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Attachment 3

Staff Report by Vallejo City Unified School District

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Resolution of the Board of Trustees of the Vallejo City Unified School District

**RESOLUTION OF THE BOARD OF TRUSTEES
OF THE VALLEJO CITY UNIFIED SCHOOL DISTRICT**

Resolution No. 2998

**Resolution to Deny the Charter Petition to Establish
Caliber: High School**

WHEREAS, the approval of charter schools is governed by the Charter Schools Act of 1992, as subsequently amended, codified in Education Code sections 47600 *et seq.*, and the implementing regulations of Title 5 of the California Code of Regulations (5 C.C.R. §§11960 *et seq.*);

WHEREAS, on September 8, 2021, the Vallejo City Unified School District (“District”) received a charter petition (“Petition”) to establish the Caliber: High School;

WHEREAS, a public hearing on the Petition was held on November 3, 2021, at which time the Board of Trustees of the District (“Board”) considered the level of support for the Petition by teachers employed by the District, other employees of the District, and parents/guardians;

WHEREAS, the Board published the District staff’s findings of fact and recommendation regarding the Petition on November 30, 2021 (“Staff Report”), a copy of which is attached hereto as Exhibit A and incorporated herein by reference;

WHEREAS, the Board has convened on December 15, 2021 to consider the admissions preferences described in the Petition and to decide whether to grant or deny the Petition;

WHEREAS, the governing board of a school district shall not deny a petition unless it makes written factual findings specific to the particular petition, setting forth specific facts to support one or more of the following findings:

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required by subdivision (a) of Education Code section 47605.
4. The petition does not contain an affirmation of each of the required conditions.
5. The petition does not contain reasonably comprehensive descriptions of all required elements.

6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.
8. The school district is not positioned to absorb the fiscal impact of the proposed charter school.

WHEREAS, the District has conducted an extensive review and analysis of the Petition, as well as the legal grounds articulated in the Education Code for purposes of determining whether the Petition meets the minimum standards for approval, including the consideration of the potential fiscal impact on the District if the Petition is approved;

WHEREAS, the District has been under state receivership since 2004, and a state trustee was appointed to provide direct oversight of the District's finances to ensure solvency and fiscal stability until the District pays off the approximate \$60 million state loan that it was issued;

WHEREAS, there is a significant remaining balance on the state loan for which the District is obligated to make payment the state;

WHEREAS, given the District's status as being under state receivership, the Board may deny a charter petition under Education Code section 47605(c)(8) on the grounds that it is not positioned to absorb the fiscal impact of the proposed Charter School;

WHEREAS, the Board has serious concerns regarding the adverse fiscal impacts on the District that could result if it approves the Petition due to the likelihood that the District will lose student enrollment and the fact that, for every student that enrolls in the Charter School who would otherwise attend a District high school, the District would suffer a commensurate loss of state apportionment funding; and

WHEREAS, a reduction in state funding could undermine the District's ability to build new programs and improve existing resources that are critical for the District's high school population.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Vallejo City Unified School District does resolve, determine, and order the following:

1. The foregoing recitals are hereby adopted as true and correct.
2. The Board has considered the Petition, including the findings of fact and fiscal impact on the District, as detailed in the Staff Report posted on November 30, 2021.
3. The Board has determined that, given the District's status as being under state receivership, and the anticipated loss of student enrollment and funding to the District if

the Petition is approved, the District is not positioned to absorb the fiscal impact of the proposed Charter School.

4. The Board hereby denies the Petition to establish the Caliber: High School pursuant to Education Code section 47605(c)(8).
5. The Superintendent or his designee is authorized and directed to take such action as may be reasonably necessary to effectuate the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Board of Trustees on December 15, 2021 at a duly noticed meeting by the following vote:

AYES: 5
NOES: 0
ABSENT: 0
ABSTAIN: 0

I, William Spalding, Clerk of the Board of Trustees of the Vallejo City Unified School District, County of Solano, State of California, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted by the Board at a meeting thereof held on December 15, 2021 by a vote of 5 to 0.

IN WITNESS THEREOF, I have hereto set my hand this 15th day of December, 2021.



Clerk of the Board of Trustees

**Vallejo City Unified City School District Staff Report,
Proposed Finding of Facts & Recommendation
Concerning Caliber: High School Charter Petition**

Exhibit A

**VALLEJO CITY UNIFIED SCHOOL DISTRICT
STAFF REPORT, PROPOSED FINDINGS OF FACT & RECOMMENDATION
CONCERNING CALIBER: HIGH SCHOOL CHARTER PETITION**

Date Posted: November 30, 2021

The following provides a summary of the Vallejo City Unified School District's ("District") staff report, proposed findings of fact, and recommendation concerning the Caliber: High School charter petition ("Petition").

Introduction and Procedural Background

On September 8, 2021, Caliber Public Schools (or "Petitioners") submitted the Petition to the District to establish Caliber: High School ("Charter School"), along with a signed certification from Terence Johnson, Lead Petitioner, deeming the Petition to be complete. Petitioners seek the approval of the Petition by the District's Board of Trustees ("Board") for a five-year charter term that would begin on July 1, 2022 and end on June 30, 2027.

Petitioners currently operate Caliber: ChangeMakers Academy under the District's authorization for students in transitional kindergarten through eighth grade. Petitioners now desire to establish a classroom-based high school program for students in ninth through twelfth grade. According to the Petition and the District's communications with Petitioners, the intention is to create a charter school high school for students enrolled in Caliber ChangeMakers Academy who will matriculate to ninth grade.

The Petition indicates that the Charter School would phase in one grade level each year, with 150 students per grade level. The following chart provides a breakdown of the Charter School's student enrollment projections for the proposed five-year term:

Grade	2022-23	2023-24	2024-25	2025-26	2026-27
9	150	150	150	150	150
10		150	150	150	150
11			150	150	150
12				150	150

On November 3, 2021, the District's Board held a public hearing to determine the level of support for the Petition by teachers, other District employees, and parents/guardians.

On December 15, 2021, the District's Board will hold a public hearing during which it will consider the admissions preferences in the Petition and will take action to either approve or deny the Petition.¹

Executive Summary and Fiscal Considerations

District staff, in consultation with legal counsel, has conducted an extensive analysis of the Petition and its accompanying exhibits. The District's review team also carefully evaluated the legal grounds articulated in the Education Code for purposes of determining whether the Petition meets the minimum standards for approval, including consideration of the potential fiscal impact on the District if the Petition is granted.

Currently, the District is under state receivership; therefore, the District may evaluate the extent to which it is not in a position to absorb the fiscal impact of the proposed Charter School. (Educ. Code § 47605(c)(8).) Petitioners have stated that the charter high school is designed to primarily accommodate Caliber students who are enrolled in eighth grade and will be promoted to ninth grade. Since additional space would be available to other non-Caliber students who desire to enroll in the Charter School, it is likely—if not inevitable—that the District would experience a loss of student enrollment from its high schools that would continue over the Charter School's five-year term. As a school district funded under the Local Control Funding Formula ("LCFF"), the District's funding is dependent upon its student enrollment. For every student who enrolls in the Charter School that would otherwise be attending a District high school, the District would suffer a commensurate loss of state apportionment funding. A reduction in state funding could undermine the District's ability to build new programs and improve existing resources that are critical for the District's high school population. Therefore, it would be difficult to conclude that the approval of the Petition would have no adverse financial impact on the District.

While District staff has concerns about the potentially adverse fiscal impact on the District if the Board were to approve the Petition, the extent to which the fiscal impact would be material to the District remains difficult to quantify at this time. Because it is unknown, at this point, how many students from Caliber: ChangeMakers Academy, other charter schools, private schools, homeschool programs, and/or District middle schools would enroll in the Charter School, the District cannot fully evaluate the amount of state apportionment funding it would lose. For this reason, the District's review team has not included a factual finding to support the denial of the Petition on the basis of "fiscal impact."

Notwithstanding the fiscal concerns detailed above, based on a totality of the circumstances, District staff has determined that the Petition is reasonably comprehensive and meets the minimum Education Code requirements for approval of the requested five-year term, beginning on July 1, 2022 and ending on June 30, 2027.

¹ The parties mutually agreed in writing to a short extension of the 90-day timeline for the District's Board to hold the second public hearing from December 7, 2021 to December 15, 2021.

Legal Requirements for the Establishment of a Charter School

The consideration of a petition to establish a charter school requires the District to determine whether the petition meets the standards and criteria set forth in Education Code section 47605. Specifically, under Education Code section 47605(c), in reviewing petitions for the establishment of charter schools, the governing board of a school district shall grant a charter for the operation of a charter school if it is satisfied that approving the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board shall also consider the academic needs of the students that the charter school proposes to serve. The governing board of the school district shall not deny a petition unless it makes written factual findings specific to the particular petition, setting forth specific facts to support one or more of the following denial findings:

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required by subdivision (a) of Education Code section 47605.
4. The petition does not contain an affirmation of each of the required conditions.
5. The petition does not contain reasonably comprehensive descriptions of all required elements.
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.
8. The school district is not positioned to absorb the fiscal impact of the proposed charter school.

An analysis of this information is provided below and includes District staff's corresponding findings of fact.

Findings of Fact

The District's review team performed a comprehensive review of the Petition, which included an analysis of the proposed Charter School's educational program, measurable student outcomes, and methods for measuring student progress, fiscal and governance structures, student admissions, and legal issues. Overall, the Petition presents a sound educational program, the Petitioners are demonstrably likely to successfully implement the proposed Charter School, and the Petition generally includes reasonably comprehensive descriptions of the required legal elements under the Education Code.

Below, District staff presents its findings of fact addressing the general categories of review for the Petition. It is important to note that, based on District staff's determination that the Petition generally includes reasonably comprehensive descriptions of the required charter elements, as well as additional information on its operations, fiscal practices and protocols, and other components, the details included in the following set of findings are intended to be illustrative, not exhaustive, of Petitioners' compliance with the charter petition requirements, unless otherwise noted.

Finding of Fact No. 1: The Petition presents a sound educational program for the students enrolled in the Charter School.

The Petition demonstrates that the proposed program is consistent with sound educational practice. The mission of the proposed Charter School is to achieve educational equity by ensuring that students graduate with academic skills to be successful in college, have a plan for college and career that is informed by self-knowledge and knowledge of the world, develop a deep understanding of the value of community, and acquire leadership skills to adapt and relate to an evolving world.

The Petition provides that the Charter School would teach students core skills directly, while also incorporating projects so that students learn to collaborate and apply their knowledge and skills to address real-world issues. Further, the Charter School would have a complete social-emotional learning scope and sequence for all students in grades 9 through 12, as well as community partnerships that would serve a central role in the Charter School's graduation requirements. The Petition states that Petitioners honor the work of the District and have designed a high school program "aligning to the District's mission to provide equity, excellence, educational effectiveness and economic sustainability, by prioritizing safety, strong family-school partnerships, and high academic standards."

The Petition details multiple programs and approaches that the Charter School would implement related to curriculum and instruction, college and career readiness, and social-emotional learning. With respect to teaching methodologies, the Charter School would implement Universal Design for Learning, which is described in the Petition as an approach to instruction that provides every student with the opportunity to succeed and is focused on three main principles: engagement, representation, and action/expression. This approach allows for a range of methods and activities to be utilized for purposes of advancing learning, including inquiry, investigations, reading, and accompanying supports.

In developing its educational model, Petitioners analyzed academic achievement outcomes for Vallejo high schools, received feedback as part of a community design process, and tailored the proposed Charter School program to address the following:

1. Student academic achievement in English-Language Arts and mathematics in which students would have access to a standards-based curriculum, intervention programs and specialized course placement, tutoring, summer school programming, and mentoring opportunities.
2. Increased college eligibility, with a focus on completion of A-G course completion, college and career counseling, intervention programs and specialized course placement, tutoring, and adoption of College and Career Readiness Standards in addition to Common Core State Standards, among others.
3. Increased graduation rates in which students would receive mentoring, college and career counseling, focused instruction of academic habits through grade level teams, social-emotional learning and culturally-responsive teaching, a restorative discipline model, college and career experiences, summer school programming, tutoring and office hours, and other supports.
4. Decreased suspensions, with a focus on mentoring opportunities, close relationships with adults and students fostered through advisory and school culture, proactive trauma-informed care from licensed clinicians and social workers, and other components.
5. Community-based leadership, with a focus on mentoring, social-emotional learning, support in finding opportunities to stay engaged with school or a community summer program between academic years, and personal plans for progress in advisory in which students revisit their college and career goals.

The Petition indicates that everything from the selection of curriculum in the core content areas to the composition of the Charter School's on-site clinical team was designed based on scholarly research and the founding team's observation and collaborations with high-performing public high schools in the United States.

District staff finds the proposed educational model to be sound and designed in a manner that promotes student academic achievement and performance, as well as social-emotional learning and growth. The District, notes, however, that some of the Petitioners' program designs closely resemble District-wide high school initiatives that are articulated in the District's LCAP, Guardrails, and other written plans. In addition, although the Petition states that "[t]here is no current community high school option in Vallejo that places an emphasis on social-emotional learning as the tool for academic achievement," it is important to recognize that the District has diligently worked to strengthen the Multi-Tiered System of Support ("MTSS") framework across the K-12 grade level continuum. For the 2021-22 school year, the District's main focus areas

include providing student support and intervention services in academics, student behavior, social emotional learning, and attendance. Current District programs include Position Behavior Intervention and Supports ("PBIS"), Restorative Practices ("RP"), Culturally-Responsive Teaching "CRT"), and Collaborative for Academic, Social, and Emotional Learning ("CASEL") standards implementation. Further, the District is exploring the addition of an advisory period to the current high school bell schedules as a means to provide social-emotional learning and college and career readiness activities for students.

Although the Petition touts the use of various programs and supports which are not unique to the Charter School and are already being implemented by the District, District staff nevertheless finds that the Petition presents a sound educational model designed to meet the needs of high school students.

Finding of Fact No. 2: The Petitioners are demonstrably likely to successfully implement the program.

Petitioners have been operating Caliber: ChangeMakers Academy, a TK-8 charter school program under the District's authorization, since 2016. Since the charter school's establishment, the District has maintained a positive relationship with Petitioners and has not identified any significant charter oversight or operational/fiscal issues.

The District reviewed Caliber: ChangeMakers Academy's performance on the California School Dashboard during past academic years and has found that, overall, the charter school has demonstrated increased proficiency among its student groups in English-Language Arts and mathematics on the California Assessment of Student Performance and Progress ("CAASPP"). In addition, based on the District's ongoing charter oversight of Caliber: ChangeMakers Academy, as well as information concerning the Charter School's founders and board members, the District finds that governance and leadership teams have sufficient background, knowledge, and experience in critical areas (e.g., education, finance, personnel, operations, etc.) to successfully operate the Charter School and implement the proposed educational program.

Additionally, the District's review team conducted an analysis of the financial documents included with the Petition, including the multi-year budget, cash flow documentation, and budget assumptions. Based on this review, the Petitioners have presented a financial plan indicating that the Charter School would be fiscally sustainable. The District notes, however, that the budget includes an allocation of lottery funds for the Charter School during the 2022-23 fiscal year, which is not available in the first year of operation. Nevertheless, even if the funding had been excluded, such a reduction would not have a negative financial impact on the proposed budget.

Overall, District staff has determined that the Petitioners appear demonstrably likely to successfully implement the proposed charter program. The Petitioners have a history of operating a successful TK-8 charter school that is currently authorized by the District, the Petition is largely comprehensive and demonstrates the Petitioners' understanding of the laws

applicable to charter schools and practices for addressing the educational and social-emotional needs of students, the Petitioners have sufficient background and experience in operating a charter school, and the proposed financial plan and accompanying projections/assumptions appear realistic and reasonable.

Finding of Fact No. 4: The Petition contains the required number of signatures.

The Petition states that the Charter School expects to enroll approximately 150 students in its first year of operation. Therefore, the Petition would need to contain either (1) at least 75 signatures of parents/guardians who are meaningfully interested in enrolling their grade-level eligible students in the Charter School, or (2) at least four signatures of teachers who are meaningfully interested in teaching at the Charter School.

The Petition includes 109 signatures of parents/guardians meaningfully interested in enrolling their ninth grade students in the Charter School for the 2022-23 school year. In addition, the Petition includes signatures for eleven teachers meaningfully interested in teaching at the Charter School. Therefore, the Petitioners have met this requirement.

Finding of Fact No. 3: The Petition contains an affirmation of each of the required conditions.

The Petition includes all required affirmations and assurances of the required conditions.

Finding of Fact No. 4: The Petition provides reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605.

Based on an analysis of the Petition by the District's review team, the Petition generally provides reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605 to qualify for approval. The District notes there are a few items that are not included, lacking in detail, or in need of modification. However, District staff did not find these deficiencies to be sufficiently noteworthy to warrant a potential denial finding. If the Petition is approved, these items can be addressed in a memorandum of understanding ("MOU") between the parties and as part of the District's focused monitoring and oversight of the Charter School. For reference purposes, the District has identified the deficient items below:

- a. **Educational Program.** The Charter School's proposed odd/even block schedule requires a slight adjustment. Specifically, the "Anchor Day" schedule needs to be modified to reflect the proper start and end times.
- b. **Measurable Student Outcomes.** The measurable student outcomes described in the Petition are aligned with the California School Dashboard and the LCFF. However, there was no direct reference to the College and Career Indicator. Considering that the Petitioners place a strong emphasis on college preparation,

the District would expect the Petition to include a more robust and comprehensive description of the Charter School's student goals and outcomes for career readiness. The District also notes that, generally, the proposed goals and expectations of students seem very ambitious. While this is a laudable objective, ongoing examination of student performance data must occur to determine program effectiveness and whether modifications to the Charter School's measurable outcomes may be needed to more closely align to student progress and achievement.

- c. **Health and Safety Procedures.** The Petition does not appear to include any affirmative statement or description of the Charter School's obligation to comply with the requirements of Education Code section 221.61 addressing the rights of a student and the public, and the responsibilities of the Charter School, under Title IX.
- d. **Balance of Students from Different Subgroups.** The Petition includes general statements about attracting/recruiting English Learners and students with disabilities. The District recommends that the commitment to, and reassurance of, racial, gender, and socioeconomic equity should be strongly emphasized. In addition, the Charter School should also ensure that its educational opportunities and supports extend to homeless students and foster youth.

Finding of Fact No. 5: The Petition includes a declaration of whether or not the Charter School shall be deemed the exclusive public school employer of the employees of the Charter School.

The Petition confirms that Caliber Public Schools, the nonprofit corporation that would operate the Charter School, shall serve as the exclusive public school employer of the employees of the Charter School for purposes of the Educational Employment Relations Act.

Finding of Fact No. 6: The Petition satisfies other key areas related to the operations and other potential effects of the Charter School.

The Petition addresses the operational and other potential effects of the Charter School, including the acknowledgement that the District shall not be responsible for the debts and obligations of the Charter School, or for claims arising out of the performance of acts, errors, or omissions by the Charter School, if the District meets its oversight obligations.

Conclusion/Recommendation

Based on the above findings of fact, the District's review team has concluded that the Petition, as presented, meets the minimum legal standards under the Education Code to qualify for approval for the requested five-year term, beginning on July 1, 2022 through June 30, 2027.

If the District's Board takes action to grant the Petition, District staff will conduct focused monitoring and oversight of the Charter School during its approved charter term to ensure that the Charter School complies with the law and remains accountable and transparent in its educational programming, operations, and fiscal management and practices.

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