



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 9.1

Meeting Date: March 15, 2018

Subject: Consider Resolution No. 2993 or 2994: Renewal Charter Petition for Aspire Capitol Heights Academy

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

Division: Academic Office

Recommendation: To take action to approve or deny the Renewal Charter Petition for Aspire Capitol Heights Academy.

Background/Rationale: Sacramento City Unified School District received Aspire Capitol Heights Academy's renewal charter petition on January 19, 2018. (Charter petition expiration date: June 30, 2018) District staff met with Aspire Capitol Heights Academy for a capacity interview on January 31, 2018 and conducted a comprehensive review of the renewal charter petition and related submissions. The Governing Board held a public hearing in accordance with Education Code Section 47605 (b) and 47607 (a) (2) to consider the level of support for the renewal charter petition of Aspire Capitol Heights Academy on February 1, 2018. The staff's analysis will be presented for Board Action on March 15, 2018.

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 2993 and 2994
3. Charter Petition (Proposed): <http://www.scusd.edu/charter-petitions>
4. Petitioner Submitted Written Analysis Response: <http://www.scusd.edu/charter-petitions>

Estimated Time of Presentation: 10 minutes

Submitted by: Iris Taylor, Chief Academic Officer

Jack Kraemer, Innovative Schools and Charter Oversight, Director

Approved by: Jorge A. Aguilar, Superintendent

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I. Overview/History

A. Action Proposed

On January 19, 2018, the Sacramento City Unified School District (“District”) received a renewal charter petition (“Renewal Petition”) from Aspire Capitol Heights Academy (“Capitol Heights Academy” or “Aspire” or “Charter School”), an independently operated public charter school of the District, seeking renewal of its charter for a five year period, from July 1, 2018 through June 30, 2023.

District Staff recommends that Sacramento City Unified School District Board of Education (“Board”) conference and take action to approve or deny the Renewal Petition under the California Charter Schools Act, with due consideration of the findings in this Report.

B. History

Capitol Heights Academy is a charter school serving students in grades kindergarten through 5th grade, operated by Aspire Public Schools, a nonprofit corporation. (Renewal Petition, pp. 19-20). The Charter School is located at 2520 33rd Street, Sacramento, California on non-District owned property. (Renewal Petition, p. 20). As of the 2017-2018 school year, Aspire enrolled 276 students. (Renewal Petition, p. 105).

The District originally approved the Charter School’s charter on July 21, 2003, for a term of five years, beginning on July 21, 2003 and expiring on June 30, 2008. Since that time, the Charter School’s charter has been renewed twice, and is now set to expire on June 30, 2018. (Renewal Petition, p. 16). Pursuant to Education Code section 47605, subdivision (b), a public hearing was held on February 1, 2018, to consider the level of support for the renewal of the Charter School’s charter.

After reviewing the Renewal Petition, District Staff provided Aspire with a letter, dated February 20, 2018, identifying a number of recommended revisions, updates and/or clarifications to the Renewal Petition. In response, the Charter School submitted additional information to the District addressing District Staff’s concerns and recommendations. This Report sets forth findings based upon a review by District Staff and legal counsel of the Renewal Petition as well as the supplemental information submitted to the District by Petitioner.

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II. Driving Governance

A. Academic Performance Criteria

As a prerequisite to the renewal process, the Charter School must provide documentation with its Renewal Petition showing that the Charter School has satisfied at least one of the following academic performance criteria specified in Education Code section 47607, subdivision (b) (5 CCR § 11966.4(a)(1).):

1. That the Charter School has attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, both schoolwide and for all groups of pupils served by the Charter School; or
2. That the Charter School ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years; or
3. That the Charter School 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. That the District 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, as well as the academic performance of the schools in the school district in which the Charter School is located, taking into account the composition of the pupil population that is served at the Charter School.

Education Code sections 52052(e)(2)(F) and 52052(e)(4) provide three alternatives to be used by schools and school districts that, because of the suspension of the majority of the California Standards Tests in 2013-2014, do not have a API calculated for years beyond 2013-2014. Those alternatives are: (1) the most recent API calculation; (2) an average of the three most recent annual API calculations; or (3) an alternative measure that shows increases in pupil academic achievement for all groups of pupils school-wide and among significant student groups.

B. Review Process for Renewal Petition; Grounds for Denial

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:

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- 1) The charter school presents an unsound educational program for students during the term of its renewal charter; or
- 2) The charter school is demonstrably unlikely to successfully implement the program set forth in the renewal petition; or
- 3) The renewal petition does not contain the necessary affirmations; or
- 4) The renewal 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; or
- 5) Where changes to the charter school's operations are proposed, the renewal petition does not contain reasonably comprehensive descriptions of the 15 required elements set forth in the Charter Schools Act.

If the Board of Education denies the Renewal Petition, the Board must adopt written findings of facts based on any of the above mentioned criteria or standards. 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). The Board must also consider “the past performance of the school’s academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any.” (5 CCR § 11966.4(b)(1))

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)).

A charter may be renewed an unlimited number of times; however, each renewal must be for exactly five years. (Ed. Code, § 47607). If a school district fails to make written factual findings to support a denial within 60 days of the district’s receipt of a petition, the charter school’s petition is automatically renewed. (5 CCR, §11966.4(c).)

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III. Results of Petition Review (Findings of Fact Determinations)

A. Academic Performance Criteria Met by Charter School

Data in the Renewal Petition demonstrate that the Charter School has met at least one of the statutory prerequisite criteria for renewal set forth in Education Code section 47607, subdivision (b).

Specifically, the Renewal Petition indicates that the Charter School’s academic performance “is at least equal to the academic performance of the public schools that the Charter School pupils would otherwise have been required to attend, as well as the academic performance of the

schools in the school district in which the Charter School is located, taking into account the composition of the pupil population that is served at the Charter School.” (Education Code § 47607, subdivision (b)). (Renewal Petition, p. 161.) The Renewal Petition illustrates that while the Charter School generally has academic achievement that is below that of the District as a whole, the Charter School’s academic performance generally exceeds that of comparable District schools. (Renewal Petition, pp. 21, 61-63).

2016-2017 SBAC	SCUSD	Aspire Capitol Heights	Tahoe	Bret Harte	Oak Ridge
ELA	39.41%	22%	19.77%	13.01%	14.12%
Math	31.46%	19%	13.57%	8.24%	11.10%

B. Increases in Pupil Academic Achievement

As discussed above, the Board “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). Review of the Charter School’s academic achievement, both schoolwide and by pupil subgroup shows that the results are generally favorable, with the Charter School generally outperforming comparable District schools, while typically performing below the District as a whole. (Renewal Petition, pp. 61-63.) While the overall academic performance of Aspire pupils is generally above or equal to that of students enrolled in equivalent grades in the District’s comparable schools, District Staff will continue to monitor the Charter School’s performance closely over the course of the charter term, with an expectation of further increases in academic achievement schoolwide and across all pupil subgroups.

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1. Schoolwide Academic Achievement

The Renewal Petition includes data from the 2014-2015 CAASPP Smarter Balanced assessments (“SBAC”), indicating that schoolwide, 29% of Aspire students met or exceeded standards for ELA and 23% met or exceeded standards for Math. (Renewal Petition, pp. 61-63).

The Charter School’s schoolwide achievement in 2015-2016, decreased, with 18% of the Charter School’s students meeting or exceeding standards for ELA and 15% meeting or exceeding standards for Math. (Renewal Petition, pp. 61-63).

The Renewal Petition shows that for the 2016-2017 assessments, schoolwide, 22% of Aspire students met or exceeded standards for ELA and 19% met or exceeded standards for Math.

When compared to SCUSD students of the same grade level, the Charter School’s students attained lower overall levels of achievement in Math (19% as compared to 31.46%) and lower overall levels of achievement in ELA (22% as compared to 39.41%). However, the Charter School generally outperforms the District’s comparable schools. (Renewal Petition, pp. 61-63).

2. Academic Achievement by Subgroup

For African American students, ELA performance slightly decreased from 2014-2015 to 2016-2017 (19% to 18%), while Math performance slightly increased (14% to 16%). (Renewal Petition, pp. 61-63).

Hispanic or Latino students at Aspire saw decreases in ELA performance (35% to 28%) from 2014-2015 to 2016-2017. Hispanic or Latino students also saw decreases in Math performance (29% to 22%) over the last three years. (Renewal Petition, pp. 61-63).

Socioeconomically disadvantaged students experienced ELA proficiency decreases (28% to 18%) and Math proficiency decreases (20% to 17%) from 2014-2015 to 2016-2017. (Renewal Petition, pp. 61-63.)

C. District Staff Review of Renewal Petition

District Staff reviewed the following elements in the originally-submitted Renewal Petition:

- A) Educational Program
- B) Measurable Student Outcomes
- C) Assessment of Measurable Outcome Goals
- D) Governance and Legal Issues

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- E) Employee Qualifications
- F) Health and Safety Procedures
- G) Means to Achieve a Racial and Ethnic Balance
- H) Admissions Requirements
- I) Financial and Programmatic Audit
- J) Student Discipline, Pupil Suspension and Expulsion Procedures
- K) Retirement System
- L) Attendance Alternatives
- M) Description of Employee Rights
- N) Dispute Resolution Process, Oversight, Reporting and Renewal
- O) Labor Relations
- P) School Closure Procedures

District Staff also reviewed the impact on the District as described in the original Renewal Petition.

Following its review of the originally-submitted Renewal Petition, District Staff recommended revisions and additional information to improve the Renewal Petition. Specifically, District Staff noted deficiencies or incomplete information regarding the following: (1) the Charter School's performance on CST Science assessments; (2) insufficient information on English Learner reclassifications; (3) failure to provide health and safety procedures and policies; (4) vague recruitment policies and procedures; (5) omission of the Charter School's conflict of interest policies; (6) failure to provide a copy of Aspire's bylaws; (7) failure to provide adequate staffing information; and (8) lack of information regarding the relationship between the Charter School and the CMO.

As noted above, Petitioner submitted supplemental information to the District addressing the concerns identified in the District's letter.

Specifically, the Charter School provided student achievement data for CST Science assessments, which indicates that in 2011, 22% of students met or exceeded standards. In 2012, 53% of students met or exceeded standards, and in 2013, 47% of students met or exceeded standards in Science. Additionally, data retrieved from the California Department of Education website indicates 21% and 62% of students met or exceeded standards in 2014 and 2015 respectively.

The Petitioner included detailed English Learner reclassification procedures and "cut scores" for reclassification in its response. Petitioner also provided: 1) a comprehensive health and safety plan, 2) a detailed list of scheduled recruitment events, 3) conflict of interest policies, 4) the

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Charter School's bylaws, 5) detailed staffing information, and 6) information regarding the relationship between the Charter School and the CMO.

Supplemental information submitted by the Petitioner describes the relationship between the Charter School and the CMO. Specifically, the Charter School pays 14% of its budget to the CMO. In return for these fees, the CMO provides multiple services to the Charter School. These services include: human resources, finance and payroll, data and systems, credential services, operations, and facilities and real estate services. The fees also allow the CMO to provide the following services and positions: Associate Superintendents, curriculum teams, student services supports, IT support, Regional Director of Operations, Community/ Family Outreach Manager, and other supports as requested. Due to its more complex corporate structure, District Staff will continue to monitor the Charter School's relationship with the CMO.

District Staff was satisfied with the Charter School's comprehensive health and safety plan. Staff was also pleased by the Petitioner's detailed schedule of recruitment events, which includes detailed locations and events that should result in a diverse student body.

The Petitioner provided a comprehensive conflict of interest policy that states Aspire Board members will follow the Political Reform Act (Gov. Code § 81000, et. seq.) and submit annual Form 700 disclosures. However, the conflict of interest policy does not require Aspire Board members to follow Government Code section 1090.

Petitioner has affirmed that the information contained in these responses to the District's written evaluation will supersede all provisions in the originally submitted Renewal Petition and will be incorporated as an addendum to the originally submitted Renewal petition.

Based on the results of the District Staff's review of the Renewal Petition and the supplemental information submitted by Petitioner, District Staff has concluded that all of the required elements are reasonably comprehensive individually and collectively. As discussed above, District Staff has also concluded that Aspire meets the prerequisite statutory requirements for renewal set forth in Education Code section 47607, subdivision (b).

IV. 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, 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

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will continue to have monitoring and oversight responsibility for charter school finances, as specified in the Charter Schools Act.

V. Goals, Objectives and Measures

Not Applicable.

VI. Major Initiatives

Not Applicable.

VII. Results

District Staff recommends that the Board approve Resolution 2993 to approve the Renewal Petition or approve Resolution 2994 to deny the Renewal Petition under the California Charter Schools Act.

VIII. Lessons Learned/Next Steps

If the Renewal Petition is approved by the Board, the District, as the charter authorizer, will provide continued oversight by conducting annual visits and programmatic audits to review the Charter School's academic achievement, as well as records of past performance and future plans regarding academics, finances, and operations. Additionally, the District and Aspire Capitol Heights Academy will collaborate on the timely submission of the following:

1. Signed Operational Memorandum of Understanding
2. Signed Special Education Memorandum of Understanding

The Renewal Petition and supplemental information is available online at:
<http://www.scusd.edu/charter-petitions>

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2993
RESOLUTION TO APPROVE THE RENEWAL CHARTER PETITION OF
ASPIRE CAPITOL HEIGHTS ACADEMY**

WHEREAS, petitioners for Aspire Capitol Heights Academy (“Petitioners”) submitted to Sacramento City Unified School District (“District”) a renewal charter petition (“Petition”), dated January 19, 2018; and

WHEREAS, the District’s Governing Board held a public hearing on February 1, 2018 and took board action on March 15, 2018; and

WHEREAS, the Governing Board has considered the level of public support for Aspire Capitol Heights Academy and has reviewed the Petition, including all supporting documentation; and

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

WHEREAS, the District staff reviewed and analyzed the Petition and supporting documents for legal, programmatic, and fiscal sufficiency; and

NOW, THEREFORE, BE IT RESOLVED that the Sacramento City Unified School District Board of Education hereby adopts the Petitioner submitted Written Analysis Response and written Staff Report.

BE IT FURTHER RESOLVED, that the Petition is hereby approved.

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 May 17, 2018.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 15th day of March, 2018, by the following vote:

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

Jorge A. Aguilar
Secretary of the Board of Education

Jessie Ryan
President of the Board of Education

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2994
RESOLUTION TO DENY THE RENEWAL CHARTER PETITION OF
ASPIRE CAPITOL HEIGHTS ACADEMY**

WHEREAS, petitioners for Aspire Capitol Heights Academy (“Petitioners”) submitted to Sacramento City Unified School District (“District”) a renewal charter petition (“Petition”), dated January 19, 2018; and

WHEREAS, the District’s Governing Board held a public hearing on February 1, 2018 and took board action on March 15, 2018; and

WHEREAS, the Governing Board has considered the level of public support for Aspire Capitol Heights Academy and has reviewed the Petition, including all supporting documentation; and

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

WHEREAS, the District staff reviewed and analyzed the Petition and supporting documents for legal, programmatic, and fiscal sufficiency; and

NOW, THEREFORE, BE IT RESOLVED that the Sacramento City Unified School District Board of Education hereby adopts the Petitioner submitted Written Analysis Response and written Staff Report.

BE IT FURTHER RESOLVED, that the Petition is hereby denied.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 15^h day of March, 2018, by the following vote:

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

Jorge A. Aguilar
Secretary of the Board of Education

Jessie Ryan
President of the Board of Education