



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 8.1

Meeting Date: November 2, 2017

Subject: Consider Resolution No. 2963 and 2964: Initial Charter Petition for Gateway Community Charters: Sacramento Academic and Vocational Academy-SCUSD

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

Division: Academic Office

Recommendation: To take action to approve or deny the Initial Charter Petition for Gateway Community Charters: Sacramento Academic and Vocational Academy-SCUSD.

Background/Rationale: Sacramento City Unified School District received Gateway Community Charters: Sacramento Academic and Vocational Academy-SCUSD's initial charter petition on September 8, 2017. The Governing Board held a public hearing in accordance with Education Code Section 47605 (b) to consider the level of support for the initial charter petition of Sacramento Academic and Vocational Academy-SCUSD on September 21, 2017. District staff met with Sacramento Academic and Vocational Academy-SCUSD for a capacity interview on September 20, 2017 and conducted a comprehensive review of the initial charter petition and related submissions. The staff's analysis will be presented for Board Action on November 2, 2017.

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

LCAP Goal(s): Family and Community Empowerment

Documents Attached:

1. Executive Summary
2. Resolutions 2963 and 2964
3. Charter Petition (Proposed): <http://www.scusd.edu/charter-petitions>
4. Appendices (Proposed): <http://www.scusd.edu/charter-petitions>

Estimated Time of Presentation: 10 minutes

Submitted by: Iris Taylor, Chief Academic Officer
Jack Kraemer, Director
Innovative Schools and Charter Oversight

Approved by: Jorge A. Aguilar, Superintendent

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I. OVERVIEW / HISTORY

Action Proposed:

Sacramento City Unified School District (“District”) Staff and legal counsel have reviewed the charter petition (“Petition”) submitted by Gateway Community Charters (“GCC”), a California nonprofit public benefit corporation (“Petitioner”), proposing the creation of the Sacramento Academic and Vocational Academy- Sacramento City Unified School District (“SAVA” or “SAVA-SCUSD” or “Charter School”). After careful review, District Staff has identified a number of concerns within the Petition, including, but not limited to, the Charter School’s staffing plan, finances, and governance, which are set forth in this report. As a result, District Staff believes deficiencies in the Petition could warrant a denial of the Petition on the following grounds, pursuant to Education Code section 47605:

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

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

However, District Staff further believes that deficiencies in the Petition might be addressed or remedied to the Board’s satisfaction, at least in part, by a separate memorandum of understanding to be negotiated between the Petitioners and the Superintendent and/or his designee.

History:

On or about September 8, 2017, the District received an Initial Petition proposing the creation of the Charter School. Pursuant to Education Code section 47605, subdivision (a)(1)(B), the Petition is signed by the requisite number of teachers meaningfully interested in teaching at the Charter School. (Appx. T.) The District held a public hearing on September 21, 2017, so that the District’s Governing Board (“Board”) could consider the “level of support for the petition by

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teachers employed by the district, other employees of the district, and parents.” (Ed. Code § 47605, subd. (b).)

The Petition proposes to establish a non-classroom based charter school to serve seventh (7th) through twelfth (12th) grade students for a period of five (5) years from July 1, 2018 to June 30, 2023. Petitioner aspires “to be a public, non-classroom based charter school with a career and vocational emphasis.” (Petition, pg. 16.) The Petition states that the school will be open to all students who wish to attend and has a special focus on serving the following students populations: High risk, out-of-school youth; Disenfranchised students including wards of the court; Dropouts and pregnant/ parenting teens; Students who have not been successful in traditional schools for a variety of reasons; and 5th year seniors. (Petition, pg. 16.)

SAVA-SCUSD will be part of Gateway Community Charters (“GCC”) which has been in operation since 2003 and currently serves over 4,500 transitional kindergarten through twelfth (12th) grade students throughout the Sacramento region. (Petition, pg. 7.) GCC has managed a Sacramento Academic and Vocational Academy Charter that is authorized by Twin Rivers Unified School District (“SAVA-TRUSD”) and currently operates four (4) resource centers, some of which are within the boundaries of the Sacramento City Unified School District. (Petition, pg. 16.) Although, in *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal.App.5th 262, the California Court of Appeal held that the geographic and site limitations of the Charter Schools Act (Ed. Code § 47605 *et seq.*) are applicable to all charter schools, including non-classroom based programs. Petitioner acknowledges these geographic restrictions and site limitations stating, “Due to the Anderson USD v. Shasta decision regarding the locations of resource centers, Gateway Community Charters is seeking to bring its sites into compliance while continuing to serve its significant Sacramento City Unified School District population through this proposed new charter.” (Petition, pg. 16.) Given that Petitioner’s current charter was authorized by Twin Rivers Unified School District, while Petitioner’s schools operate in the geographic boundaries of the Sacramento City Unified School District, the Petitioner is currently non-compliant with the *Anderson* decision cited above. Petitioner also claims an exemption from the geographic limitations of the Charter Schools Act due to their affiliation with Workforce Innovation and Opportunity Act (“WIOA”) providers. (Ed. Code, § 47605.1(g).) WIOA is a federal program designed to improve the nation’s workforce and assist individuals, including youth and those with significant barriers to employment, attain high-quality jobs and careers. (P.L. 113-128.) Further discussion regarding the Charter School’s WIOA affiliation, and its claim that it is exempt from geographic restrictions of the Charter Schools Act, is discussed in greater detail, below.

While Petitioner is submitting an initial petition for a new charter school, Petitioner provided 2015 student achievement data for students attending current SAVA schools. (Appx. G, pg. 118.)

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District Staff also looked at SAVA’s current student proficiency data on the California Department of Education’s website. In 2016, over eighty percent (80%) of all SAVA students failed to achieve proficiency in Reading and over ninety percent (90%) failed to achieve proficiency in Mathematics.¹ The District outperformed SAVA in all student groups in both English Language Arts and Mathematics. In science, eight (8th) grade student proficiency has declined for the last three years and tenth (10th) grader proficiency declined in 2015-2016. It is recognized, however, that SAVA largely provides alternative educational placement for students who have struggled in more traditional educational placements.

II. DRIVING GOVERNANCE

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

- 1) The charter school presents an unsound educational program for the students to be enrolled in the charter school;
- 2) The petitioner is demonstrably unlikely to successfully implement the program set forth in the petition;
- 3) The petition does not contain the number of signatures prescribed by Education Code section 47605, subdivisions (a)(1)(A) or (a)(1)(B);
- 4) The petition does not contain an affirmation of each of the conditions set forth in Education Code section 47605, subdivision (d), including that the charter school: (1) will be nonsectarian in its admission policies, employment practices and all other operations; (2) will not charge tuition; and (3) will not discriminate against any student on the basis of the characteristics set forth in Education Code section 220;

¹<https://caaspp.cde.ca.gov/sb2016/ViewReport?ps=true&lstTestYear=2016&lstTestType=B&lstCounty=34&lstDistrict=76505-0114272&lstSchool=0114272>

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- 5) The petition does not contain reasonably comprehensive descriptions of fifteen certain elements in its program and operations as set forth in Education Code section 47605, subdivision (b)(5) (A-O), which describes fifteen separate elements that must be addressed in every petition to establish a charter school. These elements include a description of the School's governance structure, admissions policy, health and safety and student discipline policies; or
- 6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purpose of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

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

Results of Petition Review (Findings of Fact Determinations):

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

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

When determining whether Petitioner is likely to successfully implement the program described in the Petition, it is the District's practice to evaluate the Petitioner's ability to: demonstrate that it is familiar with the content of the Petition and the requirements of law applicable to the proposed school, present a realistic financial and operational plan, have the necessary background in areas critical to the Charter School's success, or have a plan for securing the services of individuals with the necessary background, including curriculum, instruction, assessment, finance and business management. Based upon the information provided in the Petition, Petitioner is demonstrably unlikely to successfully implement the educational program for the following reasons:

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i. The Petition Presents an Improper Plan for Facilities

- a. The Charter School attempts to locate outside of the boundaries of the District, without qualifying for the necessary exemptions.

Petitioner's proposed plan for facilities does not comply with the requirements of law, and therefore the Petitioner is unlikely to successfully implement its program, as proposed.

Pursuant to Education Code section 47605, subdivision (a) (1), a charter school must "operate *within the geographic boundaries of that [chartering] school district.*" (Emphasis added.) A charter school may only operate outside of the geographic boundaries of its chartering district if a specific statutory exception applies. The operation of a charter school outside of the chartering school district should be the rare exception, not the rule. However, post *Anderson* (discussed prior) there is a trend by charter schools to claim federal Workplace Innovation and Opportunity Act affiliation in order to exempt the charter school from any geographic restrictions, at all.

Petitioner proposes the operation of a number of resource centers and school sites, some of which are not located within the boundaries of the District:

[T]he proposed school site and resource centers will be located at 5330 Power Inn Rd., Sacramento, 6207 Logan St, Sacramento, and potentially 810 Grand Avenue, Sacramento, 2469 Rio Linda Blvd. Sacramento, 3141 Dwight Road in Elk Grove [*located in the Elk Grove Unified School District*], and a location to be determined in South Sacramento.

In support of its proposal to open resource centers outside of the boundaries of the District, Petitioner claims that it meets the federal Workplace Innovation and Opportunity Act exemption provided in Education Code section 47605.1, subdivision (g) (1):

GCC is in an exclusive partnership with local Workforce Boards (WIOA) to provide quality educational services in alignment with California Education Code 47605. [*sic*] (g)(1)

As a preliminary matter, Petitioner's attempt to claim the WIOA exemption is inconsistent with its past practice. Petitioner models the Charter School after its current charter school in the Twin Rivers Unified School District ("Twin Rivers") (Petition, pg. 7.), and claims to be petitioning the District to ensure its facilities are in compliance with the law following the *Anderson* decision. However, if the Twin Rivers charter school program and the proposed Charter School program are essentially the same, why didn't the Petitioner simply claim the WIOA exemption in Twin

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Rivers? Instead, Petitioner sought the assistance of Twin Rivers to procure a one-year waiver of the geographical restrictions from the California Department of Education, all but acknowledging that no exemption to the geographical restrictions was applicable.

More importantly, as explained below, the Charter School does not meet the requirements of the WIOA exemption, or any other applicable exemption, and therefore Petitioner’s proposed plan for facilities does not comply with the requirements of law.

A charter school may be exempt from the Charter School Act’s geographic restrictions if it operates in exclusive partnership with a federal Workplace Innovation and Opportunity Act program (“WIOA”). Education Code section 47605.1, subdivision (g)(1) provides:

(g) Notwithstanding any other law, the jurisdictional limitations set forth in this section do not apply to a charter school that provides instruction exclusively in partnership with any of the following:

(1) The federal Workforce Innovation and Opportunity Act (29 U.S.C. Sec. 3101 et seq.).

No court of appeal in California has reviewed the WIOA exemption, and there is very little guidance available regarding the proper interpretation of the exemption. However, the WIOA exemption was the subject of recent litigation heard by the San Diego County Superior Court. While superior court decisions are not precedential, they are persuasive authority. In *Grossmont Union High School District v. Julian Union Elementary School District et al.* (Super. Ct. San Diego, 2017, No 37-2015-00033720), the Superior Court determined that the Diego Valley Public Charter School did not qualify for the WIOA exemption because some of the instruction offered by the charter school was not provided by or in partnership its WIOA providers:

[S]ome of the instruction provided by Diego Valley is not in partnership with WIOA providers. Therefore, based on the plain meaning of the language within Section 47605.1(g)(1), instruction at Diego Valley is not provided exclusively in partnership with WIOA providers.

(*Grossmont Union High School District v. Julian Union Elementary School District et al.* (Super. Ct. San Diego, 2017, No 37-2015-00033720).) District Staff agree with the Superior Court’s interpretation that the WIOA exemption is only applicable if a charter school’s entire educational program is provided exclusively in partnership with a WIOA provider. In other words, the San Diego Superior Court appears to conclude that if any of the instructional options offered by the

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charter school are not provided by a WIOA provider, then the charter school does not qualify for use of the WIOA exemption.

Here, the majority of the Charter School's educational program is not delivered by a WIOA provider and is not affiliated with the WIOA program, and therefore the WIOA exemption does not apply. The Petition states that the Charter School will deliver content through two distinct methods of instruction; an online curriculum provided by Edgenuity, and workforce readiness and career technical education. (Petition, pg. 45-46.) In a follow up letter submitted on September 25, 2017, Petitioner provided additional information on the educational program:

Students at SAVA are enrolled in two to four courses each semester through the digital curriculum accounting for ten to twenty instructional hours each week of either in person instruction at the SAVA campus or recorded instruction completed independently within the Edgenuity platform. The remaining ten to twenty hours of instructional time each week is completed through classroom based courses taken on campus at SAVA (CTE classes, Creative Writing, Art, Leadership, Biology lab, Designated ELD, etc.) and the additional independent study work done outside of class required for each those assigned courses."

Most notably, Edgenuity, which accounts for ten to twenty hours of a student's instruction during the week, is a digital instruction platform that is not offered by a WIOA provider, nor does it have anything to do with the provision of WIOA services. The Charter School acknowledges on its website that any WIOA provided instruction is "in addition to the standard high school coursework" provided through the "digital curriculum." (<http://savacharterschool.org/sava-charter-school-high-school-sacramento/><last viewed on October 10, 2017.) Because the online Edgenuity curriculum provided by the Charter School is not in partnership with WIOA providers, the Charter School's program is not provided exclusively in partnership with WIOA providers as required by Education Code section 47605.1 (g)(1).

Moreover, the fact that many Charter School students likely do not even qualify to participate in WIOA programs is further evidence that the Charter School's program is not provided exclusively in partnership with WIOA. Petitioners note that "all SAVA students receive WIOA career readiness services for [*sic*] a federal WIO provider." However, students must meet specific eligibility requirements in order to qualify for WIOA services. For example, the following are the WIOA eligibility requirements for "in school youth:"

- (a) Attending school (as defined by State law), including secondary and postsecondary school;

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(b) Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21 at time of enrollment;

(c) A low-income individual; **and**

(d) **One or more** of the following:

(1) Basic skills deficient;

(2) An English language learner;

(3) An offender;

(4) A homeless individual aged 14 to 21 or a runaway;

(5) An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance or in an out-of-home placement;

(6) An individual who is pregnant or parenting;

(7) An individual with a disability; or

(8) An individual who requires additional assistance to complete an educational program or to secure or hold employment.

(20 C.F.R. § 681.220). The qualifications of students eligible to enroll in the Charter School and the qualifications of students eligible to enroll in WIOA are not the same. In fact, it can be expected that several students enrolled in the Charter School will not be eligible to participate in a WIOA program. For example, some students in seventh and eighth grade may not meet the minimum age requirements for participation in the WIOA programs, which require students to be at least 14 years old. Additionally, many students admitted to the School may not be low-income students and meet one of the defined barriers. This point is highlighted by the fact that during the 2016-2017 school year, only 82.70% of the School's students qualified for free or reduced priced meals. (Updated Racial-Ethnic Balance Chart; Received by District 9/25/2017.) Based upon these statistics, nearly 20% of the Charter School's students may not qualify for WIOA programs because they are not considered low-income. These students' inability to qualify for WIOA services and programs would preclude many of students from participating in WIOA programs and is further evidence that the Charter School's program is not provided exclusively in partnership with WIOA.

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We note that Petitioner included a memorandum detailing the Petitioner's position that the Charter School qualifies under the WIOA exemption because at least **one** of its programs is WIOA-affiliated. Specifically, the memorandum provides:

[T]he phrase "provides instruction exclusively in partnership with [WIOA]" is best understood to mean that the charter school offers an instructional program where at least one of the program components is career or vocational training in concert with WIOA, and none that are inconsistent with WIOA.

(Appendix pg. 12.) First and foremost, Petitioner provides this interpretation of the exemption, without citing any legal or other support for their interpretation. More importantly, the San Diego Superior Court, as well as District Staff, disagree with the Petitioner's analysis, because Petitioner fails to acknowledge that the statute requires *exclusive* partnership with a WIOA program. If the exemption only required a charter school to have a single WIOA-affiliated program, then any charter school could simply offer WIOA as one aspect of their program and be fully exempt from the geographic restrictions of the Charter School's Act. This runs contrary to the California legislature's intent that the operation of a charter school outside of the chartering school district should be the rare exception, not the rule.

In addition, Petitioner states in the memorandum that the Charter School must be able to locate outside of the boundaries of the District in order for its students to participate in WIOA services:

In order to provide its academic and occupational educational program to WIOA youth participants at these locations, SAVA's educational program must be provided at the location of the providers.

(Appx. D, pg. 16.) District Staff disagrees. Just because a student receives WIOA services outside of the boundaries of the District, does not, by itself, mean that the entire SAVA program must follow and establish a facility there. Petitioner's argument is non-sensical, and inconsistent with both the letter and the spirit of the geographical restrictions set forth in the Charter Schools Act.

For all of the reasons sets forth above, the Petitioner's proposed plan to locate facilities outside of the geographical boundaries of the District does not comply with the requirements of law, and therefore the Petitioner is unlikely to successfully implement the educational program, as proposed.

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- b. Even if the Charter School is permitted by law to operate outside of the boundaries of the District, the Petition fails to abide by the requirements of law for the addition of new facility locations.

In order for the District to properly perform its mandated oversight obligations, it is imperative that the District know where the Charter School's facilities are located at all times. With this oversight obligation in mind, the Charter Schools Act made it clear that a charter school must seek prior approval from its authorizer before adding facilities during the term of its charter:

After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter. The authority that granted its charter shall consider whether to approve the proposed location at an open, public meeting. If the additional location is approved, it shall be deemed a material revision to the school's charter.

(Ed. Code, § 47605, (a)(4).) The Petitioner attempts to bypass this material revision process by indicating that it will simply provide notice to the District whenever it attempts to open a new facility:

The Charter School shall provide to the District a list of its facility locations and, if applicable, a copy of the lease and any appropriate permits/clearances for any new facilities.

The Petition fails to acknowledge the required material revision process for the addition of new facilities. Therefore, even if the Charter School was permitted by law to operate outside of the boundaries of the District (which it is not), the Petition fails to abide by the requirements of law for the addition of new facility locations.

ii. The Petitioner Fails to Provide a Clear and Comprehensive Budget

a. Inadequate Financial Plan

Petitioner fails to present an adequate financial plan for the Charter School's operations. Petitioner states, "SAVA-SCUSD plans to issue a loan from the California School Finance Authority Revolving Loan Program in the amount of \$250,000 in 2018-2019." (Appx. R, pg. 313.) The Petition also indicates that the Charter School plans to 'borrow short term amounts from Gateway Community Charters and possibly from its already established line of credit from Wells Fargo for operating cash as it awaits its collection from the State of its various sources of

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funds and in-lieu of property tax from the District.” (Appx. R., pg. 313.) Additionally, the Petition claims that loans from GCC are “expected to cap out at \$1,685,835 in 2018-19 and \$106,479 in 2019-20.” (Appx. R, pg. 313.)

District Staff are concerned about the financial stability of the Petitioner’s current financial plan. Specifically, the Petition states that the Charter School “plans” to take out loans from the California School Finance Authority Revolving Loan Program and GCC or Wells Fargo. (Appx. R, pg. 313.) District Staff are concerned what may happen if these planned loans are not approved or the school cannot receive financing. The planned loan from the California School Finance Authority Revolving Loan Program is expected to amount to \$250,000. (Appx. R, pg. 313.) While it is unclear how much the short term loan amounts from Gateway Community Charters and possibly from Wells Fargo would amount to, the Petition indicates that the loans from GCC will cap out at \$1,685,835 in 2018-19. (Appx. R, pg. 313.) When combining only the two loans cited above, the total loan amounts would equal \$1,935,835. These loans would account for 26% of the total receipts for 2018-2019, which are estimated to total \$7,416,145. (Appx. R, pg. 321.) These numbers are even more concerning when considering that the Petitioner indicates a net cash flow of only \$414,019 after paying all expenses in 2018-2019. (Appx. R, pg. 321.) Therefore, if the Petitioner does not receive the planned loans, the Charter School would immediately be operating at a deficit of \$1,521,816 during the 2018-2019 fiscal year.

b. Budget Impact of Inconsistent Average Daily Attendance Figures

While Petitioner claims that it is proposing the new SAVA-SCUSD in order to bring its current SAVA-TRUSD resource centers in the Sacramento area into compliance with the *Anderson* decision, the Petition is unclear regarding which currently operated SAVA-TRUSD resource centers will be a part of the new SAVA-SCUSD (Petition, pg. 16.) This creates unclear revenue projections because of inconsistent Average Daily Attendance (“ADA”) figures for the proposed Charter School. (Petition, pg. 16.) Petitioner states that SAVA-TRUSD enrollment figures were 928 students in 2016-2017 and are 807 students for 2017-2018. (Petition, pg. 30.) However, the Petition also states that the 2016-2017 student enrollment was only 663 students for students at SAVA-TRUSD. (Petition, pg. 31.) The Petitioner’s numbers vary even further when reviewing the proposed budget, which states, “Enrollment for SAVA-SCUSD is estimated to be flat at 455 beginning in 2018-19 through 2020-21.” (Appx. R, pg. 311.) These differences may be due to the Petitioner only listing two (2) sites as transferring to SAVA-SCUSD in the Appendix (Appx. R, pg. 311.), while the Petition lists four (4) proposed sites for the location of SAVA-SCUSD. (Petition, pg. 151.) These varying ADA projections are a result of Petitioner’s failure to clarify which resource centers will be a part of SAVA-SCUSD and how many students will attend each of those resource centers. This confusion is furthered caused by Dr. Cindy Petersen’s letter of

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intent that was submitted to the District on August 17, 2017, which states, “SAVA-SCUSD seeks to be a non-classroom based charter school serving grades 7-12 with an anticipated initial enrollment of 700 students and an anticipated year five enrollment of 1200 students.”²

District Staff are concerned that these drastically different ADA figures could have a significant impact on the Charter School’s financial stability. Specifically, the Petitioner has budgeted to receive a total of \$7,416,145 during the 2018-2019 school year including all sources of funding. ((Appx. R, pg. 318.) If this amount is based on 807 students as stated in the Petition (Petition, pg. 30.), this would amount to funding of \$9,189.77 per student during the 2018-2019 school year. Although, if Petitioner is expecting to receive this amount for 455 students as also indicated in the Petition (Appx. R, pg. 311.), that would amount to funding of \$16,299.22 per student. The Petitioner’s proposed ADA figures result in a difference of \$7,109.45 per student depending on which ADA number was used to create the proposed budget. These varying ADA figures result in a total budget variance of approximately \$2,502,526.40 depending on whether the school has 807 students or 455 students. This difference is significant because it totals thirty-four (34) percent of the Charter School’s total projected revenues.

These revenue inconsistencies, specifically regarding the projected ADA, could substantially impact the School’s financial stability. If the School is not financially stable, District Staff are concerned that this may have a negative impact on student achievement because the school may have to cut necessary services, forego purchasing books and technology, and reduce staffing levels to make up these budget deficiencies. Petitioner’s current budget proposal lacks a clear and comprehensive plan that would ensure the school’s financial stability and allow for the successful implementation of the educational program.

c. The Petition Presents an Inadequate Plan for Staffing. This Impacts the Budget.

The Petition fails to provide a comprehensive and detailed plan for staffing the proposed Charter School. Specifically, Petitioner states that the school will employ fifty-two (52) teachers at SAVA-SCUSD. (Petition, pg. 113.) Based upon the Petitioner’s current enrollment figures for the 2017-2018 school year, the Petitioner states it currently has 807 students enrolled at the current SAVA-TRUSD sites operating in Sacramento.

² Confusion is further caused by Petitioner’s submission of a charter school petition to the Elk Grove Unified School District. While Petitioner signed the assurances and disclosures in the Petition, which include “Petitioner will notify SCUSD if the same or similar petition is submitted to another authorizer within 90 days of the petition submission date”, SCUSD was never notified by Petitioner of its submission to the Elk Grove Unified School District.

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As of date: 9/6/17			
Teachers:	Number of teachers	Number of credentials current	Number of appropriate assignments
K	-	-	-
1	-	-	-
2	-	-	-
3	-	-	-
4	-	-	-
5	-	-	-
6	-	-	-
7-8	4	4	4
9-12	48	48	48
Totals	52	52	52

(Petition, pg. 113.) This would mean that the school has and intends to maintain a student to teacher ratio of about 16 students per teacher. District Staff are concerned that this number appears very low when compared to other non-classroom based programs. This concern is amplified because the Petition lacks information regarding whether all fifty-two (52) teachers will be located and teaching at the proposed SAVA-SCUSD site or whether these fifty-two (52) teachers will be shared between other GCC school sites. Given that GCC educates nearly 4,500 students in transitional kindergarten through twelfth (12th) grade (Petition, pg. 7.), if only 52 teachers are shared between all GCC school sites, this would result in a student to teacher ratio of nearly 87 students per teacher. This would result in significant understaffing, high student-to-teacher ratios, and less individualized attention for students.

While petitioner claims that fifty-two (52) teachers will be hired (Petition, pg. 52.), Petitioner only budgeted for twenty-eight (28) teachers as illustrated in the chart above. (Appx. R, pg. 314.) If this is the correct staffing level, this would push the student to teacher ratio to nearly 29 students per teacher. These inconsistencies within the petition concern District Staff because they illustrate the Petitioner's failure to provide a clear and accurate staffing plan for the proposed Charter School, which would have a direct impact on student achievement.

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Object	2018-19 FTE	2018-19 Budget	2019-20 FTE	2019-20 Budget	2020-21 FTE	2020-21 Budget
1100-1199 Teachers' Salaries & Wages	28	\$1,766,940	28	\$1,841,596	28	\$1,919,531
1200-1299 Certificated Pupil Support Salaries & Wages	3	\$173,027	3	\$180,900	3	\$189,131
1300-1399 Certificated Administrators Salaries & Wages	4	\$304,072	4	\$317,861	4	\$332,279
1900-1999 Other Certificated Salaries & Wages	*	\$6,218	*	\$6,342	*	\$6,469
Total	35	\$2,250,257	35	\$2,346,699	35	\$2,447,410
P-2 ADA to Certificated FTE Ratio	13/1		13/1		13/1	

(Appx. R, pg. 314.) Additionally, District Staff are concerned that the Petitioner's inconsistent staffing plan for teachers may impact the school's financial stability. Specifically, if the Charter School hired fifty-two (52) teachers, this would amount to a salary of only \$33,979.62 per teacher, not including benefits. Whereas, if the Charter School hires only twenty-eight (28) teachers, this would amount to a salary of \$63,105 per teacher, not including benefits. This salary difference amounts to a variance of \$29,125.38 per teacher. For twenty-eight (28) teachers, the salary difference would amount to \$815,510.64, and if the school hires fifty-two (52) teachers the salary difference would be \$1,514,519.76. Therefore, the Petitioner's proposed certificated salaries create significant concerns due to the differences in the costs of staffing.

iv. The Petition Provides an Inadequate Plan for Parental Participation and Lacks a Reasonably Comprehensive Description of the Charter School's Governance

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

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The Petitioner states, “The GCC Board of Directors meets regularly, at least once a month (except during the summer) and in accordance with the Brown Act.” (Petition, pg. 103.) The Petition lacks information regarding where the Board meetings are held or how parents can participate. When viewing the SAVA website, there is no mention of the Board or Board meetings. (<http://savacharterschool.org/>) Instead, a parent would be required to go to GCC’s website to find information about the Board and the time and locations of Board meetings. (<http://www.gcccharters.org/gcc-board/>.) While students and parents in classroom based programs could be informed of Board meetings by posted agendas at school sites, students and parents in non-classroom based programs will be more reliant on the Charter School’s website for information regarding Board meetings. Additionally, many parents and students may be unaware of SAVA’s relationship with GCC or the need to visit the GCC website in order to find information regarding the Board or Board meetings. Petitioner’s failure to provide clear information regarding GCC’s Board meetings on its website would likely result in insufficient parental participation in the school’s governance process.

The petition also states that the Charter School will voluntarily comply with Government Code section 1090 *et seq.* (Petition, pg. 103.) Although, the Petitioner states, “The District agrees that if the Charter School has an opportunity it would like to pursue, but is prevented from doing so due to its voluntary agreement to comply with Government Code Section 1090, the District will in good faith consider an amendment to this charter and the MOUS to allow such opportunity provided all other applicable conflict of interest laws are followed. District agreement shall not be unreasonably withheld.” (Petition, pg. 103.) The Petitioner’s language is contractual in nature, but the District does not consider this Petition to be a contract. The District will not pre-commit to these changes and any changes regarding the Charter School’s compliance with Government Code section 1090 would be subject to the material amendment process.

v. The Petition Presents an Inadequate Plan for the Use of Technology

The Petition lacks a clear and comprehensive plan for the use of technology. Petitioner indicates technology will be an integral part of the Charter School’s educational program: “SAVA-SCUSD will utilize an A-G approved online curriculum.” (Petition, pg. 45.) “Online courses provide opportunities for initial credit or credit recovery.” (Petition, pg. 45.)

However, the Petition lacks crucial discussion regarding the technological program, such as how students will access online course content. The Petition states, “Although many students lack the technology resources at their homes, each SAVA-SCUSD location will contain classroom sets of student accessible computers for educational use.” (Petition, pg. 49.) This statement fails to

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identify the number of computers that will actually be available to students or when these computers will be made available for student use. While the Appendix provides information regarding a student one-to-one Google Chromebook program, the Petition fails to provide any other details about this program. (Appx. X, pg. 353-358.) The budget also lacks any specific details regarding how such a program would be funded. (Appx. R., pg. 319.) Even if the one-to-one program is successfully implemented, the Petition fails to address how students without internet access at home would utilize the online curriculum. The Petitioner's only mention of internet access for students suggests that students could use a public library. (Appx. E, pg. 18.) Given that Petitioner's educational program relies on extensive online, non-classroom based instruction these are important issues that the petition fails to adequately address. District Staff are concerned that the Petitioner's lack of a detailed technology plan could result in many students not being able to successfully participate in the proposed online program.

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

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

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

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

The Petition fails to provide a reasonably comprehensive description of the educational program. The Petition states, "The mission of the Sacramento Academic and Vocational Academy-SCUSD is to provide high quality curriculum, instructional support, career exploration and preparation in a non-classroom based environment for 7-12th grade students." (Petition, pg. 21.) The Petition describes the education program as, "An instructional program which integrates and bridges independent study, school-based learning and worked based learning." (Petition, pg. 22.) These generalized descriptions of the educational program fail to adequately describe what the academic program will look like for students on a day to day basis, and the Petition fails to provide a student "day in the life" summary for any of the grade levels that it serves.

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Overall, Petitioner fails to provide a comprehensive description of how the educational program will be delivered to students. The Petition only states that it will deliver content through non-classroom based instruction, online curriculum, and workforce readiness and career technical education. (Petition, pg. 45-46.) The omission of a clear description of the educational program required District Staff to issue subsequent inquiries regarding the educational program. District Staff requested that the Petitioner provide more detailed information regarding the time students will be experiencing real time and/ or recorded instruction for Edgenuity, which is the Charter School's online curriculum software. The Petitioner issued the following response on September 25, 2017:

“Edgenuity is a learning management system that gives teachers the flexibility needed to personalize learning, customize curriculum, and manage students’ educational programs with real-time data and reporting. Courses in Edgenuity are built using an instructional model grounded in research and are Common Core and NGSS aligned. This digital platform combines direct instruction videos featuring expert, on screen teachers with rigorous assignments, performance tasks, and assessments to engage students in subject area mastery. Edgenuity also incorporates multimedia tools and resources and provides real-world applications to ensure students build content knowledge and inspire deeper understanding. Real-time reports identify students who are falling behind or not mastering material, allowing SAVA teachers to intervene quickly and get students back on track. Students at SAVA are enrolled in two to four courses each semester through the digital curriculum accounting for ten to twenty instructional hours each week of either in person instruction at the SAVA campus or recorded instruction completed independently within the Edgenuity platform. The remaining ten to twenty hours of instructional time each week is completed through classroom based courses taken on campus at SAVA (CTE classes, Creative Writing, Art, Leadership, Biology lab, Designated ELD, etc.) and the additional Independent study work done outside of class required for each those assigned courses.”

District Staff are concerned that the additional information provided by the Petitioner continues to lack a detailed description of the educational program. The generalization that students will be enrolled in two to four courses and receive ten to twenty hours of instructional time per week with the remaining ten to twenty hours per week completed through classroom based courses does not provide an adequate description of the academic program or sufficiently describe how it will be successfully delivered to students. For example, what does the pupil interaction with teachers look like? While the Petition states, “The school will meet all state requirements regarding minimum number of school days and annual instructional minutes”, the Petition lacks specifics of how this will be done. (Petition, pg. 23.)

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The Petition fails to provide a reasonably comprehensive description of the proposed Career and Technical Education Pathways that will be provided to students. Specifically, the Petition states that the Charter School will seek articulation for a large number of the courses that the Charter School plans to offer. (Petition, pg. 47-49.) The courses not currently articulated include: Poultry Science 2, Plant Science 2, Photo 2, Construction, Culinary, Emergency Medical Response, Basic Fire Protection, Beginning Wildland Fire, Advanced Wildland Fire. (Petition, pg. 47-49.) The Petition lacks information regarding whether all other courses provided under the career and technical education program are already in place or whether SAVA-SCUSD will need to establish those courses as well. (Petition, pg. 47-49.)

a. Special Education

The Charter School intends to operate as a local educational agency of the El Dorado Special Education Plan Area. (Petition, pg. 70.) The Charter School has historically enrolled a high number of special education students. As of the 2017-2018 school year, 186 of the 807 students enrolled in the Charter School (over 23% of the entire Charter School enrollment) were classified as special education students. (Petition, pg. 118.) With such a high number of special education students, it is imperative that the Petitioner set out a reasonably comprehensive description of its plan to serve special education students.

The Petitioner's plan for serving special education students is incomplete and inadequate. The Petition proposes a non-classroom based program that "integrates and bridges independent study, school-based, learning and work-based learning." (Petition, pg. 22.) Relevant here, Education Code section 51745, subdivision (c) prohibits students eligible to receive special education services from participating in independent study, unless his or her individualized education program ("IEP") provides for such participation. In other words, a special education student may only participate in the Charter School's proposed independent study educational program if that placement is specifically deemed appropriate by the student's IEP team. (Ed. Code, § 51745, subd. (c).) Petitioner fails to acknowledge this requirement, fails to provide a detailed plan for ensuring that special education students are only placed within the Charter School's independent study program when directed by the IEP team, and fails to detail what the Charter School will do if the IEP team determines that the non-classroom based environment is not an appropriate placement for a particular student. (Ed. Code, § 51745, subd. (c).)

ii. The Petition Does Not Contain a Reasonably Comprehensive Description of the Charter School's Health and Safety Plan

Pursuant to Education Code section 47605, subsection (b)(5)(F), a charter petition should include "procedures that the school will follow to ensure the health and safety of pupils and staff." The

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Petition fails to provide a reasonably comprehensive description of school health and safety procedures. Petitioner's health and safety policies assign specific duties to school staff members in the event of various emergency situations. (Appx. N.) Below are the general duties of a Principal in an emergency. (Appx. N, pg. 264.)

Staff Responsibilities

In the event of a disaster or civil defense alert, individuals on the school site have the following responsibilities:

Principal

- Sound appropriate alarm to evacuate building (fire drill) or take cover within the building (civil defense).
- Following fire drill procedures check the building to ensure that all students, personnel and visitors have evacuated the building.
- Provide for administration of first aid and request other emergency assistance as needed.
- Keep the Central Office informed and, if necessary, set up telephone communications at a nearby residence or business.
- Give directions to police in search clearing procedures and take full responsibility for search.
- Coordinate supervision of students and all clean-up or security efforts.

These various duties assigned to the Principal are critical to students and staff members being able to safely evacuate and/or take cover in emergency situations. (Appx. N., pg. 248.) The Principal is also assigned critical tasks in multiple emergency situations including: emergency procedures, fires, earthquakes, floods, severe weather, electrical failure, gas line breaks, water main breaks, water contamination incidents, lockdowns, shootings, bomb threats, deaths, suicides, and suicide preventions. (Appx. N, pg. 248-254.) While these responsibilities would typically be permissible for a Principal to perform, Petitioner lacks to acknowledge that it will only have one (1) Principal for four (4) school sites. (Appx. M, pg. 170.) Petitioner may argue that these responsibilities can be delegated to Vice Principals, but the Firehouse site will not even have a Vice Principal. (Appx. M, pg. 170.) The Petitioner's proposed health and safety plan appears to be based on a generalized school site and does not take the Charter School's proposed staffing into consideration. These oversights would place students and staff in danger in the event of an emergency situation.

iii. The Petition Does Not Contain a Reasonably Comprehensive Description of the Charter School's Plan to Achieve Racial and Ethnic Balance

A charter petition must include a reasonably comprehensive description of "the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the

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general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted..." (Ed. Code, § 47605, subd. (b)(5)(G).) The Petition does not contain a reasonably comprehensive plan to achieve racial and ethnic balance.

The Petition states, "The Charter School shall implement a student recruitment strategy that strives to ensure a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the District that includes, but is not necessarily limited to, the following strategies": (Petition, pg. 119.)

- The development of promotional and informational material that appeals to all of the various racial and ethnic groups represented in the territorial jurisdiction of the District and surrounding area of the Charter School.
- The distribution of promotional and informational materials to a broad variety of community groups and agencies that serve the various racial, ethnic, and interest groups represented in the territorial jurisdiction of the District and surrounding area of the Charter School.
- SAVA-SCUSD utilizes recruitment strategies such as, Social Media, Radio, Website, Direct Mail, and Community Events.
- Informational materials will be translated into Spanish.
- SAVA-SCUSD meetings in selected areas throughout the District to reach prospective students and parents.

The Petitioner's outreach strategies, listed above, fail to provide any specific details regarding outreach strategies. The strategies are generalized and fail to include specific dates, times, groups, or areas where these strategies will be implemented. While the Sacramento area has a significantly wide range of households with languages other than English and Spanish, Petitioner only proposes to produce outreach materials in those two languages, which may preclude students from other language backgrounds from applying and attending the Charter School. (Petition, pg. 117.)

The Petition fails to identify any plan to monitor and correct racial and ethnic imbalances. On September 25, 2017, Petitioner provided a revised racial and ethnic balance chart (see below) to correct errors contained in the chart submitted with the Petition (Petition, pg. 118.) The chart indicates that the racial and ethnic balance of SAVA-TRUSD does not currently match that of SCUSD. Specifically, the African American and Asian subgroups show a large difference between SAVA-TRUSD and the District's enrollment of these student populations. Petitioner should seek to enroll a student population reflective of that of the District. Although, Petitioner's

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failure to provide a detailed plan to ensure racial and ethnic balance with the District makes it seem as though this will not happen.

E7 - Racial-Ethnic Balance										
(*District information does not include charter school students.)										
	2017-18	2017-18	2017-18	2017-18	2016-17	2016-17	2016-17	2015-16	2015-16	2015-16
<u>Student Population</u>	<u>District: #</u>	<u>Site: #</u>	<u>Site: %</u>	<u>District: %</u>	<u>Site: %</u>	<u>District: %</u>	<u>District: #</u>	<u>Site: %</u>	<u>District: %</u>	<u>District: #</u>
Status as of: 9/6/17						Official	Official	Official	Official	Official
- Total Enrollment	Unavailable	807	100%	Unavailable	928 - 100%	100	41,085	849 - 100%	100	41,028
- EL	Unavailable	93	12%	Unavailable	12.30%	19.8	8,143	13%	15.4	6,305
- SPED	Unavailable	186	23%	Unavailable	21.20%	13.3	5,455	20.10%	13.7	5,601
- FRPM	Unavailable	not yet available	not yet available	Unavailable	82.70%	70.3	28,876	82%	72.6	29,772
- Foster Youth	Unavailable	12	1%	Unavailable	1.70%	< 1.0	261	0.80%	< 1.0	276
- Homeless	Unavailable	19	2%	Unavailable	2.00%	0.8	367	1.50%	1.5	611
- African American	Unavailable	218	27%	Unavailable	28.70%	14.2	5,818	29.10%	14.8	6,083
- American Indian	Unavailable	31	4%	Unavailable	3.80%	0.6	251	4.80%	0.6	262
- Asian	Unavailable	9	1%	Unavailable	0.90%	17.6	7,219	1.10%	17.8	7,290
- Filipino	Unavailable	9	1%	Unavailable	1.60%	1.5	604	1.50%	1.4	590
- Hispanic	Unavailable	321	40%	Unavailable	37.80%	39.3	16,136	33.60%	38.7	15,889
- Pacific Islander	Unavailable	14	2%	Unavailable	1.40%	2.2	891	0.70%	2	803
- White	Unavailable	163	20%	Unavailable	21.60%	18.2	7,476	23.20%	18.5	7,600
- Two or More Races	Unavailable	0	0%	Unavailable	0%	6.5	2,690	0	6.1	2,501
- No Race Indicated	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable	< 1.0	10

(Revised E7 Table; District Staff received via email on September 25, 2017.)

iv. The Petition Does Not Contain Reasonably Comprehensive Description of the Charter School’s Admissions Requirements

California Education Code section 47605, subsection (b)(5)(H), requires a charter school to identify “admissions requirements, if any.” The Petition lacks a comprehensive description of admissions requirements and the enrollment process.

The Petition states, “If the number of students wishing to attend SAVA-SCUSD exceeds SAVA-SCUSD’s capacity, admission to SAVA-SCUSD, except for existing students of the School who are guaranteed admission the following school year, shall be determined by public random drawing.” (Petition, pg. 119.) For students who do not exceed the school’s capacity, it appears

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that they simply complete an application and enroll at the same time, instead of having a separate application and enrollment period. (Appx. X, pg. 336.)

For students who exceed the school's capacity, they would be subject to a random public drawing. (Petition, pg. 119.) The Petition lacks a reasonably comprehensive description of how the Charter School's lottery process would be implemented. The Petition states, "Lottery rules, deadlines, dates and times for the random drawing will be communicated in the enrollment applications and on the Charter School's website. Public notice for the date and time of the public drawing will also be posted once the application deadline has passed. The Charter School will also inform parents of all lottery applicants and all interested parties of the rules to be followed during the lottery process, location, date, and time of the lottery via mail or email at least two weeks prior to the lottery date." (Petition, pg. 119-120.) This vague description of the lottery process fails to provide details regarding how the Charter School's admissions preferences discussed below are applied when implementing the lottery.

The Board should be aware of the admissions preferences proposed in the Petition in the event that a lottery is conducted. The Petition grants preferences in the lottery as follows:

Student Preferences in Admissions (Petition, pg. 119.)
1. Existing students of SAVA-SCUSD
2. Siblings of students admitted to or attending SAVA-SCUSD who reside in the District
3. Siblings of students admitted to or attending SAVA-SCUSD who reside outside the District
4. Children of SAVA-SCUSD employees who reside in the District
5. Children of SAVA-SCUSD employees who reside outside the District
6. All other residents of the District
7. All other applicants

These preferences may provide preference to non-District students over District students who wish to attend SAVA-SCUSD. The Board should determine if these preferences are permissible to the District. These admissions preferences may leave little room for the admittance of non-SAVA students whose admittance may help to correct the current racial and ethnic differences that currently exist between SAVA-TRUSD and the District.

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v. The Petition Does Not Contain Reasonably Comprehensive Description of the Charter School's 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 process goes beyond establishing a process to resolve conflicts, and instead attempts to impose requirements upon the District, including but not limited to the following:

- 1) Requiring the District to frame the disputed issues in written format and requiring the District to indicate whether the dispute could result in the revocation of the District’s charter. (Petition, pg. 146.)
- 2) The Petition requires the GCC Superintendent/CEO and the District Superintendent to informally meet and confer to resolve disputes within 5 business days from receipt of the dispute. (Petition, pg. 146.)
- 3) If the aforementioned informal meeting between the Superintendents fails, the Petition requires the District and GCC to each have two Board members meet and attempt to resolve the dispute within 15 days of its receipt. (Petition, pg. 146.)
- 4) If the dispute is not resolved by the Board members, the Petition requires both the District and GCC Superintendent to attend mediation within 60 days of receiving the complaint. (Petition, pg. 146.)

While the Petitioner acknowledges that “it cannot bind the District to dispute resolution procedure to which the District does not agree” (Petition, pg. 146.), the current dispute resolution requirements would involve extensive involvement from both the Superintendent and the District’s Board members. In the event that the Board approves this Petition, the Superintendent and the Board members reserve the right to appoint designees to participate in dispute resolution proceedings between the District and Petitioner.

III. BUDGET

State income and various other income sources to the District are reduced when students living in District boundaries enroll at a charter school. Under Education Code section 47604, subdivision (c), a school district that grants a charter to a charter school to be operated by, or as,

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a nonprofit public benefit corporation is not held liable for the charter school's debts or obligations as long as the school district complies with all oversight responsibilities. The District will continue to have monitoring and oversight responsibility for charter school finances, as specified in the Charter Schools Act.

IV. GOALS, OBJECTIVES, AND MEASURES

Not Applicable.

V. MAJOR INITIATIVES

Not Applicable.

VI. RESULTS

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

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

However, the Board may allow Petitioner to remedy the aforementioned deficiencies through the use of a memorandum of understanding to be negotiated between the Petitioners and the Superintendent and/or his designee.

VII. LESSONS LEARNED / NEXT STEPS

District Staff recommends that the Board approve Resolution 2963 to approve the Petition or approve Resolution 2964 and adopt these written Findings of Fact as its own to deny the Petition.

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

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2963
RESOLUTION TO APPROVE THE INITIAL CHARTER PETITION OF
GATEWAY COMMUNITY CHARTERS: SACRAMENTO ACADEMIC AND
VOCATIONAL ACADEMY-SCUSD**

WHEREAS, petitioners for Gateway Community Charters (“Petitioners”) submitted to Sacramento City Unified School District (“District”) an initial charter petition (“Petition”), dated September 8, 2017 for Sacramento Academic and Vocational Academy-SCUSD; and

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

WHEREAS, the Governing Board has considered the level of public support for Sacramento Academic and Vocational Academy-SCUSD and has reviewed the Petition, including all supporting documentation; and

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

NOW, THEREFORE, BE IT RESOLVED that the Sacramento City Unified School District Board of Education hereby approves the Petition of Sacramento Academic and Vocational Academy-SCUSD.

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

BE IT FURTHER RESOLVED that the Petition approval is conditional upon signed Memorandums of Understanding for Operations and Special Education by Petitioners and District no later than January 18, 2018.

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

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

Jorge A. Aguilar
Secretary of the Board of Education

Jay Hansen
President of the Board of Education

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2964**

**RESOLUTION TO DENY THE INITIAL CHARTER PETITION OF GATEWAY COMMUNITY
CHARTERS: SACRAMENTO ACADEMIC AND VOCATIONAL ACADEMY-SCUSD**

WHEREAS, petitioners for Gateway Community Charters (“Petitioners”) submitted to Sacramento City Unified School District (“District”) an initial charter petition (“Petition”), dated September 8, 2017 for Sacramento Academic and Vocational Academy-SCUSD; and

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

WHEREAS, the Governing Board has considered the level of public support for Sacramento Academic and Vocational Academy-SCUSD 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 Sacramento Academic and Vocational Academy-SCUSD;

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

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

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

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

AYES: ____

NOES: ____

ABSTAIN: ____

ABSENT: ____

ATTESTED TO:

Jorge A. Aguilar
Secretary of the Board of Education

Jay Hansen
President of the Board of Education