

# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 9.4

Meeting Date: March 21, 2019

<u>Subject</u> : Consider Resolution No. 3065 or 3066: Renewal Charter Petition for Language Academy of Sacramento	
<ul> <li>□ Information Item Only</li> <li>□ Approval on Consent Agenda</li> <li>□ Conference (for discussion only)</li> <li>□ Conference/First Reading</li> <li>□ Conference/Action</li> <li>□ Action</li> <li>□ Public Hearing</li> </ul>	
Division: Academic Office	

**Recommendation:** To take action to approve or deny the Renewal Charter Petition for Language Academy of Sacramento.

Background/Rationale: Sacramento City Unified School District received Language Academy of Sacramento's renewal charter petition on January 22, 2019. (Charter petition expiration date: June 30, 2019) District staff met with Language Academy of Sacramento for a capacity interview on February 5, 2019 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 Language Academy of Sacramento on February 7, 2019. The staff's analysis will be presented for Board Action on March 21, 2019.

<u>Financial Considerations</u>: The financial considerations are outlined within the Executive Summary.

**LCAP Goal(s):** Family and Community Empowerment

#### **Documents Attached:**

- 1. Executive Summary
- 2. Resolutions 3065 and 3066
- 3. Charter Petition (Proposed): <a href="http://www.scusd.edu/charter-petitions">http://www.scusd.edu/charter-petitions</a>
- 4. Petitioner Submitted Written Analysis Response: <a href="http://www.scusd.edu/charter-petitions">http://www.scusd.edu/charter-petitions</a>

Estimated Time of Presentation: 10 Minutes

Submitted by: Dr. Iris Taylor, Chief Academic Officer

Jack Kraemer, Director of Innovative Schools and Charter Oversight

Approved by: Jorge A. Aguilar, Superintendent

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#### I. Overview/History

#### A. Action Proposed

On January 22, 2019, the Sacramento City Unified School District ("District") received a renewal charter petition ("Renewal Petition") from Language Academy of Sacramento Charter ("LAS" 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, 2019 through June 30, 2024.

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

Language Academy of Sacramento Charter is a charter school serving students in transitional kindergarten through 8th grade, operated by Language Academy of Sacramento, a nonprofit corporation. (Renewal Petition, p. 12). The Charter School is located at 2850 49<sup>th</sup> Street, Sacramento, California on District-owned property. (Renewal Petition, pp. 10.2, 20). As of the 2017-2018 school year, LAS enrolled 585 students. (Renewal Petition, pp. 35, 82).

The District originally approved the Charter School's charter on February 19, 2004, for a term of five years. Since that time, the Charter School's charter has been renewed twice (2008 and 2014), and is now set to expire on June 30, 2019. (Renewal Petition, p. 10.2). Pursuant to Education Code section 47605, subdivision (b), a public hearing was held on February 7, 2019, to consider the level of support for the renewal of the Charter School's charter.

After reviewing the Renewal Petition, District Staff provided LAS with a letter, dated February 15, 2019, identifying a number of recommended revisions, updates and/or clarifications to the Renewal Petition. In response, on February 22, 2019, 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 initial Renewal Petition, as well as the supplemental information submitted to the District by Petitioner.

#### **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

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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 section 52052(f) provides an alternative to be used by schools and school districts in lieu of the API, which was discontinued after 2013. For purposes of paragraph (1) to (3), inclusive, of subdivision (b) of Section 47607, alternative measures show increases in pupil academic achievement for all groups of pupils school-wide and among significant student groups shall be used.

#### 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:

- 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

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- 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).)

#### **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), as modified by Education Code section 52052(f).

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. 21.) The Renewal Petition illustrates that while

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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. 92-96).

SBAC 2017-2018:	LAS	SCUSD	Pacific	Oak Ridge	Will C.
ELA Standards					Wood
Met/Exceeded					
Overall	35%	40%	17%	15%	31%
Hispanic or Latino	34%	31%	16%	15%	25%
English Learner	5%	8%	5%	7%	2%
Reclassified-Fluent	52%	58%	42%	35%	48%
English Proficient					
("RFEP")					
Students with	11.76%	15%	0%	14%	6%
Disabilities					
Economically	29.09%	31%	15%	14%	30%
Disadvantaged					

SBAC 2016-17:	LAS	SCUSD	Pacific	Oak Ridge	Will C.
ELA Standards					Wood
Met/Exceeded					
Overall	39%	39.41%	15.85%	15.03%	33.59%
African-American	45%	22.11%	7.69%	12.77%	9.09%
Hispanic or Latino	37%	31.27%	15.42%	15.03%	28.33%
English Learner	13%	10.38%	3.7%	5.95%	6.28%
Reclassified-Fluent English Proficient	66%	65.12%	47.82%	36.66%	65.55%
("RFEP")					
Students with	18%	13.60%	0%	4.35%	3.13%
Disabilities					
Economically	30%	30.52%	14.64%	14.14%	33.39%
Disadvantaged					

SBAC Difference 2017-2018 from 2014-2015 ELA	
Overall	8%
Hispanic or Latino	9%
English Learner	0%
Reclassified-Fluent English Proficient ("RFEP")	10%
Students with Disabilities	12%
Economically Disadvantaged	10%

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SBAC 2017-2018:	LAS	SCUSD	Pacific	Oak Ridge	Will C.
Math Standards					Wood
Met/Exceeded					
Overall	28%	32%	19%	14%	21%
Hispanic or Latino	26%	23%	22%	11%	12%
English Learner	6%	9%	14%	6%	5%
Reclassified-Fluent	40%	42%	34%	32%	32%
English Proficient					
("RFEP")					
Students with	10%	13%	0%	14%	2%
Disabilities					
Economically	22%	24%	18%	14%	20%
Disadvantaged					

SBAC 2016-2017:	LAS	SCUSD	Pacific	Oak Ridge	Will C.
Math Standards Met/Exceeded					Wood
	31%	31.48%	16.75%	10.67%	23.57%
Overall					
African-American	36%	14.4%	8.89%	8.51%	3.5%
Hispanic or Latino	29%	22.79%	19.07%	8.29%	17.57%
English Learner	11%	11.1%	11.59%	3.92%	4.19%
Reclassified-Fluent	49%	49.24%	43.48%	20%	51.19%
English Proficient					
("RFEP")					
Students with	18%	12.2%	0%	6.52%	1.04%
Disabilities					
Economically	22%	23.33%	16.3%	10.86%	23.51%
Disadvantaged					

<b>SBAC Difference 2017-2018 from 2014-2015 Math</b>	
Overall	4%
Hispanic or Latino	4%
English Learner	-4%
Reclassified-Fluent English Proficient ("RFEP")	3%
Students with Disabilities	10%
Economically Disadvantaged	3%

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CST Science: Standard Met/Exceeded	LAS	SCUSD
2015-2016	Grade 5: 57%	Grade 5: 41%
2014-2015	Grade 8: 40% Grade 5: 36%	Grade 8: 56% Grade 5: 41%
2012 2014	Grade 8: 51%	Grade 8: 58%
2013-2014	Grade 5: 65% Grade 8: 68%	Grade 5: 46% Grade 8: 62%

Student	2017-	2017-	2017-	2017-	2016-	2016-	2016-
Population	2018	2018	2018	2018	2017	2017	2017
	<b>District:</b>	Site:	Site:	<b>District:</b>	Site:	District:	District:
	#	#	<b>%</b>	%	<b>%</b>	%	#
Total Enrollment	40,854	585	100	100	100	100	41,085
English Learner	7,752	268	48.5	19	47.3	19.8	8,143
Students with	5,973	66	11.3	14.6	11.7	13.3	5,455
Disabilities							
Socioeconomically	29,147	443	75.7	71.3	65.1	70.3	28,876
Disadvantaged							
Foster Youth	207	1	0.2	0.5	0.4	<1.0	261
Homeless Youth	319	4	0.7	0.8	0.9	0.8	367
African- American	5,751	14	2.4	14.1	2.7	14.2	5,818
American-	216	0	0.0	0.5	0.2	0.6	251
Indian or							
Alaska Native							
Asian	7,274	0	0.0	17.8	0.0	17.6	7,219
Filipino	618	1	0.2	1.5	0.0	1.5	604
Hispanic or Latino	15,964	548	93.7	39.1	93.1	39.3	16,136
Pacific Islander	907	0	0.0	2.2	0.0	2.2	891
White	7,332	17	2.9	17.9	3.2	18.2	7,476
Two or More	2,785	5	0.9	6.8	0.9	6.5	2,690
Races							
No Race Indicated	7	0	0.0	<1.0	0.0	unavailable	unavailable

#### 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 <u>as the most important factor</u> in determining

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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 slightly below the District as a whole. (Renewal Petition, pp. 92-96.) While the overall academic performance of LAS students, especially middle school students, 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.

#### 1. Schoolwide Academic Achievement

The Renewal Petition includes data from the 2016-2017 CAASPP Smarter Balanced assessments ("SBAC"), indicating that schoolwide, 39% of LAS students met or exceeded standards for ELA and 31% met or exceeded standards for Math. (Renewal Petition, pp. 92-96).

The Charter School's schoolwide achievement in 2017-2018, slightly decreased, with 35% of the Charter School's students meeting or exceeding standards for ELA and 28% meeting or exceeding standards for Math. Between 2014-2015 and 2017-2018, however, the overall percentage of the Charter School's students meeting or exceeding ELA standards increased by 8 percent, and the overall percentage of students meeting or exceeding Math standards increased by 4 percent. (Renewal Petition, pp. 92-96).

When compared to SCUSD students, the Charter School's students attained lower overall levels of achievement in ELA (35% v the District's 40%) and lower overall levels of achievement in Math (28% v the District's 32%) in 2017-2018. However, the Renewal Petition and data table above indicate that the Charter School overall outperforms the District's comparable schools in ELA (35% meeting or exceeding standards, as compared to 17%, 15%, and 31%) and Math (28% meeting or exceeding standards, as compared to 19%, 14%, and 21%). (Renewal Petition, pp. 92-96).

#### 2. Academic Achievement by Subgroup

<u>African American</u> students were not a numerically significant subgroup, and their SBAC scores were not reported, in 2014-2015, 2015-2016, and 2017-2018. African American ELA and Math performance was reported in 2016-2017, however, and 45% of these students met or exceeded ELA standards, and 36% met or exceeded Math standards. (Renewal Petition, pp. 92-96).

<u>Hispanic or Latino</u> students at LAS saw increases in ELA performance and Math from 2014-2015 to 2017-2018, by 9% and 4%, respectively. For 2017-2018, the Charter School's students'

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ELA and Math performances exceeded that of the District and comparable schools. (Renewal Petition, pp. 92-96).

<u>English Learner</u> student performance from 2014-2015 to 2017-2018 remained even in ELA and Math performance decreased by -4%. The Charter School's 2017-2018 student performances were slightly below that of the District, but was roughly equivalent to the performance of the comparable schools for ELA and Math. (Renewal Petition, pp. 92-96).

<u>Reclassified Fluent English Proficient</u> students at LAS saw increases in ELA and Math performance from 2014-2015 to 2017-2018 (10% and 3%, respectively). The Charter School's 2017-2018 student performances were slightly below that of the District but exceeded the performance of the comparable schools for ELA and Math. (Renewal Petition, pp. 92-96).

Students with Disabilities saw increases in ELA and Math performance from 2014-2015 to 2017-2018 (12% and 10%, respectively). The Charter School's students' 2017-2018 ELA performance was below to that of the District, and mostly exceeded the comparable schools' performance. The Charter School's students' 2017-2018 Math performance was below that of the District, but mostly exceeded the performance of the comparable schools. (Renewal Petition, pp. 92-96.).

Economically Disadvantaged students saw increases in ELA and Math performance from 2014-2015 to 2017-2018 (10% and 3%, respectively). The Charter School's 2017-2018 ELA performance was slightly below to that of the District, but mostly exceeded that of the comparable schools. The Charter School's student 2017-2018 Math performance was roughly equivalent to that of the District and comparable schools. (Renewal petition, pp. 92-96.).

#### 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
- 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

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- 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 Renewal Petition's lack of a reasonably comprehensive description of new requirements of charter schools; (2) assurances that the Charter School shall not discriminate based on religion; (3) failure to provide a clear description of the target student population and goals and actions as to each subgroup of students required by law; (4) vague explanation of how pupil progress will be assessed and methods by which pupil progress in meeting outcomes will be measured; (5) omission of the Charter School's draft conflict of interest policy; (6) failure to state that all non-core teachers must be bilingual or otherwise able to communicate with non-English-speaking students; (7) failure to provide a comprehensive school safety plan and Emergency and Safety Handbook specific to LAS; (8) lack of detail regarding outreach efforts targeted toward recruiting underserved racial and ethnic groups in order to serve a student population that is more reflective of the territorial jurisdiction of the District; (9) inadequate description of lottery system legal compliance; and (10) lack of explanation of (\$966,766) liability and budget presumptions.

As noted above, Petitioner submitted supplemental information to the District addressing the concerns identified in the District's letter. Specifically, Petitioner submitted Appendix 2 of the supplemental information which provided specific annual goals and actions for each subgroup of pupils at LAS including Latino students, socioeconomically disadvantaged students, students with disabilities, English learners, and Reclassified-Fluent English proficient ("RFEP") students.

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 LAS 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,

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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 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 3065 to approve the Renewal Petition or approve Resolution 3066 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 LAS 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. 3065 RESOLUTION TO APPROVE THE RENEWAL CHARTER PETITION OF LANGUAGE ACADEMY OF SACRAMENTO

WHEREAS, petitioners for Language Academy of Sacramento ("Petitioners") submitted to Sacramento City Unified School District ("District") a renewal charter petition ("Petition"), dated January 22, 2019; and

WHEREAS, the District's Governing Board held a public hearing on February 7, 2019 and took board action on March 21, 2019; and

WHEREAS, the Governing Board has considered the level of public support for Language Academy of Sacramento 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, 2019 and expiring June 30, 2024.

BE IT FURTHER RESOLVED that the Petition approval is conditional upon signed Memorandums of Understanding for Operations and Special Education by Petitioner and District no later than May 16, 2019.

**PASSED AND ADOPTED** by the Sacramento City Unified School District Board of Education on this 21<sup>st</sup> day of March, 2019, by the following vote:

AYES:	
NOES:	
ABSTAIN:	
ABSENT:	
ATTESTED TO:	
Jorge A. Aguilar	Jessie Ryan
Secretary of the Board of Education	President of the Board of Education

# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT RESOLUTION NO. 3066 RESOLUTION TO DENY THE RENEWAL CHARTER PETITION OF LANGUAGE ACADEMY OF SACRAMENTO

WHEREAS, petitioners for Language Academy of Sacramento ("Petitioners") submitted to Sacramento City Unified School District ("District") a renewal charter petition ("Petition"), dated January 22, 2019; and

WHEREAS, the District's Governing Board held a public hearing on February 7, 2019 and took board action on March 21, 2019; and

WHEREAS, the Governing Board has considered the level of public support for Language Academy of Sacramento 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 21<sup>st</sup> day of March, 2019, by the following vote:

AYES:	
NOES:	
ABSTAIN:	
ABSENT:	
ATTESTED TO:	
Jorge A. Aguilar	Jessie Ryan
Secretary of the Board of Education	President of the Board of Education