



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 9.1

Meeting Date: April 23, 2015

Subject: Approve Resolution No. 2835: Renewal of the Charter for
Yav Pem Suab 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 renewal of the charter for Yav Pem Suab Academy.

Background/Rationale: Sacramento City Unified School District received Yav Pem Suab Academy's renewal petition on February 27, 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 Yav Pem Suab Academy on March 19, 2015. District staff conducted a review of the petition, and the staff report and recommendation will be presented for Board Action on April 23, 2015.

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

LCAP Goal(s): Family and Community Engagement

Documents Attached:

1. Executive Summary
2. Resolution

Estimated Time of Presentation: 5 minutes

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

Approved by: José L. Banda, Superintendent

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I. OVERVIEW / HISTORY

Action Proposed:

Staff recommends approval of the renewal of the charter for Yav Pem Suab Academy (YPSA) for five (5) years, beginning July 1, 2015 until June 30, 2020, to serve 420 students in grades K-6 each school year.

History:

Yav Pem Suab Academy is a public, independent charter school located at 7555 South Land Park, Sacramento, CA 95831. Sacramento City Unified School District (SCUSD) granted YPSA's charter petition for establishment on May 18, 2010 and approved the charter petition for a five-year term. The charter petition expires on June 30, 2015. The Charter School is currently in its fourth year of operation and serves about 420 students in grades K-6.

Sacramento City Unified School District received a charter renewal petition from YPSA on February 27, 2015. A public hearing was held to consider the level of support for the renewal of the charter for YPSA on March 19, 2015.

After reviewing the renewal petition, District Staff provided YPSA with a list of ten (10) areas that needed updates and/or clarification. In response, YPSA provided District Staff with a revised petition addressing Staff's concerns.

II. DRIVING GOVERNANCE

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:

- 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.

Due to the suspension of the majority of the California Standards Tests in 2013-14, YPSA does not have a 2014 Growth API. Schools that do not have a current year API calculation will use

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either the more recent API score, an average of the three most recent API scores, or an alternate measure that shows an increase in academic achievement (Assembly Bill 484; See Education Code sections 52052(e)(2)(F) and 52052(e)(4)).

The Board of Education may deny a Renewal Petition if the charter school fails to meet the minimum standard for renewal, or if the Board of Education finds that:

- 1) The charter school presents an unsound educational program for students during the term of its renewal charter;
- 2) The charter school is demonstrably unlikely to successfully implement the program set forth in the renewal petition;
- 3) The renewal petition does not contain the necessary affirmations; or
- 4) Where changes to the charter school's operations are proposed, the Renewal Petition does not contain reasonably comprehensive descriptions of the 16 required elements set forth in the Charter Schools Act.

In addition, 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." Ed. Code § 47607(a)(3)(A).

District Staff's Review:

Based on the results of the District review process, staff assessed that YPSA meets the statutory requirements for renewal.

Yav Pem Suab Academy's 2012 statewide API rank is 5, and YPSA's 2013 statewide API rank is 5; both statewide API ranks exceed the minimum threshold rank of 4 required by Education Code Section 47607(b)(2).

Although the originally submitted renewal petition included the information required, District Staff recommended revisions and additional information to improve the petition in ten (10) areas:

- 1) Element B: Measurable Student Outcomes
- 2) Element D: Governance Structure
- 3) Element E: Employee Qualifications
- 4) Element F: Health and Safety Procedures
- 5) Element G: Racial and Ethnic Balance
- 6) Element H: Admissions Requirements
- 7) Element J: Suspension and Expulsion Procedures
- 8) Element K: Employee Retirement Systems

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- 9) Element N: Dispute Resolution Process
- 10) Financial Statements and Future Plans

Yav Pem Suab Academy submitted a Revised Petition adequately addressing District Staff's concerns and recommendations by revising, updating, and/or providing the following.

ELEMENT B: Measurable Pupil Outcomes

Staff's Recommendation(s): Revise and update the Renewal Petition to set out specific growth and achievement targets that can be measured for the school overall, and for each numerically significant subgroup.

YPSA's Revision(s): The Renewal Petition has been revised to set out specific growth and achievement targets for the school overall, and for each numerically significant subgroup. Petitioners have included growth and achievement targets in English Language Arts, Mathematics, Social Studies, Visual and Performing Arts, Hmong Language Development, and Social Skills. (Renewal Petition, p. 57-61.) Petitioners further explain their reasoning for achievement targets:

"Due to the lack of standardized assessments in 2013- 2014, the achievement baselines and targets were based on the 2013 CST results and the current year's NWEA benchmark scores. For example, the last CST score for English Language Arts was 47% Proficient and Advanced, and the NWEA MAP benchmark assessment averaged 51.6% in both ELA and Math. The results from these two assessments were used to project the 50% baseline target indicated in the petition. However, YPSA will use the 2015 CAASPP results as a baseline to realign and establish future targets and /or measurable outcomes. YPSA will work with the district to finalize this task." (UCSC Second Response to Preliminary Findings, p. 2).

Staff finds the revisions of growth and achievement targets for the school overall and for each numerically significant subgroup to be reasonably comprehensive.

ELEMENT D: Governance Structure

a. District's Voting Representative

Staff's Recommendation(s): Revise and update the Renewal Petition to reserve the District's statutory right to appoint a voting representative to the board of the Charter School.

YPSA's Revision(s): Pursuant to Education Code section 47604 subdivision (b) and Corporations Code section 5047, the Renewal Petition has been revised to ensure that the District has the

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right to appoint a single *voting* representative to the Board of the Charter School. (Renewal Petition, p. 71.)

Staff has determined that the Renewal Petition complies with the Charter School's legal obligation to ensure the District's right to appoint a single voting representative to the Board of the Charter School.

b. Board of Directors

Staff's Recommendation(s): Revise and update the Renewal Petition to provide a detailed explanation as to why the Charter School has limited its governing board to such a low number of Directors.

YPSA's Revision(s): The Renewal Petition has been revised to allow for an increase in the maximum number of Board members. (Renewal Petition, p. 71.) No amendments were made to increase the allowable minimum amount of Board members. However, Petitioners ensure that "having a three member board will not hinder the carrying out of business" in the event of multiple vacancies. (*Id.*)

Staff has concerns that the minimum size of Board of Directors may hinder the Board's ability to carry out business in the future; however, District staff will defer to the Charter School's decision and judgment on this matter, as the governance model is reasonably comprehensive and has been operational and functioning under the current terms.

c. Removal of Board Member

Staff's Recommendation(s): Align language in Article VII, Section 7 of the Bylaws, with the language in Article VII, Section 10 of the Bylaws, to clarify the procedures for removal of Board Directors.

YPSA's Revision(s): In their Response, Petitioners assure the District that the Board will adopt an amendment to their Corporate Bylaws which clarifies that both Article VII Section 7 and Article VII Section 10 will provide for the removal of a Director by a "majority vote." (Response, p. 19.)

Staff finds the revisions to be reasonably comprehensive.

d. Brown Act

Staff's Recommendation(s): Although Petitioners state that the Charter School will conduct its meetings in compliance with the Brown Act, (Renewal Petition, p. 60; Bylaws, Art. VII, § 17), there are several provisions in the Bylaws, regarding special meetings, that expressly conflict

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with the provisions of the Brown Act. Revise and update the Renewal Petition to ensure compliance with the Brown Act.

YPSA's Revision(s): The Renewal Petition has been revised to include language ensuring that all meetings of the UCSC Board, as well as the Yav Pem Suab Academy Council, will comply with the Brown Act. (Renewal Petition, p. 72.) Specifically, Petitioners have revised the UCSC Board and YPSA Council notice requirements to comply with the Brown Act's notice requirements for regular and special meetings. (Id.)

Staff has determined that the Charter School's UCSC Board and YPSA Council board meetings are compliant with the Brown Act.

ELEMENT E: Employee Qualifications

Staff's Recommendation(s): Revise and update the Renewal Petition to include a reasonably comprehensive description of the Principal's qualifications.

YPSA's Revision(s): The Renewal Petition has been revised to include a reasonably comprehensive description of the Principal's qualifications. The Principal must meet a set of minimum qualifications which include, but are not limited to, a BA/BS degree or graduate degree, at least two years of experience as a school leader, and three to five years successful, full-time K-6 teaching experience. (Renewal Petition, p. 5.)

Staff has determined that the discussion regarding employee qualifications is reasonably comprehensive.

ELEMENT F: Health and Safety Procedures

Staff's Recommendation(s): Revise and update the Renewal Petition to include a reasonably comprehensive discussion of the Charter School's bullying policies.

YPSA's Revision(s): The Renewal Petition, as well as the Discipline Handbook, have been revised to include a reasonably comprehensive student bullying policy. (Renewal Petition, p. 79; Discipline Handbook p. 23.) Petitioners state that it is "the policy of the school to maintain an educational environment in which bullying and cyber bullying, in any form, are not tolerated". (Renewal Petition, p. 79.) Petitioners define harassment and bullying, describe indicators of bullying, and outline an informal complaint procedure. (Renewal Petition, p. 79; Discipline Handbook p. 23.)

Staff has determined that the discussion regarding the Charter School's bullying policy is reasonably comprehensive.

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ELEMENT G: Racial and Ethnic Balance

Staff's Recommendation(s): Revise and update the Renewal Petition to include a comprehensive discussion of strategies and efforts that the Charter School currently implements, and intends to implement in the future, to help recruit for and achieve a racial and ethnic balance that is more reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Past recruitment strategies and efforts should also be discussed.

YPSA's Revision(s): Petitioner's Response includes a reasonably comprehensive discussion plans to achieve racial and ethnic balance. In addition to recounting the Charter School's current recruitment strategies, Petitioners discuss their intention to implement a multitude of future strategies, which include the distribution of recruitment materials in multiple languages, ongoing community based door-to-door outreach, continuous presentations and flyer distribution, information sessions, and the utilization of newspapers, radios, websites, and emails. (Response, p.12.)

Staff has determined that the Charter School's discussion of racial and ethnic diversity is reasonably comprehensive.

ELEMENT H: Admissions Requirements

Staff's Recommendation(s): Revise and update the Renewal Petition to describe the reasoning behind a lottery preference that specifically targets scholars who reside within the 95831 zip code. Revise and update the Renewal Petition to comprehensively account for the rights and protections of homeless youth in the enrollment and lottery process.

YPSA's Revision(s): The Renewal Petition has been revised to remove a lottery preference for scholars who reside within the 95831 zip code. (Renewal Petition, p. 84.) Petitioners have also amended the Renewal Petition to address District's concern that the proposed lottery process did not adequately account for, and protect the rights of, homeless youth.

Staff has determined that the revisions regarding lottery preference and process to be reasonably comprehensive.

ELEMENT J: Suspension and Expulsion Procedures

a. Discipline and Special Education

Staff's Recommendation(s): Revise and update the Renewal Petition to comply with the District's special education protocols.

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YPSA's Revision(s): The Renewal Petition has been revised to include a detailed explanation of the manifestation determination process that is aligned with the District's process. "YPSA intends to function as a public school of the Sacramento City Unified School District for purpose of providing special education and related services pursuant to Education Code section 47647, subdivision (b)." (Renewal Petition, p. 42.)

Staff finds the revisions to be reasonably comprehensive.

b. Behavior Hearing

Staff's Recommendation(s): Revise and update the Renewal Petition to include a comprehensive discussion of the Charter School's "behavior hearing".

YPSA's Revision(s): In their Response, Petitioners clarify that the behavior hearing is a hearing through which "the scholar may be expelled or offered reinstatement" after an offense has been committed. (Response, P. 24.) In addition, Petitioner's Discipline Handbook, as revised, provides a detailed suspension and expulsion policy that describes the procedural aspects of the aforementioned hearing. (Discipline Handbook, p. 24-29.)

Staff has determined that the discussion regarding the Charter School's behavior hearing is reasonably comprehensive.

ELEMENT K: Employee Retirement Systems

Staff's Recommendation(s): Revise and update the Renewal Petition to include the following information: Which retirement plan has the Charter School chosen to implement over the previous five years of operation for its non-teaching staff?

YPSA's Revision(s): The Renewal Petition has been revised to clarify which retirement plan that the Charter School has chosen to implement for its certificated and classified positions. The "employees working in the certificated position at the school will participate in the State Teachers Retirement System (STRS)". (Renewal Petition, p. 86.) Classified staff will "participate in federal Social Security". (*Id.*)

Staff has determined that the discussion regarding the Charter School's employee retirement system is reasonably comprehensive.

ELEMENT N: Dispute Resolution Process

Staff's Recommendation(s): Revise and update the Renewal Petition to include the following language: "The dispute resolution process listed in this section shall not be a pre-requisite to the initiation of charter revocation proceedings under Education Code section 47607."

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YPSA's Revision(s): The Renewal Petition has been revised to include the following language: "The dispute resolution process listed in this section shall not be a pre-requisite to the initiation of charter revocation proceedings under Education Code section 47607." (Renewal Petition, p. 88.)

Staff has determined that the discussions regarding the Charter School's dispute resolution process are reasonably comprehensive.

Financial Statements and Future Plans

a. Contract Language

Staff's Recommendation(s): Revise and update the Renewal Petition to omit all language that indicates that the Renewal Petition is a contract.

YPSA's Revision(s): Pursuant to District recommendation, the Renewal Petition has been revised to omit any and all language that indicates that the Renewal Petition is a contract between the Charter School and the District

Staff has determined that the Charter School has adequately revised the Renewal Petition to omit all language that indicates the Renewal Petition is a contract.

b. Budget

Staff's Recommendation(s): Revise and update the Renewal Petition to provide additional information as to how the Charter School expects to meet its financial obligations given projected negative cash flow.

YPSA's Revision(s): The Renewal Petition has been revised to include an updated Cash Flow balance incorporating a "beginning and ending balance which demonstrates the charter has sufficient reserves to cover negative net change." (Response, p. 26-29; Renewal Petition, p. 100-102.) The "ending cash balance" fluctuates with every month, but through the 2015-2016, 2016-2017, and 2017-2018 projections, these reserves never fall below \$900,956.91. (Renewal Petition, p. 100.)

Staff has determined that the discussions regarding the Charter School's budget are reasonably comprehensive, and are sufficient in scope and detail to assure the District that the Charter School will be able to meet its stated financial obligations. Staff further notes that even though

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healthy reserves may be prudent for maintaining fiscal stability, charter schools are expected to spend a reasonably amount of current funds on current students.

c. Insurance

Staff's Recommendation(s): Revise and update the Renewal Petition to provide a description of the Charter School's insurance policies, in which the District (and its governing board) will be named as an additional insured.

YPSA's Revision(s): The Renewal Petition has been revised to provide a description of the Charter School's insurance policies on which the District will be named as an additional insured. Petitioners affirmatively state that the Charter School "will purchase general liability insurance, Directors and Officers insurance and accident insurance to secure against financial risks." (Renewal Petition, p. 92.) "The District shall be named an additional insured on the general liability insurance of the Charter School." (*Id.*)

Staff has determined that the discussion regarding the Charter School's insurance policies is reasonably comprehensive.

d. Facilities

Staff's Recommendation(s): Revise and update the Renewal Petition to ensure compliance with the California Building Standards Code. Revise and update the Renewal Petition to include the current location of the Charter School facility.

YPSA's Revision(s): The Renewal Petition has been revised to include the Charter School's location at 7555 S. Land Park Drive, Sacramento, CA 95831. In addition, the Renewal Petition has been revised to ensure that "the charter school's facilities will comply with the state building codes, federal Americans with Disabilities Act (ADA) access requirements, and other fire, health and structural safety requirements." (Renewal Petition, p. 82.)

Staff has determined that the discussion regarding facilities is reasonably comprehensive.

Overall:

District staff reviewed all sixteen elements in the revised petition, including Financial Statements and Future Plans, and found that the sixteen elements are reasonably comprehensive.

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

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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.

IV. GOALS, OBJECTIVES, AND MEASURES

Not Applicable.

V. MAJOR INITIATIVES

Not Applicable.

VI. RESULTS

Yav Pem Suab Academy's revisions to the petition meet the statutory requirements and recommendations of the District. District staff recommends that the renewal of the charter for Yav Pem Suab Academy be approved.

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.

The revised charter renewal petition is available online at:

<http://www.scusd.edu/document/yav-pem-suab-academy-charter-school-renewal-petition>

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2835
RESOLUTION TO APPROVE THE PETITION TO RENEW THE CHARTER OF
YAV PEM SUAB ACADEMY**

WHEREAS, petitioners for Yav Pem Suab Academy (“Petitioners”) submitted to Sacramento City Unified School District (“District”) a charter renewal petition (“Petition”), dated February 27, 2015, for Yav Pem Suab Academy; and

WHEREAS, following feedback from District staff, the Petition was revised and submitted (“Revised Petition”);

WHEREAS, the District’s Governing Board held a public hearing on March 19, 2015 and took board action on April 23, 2015; and

WHEREAS, the Governing Board has considered the level of public support for Yav Pem Suab Academy and has reviewed the Revised Petition and all information received with respect to the Revised Petition, including all supporting documentation; and

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

WHEREAS, after analysis of the Revised Petition and the related supplemental materials, the Superintendent and District staff have recommended approval of the Revised Petition.

NOW, THEREFORE, BE IT RESOLVED that the Sacramento City Unified School District Board of Education hereby approves the Revised Petition to renew the Charter of Yav Pem Suab Academy for another term.

BE IT FURTHER RESOLVED the term of the charter shall be for five (5) years, beginning on June 1, 2015 and expiring June 30, 2020.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 23rd day of April, 2015, by the following vote:

AYES: ____

NOES: ____

ABSTAIN: ____

ABSENT: ____

ATTESTED TO:

José L. Banda
Secretary of the Board of Education

Darrel Woo
President of the Board of Education