible for this work, with the Head of School/Principal taking the lead in program and the ED taking the lead for organizational operations. The School has attached the specific evaluations for both positions to this charter as part of Appendix L, which provides specific job descriptions." (Renewal Petition, p. 40)*

#### *Staff's Final Recommendation:*

Due to an unstable governance structure with declining participation, Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. (Ed. Code, §§ 47607, subd. (a)(2) and 47605, subd. (b)(2)).

Issues regarding the governance of the Charter School, particularly in light of recent discoveries by District staff, continue to be of significant concern. The Petition states that the Board of Directors of the Charter School "will maintain active and effective governance of the Charter School." (Petition for Renewal, p. 34.) The corporate By-Laws submitted with the Petition for Renewal in January 2015, under which the Charter School's Board has been operating for the past four years, states that the Board would meet at least ten (10) times per year.

In January 2015, when the Petition for Renewal was first submitted, Petitioners represented that there were at least five (5) serving members of their Board of Directors, with three

## Board of Education Executive Summary

### Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate Academy  
March 5, 2015



“additional” members “under review.” (Appendix S of original Petition for Renewal.) Subsequent to the submission and initial review of the renewal petition, staff has learned that, until recently, Penny Schwinn is no longer a Board of Director and is now the Executive Director, two (2) Board members resigned in February 2015, and there are only two (2) members serving on the Board of Directors of the Charter School. One of those two members is the former District appointed representative to the Board of Directors, who has resided out of State since the beginning of the current school year. In fact, as opposed to meeting ten times per year, District staff was informed that the Charter School’s Board of Directors has not met, due to a lack of a quorum, since June of 2014. It is not clear how the Charter School lawfully conducted essential business functions, such as ratifying contracts, setting policy, evaluating the administration, etc., without holding a meeting for the past three quarters of this school year. Petitioners now state that three new members have been appointed to the Board of Directors. (Appendix S – Revisions).

Since the failure to conduct regular Board meetings has been raised as a concern, Petitioners have attempted to address this issue in the revised Petition for Renewal. Petitioners now propose for their Board to meet four times a year. This is a significant reduction from the previous requirement that their Board meet ten times per year as stated in the original Petition for Renewal and in the current corporate Bylaws, which have not been amended to reflect the change to meet only four times per year. Staff notes that promising less governance does not address the fact that there has been no governance this school year, or resolves this concern moving forward.

At the Charter School’s administrative level, the current Executive Director fills her role as a part-time position. She is employed as an education official, in another capacity, on the East Coast of the United States. Despite not being able to fill the Executive Director as a full-time position, by next school year, the Petition for Renewal states that the Charter School will have seven (7) administrative staff positions: 1) an Executive Director; 2) a Head of School; 3) Two Directors of Curriculum and Instruction; 4) a Business Manager, 5) a Dean of Culture; and 6) a Director of Special Education. (Petition, Figure 4.1.)

Staff notes that the number of administrative positions for a school that has a projected enrollment in 2015-2016 of 269 may be excessive and unnecessary. The duties and responsibilities of the Executive Director and the Head of School already have tremendous overlap and redundancy. Overall, leadership and governance is a significant concern for this Charter School because there is a clear lack of accountability for the Charter School’s staff and performance if there is no leadership.

## Board of Education Executive Summary

### Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate Academy  
March 5, 2015



District staff recommends, and does not require, the following to ensure compliance moving forward:

- a. Within 30 days, the Charter School retains an interim full-time Executive Director;
- b. Within 90 days, the Charter School retains a full-time Executive Director;
- c. Within 90 days, the Charter School's Board of Directors reconsider and budget for its administrative positions;
- d. Within 30 days, the Charter School's governing Board has at least the minimum amount of Board of Directors pursuant to its By-Laws;
- e. Within 30 days, the Charter School provides the District with an accurate list of the Charter School's Board of Directors;
- f. At least 72 hours prior to any meeting of the governing Board, the Charter School shall provide the District with the Charter School's governing Board's agendas;
- g. Within 60 days, the Charter School provides the District with a schedule and description of the Charter School's Board governance training for current, and new, Board of Directors; and
- h. Within 60 days of appointing the number of Board of Directors pursuant to its By-Laws, the Charter School shall schedule, properly agendize, and complete two (2) separate meetings with a quorum of its governing Board.

#### ELEMENT G: Racial and Ethnic Balance

##### *Round 1: Staff's Recommendation(s):*

- Review and update the Charter School's recruitment plan to include that CCA will provide all of its materials in languages other than English, if needed.
- Strike out language in the section that contradicts language in the Facilities Use Agreement, District Board Policy, and Administrative Regulations related to the Civic Center Act.

##### *Round 1: CCA's Revision(s):*

The Charter School revised the Renewal Petition to include the following language: "We translate all recruitment materials into Spanish and provide Spanish translation during presentations." (Renewal Petition, p. 54) The Petitioners did strike out the language contradicting the Facilities Use Agreement, District Board Policy, and Administrative Regulations regarding the Civic Center Act.

Staff recommended that the Charter School include a statement that translation in other languages is also an option, if needed. The petitioners included the following language: "The ability to translate materials into another language is also an option, if needed."

## Board of Education Executive Summary

### Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate Academy  
March 5, 2015



Staff determined that the revisions in the Racial and Ethnic Balance section in the revised Renewal Petition are reasonably comprehensive.

#### ELEMENT J: Pupil Suspension and Expulsion

##### *Round 1: Staff's Recommendation(s):*

- Revise Suspension and Expulsion Policy in Renewal Petition and the Policy and Parent Handbook to clarify the standards upon which the school determines that a student will be expelled as opposed to being suspended.
- Correct the cited subdivisions for Ed. Code, § 48900.

##### *Round 1: CCA's Revision(s):*

The Revised Petition now defines the term "serious offense" as, "one in which 'a student presents an ongoing threat to health and safety.'" Although this definition is broad, staff believes that it is legally adequate to distinguish whether a student will be suspended or expelled for a particular offense. The Petitioners chose to strike out the listing of the subdivisions under Ed. Code, § 48900.

Staff finds the revisions to be reasonably comprehensive.

#### Overall:

District staff reviewed all sixteen elements in the revised petition, including Financial Statements and Future Plans. Many concerns regarding CCA's governance structure have been addressed and some solutions have been implemented, but more time for revisions in the charter petition and demonstration of successful implementation of the petition are still needed. Capitol Collegiate Academy has agreed to work with the District to address all concerns.

### **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 the charter school's 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.

## Board of Education Executive Summary

### Office of the Superintendent

Approval of the Extension of the Initial Charter Term for Capitol Collegiate Academy  
March 5, 2015



#### IV. GOALS, OBJECTIVES, AND MEASURES

Not Applicable.

#### V. MAJOR INITIATIVES

Not Applicable.

#### VI. RESULTS

Staff recommends approval of the extension of the charter term for CCA for one (1) year, beginning July 1, 2015 and ending June 30, 2016.

#### VII. LESSONS LEARNED / NEXT STEPS

*Next Steps:*

As a charter authorizer, the District will provide oversight by conducting annual visits and programmatic audits to review the charter school's records of past performance and future plans regarding academics, finances, and operations.

If the extension of the initial charter term for CCA is approved, the Charter School commits to demonstrating that the program set forth in the charter petition can be successfully implemented, making progress in student achievement, and preparing for renewal during the 2015-16 school year.

The revised charter renewal petition is available online at:

The charter renewal petition is available online at: <http://www.scusd.edu/document/capitol-collegiate-charter-school-renewal-petition>



## **Extension of Initial Charter Term For Capitol Collegiate Academy**

**This Agreement** (“Agreement”), dated March 5, 2015, is by and between the Sacramento City Unified School District (“District”), and Capitol Collegiate, Inc., (“Non-Profit”), which operates Capitol Collegiate Academy (“Charter School”) (collectively the “Parties” and individually a “Party”).

WHEREAS, on May 6, 2010, the District’s Board of Education (“Board”), approved the initial charter petition establishing the Charter School (“Petition”) for a period of four (4) years, to expire June 30, 2015, pursuant to Education Code section 47605;

WHEREAS, Education Code section 47607, subdivision (a) states in part that “a charter may be granted pursuant to Sections 47605, 47605.5, and 47606 for a period not to exceed five years”;

WHEREAS, the Charter School submitted the Charter Renewal Petition for Capitol Collegiate Academy (“Renewal Petition”) to the District on or about January 5, 2015; and

WHEREAS, the Board would like to extend the Charter School’s initial term by one year, thus increasing the initial term from four, to five years, so as to provide the Charter School with additional time to demonstrate an effective operation and program, and for the District to evaluate the Charter School’s operation and program.

Now, THEREFORE, in consideration of the information set forth above, the Parties agree as follows:

1. In execution of this Agreement, the Charter School agrees to unconditionally withdraw the Renewal Petition.
2. In execution of this Agreement, the District agrees to extend the Charter School’s initial charter term from four years, to five years, with a revised expiration date of June 30, 2016.
3. The signatories to this Agreement represent and warrant that each has the full right, power, legal capacity, and the proper authority to execute this Agreement on behalf of the respective Party, and that no other approval or consent or any other persons is necessary to make this Agreement enforceable.
4. The Agreement may be executed in counterparts, and when each Party has signed and delivered at least one such counterpart, each counterpart shall be deemed an original and taken together, shall constitute one and the same Agreement, which shall be binding and effective as to all Parties. A facsimile signature shall have the same force and effect as an original.

///

5. The Parties state and agree that this Agreement is subject to review and approval by the District’s Board of Education, and that the District shall have no obligation hereunder

unless and until such approval is obtained. In the event the District's Board of Education shall decline to approve this Agreement, the Parties shall be returned to the *status quo* existing on the date this Agreement was signed.

---

Jose L. Banda  
Superintendent  
Sacramento City Unified School District

---

Date

---

Penny Schwinn  
Executive Director  
Capitol Collegiate, Inc.

---

Date