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Minutes of New City Governing Board Meeting Evidencing Approval of Action to Move Forward with State Appeal to SBE (3/23/15)

**Approved Minutes of the March 23rd, 2015 Regular meeting of the Board of Directors of
New City Public Schools-A California Nonprofit Public Benefit Corporation.**

A Regular meeting of the Board of Directors of New City Public School, a California nonprofit public benefit corporation (the “NCPS) was held at 4:00 pm on March 23, 2015, at 1637 Long Beach Blvd. Long Beach California.

I. Call to Order: 4:01 p.m.

Attendance

- Madeline Holler, Chair, Parent Representative
- Dana Van Sinden, Secretary
- Juan Carlos Bojorquez
- Ted Hamory (Joined at 4:23)
- Shirley Huling, parent representative (joined at 4:32)
- David Morris

Staff Present:

- Stephanie Lee
- John Vargas

II. Approval of Agenda—Action

- a. Moved by Ms. Van Sinden seconded by Mr. Morris, approved unanimously.

III. Approval of Previous Minutes—Action

- a. March 6th 2015
 - i. Moved by Mr. Bojorquez seconded by Mr. Morris, and approved unanimously
- b. March 16th 2015
 - i. Moved by Mr. Bojorquez seconded by Mr. Morris, and approved unanimously

IV. Public comment

- a. For items not listed on the agenda-none
 - i. One of the parents, Nicolle West came to the board to comment on parent’s interest in making plans to come to Sacramento when we seek renewal. They would like a timeline as soon as possible in order to make reservations.
 - ii. Another parent, Shelly Walthun came to ask the board for more concrete information about the strategy for renewal at the state level.
 - iii. Jose Salas came to introduce himself and express interest in considering board membership.
- b. For items listed on the agenda-none

V. Reports

- a. Director Education Programs
 - i. Ms. Lee was present and provided an oral update that included information on the DWA assessment and invited board members to observe the current student led conferences that are happening this week.

Chair Holler asked for an update on the NWEA assessment, Ms. Lee provided information about the current timeline for implementation.

- b. Executive Director
 - i. Mr. Vargas was present and provided an oral update on the progress of renewal appeal process.
- c. Renewal Process update

VI. Consent Agenda Items

Moved by Mr. Bojorquez, seconded by Mr. Morris- motion passed unanimously to approve consent agenda in one action.

- i. Approval to retain Vicenti, Lloyd, and Stutzman, LLP for the 2014-15 fiscal year audit
- ii. Approval of Second Interim Financial Report submitted to LBUSD
- iii. Approval of Second Period Report of Attendance (P-2) *-this item was removed from the consent agenda and approval is postponed until the next regular meeting*

VII. Discussion/Action Items

- a. Review and Approval of February 2015 Financials
 - i. Kristin Dietz was present and answered questions about the submitted written report.
 - 1. Moved by Mr. Bojorquez seconded by Ms. Huling – motion passed unanimously.
- b. Approval of Board Policies
 - i. NCPS Visitor Policy
 - 1. No Action-removed as an action item-information only
 - ii. NCPS Behavioral Expectations
 - 1. No Action-removed as an action item-information only
 - iii. NCPS Updated Fiscal Policies
 - 1. Moved by Mr. Bojorquez seconded by Mr. Hamory – motion passed unanimously
- c. Approval of action to move forward with NCS Charter Renewal Appeal to State Board of Education
 - i. Moved by Ms. Van Sinden and seconded by Mr. Bojorquez-motion passed
 - 1. M.Holler-Aye
D.Van Sinden-Aye
T.Hamory-Abstain
J.C. Bojorquez-Aye
S.Huiling-Aye
D.Morris-Aye
- d. Engagement of Strategic Counsel for Renewal Appeal
 - i. Moved by Ms. Huling and seconded by Mr. Morris – motion passed unanimously.
- e. Engagement of Sovereign Knowledge Corp (Semillas del Pueblo) for Renewal Appeal
 - i. Approval postponed to next regular meeting
- f. Engagement of Communications Consultant
 - i. Moved by Ms. Huling and seconded by Mr. Morris and approved unanimously.

- g. Approval of Hiring of In-House Organizer (personnel addition)
 - i. Moved by Ms. Huling and seconded by Ms. Van Sinden and approved unanimously

VIII. Closed Session

Convened at 6:23

- a. With respect to every item of business to be discussed in closed session pursuant to Section 54956.9: Conference with Legal Counsel-Anticipated Litigation
 - i. Significant Exposure to Litigation
 - 1. 2 cases

Reconvene to open Session-7:21

No action to report.

IX. Board Member Comments

- a. None

X. Future Board Meeting

- a. Regular Board Meeting - April 27, 2015

XI. Adjournment

- a. Moved by Ms. Huling seconded by Mr. Bojorquez, and approved unanimously
Meeting adjourned at 7:25 PM

Draft Minutes of New City Governing Board
Meeting Evidencing Approval of Renewal
Appeal Packet to SBE (4/20/15)

**Draft Minutes of the April 20, 2015 Special Board Meeting of the Board of Directors of
New City Public Schools-A California Nonprofit Public Benefit Corporation.**

A Regular meeting of the Board of Directors of New City Public School, a California nonprofit public benefit corporation (the “NCPS) was held at 4:00 pm on April 20, 2015, at 1637 Long Beach Blvd. Long Beach, California.

I. Call to Order and Roll Call:

The meeting is called to order by the Board President at ____5:05____p.m.

Board Members

- Madeline Holler, Chair, Parent Representative
- Dana Van Sinden, Secretary (joined at 5:10pm)
- Ted Hamory, Treasurer
- Juan Carlos Bojorquez
- Shirley Huling, Parent Representative (joined at 5:10pm)
- David Morris

Staff Members

- John Vargas, Executive Director
- Stephanie Lee, Director of Education Programs

II. Approval of Agenda

Moved by Mr. Bojorquez, Second by Mr. Morris – motion approved unanimously.

III. Approval of Previous Minutes

a. March 23, 2015 Regular Meeting

Moved by Mr. Bojorquez, Second by Mr. Morris – motion approved unanimously, with changes below. Changed Executive Director Report section to read”... provided oral update on progress of renewal appeal process.”

IV. Public comment

- a. For items not listed on the agenda - None
- b. For items listed on the agenda – One speaker
 - a. Doris Gorski – spoke regarding the Improvement Plan. Would like for opportunity to provide continued input on implementation of the plan.

V. Reports

a. Renewal Process Update – Strategic Counsel

Cynthia McClain-Hill provided a written board update as well as oral update on progress of the renewal appeal packet, focusing on the development of the Plan for Future Improvement.

Ted Hamory requested that board receive regular updates (possibly weekly) from Strategic Counsel.

VI. Consent Agenda Items - none

VII. Discussion/Action Items

a. Approval of Renewal Appeal Packet for State Board of Education

The Board Reviewed Key Renewal Appeal documents to be submitted with Renewal Appeal Packet to the state, including – Appeal Packet Cover Letter, Plan for Future Improvement, Update Renewal Budget.

Mr. Morris moved , Ms. Van Sinden seconded – motion approved unanimously, with the following updates: Add section in cover letter to link cover letter and improvement plan.

- b. Revision of 2014-15 Calendar – postponed until next regular meeting
- c. Approval of 2015-16 Calendar – postponed until next regular meeting

VIII. Closed Session

Convened to closed session 7:15pm

- a. **With respect to every item of business to be discussed in closed session pursuant to Section 54956.9: Conference with Legal Counsel – Anticipated Litigation**
 - i. **Significant Exposure to Litigation**
 - 1. 1 case

IX. Reconvene to Open Session - Reconvened to open session at 7:41 pm. No Action to Report.

X. Board Member Comments - None

XI. Future Board Meeting Date and Time
Regular Board Meeting – Monday, 4/27/15

XII. Adjournment

Ms. Huling motioned, Mr. Bojorquez seconded - motion approved unanimously to adjourn meeting at 7:42pm.

DRAFT

Minutes of LBUSD Governing Board Meeting from Initial Public Hearing on New City's Renewal Petition (11/18/14)

MINUTES OF A REGULAR MEETING OF THE BOARD OF EDUCATION
OF THE
LONG BEACH UNIFIED SCHOOL DISTRICT

November 18, 2014

A regular meeting of the Board of Education of the Long Beach Unified School District, County of Los Angeles, California, was held in the Community Room of the Administration Building at 1515 Hughes Way, Long Beach, California, on November 18, 2014.

Present: Members Craighead, Kerr, McGinnis, Meyer, and Williams
Student Member Jessica Dowdy, McBride HS

Absent: None.

Call to
Order

President Craighead called the meeting to order at 3:00 p.m. in Room 464.

Closed
Session

President Craighead announced that the Board would be considering Items 6 and 7 as listed on the Closed Session agenda.

Call to
Order

Having completed the Closed Session, President Craighead called the Open Session meeting to order in the Community Room at 5:00 p.m. with the Pledge of Allegiance, led by Student Member Dowdy.

Report of
Closed
Session

President Craighead reported that the Governing Board had been meeting in Closed Session regarding matters listed on today's Closed Session agenda and wished to announce that the Board voted to approve a Resignation Agreement and General Release with a certificated employee providing for a resignation and general release of all claims.

The vote was unanimous with all five members participating in the vote.

Public
Hearing

President Craighead announced that this was the time set aside for a Public Hearing on the Charter Renewal Petition from New City School.

Charter Renewal
Petition for New
City

President Craighead asked if there was anyone present who wished to speak to this item. The following people spoke on behalf of the charter school:

John Vargas, Executive Director
Marlynne Carrera, Kindergarten teacher
Juan Carlos Bojorquez, Board member

President Craighead thanked them for their comments and the hearing was declared closed.

Call for
Agenda
Items/
Adopt
Agenda

President Craighead asked if Board Members had any items listed on the agenda for separate action.

It was moved by Member Meyer that the agenda be adopted as published.

The motion carried. The vote was unanimous with all five members participating in the vote.

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Approval
of
Minutes

It was moved by Member Williams that the minutes of November 4, 2014 be approved as written.

The motion carried. The vote was unanimous with all five members participating in the vote.

Communi-
cations

Member Meyer recognized Diane Gulley for her 35 years of dedicated service to the district.

Recognition of
Retirees

Hearing of
Public
Testimony

President Craighead asked if there was anyone present who wished to address the Board on matters of school district business listed on the agenda.

The following people spoke regarding the renewal of the charter:

Abraham Rodriguez, student
Miguel Leyva, student
Autumn Barnes, student
Wayne Wright, parent
Allison Hendrick, CA Charter Schools Association
Bill Gilman, parent
Gisele Fong, parent
Victoria Chung, Councilwoman Lena Gonzalez's office
Elizabeth Robitaille, CA Charter Schools Association
Laura Isabel Serna, parent

Valeeta Phar, CSEA, spoke regarding the Initial Reopener Proposals

Staff Report

None.

Hearing of
Public
Testimony

President Craighead asked if there was anyone present who wished to address the Board on matters of school district business not listed on the agenda.

Dr. Daniel Hoover, School of Healing Martial Arts, spoke regarding offering tai chi for physical education.

Personnel

Member Kerr presented the Certificated and Classified Recommendations, prepared by the Deputy Superintendent of Education Services, Human Resource Services, and approved and recommended by the Superintendent.

It was moved by Member Williams that the Certificated and Classified Recommendations of the Deputy Superintendent of Education Services, Human Resource Services, be approved and authorized.

The motion carried. The vote was unanimous with all five members participating in the vote.

Instruction
Report

Member Meyer moved approval of the Instruction Report.

The motion carried. The vote was unanimous with all five members participating in

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the vote.

Finance
Report A

Member Williams moved approval of Finance Report A.

The motion carried. The vote was unanimous with all five members participating in the vote.

Finance
Report B

Member Meyer moved approval of Finance Report B.

Member Kerr recused herself due to an income conflict, as her husband is an employee of a company receiving the award.

The motion carried. The vote was 4-0 and one abstention by Member Kerr.

Business
Report

Member Williams moved approval of the Business Report.

The motion carried. The vote was unanimous with all five members participating in the vote.

Purchasing
& Contract
Report

Member Kerr moved approval of the Purchasing & Contract Report.

The motion carried. The vote was unanimous with all five members participating in the vote.

Superin-
tendent's
Items

None.

Unfinished
Business

None.

New
Business

President Craighead acknowledged the Receipt of the Charter Renewal Petition from New City School. The school has submitted a new version of the renewal petition, which voids the petition previously received on October 7.

Receipt of Charter
Renewal Petition

Common Core
Implementation
Funding Quarterly
Update

Chris Steinhauser, Superintendent of Schools, shared information on the Common Core Implementation Funding Quarterly Update. Since these funds need to be spent by June 30, 2015, any funds that have been allocated for professional development that are not spent will be shifted to the instructional materials.

LBUSD Initial
Bargaining
Reopener to
CSEA

Superintendent Steinhauser shared that this is a requirement to start the negotiations process.

CSEA Initial
Bargaining
Reopener to
LBUSD

President Craighead acknowledged the proposals from CSEA to the District.

Report of
Board

Student Member Dowdy stated that she is proud to be the ASB president. The student body is at 400 now, and they are working hard to have more activities for

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Members

students. The new freshmen were welcomed at a summer bridge program.

Member McGinnis shared that the Principal For a Day had been a great event. He visited Willard and Lee Elementary schools. He thanked the business people who were assigned to those schools. Mr. McGinnis welcomed CSULB's new president as well as Mayor Garcia to the College Promise partnership.

Member Williams also participated in Principal For a Day, and he felt it was one of the best in over 10 years. He was able to visit Webster ES, where the students were thoroughly engaged in Common Core, which was very inspiring. He also toured Washington MS and spent time with the Male Academy class.

Dr. Williams commended Judy Seal as well as Ray Sharp and his staff, for their work on the Seamless Education documentary.

He also met with the Male and Female Academies at Marshall Academy of the Arts, who wanted to get more information on the College Promise Pledge.

Member Kerr echoed the sentiments over Principal For a Day. Over 150 business and community partners participated. She also shared her attendance in the North Long Beach Veterans Parade with Councilman Al Austin.

Ms. Kerr thanked the staff for putting together such great reports for the Board Workshop. The dedication and continuous improvement was very evident, and she was most impressed with the data dashboard that was developed. She wished all staff a wonderful Thanksgiving holiday.

Member Meyer gave kudos to Judy Seal for Principal For a Day and to the staff for the great workshop. Mr. Meyer was honored to accompany John Wallace, retired CEO from Petrolane and Poly grad, at Poly for PFAD. He is a great benefactor to the Boys & Girls Club.

Mr. Meyer noted an article from the November 16 LA Times, regarding the Dorothy Chandler Pavilion. It mentions that Dorothy Buffum Chandler was a graduate of Long Beach High School, which is now Poly HS, so more kudos to them.

Member Meyer reported that the Research Department shared great information on the suspension and attendance rates. The attendance rate has increased significantly, and more impressive, the suspensions are notably down in comparison to last year. Sandy Blazer, principal at Wilson HS, and Michael Navia, principal at Marshall Academy, shared their interventions and techniques being used at their schools. At both sites, positive school climate is very important.

President Craighead attended the Principal For a Day and the State of the Education events. She also thanked the business, nonprofits and community partners for working with the district.

Ms. Craighead also attended Twain's Veteran's Day celebration, and a presentation at Reid HS regarding the "Why'd You Stop Me (WYSM)" program.

Superinten- None.

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dent's
Report

Announce-
ments

Member Meyer thanked Deputy Chief Robert Luna for his participation in Principal for a Day at Poly HS. He also congratulated him on being named new Chief of Police for the City of Long Beach. He is a great advocate for the schools.

Member Williams recognized Candice Browning in the audience. Ms. Browning is a teacher at McBride HS and the daughter of Robert Browning, who recently passed away.

Member Kerr extended an invitation to the Band Spectacular taking place at Cabrillo HS later that evening.

ADJOURNMENT

President Craighead adjourned the meeting at 6:15 p.m. The next regular meeting of the Board of Education will be held on Tuesday, December 2, 2014 in the Administration Building, 1515 Hughes Way, at 5:00 p.m.

Leticia Rodriguez
Assistant Secretary

Minutes of LBUSD Governing Board Meeting Evidencing Final Vote to Deny New City's Renewal Petition (12/9/14)

MINUTES OF A REGULAR MEETING OF THE BOARD OF EDUCATION
OF THE
LONG BEACH UNIFIED SCHOOL DISTRICT

December 9, 2014

A regular meeting of the Board of Education of the Long Beach Unified School District, County of Los Angeles, California, was held in the Community Room of the Administration Building at 1515 Hughes Way, Long Beach, California, on December 9, 2014.

Present: Members Craighead, Kerr, McGinnis, Meyer, and Williams
Student Member Irene Ear, Poly HS

Absent: None.

<u>Call to Order</u>	President Craighead called the meeting to order at 3:00 p.m. in Room 464.
<u>Closed Session</u>	President Craighead announced that the Board would be considering Items 6, 9, 10 and 11 as listed on the Closed Session agenda.
<u>Call to Order</u>	Having completed the Closed Session, President Craighead called the Open Session meeting to order in the Community Room at 5:00 p.m. with the Pledge of Allegiance, led by Student Member Ear.
<u>Report of Closed Session</u>	President Craighead reported that the Governing Board had been meeting in Closed Session regarding matters listed on today's Closed Session agenda and wished to announce that no reportable actions were taken in Closed Session.
<u>Public Hearing</u>	None.
<u>Call for Agenda Items/ Adopt Agenda</u>	President Craighead asked if Board Members had any items listed on the agenda for separate action. It was moved by Member Williams that the agenda be adopted as published. The motion carried. The vote was unanimous with all five members participating in the vote.
<u>Approval of Minutes</u>	It was moved by Member Meyer that the minutes of December 2, 2014 be approved as written. The motion carried. The vote was unanimous with all five members participating in the vote.
<u>Communi- cations</u>	Yumi Takahashi, Chief Business & Financial Officer, introduced Gemma Ptasinski, with Vicenti, Lloyd & Stutzman. Ms. Takahashi preempted the report by saying that it had been a successful and clean audit.
<u>Audit Report or 2013-14</u>	Ms. Ptasinski stated that the external audit for the 2013-14 fiscal year met all the criteria as required by the State Controller's Office. She had met with the district's Audit Committee earlier in the day to share the results.

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The audit report was issued an unqualified opinion, which is the highest an accountant can render. No audit adjustments were necessary and the minimum reserve level has been met.

Financial &
Performance
Audit for Measure
K Program

Ms. Ptasinski stated that they also performed a Financial and Performance Audit for the Measure K Bond Program. An unmodified opinion was rendered as well, and the expenses met the requirements stated in the bond language.

Member McGinnis thanked Ms. Ptasinski for the information.

Ms. Ptasinski thanked Ms. Takahashi and all the staff involved in the audits. They are always very responsive to their requests.

Member Meyer recognized the Audit Committee members.

Hearing of
Public
Testimony

President Craighead asked if there was anyone present who wished to address the Board on matters of school district business listed on the agenda.

The following people spoke in regards to the New City Charter Renewal:

Allison Hendrick, CA Charter Schools Association
John Vargas, Executive Director
Michael Butler, Public Works Inc.
Michelle Lopez, attorney
Neftali Gutierrez, counselor
Gisele Fong, parent
Josiah Broderick, student
Sofia Aguilera, student
Dana Van Sinden, NCS board member
Laura Merryfield, Building Healthy Communities LB
Ted Hamory, founder of NCS

Staff Report

None.

Hearing of
Public
Testimony

President Craighead asked if there was anyone present who wished to address the Board on matters of school district business not listed on the agenda.

There was no reply.

Personnel

Member Kerr presented the Certificated and Classified Recommendations, prepared by the Deputy Superintendent of Education Services, Human Resource Services, and approved and recommended by the Superintendent.

It was moved by Member Meyer that the Certificated and Classified Recommendations of the Deputy Superintendent of Education Services, Human Resource Services, be approved and authorized.

The motion carried. The vote was unanimous with all five members participating in the vote.

Instruction

Member Williams moved approval of the Instruction Report.

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Report

The motion carried. The vote was unanimous with all five members participating in the vote.

Finance Report

Member McGinnis moved approval of the Finance Report.

The motion carried. The vote was unanimous with all five members participating in the vote.

Business Report

Member Meyer moved approval of the Business Report.

The motion carried. The vote was unanimous with all five members participating in the vote.

Purchasing & Contract Report

Member Kerr moved approval of the Purchasing & Contract Report.

The motion carried. The vote was unanimous with all five members participating in the vote.

Superintendent's Items

None.

Unfinished Business

None.

New Business

Member McGinnis moved approval of Resolution 120914-A, Denying the Renewal of the New City Charter School.

Charter Renewal Petition

Chris Steinhauser, Superintendent of Schools, stated that he's had a long standing relationship with New City School, as far back as when he was deputy superintendent. New City School has been struggling for the past 5-7 years. As a school board, the number one factor that needs to be weighed is whether or not New City meets the statutory requirements regarding student achievement.

Mr. Steinhauser noted that the district has the Dual Immersion program at four other schools, serving similar populations. New City has not been able to compare to the achievement levels of those other schools. In addition, the school does not meet any of the four statutes required by the State in order to qualify for a renewal of their charter. He also stated that charter schools, which received public funds, should outperform public schools, which New City has not been able to do.

Board Members McGinnis, Williams, Craighead and Meyer inquired about test scores, Academic Performance Index (API) data and the gap between white students and the subgroups, as well as the California High School Exit Exam (CAHSEE) scores.

Christopher Lund, Research, Planning & Evaluation, and James Suarez, Assistant Director, Equity Access, College/Career Readiness Office, shared specific test results and data that clearly demonstrate that the API scores of the students at

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New City has not increased and has been stagnant for the last several years. The information shared by New City is not aggregated and has some errors. It also is very selective, as it only shows the data for 21 of the 264 students who took this exam.

Member Meyer noted that 70% of the students who enroll at New City do not finish at the school through 8th grade.

Member Kerr inquired if it was legally possible to change the term of the renewal, instead of it being for a full five years? Mr. Suarez replied that the renewal could only be for a term of five years.

The motion carried. The vote was unanimous with all five members participating in the vote.

School
Calendars

Member Williams moved approval of the 2015-2016 and the 2016-2017 School Calendars.

The motion carried. The vote was unanimous with all five members participating in the vote.

Annual
Independent
Audit Report

Member Kerr moved approval of the Annual Independent Audit Report for 2013-2014.

The motion carried. The vote was unanimous with all five members participating in the vote.

Financial and
Performance
Audit Reports for
Measure K Bond
Program

Member Meyer moved approval of the Annual Financial and Performance Audit Reports for Measure K Bond Program for 2013-2014.

The motion carried. The vote was unanimous with all five members participating in the vote.

First Interim
Financial
Report

Member Kerr moved approval of the First Interim Financial Report for 2014-2015.

The motion carried. The vote was unanimous with all five members participating in the vote.

Personnel
Commissioner
Reappointment

Member Williams moved approval of the Reappointment of Personnel Commissioner.

The motion carried. The vote was unanimous with all five members participating in the vote.

Board Meeting
Schedule

Member Williams moved approval of the Board Meeting Schedule.

Superintendent Steinhauser noted that the meeting would be on Thursday, December 18 at 5:00 p.m.

The motion carried. The vote was unanimous with all five members participating in the vote.

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Report of
Board
Members

Student Member Ear stated that she is the ASB president at Poly HS. She shared information on their upcoming events, including a blood drive to benefit Cedars Sinai Hospital, a holiday program for low-income students, and their annual Mr. & Mrs. Jackrabbit pageant.

Member McGinnis attended two great events. The first was the dedication ceremony for the Bobbie Smith Elementary School. He was pleased to see that the Long Beach Library Association presented Mrs. Smith with a plaque honoring her work as a librarian at Long Beach City College.

Mr. McGinnis also attended a very special event at Stevenson Elementary School. The Velo Allegro Cycling Club, in conjunction with the YMCA, selected Stevenson as the first Long Beach school to donate bikes, bike locks and helmets for all 120 3rd grade students.

Member Williams also attended the event at Stevenson, and it was truly a spectacular sight to see the happiness in the children's faces.

Dr. Williams commented that the Bobbie Smith dedication was very special to him, and it was wonderful how the community came together for this occasion.

In addition, Dr. Williams also attended the 5th grader's visit to CSULB and the installation of the 5th grade student council at Webster ES.

Member Meyer enjoyed the Smith dedication ceremony and he thanked Mrs. Smith for her great advice and her leadership.

Member Kerr stated that it was thrilling to have a school named after someone who is still among us. She thanked Terrence Ulaszewski for his continued commitment to the district and agreeing to serve another term as a Personnel Commissioner.

President Craighead agreed that the Bobbie Smith dedication had been very exciting and it was gratifying to hear of all the connections surrounding Bobbie Smith and the school.

Ms. Craighead congratulated Lakewood student, Alexis Quiroz, who hopes to become a navy pilot. She received a 4-year ROTC scholarship worth \$180,000. Very few of these scholarships are given out in the nation, so it is quite an accomplishment.

Superinten-
dent's
Report

None.

Announce-
ments

None.

ADJOURNMENT

President Craighead adjourned the meeting at 6:35 p.m. in honor of Dr. Joseph Simmons, long time educator, who recently passed away.

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The next regular meeting of the Board of Education will be held on
Tuesday, January 6, 2015, in the Administration Building, 1515
Hughes Way, at 5:00 p.m.

Leticia Rodriguez
Assistant Secretary

LBUSD Governing Board's Findings Denying New City's Petition for Renewal



RESOLUTION NO. 120914-A

**DENYING THE REQUEST FOR RENEWAL FOR THE
CHARTER SCHOOL PETITION FOR THE NEW CITY CHARTER
SCHOOL BY THE GOVERNING BOARD OF THE LONG
BEACH UNIFIED SCHOOL DISTRICT**

WHEREAS, pursuant to the Charter Schools Act of 1992, Education Code Section 47600 *et seq.*, the Board of Education (“District Board”) of the Long Beach Unified School District (“District”) is required to review and consider authorization and/or renewal of charter schools; and

WHEREAS, on or about February 1, 2000, the District Board approved the Charter for the New City School Charter School (“NCS” or “Charter School”) and has subsequently, renewed it twice, with the current term ending June 30, 2015; and

WHEREAS, on or about September 30, 2014, NCS delivered to the District a request for renewal of its Charter. Thereafter, on October 28, 2014, the NCS Executive Director, John Vargas, withdrew the Charter and notified the District that the Charter was being withdrawn because he had recently learned that he had failed to include some of the required elements in the request for renewal because such information had not been included in the “guidance” provided to him by Mr. James Suarez, Assistant Director Equity, Access, College/Career Readiness Office; and

WHEREAS, Education Code Section 47607(a)(2) specifies that material revisions and renewals of charters are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, “a reasonably comprehensive description of any new requirements of charter schools enacted into law after the charter was originally granted or last renewed;” and

WHEREAS, California Code of Regulations, Title 5, Section 11966.4 specifies that a petition for renewal of a charter must include “a reasonably comprehensive description of **how the charter school has met** all new charter school requirements enacted into law after the charter was originally granted or last renewed;” (emphasis added) and

WHEREAS, on or about November 10, 2014, NCS delivered to the District office a revised request for renewal (“Request”) of its Charter for a term of July 1, 2015 through June 30, 2020; and

WHEREAS, in accordance with the Charter Schools Act of 1992, the Charter was brought to the District Board meeting of November 18, 2014, at which time it was received by the District Board, thereby commencing the timelines for District Board action thereon; and

WHEREAS, a public hearing on the provisions of the NCS Charter was conducted on November 18, 2014, pursuant to Education Code Section 47605, at which time the District Board considered the level of support for this Charter by teachers employed by the District, other employees of the District, and parents; and

WHEREAS, at that public hearing there were numerous speakers on the topic of the renewal of the NCS Charter. Speakers in favor of the NCS renewal included representatives of NCS, several parents of current NCS students and NCS students. In addition, there were also several supporters in the audience who did not speak. Michelle Lopez, an attorney with Young Minney and Corr, counsel for NCS, was also present at the public hearing; and

WHEREAS, at that public hearing, two representatives of the of the California Charter Schools Association (“CCSA”), which represents nearly 1,200 charter schools in California and advocates on behalf of California charter schools, spoke in opposition of the NCS charter renewal. CCSA urged the District Board to deny the renewal on the basis that NCS falls far below CCSA’s minimum criteria for recommending renewal and performs well below average on numerous other academic performance measures, which CCSA addressed more fully in written correspondence to the District Board and District Superintendent, which was attached to the staff report submitted by the District administration to the District Board regarding NCS’s request for renewal of its Charter. CCSA also issued a press release on December 2, 2014, identifying NCS as one of five charters schools that it has “called for non-renewal a result of academic underperformance”, which press release was also attached to the staff report; and

WHEREAS, on November 12, 2014, Mr. Chris Steinhauser, District Superintendent, met and conferred with Mr. Vargas, the NCS Executive Director, for approximately two hours and during that meeting explained to Mr. Vargas that the District staff intended to recommend denial of the Request because of NCS’s failure to demonstrate that all groups of pupils served by NCS had made sufficient academic progress;

WHEREAS, in reviewing the Charter Petition for the renewal of this Charter School, the District Board has been cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

WHEREAS, in accordance with Education Code Section 47607(b), a charter school must meet at least one of several academic performance criteria set forth in that statute before it may be renewed; and

WHEREAS, in submitting a request for renewal of a charter, the charter school is required pursuant to California Code of Regulations, Title 5, Section 11966.4(a)(1) to submit “[d]ocumentation that the charter school meets at least one of the criteria specified in Education Code Section 47607(b);” and

WHEREAS, NCS did not submit any documentation indicating or establishing that NCS met any of the statutory academic performance criteria specified in Education Code Section 47607(b) which are mandatory for renewal of a charter, and all information available to the District indicates that NCS *did not* meet any of these academic performance criteria, therefore the NCS Charter may not be renewed in accordance with the Charter Schools Act of 1992; and

WHEREAS, on December 5, 2014, Mr. Suarez, spoke to Mr. Vargas and again explained, in accordance with Mr. Steinhauser’s previous discussion with Mr. Vargas, that the District staff would be recommending to the District Board that the renewal be denied and that he would provide a copy of that recommendation, including the proposed resolution of denial to Mr. Vargas that day. Later that day Mr. Suarez electronically sent Mr. Vargas a copy of the draft resolution as a courtesy; and

WHEREAS, *after* the draft resolution was provided to the NCS Executive Director on Friday, December 5, 2014, Ms. Lopez, on behalf of NCS, emailed to the District’s legal counsel a document entitled “The Case for Renewal of the New City School Charter.” This document was sent to the District’s counsel after the District’s close of business at approximately 4:59 p.m., thereby less than two business days before the meeting at which the District Board was scheduled to take action on NCS’s request for renewal. Mr. Vargas also sent a copy of this document directly to the District at 3:00 pm. This document purports to set forth information regarding student achievement to warrant renewal of the Charter but in fact, does not support renewal, as more fully explained below; and

WHEREAS, the proposed Resolution of Denial provided to Mr. Vargas on December 5 included findings regarding NCS's failure to provide the legally required budget documents in accordance with Education Code Section 47605(g). On Monday, December 8, 2014, at approximately 8:30 in the morning, Mr. Vargas submitted for the first time, a 5-year detailed budget, expense and personnel detail budget tabs, and multi-year cash flows, despite the fact that all of these documents were legally required to be submitted with the Charter at the time it was submitted for renewal on November 10, 2014; and

WHEREAS, on Monday December 8, 2014, at approximately 12:59 p.m., NCS and Ms. Lopez both submitted a 57 page document which purports to address the issues raised in the draft resolution, but again as set forth below, does not resolve the findings in support of denial of the renewal as specified in this Resolution nor does the information provided establish that NCS has met any of the minimum mandatory academic performance criteria set forth in Education Code Section 47607(b) as required prior to renewal of a charter. The document entitled: "The Case for Renewal of the New City School Charter", ("CFR") submitted by NCS and Ms. Lopez on December 5, was fully incorporated into this new communication, and that 57 page communication was provided in its entirety to the District Board and is attached to this resolution; and

WHEREAS, in submitting these late and inadequate additional documents in support of the NCS renewal request, both Mr. Vargas and Ms. Lopez have attempted to blame NCS's failure to submit the required documentation and components of the charter renewal request on the District. For inexplicable reasons both Mr. Vargas and Ms. Lopez have attempted to argue that the reason that NCS did not comply with the mandatory requirements of the Charter Schools Act and the charter renewal regulations was because Mr. Vargas was relying solely on "guidance" provided to him by the District regarding what was required in submitting a charter renewal request.

As an initial matter, any such reliance by Mr. Vargas would be fundamentally misplaced because the Charter Schools Act of 1992 and California Code of Regulations, Title 5, Section 11966.4 set forth the legal requirements for charter renewal, and it is the responsibility of the charter school and its operators, including but not limited to, its Executive Director and legal counsel, to be aware of and comply with those requirements and numerous court decisions have held that ignorance of the law is not an excuse for noncompliance. *Ainsworth v. State Bar* (1988) 46 Cal.3d 1218, 1234. The fact that Mr. Vargas and Ms. Lopez are attempting to excuse NCS's failure to comply with the law on the apparent basis that NCS was unfamiliar with the legal requirements also argues against renewal of the NCS Charter because NCS has numerous legal responsibilities running a public charter school, some of which are set forth in the Charter Schools Act of 1992, and cannot absolve itself of responsibility for legal compliance on the basis that NCS is unaware of the requirements or expects the District to explain NCS's legal responsibilities to it. Additionally, Mr. Vargas' purported reliance on the "guidance" from the District is absurd on its face. The guidance to which Mr. Vargas and Ms. Lopez refer was provided to Mr. Vargas by Mr. Suarez as an attachment to an email dated August 30, 2014, from Mr. Suarez that read as follows:

"Hi John:

We have guidance that we provide, but it is more geared to first time petitioners. I have included it as attached. This probably does not serve your needs, but perhaps there is some insight...
Take care."

Thus, Mr. Suarez clearly and specifically informed Mr. Vargas that this guidance likely did not serve NCS's needs on renewal but might provide "some insight". For Mr. Vargas allegedly to

have relied exclusively on this document is unconvincing under the circumstances, including, but not limited to, the facts that Mr. Suarez specially warned him that the guidance was not particularly applicable to the NCS renewal, NCS has an independent obligation to understand and comply with the law, and NCS is represented by legal counsel with expertise on charter school matters, including the legal requirements for renewal requests; and

WHEREAS, as noted above, after Mr. Vargas initially submitted the NCS renewal petition, he specifically withdrew the original submittal on the basis that it had come to his attention that the submittal was incomplete and did not comply with all legal requirements, specifically noting that at least one legal requirement was not included in the guidance previously provided by Mr. Suarez which certainly put Mr. Vargas on notice that this guidance was not complete and did not specify each and every legal requirement applicable to charter renewals; and

WHEREAS, as required by Education Code Section 47607(a)(3)(A), the District Board has considered increases in pupil academic achievement for *all* groups of pupils served by NCS as *the most important factor* in determining whether to grant NCS's renewal request; and

WHEREAS, in considering increases in pupil academic achievement for all groups of pupils served by NCS as the most important factor in determining whether to grant NCS's renewal request, the District staff and District Board note that the Charter does not include any specific information or data regarding NCS's past academic achievement, either school-wide or for NCS's pupil subgroups, nor does the Charter Petition substantively address NCS's past academic performance and/or academic achievement and gains by NCS students. Despite NCS not providing any such information, the District itself sought out and located information and data on NCS's past academic performance. The District staff and District Board have specifically reviewed, analyzed, and considered the information about NCS's academic achievement (including information on increases and decreases schoolwide and for all numerically significant subgroups) in the letter from CCSA and the information posted on the California Department of Education ("CDE") website, specifically, the information set forth in the applicable Academic Performance Index ("API") Report 3-Year Average API School Report and the Accountability Progress Reporting ("APR") regarding API Growth and Targets Met for the available years for the current term of NCS's Charter (reports for 2010-2011, 2011-2012, and 2012-2013). Copies of data obtained from the CDE website were attached to the staff report submitted by the District administration to the District Board regarding NCS's request for renewal of its Charter; and

WHEREAS, on March 13, 2014, the State Board of Education ("SBE") approved not calculating the 2014 Growth and Base Academic Performance Indexes ("API") and 2015 Growth API due to the transition to the Smarter Balanced assessment. On May 13, 2014, the California Department of Education issued guidance to California charter school authorizers regarding the impact of API suspension on charter renewal determinations, including alternatives to API calculations for 2014 and 2015 that the District could use in considering whether a charter school has met the academic performance standards and requirements to support renewal of its charter (a copy of that guidance letter was attached to the staff report submitted by the District administration to the District Board regarding NCS's request for renewal of its Charter). These alternatives specifically include use of the most recent API calculation. The District staff and District Board have been cognizant of and followed that guidance in considering the NCS renewal request; and

WHEREAS, in accordance with California Code of Regulations, Title 5, Section 11966.4(b)(1), in considering NCS's renewal Charter, the District Board considered the past performance of NCS's academics, finances, and operation and future plans for improvement in evaluating the likelihood of future success; and

WHEREAS, the District staff, working with District legal counsel, has reviewed and analyzed all information received with respect to the request for Charter renewal and information related to the operation and potential effects of a renewed NCS, and made a recommendation to the District Board that the Charter renewal be denied based on that review, specifically including consideration of increases in pupil academic achievement for all groups of pupils served by NCS as the most important factor in determining whether to recommend that the District Board grant NCS's renewal request; and

WHEREAS, the District Board has fully considered the Charter submitted for the renewal of NCS, specifically including increases in pupil academic achievement for all groups of pupils served by NCS as the most important factor in determining whether to grant NCS's renewal request and the recommendation provided by District staff;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Education of the Long Beach Unified School District finds the above-listed recitals to be true and correct and incorporates them herein by this reference.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Education of the Long Beach Unified School District, having fully considered and evaluated the Charter Petition for the renewal of NCS, hereby finds that renewing the NCS Charter is not consistent with sound educational practice, based upon numerous grounds and factual findings including, but not limited to, the following, and hereby denies the Charter Petition pursuant to Education Code Section 47605:

- A. The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code Section 47605(b)(1)]
- B. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter Petition. [Education Code Section 47605(b)(2)]
- C. The Charter Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(b)(5)]

BE IT FURTHER RESOLVED AND ORDERED that the Board of Education of the Long Beach Unified School District hereby determines the foregoing findings are supported by the following specific facts:

- I. **THE CHARTER SCHOOL PRESENTS AN UNSOUND EDUCATIONAL PROGRAM FOR THE PUPILS TO BE ENROLLED IN THE CHARTER SCHOOL.** [Education Code Section 47605(b)(1)]
 - A. The Charter Schools Act of 1992 specifies that in order for a charter school that has been in operation for at least four years, including NCS, to be renewed, it must meet at least one of the following criteria of academic achievement:
 - (1) 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.
 - (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.
- (4)(A) 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, 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. [There are specific required bases for making this finding, including documented and convincing data, pupil achievement from standardized assessments, and submission of evidence to and receipt of a recommendation from the State Superintendent of Public Instruction.] (Ed. Code § 47607(b).)

In submitting a request for renewal of a charter, the charter school is required pursuant to California Code of Regulations, Title 5, Section 11966.4(a)(1) to submit “[d]ocumentation that the charter school meets at least one of the criteria specified in Education Code section 47607(b).” At the time that NCS submitted its renewal request, NCS provided no documentation establishing that it meets any of these minimum statutory criteria for renewal, nor did NCS make any effort to attempt to address this requirement for renewal.

Furthermore, the District’s own review of the academic performance data and documentation that it located regarding NCS establishes that NCS did not meet any of the required criteria. Based on the most recent API calculation, NCS has not attained its API growth target in the prior year or two of the last three years, either schoolwide or for any groups of pupils. Based on the most recent API calculation, NCS is not ranked in deciles 4-10 on the API or on the API for demographically comparable schools in the prior year or two of the last three years. Finally, the District Board has determined that NCS’s academic performance is **not** “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”, nor did NCS provide any information or documentation to support such a finding, nor did the District locate any information to establish that NCS met these criteria using any of the alternatives authorized due to the SBE suspension of the API for 2014 and 2015, and NCS did not provide any documentation to establish that it did so comply using an authorized alternative measure.

For the first time, on December 8, 2014, the day before the Board’s decision on this matter, NCS attempted to establish its compliance with criterion 4, as discussed above. However, the information that NCS submitted at that late date still does not cause the District Board to find “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”.

As an initial matter, this late submittal is both inexcusable and legally inadequate. Both Ms. Lopez and Mr. Vargas claimed on December 8 that the District has a “legal obligation” to consider this information. The District does not agree. At the time of submitting its renewal request, NCS was required to submit documentation establishing that it met at least one of these statutory academic performance criteria. NCS chose to submit no such documentation at that time. Neither the Charter Schools Act nor the renewal regulations entitle NCS to revise the request or submit brand new documentation endlessly, including submitting a 57 page document on the day before the District Board’s decision. Rather, if NCS had submitted this information with its renewal charter petition, the District would, indeed, have been legally obligated to consider it, but not at the point that NCS submitted it, only after receiving the proposed Resolution of Denial.

Nevertheless, the District did fully consider the information provided by NCS on December 5 and 8, 2014. Unfortunately, the information provided does not establish that NCS met this criterion. The alternative criterion on which NCS is attempting to rely reads as follows (emphasis added):

- (4)(A) **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, **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.
- (B) The determination made pursuant to this paragraph shall be based upon all of the following:
 - (i) **Documented and clear and convincing data.**
 - (ii) **Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program** established by Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 for demographically similar pupil populations in the comparison schools.
 - (iii) **Information submitted by the charter school.**
- (C) A chartering authority shall submit to the Superintendent copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.

- (D) A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.

Thus, in order to meet this criterion, NCS was required to submit documented and **clear and convincing data**, including pupil achievement data establishing to the District's satisfaction that NCS's academic performance was at least equal to both the achievement at the schools the NCS students would otherwise have attended **and** District schools, taking into account the composition of NCS's pupil population that is served. Furthermore, the seriousness of this standard is made clear by the fact that if the District were to make this finding, before the NCS Charter could be renewed, the District would have to submit a written explanation of the basis for its finding to the State Superintendent of Public Instruction for review and recommendation. This is not a matter of the charter school simply stating that it met the requirement and the District blindly accepting such a representation.

Specifically, the District finds that the information submitted on December 5 and December 8th is neither clear, nor convincing, nor does it establish that NCS's academic achievement was at least equal to the schools the NCS students would otherwise have attended or District schools, taking account of the composition of NCS's pupil group. First, NCS did not even identify what schools the NCS students would otherwise attend, so it is impossible for the information provided to establish that NCS's performance was at least equal to the performance at these unknown schools.

What NCS submitted, at this late day, in an effort to establish its compliance with Education Code Section 47607(b)(4), were primarily references and excerpts from some type of a study commissioned by the NCS. Notably, NCS did not submit the full study. The excerpts provide extremely limited information about two of the ten grade levels served by NCS, based on CST scores (although NCS criticizes the District for relying on API scores, which are specifically identified as the basis for most of the statutory criterion and are also based on the same CST scores on which NCS is relying). The document submitted explains the means by which this study, and thereby NCS, is attempting to use a cohort analysis to compare NCS to the District as follows:

In order to determine whether NCS students performed significantly better or worse than [they] would be expected to had they attended regular LBUSD schools, Public Works matched the NCS cohorts to groups of similar students from other elementary and middle schools that NCS students would have otherwise attended and compared the two groups. To prepare for matching, first, all students who lacked CST scores in either ELA or Mathematics were removed from the database. Students were also matched to take into account student demographics. Then, cohorts of students were defined as students who had remained in either NCS or a comparison school for at least three consecutive years, beginning in 2010-11. Thus, the 7th grade cohort was composed of students who were in 7th grade in 2012-13, 6th grade in 2011-12, and 5th grade in 2010-11.

This explanation initially shows a fundamental misunderstanding of the applicable criterion. NCS is required to establish that NCS's academic

performance is at least equal to **both** the other schools that NCS students would have attended **and** the District's schools overall (taking account of the NCS's pupil composition). By its terms, this study only compared some NCS students to a subset of District schools that some NCS students would otherwise have attended, which is inadequate. Furthermore, this explanation of the study, how it was conducted, who was included, and how the comparisons were made is completely unclear. For example, there is no explanation of how the NCS students were actually "matched," other than necessarily excluding students for whom there were no CST scores. There is no explanation of what made the NCS students "similar" to the District students or specifically, which demographics were matched. There is no explanation of the number of students included in the cohorts from either NCS or District schools to even establish whether the study was based on a statistically significant sample, nor is there an explanation of which District schools were compared and why those particular schools were chosen or how many such schools were chosen, nor why other schools and students were excluded. Finally, the information provided, even if it were clear and convincing, which it patently is not, compares only an unknown subset of NCS students who were in fifth and seventh grades in 2012-13. This small minority of NCS's overall student population is not adequate to convince the District Board that NCS met the alternative academic performance criterion set forth in Education Code Section 47607(b)(4). Thus, the District Board specifically is not determining that NCS'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 school in the" District.

On December 5th and December 8th, NCS further attempted to submit as an alternative measure of the academic progress of its students, the results from its annual Development Reading Assessment (DRA) from Pearson. As an initial matter, this information is incomplete as it is provided only for grade levels 6th, 7th and 8th grades, which represent only three of ten grade levels served by NCS. Moreover, while the DRA is a good **formative** assessment, the primary use is to determine a student's instructional reading level, guided reading level, and identify appropriate supports and intervention. It is an informal assessment used to guide teachers in **planning instruction** and provides data **only** on reading skills (decoding, phrasing, and fluency), retelling and comprehension, and reading preferences. This assessment does not reflect the integrated literacy skills, including writing. For NCS to assert that middle school students are "at grade level or above" based on the DRA is akin to stating District middle school students are at grade level based solely on benchmark book assessments. Furthermore, this assessment is not comparable to the previous CST measurements nor the future SBAC system.

Because NCS did not meet any of the minimum statutory academic performance criteria for renewal required by Education Code Section 47607(b), the District is precluded from granting the renewal of NCS's Charter.

- B. The Charter Schools Act of 1992 specifically requires that the District consider increases in pupil academic achievement for *all* groups of pupils served by NCS as "the most important factor" in deciding whether to grant the requested renewal of NCS's Charter. As established by the lack of academic achievement information provided by NCS with its Charter renewal request and from the information obtained by the District from the CDE website and CCSA, NCS has not had substantial academic growth either schoolwide or for all groups served

by NCS, and the academic achievement of English Learners has actually been negative rather than positive during the current Charter term. The minimal increases in academic achievement by NCS students during the current Charter term, taken as a whole and considered as the most important factor in determining whether this Charter should be renewed, simply do not support renewal of the Charter. Without repeating here all of the information concerning NCS's pupil academic achievement in the current term considered by the District Board and contained in the CDE reports and information provided by CCSA, the District Board notes the following pertinent facts drawn from that information:

1. NCS met its API Growth Targets either schoolwide or for its numerically significant subgroups only in 2011-2012.
2. The most recent API, for 2012-2013, specifies that not only did NCS not meet its API Growth Targets either schoolwide or for any subgroups, NCS's growth schoolwide and for all numerically significant pupil subgroups except Socioeconomically Disadvantaged was actually negative, as follows:

Groups	2011 Growth
Schoolwide	-5
Hispanic or Latino	-5
Socioeconomically Disadvantaged	3
English Learners	-26

3. The APR for 2010-2011 specifies that not only did NCS not meet its API Growth Targets either schoolwide or for any subgroups, NCS's growth schoolwide and for all numerically significant pupil subgroups was actually negative, as follows:

Groups	2011 Growth
Schoolwide	-24
Hispanic or Latino	-17
Socioeconomically Disadvantaged	-4
English Learners	-27

4. NCS's 2013 Statewide Rank was a 1 out of 10 and its 2013 Similar Schools Rank was also a 1 out of 10, the lowest possible ranking in both categories.
5. While according to the 3 Year Average report NCS has overall had some modest growth during this period (based on a single year of growth and two years of achievement losses) when compared to the 2009-2010 base

year preceding the current Charter term, the growth is clearly limited schoolwide, and has actually been negative overall for English Learners (a primary student target population for NCS) during this term, as follows:

Groups	2010 Base	2013 Growth	Overall Change
Schoolwide	645	659	14
Hispanic or Latino	600	624	24
Socioeconomically Disadvantaged	594	642	48
English Learners	584	563	-21

6. The 2013 NCS API Achievement Gap between White students and the historically disadvantaged student groups of Hispanic or Latino, Black or African-American, and Socioeconomically Disadvantaged students is very large, and is significantly larger than the California average API Achievement Gap for the same subgroups, as follows:

Groups	NCS 2013 API Achievement Gap Compared to White Subgroup	California 2013 Average API Achievement Gap Compared to White Subgroup
Hispanic or Latino	202 (826 – 624 = 202)	109
Black or African-American	166 (826 – 660 = 166)	145
Socioeconomically Disadvantaged	184 (826 – 642 = 184)	110

7. NCS has persistently been less successful than other public schools serving similar demographics of students statewide, as evidenced by its Similar Schools Ranking of 1. NCS is also performing at a level far below the other elementary and middle schools in the District, with an average API of 156 points less than the District average for all schools grades Kindergarten through 8th, with by far the lowest scores compared to the other schools in Long Beach serving K-8 students. NCS's proficiency rates in English language arts and mathematics are approximately half the District average.
8. While NCS is a dual-immersion program with 41% English Learner students, the English Learner students have actually had an overall negative achievement growth during the current Charter term from the 2010 base year.

The District Board also notes that NCS has previously been notified and is well aware of the fact that its academic performance has been

unacceptable and has not met the requirements of the Charter or the state and federal accountability systems. In fact, NCS met the regulatory criteria established for the State Superintendent of Public Instruction to include it on the list of charter schools potentially to be revoked by the SBE in all three years that these criteria were implemented. (See prior Ed. Code § 47604.5 and Cal. Code Regs., Title 5 § 11968.5.) Moreover, the District Board previously issued NCS a notice of violations specifying that NCS had committed a material violation of the conditions and standards set forth in the NCS Charter and had failed to meet or pursue some of the pupil outcomes identified in the NCS Charter due to the academic underperformance by NCS. Since that time the District has worked with NCS in efforts to assist NCS in remedying its academic deficiencies and improving its academic performance. Unfortunately, NCS has still not established adequate increases in pupil academic achievement for all NCS pupil groups.

Based on all of the measures discussed herein, NCS has not shown academic success or sufficient and appropriate increases in academic achievement either schoolwide or for its numerically significant pupil subgroups. Its achievement is far below other charter and noncharter public schools statewide, as well as the schools of the District. The District Board recognizes that a large number of parents/guardians of current NCS students have indicated their ongoing support for NCS and desire that it be renewed, however, the District Board is required to consider increases in academic achievement as the most important factor in determining whether to renew NCS's Charter, and NCS has not achieved adequate increases in pupil academic achievement. As such, considering increases in pupil academic achievement for all NCS pupil groups as the most important factor in determining whether to renew the Charter mandates against renewal of the NCS Charter.

9. The information provided on December 5th and December 8th by NCS does not establish that there were sufficient and appropriate increases in academic achievement either schoolwide or for its numerically significant pupil subgroups as required by the Education Code. Indeed, the recently provided information addresses only 2 of 10 grade levels served by NCS but in order to grant the Request for renewal the District is required to consider increases in academic achievement schoolwide and for all numerically significant pupil subgroups, not just a subset. Moreover, the information provided by NCS does not overcome the data that the District located and/ or was provide by CDE and CCSA.
10. The District also finds that many of the assertions contained in the "Case for Renewal" not only fail to alleviate the District's concerns regarding the lack of academic achievement by NCS students, but indeed raise additional concerns regarding NCS's apparent lack of recognition regarding the rigor of transitioning to CCSS. More specifically, the document asserts on page 3 that "many of the skills and goals of CCSS require an approach to teaching and learning that the NCS has had since its inception". The document further asserts on page 4 that the "strong similarity" between the NCS mission and the CCSS goals has meant that the transition has been less of an "overhaul" and more of a "refinement". This is a patently naive assumption, given the historical achievement data of NCS students and the national recognition that the CCSS are more

rigorous, integrated, and comprehensive. Educational institutions across the nation, many performing at high levels, have acknowledged the 'seismic shift' in instructional practice, curriculum, and professional development required to adequately address the implementation of the new standards and assessment system.

The District is gravely concerned that NCS, which serves a significant population of at-risk students with historically poor performance on summative state assessments, asserts that the curriculum and strategies to support these students as they engage with more rigorous content and assessments have mostly been deployed and only required refinement. This statement further supports denial of the renewal of the Charter.

II. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter Petition. [Education Code Section 47605(b)(2)]

1. The above-described concerns regarding the unsoundness of the educational program, specifically the failure during the current term to meet any of the minimum mandatory criteria for renewal as required by Education Code Section 47607(b), including a complete failure to submit any documentation or even narrative description of an argument that NCS complied with this statutory prerequisite and requirement to renewal, and the overall lack of adequate increases in pupil academic achievement for all groups of pupils served by NCS demonstrate that the proposed Charter program will be academically unsuccessful. The lack to date of adequate increases in pupil academic achievement for all groups served by NCS further establishes that the program set forth in the Charter Petition will not be successfully implemented.
2. The Charter Schools Act of 1992 requires NCS to submit financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation (or in the case of NCS, of renewal). NCS's failure to include several of these required documents with the renewal request is inexplicable and causes the NCS renewal Charter to be fundamentally flawed, as it is both a statutorily required component of a request for renewal and fundamental to any assessment of the ongoing viability of the school. More specifically, the budgetary documents submitted with the Request did not include a narrative or list of assumptions/rates. The petitioners also failed to include a Multi-Year Cash flow. It was only on December 8th, the day before the Board's decision on this matter, that these documents were submitted to the District. While the NCS Executive Director indicates that he was following the guidance provided by the District, this response is disingenuous as the email from Mr. Suarez to Mr. Vargas by which Mr. Suarez provided this guidance on August 30, 2014 specifies:

"Hi John:

We have guidance that we provide, but it is more geared to first time petitioners. I have included it as attached. This probably does not serve your needs, but perhaps there is some insight...

Take care." [see comments above]

3. As part of its oversight responsibilities, the District reviewed the Profit And Loss Statement of the prior year Unaudited Actuals, as the District currently has not received NCS' 2013-2014 Audit report. Notably, this document fails to mention the status of the various loans incurred by NCS. More specifically, the District is aware that NCS and/or its parent organization have the following indebtedness:

Loans Payable

<u>Lender</u>	<u>Short Term (ST) Loans</u>	<u>Long Term (LT) Loans</u>
Barry Hamory, Sr.	21,390	
Will J. Reid Foundation	8,654	
Raza Development Fund Steven and Elizabeth Westbrook	431,702	
Charter School Growth Fund	345,833	110,000
	<u>807,579</u>	<u>110,000</u>
Green Low Investment Fund (LIIF)	4,659,656	225,026
	<u>4,659,656</u>	<u>225,026</u>
	<u>5,467,235</u>	<u>335,026</u>

It is of note that NCS's failure to keep current with the payments on the LIIF loan led to the issuance of the Notice of Violations. A Profit and Loss Statement was submitted by NCS on December 8, 2014, which failed to acknowledge potential interest payables, which is a significant omission. Curiously, NCS, in the same December 8 submission, provided a "Letter of Interest" for refinance. This letter, which notably has not been executed by either the lender or NCS, does not alleviate New City of its nearly \$5.5 million debt. In addition, there are three contingencies that must be met prior to funding, which are not currently met. The fact that the current LIIF amended forbearance agreement, dated June 29, 2013, states that the \$4.6 million loan must be paid in full on June 30, 2015 or, if satisfying some other contingencies, August 15, 2015, is of great concern to the District.

III. The Charter Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(b)(5)]

A. EDUCATIONAL PROGRAM

1. DESCRIPTION OF THE EDUCATIONAL PROGRAM [Ed. Code §47605(b)(5)(A)(i)]

All of the above-described concerns regarding the unsoundness of the educational program are hereby incorporated herein by this reference.

BE IT FURTHER RESOLVED AND ORDERED that the District Board has specifically considered the increases in pupil academic achievement for all groups of pupils served by NCS as the most important factor in determining whether to grant NCS's renewal request, and has

determined that the minimal increases schoolwide and for some pupil subgroups and the overall decreases in academic achievement by NCS's English Learner student subgroup, require that NCS's request for renewal be denied.

BE IT FURTHER RESOLVED AND ORDERED that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings is invalid, the remaining findings and/or factual determinations and the denial of the Charter shall remain in full force and effect. In this regard, the District Board specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

The foregoing resolution was considered, passed, and adopted by this District Board at its regular meeting of December 9, 2014.

AYES:

NOES:

ABSTAIN:

BOARD OF EDUCATION OF THE
LONG BEACH UNIFIED SCHOOL DISTRICT
OF LOS ANGELES COUNTY, CALIFORNIA

By: _____
President

By: _____
Vice-President

By: _____
Member

By: _____
Member

By: _____
Member

New City's Charter Petition and Supporting Materials Submitted to LACOE for Renewal

Los Angeles County Office of Education
Charter School Office

Notice of Submission: Appeal of a Denied Charter Petition

To Establish a Charter

To Renew a Charter

Submit form with petition documents

Please print or type

Name of Charter School: The New City School

Contact Information:

Name of lead petitioner(s)/relationship to charter school: John Vargas, Executive Director

Name of lead contact (if not petitioner): _____

Address: Street 1637 Long Beach Blvd.

City Long Beach

State/Zip code CA 90810

Telephone number(s): Office 562-599-6404

Mobile _____

FAX number: 562-218-5620

Email: john@newcityps.org

School Information:

Proposed enrollment: First year: 430 Fully implemented: 430

Proposed grade levels: First year: TK-8 Fully implemented: TK-8

Proposed opening date: 09/02/2015

Proposed or actual school location/address: Street 1637 Long Beach Blvd.

If more than one site, provide main site here & attach a list of additional site addresses. City Long Beach

State/Zip code CA 90810

Notice of Appeal:

Signature of lead petitioner(s): 

Date: 12/19/14

Los Angeles County Office of Education
Charter School Office

Required Documents: Appeal of a Denied Charter Petition

- To Establish a Charter To Renew a Charter

Submission Package: Submit one (1) set of the following required documents to the Los Angeles County Office of Education (LACOE) Charter School Office.

Check items submitted and submit this form with petition documents

- 1. Completed and signed *Notice of Submission: Appeal of a Denied Charter Petition* Form
- 2. Completed and signed *Required Documents: Appeal of a Denied Charter Petition* Form
- Table of Contents for Sections I – VII**

Section I

- I.1 Evidence of the school board's action of denial (letter and/or board minutes) *(same as I.1)*
- I.2 School board's written Findings of Fact specific to the denied petition
- I.3 Petitioner's response to Findings of Fact (optional)
- I.4 Evidence the school's governing body approved submission of the petition to the County Board

Section II

- A separate narrative containing a description of changes to the petition necessary to reflect the County Board as the authorizer (e.g., special education, dispute resolution, closure procedures, fiscal reporting). Indicate page numbers and elements of changes. *Do not submit as redline or "track-change" petition.*

Section III

- III.1 Complete copy of charter petition as denied by local school board (verified by the district)
- III.2 All supporting documents to the petition submitted to the district
- N/A* III.3 Signature page of interested parents or teachers with complete contact information (not applicable if a renewal petition)

Section IV

- IV.1 Proposed start-up and three-year budgets (including assumptions) as denied by local school board
- IV.2 A copy of the two (2) most recent Independent Financial Audits of 501(c)(3) (if applicable & not included in petition)
- N/A* IV.3 A copy of the Public Charter Schools Grant Program Application and budget (if applicable)

Section V

- V.1 Resumes for the petitioner(s) and members of the Board of Directors (if not included in petition)

Section VI

- VI.1 Bylaws of 501(c)(3) (if school operated as/by a nonprofit and not included in petition)
- VI.2 Articles of Incorporation of 501(c)(3) (if school operated as/by nonprofit and not included in petition)

Section VII

- VII.1 Lease/Rental Agreement(s) or Similar Documents (if not included in petition)
- VII.2 Certificate(s) of Occupancy (if not included in petition)

John [Signature] 12/19/14

CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAW

California Code of Regulations, Title 5, Section 11967(b)(3)

A charter petition that has been previously denied by the governing board of a school district may be submitted to the county board of education or the State Board of Education. (Education Code Section 47605(j)(1).) As per Education Code Section 47605(j)(5), the State Board of Education has adopted regulations implementing the provisions of Section 47605(j)(1). See Title 5, California Code of Regulations Section 11967. (5 CCR Section 11967.)

5 CCR Section 11967 requires that a charter school petition that has been previously denied by a school district must be received by the county board of education not later than 180 calendar days after the denial. (5 CCR Section 11967(a).) In addition, 5 CCR Section 11967(b)(3) requires the charter petitioner to provide a “signed certification stating that petitioner(s) will comply with all applicable law” when submitting the denied petition to the county board of education.

The following certification is submitted in compliance with 5 CCR Section 11967(b)(3).

Certification

By signing below, I certify as follows:

1. That I am the authorized representative, and that I am competent and qualified to certify to the facts herein;
2. That, as the authorized representative, I have personal knowledge of the facts forming the basis of this certification;
3. That I make this certification for purposes of 5 CCR Section 11967(b)(3) only; and
4. That the charter petitioner(s) and the charter petition are in compliance with applicable law.

Name: John Vargas
Executive Director
New City Public Schools

Signature:



Date:

12/19/2014

School Name: The New City School

**The New City School (NCS)
Charter Renewal - LACOE Appeal Submission**

TABLE OF CONTENTS

SECTION I

- I.1 Evidence of the school board's action of denial (see I.2)
- I.2 Official Final LBUSD Resolution 120914-A (includes findings of fact and LBUSD denial)
- I.3 NCS response to Final LBUSD Resolution 120914-A and supporting documentation
- I.4 Signed Certification by NCS showing that the NCS Board has approved submission of Petition to the County Board
 - Meeting minutes from Dec. 16 NCS Board Meeting approving submission of petition to County Board

SECTION II

- Narrative of changes to NCS Petition to reflect County Board as authorizer as authorizer

SECTION III

- III.1 Complete copy of NCS renewal petition as denied by LBUSD
- III.2 All supporting document to NCS Petition submitted to LBUSD

SECTION IV

- IV.1 NCS Renewal 5-year budget and Cash Flows
- IV.2-1 NCS 2013-14 Fiscal Audit
- IV.2-2 NCS 2012-13 Fiscal Audit

SECTION V

- Resumes for Lead Petitions/Administration and members of NCPS Board of Directors
 - John Vargas, Executive Director
 - Stephanie Lee, Founder/Director of Education Programs
 - Juan Carlos Bojorquez, Board Member
 - Madeline Holler, Board Member (President)
 - David Morris, Board Member
 - Shirley Huling, Board Member (Parent Rep)
 - Dana Van Sinden, Board Member (Secretary)

SECTION VI

- VI.1 NCPS Bylaws
- VI.2 NCPS Articles of Incorporation

SECTION VII

- VII.1 NCS Lease agreement for 1637 Long Beach Blvd.
- VII.2 NCS Certificate of Occupancy for 1637 Long Beach Blvd.

I.1/I.2



RESOLUTION NO. 120914-A

**DENYING THE REQUEST FOR RENEWAL FOR THE
CHARTER SCHOOL PETITION FOR THE NEW CITY CHARTER
SCHOOL BY THE GOVERNING BOARD OF THE LONG
BEACH UNIFIED SCHOOL DISTRICT**

WHEREAS, pursuant to the Charter Schools Act of 1992, Education Code Section 47600 *et seq.*, the Board of Education ("District Board") of the Long Beach Unified School District ("District") is required to review and consider authorization and/or renewal of charter schools; and

WHEREAS, on or about February 1, 2000, the District Board approved the Charter for the New City School Charter School ("NCS" or "Charter School") and has subsequently, renewed it twice, with the current term ending June 30, 2015; and

WHEREAS, on or about September 30, 2014, NCS delivered to the District a request for renewal of its Charter. Thereafter, on October 28, 2014, the NCS Executive Director, John Vargas, withdrew the Charter and notified the District that the Charter was being withdrawn because he had recently learned that he had failed to include some of the required elements in the request for renewal because such information had not been included in the "guidance" provided to him by Mr. James Suarez, Assistant Director Equity, Access, College/Career Readiness Office; and

WHEREAS, Education Code Section 47607(a)(2) specifies that material revisions and renewals of charters are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, "a reasonably comprehensive description of any new requirements of charter schools enacted into law after the charter was originally granted or last renewed;" and

WHEREAS, California Code of Regulations, Title 5, Section 11966.4 specifies that a petition for renewal of a charter must include "a reasonably comprehensive description of **how the charter school has met** all new charter school requirements enacted into law after the charter was originally granted or last renewed;" (emphasis added) and

WHEREAS, on or about November 10, 2014, NCS delivered to the District office a revised request for renewal ("Request") of its Charter for a term of July 1, 2015 through June 30, 2020; and

WHEREAS, in accordance with the Charter Schools Act of 1992, the Charter was brought to the District Board meeting of November 18, 2014, at which time it was received by the District Board, thereby commencing the timelines for District Board action thereon; and

WHEREAS, a public hearing on the provisions of the NCS Charter was conducted on November 18, 2014, pursuant to Education Code Section 47605, at which time the District Board considered the level of support for this Charter by teachers employed by the District, other employees of the District, and parents; and

WHEREAS, at that public hearing there were numerous speakers on the topic of the renewal of the NCS Charter. Speakers in favor of the NCS renewal included representatives of NCS, several parents of current NCS students and NCS students. In addition, there were also several supporters in the audience who did not speak. Michelle Lopez, an attorney with Young Minney and Corr, counsel for NCS, was also present at the public hearing; and

WHEREAS, at that public hearing, two representatives of the of the California Charter Schools Association (“CCSA”), which represents nearly 1,200 charter schools in California and advocates on behalf of California charter schools, spoke in opposition of the NCS charter renewal. CCSA urged the District Board to deny the renewal on the basis that NCS falls far below CCSA’s minimum criteria for recommending renewal and performs well below average on numerous other academic performance measures, which CCSA addressed more fully in written correspondence to the District Board and District Superintendent, which was attached to the staff report submitted by the District administration to the District Board regarding NCS’s request for renewal of its Charter. CCSA also issued a press release on December 2, 2014, identifying NCS as one of five charters schools that it has “called for non-renewal a result of academic underperformance”, which press release was also attached to the staff report; and

WHEREAS, on November 12, 2014, Mr. Chris Steinhauser, District Superintendent, met and conferred with Mr. Vargas, the NCS Executive Director, for approximately two hours and during that meeting explained to Mr. Vargas that the District staff intended to recommend denial of the Request because of NCS’s failure to demonstrate that all groups of pupils served by NCS had made sufficient academic progress;

WHEREAS, in reviewing the Charter Petition for the renewal of this Charter School, the District Board has been cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

WHEREAS, in accordance with Education Code Section 47607(b), a charter school must meet at least one of several academic performance criteria set forth in that statute before it may be renewed; and

WHEREAS, in submitting a request for renewal of a charter, the charter school is required pursuant to California Code of Regulations, Title 5, Section 11966.4(a)(1) to submit “[d]ocumentation that the charter school meets at least one of the criteria specified in Education Code Section 47607(b);” and

WHEREAS, NCS did not submit any documentation indicating or establishing that NCS met any of the statutory academic performance criteria specified in Education Code Section 47607(b) which are mandatory for renewal of a charter, and all information available to the District indicates that NCS *did not* meet any of these academic performance criteria, therefore the NCS Charter may not be renewed in accordance with the Charter Schools Act of 1992; and

WHEREAS, on December 5, 2014, Mr. Suarez, spoke to Mr. Vargas and again explained, in accordance with Mr. Steinhauser’s previous discussion with Mr. Vargas, that the District staff would be recommending to the District Board that the renewal be denied and that he would provide a copy of that recommendation, including the proposed resolution of denial to Mr. Vargas that day. Later that day Mr. Suarez electronically sent Mr. Vargas a copy of the draft resolution as a courtesy; and

WHEREAS, *after* the draft resolution was provided to the NCS Executive Director on Friday, December 5, 2014, Ms. Lopez, on behalf of NCS, emailed to the District’s legal counsel a document entitled “The Case for Renewal of the New City School Charter.” This document was sent to the District’s counsel after the District’s close of business at approximately 4:59 p.m., thereby less than two business days before the meeting at which the District Board was scheduled to take action on NCS’s request for renewal. Mr. Vargas also sent a copy of this document directly to the District at 3:00 pm. This document purports to set forth information regarding student achievement to warrant renewal of the Charter but in fact, does not support renewal, as more fully explained below; and

WHEREAS, the proposed Resolution of Denial provided to Mr. Vargas on December 5 included findings regarding NCS's failure to provide the legally required budget documents in accordance with Education Code Section 47605(g). On Monday, December 8, 2014, at approximately 8:30 in the morning, Mr. Vargas submitted for the first time, a 5-year detailed budget, expense and personnel detail budget tabs, and multi-year cash flows, despite the fact that all of these documents were legally required to be submitted with the Charter at the time it was submitted for renewal on November 10, 2014; and

WHEREAS, on Monday December 8, 2014, at approximately 12:59 p.m., NCS and Ms. Lopez both submitted a 57 page document which purports to address the issues raised in the draft resolution, but again as set forth below, does not resolve the findings in support of denial of the renewal as specified in this Resolution nor does the information provided establish that NCS has met any of the minimum mandatory academic performance criteria set forth in Education Code Section 47607(b) as required prior to renewal of a charter. The document entitled: "The Case for Renewal of the New City School Charter", ("CFR") submitted by NCS and Ms. Lopez on December 5, was fully incorporated into this new communication, and that 57 page communication was provided in its entirety to the District Board and is attached to this resolution; and

WHEREAS, in submitting these late and inadequate additional documents in support of the NCS renewal request, both Mr. Vargas and Ms. Lopez have attempted to blame NCS's failure to submit the required documentation and components of the charter renewal request on the District. For inexplicable reasons both Mr. Vargas and Ms. Lopez have attempted to argue that the reason that NCS did not comply with the mandatory requirements of the Charter Schools Act and the charter renewal regulations was because Mr. Vargas was relying solely on "guidance" provided to him by the District regarding what was required in submitting a charter renewal request.

As an initial matter, any such reliance by Mr. Vargas would be fundamentally misplaced because the Charter Schools Act of 1992 and California Code of Regulations, Title 5, Section 11966.4 set forth the legal requirements for charter renewal, and it is the responsibility of the charter school and its operators, including but not limited to, its Executive Director and legal counsel, to be aware of and comply with those requirements and numerous court decisions have held that ignorance of the law is not an excuse for noncompliance. *Ainsworth v. State Bar* (1988) 46 Cal.3d 1218, 1234. The fact that Mr. Vargas and Ms. Lopez are attempting to excuse NCS's failure to comply with the law on the apparent basis that NCS was unfamiliar with the legal requirements also argues against renewal of the NCS Charter because NCS has numerous legal responsibilities running a public charter school, some of which are set forth in the Charter Schools Act of 1992, and cannot absolve itself of responsibility for legal compliance on the basis that NCS is unaware of the requirements or expects the District to explain NCS's legal responsibilities to it. Additionally, Mr. Vargas' purported reliance on the "guidance" from the District is absurd on its face. The guidance to which Mr. Vargas and Ms. Lopez refer was provided to Mr. Vargas by Mr. Suarez as an attachment to an email dated August 30, 2014, from Mr. Suarez that read as follows:

"Hi John:

We have guidance that we provide, but it is more geared to first time petitioners. I have included it as attached. This probably does not serve your needs, but perhaps there is some insight...
Take care."

Thus, Mr. Suarez clearly and specifically informed Mr. Vargas that this guidance likely did not serve NCS's needs on renewal but might provide "some insight". For Mr. Vargas allegedly to

have relied exclusively on this document is unconvincing under the circumstances, including, but not limited to, the facts that Mr. Suarez specially warned him that the guidance was not particularly applicable to the NCS renewal, NCS has an independent obligation to understand and comply with the law, and NCS is represented by legal counsel with expertise on charter school matters, including the legal requirements for renewal requests; and

WHEREAS, as noted above, after Mr. Vargas initially submitted the NCS renewal petition, he specifically withdrew the original submittal on the basis that it had come to his attention that the submittal was incomplete and did not comply with all legal requirements, specifically noting that at least one legal requirement was not included in the guidance previously provided by Mr. Suarez which certainly put Mr. Vargas on notice that this guidance was not complete and did not specify each and every legal requirement applicable to charter renewals; and

WHEREAS, as required by Education Code Section 47607(a)(3)(A), the District Board has considered increases in pupil academic achievement for *all* groups of pupils served by NCS as *the most important factor* in determining whether to grant NCS's renewal request; and

WHEREAS, in considering increases in pupil academic achievement for all groups of pupils served by NCS as the most important factor in determining whether to grant NCS's renewal request, the District staff and District Board note that the Charter does not include any specific information or data regarding NCS's past academic achievement, either school-wide or for NCS's pupil subgroups, nor does the Charter Petition substantively address NCS's past academic performance and/or academic achievement and gains by NCS students. Despite NCS not providing any such information, the District itself sought out and located information and data on NCS's past academic performance. The District staff and District Board have specifically reviewed, analyzed, and considered the information about NCS's academic achievement (including information on increases and decreases schoolwide and for all numerically significant subgroups) in the letter from CCSA and the information posted on the California Department of Education ("CDE") website, specifically, the information set forth in the applicable Academic Performance Index ("API") Report 3-Year Average API School Report and the Accountability Progress Reporting ("APR") regarding API Growth and Targets Met for the available years for the current term of NCS's Charter (reports for 2010-2011, 2011-2012, and 2012-2013). Copies of data obtained from the CDE website were attached to the staff report submitted by the District administration to the District Board regarding NCS's request for renewal of its Charter; and

WHEREAS, on March 13, 2014, the State Board of Education ("SBE") approved not calculating the 2014 Growth and Base Academic Performance Indexes ("API") and 2015 Growth API due to the transition to the Smarter Balanced assessment. On May 13, 2014, the California Department of Education issued guidance to California charter school authorizers regarding the impact of API suspension on charter renewal determinations, including alternatives to API calculations for 2014 and 2015 that the District could use in considering whether a charter school has met the academic performance standards and requirements to support renewal of its charter (a copy of that guidance letter was attached to the staff report submitted by the District administration to the District Board regarding NCS's request for renewal of its Charter). These alternatives specifically include use of the most recent API calculation. The District staff and District Board have been cognizant of and followed that guidance in considering the NCS renewal request; and

WHEREAS, in accordance with California Code of Regulations, Title 5, Section 11966.4(b)(1), in considering NCS's renewal Charter, the District Board considered the past performance of NCS's academics, finances, and operation and future plans for improvement in evaluating the likelihood of future success; and

WHEREAS, the District staff, working with District legal counsel, has reviewed and analyzed all information received with respect to the request for Charter renewal and information related to the operation and potential effects of a renewed NCS, and made a recommendation to the District Board that the Charter renewal be denied based on that review, specifically including consideration of increases in pupil academic achievement for all groups of pupils served by NCS as the most important factor in determining whether to recommend that the District Board grant NCS's renewal request; and

WHEREAS, the District Board has fully considered the Charter submitted for the renewal of NCS, specifically including increases in pupil academic achievement for all groups of pupils served by NCS as the most important factor in determining whether to grant NCS's renewal request and the recommendation provided by District staff;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Education of the Long Beach Unified School District finds the above-listed recitals to be true and correct and incorporates them herein by this reference.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Education of the Long Beach Unified School District, having fully considered and evaluated the Charter Petition for the renewal of NCS, hereby finds that renewing the NCS Charter is not consistent with sound educational practice, based upon numerous grounds and factual findings including, but not limited to, the following, and hereby denies the Charter Petition pursuant to Education Code Section 47605:

- A. The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code Section 47605(b)(1)]
- B. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter Petition. [Education Code Section 47605(b)(2)]
- C. The Charter Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(b)(5)]

BE IT FURTHER RESOLVED AND ORDERED that the Board of Education of the Long Beach Unified School District hereby determines the foregoing findings are supported by the following specific facts:

I. THE CHARTER SCHOOL PRESENTS AN UNSOUND EDUCATIONAL PROGRAM FOR THE PUPILS TO BE ENROLLED IN THE CHARTER SCHOOL. [Education Code Section 47605(b)(1)]

- A. The Charter Schools Act of 1992 specifies that in order for a charter school that has been in operation for at least four years, including NCS, to be renewed, it must meet at least one of the following criteria of academic achievement:
 - (1) 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.
 - (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.
- (4)(A) 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, 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. [There are specific required bases for making this finding, including documented and convincing data, pupil achievement from standardized assessments, and submission of evidence to and receipt of a recommendation from the State Superintendent of Public Instruction.] (Ed. Code § 47607(b).)

In submitting a request for renewal of a charter, the charter school is required pursuant to California Code of Regulations, Title 5, Section 11966.4(a)(1) to submit “[d]ocumentation that the charter school meets at least one of the criteria specified in Education Code section 47607(b).” At the time that NCS submitted its renewal request, NCS provided no documentation establishing that it meets any of these minimum statutory criteria for renewal, nor did NCS make any effort to attempt to address this requirement for renewal.

Furthermore, the District’s own review of the academic performance data and documentation that it located regarding NCS establishes that NCS did not meet any of the required criteria. Based on the most recent API calculation, NCS has not attained its API growth target in the prior year or two of the last three years, either schoolwide or for any groups of pupils. Based on the most recent API calculation, NCS is not ranked in deciles 4-10 on the API or on the API for demographically comparable schools in the prior year or two of the last three years. Finally, the District Board has determined that NCS’s academic performance is **not** “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”, nor did NCS provide any information or documentation to support such a finding, nor did the District locate any information to establish that NCS met these criteria using any of the alternatives authorized due to the SBE suspension of the API for 2014 and 2015, and NCS did not provide any documentation to establish that it did so comply using an authorized alternative measure.

For the first time, on December 8, 2014, the day before the Board’s decision on this matter, NCS attempted to establish its compliance with criterion 4, as discussed above. However, the information that NCS submitted at that late date still does not cause the District Board to find “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”.

As an initial matter, this late submittal is both inexcusable and legally inadequate. Both Ms. Lopez and Mr. Vargas claimed on December 8 that the District has a “legal obligation” to consider this information. The District does not agree. At the time of submitting its renewal request, NCS was required to submit documentation establishing that it met at least one of these statutory academic performance criteria. NCS chose to submit no such documentation at that time. Neither the Charter Schools Act nor the renewal regulations entitle NCS to revise the request or submit brand new documentation endlessly, including submitting a 57 page document on the day before the District Board’s decision. Rather, if NCS had submitted this information with its renewal charter petition, the District would, indeed, have been legally obligated to consider it, but not at the point that NCS submitted it, only after receiving the proposed Resolution of Denial.

Nevertheless, the District did fully consider the information provided by NCS on December 5 and 8, 2014. Unfortunately, the information provided does not establish that NCS met this criterion. The alternative criterion on which NCS is attempting to rely reads as follows (emphasis added):

- (4)(A) **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, **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.
- (B) The determination made pursuant to this paragraph shall be based upon all of the following:
 - (i) **Documented and clear and convincing data.**
 - (ii) **Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program** established by Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 for demographically similar pupil populations in the comparison schools.
 - (iii) **Information submitted by the charter school.**
- (C) A chartering authority shall submit to the Superintendent copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.

- (D) A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.

Thus, in order to meet this criterion, NCS was required to submit documented and **clear and convincing data**, including pupil achievement data establishing to the District's satisfaction that NCS's academic performance was at least equal to both the achievement at the schools the NCS students would otherwise have attended **and** District schools, taking into account the composition of NCS's pupil population that is served. Furthermore, the seriousness of this standard is made clear by the fact that if the District were to make this finding, before the NCS Charter could be renewed, the District would have to submit a written explanation of the basis for its finding to the State Superintendent of Public Instruction for review and recommendation. This is not a matter of the charter school simply stating that it met the requirement and the District blindly accepting such a representation.

Specifically, the District finds that the information submitted on December 5 and December 8th is neither clear, nor convincing, nor does it establish that NCS's academic achievement was at least equal to the schools the NCS students would otherwise have attended or District schools, taking account of the composition of NCS's pupil group. First, NCS did not even identify what schools the NCS students would otherwise attend, so it is impossible for the information provided to establish that NCS's performance was at least equal to the performance at these unknown schools.

What NCS submitted, at this late day, in an effort to establish its compliance with Education Code Section 47607(b)(4), were primarily references and excerpts from some type of a study commissioned by the NCS. Notably, NCS did not submit the full study. The excerpts provide extremely limited information about two of the ten grade levels served by NCS, based on CST scores (although NCS criticizes the District for relying on API scores, which are specifically identified as the basis for most of the statutory criterion and are also based on the same CST scores on which NCS is relying). The document submitted explains the means by which this study, and thereby NCS, is attempting to use a cohort analysis to compare NCS to the District as follows:

In order to determine whether NCS students performed significantly better or worse than [they] would be expected to had they attended regular LBUSD schools, Public Works matched the NCS cohorts to groups of similar students from other elementary and middle schools that NCS students would have otherwise attended and compared the two groups. To prepare for matching, first, all students who lacked CST scores in either ELA or Mathematics were removed from the database. Students were also matched to take into account student demographics. Then, cohorts of students were defined as students who had remained in either NCS or a comparison school for at least three consecutive years, beginning in 2010-11. Thus, the 7th grade cohort was composed of students who were in 7th grade in 2012-13, 6th grade in 2011-12, and 5th grade in 2010-11.

This explanation initially shows a fundamental misunderstanding of the applicable criterion. NCS is required to establish that NCS's academic

performance is at least equal to **both** the other schools that NCS students would have attended **and** the District's schools overall (taking account of the NCS's pupil composition). By its terms, this study only compared some NCS students to a subset of District schools that some NCS students would otherwise have attended, which is inadequate. Furthermore, this explanation of the study, how it was conducted, who was included, and how the comparisons were made is completely unclear. For example, there is no explanation of how the NCS students were actually "matched," other than necessarily excluding students for whom there were no CST scores. There is no explanation of what made the NCS students "similar" to the District students or specifically, which demographics were matched. There is no explanation of the number of students included in the cohorts from either NCS or District schools to even establish whether the study was based on a statistically significant sample, nor is there an explanation of which District schools were compared and why those particular schools were chosen or how many such schools were chosen, nor why other schools and students were excluded. Finally, the information provided, even if it were clear and convincing, which it patently is not, compares only an unknown subset of NCS students who were in fifth and seventh grades in 2012-13. This small minority of NCS's overall student population is not adequate to convince the District Board that NCS met the alternative academic performance criterion set forth in Education Code Section 47607(b)(4). Thus, the District Board specifically is not determining that NCS'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 school in the" District.

On December 5th and December 8th, NCS further attempted to submit as an alternative measure of the academic progress of its students, the results from its annual Development Reading Assessment (DRA) from Pearson. As an initial matter, this information is incomplete as it is provided only for grade levels 6th, 7th and 8th grades, which represent only three of ten grade levels served by NCS. Moreover, while the DRA is a good **formative** assessment, the primary use is to determine a student's instructional reading level, guided reading level, and identify appropriate supports and intervention. It is an informal assessment used to guide teachers in **planning instruction** and provides data **only** on reading skills (decoding, phrasing, and fluency), retelling and comprehension, and reading preferences. This assessment does not reflect the integrated literacy skills, including writing. For NCS to assert that middle school students are "at grade level or above" based on the DRA is akin to stating District middle school students are at grade level based solely on benchmark book assessments. Furthermore, this assessment is not comparable to the previous CST measurements nor the future SBAC system.

Because NCS did not meet any of the minimum statutory academic performance criteria for renewal required by Education Code Section 47607(b), the District is precluded from granting the renewal of NCS's Charter.

- B. The Charter Schools Act of 1992 specifically requires that the District consider increases in pupil academic achievement for *all* groups of pupils served by NCS as "the most important factor" in deciding whether to grant the requested renewal of NCS's Charter. As established by the lack of academic achievement information provided by NCS with its Charter renewal request and from the information obtained by the District from the CDE website and CCSA, NCS has not had substantial academic growth either schoolwide or for all groups served

by NCS, and the academic achievement of English Learners has actually been negative rather than positive during the current Charter term. The minimal increases in academic achievement by NCS students during the current Charter term, taken as a whole and considered as the most important factor in determining whether this Charter should be renewed, simply do not support renewal of the Charter. Without repeating here all of the information concerning NCS's pupil academic achievement in the current term considered by the District Board and contained in the CDE reports and information provided by CCSA, the District Board notes the following pertinent facts drawn from that information:

1. NCS met its API Growth Targets either schoolwide or for its numerically significant subgroups only in 2011-2012.
2. The most recent API, for 2012-2013, specifies that not only did NCS not meet its API Growth Targets either schoolwide or for any subgroups, NCS's growth schoolwide and for all numerically significant pupil subgroups except Socioeconomically Disadvantaged was actually negative, as follows:

Groups	2011 Growth
Schoolwide	-5
Hispanic or Latino	-5
Socioeconomically Disadvantaged	3
English Learners	-26

3. The APR for 2010-2011 specifies that not only did NCS not meet its API Growth Targets either schoolwide or for any subgroups, NCS's growth schoolwide and for all numerically significant pupil subgroups was actually negative, as follows:

Groups	2011 Growth
Schoolwide	-24
Hispanic or Latino	-17
Socioeconomically Disadvantaged	-4
English Learners	-27

4. NCS's 2013 Statewide Rank was a 1 out of 10 and its 2013 Similar Schools Rank was also a 1 out of 10, the lowest possible ranking in both categories.
5. While according to the 3 Year Average report NCS has overall had some modest growth during this period (based on a single year of growth and two years of achievement losses) when compared to the 2009-2010 base

year preceding the current Charter term, the growth is clearly limited schoolwide, and has actually been negative overall for English Learners (a primary student target population for NCS) during this term, as follows:

Groups	2010 Base	2013 Growth	Overall Change
Schoolwide	645	659	14
Hispanic or Latino	600	624	24
Socioeconomically Disadvantaged	594	642	48
English Learners	584	563	-21

6. The 2013 NCS API Achievement Gap between White students and the historically disadvantaged student groups of Hispanic or Latino, Black or African-American, and Socioeconomically Disadvantaged students is very large, and is significantly larger than the California average API Achievement Gap for the same subgroups, as follows:

Groups	NCS 2013 API Achievement Gap Compared to White Subgroup	California 2013 Average API Achievement Gap Compared to White Subgroup
Hispanic or Latino	202 (826 – 624 = 202)	109
Black or African-American	166 (826 – 660 = 166)	145
Socioeconomically Disadvantaged	184 (826 – 642 = 184)	110

7. NCS has persistently been less successful than other public schools serving similar demographics of students statewide, as evidenced by its Similar Schools Ranking of 1. NCS is also performing at a level far below the other elementary and middle schools in the District, with an average API of 156 points less than the District average for all schools grades Kindergarten through 8th, with by far the lowest scores compared to the other schools in Long Beach serving K-8 students. NCS's proficiency rates in English language arts and mathematics are approximately half the District average.
8. While NCS is a dual-immersion program with 41% English Learner students, the English Learner students have actually had an overall negative achievement growth during the current Charter term from the 2010 base year.

The District Board also notes that NCS has previously been notified and is well aware of the fact that its academic performance has been

unacceptable and has not met the requirements of the Charter or the state and federal accountability systems. In fact, NCS met the regulatory criteria established for the State Superintendent of Public Instruction to include it on the list of charter schools potentially to be revoked by the SBE in all three years that these criteria were implemented. (See prior Ed. Code § 47604.5 and Cal. Code Regs., Title 5 § 11968.5.) Moreover, the District Board previously issued NCS a notice of violations specifying that NCS had committed a material violation of the conditions and standards set forth in the NCS Charter and had failed to meet or pursue some of the pupil outcomes identified in the NCS Charter due to the academic underperformance by NCS. Since that time the District has worked with NCS in efforts to assist NCS in remedying its academic deficiencies and improving its academic performance. Unfortunately, NCS has still not established adequate increases in pupil academic achievement for all NCS pupil groups.

Based on all of the measures discussed herein, NCS has not shown academic success or sufficient and appropriate increases in academic achievement either schoolwide or for its numerically significant pupil subgroups. Its achievement is far below other charter and noncharter public schools statewide, as well as the schools of the District. The District Board recognizes that a large number of parents/guardians of current NCS students have indicated their ongoing support for NCS and desire that it be renewed, however, the District Board is required to consider increases in academic achievement as the most important factor in determining whether to renew NCS's Charter, and NCS has not achieved adequate increases in pupil academic achievement. As such, considering increases in pupil academic achievement for all NCS pupil groups as the most important factor in determining whether to renew the Charter mandates against renewal of the NCS Charter.

9. The information provided on December 5th and December 8th by NCS does not establish that there were sufficient and appropriate increases in academic achievement either schoolwide or for its numerically significant pupil subgroups as required by the Education Code. Indeed, the recently provided information addresses only 2 of 10 grade levels served by NCS but in order to grant the Request for renewal the District is required to consider increases in academic achievement schoolwide and for all numerically significant pupil subgroups, not just a subset. Moreover, the information provided by NCS does not overcome the data that the District located and/ or was provide by CDE and CCSA.
10. The District also finds that many of the assertions contained in the "Case for Renewal" not only fail to alleviate the District's concerns regarding the lack of academic achievement by NCS students, but indeed raise additional concerns regarding NCS's apparent lack of recognition regarding the rigor of transitioning to CCSS. More specifically, the document asserts on page 3 that "many of the skills and goals of CCSS require an approach to teaching and learning that the NCS has had since its inception". The document further asserts on page 4 that the "strong similarity" between the NCS mission and the CCSS goals has meant that the transition has been less of an "overhaul" and more of a "refinement". This is a patently naive assumption, given the historical achievement data of NCS students and the national recognition that the CCSS are more

rigorous, integrated, and comprehensive. Educational institutions across the nation, many performing at high levels, have acknowledged the 'seismic shift' in instructional practice, curriculum, and professional development required to adequately address the implementation of the new standards and assessment system.

The District is gravely concerned that NCS, which serves a significant population of at-risk students with historically poor performance on summative state assessments, asserts that the curriculum and strategies to support these students as they engage with more rigorous content and assessments have mostly been deployed and only required refinement. This statement further supports denial of the renewal of the Charter.

II. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter Petition. [Education Code Section 47605(b)(2)]

1. The above-described concerns regarding the unsoundness of the educational program, specifically the failure during the current term to meet any of the minimum mandatory criteria for renewal as required by Education Code Section 47607(b), including a complete failure to submit any documentation or even narrative description of an argument that NCS complied with this statutory prerequisite and requirement to renewal, and the overall lack of adequate increases in pupil academic achievement for all groups of pupils served by NCS demonstrate that the proposed Charter program will be academically unsuccessful. The lack to date of adequate increases in pupil academic achievement for all groups served by NCS further establishes that the program set forth in the Charter Petition will not be successfully implemented.
2. The Charter Schools Act of 1992 requires NCS to submit financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation (or in the case of NCS, of renewal). NCS's failure to include several of these required documents with the renewal request is inexplicable and causes the NCS renewal Charter to be fundamentally flawed, as it is both a statutorily required component of a request for renewal and fundamental to any assessment of the ongoing viability of the school. More specifically, the budgetary documents submitted with the Request did not include a narrative or list of assumptions/rates. The petitioners also failed to include a Multi-Year Cash flow. It was only on December 8th, the day before the Board's decision on this matter, that these documents were submitted to the District. While the NCS Executive Director indicates that he was following the guidance provided by the District, this response is disingenuous as the email from Mr. Suarez to Mr. Vargas by which Mr. Suarez provided this guidance on August 30, 2014 specifies:

"Hi John:

We have guidance that we provide, but it is more geared to first time petitioners. I have included it as attached. This probably does not serve your needs, but perhaps there is some insight...

Take care." [see comments above]

3. As part of its oversight responsibilities, the District reviewed the Profit And Loss Statement of the prior year Unaudited Actuals, as the District currently has not received NCS' 2013-2014 Audit report. Notably, this document fails to mention the status of the various loans incurred by NCS. More specifically, the District is aware that NCS and/or its parent organization have the following indebtedness:

Loans Payable		
<u>Lender</u>	<u>Short Term (ST) Loans</u>	<u>Long Term (LT) Loans</u>
Barry Hamory, Sr.	21,390	
Will J. Reid Foundation	8,654	
Raza Development Fund	431,702	
Steven and Elizabeth Westbrook	345,833	
Charter School Growth Fund		110,000
	<u>807,579</u>	<u>110,000</u>
Green		225,026
Low Investment Fund (LIIF)	4,659,656	
	<u>4,659,656</u>	<u>225,026</u>
	<u>5,467,235</u>	<u>335,026</u>

It is of note that NCS's failure to keep current with the payments on the LIIF loan led to the issuance of the Notice of Violations. A Profit and Loss Statement was submitted by NCS on December 8, 2014, which failed to acknowledge potential interest payables, which is a significant omission. Curiously, NCS, in the same December 8 submission, provided a "Letter of Interest" for refinancing. This letter, which notably has not been executed by either the lender or NCS, does not alleviate New City of its nearly \$5.5 million debt. In addition, there are three contingencies that must be met prior to funding, which are not currently met. The fact that the current LIIF amended forbearance agreement, dated June 29, 2013, states that the \$4.6 million loan must be paid in full on June 30, 2015 or, if satisfying some other contingencies, August 15, 2015, is of great concern to the District.

III. The Charter Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(b)(5)]

A. EDUCATIONAL PROGRAM

1. DESCRIPTION OF THE EDUCATIONAL PROGRAM [Ed. Code §47605(b)(5)(A)(i)]

All of the above-described concerns regarding the unsoundness of the educational program are hereby incorporated herein by this reference.

BE IT FURTHER RESOLVED AND ORDERED that the District Board has specifically considered the increases in pupil academic achievement for all groups of pupils served by NCS as the most important factor in determining whether to grant NCS's renewal request, and has

determined that the minimal increases schoolwide and for some pupil subgroups and the overall decreases in academic achievement by NCS's English Learner student subgroup, require that NCS's request for renewal be denied.

BE IT FURTHER RESOLVED AND ORDERED that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings is invalid, the remaining findings and/or factual determinations and the denial of the Charter shall remain in full force and effect. In this regard, the District Board specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

The foregoing resolution was considered, passed, and adopted by this District Board at its regular meeting of December 9, 2014.

AYES: 5

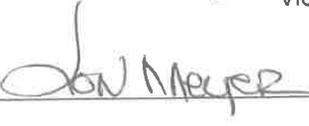
NOES: 0

ABSTAIN: 0

BOARD OF EDUCATION OF THE
LONG BEACH UNIFIED SCHOOL DISTRICT
OF LOS ANGELES COUNTY, CALIFORNIA

By:  _____
President

By:  _____
Vice-President

By:  _____
Member

By:  _____
Member

By:  _____
Member



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December 23, 2014

LACOE Charter Schools Office
9300 Imperial Highway
Downey, CA 90242

RE: Response to LBUSD Resolution No. 120914-A – *FINAL*

Dear Charter School Office Staff:

The following is the New City Public School's official response to the LBUSD Final Draft of the District Resolution No. 120914-A titled "Denying the Request for Renewal for the Charter School Petition for the New City Charter School by the Governing Board of the Long Beach Unified School District" (hereafter referred to as Resolution).

The following narrative addresses all of the questions and assertions raised by LBUSD staff in their denial of the NCS petition for renewal. NCS' response in this document will clearly demonstrate that the school does in fact meet the legal requirements for charter renewal.

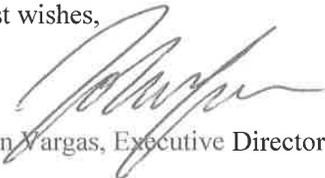
Please note that the District's final Resolution denying our renewal refers to two documents in addition to the Renewal Petition: NCS response to the District's draft Resolution and the "Case for the Renewal of the New City School Charter." Both documents are attached as reference.

For continuity, we refer to the specific points made by the District in their order of appearance in the final Resolution (page numbers provided).

Please let us know if you have any questions regarding the information we have provided below.

We look forward to working collaboratively through this process.

Best wishes,


John Vargas, Executive Director

Enclosures: *CSDC Renewal Support Letter, The Case for Renewal of the New City School Charter 12/4, Public Works NCS Data Analysis, NCS Initial Response to District Draft Resolution 12/8, NCS Charter Renewal 5-year Budget and Notes (included in separate tab in the Appeal Binder)*

CC: NCPS Board of Directors
Michelle Lopez, Esq., YM&C
Greg Moser, Esq., Procopio

NCS Response to LBUSD Resolution No. 120914-A – FINAL

Response to Resolution, page 1, paragraph 3 in relation to NCS Charter submission timeline:

NCS originally submitted its charter on September 30 for District review. On November 10, NCS Executive Director John Vargas re-submitted the charter petition with an addition to Element 1, addressing the “8 State Priorities” per the new Local Control Funding Formula guidelines. The District accepted the revised application and graciously kept the original timeline.

Response to Resolution, page 2, paragraph 1 in relation to the CCSA criteria for renewal:

In CSDC Executive Director Eric Premack’s New City School December 8 Renewal Support Letter to the LBUSD Board (attached in its entirety), he writes:

“In recent years, the association has developed its own, extra-legal charter performance standards. Having failed in its attempts to persuade the California Legislature to impose their standards, the association is now using their considerable financial and staffing resources to attempt to persuade districts to non-renew charters for schools that fail to meet their extra-legal standards. We urge you to reject CCSA’s recommendations. The association’s privately-established renewal standards have no basis in law, incorporate flawed methodology, and are based on outdated and stale testing data.

We encourage your district to renew the New City Charter as it has met all relevant charter renewal requirements and is meeting parent demand for educational options. I would be happy to discuss these matters in more detail if you wish.”

Response to Resolution, page 2, paragraph 6 in relation to submitting documentation of meeting statutory academic performance criteria:

In the NCS Case for Renewal document which was submitted, considered, and referenced by LBUSD in its Resolution, NCS includes a detailed analysis of the data supporting the requirements of the statute. This will be addressed in greater detail below.

Response to Resolution, page 2, paragraph 8 in relation to the timeline regarding submission of the NCS Case for Renewal and the LBUSD Resolution:

On Thursday, December 4, NCS E.D. John Vargas submitted a hard copy directly to LBUSD Board President Craighead; a hard copy was given to LBUSD Board member Kerr on Friday morning, December 5 upon her visit to The New City School. A soft copy was sent to all LBUSD Board members on Friday, December 5 at 2:59pm. At 4:10pm on Friday, December 5, a Draft Resolution was sent to John Vargas by LBUSD staff James Suarez, Assistant Director Equity, Access, College/Career Readiness Office.

Response to Resolution, page 3, paragraph 1 in relation to budget document provision:

With its original Charter Petition on November 10, NCS included detailed budget documents (5-year pro-forma) as required. NCS re-submitted budget detail (projected 5-year notes and cashflow) on December 6 after reviewing the District’s budget notes in Draft Resolution; NCS projected financial and cashflow statements are submitted monthly as per the MOU between NCS & LBUSD for charter oversight.

NCS Response to LBUSD Resolution No. 120914-A – FINAL

Response to Resolution, pages 4-5, in relation to pupil academic achievement, charter renewal requirements:

Each of these points is addressed in great detail below in the responses to the District's assertions, beginning on page 5 of the Resolution, with the statement "BE IT FURTHER RESOLVED."

Response to Resolution, middle of page 6 paragraph 3, Section I. A. "NCS provided no documentation establishing that it meets any of these minimum statutory criteria for renewal, nor did NCS make any effort to attempt to address this requirement for renewal. Furthermore, the District's own review of the academic performance data and documentation that it located regarding NCS establishes that NCS did not meet any of the required criteria."

On Friday, Dec. 5, 2014, prior to receipt of draft resolution No. 120914-A, the New City School submitted the document titled "The Case for Renewal of the NCS Charter" (hereafter referred to as The Case) in which the school provided a summary of the significant programmatic improvements that school leadership and teaching staff have implemented over the last two years in order to improve student academic achievement. These changes reflect the CCSS adoption by the CDE as well as a 2-year visitation and reflection process with LBUSD District officials regarding classroom instruction and pupil achievement. The document also provides alternative assessment data explaining details of NCS student growth over time. In addition to the school's analysis, The Case included a detailed multi-year cohort analysis of New City School CST achievement data, showing that NCS does in fact meet the minimum statutory criteria for renewal. To facilitate the review of that document, the student achievement data is restated below.

NCS contends that, using alternative performance measures, as well as cohort analysis of CST performance criteria, **it meets the following criteria for charter renewal:**

Ed. Code § 47607(b)

(4) (A) 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, 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.

(B) The determination made pursuant to this paragraph shall be based upon all of the following:

(i) Documented and clear and convincing data.

(ii) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 for demographically similar pupil populations in the comparison schools.

(iii) Information submitted by the charter school.

(C) A chartering authority shall submit to the Superintendent copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.

(D) A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.

NCS Response to LBUSD Resolution No. 120914-A – *FINAL*

The District's argument against renewal only narrowly considers API growth score data. The following alternative assessment data (DRA) and Public Works cohort analysis of CST scores were submitted to the District, both in the Case for Renewal and in the school's response to the draft Resolution, as evidence of meeting the criteria for renewal, as outlined in the statutes above.

CST Cohort Analysis by Public Works, Inc.: NCS compared to LBUSD

To ensure an objective yet focused analysis of the school's prior performance on the State tests, the New City School contracted with Public Works, Inc., an evaluation/assessment consulting firm, to look at student CST data over the past years. The goal of the analysis was to track students by cohort over time, which can give a clearer picture of student growth over time, versus a simple comparison of CST results from year to year which does not necessarily take into account individual student growth over time.

In order to determine whether NCS students performed significantly better or worse than would be expected had they attended District schools, Public Works matched the NCS cohorts to groups of similar students from other elementary and middle schools that NCS students would have otherwise attended and compared the two groups. To prepare for matching, all students who did not have CST scores available (i.e. new to NCS/LBUSD, did not take the test) in either ELA or Mathematics were removed from the database. Students were also matched to take into account student demographics (i.e. race/ethnicity, EL status, low income status). Then, cohorts of students were defined as students who had remained in either NCS or a comparison school for at least three consecutive years, beginning in 2010-11. Thus, the 7th grade cohort was composed of students who were in 7th grade in 2012-13, 6th grade in 2011-12, and 5th grade in 2010-11. The attached study from Public Works contains a full detailed description of the matching methodology as well as the results discussed below.

Notes: The full Public Works report is attached to this Response document. Also, as NCS is a small school with a typical range from 25-40 students tested per grade level in a given year, when we extract a cohort that has remained constant, we find the sample sizes are often quite small.

Summary of Results:

(taken directly from Public Works [PW] NCS Data Analysis Report provided to NCS – table and chart numbers are the same as those used in the original report):

As shown in Table 20 below, the NCS students in the 2012-13 7th grade cohort were more likely to score in the Basic or above proficiency bands in ELA compared to LBUSD students in the same cohort on average. This result was statistically significant at the 0.05 level. In other indicators of performance, NCS 7th graders in 2012-13 were no worse than similar students district wide. When growth in test scores was examined, however, NCS 7th graders showed significantly more growth compared to similar LBUSD students in Math (Table 22). NCS students improved their performance by moving up 18 percentile ranks from 5th grade, whereas comparison students improved by only three percentile points.

NCS Response to LBUSD Resolution No. 120914-A – FINAL

PW Table 20: 2013 California Standards Test, 7th Grade Cohort

	Matched New City		Matched Comparison	
	<i>n</i>	%	<i>n</i>	%
ELA Proficient and Advanced	4	33%	30	38%
ELA Basic or above	12	100%*	58	73%
ELA Average Scaled Score	12	339	79	332
Math Proficient and Advanced	4	33%	16	24%
Math Basic or above	8	67%	44	66%
Math Average Scaled Score	12	326	67	318

Source: Authors' calculations using data from the LBUSD
 * $p \leq .05$, ** $p \leq .01$, *** $p \leq .001$

PW Table 21: 2013 California Standards Test, ELA Percentile Rank Gain between 2010-11 and 2012-13, 7th Grade Cohort

Matched New City Percentile Rank				Matched Comparison Percentile Rank			
<i>n</i>	2010-11	2012-13	Gain	<i>n</i>	2010-11	2012-13	Gain
12	36 th	46 th	+10	84	41 st	46 th	+5

Source: Authors' calculations using data from the LBUSD

PW Table 22: 2013 California Standards Test, Math Percentile Rank Gain between 2010-11 and 2012-13, 7th Grade Cohort

Matched New City Percentile Rank				Matched Comparison Percentile Rank			
<i>n</i>	2010-11	2012-13	Gain	<i>n</i>	2010-11	2012-13	Gain
11	24 th	42 nd	+18*	145	52 nd	55 th	+3

Source: Authors' calculations using data from the LBUSD
 * $p \leq .05$, ** $p \leq .01$, *** $p \leq .001$

The 2012-13 5th grade cohort also did no worse than LBUSD students on average, except in the proportion of proficient and advanced students in Math (Table 23). In terms of percentile rank improvement, the 2012-13 5th graders gained 13 percentile points over their performance in 3rd grade in a highly statistically significant manner (Table 24), compared to the LBUSD students, who actually scored less well on average than they had in 3rd grade in ELA. This was statistically significant NCS 5th graders also saw relatively more gain in Math scores, though the difference between their improvement and that of the comparison students was not statistically significant (Table 25).

PW Table 23: 2013 California Standards Test, 5th Grade Cohort

	Matched New City		Matched Comparison	
	<i>N</i>	%	<i>n</i>	%
ELA Proficient and Advanced	11	52%	71	51%
ELA Basic or above	18	86%	116	83%
ELA Average Scaled Score	21	359	140	351
Math Proficient and Advanced	4	19%	45	45%*
Math Basic or above	14	67%	71	71%
Math Average Scaled Score	21	316	99	338

Source: Authors' calculations using data from the LBUSD
 * $p \leq .05$, ** $p \leq .01$, *** $p \leq .001$

NCS Response to LBUSD Resolution No. 120914-A – FINAL

PW Table 24: 2013 California Standards Test, ELA Percentile Rank Gain between 2010-11 and 2012-13, 5th Grade Cohort

<i>n</i>	Matched New City Percentile Rank			<i>N</i>	Matched Comparison Percentile Rank		
	2010-11	2012-13	Gain		2010-11	2012-13	Gain
21	43 rd	56 th	+13***	156	60 th	58 th	-2

Source: Authors' calculations using data from the LBUSD
 * $p \leq .05$, ** $p \leq .01$, *** $p \leq .001$

PW Table 25: 2013 California Standards Test, Math Percentile Rank Gain between 2010-11 and 2012-13, 5th Grade Cohort

<i>n</i>	Matched New City Percentile Rank			<i>n</i>	Matched Comparison Percentile Rank		
	2010-11	2012-13	Gain		2010-11	2012-13	Gain
21	29 th	36 th	+7	111	41 st	44 th	+3

Source: Authors' calculations using data from the LBUSD
 * $p \leq .05$, ** $p \leq .01$, *** $p \leq .001$

The above cohort data supports the conclusion that NCS students perform just as well as District students, thereby meeting charter renewal criteria pursuant to Education Code Section 47607(b)(4). **As a result, NCS should be granted another five-year renewal term.**

NCS Multi-Year Analysis of Student Performance on Alternative Assessment (DRA)

In 2013-14, the state opted out of the previous CST assessments in order to pilot the newly adopted Smarter Balanced Assessment Consortium testing system, with no student results provided from the pilot.

As an alternative measure, NCS submits data from its annual Developmental Reading Assessment (DRA), developed by Pearson Education, Inc. NCS uses this alternative assessment in a summative fashion, conducting the assessments in the Spring of each academic year. The assessment measures students' reading in 3 areas: engagement, fluency, and comprehension.

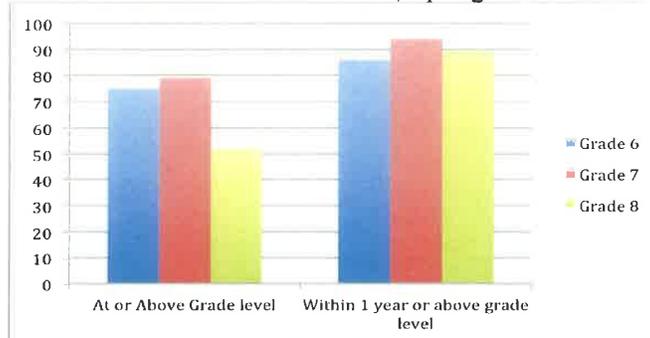
In the Case for Renewal, NCS submits middle school DRA data from the end of the 2013-14 school year as a representative sample including students who have progressed through the NCS program for many years. The majority of NCS middle school students have been with the school for 4 years or more.

Grade Level	Reading At or Above Grade Level	Reading Within 1 year of Grade Level	Reading Within 1 year or above Grade Level
6	75%	11%	86%
7	79%	13%	94%
8	52%	37%	89%

The middle school data in the table below, per the DRA assessment, illustrates that the majority of students performed at grade level or above in Reading/ELA on the rigorous assessment. This level of achievement is attributed to the instructional practices provided to students throughout their time at NCS, practices that mirror those that are now being adopted by schools and districts as they prepare to meet the new demands of the CCSS. The NCS English Language Arts program has been *fully* aligned with the Common Core State Standards since fall 2012.

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NCS Middle School DRA Data, Spring 2014



In addition to analyzing the middle school data, NCS also analyzed all grade levels to show students' growth over time, using the same DRA assessment. NCS submits data showing evidence of student growth over time for all grade levels for this period (growth from 2012-13 to 2013-14 – the year in which all students took the Field Test of the Smarter Balanced Assessment, and therefore CST data are not available).

The table below shows average student performance on the DRA for students in 2012-13 and in 2013-14. As can be seen, all grade levels (except grade 3 and 5) experienced an average increase in student performance from the prior year, with Kindergarten students showing the largest percentage gain from the prior year. Given that most of the teachers from these 2 years (2012-14) have continued teaching at NCS into the 2014-15 school year, one could assume that this pattern of growth will continue in the out years.

Grade	2012-13 Average Raw Score	2013-14 Average Raw Score	Change from prior year	% Change from prior year
TK	N/A	1.2	N/A	N/A
K	2.1	4.2	2.1	100.00%
1	9.1	9.3	0.2	2.20%
2	17	19	2	11.76%
3	31.2	26	-5.2	-16.67%
4	35.4	37	1.6	4.52%
5	51.5	48	-3.5	-6.80%
6	58.2	62.2	4	6.87%
7	61.3	72.4	11.1	18.11%
8	70.5	74.7	4.2	5.96%

Response to Resolution, Section I. A. continued, page 9:

The District attempts to discredit the DRA data provided by NCS, stating that it is “incomplete” and that the “DRA is an informal assessment” that “does not reflect the integrated literacy skills, including writing.”

LBUSD states that the information regarding DRA is incomplete because it only illustrates achievement for grade levels 6, 7 and 8. However, the District fails to recognize the above table in which NCS shows all grade levels average scores from 2012-13 to 2013-14. Secondly, as mentioned previously, NCS emphasizes the middle school grade results because the majority of

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NCS middle school students have been with the school for more than 4 years thus the middle school grades are a representative sample of how students would perform if they attend the majority of their TK-8 schooling at NCS.

The District states that the DRA is only a good formative assessment. However, the District fails to recognize the manner in which NCS uses the DRA assessment. The assessment is administered by NCS in the spring of each academic year, not as a formative assessment, but as a summative assessment to gauge how students have grown after a year of instruction. The structure or format of an assessment does not make it formative or summative. The usage of the assessment and application of it is what makes the assessment formative or summative.

The District makes a comparison between the DRA and benchmark book assessments. This statement demonstrates the District's misunderstanding of the DRA. The DRA is not a benchmark assessment. Benchmark assessments focus solely on the content that was covered within a given period of time. The DRA focuses on skills that do not specifically correlate to a given academic year or period of time. The DRA places students at level of performance independent of grade level, while a benchmark assessment assesses specifically only those standards with that specific period of time.

The District states that the DRA is neither comparable to the previous CST measurements nor the future SBAC system.

- Education Code Section 47607(b)(4) does not state what type of alternative assessments a school can use to demonstrate student growth. Thus, the District's assertion that the assessment is not like the CST or SBAC is an attempt to discredit the school's usage of this assessment as alternative data.
- The DRA is used by The New City School in a **summative** fashion to gauge the school's overall progress and achievement of standards taught during the year. [The DRA2 Word Analysis is used during the year in a **formative manner** to measure individual students' reading progress for those who are identified for targeted reading intervention].
- The NCS English Language Arts program is fully aligned to the CCSS since 2012 (even though that year, the 1st year of CCSS implementation across California, was optional and the state tested students on the old Standards).
- The following table is an example of the high degree of correlation between the CCSS and the DRA Assessments (grade 3) used by NCS annually; many of the standards required by the CCSS can be measured with the annual DRA assessment¹:

Common Core State Standards - Grade 3	Developmental Reading Assessment (DRA2)
Key Ideas and Details - Literature 1. Ask and answer questions to demonstrate understanding of a text, referring explicitly to the text as the basis for the answers.	DRA2: Comprehension
Key Ideas and Details - Literature 2. Recount stories, including fables, folktales, and myths from diverse cultures; determine the central message, lesson, or moral and explain how it is conveyed through key details in the text.	DRA2: Comprehension
Key Ideas and Details - Literature 3. Describe characters in a story (e.g., their traits, motivations, or feelings) and explain how their actions contribute to the sequence of events.	DRA2: Comprehension
Range of Reading and Level of Text Complexity: Literature 10. By the end of the year, read and comprehend literature, including stories, dramas, and poetry, at the high end of the grades 2–3 text complexity band independently and proficiently.	DRA2: Oral Reading Fluency; Comprehension (Levels 16-38)

¹ http://assets.pearsonschool.com/correlations/DRA2_CCSS_Gr%203_2011_final.pdf
 23 December 2014

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Reading Standards for Informational Texts - Informational Text 2. Determine the main idea of a text; recount the key details and explain how they support the main idea.	DRA2: Comprehension (Levels 28, 38)
Informational Text 3. Describe the relationship between a series of historical events, scientific ideas or concepts, or steps in technical procedures in a text, using language that pertains to time, sequence, and cause/effect.	DRA2: Comprehension (Levels 28, 38)
Craft and Structure - Informational Text 5. Use text features and search tools (e.g., key words, sidebars, hyperlinks) to locate information relevant to a given topic efficiently.	DRA2: Comprehension (Levels 28, 38)
Integration of Knowledge and Ideas - Informational Text 7. Use information gained from illustrations (e.g., maps, photographs), and the words in a text to demonstrate understanding of the text (e.g., where, when, why, and how key events occur).	DRA2: Comprehension
Range and Level of Text Complexity - Informational Text 10. By the end of the year, read and comprehend informational texts, including history/ social studies, science, and technical texts, at the high end of the grades 2–3 text complexity band independently and proficiently.	DRA2: Oral Reading Fluency; Comprehension (Levels 28, 38)

Response to Resolution, Section I. B. “The Charter Schools Act of 1992 specifically requires that the District consider increases in pupil academic achievement for all groups of pupils served by NCS as ‘the most important factor’ in deciding whether to grant the requested renewal of NCS’s Charter. As established by the lack of academic achievement information provided by NCS with its Charter renewal request and from the information obtained by the District from the CDE website and CCSA, NCS has not had substantial academic growth either schoolwide or for all groups served by NCS, and the academic achievement of English Learners has actually been negative rather than positive during the current Charter term.”

On Friday, Dec. 5, 2014, prior to receipt of resolution No. 120914-A, the New City School submitted a document titled “The Case for Renewal of the NCS Charter” where the school provided a summary of the programmatic improvements it has recently made to improve student academic achievement. The document also provides information regarding a longitudinal study conducted by Public Works, Inc. where CST results of NCS cohort groups were analyzed to see the true growth over time of those subgroups.

As a result of that analysis, NCS contends that the academic performance of its subgroup cohorts has indeed increased over time. Contrary to the District’s limited and narrow analysis of NCS’s API data, NCS’s analysis provides a comprehensive review of subgroup data over time based on CST results. In accordance with Education Code Section 47607(a)(3)(A), LBUSD must consider NCS’s subgroup data as **the most important factor** in its decision to grant a charter renewal. Thus, as NCS’s subgroups have demonstrated increased academic achievement, NCS should be granted its charter renewal.

In addition, Eric Premack’s December 8, 2014 Renewal Support Letter states:

For the reasons explained below, I am writing to support the renewal of the charter for New City Charter School and to share our understanding of the current state of California’s charter school renewal laws. ...

More important from a legal perspective, a review of relevant data posted on the California Department of Education’s web site shows that New City Charter School meets state charter renewal requirements.

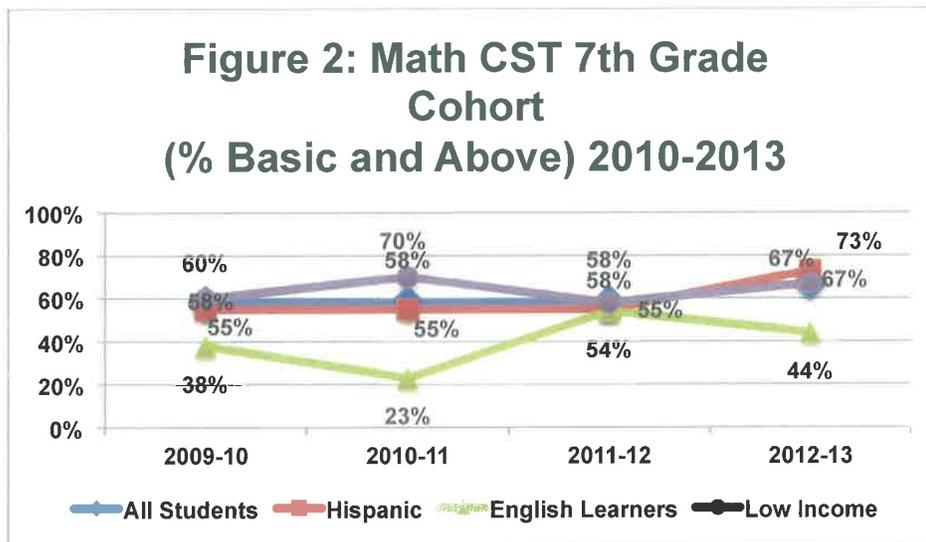
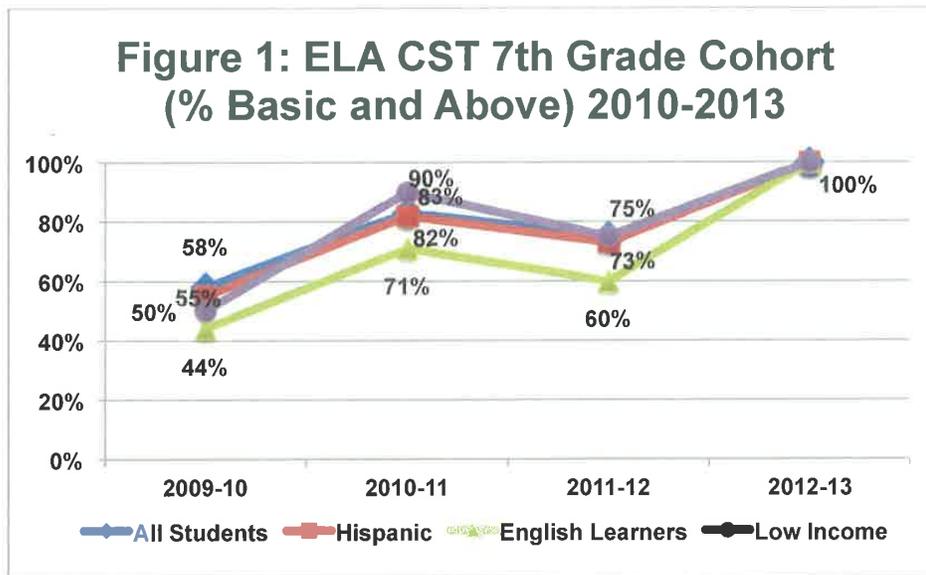
NCS Response to LBUSD Resolution No. 120914-A – FINAL

New City School Multi-Year CST Cohort Analysis: Overall and by Subgroup

As with its previous analysis, Public Works, Inc. also conducted a cohort analysis of the NCS subgroups. It also looked at cohorts from 7th grade and 5th grade and analyzed scores for those students who had been with the school and had assessment data available for the past 4 years (2009-10 through 2012-13).

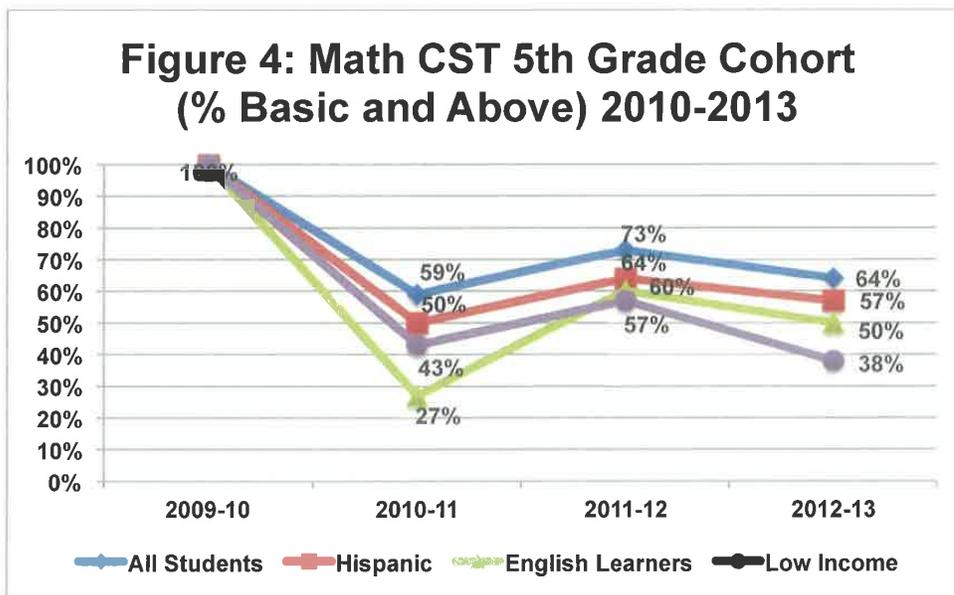
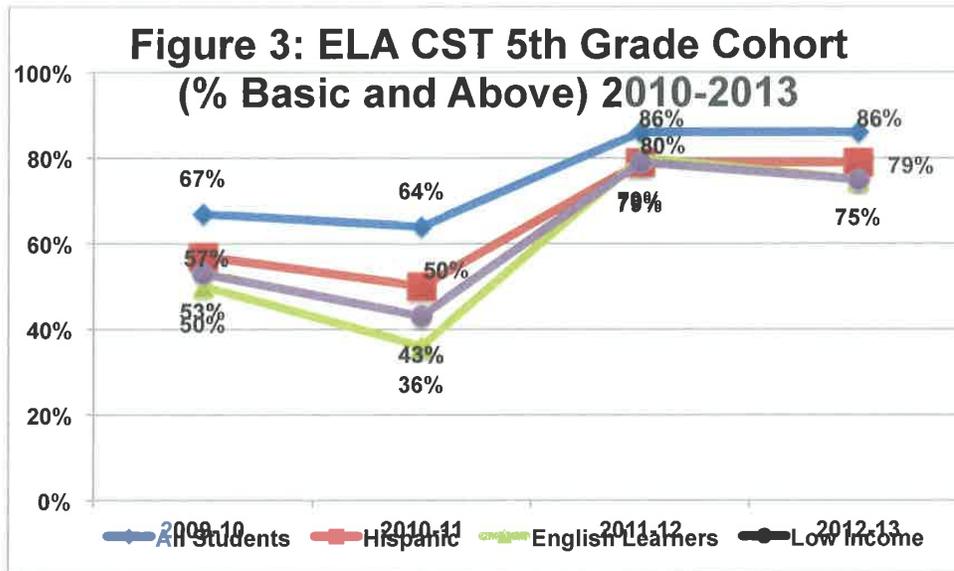
Results: Overall

For the 7th grade cohort overall, the data shows positive growth. Students who were continuously enrolled at NCS since 4th grade showed improvements both in ELA (from 58% basic and above in grade 4 to 100% basic and above in grade 7) and Math (from 58% basic and above in grade 4 to 67% basic and above in grade 7).



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For the 5th grade cohort, ELA results were positive as well (67% basic and above in grade 2 to 86% basic and above in grade 5). Math results were mixed, showing a growth from 3rd to 5th grade (59% in grade 3 to 64% in grade 5) but an overall drop, if taking into account 2nd grade (100% in grade 2 to 64% in grade 5).



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Subgroups

NCS currently has three numerically significant student subgroups. Pursuant to Education Code Section 47607(a)(3)(A), evidence of the subgroups' increases in academic achievement, as demonstrated below, must be considered by as **the most important factor** in determining whether to grant NCS' charter renewal.

Hispanic: In the 7th grade cohort, the percentage of Hispanic students scoring Basic or higher increased 45% on the ELA CST and increased 18% on the Math CST from 2009-10 to 2012-13. CST scores of Hispanic students in the 5th grade cohort improved 22% in ELA from 2009-10 to 2012-13 but declined 29% in Math during the same time period.

English Learners: Among ELs in the 7th grade cohort, there was a 56% increase in the percentage scoring Basic or higher from 2009-10 to 2012-13. In addition, reclassified ELs from the 7th grade cohort scored as well as non-ELs on the ELA test. In Math, ELs in the 7th grade cohort improved 6% over the same time period. CST scores of EL students in the 5th grade cohort improved 25% in ELA from 2009-10 to 2012-13 but declined 30% in Math during same time period. *However, if one looks at the time period of the current charter term, one sees that a modest increase of 4% from 2010-11 to 2012-13 in Math for ELs.*

Low Income: The evaluation also looked at data for students from households eligible for the National School Lunch Program (NSLP), sometimes called "Free and Reduced Meals." In the 7th grade cohort, the percentage scoring Basic or higher increased 45% on the ELA CST and increased 7% on the Math CST from 2009-10 to 2012-13. CST scores of low income students in the 5th grade cohort improved 22% in ELA from 2009-10 to 2012-13 but declined 31% in Math during the same period.

Based on the above results, overall the scores demonstrate substantive increases in student achievement for students in the 7th and 5th grade cohorts both overall and within their respective subgroups, except for the 5th grade Math. This is an area of focus for the school and NCS administration and teachers have taken multiple measures to improve upper grade Math outcomes going forward (e.g. adoption of CCSS-aligned CPM Math curriculum for grades 6-8 in 2013 and a hiring shift from a multiple-subject teacher to a teacher with a secondary Math credential, as well as the hiring of full-time credentialed Math intervention teacher beginning with the 2014-15 school year).

Thus, as NCS's subgroups have demonstrated increased academic achievement, LBUSD should have granted NCS another five-year charter renewal term when taking into consideration increases in pupil academic achievement.

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Response to Resolution, page 9, Section I. B. “The Charter Schools Act of 1992 specifically requires that the District consider increases in pupil academic achievement for all groups of pupils served by NCS as the “The most important factor” in deciding whether to grade the requested renewal of NCS’s Charter... NCS has not has substantial academic growth either schoolwide or for all groups served by NCS, and the academic achievement of English Learners has actually been negative rather than positive during the current Charter term.”

NCS refutes the above statement that NCS students have not shown academic growth within the charter term. In fact, within the charter term from 2010-11 (first year of the term) to 2012-13 (last year where CST data is available), the NCS API score grew from 621 to 659 points, a growth of 38 points in 3 years. In addition, during this same period of the charter term, every single subgroup experienced growth, as demonstrated in the chart below.

	2010-11	2011-12	2012-13	3-year Change (10/11 – 12/13)
Whole School	621	662	659	+38
Black/African American	571	540	660	+89
Hispanic	583	627	624	+41
White	757	828	826	+69
Socioeconomically Dis.	590	637	642	+52
English Learners	557	585	563	+6

As can be seen above, every significant subgroup grew from the first year of the charter term to the last year when API data was available. Contrary to the District’s statement, English Learners also experienced 6 points of growth.

Response to Resolution, page 10, Section I. B. 1. “NCS met its API Growth Targets either schoolwide or for its numerically significant subgroups only in 2011-12.”

NCS draws attention to the above observation by the LBUSD staff. This significant increase in API for the entire school and subgroups can be attributed to the implementation of the Gomez and Gomez Dual Language Enrichment model in 2012 and the school's renewed focus on supervision of instruction by the administrative team.

In 2012-13, NCS saw a semi-stabilization of the API scores. While the scores did not increase that year, it must be noted that the stabilization of scores is a significant achievement, considering the attempted revocation process initiated by LBUSD earlier that year adversely affected the learning environment. Under threat of revocation, many teachers (over 50%) took jobs at other schools. As a result, New City had to replace and train almost an entire teaching staff new to the NCS program – and some completely brand-new to teaching. Fortunately, NCS was able to weather that storm and stabilize the students’ performance. In 2012-13, NCS anticipated continued academic growth in the following year. However, due to the Smarter Balanced pilot year and the state suspending API in 2013-14, this growth was not able to be displayed due to the absence of 2013-14 API data.

NCS administration and teaching staff look forward to the 2014-15 student assessment results, which will give the school a new baseline to which future growth can be compared.

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Response to Resolution, page 10, Section I. B. 5. “While according to the 3 Year Average report NCS has overall had some modest growth during this period (based on a single year of growth and two years of achievement losses) when compared to the 2009-2010 base year preceding the current Charter term, the growth is clearly limited schoolwide, and has actually been negative overall for English Learners (a primary student target population for NCS) during this term”

As noted above, during the current charter term, all subgroups had significant growth, with African-American students showing a gain of 89 points, Hispanic students showing a gain of 41 points, Socioeconomically Disadvantaged students gaining 52 points, and English Learners gaining 6 points. As discussed in the Case for Renewal, NCS is focusing resources on English Learners, having adopted an intensive ELD intervention program, with tutoring during and after school and intensive ELD professional development.

NCS points out here that LBUSD’s use of the 2009-2010 API scores as a baseline for their analysis pulls data from outside of the current charter term (2010-11 to 2014-15). Using API data solely from the current charter term, substantial growth can be seen schoolwide and with each significant subgroup.

In addition, it is important to note that the school’s overall 38 point gain, within this 3-year period, has been realized despite the experience of a traumatic attempted revocation process by LBUSD in the 2012 year. Those circumstances, notwithstanding, the school was able to achieve a positive trend of growth overall and has made additional adjustments to ensure this trend continues in the future, particularly for the English Learners subgroup.

Response to Resolution, Section I. B. 6. “The 2013 NCS API Achievement Gap between White students and the historically disadvantaged student groups of Hispanic or Latino, Black or African-American, and Socioeconomically Disadvantaged students is very large, and is significantly larger than the California average API Achievement Gap for the same subgroups...”

NCS recognizes that an achievement gap between white students and the subgroups identified exists and NCS has outlined the steps it is taking to ensure this gap is reduced in the future years in both its renewal charter (plans for underperforming, socioeconomically disadvantaged students and English Learners) and “The Case for Renewal of the NCS Charter” document submitted to the District.

Many schools face a similar achievement gap. NCS notes that this gap also exists within the Long Beach Unified School District, and that the District’s achievement gap is also higher than the state average.

LBUSD achievement Gap (using 2013 API)

Groups	LBUSD 2013 API Achievement Gap Compared to White Subgroup	California 2013 Average API Achievement Gap Compared to White Subgroup
Hispanic or Latino	130 (883 – 753 = 130)	109
Black or African-American	154 (883 – 729 = 154)	145
Socioeconomically Disadvantaged	135 (883 – 748 = 135)	110

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Like LBUSD, the New City School is working fervently to address the achievement gap and has implemented additional adjustments to its program to ensure this gap is reduced. This year, the school added a certificated Math intervention teacher and is in its second year of having a certificated Reading intervention teacher. The majority of students participating in the targeted Reading Intervention program made demonstrable growth toward grade level proficiency.² NCS intends to achieve similar levels of success with its Math Intervention program.

In addition, the school has added a full-time counselor and Behavior Support Specialist this year to address the socio-emotional needs of these students. Similarly, the school has expanded its before and after school program offerings, enabling qualified students to receive free breakfast, lunch, snack and supper every school day. NCS has added a family literacy program through an After School Education and Safety grant and a 21st Century Community Learning Center grant. The school has also recently sent 4 staff members to a English Language Development training at LACOE and has implemented a strategic ELD intervention tutoring program during and after school. *(Details of these improvements are outlined in the December 4 "Case for Renewal of the NCS Charter.")*

Response to Resolution, page 11, Section I. B. 7. NCS has persistently been less successful than other public schools serving similar demographics of students statewide, as evidenced by its Similar Schools Ranking of 1. NCS is also performing at a level far below the other elementary and middle schools in the District, with an average API of 156 points less than the District average for all schools grades Kindergarten through 8th, with by far the lowest scores compared to the other schools in Long Beach serving K-8 students. NCS's proficiency rates in English language arts and mathematics are approximately half the District average.

The school points out the Public Works cohort study that shows the NCS cohorts analyzed performed no worse than the LBUSD comparison cohorts.

NCS also points out that demand for the school has been consistently high. For incoming Kindergarten students, there have been waiting lists every single year since the opening in 2000, even though the LBUSD does not allow NCS to participate in its school choice events, and NCS is not listed on the elementary or middle school LBUSD School Choice applications (paper or website versions).

Due to space limitations, NCS is usually unable to accept 6th graders from LBUSD, despite many families who apply to the school (in fall 2014 NCS was able to accept **zero** 6th grade applicants due to higher-than-anticipated return rates for those in grades 6-8).

If students cannot enroll at NCS, they typically go to the nearest LBUSD school, which is Washington Middle School. This school has been in Program Improvement (PI) for every year since Program Improvement status began in the state of California.

² Tests Utilized to measure growth: Woodcock Word Attack, WRAT-4 Reading, WRAT-4 Spelling, GORT-4 Rate, GORT-4 Accuracy, GORT-4 Fluency, GORT-4 Comprehension

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Below is a screen shot from the CDE DataQuest website:

School: Washington Middle
LEA: Long Beach Unified
County: Los Angeles
CDS Code: 19-64725-6061386
School Type: Middle School

Charter School: No

Date: 9/19/2014

PI Status: In PI

PI Placement 2014-15: Year 5

Prior PI Placement: Year 5

First Year of PI Implementation: 1997-1998



18 consecutive years in PI

Response to Resolution, page 11, Section I. B. 8. While NCS is a dual-immersion program with 41% English Learner students, the English Learner students have actually had an overall negative achievement growth during the current Charter term from the 2010 base year.

NCS refers to the above analysis of subgroup API growth where in fact, from 2010-11 to 2012-13, English Learners grew by 6 points. While this growth is indeed modest, it is contrary to LBUSD's claim that the English Learners have actually declined during the charter term.

In addition, NCS has taken significant steps to ensure that this growth its much larger in the future. As stated in "The Case for Renewal of the NCS Charter", the school has adopted an intensive ELD intervention program, with tutoring during and after school. In addition, the school's Title III plan for English Learners, approved by the CDE, includes intensive ELD professional development. Most recently, the school sent 4 teachers to ELD training at LACOE and monies are set aside for this professional development to continue into the future. Similarly, the NCS Charter contains a specific plan to support English Learners that will help identify, support, and reclassify English Learners (prioritizing our small group of LTELs) in an effective manner.

Response to Resolution, page 12 paragraph 2, Section I. B. 8. "the District Board is required to consider increases in academic achievement as the most important factor in determining whether to renew NCS's Charter, and NCS has not achieved adequate increases in pupil academic achievement. As such, considering increases in pupil academic achievement for all NCS pupil groups as the most important factor in determining whether to renew the Charter mandates against renewal of the NCS Charter."

NCS again refers to the above growth data from 2010-11 to 2012-13, the alternative assessment data provided by the school, as well as the Cohort analysis provided by Public Works, to show that NCS has indeed achieved adequate increases in pupil academic achievement. Since this is the most important factor in determining whether to renew the Charter, the NCS charter should be renewed.

NCS Response to LBUSD Resolution No. 120914-A – FINAL

In addition, despite the District's claims that NCS students are underperforming and, presumably, underprepared academically, NCS students have a stellar record of acceptance into the district's competitive-entry specialized high school programs. In 2013-14 91% of NCS 8th graders were accepted into these highly competitive college preparatory programs in the District. Preparing students to gain entry into these programs is an especially important focus of NCS administrators and teachers, as the programs offer students access to A-G coursework required by California for acceptance to a four-year university. NCS recently hired a full-time counselor to support students and parents in this critical transition from middle school to high school to ensure long term academic success.

Response to Resolution, page 13, Section II. 1. The above-described concerns regarding the unsoundness of the educational program, specifically the failure during the current term to meet any of the minimum mandatory criteria for renewal as required by Education Code Section 47607(b), including a complete failure to submit any documentation or even narrative description of an argument that NCS complied with this statutory prerequisite and requirement to renewal, and the overall lack of adequate increases in pupil academic achievement for all groups of pupils served by NCS demonstrate that the proposed Charter program will be academically unsuccessful. The lack to date of adequate increases in pupil academic achievement for all groups served by NCS further establishes that the program set forth in the Charter Petition will not be successfully implemented.

The school provided to the District "The Case for Renewal of the NCS Charter" on Friday, December 5, 2014 via email to the Board Members and District. NCS also re-submitted evidence from this document in its response to the District's draft Resolution on December 8, 2014. The District accepted and considered both of these documents and the information contained therein, referencing them alongside the charter petition when draft its final Resolution. The complete documents are attached to this response for reference.

That evidence is also presented in the preceding sections.

Response to Resolution, page 13, Section II. 2. "The Charter Schools Act of 1992 requires NCS to submit financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation (or in the case of NCS, of renewal). NCS's failure to include several of these required documents with the renewal request is inexplicable and causes the NCS renewal Charter to be fundamentally flawed, as it is both a statutorily required component of a request for renewal and fundamental to any assessment of the ongoing viability of the school. More specifically, the budgetary documents do not include a narrative or list of assumptions/rates. The petitioners also failed to include a Multi-Year Cashflow."

With its original Charter Petition on November 10, NCS included detailed budget documents (5-year pro-forma) as required. NCS re-submitted budget detail (projected 5-year notes and cashflow) on December 6 after reviewing the District's budget notes in draft Resolution. Those documents, including 5-year budget, cash flows and budget notes were also submitted via hard copy on December 8. The 5-year budget, notes, and cashflow statements are attached to this response as reference.

NCS notes that it submits its projected multi-year financials and cashflow statements on a monthly basis as per the MOU between NCS & LBUSD for charter oversight.

NCS Response to LBUSD Resolution No. 120914-A – FINAL

Response to Resolution, page 14, Section II. 3. “As part of its oversight responsibilities, the District reviewed the Profit And Loss Statement of the prior year Unaudited Actuals, as the District currently has not received NCS’ 2013-2014 Audit report. Notably, this document fails to mention the status of the various loans incurred by NCS. More specifically, the District is aware that NCS and/or its parent organization have the following indebtedness...”

Audit Report - The statement that the District has not yet received the 2013-14 Audit Report is misleading and makes it appear that the school is intentionally not providing the report to the District. The school notes that it regularly submits to the District on a monthly basis financial statements, which include a balance sheet that details the status of all loans payable. This allows the District to maintain its oversight responsibilities on a regular basis and allows the District to have a clear accounting of the most up to date status of any loans.

The annual date for submission of our audit both to LBUSD and to the state is December 15, as per the Education Code and per our MOU with the District. The 2013-14 final audit report had not been finalized by the December 9 LBUSD board meeting. As stated in its initial response to District, NCS would provide that draft as soon as it had been finalized. As statutorily required, the Final NCS 2013-14 Financial Audit was in fact submitted directly to the District by NCS auditor’s Vicenti, Lloyd and Stutzman (VLS). A copy of that audit is attached to this response.

As expected the 2013-14 Audit did not include any findings or going concerns, which indicate the NCS fiscal operations are sound.

Refinancing of LIIF Loan - At the time of the petition’s submission, the school informed the District it is actively pursuing a consolidation of its debt and refinance of the current property loan.

On Friday, December 5, 2014, the school received a Letter of Intent from Clearinghouse CDFI, expressing interest in the loan refinance request after having reviewed NCS’ most recent financial statements. While the letter is not a formal loan agreement, it does express the likelihood that the school would be able to refinance the property should the school’s charter be renewed.

This LOI from Clearinghouse CDFI is attached to this response, as reference.

Response to Resolution, page 14, Section II. 3. “It is of note that NCS’s failure to keep current with the payments on the LIIF loan led to the issuance of the Notice of Violations.”

Since the initial late payments in 2012 referred to by LBUSD (as a result of state budget cuts and deferrals of funding), the school has made timely payments to ALL lenders and intends to do so in the future. The school was able to work out an agreement with LIIF, allowing NCS to continue to make loan repayments to all funders.

As stated above, the NCS Executive Director and Board of Directors are actively working to refinance the property, which is highly likely upon renewal of the Charter.

NCS Response to LBUSD Resolution No. 120914-A – *FINAL*

Summary

Based on the information and analysis in this Response, including:

Multi-year CST growth analysis (NCS)

- NCS grew 38 points overall during the term of the current charter (2010-11 to 2012-13)

Multi-year CST cohort analysis (NCS and LBUSD)

- NCS students performed as well as their District peers in an apples-to-apples cohort analysis of CST performance data

NCS Alternative Assessment data analysis

- NCS middle students showed grade level proficiency in English Reading on the DRA
- Almost all NCS grade levels showed growth on the DRA from spring 2013 to 2014

NCS Renewal Budgets

- NCS finances are solid and can sustain the school's academic and operational obligations well into the future

The New City School establishes that it meets the legal criteria with clear and convincing data, thereby supporting its 5-year Charter Renewal under the California Education Code.

Conclusion

Despite fervent attempts by LBUSD and the CCSA to discredit the NCS organization's strong reputation and widespread community appeal (*see also the hundreds of support letters and signatures from current and future parents*), The New City School continues to demonstrate its relevance in the current educational landscape of California and the nation. It has become evident that the skills and goals of CCSS (logical reasoning, critical thinking, problem solving, collaborative learning, ability to express one's thinking) require an approach to teaching and learning that the New City School has prioritized since its inception in 2000. NCS graduates from high school and now college are experiencing the success that our founders could only imagine at the school's inception in 2000.

The New City School continues to thrive as a small neighborhood school serving a part of the downtown Long Beach community in which many residents feel they have few choices about how to make sure their children are in a safe, nurturing, and – most importantly – educationally rich environment. Since students stay for 9 or 10 years (depending on whether they begin in K or TK), we get to know the families personally, and when they are in need, they come to us first for support. When we let them know that our charter was in jeopardy, they stopped everything to attend the hearing, town hall meetings, and the Board vote. The school district did not hear their voices and their stories – they are asking simply for people to respect their choice of an alternative to the large schools to which many of their older children have previously attended.

The New City School is entirely *public*, and we operate within the limits of our per-pupil ADA funding despite paying exorbitant commercial real estate prices. We are not part of any for-profit or privatization chain of charter schools, and we do not seek out funding from those who aim to take schools away from the neighborhoods where they belong.

NCS Response to LBUSD Resolution No. 120914-A – FINAL

Students enroll at NCS for many reasons – those most commonly shared in our parent surveys and enrollment welcome meetings are these:

- **Dual Language Enrichment** (Bilingual) Program - *common reasons are: for heritage language continuity and addition of a 2nd language for increased opportunities.* NCS is Long Beach's only dual immersion school for middle school students and the only all-school dual immersion elementary on the city's predominantly Latino west side. (One west-side district school offers an elementary DI track. The middle school is located on the affluent east side, and serves a socio-economically disadvantaged population less than 1/3 the size of NCS's.)
- **Small and Safe**, close to home – our school has low rates of suspension and expulsion (6% Suspension for 2013-14) despite a location close to schools with much higher rates (Franklin: 13% & Washington: 21.8%) – since parents are increasingly aware of the correlation between suspension rates and imprisonment for students of color in the US³
- **Creative Expression** – commitment to the Arts, daily choral and music programming from TK-5, 2x/week instrumental music in grades 6-8; Art, Dance, and Drama as part of annual programming for all TK-8, plus additional elective courses for grades 3-8.
- **Parent Involvement** – parents not only get involved in the lower grades, as is common, they *stay involved*. We have over 90% participation in our 3x/annual Student-Led Conferencing, and 100% parent participation for 9 consecutive years of trimester-end 8th grade Committee Presentations (final NCS step before promotion to high school).
- **Attention to each individual** student and her/his needs, including those with diagnosed and undiagnosed learning and behavioral challenges,⁴
- **Small Middle School** - ensures the students get extra attention during adolescence, and extra support navigating the complex LBUSD high school application process, particularly since students in LBUSD have less than a 4 in 10 chance of graduating high school with the A-G course completion required for application to any CSU or UC.
- **“Another Chance”** - Sometimes the placement office of LBUSD or individual families ask us to accept transfer students who are having extreme problems (academic/behavior) in LBUSD traditional schools; their parents are looking for an option to help them, and they are aware that other students have transferred here with “turn-around” success.

We are truly grateful for the opportunity to share our extraordinary program with you through this appeal process, and we invite you to visit and take one of our student-guided tours followed by a post-tour Q&A with our Founder and our Executive Director (as is offered to all prospective NCS families).

³ From PBS.org - <http://www.pbs.org/wnet/tavisismiley/tsr/education-under-arrest/school-to-prison-pipeline-fact-sheet/>

⁴ At the time of this writing approximately 7% of NCS students have current IEPs and another several are going through the formal assessment process. In addition to SpEd services, we have classroom TAs in each room and 2 full-time staff members dedicated solely to counseling and behavior support, *plus* we have a site-based mental health collaborative for individual and group therapy + parenting support.



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December 8, 2014

LBUSD Board Members
Superintendent Steinhauser
1515 Hughes Way
Long Beach, CA 90810

RE: Initial Response to LBUSD draft Resolution No. 120914-A

Honorable LBUSD Board Members and Superintendent Steinhauser:

The following is the New City Public Schools official response to LBUSD District Resolution No. 120914-A titled "Denying the Request for Renewal for the Charter School Petition for the New City School by the Board of Education of the Long Beach Unified School District."

Let it be known that the New City School has offered and requested multiple times from the District, at the beginning and throughout the process, the opportunity to have a good faith dialogue regarding any areas of concern that resulted from the LBUSD review of its charter petition, as has been done with the 2-prior renewals of the NCS charter. This opportunity was not granted by the authorizing District.

In addition, the New City School was provided with charter submission guidance that indicated the specific documents required from the District, which guided the contents of the school's submitted charter renewal petition.

The following narrative addresses the claims made in the District resolution recommending denial of the NCS renewal petition. For continuity, we refer to the specific points made by the District utilizing the same numbering system as in the resolution.

Please let me know if you have any questions regarding the response provided below.

Best wishes,

A handwritten signature in black ink, appearing to read "John Vargas".

John Vargas, Executive Director

Enclosures: The Case for Renewal of the NCS Charter, NCS Renewal Budget & Cash Flows,
LOI from Clearinghouse CDFI

CC: NCPS Board of Directors
Michelle Lopez, Esq., YM&C

I. A. “NCS provided no documentation establishing that it meets any of these minimum statutory criteria for renewal, not did NCS make any effort to attempt to address this requirement for renewal.”

On Friday, Dec. 5, 2014, prior to receipt of resolution No. 120914-A, the New City School submitted a document titled “The Case for Renewal of the NCS Charter” where the school provided a summary of the programmatic improvements it has recently made to improve student academic achievement. The document also provides alternative assessment data showing student growth for NCS students as well as an alternative analysis of the CST achievement test data showing that NCS does meet the minimum criteria for renewal. To facilitate the review of this data, this information is restated here.

NCS contends that, utilizing alternative performance measures, as well as cohort analysis of CST performance criteria, **that it meets the following criteria for charter renewal:**

Ed. Code § 47607(b)

(4) (A) 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, 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.

(B) The determination made pursuant to this paragraph shall be based upon all of the following:

(i) Documented and clear and convincing data.

(ii) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 for demographically similar pupil populations in the comparison schools.

(iii) Information submitted by the charter school.

(C) A chartering authority shall submit to the Superintendent copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.

(D) A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.

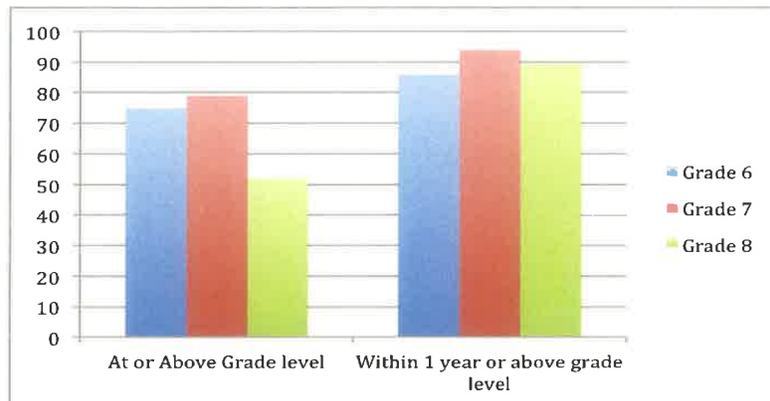
The following alternative assessment data and cohort analysis of CST scores is submitted as evidence of meeting the above criteria for renewal. We point out that the Education Code Section 47607(b)(4)(B) requires the District to consider this data before making its determination. As the District’s resolution only narrowly considers API growth score data, the resolution is legally deficient in this regard.

Student Performance on Alternative Assessment in 2013-14

In 2013-14, the state opted out of the previous CST assessments in order to pilot the newly adopted Smarter Balanced Assessment Consortium testing system, with no student results provided from the pilot.

As an alternative measure, NCS submits data from its annual Developmental Reading Assessment (DRA), developed by Pearson Education, Inc., from the Spring 2014 DRA administration for our middle schools students:

Grade Level	At or Above Grade Level	Within 1 year of Grade Level	Within 1 year or above grade level
6	75%	11%	86%
7	79%	13%	94%
8	52%	37%	89%



As can be seen from the middle school data above, the majority of students are at grade level or above in Reading/ELA, which is a very high level of performance. This level achievement is attributed to the instructional practices provided to students throughout their time at NCS.

To show growth of students over time using the same assessment, NCS submits data from its annual Developmental Reading Assessment (DRA), developed by Pearson Education, Inc., showing evidence of student growth over time for that year (growth from 2012-13 to 2013-14).

The table below shows average student performance on the DRA for students in 2012-13 and in 2013-14. As can be seen, all grade levels (except grade 3 and 5) experienced an average increase in student performance from the prior year, with Kinder student showing the largest percentage gain from the prior year. Given that most teachers from these 2 years were retained, one could assume that this pattern of growth would continue in the out years.

	2012-13 Average Raw Score	2013-14 Average Raw Score	Change from prior year	% change from prior year
TK	N/A	1.2	N/A	N/A
K	2.1	4.2	2.1	100.00%
1	9.1	9.3	0.2	2.20%
2	17	19	2	11.76%
3	31.2	26	-5.2	-16.67%
4	35.4	37	1.6	4.52%
5	51.5	48	-3.5	-6.80%
6	58.2	62.2	4	6.87%
7	61.3	72.4	11.1	18.11%
8	70.5	74.7	4.2	5.96%

Cohort Analysis: NCS compared to LBUSD

To ensure an objective yet focused analysis of the school’s prior performance on the State tests, the New City School contracted with Public Works, Inc., an evaluation/assessment consulting firm, to look at student CST data over the past years. The goal of the analysis was to track students by cohort over time, which can give a clearer picture of student growth over time, versus a simple comparison of CST results from year to year which does not necessarily take into account individual student growth over time. *(Note: full reports are available upon request)*

In order to determine whether NCS students performed significantly better or worse than would be expected to had they attended regular public LBUSD schools, Public Works matched the NCS cohorts to groups of similar students from other elementary and middle schools that NCS students would have otherwise attended and compared the two groups. To prepare for matching, first all students who lacked CST scores in either ELA or Mathematics were removed from the database. Students were also matched to take into account student demographics. Then, cohorts of students were defined as students who had remained in either NCS or a comparison school for at least three consecutive years, beginning in 2010-11. Thus, the 7th grade cohort was composed of students who were in 7th grade in 2012-13, 6th grade in 2011-12, and 5th grade in 2010-11.

Results:

(taken directly from Public Works report provided to NCS – table numbers are same table numbers used in the original report):

As shown in Table 7 below, the NCS students in the 2012-13 7th grade cohort were more likely to score in the Basic or above proficiency bands in ELA compared to LBUSD students in the same cohort on average. This result was statistically significant at the 0.05 level. In other indicators of performance, NCS 7th graders in 2012-13 were no worse than similar students district wide. When growth in test scores was examined, however, NCS 7th graders showed significantly more growth compared to similar LBUSD students in Mathematics (Table 9). NCS

students improved their performance by moving up 18 percentile ranks from 5th grade, whereas comparison students improved by only three percentile points.

Table 7: 2013 California Standards Test, 7th Grade Cohort

	Matched New City		Matched Comparison	
	<i>n</i>	%	<i>n</i>	%
ELA Proficient and Advanced	4	33%	30	38%
ELA Basic or above	12	100%*	58	73%
ELA Average Scaled Score	12	339	79	332
Math Proficient and Advanced	4	33%	16	24%
Math Basic or above	8	67%	44	66%
Math Average Scaled Score	12	326	67	318

Source.—Authors' calculations using data from the Long Beach Unified School District.

* $p \leq .05$

Table 8: 2013 California Standards Test, ELA Percentile Rank Gain between 2010-11 and 2012-13, 7th Grade Cohort

<i>n</i>	Matched New City Percentile Rank			Gain	<i>n</i>	Matched Comparison Percentile Rank		
	2010-11	2012-13				2010-11	2012-13	
12	36 th	46 th	+10		84	41 st	46 th	+5

Source.—Authors' calculations using data from the Long Beach Unified School District.

Table 9: 2013 California Standards Test, Mathematics Percentile Rank Gain between 2010-11 and 2012-13, 7th Grade Cohort

<i>n</i>	Matched New City Percentile Rank			Gain	<i>n</i>	Matched Comparison Percentile Rank		
	2010-11	2012-13				2010-11	2012-13	
11	24 th	42 nd	+18*		145	52 nd	55 th	+3

Source.—Authors' calculations using data from the Long Beach Unified School District.

* $p \leq .05$

The 2012-13 5th grade cohort also did no worse than LBUSD students on average, except in the proportion of proficient and advanced students in Mathematics (Table 10). In terms of percentile rank improvement, the 2012-13 5th graders gained 13 percentile points over their performance in third grade, compared to the LBUSD students, who actually scored less well on average than they had in third grade in English Language Arts. NCC 5th graders also saw relatively more gain in Mathematics scores, though the difference between their improvement and that of the comparison students was not statistically significant (Tables 11 & 12).

Table 10: 2013 California Standards Test, 5th Grade Cohort

	Matched New City		Matched Comparison	
	<i>n</i>	%	<i>n</i>	%
ELA Proficient and Advanced	11	52%	71	51%
ELA Basic or above	18	86%	116	83%
ELA Average Scaled Score	21	359	140	351
Math Proficient and Advanced	4	19%	45	45%*
Math Basic or above	14	67%	71	71%
Math Average Scaled Score	21	316	99	338

Source.—Authors’ calculations using data from the Long Beach Unified School District.

* $p \leq .05$

Table 11: 2013 California Standards Test, ELA Percentile Rank Gain between 2010-11 and 2012-13, 5th Grade Cohort

<i>n</i>	Matched New City Percentile Rank			Gain	<i>n</i>	Matched Comparison Percentile Rank		
	2010-11	2012-13				2010-11	2012-13	
21	43 rd	56 th	+13***		156	60 th	58 th	-2

Source.—Authors’ calculations using data from the Long Beach Unified School District.

*** $p \leq .001$

Table 12: 2013 California Standards Test, Mathematics Percentile Rank Gain between 2010-11 and 2012-13, 5th Grade Cohort

<i>n</i>	Matched New City Percentile Rank			Gain	<i>n</i>	Matched Comparison Percentile Rank		
	2010-11	2012-13				2010-11	2012-13	
21	29 th	36 th	+7		111	41 st	44 th	+3

Source.—Authors’ calculations using data from the Long Beach Unified School District.

* $p \leq .05$

Thus, NCS meets the charter renewal criteria pursuant to Education Code Section 47607(b)(4), and should be granted another five-year renewal term.

I. B. The Charter Schools Act of 1992 specifically requires that the District consider increases in pupil academic achievement for all groups of pupils served by NCS as “the most important factor” in deciding whether to grant the requested renewal of NCS’s Charter. As established by the lack of academic achievement information provided by NCS with its Charter renewal request and from the information obtained by the District from the CDE website and CCSA, NCS has not had substantial academic growth either schoolwide or for all groups served by NCS, and the academic achievement of English Learners has actually been negative rather than positive during the current Charter term.

On Friday, Dec. 5, 2014, prior to receipt of resolution No. 120914-A, the New City School submitted a document titled “The Case for Renewal of the NCS Charter” where the school provided a summary of the programmatic improvements it has recently made to improve student academic achievement. The document also provides information regarding a longitudinal study

conducted by Public Works, Inc. where CST results of NCS cohort groups were analyzed to see the true growth over time of those subgroups.

As a result of that analysis, NCS contends that the academic performance of its subgroup cohorts has indeed increased over time. Contrary to the District's limited and narrow analysis of NCS's API data, NCS's analysis provides a comprehensive review of subgroup data over time based on CST results. In accordance with Education Code Section 47607(a)(3)(A), LBUSD must consider NCS's subgroup data as **the most important factor** in its decision to grant a charter renewal. Thus, as NCS's subgroups have demonstrated increased academic achievement, NCS should be granted its charter renewal.

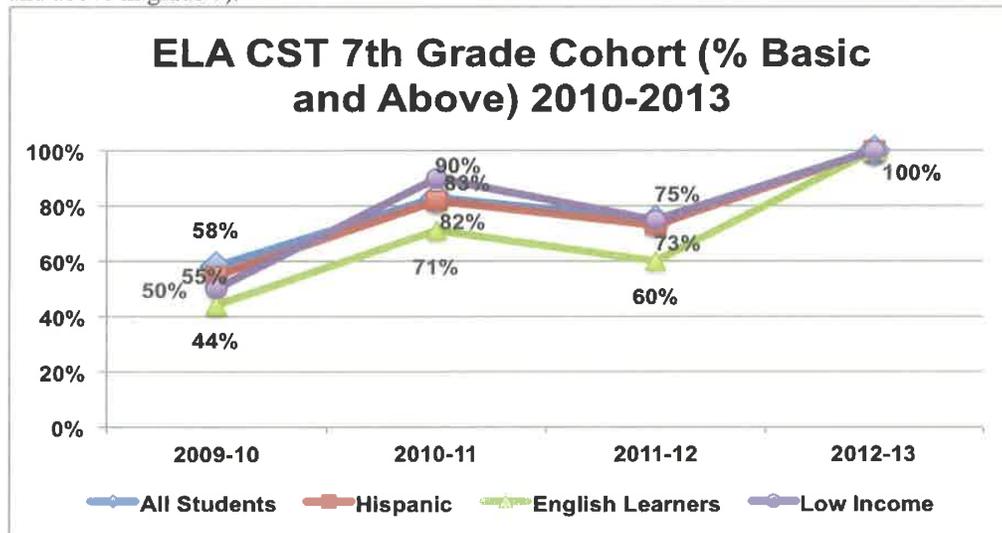
Cohort Analysis: NCS Subgroups

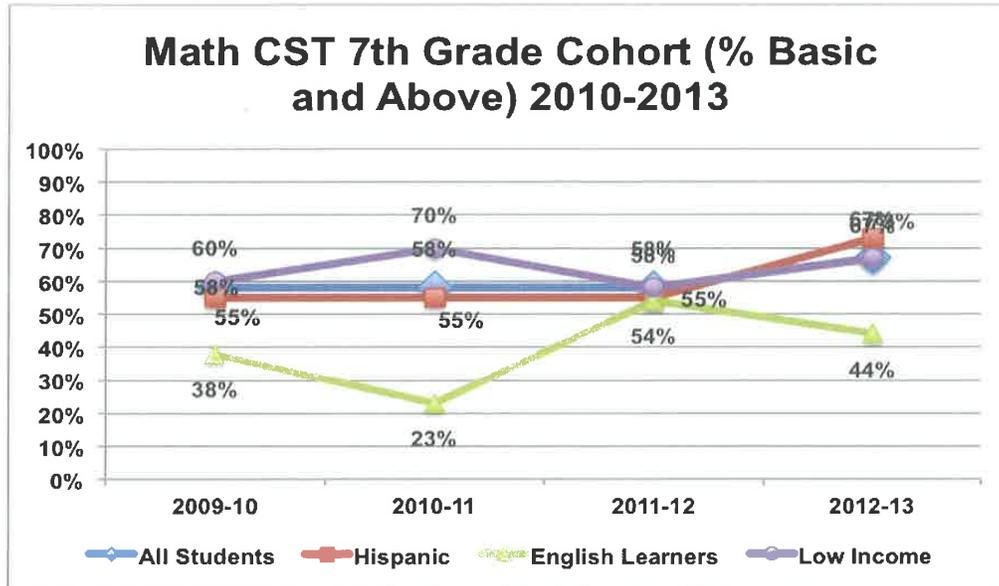
As with its previous analysis, Public Works, Inc. also conducted a cohort analysis of the NCS subgroups. It also looked at cohorts from 7th grade and 5th grade and analyzed scores for those students who had been with the school and had assessment data available for the past 4 years.

Results:

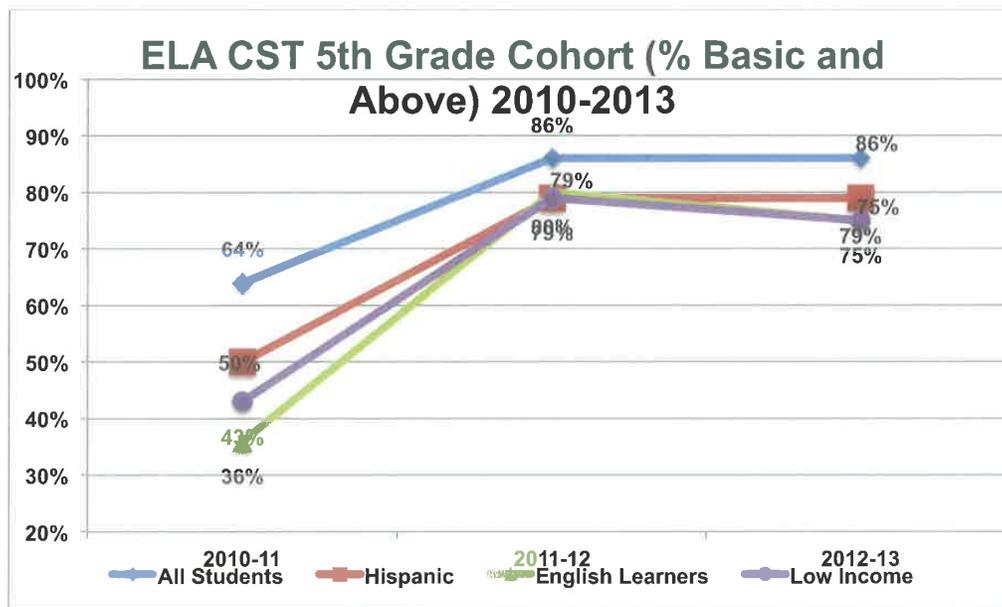
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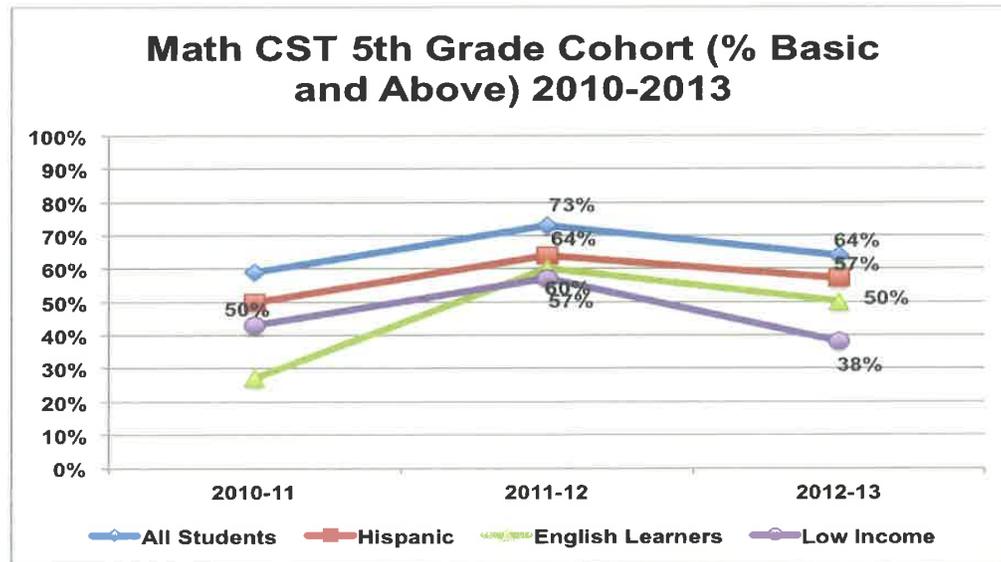
For the 7th grade cohort overall, the data shows positive growth. Students who stayed at NCS since 4th grade showed improvements both in ELA (from 58% basic and above in grade 4 to 100% basic and above in grade 7) and Math (from 58% basic and above in grade 4 to 67% basic and above in grade 7).





For the 5th grade cohort, ELA results were positive as well (67% basic and above in grade 2 to 86% basic and above in grade 5). Math results were mixed, showing a growth from 3rd to 5th grade (59% in grade 3 to 64% in grade 5) but an overall drop, if taking into account 2nd grade (100% in grade 2 to 64% in grade 5).





Subgroups

NCS currently has three numerically significant student subgroups. Pursuant to Education Code Section 47607(a)(3)(A), evidence of the subgroups' increases in academic achievement, as demonstrated below, must be considered by LBUSD as **the most important factor** in determining whether to grant NCS' charter renewal. Note that the law requires LBUSD to weigh this evidence of how and to what extent NCS has increased academic achievement over time against the evidence of other alleged deficiencies noted by LBUSD staff in the resolution. The resolution does not meet this legal requirement.

Hispanic: In the 7th grade cohort, the percentage of Hispanic students scoring Basic or higher increased 45% on the ELA CST and increased 18% on the Math CST from 2009-10 to 2012-13. CST scores of Hispanic students in the 5th grade cohort improved 22% in ELA from 2009-10 to 2012-13 but declined 29% in Math during the same time period.

English Learners: Among ELs in the 7th grade cohort, there was a 56% increase in the percentage scoring Basic or higher from 2009-10 to 2012-13. In addition, reclassified ELs from the 7th grade cohort scored as well as non-ELs on the ELA test. In Math, ELs in the 7th grade cohort improved 6% over the same time period. CST scores of EL students in the 5th grade cohort improved 25% in ELA from 2009-10 to 2012-13 but declined 30% in Math during same time period. *However, if one looks at the time period of the current charter term, one sees that an increase of 4% from 2010-11 to 2012-13 in Math for ELs.*

Low Income: The evaluation also looked at data for students from households eligible for the National School Lunch Program (NSLP), sometimes called "Free and Reduced Meals." In the 7th NCS Response to LBUSD Resolution120914-A

grade cohort, the percentage scoring Basic or higher increased 45% on the ELA CST and increased 7% on the Math CST from 2009-10 to 2012-13. CST scores of low income students in the 5th grade cohort improved 22% in ELA from 2009-10 to 2012-13 but declined 31% in Math during the same period.

Based on the above results, overall we see substantive increases in student achievement for students in the 7th and 5th grade cohorts both overall and within their respective subgroups, except for the 5th grade Math. This is an area of focus for the school and we have taken multiple measures to improve this in the future (e.g. hiring of credentialed Math intervention teacher beginning 2014-15).

Thus, as NCS's subgroups have demonstrated increased academic achievement, LBUSD must grant NCS another five-year charter renewal term.

I. B. 1. "NCS met its API Growth Targets either schoolwide or for its numerically significant subgroups only in 2011-12."

NCS draws attention to the above observation by the LBUSD staff. This significant increase in API for the entire school and subgroups can be attributed to the implementation of the Gomez and Gomez Dual Language Enrichment model that year and the school's renewed focus on supervision of instruction by the administrative team.

In 2012-13, NCS saw a semi-stabilization of the API scores. While the scores did not increase that year, it must be noted that the stabilization of scores is a significant achievement, considering the attempted revocation process initiated by LBUSD earlier that year adversely affected the learning environment. Under threat of revocation, many teachers (over 50%) took jobs at other schools. As a result, New City had to replace and train almost an entire teaching staff new to our program – and some completely brand-new to teaching. Fortunately, NCS was able to weather that storm and stabilize the students' performance. In 2012-13, we anticipated continued academic growth in the following year. However, due to the Smarter Balanced pilot year and the state suspending API in 2013-14, this growth was not able to be displayed due to the absence of 2013-14 API data.

The school looks forward to the 2014-15 student assessment results, which will give our school a new baseline to which future growth can be compared.

I. B. 5. "While according to the 3 Year Average report NCS has overall had some modest growth during this period (based on a single year of growth and two years of achievement losses) when compared to the 2009-2010 base year preceding the current Charter term, the growth is clearly limited schoolwide, and has actually been negative overall for English Learners (a primary student target population for NCS) during this term..."

As analyzed by LBUSD staff, the overall trend for all significant subgroups of NCS has been positive growth since the base year of its current renewal term.

It is important to note that this growth has been realized with only 3 years of assessment data in the current term, in addition to having been achieved despite the experience of a traumatic attempted revocation process in the 2012 year.

Despite those circumstances, the school was able to achieve a positive trend of growth overall and has made additional adjustments to ensure this trend continues in the future, especially for the English Learners subgroup.

I. B. 6. “The 2013 NCS API Achievement Gap between White students and the historically disadvantaged student groups of Hispanic or Latino, Black or African-American, and Socioeconomically Disadvantaged students is very large, and is significantly larger than the California average API Achievement Gap for the same subgroups...”

NCS recognizes that an achievement gap between white students and the subgroups identified exists and NCS has outlined the steps it is taking to ensure this gap is reduced in the future years in both its renewal charter and “The Case for Renewal of the NCS Charter” document submitted to the District.

Many schools face a similar achievement gap. This gap also exists within the Long Beach Unified School District, and that those achievement gaps are higher than the state average.

LBUSD achievement Gap (using 2013 API)

Groups	NCS 2013 API Achievement Gap Compared to White Subgroup	California 2013 Average API Achievement Gap Compared to White Subgroup
Hispanic or Latino	130 (883 – 753 = 130)	109
Black or African-American	154 (883 – 729 = 154)	145
Socioeconomically Disadvantaged	135 (883 – 748 = 135)	110

Like LBUSD, the New City School is working fervently to address the achievement gap and has implemented additional adjustments to its program to ensure this gap is reduced. This year, the school added a certificated Math intervention teacher and is in its second year of having a certificated Reading intervention teacher. In addition, the school has added a full-time counselor and Behavior Support Specialist this year to address the socio-emotional needs of these students. Similarly, the school has expanded its before and after school program offerings as well as added a family literacy program through an After School Education and Safety grant and a 21st Century Community Learning Center grant. The school has also recently sent 4 staff members to a English Language Development training at LACOE and has implemented a strategic ELD intervention tutoring program during and after school. *(details of these improvements are outlined in “The Case for Renewal of the NCS Charter”)*

I. B. 7. NCS has persistently been less successful than other public schools serving similar demographics of students statewide, as evidenced by its Similar Schools Ranking of 1. NCS is also performing at a level far below the other elementary and middle schools in the District,

with an average API of 156 points less than the District average for all schools grades Kindergarten through 8th, with by far the lowest scores compared to the other schools in Long Beach serving K-8 students. NCS's proficiency rates in English language arts and mathematics are approximately half the District average.

The school points out the Public Works cohort study that shows that the NCS cohorts analyzed performed no worse than the LBUSD comparison cohorts.

I. B. 8. While NCS is a dual-immersion program with 41% English Learner students, the English Learner students have actually had an overall negative achievement growth during the current Charter term from the 2010 base year.

The school has taken significant steps to ensure that future academic performance grows positively. As stated in "The Case for Renewal of the NCS Charter", the school has adopted an intensive ELD intervention program, with tutoring during and after school. In addition, the school's ELD improvement plan, approved by the CDE, includes intensive ELD professional development. Most recently, the school sent 4 teachers to ELD training at LACOE and monies are set aside for this professional development to continue into the future. Similarly, the NCS Charter contains a specific plan to support English Learners that will help identify, support, and reclassify English Learning in an efficient and effective manner.

II. A. The above-described concerns regarding the unsoundness of the educational program, specifically the failure during the current term to meet any of the minimum mandatory criteria for renewal as required by Education Code Section 47607(b), including a complete failure to submit any documentation or even narrative description of an argument that NCS complied with this statutory prerequisite and requirement to renewal, and the overall lack of adequate increases in pupil academic achievement for all groups of pupils served by NCS demonstrate that the proposed Charter program will be academically unsuccessful. The lack to date of adequate increases in pupil academic achievement for all groups served by NCS further establishes that the program set forth in the Charter Petition will not be successfully implemented.

The school provided to the District "The Case for Renewal of the NCS Charter" on Friday, December 5, 2014 via email to the Board Members and District. That document is attached to this response for reference.

Refer to the above evidence of increases in pupil academic achievement.

II. B. 1. The Charter Schools Act of 1992 requires NCS to submit financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation (or in the case of NCS, of renewal). NCS's failure to include several of these required documents with the renewal request is inexplicable and causes the NCS renewal Charter to be fundamentally flawed, as it is both a statutorily required component of a request for renewal and fundamental to any assessment of

the ongoing viability of the school. More specifically, the budgetary documents do not include a narrative or list of assumptions/rates. The petitioners also failed to include a Multi-Year Cashflow.

As stated in an email to the District on December 6, 2014,

“Dear Superintendent Steinhauser and Board Members (via Leticia Rodriguez),

I am writing regarding the District's resolution on the New City School's renewal, more specifically the school's fiscal budget.

The school submitted the requested detailed 5-year budget, as per the District's guidance provided by James Suarez to the New City School on August 30, 2014.

Since a 5-year budget was the only item stated to be required (per the the District's charter guidance), and since New City as regularly provided multi-year budget and cash flows as part of its operating responsibilities, it was anticipated that District staff would request additional documentation from New City staff should it be required during review of the petition, which it did not.

As a result, I am providing the District with the original excel version of the New City School's Renewal Budget which remains unchanged, which was created by NCS Back-office provider, EdTec, in collaboration with the New City School Executive Director, John Vargas.

The attached document includes a 5-year detailed budget, expense and personnel detail budget tabs, and multi-year cash flows, which demonstrate the school's ability to meet its financial obligations in the current 2014-15 year and during the full renewal term. While the excel budget includes budget notes, I am including additional notes to help facilitate review of the attached budget.”

The documents that were submitted via email are attached as reference.

II. B. 2. “As part of its oversight responsibilities, the District reviewed the Profit And Loss Statement of the prior year Unaudited Actuals, as the District currently has not received NCS’ 2013-2014 Audit report. Notably, this document fails to mention the status of the various loans incurred by NCS. More specifically, the District is aware that NCS and/or its parent organization have the following indebtedness...”

Audit Report - The statement that the District has not yet received the 2013-14 Audit Report is misleading and makes it appear that the school is intentionally not providing the report to the District. The school notes that it regularly submits to the District on a monthly basis financial statements, which include a balance sheet that details the status of all loans payable. This allows the District to maintain its oversight responsibilities on a regular basis and allows the District to have a clear accounting of the most up to date status of any loans.

The 2013-14 final audit report has not been made available to the school. A *draft* of the 2013-14 audit is available but is undergoing revision. A copy of the draft can be forwarded to the District, if necessary. It is expected that the final audit report will be ready for submittal to the State and District by the end of this week and will be forwarded upon receipt by the school.

Refinancing of LIIF Loan - At the time of the petition's submission, the school informed the District it is actively pursuing a consolidation of its debt and refinance of the current property loan.

On Friday, December 5, 2014, the school received a Letter of Intent from Clearinghouse CDFI, expressing interest in our loan refinance request after having reviewed our most recent financial statements. While the letter is not a formal loan agreement, it does express the likelihood that the school would be able to refinance the property should the school's charter be renewed.

This LOI from Clearinghouse CDFI is attached to this response, as reference.

It must also be noted that the school has continued to make timely loan payments to all lenders.

1.4

Los Angeles County Office of Education
Charter School Office

Directions: Submit all documents simultaneously in a loose-leaf (3-ring) binder with numbered dividers inserted between sections. Copies are to be single-sided. Also submit an electronic copy of items 1 – 2, Table of Contents, and Sections I – VII via CD or Flash Drive. Items 1 – 2 may be combined as one file; Table of Contents and each section shall be submitted as separate files. Section III must be submitted as three (3) separate files (III.1, III.2, III.3). Section IV.1 (Budgets) shall be submitted as unlocked spreadsheets.

Once LACOE verifies that all required documents have been submitted, it will notify the petitioner in writing. The petitioner shall have no less than five (5) working days to submit 20 collated, two-sided (back-to-back), three-hole punched, rubber banded copies of Sections I through VII.

LACOE reserves the right to request additional documents and information as necessary to provide the County Board with a complete understanding of the proposed charter.

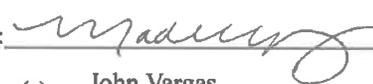
LACOE will conduct a facilities inspection as part of the petition review process or prior to opening, if authorized.

Required Certification

Submission of a petition and this signed document certifies that:

1. The governing board has taken action to approve the submitted petition and budget.
2. The governing board has taken action to approve submission of the petition to the County Board.
3. The governing board and lead petitioner(s) have read, understand, and intend to adhere to the requirements outlined in this document, the *Overview of the Process for Considering a Charter Petition Received on Appeal**; Los Angeles County Board Policies and Administrative Regulations regarding Charter Schools**; and the *Charter School Monitoring and Oversight Memorandum of Understanding (MOU)****.

Printed name of board signatory: Madeline Holler

Signature of board signatory:  Date: 12/19/2014

Printed name of lead petitioner(s): John Vargas

Signature of lead petitioner(s):  Date: 12/12/14

*Please review the document, *Overview of the Process for Considering a Charter Petition Received on Appeal* or contact the Charter School Office for additional information.

***Los Angeles County Board Policies and Regulations are available at*
<http://gamutonline.net/district/lacoe/PolicyCategoryList/2422/0>

****The Charter School Monitoring and Oversight MOU is available at*
http://www.lacoe.edu/Portals/0/LACOE/CharterSchools/Monitoring%20&%20Oversight%20MOU_Template%20for%20CSO%20Webpage_March%202013%20SAMPLE.pdf

December 16, 2014 at **4:00 p.m.** in the **south campus library** located at 1637 Long Beach Blvd., Long Beach, CA 90813.

Draft

Regular Meeting: Minutes for December 15, 2014

I. Call to Order: 4:21 p.m.

Attendance

Present:

-
- Madeline Holler, Chair, Parent Representative
 - Dana Van Sinden, Secretary
 - Juan Carlos Bojorquez
 - Shirley Huling, Parent Representative

Absent

- David Morris

Guests present:

- Nicolle West
- Ernesto Rocha
- Michelle Lopez-Attorney

Staff present

- Doris Gorski
- Gabby Perez-Ugalde

II. Approval of Agenda—Action

- a. A Motion to approve the agenda was made by Ms. Huling and seconded by Mr. Bojorquez and approved unanimously
- b. Chair, Madeline Holler requested a reordering of the agenda to move item VIII to follow Item X.
 - b.i. Approved as a friendly amendment.

III. Approval of Minutes—Action

- a. November 24, 2014 Regular Meeting – a Motion to approve the minutes was made by Ms. Huling and seconded by Mr. Bojorquez and approved unanimously

IV. Public comment

1. For items not listed on the agenda
 - a. Doris Gorski spoke about the teachers' morning meeting. Attendance has been up and teachers have had lively discussions. Administration was not able to attend so she wanted to provide an update.
 - a.i. Teachers would like more time planned to talk together to develop understandings about recent events and to plan for the staff voice to be present in appeal efforts.
 - b. Nicolle West (parent) came to express to the board her interest in helping with appeal efforts. She feels that her rights as a citizen of LB are being violated by not being allowed to have school choice in our community.
2. For items listed on the agenda-none

V. Reports:

a. Director of Education Programs

- a.i. Ms Lee was present to highlight portions of the written DEP report including data countering the district's specious claims that NCS serves similar populations as
-

the district's other dual immersion K-5 and middle school; the district's claim that NCS students are typically remediated when entering district schools; and that NCS's attrition rate is a reaction to the school's program and performance. [See attached report for details]

b. Executive Director

b.i. John Vargas was present to highlight portions of the written ED report.

b.i.1. Guidance from LACOE about the renewal appeal was provided and discussed.

b.i.1.a. Time line for the renewal appeal was provided.

b.i.1.a.i. The timeline was shared with certificated staff on 12/12/15 and will be shared with classified staff on 12/17/15.

VI. November 2014 Financials – Action

a. A Motion to approve the November 2014 financial report was made by Mr. Bojorquez and seconded by Ms. Van Sinden and approved unanimously

VII. Audit 2013-14 Approval- Action

a. Mr. Vargas presented the 2013 audit for board approval. This year's audit contains no findings or concerns of any type. Mr. Vargas thanked all the staff and particularly administrative coordinator Mary Jimenez for her efforts coordinating the documentation.

b. A Motion to approve the November 2014 financial report was made by Ms. Huling and seconded by Mr. Bojorquez and approved unanimously

VIII. Authorization of Executive Director to Enter into Agreements with Procopio, Strategic Counsel and Mercury Public Affairs

a. Mr. Vargas described the need for various support entities for the upcoming renewal appeal. Clarification on the specific needs was provided and the board authorized Mr. Vargas to enter in to agreements up to the financial limit outlined in NCS governing policies.

IX. Closed Session: Convened at 5:47

a. **With respect to every item of business to be discussed in closed session pursuant to Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: Executive Director

b. **With respect to every item of business to be discussed in closed session pursuant to Section 54956.9(b): CONFERENCE WITH LEGAL COUNSEL – Potential Litigation**

X. Reconvene to Open Session: 6:49

a. Conferred with legal council on potential litigation, no action to report

XI. Approval of Submission of Appeal of the New City School Renewal Petition to the Los Angeles County Office of Education – Action

-
- a. Mr. Vargas highlighted the legal agreement contained within the submission of the renewal appeal to LACOE.
 - b. A Motion to approve the submission of the renewal petition was made by Mr. Bojorquez and seconded by Ms. Van Sinden and approved unanimously

XII. Adjournment: 6:53

- a. A Motion to adjourn was made by Mr. Bojorquez and seconded by Ms. Van Sinden and approved unanimously
-

Description of Changes Necessary to The New City School Charter Renewal Petition

The New City School (the “Charter School”) respectfully submits its charter renewal petition to the Los Angeles County Board of Education. We have listed below the relevant and appropriate changes to the charter petition, which are necessary to reflect approval by the County Board:

1. Chartering Authority

Any text referring to the Long Beach Unified School District, LBUSD, or the District as the chartering authority would be revised to read “Los Angeles County Board of Education” or “LACBOE,” or the “Los Angeles County Office of Education” or “LACOE,” as the oversight agency, where appropriate, throughout the entire document.

More specifically, Language in Element 4 – Governance (pg. 59) will be changed to reflect LACOE as the authorizer.

“NCS is authorized under the Los Angeles County Office of Education (LACOE). As it’s authorizer, the LACOE has an oversight role with NCS and works with NCS to ensure compliance with the school’s charter and applicable education code. “

2. Special Education – Element 1

The charter language addressing the service of students with disabilities on page 31-32 of the renewal petition reflects the Charter School’s 15-year arrangement with the Long Beach Unified School District as a “school of the district” for special education purposes. Accordingly, for appeal purposes, the language must be changed to reflect the Los Angeles County Board of Education as the authorizer. The revised charter language in this section is as follows:

Overview

The Charter School shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act (“Section 504”), the Americans with Disabilities Act (“ADA”) and the Individuals with Disabilities in Education Improvement Act (“IDEIA”).

The Charter School will be its own local educational agency (“LEA”) and will apply directly for membership in a Special Education Local Plan Area (“SELPA”) in conformity with Education Code Section 47641(a). The Charter School will seek membership in the Los Angeles County Charter SELPA, Southwest SELPA, the El Dorado County Charter SELPA, or other SELPA options as needed.

In the event the Charter School seeks membership in a different state-approved SELPA, the Charter School will provide notice to LACOE, the SELPA, and the California Department of Education before June 30th of the year before services are to commence.

The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms.

The Charter School may request related services (e.g. Speech, Occupational Therapy, Adapted P.E., Nursing, and Transportation) from the SELPA, subject to SELPA approval and availability. The Charter School may also provide related services by hiring credentialed or licensed providers through private agencies or independent contractors.

The Charter School shall be solely responsible for its compliance with Section 504 and the ADA. The facilities to be utilized by the Charter School shall be accessible for all students with disabilities.

Section 504 of the Rehabilitation Act

The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Charter School.

A 504 team will be assembled by the Principal and shall include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student's existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEIA but found ineligible for special education instruction or related services under the IDEIA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- Tests and other evaluation materials including those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligence quotient.
- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEIA, a referral for assessment under the IDEIA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education (“FAPE”). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the Charter School’s professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student’s education, including substitutes and tutors, must have a copy of each student’s 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student’s file. Each student’s 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

Services for Students under the “IDEIA”

The following description regarding how special education and related services will be provided and funded is being proposed by the Charter School for the sole purpose of providing a reasonably comprehensive description of the special education program in the Charter Petition, and is not binding on the County. The specific manner in which special education and related services will be provided and funded shall be set forth in a Memorandum of Understanding (“MOU”), delineating the respective responsibilities of the Charter School and the SELPA. A copy of the MOU will be presented to LACOE upon execution.

The Charter School shall provide special education instruction and related services in accordance with the IDEIA, Education Code requirements, and applicable policies and practices of the SELPA.

The Charter School will provide services for special education students enrolled in the Charter School. The Charter School will follow SELPA policies and procedures, and shall utilize SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and parent complaints, and maintaining the confidentiality of pupil records.

The Charter School agrees to promptly respond to all County or SELPA inquiries, to comply with reasonable County or SELPA directives, and to allow the County or SELPA access to Charter School students, staff, facilities, equipment and records as required to fulfill all County obligations under this Agreement or imposed by law.

Staffing

All special education services at the Charter School will be delivered by individuals or agencies qualified to provide special education services as required by the California Education Code and the IDEIA. Charter School staff shall participate in County or SELPA in-service training relating to special education.

The Charter School will be responsible for the hiring, training, and employment of site staff necessary to provide special education services to its students, including, without limitation, special education teachers, paraprofessionals, and resource specialists. The Charter School shall ensure that all special education staff hired or contracted by the Charter School is qualified pursuant to SELPA policies, as well as meet all legal requirements. The Charter School shall be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to Charter School students, including, without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists.

Notification and Coordination

The Charter School shall follow SELPA policies as they apply to all SELPA schools for responding to implementation of special education services. The Charter School will adopt and implement policies relating to all special education issues and referrals.

Identification and Referral

The Charter School shall have the responsibility to identify, refer, and work cooperatively in locating Charter School students who have or may have exceptional needs that qualify them to receive special education services. The Charter School will implement SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs. A pupil shall be referred for special education only after the resources of the regular education program have been considered, and where appropriate, utilized.

The Charter School will follow SELPA child-find procedures to identify all students who may require assessment to consider special education eligibility and special education and related services in the case that general education interventions do not provide a free appropriate public education to the student in question.

Assessments

The term “assessments” shall have the same meaning as the term “evaluation” in the IDEIA, as provided in Section 1414, Title 20 of the United States Code. The Charter School will determine

what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with applicable law. The Charter School shall obtain parent/guardian consent to assess Charter School students.

IEP Meetings

The Charter School shall arrange and notice the necessary IEP meetings. IEP team membership shall be in compliance with state and federal law. The Charter School shall be responsible for having the following individuals in attendance at the IEP meetings: the Principal and/or the Charter School designated representative with appropriate administrative authority as required by the IDEIA; the student's special education teacher; the student's general education teacher if the student is or may be in a regular education classroom; the student, if appropriate; and other Charter School representatives who are knowledgeable about the regular education program at the Charter School and/or about the student. The Charter School shall arrange for the attendance or participation of all other necessary staff that may include, but are not limited to, an appropriate administrator to comply with the requirements of the IDEIA, a speech therapist, psychologist, resource specialist, and behavior specialist; and shall document the IEP meeting and provide notice of parental rights.

IEP Development

The Charter School understands that the decisions regarding eligibility, goals/objectives, program, services, placement, and exit from special education shall be the decision of the IEP team, pursuant to the IEP process. Programs, services and placements shall be provided to all eligible Charter School students in accordance with the policies, procedures and requirements of the SELPA and State and Federal law.

IEP Implementation

The Charter School shall be responsible for all school site implementation of the IEP. As part of this responsibility, the Charter School shall provide parents with timely reports on the student's progress as provided in the student's IEP, and at least quarterly or as frequently as progress reports are provided for the Charter School's non-special education students, whichever is more. The Charter School shall also provide all home-school coordination and information exchange. The Charter School shall also be responsible for providing all curriculum, classroom materials, classroom modifications, and assistive technology.

Interim and Initial Placements of New Charter School Students

The Charter School shall comply with Education Code Section 56325 with regard to students transferring into the Charter School within the academic school year. In accordance with Education Code Section 56325(a)(1), for students who enroll in the Charter School from another school district within the State, but outside of the SELPA with a current IEP within the same academic year, the Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in

consultation with the parent, for a period not to exceed thirty (30) days, by which time Charter School shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law.

In accordance with Education Code Section 56325(a)(2), in the case of an individual with exceptional needs who has an IEP and transfers into the Charter School from a district operated program under the same special education local plan area of the Charter School within the same academic year, the Charter School shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the Charter School agree to develop, adopt, and implement a new IEP that is consistent with federal and state law.

For students transferring to the Charter School with an IEP from outside of California during the same academic year, the Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP in consultation with the parents, until the Charter School conducts an assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by the Charter School, and develops a new IEP, if appropriate that is consistent with federal and state law.

Non-Public Placements/Non-Public Agencies

The Charter School shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students.

Non-discrimination

It is understood and agreed that all children will have access to the Charter School and no student shall be denied admission nor counseled out of the Charter School due to the nature, extent, or severity of his/her disability or due to the student's request for, or actual need for, special education services.

Parent/Guardian Concerns and Complaints

The Charter School shall adopt policies for responding to parental concerns or complaints related to special education services. The Charter School shall receive any concerns raised by parents/guardians regarding related services and rights.

The Charter School's designated representative shall investigate as necessary, respond to, and address the parent/guardian concern or complaint.

Due Process Hearings

The Charter School may initiate a due process hearing or request for mediation with respect to a student enrolled in Charter School if it determines such action is legally necessary or advisable. In the event that the parents/guardians file for a due process hearing, or request mediation, the Charter School shall defend the case.

SELPA Representation

The Charter School understands that it shall represent itself at all SELPA meetings.

Funding

The Charter School understands that it will be subject to the allocation plan of the SELPA.

3. Dispute Resolution – Element 14

The Dispute Resolution language on page 96 in the charter petition will be revised to meet County Board Policy requirements.

LACOE Board Policy 0420.4(i)

Dispute Resolution Procedure

“The County Board shall only approve a dispute resolution procedure if it is equitable to both parties. The County Board may condition its approval of a charter petition subject to the petitioner(s) making changes to the dispute resolution procedure that is equitable to both parties. Such changes must be made prior to the first day of the charter term.

Both parties will attempt to settle such dispute by meeting and conferring in a good faith attempt to resolve the dispute.”

4. School Closure Procedures – Element 16

School Closure procedures on page 98 will be revised to remove the District and only include LACOE as the oversight authority for notification of school closure, transfer of documents and student records, etc..

5. Fiscal Reporting – Miscellaneous Terms

Fiscal Reporting procedures on page 100 will be revised to reflect LACOE as entity to which NCS will directly submit all fiscal as well as attendance reporting documents.

6. Insurance – Miscellaneous Terms

NCS shall change bottom paragraph of page 100 to reflect LACOE as additionally insured.

7. Technical Amendments

The Charter School will comply with any and all technical amendments to its charter as required by the LA County Board of Education and Office of Education.

**Minutes of LACOE Governing Board Meeting
from Initial Public Hearing on New City's
Renewal Petition (1/20/15)**

**APPROVED
NO. 20:2014-15**

**MINUTES
LOS ANGELES COUNTY BOARD OF EDUCATION
9300 Imperial Hwy.
Downey, California 90242-2890
Tuesday, January 20, 2015**

A Board meeting of the Los Angeles County Board of Education was held on Tuesday, January 20, 2015, in the Board Room of the Los Angeles County Education Center, 9300 Imperial Highway, Downey, CA 90242-2890.

PRESENT: Mr. Douglas Boyd, Ms. Katie Braude, Dr. Jose Zapata Calderon, Mr. Alex Johnson, Dr. Ray Reisler, Mr. Thomas A. Saenz, and Dr. Rebecca Turrentine

OTHERS PRESENT: Superintendent Dr. Arturo Delgado; Administrative staff; Ms. Beatrice Robles, Senior Executive Assistant

PRELIMINARY ACTIVITIES

CALL TO ORDER

Ms. Braude called the meeting to order at 3:08 p.m.

PLEDGE OF ALLEGIANCE

Mr. Johnson led the Pledge of Allegiance to the Flag.

ORDERING OF THE AGENDA

Dr. Delgado indicated that there were no changes to the Board agenda.

It was **MOVED** by Mr. Saenz, **SECONDED** by Dr. Reisler, and **CARRIED** to approve the Board agenda as presented.

Yes vote: Johnson, Mr. Boyd, Dr. Calderon, Ms. Braude, Dr. Reisler, Dr. Turrentine, and Mr. Saenz.

The item was approved as presented.

COMMUNICATIONS: BOARD / SUPERINTENDENT

There were no communications from the County Board

Dr. Delgado

Dr. Delgado said that he was appointed to the Advisory Commission on Charter Schools (ACCS). He said that his first meeting is on February 10, 2015.

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COMMUNICATIONS: PUBLIC

There were several individuals who spoke in support of New City School: Mr. Wayne Wright, teacher; Ms. Nyla Lee, former student; Ms. Kyra Toves, student; Ms. Sofia Aguilera, student; and Mr. Barry Vanderable, parent.

PRESENTATIONS (none)

HEARINGS

THE NEW CITY SCHOOL GRADES TK-8: APPEAL OF A NON-RENEWED PETITION BY LONG BEACH UNIFIED SCHOOL DISTRICT

Education Code section 47605(b) provides that within 30 days after receiving a charter petition, the Los Angeles County Board of Education shall hold a public hearing for the purpose of determining the level of support for the charter petition by teachers, employees, and parents of the proposed charter. Within 60 days, the County Board shall review the petition and information provided at the public hearing and either grant or deny the petition unless a 30-day extension is agreed to by the petitioners and the County Board.

Mr. John Vargas, Lead Petitioner and two additional speakers spoke in favor the charter petition: Ms. Michelle Lopez, attorney with Young, Minney & Corr, LLP; and Ms. Doris Drewsky, teacher

In addition, the following public speakers spoke in support of New City School: Mr. Adrian Veliz, parent; Ms. Madeline Hollar, President of the Board of Directors for New City School; Ms. Jessica Pandya, Professor/Researcher; and Ms. Maria Penalosa, mother.

There we several public speakers who spoke against New City School: Ms. Sarah Angel; Ms. Allison Hendrick; Mr. James Suarez; Mr. Christopher Lund; and Ms. Sukhi Ahluwalia.

There was information distributed to the County Board by the New City School: pamphlet, entitled: *Viva New City School! LBUSD Summary of New City Data; Letters from Carl A. Cohn, Diane Ravitch, and Eric Premack*. One PPT page was shared with the County Board, entitled, *Long Beach and Charter School Choice* as well as the following documents: *Far Exceeding Required Time of Instruction; Acceptance into LBUSD Specialized programs; and NCS Parent Participation – Our full house*.

Dr. Calderon said he had a question, in reading all of the materials provided. He said that in regards to the contention of LBUSD that New City has not attained growth in student performance. He said that one of the documents provided, highlights an alternative assessment used to capture student growth over time. He said this was important because it shows that New City meets the minimum requirements for renewal. He asked if the charter leader could talk about how alternative assessment measures were used to gauge student performance in order to meet the criteria for charter renewal.

The charter school leader said that they looked at internal assessments, developmental reading and writing assessments and Charter Works summary. They looked at cohort growth over time and took students who had 4 or more years in two different grade levels and used their scores.

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Since there was no CST last year, they took the CST scores from previous years, assessment data as well as internal assessment data to inform parents of student's progress.

Dr. Calderon asked that staff look at this data and give the County Board an explanation as to what is used as assessment and what is being contended in the alternative assessment criteria. He said that the information provides an answer to the contention and conflict present throughout the document on the student growth criteria.

Dr. Reisler read the following script and requested that his comments be added to the minutes of January 20, 2015:

"I carefully read the Long Beach School District's denial of the New City School and I read even more carefully the NCS response/rebuttal to the denial. And I've listened this morning to the NCS statements which both repeat and add on to the denied petition requesting 5 more years. And I have listened with empathy to the personal statements of the supporters., But before I ask a question and without taking sides, I want to express that I have learned a great deal during my time on the Board but my experience with the Charter School Appeal process has been one of the most vexing.

When a local school District has approved a Charter school and lived with and monitored that Charter for years, I believe it is incumbent upon me, and this Board, to give my utmost respect and recognition to the competence, the fiduciary obligation and the integrity of the denying district's decision-making and analysis. Of course I am aware that there are sometimes bad decisions, faulty reasoning and even possibly shenanigans, but the appeal process in my mind – and at least one other Board member opinion – should be just that, an appeal, and not another bite at the proverbial apple.

If we respect to the integrity of the denying District without injecting unnecessary fears or personal biases, then the Charter School's appeal will be literally just that, an appeal of specific provisions and statements of the denying district, and nothing more.

It's not necessarily helpful to hear new data, new information, new protests and new promises that were crafted within the few weeks between the denial and the LACOE public hearing. Nor is it necessary for a repeat performance of the heartfelt words and emotions of numerous adults and children supporters speaking on behalf of their school. Maybe a representative sample would suffice. This Board and the Office of Education should not be bound to investigate and examine every appeal as if it was the original application. Wherein the appealing charter schools starting point is to repeat what it gave to the denying district originally and then craft a rebuttal, and then make an appeal to LACOE.

I hear from LACOE staff about the increasing number of charter school appeals and I wonder how it cannot help, but tax the capacity of the Charter School Office, and perhaps the quality of its output.

Denied charter schools unleash every possible means of new support and find every creative way to persuade our Board. The use of prestigious law firms and high powered

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PR firms is becoming a necessity and unveils an even more sharply angled and multi-pronged approach to the appeal process.

To conclude, in my opinion it is a disservice to the appellant for us to invite and sustain this. We and they should be narrowly focused on the specific reasons for denial.

If our Charter school staff and this Board disagree with specific provisions in the local district's denial, we can proceed to the next step.

For these reasons, right now I only have only one question for the Petitioner's spokespeople. I wanted to know whether Carl Cohn's letter and Diane Ravitch's letters were submitted with the original petition; it was September 30, 2014, to the Long Beach School District?

The petitioner responded that both letters were written after the denial of the charter.

Dr. Reisler asked that in the book of letters of support, which was provided to the County Board, if the school could estimate after the denial, and how many of the letters were written.

The petitioner responded that ten letters were submitted after the denial.

Mr. Saenz posed a legal question regarding Education Code Section 47607(b), and invited all interested stakeholders to respond. The question related to the statute's attribution of the fourth renewal criterion, upon which New City relies, and none of the other renewal criteria, to the, "entity that granted the charter." Specifically, Mr. Saenz asked whether that statutory language precludes or constrains consideration of renewal under the fourth criterion on appeal.

(4)(A) 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, 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.

The County Board took a recess: 4:25 – 4:30 p.m.

REPORTS / STUDY TOPICS

MEETING WITH THE FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM (FCMAT)

The Fiscal Crisis and Management Team met with the County Board to review the progress made on the recommendations presented to the County Board at its October 9, 2012, Board meeting. The FCMAT team included: Mr. Joel Montero, Chief Executive Officer; Ms. Shayleen Harte, Intervention Specialist; Ms. Michelle Plumtree, Chief Management Analyst; and Mr. Bill Gillespe, Deputy Administrative Officer.

The FCMAT team reviewed with the County Board: Overview of LACOE's Response; Purpose of FCMAT's Follow-up Report; areas of Governance, Staffing and Organization, and Fiscal

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Impact of Staff Reductions, as well as Fiscal Management. Other items included Financial Analysis of organization and juvenile court schools, as well as County Community schools.

Ms. Braude said that she is glad to hear about LACOE's progress and commended Dr. Delgado and staff for the progress made.

Dr. Delgado said that when he first arrived at LACOE in 2011, he was glad that he came in when he did and that FCMAT came in to do the initial audit. He said that although much progress has been made since the audit, there are still some concerns and more work is needed to improve some areas. Dr. Delgado said he believes in being transparent with the County Board whether data or information is good or bad.

Dr. Delgado left the Board Meeting at 5:03 p.m.
Ms. Vibiana Andrade took the Superintendent's seat at 5:03 p.m.

**CONSENT CALENDAR RECOMMENDATIONS (none)
RECOMMENDATIONS (none)**

CLOSED SESSION

Conference with Legal Counsel – Potential Litigation – Pursuant to Government Code Section 54956.9(d)(2)(d)(3)

The County Board adjourned to executive closed session on this matter at 5:16 p.m.

There was no action taken in closed session. The County Board returned to open session at 6:02 p.m.

INFORMATIONAL ITEMS

GOVERNMENTAL RELATIONS

Ms. Andrade had nothing to report to the County Board.

BOARD COMMITTEE/LIAISON REPORTS

Dr. Turrentine indicated that information regarding the Los Angeles County Education Foundation event in September 2015 was sent to the County Board. She said she received an email that the Southern California Edison donated \$25k for the Science, Technology, Engineering and math (STEM) fields.

FOLLOW UP

A DISCUSSION BY THE COUNTY BOARD WHETHER TO INVITE LAUSD CHARTER SCHOOLS DIVISION TO PRESENT TO THE COUNTY BOARD

Mr. Boyd asked that this item be taken off the Board calendar and that the County Board will wait for a memorandum from the Office of General Counsel regarding Attorney-Client Privileged Communications.

The County Board agreed.

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Dr. Reisler requested that the Board Follow-ups be postponed until February 3, 2015.

Ms. Braude reviewed the Board calendar items for the February 3 and February 10, 2015, Board meetings with the County Board. She said that a lot of charter school items are scheduled on the calendar.

Ms. Andrade mentioned that the staff is doing everything possible to divide the Reports and Recommendations so that they don't happen on the same day. However, it has become a little difficult because some of the charter schools have declined to waive the timelines. Therefore, the County Board may see Reports and Recommendations on the Board agenda during the same Board meeting.

When a Report and Recommendation are on the same day, is there any testimony from the schools and if so how much time is allowed for Board questions?

Ms. Andrade indicated that during the Report period, that there is a period of time for the County Board to ask questions from staff, but not public speakers.

Ms. Braude indicated that along with the Attorney Client Privilege and Closed Session under Brown Act Review for the County Board, she would like to have another review of the charter school appeal process, including timelines and the County Board's responsibility during the Hearing, Report and Recommendation process.

Dr. Reisler agreed and asked that his comment during the Hearing portion of the meeting also be added as part of the discussion on the review of the charter school appeal process.

**LOS ANGELES COUNTY BOARD OF EDUCATION MEETING SCHEDULE,
ESTABLISHMENT OF MEETING TIMES, FUTURE AGENDA ITEMS**

Ms. Braude reviewed the Board calendar for the February 3, 2015, Board meeting.

INTERDISTRICT AND EXPULSION APPEAL HEARINGS (None)

ADJOURNMENT

It was **MOVED** by Mr. Boyd, **SECONDED** by Dr. Reisler, and **CARRIED** to adjourn the meeting.

A verbal vote was taken to adjourn the meeting: Mr. Boyd, Ms. Braude, Dr. Calderon, Mr. Johnson, Dr. Reisler, Mr. Saenz, and Dr. Turrentine.

The meeting was adjourned at 6:11 p.m.

Minutes of LACOE Governing Board Meeting Evidencing 30-day Extension for Decision on New City's Renewal Petition (2/10/15)

**APPROVED
NO. 22:2014-15**

**MINUTES
LOS ANGELES COUNTY BOARD OF EDUCATION
9300 Imperial Hwy.
Downey, California 90242-2890
Tuesday, February 10, 2015**

A Board meeting of the Los Angeles County Board of Education was held on Tuesday, February 10, 2015, in the Board Room of the Los Angeles County Education Center, 9300 Imperial Highway, Downey, CA 90242-2890.

PRESENT: Mr. Douglas Boyd, Ms. Katie Braude, Dr. Jose Zapata Calderon, Mr. Alex Johnson, Dr. Ray Reisler, Mr. Thomas A. Saenz, and Dr. Rebecca Turrentine

OTHERS PRESENT: Deputy Superintendent Dr. Joseph Ybarra; Administrative staff; Ms. Beatrice Robles, Senior Executive Assistant

PRELIMINARY ACTIVITIES

CALL TO ORDER

Ms. Braude called the meeting to order at 3:11 p.m.

PLEDGE OF ALLEGIANCE

Mr. Boyd led the Pledge of Allegiance to the Flag.

ORDERING OF THE AGENDA

Dr. Ybarra indicated that the Report on Staff Findings on the Renewal of the Charter for the Magnolia Science Academy-Bell Charter School, Grades 6-8: Appeal of a Non-Renewed Charter denied by the Los Angeles Unified School District would be moved from Recommendations to the Reports / Study Topics section of the Board agenda.

It was **MOVED** by Mr. Boyd, **SECONDED** by Mr. Johnson, and **CARRIED** to approve the Board agenda as reordered.

Yes vote: Mr. Boyd, Dr. Reisler, Dr. Calderon, Mr. Johnson, Dr. Turrentine, and Mr. Saenz.

The agenda was approved as reordered.

COMMUNICATIONS: BOARD / SUPERINTENDENT

There were no communications from the County Board

There were no communications from the Deputy Superintendent.

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COMMUNICATIONS: PUBLIC

Mr. Ricardo Mireles, Founder of Academia Avance, requested an extension of charter submission for Academia Avance charter renewal.

Ms. Sarah Angel, Managing Director, Advocacy, Greater Los Angeles for the California Charter Schools Association, spoke in support of Magnolia Public Schools.

Ms. Braude arrived to the Board meeting at 3:26 p.m.

There were several individuals who spoke in support of New City School: Ms. Becky Gibson Cortese, parent; Ms. Doris Gorski, teacher; Ms. Jessica Pandya, parent/community member; Ms. Laura Isabel Serna, parent (provided information to the County Board); Ms. Xochitl Hernandez, parent and educator (*read a letter from Un Mundo de Amigos Preschool*); Mr. Anthony Konet, student; Mr. Aaron Konet, student; Ms. Laura Merryfield, Building Healthy Communities, non-profit organization; Ms. Jennifer Kerwin, parent; and Ms. Brooke Henry, parent and educator.

PRESENTATIONS (None) HEARINGS (None)

REPORTS / STUDY TOPICS

HEAD START-STATE PRESCHOOL DIVISION PLANNING SYSTEM

Ms. Yolanda Benitez, Chief Academic Officer, introduced the Head Start-State Preschool Division Planning System report to the County Board.

Ms. Ana Campos, Assistant Director for Head Start State Preschool, provided an overview of the planning system based on information included in the planning system report, which is required for state and federal regulations. The major change is a shift from an indefinite three-year project period to a five-year project.

The County Board had a discussion on this item.

Dr. Calderon commended the Planning Council and Development staff for the plan and presentation. He is hopeful that the plan will be used for agencies that receive a C rating and to assist agencies much more.

Dr. Reisler thanked the staff for the report. He said it was done well with the provisions of the element for each of the criteria and steps.

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**REPORT ON STAFF FINDINGS ON THE RENEWAL OF THE CHARTER FOR THE
MAGNOLIA SCIENCE ACADEMY-BELL CHARTER SCHOOL, GRADES 6-8:
APPEAL OF A NON-RENEWED CHARTER DENIED BY THE LOS ANGELES
UNIFIED SCHOOL DISTRICT**

The Magnolia Science Academy Bell (MSA-Bell), renewal petition was presented to the County Board pursuant to Education Code Sections 47605 and 47607.

Ms. Benitez provided an introduction and background information on the charter school.

There were several individuals who spoke in support of Magnolia Public Schools: Ms. Marilyn Alberto, represented 498 students at MSA; Ms. Laura Nunez, parent (interpreter was used), Ms. Adrienne Ortega, parent; Ms. Nicole Vasquez, teacher; Mr. Alfredo Rubalcava, principal for Magnolia; Mr. Noel Utenburger, Board member at Bell; Dr. Caprice Young, CEO and Superintendent for Magnolia; Mr. Jerry Simmons, attorney for Young, Minney, and Corr, LLP.

Ms. Dina Wilson, Coordinator, for Charter Schools Office provided an overview of staff findings.

The County Board had a discussion on this item.

It was **MOVED** by Mr. Saenz, **SECONDED** by Dr. Calderon, and **CARRIED** to reorder the agenda and move the Recommendation forward for the County Board to consider.

There was no discussion by the County Board on the motion.

Yes vote: Mr. Boyd, Dr. Reister, Mr. Saenz, Dr. Calderon, Mr. Johnson, and Ms. Braude.

No vote: Dr. Turrentine.

The item was approved. The Board agenda was reordered and moved the Recommendation for Magnolia forward for the County Board to consider.

~~**STAFF FINDINGS AND COUNTY BOARD ACTION TO APPROVE THE
SUPERINTENDENT'S RECOMMENDATION TO DENY RENEWAL OF THE
CHARTER FOR THE MAGNOLIA SCIENCE ACADEMY-BELL CHARTER SCHOOL,
GRADES 6-8: APPEAL OF A NON-RENEWED CHARTER DENIED BY THE LOS
ANGELES**~~

The Superintendent recommended that the County Board adopt the written findings of fact stated below and take action to deny the renewal petition for the Magnolia Science Academy-Bell (MSA-Bell).

It was **MOVED** by Mr. Saenz, **SECONDED** by Mr. Johnson, and **CARRIED** to approve to secure the petitioners agreement to a 30-day extension. If the petitioner does not agree to a 30-day extension, the County Board will have failed to take action on the Recommendation and the Petitioner will have the option to file an appeal directly with the State Board of Education.

The County Board had a discussion on this motion.

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Dr. Reisler asked if the County Board could vote on the motion prior to knowing whether the petitioner would agree to a 30-day extension.

Mr. Boyd and Dr. Reisler asked what the petitioner thought about the expressed motion.

Ms. Caprice Young, CEO and Superintendent for Magnolia Public Schools, indicated that she supports the County Board's desire to a 30-day extension if the County Board is willing to receive and consider all of their information.

Ms. Braude said that she would consider a 30-day extension for Magnolia.

Dr. Turrentine indicated that if the County Board fails to act, Magnolia could pull all of their information together for the State in a more organized package for their consideration.

Mr. Saenz indicated that the petitioners would have a choice to make, whether to agree with the 30-day extension or not agree and go directly to the State.

Mr. Johnson said he supports Mr. Saenz motion and that these are two separate questions. If the extension is voted and granted, then we have an agreement by both the County Board and Magnolia to accept an extension. However, if Magnolia does not agree to the extension, then the County Board will move to the original Recommendation and take action to deny the Charter renewal.

Dr. Reisler had concerns about the Charter School Office having to review new information presented by Magnolia.

Dr. Calderon said that he is supporting a 30-day extension in order that there is time for the County Board and staff to review any new information presented.

The motion was restated:

It was **MOVED** by Mr. Saenz, **SECONDED** by Mr. Johnson, and **CARRIED** to approve to secure the petitioners agreement to a 30-day extension. If the petitioner does not agree to a 30-day extension, the County Board will have failed to take action on the Recommendation and the Petitioner will have the option to file an appeal directly with the State Board of Education.

Yes vote: Mr. Boyd, Mr. Saenz, Dr. Calderon, Mr. Johnson, and Ms. Braude.

No vote: Dr. Reisler and Dr. Turrentine.

The item was approved.

Ms. Benitez indicated that a deadline was needed for all information to be submitted by the petitioner.

It was **MOVED** by Dr. Reisler, **SECONDED** by Dr. Turrentine, and **CARRIED** for Magnolia Public Schools to submit any new information to the County Board by Tuesday, February 17, 2015.

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Yes vote: Mr. Boyd, Dr. Reisler, Mr. Saenz, Dr. Calderon, Mr. Johnson, Dr. Turrentine, and Ms. Braude.

The County Board took a recess 6:05 p.m. – 6:17 p.m.

CONSENT CALENDAR RECOMMENDATIONS (None)

RECOMMENDATIONS

APPROVAL OF HEAD START-STATE PRESCHOOL DIVISION PLANNING SYSTEM

The Superintendent requested that the County Board agree with his recommendation to approve the Head Start-State Preschool (HS-SP) Division's Planning System as required by federal regulation.

It was **MOVED** by Mr. Saenz, **SECONDED** by Mr. Boyd, and **CARRIED** to approve the Head Start-State Preschool Division Planning System.

There was no discussion on this item by the County Board.

Yes vote: Mr. Boyd, Dr. Reisler, Mr. Saenz, Dr. Calderon, Mr. Johnson, Dr. Turrentine and Ms. Braude.

The item was approved.

~~STAFF FINDINGS AND COUNTY BOARD ACTION TO APPROVE THE SUPERINTENDENT'S RECOMMENDATION TO DENY RENEWAL OF THE CHARTER FOR THE MAGNOLIA SCIENCE ACADEMY BELL CHARTER SCHOOL, GRADES 6-8: APPEAL OF A NON-RENEWED CHARTER DENIED BY THE LOS ANGELES~~

~~The Superintendent recommended that the County Board adopt the written findings of fact stated below and take action to deny the renewal petition for the Magnolia Science Academy Bell (MSA-Bell).~~

APPROVE THE SUPERINTENDENT'S RECOMMENDATION TO DENY RENEWAL OF THE CHARTER FOR THE NEW CITY SCHOOL, GRADES TK-8: APPEAL OF A RENEWAL PETITION DENIED BY THE LONG BEACH UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

The Superintendent recommended that the County Board adopt the written findings of fact presented and take action to deny the renewal petition for the Magnolia Science Academy-Bell (MSA-Bell).

There were several individuals who spoke in support of New City School: Ms. Greta Proctor, Attorney for Procopio; Mr. John Vargas, Executive Director for New City School; Mr. Juan Carlos Bojorquez,; Ms. Sheena Napier, parent.

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Ms. Sarah Angel, Managing Director, Advocacy, Greater Los Angeles for the California Charter Schools Association, spoke against New City School.

It was **MOVED** by Mr. Boyd, **SECONDED** by Dr. Turrentine, to approve the Superintendent's recommendation to deny renewal of the charter for the New City School.

The County Board had a discussion on this item.

A substitute motion was made: It was **MOVED** by Dr. Calderon, **SECONDED** by Mr. Johnson, to approve a 30-day extension for New City School in order to review new information presented to the County Board.

The County Board had a discussion on this item.

Mr. Saenz indicated that the County Board could not unilaterally grant New City School a 30-day extension. That it would have to be a joint agreement. He said that under the current timeline given by the Charter Schools Office, Mr. Saenz indicated that the matter could be continued in one week, within the 30-days.

A friendly amendment was made by Mr. Saenz: That the matter would be continued for 30 days, in a week. Within that week, ask that the Charter Schools Office discuss a 30-day extension with the petitioner and either bring back the original matter, or bring back a Recommendation to approve a 30-day extension.

Ms. Benitez requested clarification from the County Board on what new information would be reviewed by the Charter Schools Office.

Mr. Saenz suggested that the Charter Schools Office return in one week, assuming that the petitioner has agreed to a 30-day extension as well as a suggested scope of review of material. The County Board would discuss and consider as an action item. If the petitioner does not agree to a 30-day extension, then the original Recommendation will be presented to the County Board for consideration and action.

Yes vote: Dr. Reisler, Mr. Saenz, Dr. Calderon, and Mr. Johnson.

No vote: Mr. Boyd, Dr. Turrentine and Ms. Braude.

The substitute motion was approved that the matter be continued in one week, within the 30-days to approve a 30-day extension for New City School, in order that new information may be presented to the County Board. If there is no agreement to a 30-day extension, then the original Recommendation will be presented to the County Board for consideration and action.

Mr. Boyd and Mr. Saenz left at 8:03 p.m.

The County Board took a recess 8:03-8:05 p.m.

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INFORMATIONAL ITEMS

GOVERNMENTAL RELATIONS

Dr. Ybarra had nothing to report.

BOARD COMMITTEE/LIAISON REPORTS

Nothing was reported.

LOS ANGELES COUNTY BOARD OF EDUCATION MEETING SCHEDULE, ESTABLISHMENT OF MEETING TIMES, FUTURE AGENDA ITEMS, FOLLOW-UP

Dr. Delgado reviewed the Board calendar for the February 17, 2015, Board meeting.

Dr. Reisler indicated that he would like the County Board to review a draft cover letter for the Annual Report to the Board of Supervisors.

INTERDISTRICT AND EXPULSION APPEAL HEARINGS (None)

ADJOURNMENT

It was **MOVED** by Dr. Turrentine, **SECONDED** by Dr. Reisler, and **CARRIED** to adjourn the meeting.

A verbal vote was taken to adjourn the meeting: Dr. Reisler, Dr. Calderon, Mr. Johnson, Dr. Turrentine and Ms. Braude.

The meeting was adjourned at 8:10 p.m.

**Minutes of LACOE Governing Board Meeting
Evidencing LACOE's Failure to Take Action on
New City's Renewal Petition (3/10/15)**

**APPROVED
NO. 25:2014-15**

**MINUTES
LOS ANGELES COUNTY BOARD OF EDUCATION
9300 Imperial Hwy.
Downey, California 90242-2890
Tuesday, March 10, 2015**

A Board meeting of the Los Angeles County Board of Education was held on Tuesday, March 10, 2015, in the Board Room of the Los Angeles County Education Center, 9300 Imperial Highway, Downey, CA 90242-2890.

PRESENT: Ms. Katie Braude, Dr. Jose Zapata Calderon, Mr. Alex Johnson, Dr. Ray Reisler, Mr. Thomas A. Saenz, and Dr. Rebecca Turrentine

UNCOMPENSATED: Mr. Douglas Boyd

OTHERS PRESENT: Superintendent Dr. Arturo Delgado; Administrative staff; Ms. Beatrice Robles, Senior Executive Assistant

PRELIMINARY ACTIVITIES

CALL TO ORDER

Ms. Braude called the meeting to order at 3:13 p.m.

PLEDGE OF ALLEGIANCE

Mr. Johnson led the Pledge of Allegiance to the Flag.

ORDERING OF THE AGENDA

Dr. Delgado indicated that there were some corrections on Item VIII-A Review Findings of Fact and Approve the Superintendent's Recommendation to deny Renewal of the Charter for The New City School.

Dr. Reisler requested that the County Board reorder Item VI-A and VI-B.

It was **MOVED** by Dr. Reisler, **SECONDED** by Mr. Johnson, and **CARRIED** to approve the Board agenda with noted changes.

Yes vote: Dr. Reisler, Mr. Saenz, Dr. Calderon, Mr. Johnson, Dr. Turrentine, and Ms. Braude.

The agenda was approved with noted changes.

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COMMUNICATIONS: BOARD / SUPERINTENDENT

Dr. Reisler

Dr. Reisler indicated that he was absent from the County Board meeting last week on March 3, 2015, as he was attending a conference hosted by the Carnegie Foundation for the Advancement of Teaching in San Francisco. He said two years ago, the Foundation came to the conclusion that the evaluation of educational student improvement was relying heavily on test takers / test makers, and that there needed to be a more rigorous approach to educational evaluation. The Science of Improvement was introduced as well as a book written by the founder of the Foundation entitled, *Learning to Improve: How America's Schools Can Get Better at Getting Better*. He recommended the book to LACOE staff.

Dr. Reisler reported that the week prior, he visited Camp Gonzalez and it was an illuminating experience for him. He enjoyed the visit and learned about the curriculum. He said students are being taught by fantastic teachers. Dr. Reisler said he had an opportunity to speak to the principal about Camp Gonzalez' approach to student discipline.

Dr. Calderon

Dr. Calderon indicated that the month of March is a celebration of the life of Cesar Chavez. He said this will be his 22nd year taking students to live and work with farmworkers for five days in King, CA and Delano, CA. He encouraged everyone to visit and mentioned a museum in Delano, CA and a National Monument in the Agbayani Village. He spoke about the Agbayani Village, which is a retirement complex for Filipino farm workers who had immigrated from the Philippines to California during the 1920's and 1930's. He also said that due to racial discrimination in the form of anti-miscegenation laws, these migrant farm workers were prevented from marrying outside of their race.

Dr. Calderon said that on March 27, 2015, the Annual Cesar Chavez Breakfast will take place at the Fairplex in Pomona. He said that the proceeds go toward student scholarships. He invited the Board, staff and the public to the event.

Dr. Delgado had no new communications for the County Board.

COMMUNICATIONS: PUBLIC

There were several public speakers who spoke in support of The New City School: Ms. Arselia Martinez, parent; Junior Hernandez, student; Maria Tejada, student (shared information on chart: Top 10 reasons to keep school open). Ms. Susana Parra, parent; Ms. Marissa Zamorano, parent; Ms. Braude provided additional time for Spanish Interpreter. (Other speakers were not able to speak due to expiration of time limits.)

There were several public speakers who spoke in opposition of The New City School: Ms. Sarah Angel, CCSA; Ms. Allison Hendrick, Regional Advocacy Manager, CCSA; Ms. Jill Baker, Long Beach City Schools Deputy Superintendent.

PRESENTATIONS (None)

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HEARINGS

THE UNITED CHARTER ACADEMY, GRADES K-5: APPEAL OF A PETITION PREVIOUSLY DENIED BY COMPTON UNIFIED SCHOOL DISTRICT

Education Code section 47605(b) provides that within 30 days after receiving a charter petition, the Los Angeles County Board of Education shall hold a public hearing for the purpose of determining the level of support for the charter petition by teachers, employees, and parents of the proposed charter. Within 60 days, the County Board shall review the petition and information provided at the public hearing and either grant or deny the petition unless a 30-day extension is agreed to by the petitioners and the County Board.

Ms. Xochitl Martinez, President of United Educational Partners / Lead Petitioner of United Charter Academy and Ms. Joan M. Carethers-Allen, board member for United Educational Partners, spoke in favor of the charter petition. A document entitled, *United Charter Academy, Board Presentation Handout: March 10, 2015*, was distributed to the County Board.

Mr. Yidal Cortes, CEO and Founder of Brainiac Training, spoke in favor of the charter petition.

REPORTS / STUDY TOPICS

SECOND INTERIM REPORT ON THE FINANCIAL CONDITION OF THE COUNTY OFFICE

Dr. Scott Price, Chief Business Officer, provided a detailed report on the financial condition of the county office.

Pursuant to Education Code (EC) 1240(I), county offices of education are required annually to submit an Interim Financial Report by March 15, 2015. This report, the format of which is prescribed in State Standards and Criteria, presents fiscal year expenditures for the period ending January 31, 2015, projections for the remainder of 2014-15, and projections for 2015-16 and 2016-17.

LACOE is submitting a “positive certification,” which means that we will be able to meet financial obligations for the remainder of this year and the two subsequent years.

The County Board had a discussion on this item.

REPORT ON REGIONAL OCCUPATIONAL PROGRAM (ROP)

The Superintendent provided a report to the County Board on the budget impact of the Regional Occupational Program (ROP) for the 2015-16 fiscal year.

Dr. Terry Nichols, Superintendent for Duarte Unified School District, addressed the County Board regarding ROP.

The County Board had a discussion on this item.

Mr. Saenz requested information on districts ROP allocations and data of expenditure of funds. He also requested information for other LA County districts serving high school students, what their ROP allocation prior to LCFE was, and what went into their base.

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Dr. Reisler request information on what percentage of CTE/ROP budget is directed for personnel cost related to ROP.

The County Board took a recess 5:12-5:27 p.m.

CONSENT CALENDAR RECOMMENDATIONS (None)

RECOMMENDATIONS

REVIEW FINDINGS OF FACT AND APPROVE THE SUPERINTENDENT'S RECOMMENDATION TO DENY RENEWAL OF THE CHARTER FOR THE NEW CITY SCHOOL, GRADES TK-8: APPEAL OF A RENEWAL PETITION DENIED BY THE LONG BEACH UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

The Superintendent recommended that the County Board adopt the written findings of fact stated in the Recommendation and take action to deny the renewal petition for The New City School. The renewal petition was received on appeal following denial by the Long Beach Unified School District Board of Education.

There were several speakers who spoke in favor of New City School: Ms. Greta A. Proctor, attorney for Procopio; Mr. John Vargas, Executive Director for New City School; and Ms. Madeline Holler, Chair, Board of Directors for New City School.

There were several speakers who spoke in opposition of New City School: Ms. Sukhi Sandhu, attorney, Atkinson, Andelson, Loya, Ruud & Romo; Mr. Christopher Lund, Director of Research, Long Beach Unified School District; and Mr. James Suarez, Assistant Director of Special Projects for Long Beach Unified School District.

Ms. Yolanda Benitez, Chief Academic Officer, presented a brief background of New City School. Ms. Benitez introduced Ms. Judy Higelin, Project Director, Charter Schools Office, who provided a review of Finding of Facts; a Report on student performance at New City School; and the February 3, 2015, Reports / Study Topics Item VI (*Report on the Appeal of The New City School, Grades TK-8*), to the County Board.

The County Board had a discussion regarding this item.

It was **MOVED** by Dr. Reisler, **SECONDED** by Dr. Turrentine, to approve the Superintendent's Recommendation to deny Renewal of the Charter for The New City School, Grades TK-8: Appeal of a Renewal Petition denied by the Long Beach Unified School District Board of Education.

Yes vote: Dr. Reisler, Dr. Turrentine and Ms. Braude.

No vote: Dr. Calderon, Mr. Johnson and Mr. Saenz.

No action was taken by the County Board to deny or grant the charter petition. The item failed. The charter renewal was not granted.

The County Board recessed for two minutes.

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APPROVAL OF SECOND INTERIM REPORT ON THE FINANCIAL CONDITION OF THE COUNTY BOARD

The Superintendent recommended that the County Board approve the Second Interim Report.

There was no discussion

It was **MOVED** by Mr. Saenz, **SECONDED** by Dr. Turrentine and **CARRIED** to approve the Superintendent's recommendation to approve the Second Interim Report.

Yes vote: Dr. Reisler, Mr. Saenz, Dr. Calderon, Mr. Johnson, Dr. Turrentine, and Ms. Braude.

This item was approved.

INFORMATIONAL ITEMS

GOVERNMENTAL RELATIONS

Dr. Delgado mentioned that Senator Jean Fuller, former Superintendent for Bakersfield School District, was unanimously named Senate Republican Leader and the first woman Republican Leader. She will assume office on November 1, 2015.

Dr. Reisler thanked Dr. Delgado for the Bill summary on the last Weekly Board Memo.

Mr. Saenz would like a report on the impact for LACOE with regards to ESEA Reauthorization bill authored by Senators Patty Murray and Alexander Lamar.

BOARD COMMITTEE/LIAISON REPORTS

Dr. Calderon gave a report on the Head Start Policy Council Committee meeting. He said that the planning and development committee has had joint sessions to review the 2015-16 funding application, which will be presented to the County Board for action. He said that part of the proposals is the funding for foundation for early childhood education center, the Pacific Asian Consortium and the Bellflower Unified School District, which are all the agencies that have been in Track C. Their funding is being proposed as contingent on the results of their review conducted by LACOE in the month of April 2015. Dr. Calderon said that all three agencies have been notified.

Dr. Calderon also reported that a survey is being carried out with the parents on the key issues that they will take up for the rest of the year.

Dr. Calderon said that there was also a School Readiness Program update.

Dr. Calderon indicated that several grants have been received by the Head Start Office for various HS projects. He thanked staff for looking at various areas that can be funded with new grant funding.

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**LOS ANGELES COUNTY BOARD OF EDUCATION MEETING SCHEDULE,
ESTABLISHMENT OF MEETING TIMES, FUTURE AGENDA ITEMS, FOLLOW-UP**
Dr. Delgado recognized Ms. Raynette Sanchez, Director of Curriculum and Instructional Services, who will be retiring and who has been a great asset to LACOE.

Dr. Delgado mentioned that Ms. Judy Higelin, Project Director for the Charter School Office, will be retiring. Dr. Delgado said he appreciates her leadership and consistency in her work.

Dr. Delgado reviewed the Board calendar for the March 17, 2015 Board meeting.

Dr. Turrentine requested that the Board Audit Committee meeting on April 7 start at 1:45 p.m. and that the Board Finance Committee meeting on April 7 start at 2:15 p.m.

INTERDISTRICT AND EXPULSION APPEAL HEARINGS (None)

ADJOURNMENT

It was **MOVED** by Mr. Johnson, **SECONDED** by Dr. Calderon, and **CARRIED** to adjourn the meeting.

A verbal vote was taken to adjourn the meeting: Dr. Reisler, Mr. Saenz, Dr. Calderon, Mr. Johnson, Dr. Turrentine and Ms. Braude.

The meeting was adjourned at 7:02 p.m.

**Confirmation of Outcome Letter Evidencing
LACOE's Failure to Take Action on New City's
Renewal Petition (3/18/15)**

March 18, 2015

***Via First Class Mail & E-mail to:
john@newcityps.org***

Mr. John Vargas, Executive Director
The New City School
1637 Long Beach Blvd.
Long Beach, CA 90813

Dear Mr. Vargas:

Confirmation of Outcome: Appeal of Non-Renewed Charter Petition

This letter serves as confirmation that on Tuesday, March 10, 2015, the Los Angeles County Board of Education (County Board) met on the matter of the appeal of the non-renewed charter petition for The New City School. The County Board did not grant or deny the renewal of the charter.

Pursuant to the *California Code of Regulations*, Title 5, section 11966.5(d): *If within 60 days of a county board of education's receipt of a petition for renewal the county board of education does not grant or deny the petition for the renewal of a charter school, the charter school may submit a petition for renewal to the State Board of Education (SBE).*

Attached is a copy of the stamped board item, which constitutes the final order in this matter.

Should you have any questions, please do not hesitate to contact me at (562) 922-8806.

Sincerely,



Judy Higelin
Project Director III
Charter School Office
Division of Accountability, Support and Monitoring

JH:ls

Attachments

- c: Cindy Chan, Interim Director, Charter Schools Division, CDE
Peter Foggianto, Director, School Fiscal Services Division, CDE
Byron Fong, School Fiscal Services Division, CDE
Judie Hall, Education Administrator, Charter Schools Division, CDE
Karen Stapf Walters, Executive Director, State Board of Education, CDE
Christopher Steinhauser, Superintendent, Long Beach USD

- c: James Suarez, Assistant Director, Long Beach USD
Arturo Delgado, Ed.D., Superintendent, LACOE
Yolanda M. Benitez, Chief Academic Officer, Educational Services, LACOE
Olivia Fuentes, Director, Division of Accountability, Support and Monitoring
Sylvia Carrillo, Principal Systems Specialist, School Financial Services, LACOE

Agenda

LOS ANGELES COUNTY BOARD OF EDUCATION
9300 Imperial Highway, Downey, CA 90242
Phone (562) 922-6128 Fax (562) 940-1727

No. 21:2014-15

The full agenda is accessible through the receptionist at the northeast entrance of the above address. Enclosures to the agenda are available for review in the Board of Education's office during business hours 8:30 a.m. – 5:00 p.m. Any material related to an item on this Board Agenda distributed to the Board of Education is available for public inspection at our Office of Communications, Room EC 103 – LACOE Administrative Offices. Procedures for addressing the Board are in the wall receptacle in the entry to the Board Room and posted on the LACOE Board of Education website. To request a disability-related accommodation under the ADA, please call Ms. Beatrice Robles at (562) 922-6128 at least 24 hours in advance.

Board Meeting
February 3, 2015
2:00 p.m. – Board Room (EC 100)

I. BOARD COMMITTEE MEETINGS

- A. Board Finance Committee Meeting – 2:00 p.m.

II. PRELIMINARY ACTIVITIES – 3:00 p.m.

- Ms. Braude
Dr. Turrentine
Dr. Delgado
Ms. Braude
- A. Call to Order
B. Pledge of Allegiance
C. Ordering of the Agenda
D. Approval of the Minutes
1. January 6, 2015
 2. January 13, 2015
 3. January 20, 2015

III. COMMUNICATIONS: BOARD OF EDUCATION / SUPERINTENDENT / PUBLIC / ASSOCIATIONS / HEAD START POLICY COUNCIL

IV. PRESENTATIONS

- Ms. Benitez
- A. Introduction of the Los Angeles County Office of Education (LACOE) Head Start-State Preschool Policy Council to Los Angeles County Board of Education

V. HEARINGS (none)

VI. REPORTS / STUDY TOPICS

- Ms. Benitez
- A. Report on the *Valiente College Preparatory Charter School, Grades 4-8*: Appeal of a Petition to Establish a Charter previously denied by Los Angeles Unified School District Board of Education
- Ms. Benitez
- B. Report on the Appeal of *The New City School, Grades TK-8*: A Renewal Petition denied by the Long Beach Unified School District Board of Education

VII. CONSENT CALENDAR RECOMMENDATIONS

- A. Adoption of Board Resolution No. 12: 2014-15 to recognize February 2-6, 2015, as National School Counseling Week
- B. Approval for Disposal of Surplus Personal Property
- C. Approval of Conversion of Enrollment Slots from Head Start Children to Early Head Start Children

Ms. Benitez

VIII. RECOMMENDATIONS

- A. Approve the Superintendent's Recommendation to Authorize the *Valiente College Preparatory Charter School, Grades 4-8*: Initial Petition on Appeal denied by Los Angeles Unified School District Board of Education

Dr. Delgado

Ms. Braude

Dr. Delgado

IX. INFORMATIONAL ITEMS

- A. Governmental Relations
B. Board Committee / Liaison Reports
C. Los Angeles County Board of Education Meeting Schedule, Establishment of Meeting Times, Future Agenda Items, Follow up

X. INTERDISTRICT AND EXPULSION APPEAL HEARINGS (none)

Ms. Braude

XI. ADJOURNMENT

**UNAPPROVED
NO. 18:2014-15**

**MINUTES
LOS ANGELES COUNTY BOARD OF EDUCATION
9300 Imperial Hwy.
Downey, California 90242-2890
Tuesday, January 6, 2015**

A Board meeting of the Los Angeles County Board of Education was held on Tuesday, January 6, 2015, in the Board Room of the Los Angeles County Education Center, 9300 Imperial Highway, Downey, CA 90242-2890.

PRESENT: Mr. Douglas Boyd, Ms. Katie Braude, Dr. Jose Zapata Calderon, Mr. Alex Johnson, Dr. Ray Reisler, Mr. Thomas A. Saenz, and Dr. Rebecca Turrentine

OTHERS PRESENT: Superintendent Dr. Arturo Delgado; Administrative staff; Ms. Beatrice Robles, Senior Executive Assistant

PRELIMINARY ACTIVITIES

CALL TO ORDER

Ms. Braude called the meeting to order at 3:05 p.m.

PLEDGE OF ALLEGIANCE

Dr. Reisler led the Pledge of Allegiance to the Flag.

ORDERING OF THE AGENDA

Dr. Delgado indicated that there were no changes to the Board agenda.

It was **MOVED** by Mr. Saenz, **SECONDED** by Dr. Turrentine, and **CARRIED** to approve the Board agenda as presented.

*Yes vote: Mr. Johnson, Mr. Boyd, Dr. Calderon, Ms. Braude, Dr. Turrentine and Mr. Saenz.
Dr. Reisler did not cast a vote.*

The item was approved.

APPROVAL OF MINUTES

- **December 2, 2014** – The minutes were approved as presented.
- **December 9, 2014** – The minutes were approved as presented.
- **December 17, 2014** – The minutes were approved with noted changes.

Dr. Calderon wanted the minutes of January 6, 2015, to capture the following in regards to his remarks related to CSBA: *“He said he is going to write a letter to CSBA raising the concern that there is a need for presentations, in sessions such as “conversations” and “State of the State,”*

by distinguished contributors that reflect the faces of demographic changes taking place in California and that cover the educational challenges of our underrepresented communities.”

It was **MOVED** by Mr. Boyd, **SECONDED** by Dr. Calderon, and **CARRIED** to approve the December 17, 2014, Board Minutes as amended.

*Yes vote: Mr. Johnson, Mr. Boyd, Dr. Calderon, Ms. Braude, Dr. Reisler, and Mr. Saenz.
Dr. Turrentine did not cast a vote.*

The item was approved.

COMMUNICATIONS: BOARD / SUPERINTENDENT

Dr. Calderon

- Dr. Calderon thanked Pomona Unified School District and Head Start parents, and Pomona Economic Opportunity Center as well as other schools in the County of Los Angeles for their collaboration and for scheduling forums and workshops to prepare immigrant families to take the CA Driver’s License test. Dr. Calderon feels that there will be a higher percentage of individuals passing the exam because of these efforts.

Dr. Reisler

- Dr. Reisler discussed an article about Long Beach Unified School District Board of Education voting to close down New City Public Schools. He said he reflected on the news because it was heart-rendering and because of the many discussions that the Board has had, the many views on the school, charter schools in general, and the variety of opinions. He said the article pointed out that “everything that glitters, is not in gold,” and five years down the line, it can really be heart-rendering to deal with the consequences of a Board vote, for which there might be some regrets.

Mr. Boyd

- Mr. Boyd asked about his September 2014 follow-up request regarding having an agenda item for the Charter Schools Office. He would like to see this item on the Board agenda so that the County Board could have a discussion on the item.

Dr. Delgado

- Dr. Delgado shared a story about reconnecting with a former student-teacher.

COMMUNICATIONS: PUBLIC (none)
ASSOCIATIONS: (none)

HEAD START POLICY COUNCIL

Ms. Martha Flores gave the report of the Head Start Policy Council. (A Spanish interpreter was used).

PRESENTATIONS (none)

HEARINGS (none)

REPORTS / STUDY TOPICS

THE COUNTY FY 2014-15 BUDGET TO ACTUALS REPORT WITH BUDGET REVISIONS AS OF DECEMBER 8, 2014

A monthly budget report was presented to the County Board and recognizes changes, transfers, and increases to the adopted budget. The report contained revisions as of December 8, 2014, for fiscal year 2014-15.

Ms. Bernadette Griggs, Director of Accounting and Budget Development, gave the report to the County Board.

The County Board had a discussion regarding this item.

Mr. Saenz commented on the LACHSA budget and indicated that due to the ongoing budget deficit, he would be voting against the budget revision and that he would no longer be supporting a budget revision where there continues to be an ongoing budget deficit. He said that the school receives augmented funds from the State and that there is no excuse for the school not to operate within its budget.

Dr. Turrentine indicated that she would be voting for the budget revision, but that she shares some of Mr. Saenz concerns. She knows and understands that there are a lot of funding changes taking place and that her voting no will not change the numbers on the document. However, she wanted to weigh in with frustration as to LACHSA being allowed to overspend their budget year after year. Dr. Turrentine said she has similar concerns with Community Day Schools and knows the same deficit spending issues have been attributed to leases and costs that LACOE is addressing now.

Ms. Braude agreed with both Mr. Saenz and Dr. Turrentine.

Dr. Delgado shared with the County Board some good news regarding Special Education. He said that Southwest SELPA had been discussing taking back their programs, which would have resulted in the layoff of about 400 employees. Dr. Delgado mentioned that due to the efforts of Kim Hopko, Special Education Director and the Division of Special Ed in promoting LACOE's programs, the SELPA took a vote and decided to remain with LACOE and continue with our services.

COUNTY BOARD DISCUSSION ON THE RENAMING OF THE LOS ANGELES COUNTY HIGH SCHOOL FOR THE ARTS (LACHSA)

The County Board and the Superintendent had a discussion regarding a request received from Assemblyman Mike Gatto's office to reconsider the renaming of LACHSA.

Dr. Delgado said the request to rename the building after the late Joseph Gatto, father of Assemblyman Mike Gatto, came from the office staff and not from the Assemblyman himself.

Dr. Delgado indicated that Board policy defers the renaming of a school to the County Board. Dr. Delgado said he had some concerns regarding the issue. He said the building is being leased from Cal State L.A., and the building will revert back to the University after 50 years. Dr. Delgado indicated that if the Board votes to rename the school, he would have to talk to the University about their own policies to ensure that this process is a smooth one.

Dr. Calderon requested a cost estimate for the renaming of LACHSA.

Mr. Saenz said he would like to get the views of other stakeholders associated with LACHSA on the renaming of the school.

Mr. Saenz asked if the current Board policy cited is for the renaming of a school or building. Mr. Saenz said that an agreement was made with Arts High Foundation to name a portion of the building and it is not based on the “eminent in a field of service to children,” but instead is based on a donor. He said his concern is whether that naming was done in contracting with the Arts Foundation and adhering to LACOE Board policy. Mr. Saenz requested a report on this item.

Ms. Braude agreed with Mr. Saenz and that the County Board should take into consideration the LACHSA community and consult with all stakeholders.

Mr. Boyd shared Dr. Delgado’s concern and does not want to rush into action on this item and consider stakeholders. He said that LACOE should look into donors and the renaming of the building.

Dr. Turrentine agreed with Mr. Boyd about donors and the renaming of buildings. Dr. Turrentine said that the County Board first needs to address if there is an interest in renaming the school. And if so, then it might be a good idea to look at others who might also be worthy of having their names considered in the renaming of the school.

Ms. Braude would like clarity if the request is to rename the school or building.

Dr. Reisler agreed with Dr. Turrentine. He said that it has been his experience with the renaming of a building, theatre, etc., it is very difficult to make something like this happen.

Ms. Braude requested more background information on this item.

Mr. Johnson asked that this item be tabled for two to three months and in the meantime the Superintendent would gauge the Board of Supervisors position and the Arts Foundation position on this issue and bring a report back to the County Board for further discussion.

CONSENT CALENDAR RECOMMENDATIONS (none)

RECOMMENDATIONS

APPROVAL OF LACOE FY 2014-15 BUDGET TO ACTUALS REPORT WITH BUDGET REVISIONS AS OF DECEMBER 8, 2014

The Superintendent recommended that the County Board approve budget revisions to the Fiscal Year 2014-15 budget.

It was **MOVED** by Dr. Turrentine, **SECONDED** by Mr. Boyd, and **CARRIED** to approve the LACOE FY 2014-15 Budget to actuals report with budget revisions as of December 8, 2014.

Yes vote: Mr. Johnson, Mr. Boyd, Dr. Calderon, Ms. Braude and Dr. Turrentine.

No vote: Dr. Reisler and Mr. Saenz.

The item was approved.

ADOPTION OF BOARD RESOLUTION NO. 10: 2014-15, APPROVAL FOR TRANSFER OF OWNERSHIP OF MODULAR BUILDING

The Superintendent recommended that the County Board adopt Resolution No. 10, Approval for Transfer of Ownership of Modular Building. The cost-effective approach includes a transfer of ownership of one (1) 24' x 40' modular building, PeoplesSoft identification #152580, located at 4604 West Pico Blvd., Los Angeles, CA 90019, to Botach Management, 5011 W. Pico Blvd., Los Angeles, CA 90012, in the amount of \$35,000.

It was **MOVED** by Mr. Boyd, **SECONDED** by Dr. Calderon, and **CARRIED** to approve the adoption of Board Resolution No. 10: 2014-15, Approval for Transfer of Ownership of Modular building.

Yes vote: Johnson, Mr. Boyd, Dr. Calderon, Ms. Braude, Dr. Reisler, Dr. Turrentine, and Mr. Saenz.

The item was approved.

ADOPTION OF BOARD RESOLUTION NO. 11: 2014-15 LOCAL RESERVES CAP

The Superintendent recommended that the County Board adopt Resolution No. 11, calling upon the Legislature and Governor to repeal the language specific to limiting the reserve cap for schools.

It was **MOVED** by Mr. Boyd, **SECONDED** by Dr. Reisler, and **CARRIED** to approve the adoption of Board Resolution No. 11: 2014-15 Local Reserves Cap.

Yes vote: Mr. Johnson, Mr. Boyd, Dr. Calderon, Dr. Reisler and Dr. Turrentine.

No vote: Mr. Saenz.

Abstained: Ms. Braude.

The item was approved.

INFORMATIONAL ITEMS

GOVERNMENTAL RELATIONS

Dr. Delgado indicated that it is the fourth historic swearing-in for Governor Jerry Brown. He also mentioned that the 2015-16 budget proposal would be released on Friday, January 9, and that the Governmental Relations office would provide a legislative report.

Dr. Calderon proposed that the County Board actively support Board Resolution No. 11 and that calls be made to the legislature on this important issue, (*Resolution No. 11, calling upon the Legislature and Governor to repeal the language specific to limiting the reserve cap for schools*).

BOARD COMMITTEE/LIAISON REPORTS

Dr. Turrentine indicated that there is a Los Angeles County Education Foundation event entitled “Youth Health and Education Expo” that will take place September 26-27, 2015 at the Los Angeles Convention Center.

LOS ANGELES COUNTY BOARD OF EDUCATION MEETING SCHEDULE, ESTABLISHMENT OF MEETING TIMES, FUTURE AGENDA ITEMS, FOLLOW-UP

Dr. Delgado reviewed the Board calendar for the January 13, 2015, Board meeting.

The County Board requested that follow-up items be agendized:

- Action whether to waive Attorney-Client Privilege on General Counsel legal opinion
- A discussion by the County Board whether to invite LAUSD Charter Schools Division to present to the County Board.

(The County Board took a break 4:21-4:28 p.m.)

INTERDISTRICT AND EXPULSION APPEAL HEARINGS

Kendall M. v. Culver City Unified School District

The proceedings were conducted in open session to reach a decision on the interdistrict attendance appeal. Ms. Vibiana Andrade, General Counsel, represented the Los Angeles County Board of Education; Dr. Victor Thompson, Director, Student Support Services, Los Angeles County Office of Education, was also present.

The appellant was present and was represented by his mother, Ms. Kaoru Mulvihill. Mr. Drew Sotelo, Director, School and Family Support Services, and Ms. Jo-Anne Cooper, Director, Special Education, represented Pasadena Unified School District.

Fact-finding was conducted by a designated hearing consultant. A copy of the record, a summary of findings and conclusions, and a recommendation by the hearing consultant were provided to all parties. The representatives addressed the Board and responded to questions from the Board.

Four affirmative votes of the Board are required for an interdistrict appeal to be granted. A roll-call vote was taken:

Yes vote: Mr. Johnson, Dr. Calderon, Ms. Braude, Dr. Reisler, and Mr. Saenz

No vote: Mr. Boyd and Dr. Turrentine

The appeal was granted.

ADJOURNMENT

Ms. Braude adjourned the meeting at 5:10 p.m.

It was **MOVED** by Mr. Boyd, **SECONDED** by Dr. Turrentine, and **CARRIED** to adjourn the meeting.

Yes vote: Mr. Johnson, Mr. Boyd, Dr. Calderon, Ms. Braude, Dr. Reisler, Dr. Turrentine, and Mr. Saenz.

The meeting was adjourned.

**UNAPPROVED
NO. 19:2014-15**

**MINUTES
LOS ANGELES COUNTY BOARD OF EDUCATION
9300 Imperial Hwy.
Downey, California 90242-2890
Tuesday, January 13, 2015**

A Board meeting of the Los Angeles County Board of Education was held on Tuesday, January 13, 2015, in the Board Room of the Los Angeles County Education Center, 9300 Imperial Highway, Downey, CA 90242-2890.

PRESENT: Mr. Douglas Boyd, Ms. Katie Braude, Dr. Jose Zapata Calderon, Dr. Ray Reisler, and Dr. Rebecca Turrentine

UNCOMPENSATED: Mr. Alex Johnson and Mr. Thomas A. Saenz

OTHERS PRESENT: Superintendent Dr. Arturo Delgado; Administrative staff; Ms. Beatrice Robles, Senior Executive Assistant

PRELIMINARY ACTIVITIES

CALL TO ORDER

Ms. Braude called the meeting to order at 3:10 p.m.

PLEDGE OF ALLEGIANCE

Dr. Calderon led the Pledge of Allegiance to the Flag.

ORDERING OF THE AGENDA

Dr. Delgado indicated that there were no changes to the Board agenda.

It was **MOVED** by Mr. Boyd, **SECONDED** by Dr. Calderon, and **CARRIED** to approve the Board agenda as presented.

Yes vote: Mr. Boyd, Dr. Reisler, Dr. Calderon, Ms. Braude, and Dr. Turrentine.

The item was approved.

COMMUNICATIONS: BOARD / SUPERINTENDENT

Dr. Calderon

Dr. Calderon indicated that he attended the Head Start Policy Council (HSPC) meeting today. He expressed that in recent Board meetings, parent stakeholders have addressed the County Board and he wanted to say to the Board how significant this experience has been for these parents. Dr. Calderon said he spoke to Martha Flores, a member of the HSPC, who said she was really nervous about addressing the Board because she only speaks Spanish and was thankful that there was an interpreter available and felt appreciative that her presentation was well received by the County Board.

Mr. Boyd

Mr. Boyd commented on the recent court decision that overturns the legal use of Foie Gras in California. He said he and his wife had a Foie Gras Burger at Slaters 50/50 and he highly recommends it.

Dr. Delgado

Dr. Delgado indicated that he will be traveling to San Francisco on Friday for a WestEd Board meeting, where he will be sharing with the Board the RTSA program.

COMMUNICATIONS: PUBLIC (none)

PRESENTATIONS (none)

HEARINGS

THE MAGNOLIA SCIENCE ACADEMY-BELL, GRADES 6-8: APPEAL OF A NON-RENEWED PETITION BY LOS ANGELES UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Education Code section 47605(b) provides that within 30 days after receiving a charter petition, the Los Angeles County Board of Education shall hold a public hearing for the purpose of determining the level of support for the charter petition by teachers, employees, and parents of the proposed charter. Within 60 days, the County Board shall review the petition and information provided at the public hearing and either grant or deny the petition unless a 30-day extension is agreed to by the petitioners and the County Board.

Ms. Michelle Crumpton, Lead Petitioner, and four additional speakers spoke in favor the charter petition: Ms. Caprice Young, Chief Executive Officer; Mr. Alfredo Rubalcava, Principal; Mr. Oswaldo Diaz, Director of Finance and Ms. Janelle Ruley, Partner with Young, Minney & Corr, LLP.

In addition, the following public speakers spoke in support of Magnolia Science Academy-Bell: Ms. Adrienne Ortega, parent; Ms. Andrea Ortega, student; Ms. Hilda Gomez, parent; Mr. William Gray, teacher; Ms. Laura Nunez*, parent; Ms. Marilyn Alberto, student; Ms. Marlene Alberto, student; Mr. Nestor Valencia, mayor-City of Bell; Ms. Juana Lilia Chaquero*, parent; and Ms. Brenda Lopez, teacher.

The County Board took a recess: 3:45 – 3:56 p.m.

REPORTS / STUDY TOPICS

UNIFORM COMPLAINT PROCEDURE QUARTERLY REPORT FOR EDUCATIONAL PROGRAMS, OCTOBER 1 TO DECEMBER 3, 2014

Education Code Section 35186 (d) states: A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the County Superintendent of Schools and the governing Board of the school district.

Ms. Kim Hopko, Director III, Division of Special Education, indicated that during the quarter of October 1 to December 3, 2014, no complaints were filed.

SCHOOL ATTENDANCE REVIEW BOARD (SARB)

California School Boards Association (CSBA) language for school attendance review boards recommends that the County Board appoint the members of the County School Attendance Review Board (SARB). The County Board received names of nominees for service to the County SARB from a variety of organizations, as established in Education Code Section 48321. The local school district SARBs hear cases of students who lack school attendance. The County SARB will meet on a monthly basis to discuss strategies to support the work of the 59 local SARBs in the Los Angeles County and will address truancy and chronic absenteeism.

Both Ms. Yolanda Benitez and Dr. Victor Thompson provided a report to the County Board.

CONSENT CALENDAR RECOMMENDATIONS (none)

RECOMMENDATIONS

APPROVAL OF SCHOOL ATTENDANCE REVIEW BOARD (SARB)

It was **MOVED** by Dr. Turrentine, **SECONDED** by Mr. Boyd, and **CARRIED** to approve the School Attendance Review Board nominations as presented.

Yes vote: Mr. Boyd, Dr. Reisler, Dr. Calderon, Ms. Braude and Dr. Turrentine.

The item was approved.

APPROVAL OF LACOE LEGISLATIVE PROPOSAL: POSITION RECOMMENDATION REPORT (PRR), JANUARY 2015

It was **MOVED** by Mr. Boyd, **SECONDED** by Dr. Calderon, and **CARRIED** to approve the LACOE Legislative Proposal: Position Recommendation Report (PRR), January 2015.

Yes vote: Mr. Boyd, Dr. Reisler, Dr. Calderon, Ms. Braude and Dr. Turrentine.

The item was approved.

APPROVAL OF THE ANNUAL REPORT OF PERFORMANCE DATA FOR LACOE PROGRAMS FOR 2013-14 SCHOOL YEAR

The Superintendent recommended that the County Board approve the Annual Report of Performance Data for LACOE Programs for the 2013-14 school year.

It was **MOVED** by Dr. Turrentine, **SECONDED** by Dr. Reisler, and **CARRIED** to approve the Annual Report of Performance Data for LACOE Programs for 2013-14 School year.

Yes vote: Mr. Boyd, Dr. Reisler, Dr. Calderon, Ms. Braude and Dr. Turrentine.

The item was approved.

The County Board thanked Dr. Delgado and staff for the report.

It was agreed by the County Board and Superintendent that an Executive Summary of the report be prepared to go along with the Annual Report.

INFORMATIONAL ITEMS

GOVERNMENTAL RELATIONS

Dr. Delgado said that he and Dr. Ybarra will be traveling to Sacramento in a couple of weeks to meet with Legislature. Some of the items that they will be talking about include: LCAP Repeal Resolution and the County Board's position on this item; Early Childhood Licensing in child care facilities; ROP Programs in Los Angeles County schools.

BOARD COMMITTEE/LIAISON REPORTS

Dr. Calderon indicated that a CIA committee was held today.

Dr. Calderon indicated that there was a HS Policy Council Committee today. One request at the PC meeting was for the County Board to receive more detailed reports for agencies that are on Track C.

BOARD FOLLOW-UP

ACTION WHETHER TO WAIVE ATTORNEY-CLIENT PRIVILEGE ON GENERAL COUNSEL LEGAL OPINION

A DISCUSSION BY THE COUNTY BOARD WHETHER TO INVITE LAUSD CHARTER SCHOOLS DIVISION TO PRESENT TO THE COUNTY BOARD

Dr. Delgado said that the County Board requested these items on the Board agenda.

It was **MOVED** by Mr. Boyd, **SECONDED** by Dr. Reisler, to waive attorney-client privilege on General Counsel legal opinion.

The County Board had a discussion on items.

Dr. Calderon said he had a concern about the legal aspects of this issue. He said his position is that when we have a legal opinion, we should keep it as an attorney-client privilege document.

Mr. Boyd requested as much public transparency as possible. He said this was a priority and it has been done in the past.

Dr. Turrentine said she spent time thinking about this item. As a general practice, she does not feel comfortable waiving attorney-client privilege. She said any document with a legal opinion could be for an issue that may have some legality in the near future and that when a legal opinion is requested there is a presumption of confidentiality. She said that the LACOE Board is a transparent Board. She said that she would prefer a conversation with the Board on this matter in Closed Session.

Dr. Reisler asked about another issue where the County Board waived attorney-client privilege in the past.

Dr. Delgado indicated that the issue was a Head Start issue, as well as the waiving of a legal opinion from an outside attorney.

Mr. Boyd requested that his motion be removed. He asked that follow-up items be added for next week's Board meeting as a Closed Session item.

Ms. Andrade indicated that in order to have a Closed Session, there has to be a threat of litigation. She said she would check on this issue and advise the County Board.

Dr. Reisler said he found the Head Start Fiscal Preschool update in the last Weekly Board Memo helpful. He said that the value of the new summaries for the agencies that receive a Status C and planned four-month update and outreach to parents with surveys is good to see.

Dr. Reisler wanted to make a comment to the LACOE Charter School Office staff with regards to the appeal process and said that he would wait until next week to make his comment.

LOS ANGELES COUNTY BOARD OF EDUCATION MEETING SCHEDULE, ESTABLISHMENT OF MEETING TIMES, FUTURE AGENDA ITEMS

Dr. Delgado reviewed the Board calendar for the January 20, 2015, Board meeting. Dr. Delgado said that he will be leaving at 5:00 p.m. to catch a flight to Sacramento.

INTERDISTRICT AND EXPULSION APPEAL HEARINGS (None)

ADJOURNMENT

It was **MOVED** by Dr. Turrentine, **SECONDED** by Dr. Calderon, and **CARRIED** to adjourn the meeting.

A verbal vote was taken to adjourn the meeting: Mr. Boyd, Dr. Reisler, Dr. Calderon, Ms. Braude, and Dr. Turrentine.

The meeting was adjourned at 5:30 p.m.

**UNAPPROVED
NO. 20:2014-15**

**MINUTES
LOS ANGELES COUNTY BOARD OF EDUCATION
9300 Imperial Hwy.
Downey, California 90242-2890
Tuesday, January 20, 2015**

A Board meeting of the Los Angeles County Board of Education was held on Tuesday, January 20, 2015, in the Board Room of the Los Angeles County Education Center, 9300 Imperial Highway, Downey, CA 90242-2890.

PRESENT: Mr. Douglas Boyd, Ms. Katie Braude, Dr. Jose Zapata Calderon, Mr. Alex Johnson, Dr. Ray Reisler, Mr. Thomas A. Saenz, and Dr. Rebecca Turrentine

OTHERS PRESENT: Superintendent Dr. Arturo Delgado; Administrative staff; Ms. Beatrice Robles, Senior Executive Assistant

PRELIMINARY ACTIVITIES

CALL TO ORDER

Ms. Braude called the meeting to order at 3:08 p.m.

PLEDGE OF ALLEGIANCE

Mr. Johnson led the Pledge of Allegiance to the Flag.

ORDERING OF THE AGENDA

Dr. Delgado indicated that there were no changes to the Board agenda.

It was **MOVED** by Mr. Saenz, **SECONDED** by Dr. Reisler, and **CARRIED** to approve the Board agenda as presented.

Yes vote: Johnson, Mr. Boyd, Dr. Calderon, Ms. Braude, Dr. Reisler, Dr. Turrentine, and Mr. Saenz.

The item was approved as presented.

COMMUNICATIONS: BOARD / SUPERINTENDENT

There were no communications from the County Board

Dr. Delgado

Dr. Delgado said that he was appointed to the Advisory Commission on Charter Schools (ACCS). He said that his first meeting is on February 10, 2015.

COMMUNICATIONS: PUBLIC

There were several individuals who spoke in support of New City School: Mr. Wayne Wright, teacher; Ms. Nyla Lee, former student; Ms. Kyra Toves, student; Ms. Sofia Aguilera, student; and Mr. Barry Vanderable, parent.

PRESENTATIONS (none)

HEARINGS

THE NEW CITY SCHOOL GRADES TK-8: APPEAL OF A NON-RENEWED PETITION BY LONG BEACH UNIFIED SCHOOL DISTRICT

Education Code section 47605(b) provides that within 30 days after receiving a charter petition, the Los Angeles County Board of Education shall hold a public hearing for the purpose of determining the level of support for the charter petition by teachers, employees, and parents of the proposed charter. Within 60 days, the County Board shall review the petition and information provided at the public hearing and either grant or deny the petition unless a 30-day extension is agreed to by the petitioners and the County Board.

Mr. John Vargas, Lead Petitioner and two additional speakers spoke in favor the charter petition: Ms. Michelle Lopez, attorney with Young, Minney & Corr, LLP; and Ms. Doris Drewsky, teacher

In addition, the following public speakers spoke in support of New City School: Mr. Adrian Veliz, parent; Ms. Madeline Hollar, President of the Board of Directors for New City School; Ms. Jessica Pandya, Professor/Researcher; and Ms. Maria Penalosa, mother.

There we several public speakers who spoke against New City School: Ms. Sarah Angel; Ms. Allison Hendrick; Mr. James Suarez; Mr. Christopher Lund; and Ms. Sukhi Ahluwalia.

There was information distributed to the County Board by the New City School: pamphlet, entitled: *Viva New City School! LBUSD Summary of New City Data; Letters from Carl A. Cohn, Diane Ravitch, and Eric Premack*. One PPT page was shared with the County Board, entitled, *Long Beach and Charter School Choice* as well as the following documents: *Far Exceeding Required Time of Instruction; Acceptance into LBUSD Specialized programs; and NCS Parent Participation – Our full house*.

Dr. Reisler read the following script and requested that his comments be added to the minutes of January 20, 2015:

“I carefully read the Long Beach School District’s denial of the New City School and I read even more carefully the NCS response/rebuttal to the denial. And I’ve listened this morning to the NCS statements which both repeat and add on to the denied petition requesting 5 more years. And I have listened with empathy to the personal statements of the supporters., But before I ask a question and without taking sides, I want to express that I have learned a great deal during my time on the Board but my experience with the Charter School Appeal process has been one of the most vexing.

When a local school District has approved a Charter school and lived with and monitored that Charter for years, I believe it is incumbent upon me, and this Board, to give my utmost respect and recognition to the competence, the fiduciary obligation and the integrity of the denying district's decision-making and analysis. Of course I am aware that there are sometimes bad decisions, faulty reasoning and even possibly shenanigans, but the appeal process in my mind – and at least one other Board member opinion – should be just that, an appeal, and not another bite at the proverbial apple.

If we respect to the integrity of the denying District without injecting unnecessary fears or personal biases, then the Charter School's appeal will be literally just that, an appeal of specific provisions and statements of the denying district, and nothing more.

It's not necessarily helpful to hear new data, new information, new protests and new promises that were crafted within the few weeks between the denial and the LACOE public hearing. Nor is it necessary for a repeat performance of the heartfelt words and emotions of numerous adults and children supporters speaking on behalf of their school. Maybe a representative sample would suffice. This Board and the Office of Education should not be bound to investigate and examine every appeal as if it was the original application. Wherein the appealing charter schools starting point is to repeat what it gave to the denying district originally and then craft a rebuttal, and then make an appeal to LACOE.

I hear from LACOE staff about the increasing number of charter school appeals and I wonder how it cannot help, but tax the capacity of the Charter School Office, and perhaps the quality of its output.

Denied charter schools unleash every possible means of new support and find every creative way to persuade our Board. The use of prestigious law firms and high powered PR firms is becoming a necessity and unveils an even more sharply angled and multi-pronged approach to the appeal process.

To conclude, in my opinion it is a disservice to the appellant for us to invite and sustain this. We and they should be narrowly focused on the specific reasons for denial.

If our Charter school staff and this Board disagree with specific provisions in the local district's denial, we can proceed to the next step.

For these reasons, right now I only have only one question for the Petitioner's spokespeople. I wanted to know whether Carl Cohn's letter and Diane Ravitch's letters were submitted with the original petition; it was September 30, 2014, to the Long Beach School District?

The petitioner responded that both letters were written after the denial of the charter.

Dr. Reisler asked that in the book of letters of support, which was provided to the County Board, if the school could estimate after the denial, and how many of the letters were written.

The petitioner responded that ten letters were submitted after the denial.

The County Board took a recess: 4:25 – 4:20 p.m.

REPORTS / STUDY TOPICS

MEETING WITH THE FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM (FCMAT)

The Fiscal Crisis and Management Team met with the County Board to review the progress made on the recommendations presented to the County Board at its October 9, 2012, Board meeting. The FCMAT team included: Mr. Joel Montero, Chief Executive Officer; Ms. Shayleen Harte, Intervention Specialist; Michelle Plumtree, Chief Management Analyst; and Mr. Bill Gillespe, Deputy Administrative Officer.

The FCMAT team reviewed with the County Board: Overview of LACOE's Response; Purpose of FCMAT's Follow-up Report; areas of Governance, Staffing and Organization, and Fiscal Impact of Staff Reductions, as well as Fiscal Management. Other items included Financial Analysis of organization and juvenile court schools, as well as County Community schools.

Ms. Braude said that she is glad to hear about LACOE's progress and commended Dr. Delgado and staff for the progress made.

Dr. Delgado said that when he first arrived at LACOE in 2011, he was glad that he came in when he did and that FCMAT came in to do the initial audit. He said that although much progress has been made since the audit, there are still some concerns and more work is needed to improve some areas. Dr. Delgado said he believes in being transparent with the County Board whether data or information is good or bad.

Dr. Delgado left the Board Meeting at 5:03 p.m.

Ms. Vibiana Andrade took the Superintendent's seat at 5:03 p.m.

CONSENT CALENDAR RECOMMENDATIONS (none) RECOMMENDATIONS (none)

CLOSED SESSION

Conference with Legal Counsel – Potential Litigation – Pursuant to Government Code Section 54956.9(d)(2)(d)(3)

The County Board adjourned to executive closed session on this matter at 5:16 p.m.

There was no action taken in closed session. The County Board returned to open session at 6:02 p.m.

INFORMATIONAL ITEMS

GOVERNMENTAL RELATIONS

Ms. Andrade had nothing to report to the County Board.

BOARD COMMITTEE/LIAISON REPORTS

Dr. Turrentine indicated that information regarding the Los Angeles County Education Foundation event in September 2015 was sent to the County Board. She said she received an email that the Southern California Edison donated \$25k for the Science, Technology, Engineering and math (STEM) fields.

FOLLOW UP

A DISCUSSION BY THE COUNTY BOARD WHETHER TO INVITE LAUSD CHARTER SCHOOLS DIVISION TO PRESENT TO THE COUNTY BOARD

Mr. Boyd asked that this item be taken off the Board calendar and that the County Board will wait for a memorandum from the Office of General Counsel regarding Attorney-Client Privileged Communications.

The County Board agreed.

Dr. Reisler requested that the Board Follow-ups be postponed until February 3, 2015.

Ms. Braude reviewed the Board calendar items for the February 3 and February 10, 2015, Board meetings with the County Board. She said that a lot of charter school items are scheduled on the calendar.

Ms. Andrade mentioned that the staff is doing everything possible to divide the Reports and Recommendations so that they don't happen on the same day. However, it has become a little difficult because some of the charter schools have declined to waive the timelines. Therefore, the County Board may see Reports and Recommendations on the Board agenda during the same Board meeting.

When a Report and Recommendation are on the same day, is there any testimony from the schools and if so how much time is allowed for Board questions?

Ms. Andrade indicated that during the Report period, that there is a period of time for the County Board to ask questions from staff, but not public speakers.

Ms. Braude indicated that along with the Attorney Client Privilege and Closed Session under Brown Act Review for the County Board, she would like to have another review of the charter school appeal process, including timelines and the County Board's responsibility during the Hearing, Report and Recommendation process.

Dr. Reisler agreed and asked that his comment during the Hearing portion of the meeting also be added as part of the discussion on the review of the charter school appeal process.

LOS ANGELES COUNTY BOARD OF EDUCATION MEETING SCHEDULE, ESTABLISHMENT OF MEETING TIMES, FUTURE AGENDA ITEMS

Ms. Braude reviewed the Board calendar for the February 3, 2015, Board meeting.

INTERDISTRICT AND EXPULSION APPEAL HEARINGS (None)

ADJOURNMENT

It was **MOVED** by Mr. Boyd, **SECONDED** by Dr. Reisler, and **CARRIED** to adjourn the meeting.

A verbal vote was taken to adjourn the meeting: Mr. Boyd, Ms. Braude, Dr. Calderon, Mr. Johnson, Dr. Reisler, Mr. Saenz, and Dr. Turrentine.

The meeting was adjourned at 6:11 p.m.

Board Meeting – February 3, 2015

Item IV. Presentations

- A. Introduction of the Los Angeles County Office of Education (LACOE) Head Start-State Preschool Policy Council to Los Angeles County Board of Education

Background

In accordance with objective CFR 1304.50, the Policy Council and the Governing Body shall work together and share the responsibility of overseeing the delivery of high quality services to children and families. Each December, the Policy Council elects new officers to form the Executive Committee. The committee works in partnership with key management staff to ensure that the Policy Council is involved in shared decision-making with the LACOE Board and that accurate and updated information is being communicated to parents and community members served by the Head Start program.

Ms. Keesha Woods, Division Director, will discuss the goals for the Policy Council for this program year and introduce staff working with the Policy Council and Mr. Luis Tovar, Chairperson representing Pomona School District Head Start-State Preschool.

Staff

Sandra Ybañez	Program Manager, Governance
Rosario Gonzalez	Office Assistant

Officers

1. Chairperson	Luis Tovar, Pomona USD
2. Vice Chairperson	Martha Flores, MAOF
3. Treasurer	Herb Macias, El Monte SD
4. Parliamentarian	Amanda Ledman, Community Representative, Former Head Start Parent
5. Recording Secretary	Anna Mojica, Community Representative, Former Parent
6. Correspondence Secretary	Veronica Martin Del Camp, Pomona SD
7. Sergeant-at-Arms	Melody Laguna, Norwalk La Mirada USD
8. PTA President	Naomi Gonzalez, Community Representative Former, Head Start Parent

Board Meeting – February 3, 2015

Item VI. Reports / Study Topics

- A. Report on the *Valiente College Preparatory Charter School, Grades 4-8*: Appeal of a Petition to Establish a Charter previously denied by Los Angeles Unified School District Board of Education

The petition for the Valiente Charter School is presented to the Los Angeles County Board of Education (County Board) pursuant to Education Code (EC) section 47605. Upon denial by the Los Angeles Unified School District Board of Education (LAUSD Board), the petitioner exercised the statutory right of appeal to the County Board.

EC section 47605(b) limits the reasons for denying a charter petition to the following:

- (1) *The charter school presents an unsound educational program.*
- (2) *The petitioners are demonstrably unlikely to successfully implement the program.*
- (3) *The petition does not contain the required number of signatures.*
- (4) *The petition does not contain an affirmation of specified assurances.*
- (5) *The petition does not contain reasonably comprehensive descriptions of 16 required elements of a charter.*

The County Board shall evaluate the petition according to the criteria and procedures established in law and may only deny the petition if it provides written findings addressing the reasons for the denial.

Summary of Key Findings:

Finding 2: *The petitioner is demonstrably unlikely to successfully implement the proposed educational program.*

As submitted to the LAUSD Board, the petitioner presented an unrealistic financial and operational plan based on the petition and supporting documents pertaining to facilities and insurance.

Finding 5: *The petition does not contain a reasonably comprehensive description of all required elements.*

Element 12: Public School Attendance Alternatives is not reasonably comprehensive. Language required by law is not present.

A summary of the key findings is provided in the chart on the following page. The complete Report on the written findings of fact is attached. LACOE staff will present the report to the County Board.

Valiente College Preparatory Charter School

Summary of Required Charter Elements Pursuant to <i>Education Code</i> Section 47605(b)				
Finding 1	Sound Educational Practice	Yes		
Finding 3	Required Number of Signatures	Yes		
Finding 5: The charter petition contains a reasonably comprehensive description of all required elements.	1	Description of Educational Program	Yes*	
	3	Method for Measuring Pupil Progress	Yes	
	5	Employee Qualifications	Yes*	
	7	Racial and Ethnic Balance	Yes	
	9	Annual Independent Financial Audits	Yes	
	11	Retirement Coverage	Yes	
	13	Post-employment Rights of Employees	Yes	
	15	Exclusive Public School Employer	Yes	
	Finding 6: The charter petition meets the additional statutory requirements EC 47605 (c), (e) – (h), (l) and (m)	(c)	Standards, Assessments and Parent Consultation	Yes
		(f)	Pupil Attendance is Voluntary	Not applicable
		(h)	Targets Academically Low Achieving Pupils**	Does not qualify
		(m)	Transmission of Audit Report	Yes
		*Elements marked as meeting requirements may need further explanation, adjustment or technical changes; however, they are reasonably comprehensive and/or substantively comply with regulatory guidance and the LACOE standard of review described in Board Policy and the Superintendent's Administrative Regulations. **Charters created to target academically low achieving pupils are given a priority for authorization		

Report on the Valiente College Preparatory Charter Petition

Los Angeles County Office of Education
Charter School Office
Date: February 3, 2015

Report on the *Valiente College Preparatory Charter Petition (Grades 4-8)*
Appeal of a Petition to Establish a Charter Previously Denied by the Los Angeles Unified School District
Board of Education

Background

The petition for the Valiente College Preparatory Charter School (Valiente) proposes the establishment of a fourth through eighth grade charter school to be located in South Gate within the boundaries of Los Angeles Unified School District (LAUSD). First year enrollment is projected at 140 students in grades 4 and 5, with expansion to 490 students in grades 4-8 by the fifth year.

The petitioner is currently completing a national Building Excellent Schools (BES) Fellowship. The Fellowship trains “*leaders to take on the demanding and urgent work of leading high-achieving, college-preparatory urban schools*” by providing training, a residency program and visits to high performing urban charter schools across the country.¹ The petitioner draws information and advice from other BES Fellows who are currently operating schools in Los Angeles County.

The petition states the charter school’s mission is to “*educate students in grades four through eight to lead lives of scholarship and integrity.*”

The school’s vision proposes “*a 4-8 middle school for South Gate and neighboring communities in Southeast Los Angeles. Valiente College Preparatory will offer a college preparatory educational opportunity for students in a working-class immigrant community where few adults have obtained a college diploma and approximately half have not graduated from high school.*”

South Gate has a population of 95,304, and 94.8% of the population identifies as Hispanic or Latino. Of the residents who are 25 years and older, 54% have a high school diploma or higher and 7% have a bachelor’s degree or higher.²

The petition provided enrollment, academic, and demographic data for schools in the South Gate area. The school gave academic data (Statewide and Similar School Ranks) for 2012 even though 2013 data was available. The petition was submitted to LAUSD on July 31, 2014; the California Department of Education (CDE) released the 2013 Statewide and Similar Schools Report on May 22, 2014.

The chart on the following page was compiled by the Review Team and provides the most current data available.

¹ Source: Building Excellent Schools. Retrieved 1-16-15 from <http://buildingexcellentschools.org/about>

² Data retrieved 1-6-15 from www.city-data.com/city/South-Gate-California.html

Report on the Valiente College Preparatory Charter Petition

Academic, Enrollment and Demographic Data for Comparable Schools Located In or Near South Gate[^]

School Name (Grade Levels)	2013-14 Enrollment	2013 Growth API	2013 Statewide Rank	2013 Similar Schools Rank	% Free and Reduced Priced Meals	% English Learners	% Students with Disabilities	% Hispanic or Latino	% Black or African American
Elementary Schools (K-5) unless otherwise noted									
Bryson Ave. ES	840	850	7	9	82	17	6	98	<1
Corona Avenue ES	984	749	3	5	85	43	10	97	<1
Hope Street ES	565	776	4	4	81	40	7	99	<1
Independence ES	829	778	4	4	91	35	11	99	<1
Liberty Boulevard ES	611	781	4	6	95	48	8	99	<1
Madison Elem. ES	621	802	5	6	95	31	12	97	1
Middleton Street ES (K-6)	1140	793	4	10	94	48	11	99	<1
Montara Ave. ES (K-6)	822	768	3	3	91	45	6	99	<1
San Antonio ES	669	792	4	5	92	42	12	95	<1
San Gabriel Ave. ES	646	758	3	3	91	38	10	99	<1
San Miguel ES	1061	766	3	2	88	35	12	99	<1
Stanford Avenue ES	554	761	3	3	89	42	6	99	<1
State Street ES	629	735	2	2	92	46	13	99	<1
Tweedy ES	674	803	5	7	82	37	10	98	<1
Victoria Avenue ES	516	821	6	6	95	42	6	98	<1
Walnut Park ES	858	775	4	3	91	40	8	99	<1
Willow ES	554	766	3	3	95	46	9	99	<1
Middle Schools (6-8)									
C W Nimitz MS <i>Located in Huntington Park</i>	1975	738	3	4	85	17	11	99	<1
Henry Gage MS	1864	696	1	1	87	21	12	99	<1
South Gate MS	2320	722	2	2	88	17	10	99	<1
Southeast MS	1200	690	1	1	87	20	9	99	<1
Charter Schools									
Academia Moderna – Bell (K-5)	406	768	3	4	96	64	5	99	<1
Aspire Firestone Academy (K-5)	391	860	8	10	88	36	7	98	<1
Aspire Gateway Academy (K-5)	387	844	7	9	87	35	5	99	<1
KIPP Comienza Community Prep (K-4)	433	978	10	*	88	64	6	99	<1
Magnolia Science – Bell (6-8)	497	763	4	5	94	18	9	97	<1
Span Schools									
International Studies Learning Center (6-12)	836	758	5	3	72	17	6	97	2
<p>[^] The petition provided the list of schools included in this table with the exception of Bryson Avenue Elementary, a LAUSD school located in South Gate. Source: Retrieved 1-5-15 from http://dq.cde.ca.gov/dataquest.asp (CDE Dataquest 2013 Growth API School report; Enrollment by Ethnicity/Grade for 2013-14; Selected School Level Data Report) except for Percentage of Students with Disabilities; that data was retrieved 1-6-15 from getreportcard.lausd.net/reportcards/reports.jsp. All percentages have been rounded to the nearest whole number.</p> <p>* No Similar School Ranks assigned. API was calculated for a small school, defined as having between 11 and 99 valid Standardized Testing and Reporting (STAR) Program test scores included in the API. The API is asterisked if the school was small in either 2012 or 2013. APIs based on small numbers of students are less reliable and, therefore, should be carefully interpreted.</p>									

Report on the Valiente College Preparatory Charter Petition

Reason for Denial by LAUSD

The LAUSD Board of Education (LAUSD Board) denied the petition based on written findings of fact adopted at a public meeting on October 14, 2014. The findings complied with requirements for denial under the *Charter School Act*. The following is a summary of the LAUSD Board's written factual findings relative to *Education Code (EC)*:

EC 47605(b)(2): The petitioners are demonstrably unlikely to successfully implement the program: "*The Board considered the level of support for the charter school from the community and parents of students in the area where the school seeks to serve. The Board considered testimony from public speakers from the community who expressed that they did not support the establishment of the charter school in their community.*"

EC 47605(b)(5): The petition fails to provide a reasonably comprehensive description of one (1) of the sixteen (16) required elements. Element 1: Description of the Educational Program: "*The Board raised concerns regarding the unconventional grade configuration (4th to 8th grade) of the charter school and whether the instructional pedagogy is supported by evidence-based research.*"

Either of the above findings may be cause for denial of a charter under *EC 47605(b)*.

Response from the Petitioner

The petitioner provided a written response to the findings of the LAUSD Board within its appeal. The response focuses on procedural and legal issues regarding support for the charter and grade span findings. The response was considered by the Los Angeles County Office of Education (LACOE) during the review process.

Appeal to the Los Angeles County Board of Education

The Los Angeles County Board of Education (County Board) held a Public Hearing to determine support for the petition on December 9, 2014.

During general Public Comment, three (3) people spoke in opposition to the charter. Additionally, during the Public Hearing on the petition, four (4) people spoke in opposition, including a student and a teacher from South Gate Middle School.

The County Board received a packet of petitions in support of "district schools." The signatures are not dated, and there is no indication the petitions are specific to the establishment of Valiente.

Six (6) individuals spoke in support of the petition including the Mayor of Bell and the City Clerk for South Gate.

Los Angeles County Office of Education Review Process

Review Criteria: The LACOE Charter School Review Team (Review Team) considered the petition according to the requirements of the *Education Code* and other pertinent laws, guidance established in the *California Code of Regulations*, Title 5 (5 *CCR*), County Board Policy and Superintendent's Administrative Regulations (AR).³

LACOE has adopted the petition review criteria established in 5 *CCR* 11967.5.1(a-g) except where it determined that the regulations provide insufficient direction or where they are not applicable because the structure or responsibility of the County Board and LACOE differ from those of the State Board of

³ Words in italicized text indicate a direct reference to the language in these documents.

Report on the Valiente College Preparatory Charter Petition

Education (SBE) and the CDE. In these instances, LACOE developed its own local review criteria or added criteria to those developed by the CDE to reflect the needs of the County Board as the authorizer and LACOE as the monitoring and oversight agency. These local criteria do not conflict with statute.

Reasonably Comprehensive: In addition to the regulatory guidance that specifies the components of each required element, 5 CCR 11967.5.1(g) states a “reasonably comprehensive” description of the required petition elements shall include, but not be limited to, information that:

- (1) *Is substantive and is not, for example, a listing of topics with little elaboration.*
- (2) *For elements that have multiple aspects, addresses essentially all aspects the elements, not just selected aspects.*
- (3) *Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.*
- (4) *Describes, as applicable among the different elements, how the charter school will:*
 - (A) *Improve pupil learning.*
 - (B) *Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.*
 - (C) *Provide parents, guardians, and pupils with expanded educational opportunities.*
 - (D) *Hold itself accountable for measurable, performance based pupil outcomes.*
 - (E) *Provide vigorous competition with other public school options available to parents, guardians, and students.*

Reasonably Comprehensive with Deficiencies: An element may be reasonably comprehensive but lack specific critical information or contain an error important enough to warrant correction. These elements are described as “reasonably comprehensive” with a specific “deficiency” or “deficiencies.” Correcting the deficiency or deficiencies would not be a material revision (as defined in statute and County Board Policy) to the charter.

Technical Adjustments: Three (3) circumstances may require a “technical adjustment” to the petition:

- Adjustments necessary to reflect the County Board as the authorizer as required by statute. These adjustments are necessary because the petition was initially submitted to a local district and contains specific references to and/or language required by that district and/or the petition does not reflect the structure of the County Office.
- Adjustments needed to bring the petition current with changes made to law since the petition was submitted to the district as required by statute.
- Adjustments necessary to address clerical errors or inconsistencies where making the adjustment would not be a material revision (as defined in statute and County Board Policy) to the charter.

Affirmations and Assurances: The petition shall contain a clear, unequivocal affirmation of each requirement, not a general statement of intention to comply. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in EC 47605(c – f, l and m).

Reviewers: The Review Team included staff from Business Advisory Services, Facilities and Construction, Risk Management, Curriculum and Instruction, Special Education, Student Support Services, Human Resources, Office of General Counsel, and the Division of Accountability, Support and Monitoring, including the Charter School Office (CSO).

Report on the Valiente College Preparatory Charter Petition

Scope of Review: Findings are based on a review of the same petition and supporting documents considered by the local district, information obtained through the Capacity Interview and other communications with the petitioner and representatives of the school, and other publicly available information.

Legislative Intent

The Review Team considered whether the petition complies with EC 47601, the *Charter Schools Act*, which states:

It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

- (a) Improve pupil learning.*
- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.*
- (c) Encourage the use of different and innovative teaching methods.*
- (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.*
- (e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.*
- (f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.*
- (g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.*

Findings of Fact

Finding 1: The petition provides a sound educational program for students to be enrolled in the school. [EC 47605(b)(1)]

The program does not involve activities that would present the likelihood of physical, educational, or psychological harm to the affected pupils.

Specific deficiencies regarding the educational program for English Learners, Special Education students and academically low performing students are addressed in Findings 2, 5 and 6.

Finding 2: The petitioner is demonstrably unlikely to successfully implement the proposed educational program. [EC 47605(b)(2)]

5 CCR 11967.5.1(f)(1) provides four (4) indicators that the petitioner is unlikely to implement the proposed educational program. Based on the review of the petition, supporting documents and the Capacity Interview with the school's leadership team, the following indicators **are/are not present**:

(1) *The petitioners have a history of unsuccessful involvement in charter schools or other education agencies.* [5 CCR 11967.5(c)(1)] Not Present

(2) *The petitioners are unfamiliar with the content of the petition or the requirement of law applicable to the proposed charter school.* [5 CCR 11967.5(c)(2)] Not Present

Report on the Valiente College Preparatory Charter Petition

(3) *The petitioners have presented an unrealistic financial and operational plan for the proposed charter school.* [5 CCR 11967.5(c)(3)] **Present**

1. *In the area of facilities, the charter and supporting documents do not adequately describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.*
 - *As submitted to the LAUSD Board*, the charter petition and supporting documents provide insufficient information regarding the facility to be used by the school. The petition states the school will be located in South Gate but contains no physical address or potential site. It does state the school applied for a Prop 39 facility from LAUSD.
 - *After denial by the LAUSD Board*, and prior to the Capacity Interview, the petitioner informed LACOE that he was in the process of identifying a private site in South Gate. On January 9, 2015, the petitioner submitted a “facility term sheet” (e.g., an intent to lease) and Certificate of Occupancy (COO) for that facility. This information was not available to the LAUSD Board.
2. *In the area of insurance, the charter and supporting documents do not allocate sufficient funding for general liability and workers compensation.*

(4) *The petitioners personally lack the necessary background in curriculum, instruction, assessment, finance and/or business management, areas that are critical to the school’s success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in these areas.* [5 CCR 11967.5(c)(4)] **Not Present**

While the petitioner *lacks the necessary background in curriculum, instruction, and assessment*, the petition states a *plan to secure the services of individuals who have the necessary background* in these areas; the plan has not yet been implemented. At the Capacity Interview, the petitioner stated the Director of Curriculum and Instruction (DCI) would be the school’s instructional leader and report to the Executive Director (petitioner). There is a deficiency in the petition Element 5 regarding the job description for the DCI, because it does not specify that the individual who holds this position must have knowledge of educating English Learners.

Finding 3: The petition contains the required number of signatures. [EC 47605(a)(1)(B)]

The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers the charter school estimates will be employed at the school during the first year of operation.

The petition states there will be six (6) classroom teachers employed in the first year of operation. The budget additionally identifies (1) Special Education teacher and a part time Physical Education teacher.

The CSO sent letters to the six (6) teachers who signed the “Charter School Teacher Approval Signature Page.” The purpose of the letter is to determine authenticity of their interest in teaching at the school. Three (3) of the six (6) teachers confirmed interest; there was no response from the remaining teachers.

Finding 4: The petition contains an affirmation of all specified assurances. [EC 47605(b)(4); EC 47605(d)]

Finding 5: The petition does not contain a reasonably comprehensive description of all required elements. [EC 47605(b)(5)(A)-(P)]

Based on the guidance established in EC, 5 CCR, the requirements set forth in the Superintendent’s AR and other requirements of law, one (1) of the 16 required elements is not reasonably comprehensive. The findings of the Review Team are as follows:

Report on the Valiente College Preparatory Charter Petition

Element 1: Description of the Educational Program. *Reasonably comprehensive with specific deficiencies*

1. The petition lacks an adequate description of *how the charter school will meet the needs of English learners*, one of the groups of students to be served by the school.
 - The petition and the English Learner Master Plan provide contradictory information regarding the plan for English Language Development (ELD) instruction. The petition states Beginning and Intermediate English Learners will receive Targeted Intervention twice a week while the English Learner Master Plan states these students will receive daily ELD instruction.
 - The petition does not describe how English Learners who may need academic support (in addition to ELD) will receive that intervention during the school day and still have equitable access to all educational program offerings.
2. The petition fails to adequately specify *the charter school's special education plan, including, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services.*
 - It does not state whether students with disabilities will receive specific and individualized attention, according to their Individualized Educational Programs (IEP), during the Targeted Intervention time.
 - It does not describe how English Learners with disabilities will have equitable access to all educational program offerings.
3. There are errors in the *bell schedule, proposed school calendar, and the instructional minutes by grade level*, as follows:
 - There are conflicting descriptions of teacher planning time. On page 35, the petition states 100 minutes; on page 39, it states 150 minutes.
 - There are conflicting time allocations between petition narrative and the proposed bell schedule. The bell schedule allocates 160 minutes for Professional Development (PD) while the narrative allocates 110 minutes.
4. The petition does not provide an adequate PD plan for implementing the described instructional program.

Element 2: Measurable Pupil Outcomes. *Reasonably comprehensive with a specific deficiency*

The petition does not adequately specify how the *objective means of measuring pupil outcomes* will be used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students, specifically for English Learners.

The measurable outcomes for English Learners are inconsistent. On pages 97-98, the petition states 100% of English Learners will increase at least one (1) ELD level each year; on page 104, it states 60% of English Learners will increase at least one (1) ELD level each year.

Element 3: Method for Measuring Pupil Progress. *Reasonably comprehensive*

Element 4: Governance Structure. *Reasonably comprehensive*

Element 5: Employee Qualifications. *Reasonably comprehensive with specific deficiencies*

The petition does not *identify those positions that are key in each category and specify the additional qualifications expected of individuals assigned to those positions.*

Report on the Valiente College Preparatory Charter Petition

1. The element does not identify a special education teacher to provide direct services to identified special education students.
 - The school staffing list does not include a special education teacher and there is no job description for this position. The petition identifies a Special Needs Coordinator but does not state that this individual will be responsible for **planning and delivering** instruction.
 - There is a discrepancy between the petition and the budget. The budget provides for a Special Education Coordinator and a Special Education teacher but not a Special Needs Coordinator whose responsibilities include coordinating services for English Learners, special education students and academically low-performing students.
2. The job description for the DCI does not specify that the individual must have knowledge of educating English Learners. The position is responsible for observing and providing feedback to teachers who will be instructing English Learners. This position is also responsible for supervising the Special Needs Coordinator who coordinates all specialized services at the school, including those to English Learners.
3. The job description for the Special Needs Coordinator implies all academically low performing students and English Learners are considered to have “special needs,” a term generally applied only to students with disabilities.

Element 6: Health and Safety Procedures. *Reasonably comprehensive*

Element 7: Means to Achieve a Reflective Racial and Ethnic Balance. *Reasonably comprehensive*

Element 8: Admission Requirements. *Reasonably comprehensive*

Element 9: Annual Independent Financial Audits. *Reasonably comprehensive*

Element 10: Suspension and Expulsion Procedures. *Reasonably comprehensive with specific deficiencies*

1. The petition lacks *evidence that...the proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests of the school’s pupils and their parents (guardians).*
 - It is contradictory in the number of days a student can be suspended. On page 166, it states a student can be suspended for five (5) consecutive days while the following sentence states a student can be suspended for up to 10 consecutive days if an administrative recommendation is made and agreed upon by the student’s parent/guardian.

The petition gives no example of a situation where a parent would agree to such an extension. The contradiction may create confusion for parents and could affect the school’s ability to be consistent with its policies.
 - It fails to clearly articulate the process for a student who has been suspended and is pending expulsion. There is no definitive timeline for issuing a suspended expulsion recommendation due to contradictory language.
2. The element does not contain the required description that *policies and procedures regarding suspension and expulsion will be developed and periodically reviewed.* Lack of adequate review and development can lead to a school’s policies being out of compliance with the law and violations to a student’s due process rights.

Element 11: STRS, PERS, and Social Security. *Reasonably comprehensive*

Report on the Valiente College Preparatory Charter Petition

Element 12: Public School Attendance Alternatives. *Not reasonably comprehensive*

The petition does not *specify at a minimum that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local education agency (or program of any local education agency) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.*

Element 13: Post-Employment Rights of Employees. *Reasonably comprehensive*

Element 14: Dispute Resolution Procedures. *Reasonably comprehensive*

Element 15: Exclusive Public Employer. *Reasonably comprehensive*

Element 16: Closure Procedures. *Reasonably comprehensive with specific deficiencies*

The petition fails to *designate a responsible entity to conduct closure-related activities*, either by name, title or position. The petition states only that the governing board will immediately designate an individual.

The petition *fails to state that, at a minimum...the petitioner has reviewed the regulatory requirements*, as follows:

- *The manner in which all pupil records, will be maintained and transferred*, the petition failed to include a description for the inclusion of all special education and state assessment results.
- *Transfer and maintenance of personnel records in accordance with applicable law.*

Finding 6: The petition does not satisfy all of the Required Assurances of Education Code 47605(c), (e) through (g), (h), (l), and (m) as follows:

Standards, Assessments and Parent Consultation. [EC 47605(c)] *Meets the condition*

Employment is Voluntary. [EC 47605(e)] *Not applicable*

Pupil Attendance is Voluntary. [EC 47605(f)] *Not applicable*

Effect on the Authorizer and Financial Projections. [EC 47605(g)] *Does not provide the necessary evidence*

- The petition does not contain the physical address or description of *the facilities to be used by the charter school* but explains the potential for a LAUSD Prop 39 site and a private facility. See Finding 2.
- The petition does not provide a copy of contracts and/or Memorandum of Understanding for back office services. A back office provider is identified in the petition.
- The petitioner did not provide evidence that the school has received funding necessary for start-up. In order for the budget to be solvent, the petitioner must receive \$250,000 from either the BES Foundation or the Public Charter Schools Grant Program.

The affirmation of fiscal solvency is based on the assumption that the school will (1) meet its enrollment projections; (2) meet its Average Daily Attendance (ADA) projections; (3) secure an adequate facility; and (4) receive \$250,000 funding from one (1) of the sources identified above.

Preference to Academically Low Performing Students. [EC 47605(h)] *Does not qualify for this preference*

Report on the Valiente College Preparatory Charter Petition

The petition fails to *demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving.*

The petition does not detail the types of interventions the school will use with those academically low performing students, although a list (page 84) is provided. There is no description of how the “Targeted Intervention” period will be structured.

Teacher Credentialing Requirement. [EC 47605(1)] *Meets the condition*

Transmission of Audit Report. [EC 47605(m)] *Meets the condition*

Board Meeting – February 3, 2015

Item VI. Reports / Study Topics

- B. Report on the Appeal of *The New City School, Grades TK-8: A Renewal Petition* denied by the Long Beach Unified School District Board of Education

The New City School (New City) renewal petition is presented to the Los Angeles County Board of Education (County Board) pursuant to Education Code (EC) sections 47605 and 47607. Upon denial by Long Beach Unified School District Board of Education, the petitioner exercised the statutory right of appeal to the County Board.

Charter renewal is governed by EC 47607, 47605 and the California Code of Regulations Title 5 (5 CCR) sections 11966.4 and 11966.5. Critical components of these governing laws are as follows:

EC 47607(b) states that to be eligible for renewal, a charter school must meet one (1) of the following five (5) criteria:

- (1) 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.
- (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.
- (4) (A) 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, 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. (Emphasis added)
- (5) Qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.

EC 47607(a)(3)(A) states that the **authority that granted the charter** 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. (Emphasis added)

Board Meeting – February 3, 2015

Report on the Appeal of *The New City School, Grades TK-8*: A Renewal Petition denied by the Long Beach Unified School District Board of Education

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5 CCR 11966.5(c)(1-2) provides the considerations and criteria to be used by a county board for making a determination as to whether to renew a charter:

- (1) When considering a petition for renewal, the county board of education shall 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.
- (2) The county board of education may deny a petition for renewal of a charter school only if [it] makes written factual findings, specific to the particular petition, setting forth facts to support one or more of the grounds for denial set forth, as applicable, in **EC 47605(b) or failure to meet one of the criteria set forth in EC section 47607(b)**. (Emphasis added)

EC 47607(a)(2) states that renewals of charters are governed by the standards and criteria in 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

EC 47605(b) requires a school district governing board to be guided by the intent of the legislature that charter schools should become an integral part of the education system and that a charter be granted if the governing board is satisfied that granting the charter is consistent with sound educational practice.

EC 47605(b) further states that a governing board may only deny a petition if it provides written factual findings specific to the petition that supports one or more of the following findings:

- (1) The charter school presents an unsound educational program.
- (2) The petitioners are demonstrably unlikely to successfully implement the program.
- (3) The petition does not contain the required number of signatures.
(*Not applicable to a renewal petition*)
- (4) The petition does not contain an affirmation of specified assurances.
- (5) The petition does not contain reasonably comprehensive descriptions of 16 required elements of a charter.

The County Board shall evaluate the petition according to the criteria and procedures established in law and may only deny the petition if it provides written findings addressing the reasons for the denial.

A summary of key findings is presented through the table on the following page.

Board Meeting – February 3, 2015

Report on the Appeal of *The New City School, Grades TK-8: A Renewal* Petition denied by the Long Beach Unified School District Board of Education

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The complete report on the written findings of fact is attached.

LACOE staff will present the report to the County Board.

The New City School Petition for Renewal Received on Appeal			Meets Requirements*
EC 47607(b): Failure to meet at least one of the academic performance criteria for renewal is grounds for denial.			
Finding 1	The charter school provided evidence it met one of the statutory criteria for renewal.		No
EC 47605(b): Failure to meet the criteria under Findings 2-5 is grounds for denial.			
Finding 2	Sound Educational Practice		No
Finding 3	Ability to Successfully Implement Intended Program		No
Finding 4	Affirmation of Specified Conditions		No
Finding 5: The charter petition contains a reasonably comprehensive description of all required elements.	1	Description of Educational Program	No
	2	Measureable Pupil Outcomes	Yes*
	3	Method for Measuring Pupil Progress	Yes*
	4	Governance Structure	No
	5	Employee Qualifications	Yes*
	6	Health and Safety Procedures	Yes
	7	Racial and Ethnic Balance	No
	8	Admission Requirements	No
	9	Annual Independent Financial Audits	No
	10	Suspension and Expulsion Procedures	No
	11	Retirement Coverage	No
	12	Public School Attendance Alternatives	Yes
	13	Post-employment Rights of Employees	Yes
	14	Dispute Resolution Procedures	No
	15	Exclusive Public School Employer	Yes
	16	Closure Procedures	Yes*
Finding 6: The charter petition meets the additional statutory requirements EC 47605 (c), (e) – (h), (l) and (m)	(c)	Standards, Assessments and Parent Consultation	Yes
	(e)	Employment is Voluntary	Not Applicable
	(f)	Pupil Attendance is Voluntary	Not Applicable
	(g)	Effect on Authorizer and Financial Projections Facilities, Administrative Services, Civil Liability and Financial Statements	Meets 3 of 4^
	(h)	Targets Academically Low Achieving Pupils**	Does not qualify
	(l)	Teacher Credentialing	No

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Report on the Appeal of *The New City School, Grades TK-8*: A Renewal Petition denied by the Long Beach Unified School District Board of Education

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The New City School Petition for Renewal Received on Appeal		Meets Requirements*
EC 47607(b): Failure to meet at least one of the academic performance criteria for renewal is grounds for denial.		
Finding 1	The charter school provided evidence it met one of the statutory criteria for renewal.	No
EC 47605(b): Failure to meet the criteria under Findings 2-5 is grounds for denial.		
	(m) Transmission of Audit Report	Yes
*Elements marked as meeting requirements may need further explanation, adjustment or technical changes; however, they are reasonably comprehensive and/or substantively comply with regulatory guidance and the LACOE standard of review described in Board Policy and the Superintendent's Administrative Regulations. **Charters created to target academically low achieving pupils are given a priority for authorization ^There are indicators of potential civil liability effects upon the authorizer.		

Los Angeles County Office of Education
Charter School Office
Date: February 3, 2015

Report on *The New City School, Grades TK-8*
Appeal of a Renewal Petition Denied by the Long Beach Unified School District Board of Education

Background Information

The renewal petition for The New City School (New City or NCS) is for a TK-8 charter school. The school is located at 1637 Long Beach Blvd, Long Beach, California 90810 within geographic boundaries of the Long Beach Unified School District (LBUSD).

New City was established in 2000 and renewed twice by LBUSD Board of Education (LBUSD Board). The LBUSD Board denied renewal on December 9, 2014, based on written findings of fact.

New City was on the State Superintendent's Revocation Recommendation list for charter schools pursuant to the California Code of Regulations, Title 5 (5 CCR) section 11968.5 three (3) times: in 2012, 2013 and 2014. Under Education Code (EC) section 47604.5, the State Board of Education (SBE) is authorized to take appropriate action, up to and including revocation, of these schools, which are considered to have a "substantial and sustained departure from measurably successful practices such that continued departure would jeopardize the educational development of the school's pupils...."¹ The criteria for placement on this list is the same as that used to identify persistently low achieving schools.

The LBUSD Board initiated revocation in 2012 pursuant to EC 47607(c)(1)(B): The charter school *failed to meet or pursue any of the pupil outcomes identified in the charter*. The LBUSD Board voted not to revoke and provided the school with an opportunity to improve its academic performance. LBUSD and New City entered into a Memorandum of Understanding (MOU) on August 30, 2012, which specified academic reporting requirements and financial conditions. The LBUSD Board approved a material revision to the charter and the MOU through Board resolution No. 090412-E on September 4, 2012.

The school's enrollment peaked in 2010-11 at 571 students but has declined annually since. The California Department of Education (CDE) reports enrollment of 428 students in 2013-14.² At the Capacity Interview, New City stated the enrollment decline was due to current site capacity; New City's governing board closed two (2) additional facilities in 2012 when it relinquished its high school charter. The CDE Charter School Locator identifies reasons for closure as low enrollment and lack of funding.

DataQuest also shows that New City experiences student attrition at grade three (3). The colored cells track prominent enrollment declines from one year to the next (e.g., blue to blue, green to green, etc.).

New City Enrollment by Grade (2009-10 to 2012-13)									
Year	K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8
2019-10	75	88	87	48	48	29	32	36	25
2010-11	84	83	174	50	40	35	34	34	32
2011-12	74	105	85	66	54	46	32	21	19
2012-13	72	61	94	54	48	33	29	25	17
2013-14	64	69	55	70	47	42	31	26	24

Source: Data retrieved 1-26-15 from DataQuest (School Enrollment by Grade for New City School)

¹ Advisory Commission on Charter Schools Agenda, February 2014, Item 3. Retrieved 1-27-15 from <http://www.cde.ca.gov/be/cc/cs/accsnotice020714.asp>

² Data reported in this document is from CDE DataQuest unless otherwise stated.

Report on Renewal Appeal for The New City School

Mission and Vision: The school’s mission is stated in the petition (page 8):

The New City School
 a model for urban teaching and learning

We provide a healthy and intimate learning environment in which community building is valued over competition.

Through a TK-8 curriculum enriched by the natural environment and technology, we teach logical reasoning, English and Spanish literacy, historical perspective, and creative expression.

Toward these goals, our families and staff work as partners to support the students, act in the service of justice, and extend learning opportunities into the home and community.

Students Served by the School: The petition states the school’s student population generally mirrors that of the surrounding community where 64% of the population is Hispanic or Latino, 14% is African-American, 13% is Asian, 7% is white and 3% are identified as “other.” 35.87% of families live below the poverty line (page 7).

The petition reports New City’s demographics as follows: 85% of students qualify for Free or Reduced-Price Meals, 41% are English Learners, 8.5% are Re-classified Fluent English Proficient, 71% are Latino or Hispanic, 10% are white, 8% are two (2) or more races, 6% are Black/African-American, 2.5% are Asian (page 7).

The CDE reports enrollment by demographic category for New City and LBUSD for 2013-14 as follows:

2013-14 Racial and Ethnic Composition of New City and LBUSD
 (Percent of Enrollment)

Demographic Category	New City	LBUSD
Black or African American, Not Hispanic	5	15
American Indian or Alaska Native, Asian, Pacific Islander & Filipino, Not Hispanic	2	13
Hispanic or Latino of Any Race	72	55
White, Not Hispanic	8	14
Two or More Races, Not Hispanic	4	2
Race/Ethnicity Not Reported	8	2
Socioeconomically Disadvantaged	85	68
English Learners	36	24
Source: Data retrieved 1-22-15 from DataQuest (Enrollment by Ethnicity, English Learner Students by Language by Grade) All percentages rounded to the nearest whole number		

Reason for Denial by the Local District

The LBUSD Board denied renewal based on written findings of fact taking into account the pertinent sections of *Education Code (EC)* and the *California Code of Regulations, Title 5 (5 CCR)* that govern charter renewal.

LBUSD Board Resolution 120914-A provides evidence that the following considerations were taken into account in the decision to deny renewal of the New City charter:

EC 47607(a)(3)(A) states that the *authority that granted the charter 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.*

The LBUSD Board Resolution 120914-A states this consideration on page 4.

Report on Renewal Appeal for The New City School

EC 47607(b) and 5 CCR 11966.4(a)(1) requires a charter school provide evidence that it met at least one (1) of five (5) statutory criteria prior to receiving a charter renewal.

The LBUSD Board found that New City did not meet this renewal requirement for the following reasons:

1. New City “did not submit any documentation indicating or establishing that NCS met any of the statutory academic performance criteria specified in Education Code Section 47607(b) which are mandatory for renewal of a charter, and all information available to the District indicates that NCS did not meet any of these academic performance criteria, therefore the NCS Charter may not be renewed in accordance with the Charter Schools Act of 1992...”
2. New City provided its document, *The Case for Renewal of the New City Charter School (Case for Renewal)*, **after** the district provided New City with a copy of the proposed resolution recommending denial; the document was submitted to the District just before the close of business on Friday, December 5, 2014; the petition was submitted on November 10, 2014.
3. The *Case for Renewal* “which purports to address the issues raised in the draft resolution...does not resolve the findings in support of denial of the renewal as specified in this Resolution nor does the information provided establish that NCS has met any of the minimum mandatory academic performance criteria set forth in Education Code Section 47607(b) as required prior to renewal of a charter. The document entitled: ‘The Case for Renewal of the New City School Charter’... was fully incorporated into this new communication, and that 57 page communication was provided in its entirety to the District Board and is attached to this resolution...”
4. The LBUSD Board, “considered increases in pupil academic achievement for all groups of pupils served by NCS as the most important factor in determining whether to grant NCS's renewal request...” Due to the school’s failure to submit the requisite data, the District used publicly available data posted on the CDE website to make that determination, taking into account and following the guidance from CDE to authorizers and charter schools “regarding the impact of API suspension on charter renewal determinations, including alternatives to API calculations for 2014 and 2015 that the District could use in considering whether a charter school has met the academic performance standards and requirements to support renewal of its charter...”

5 CCR 11966.4(a)(2) requires submission of a *copy of renewal charter petition including a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed.*

The LBUSD Board findings identifies this requirement but makes no statement as to whether the petition provided a comprehensive description of how the school met all new charter school requirements enacted after the school’s last renewal.

5 CCR 11966.4(b)(1) states that *when considering a petition for renewal, the district governing board shall 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.*

The LBUSD Board Resolution stated the Board “considered the past performance of NCS's academics, finances, and operation and future plans for improvement in evaluating the likelihood of future success” pursuant to the 5 CCR 11966.4(b)(1).

5 CCR 11966.4(b)(2) permits a district authorizing entity to deny a petition for renewal of a charter school *only if it makes written factual findings as mandated by EC 46505(b); the absence of written factual findings shall be deemed an approval of the petition for renewal.*

The LBUSD Board made written factual findings through its action on December 9, 2014, as follows:

Report on Renewal Appeal for The New City School

EC 47605(b)(1): *The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*

The LBUSD Board substantiated this finding through its Board Resolution (pages 10-12) with 10 points of analysis based on publicly available data and data submitted by the school in the *Case for Renewal*. The Board Resolution states, “Because NCS did not meet any of the minimum statutory academic performance criteria for renewal required by Education Code Section 47607(b), the District is precluded from granting renewal of NCS’s Charter.” (Page 9)

EC 47605(b)(2): *The petitioners are demonstrably unlikely to successfully implement the program set forth in the charter.*

The LBUSD Board based its decision on the school’s educational and fiscal performance, including the school’s failure to submit the required budgets with the charter petition pursuant to EC 47605(g).³

The Board Resolution states budgets were not submitted until the morning of Monday, December 8, 2014, “all of these documents were legally required to be submitted with the Charter at the time it was submitted for renewal on November 10, 2014...”

The staff analysis considered by the LBUSD Board includes information regarding the school’s failure to keep current with loan payments, the submission of a Profit and Loss Statement that “failed to acknowledge potential interest payables, which is a significant omission” and an unexecuted “Letter of Interest” for refinance that “does not alleviate New City of its nearly \$5.5 million debt.”

47605(b)(5): *The petition fails to provide a reasonably comprehensive description of all required elements.* Element 1: Description of the Educational Program is not reasonably comprehensive. The Board Resolution cites concerns regarding student performance in support of this determination.

Any of the above findings may be cause for denial of a renewal petition.

Response from the Petitioner

The petitioner provided a written response to the findings of the local board and submitted it as part of its appeal to the County Board. The response was considered during the review process including specific questions posed to the petitioner and New City Board through several telephone conversations and the Capacity Interview.

The petitioner’s response consisted of the following documents:

1. *NCS (New City’s) Response to LBUSD Resolution No. 120914-A – FINAL (NCS Final Response).*
2. *Charter School Development Center Renewal Support Letter* dated December 8, 2014
3. *The Case for Renewal of the New City School Charter (Case for Renewal)*
4. *New City School Data Analysis Report⁴ (Data Analysis Report)* by Public Works, Inc. This document was **not** submitted to the LBUSD Board as part of the school’s renewal application. Excerpts are cited in the *Case for Renewal* and New City’s December 8, 2014 *Initial Response* to

³ LBUSD cited Education Code for this requirement; additionally, the California Code of Regulations, Title 5 Section 11966.4, Submission of a Charter Renewal Petition to the Governing Board of a School District, references this Code section, informing petitioners of the requirements evaluated in making a determination for renewal.

⁴ The petitioner confirmed the Public Works, Inc. report was **not** submitted to the LBUSD Board with the *Case for Renewal* because it was not complete on December 8, 2014, when the *Case for Renewal* was submitted.

Report on Renewal Appeal for The New City School

LBUSD Board draft Resolution No. 120914-A. Public Works also made an oral report to the LBUSD Board on December 9, 2014, regarding this data.

5. *NCS Initial Response to District Draft Resolution No. 120914-A* dated December 8, 2014
6. *NCS Charter Renewal 5-year Budget and Notes*

Appeal to the Los Angeles County Board of Education

The Los Angeles County Board of Education (County Board) held a Public Hearing to determine support for the petition on January 20, 2015.

Two (2) parents and two (2) students addressed the County Board in support of New City during public comment. During the Public Hearing, a parent and a New City Board member spoke in support of the school. Five (5) individuals spoke in opposition to renewal: two (2) representatives of the California Charter Schools Association (CCSA) and three (3) representatives of LBUSD.

Los Angeles County Office of Education Review Process

Review Criteria: The Los Angeles County Office of Education (LACOE) Charter School Review Team (Review Team) considered the petition according to the requirements of the *Education Code* and other pertinent laws, guidance established in the *California Code of Regulations, Title 5*, County Board Policy and Superintendent's Administrative Regulations.

LACOE has adopted the petition review criteria established in 5 CCR 11967.5.1(a-g) except where it determined that the regulations provide insufficient direction or where they are not applicable because the structure or responsibility of the County Board and LACOE differ from those of the SBE and the CDE. In these instances, LACOE developed its own local review criteria or added criteria to those developed by CDE to reflect the needs of the County Board as the authorizer and LACOE as the monitoring and oversight agency. The local criteria do not conflict with statute.

Reasonably Comprehensive: In addition to the regulatory guidance that specifies the components of each required element, 5 CCR section 11967.5.1(g) states a "reasonably comprehensive" description of the required petition elements shall include, but not be limited to, information that:

- (1) *Is substantive and is not, for example, a listing of topics with little elaboration.*
- (2) *For elements that have multiple aspects, addresses essentially all aspects the elements, not just selected aspects.*
- (3) *Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.*
- (4) *Describes, as applicable among the different elements, how the charter school will:*
 - (A) *Improve pupil learning.*
 - (B) *Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.*
 - (C) *Provide parents, guardians, and pupils with expanded educational opportunities.*
 - (D) *Hold itself accountable for measurable, performance based pupil outcomes.*
 - (E) *Provide vigorous competition with other public school options available to parents, guardians, and students.*

Report on Renewal Appeal for The New City School

Reasonably Comprehensive with Deficiencies: An element may be reasonably comprehensive but lack specific critical information or contain an error important enough to warrant correction. These elements are described as “reasonably comprehensive” with a specific “deficiency” or “deficiencies.” Correcting the deficiency or deficiencies would not be a material revision (as defined in statute and County Board Policy) to the charter.

Technical Adjustments: Three (3) circumstances may require a “technical adjustment” to the petition:

- Adjustments necessary to reflect the County Board as the authorizer as required by statute. These adjustments are necessary because the petition was initially submitted to a local district and contains specific references to and/or language required by that district and/or the petition does not reflect the structure of the County Office.
- Adjustments needed to bring the petition current with changes made to law since the petition was submitted to the district as required by statute.
- Adjustments necessary to address clerical errors or inconsistencies where making the adjustment would not be a material revision (as defined in statute and County Board Policy) to the charter.

Affirmations and Assurances: The petition shall contain a clear, unequivocal affirmation of each requirement, not a general statement of intention to comply. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC 47605(c – f, l and m)*.

Reviewers: The Review Team included staff from Business Advisory Services, Facilities and Construction, Risk Management, Curriculum and Instruction, Special Education, Student Support Services, Human Resources, the Office of General Counsel, and the Division of Accountability, Support and Monitoring, including the Charter School Office.

Scope of Review: Findings are based on a review of the same petition and supporting documents considered by the local district, information obtained through the Capacity Interview and other communications with the petitioner and representatives of the school, and other publicly available information.

Legislative Intent

The Review Team considered whether the petition complies with *EC* section 47601, the *Charter Schools Act*, which states:

It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

- (a) Improve pupil learning.*
- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.*
- (c) Encourage the use of different and innovative teaching methods.*
- (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.*
- (e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.*

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(f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.

(g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

Additional Review Criteria Specific to a Renewal Petition

The appeal of a charter not renewed at the district level is additionally governed by *EC 47607* and *47605* and *5 CCR 11966.5*, which provide the requirements for the submission of an appeal to a county board of education and the grounds for denial.

EC 47607(a)(2) states that renewals *are governed by the standards and criteria in section 47605* (the requirements to establish a charter), and shall include, but not be limited to, *a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.*

This language varies slightly from the requirement under *5 CCR 11966.4(a)(2)*, which requires the district to determine whether the renewal petition includes *a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed.* (Emphasis added)

Some notable changes to law since New City was last renewed include addressing California's eight (8) priorities through submission of a Local Control Accountability Plan (LCAP), changes affecting student discipline, limitations on student fees, requirements for transferring student records and changes to the Brown Act.

The petition did not describe how the charter school had met new requirements of law since its last authorization; therefore, the Review Team could not determine whether the school had in fact complied with these requirements except as follows: New City posted its governing board meeting agendas on its website as required by the Brown Act and submitted its 2014 LCAP to the County Office.

The Review Team determined whether each required petition element complies with current legal requirements and whether the petitioners demonstrated they are familiar with current legal requirements through the Capacity Interview. If the petition did not comply, or the petitioner was unfamiliar with current law, the Review Team noted the deficiency through the applicable finding.

EC 47607(a)(3)(A) states that *the authority that granted the charter 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.* (Emphasis added)

This requirement is **not** referenced or specified in Regulations (*5 CCR 11966.5(c)(1-2)*) that apply to a county board's consideration of the appeal of a renewal petition.

However, as stated, previously, the LBUSD Board's written findings indicate it considered increases in academic achievement for all groups of students as the most important factor in denying renewal as required by law.

5 CCR 11966.5(b) provides the timelines, process and requirements for reviewing a renewal petition:

(1) Documentation that the charter school meets at least one of the [academic performance] criteria specified in EC section 47607(b).

The five (5) statutory criteria, and corresponding data for New City, are provided below:

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EC 47607(b)(1): *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 school.*

Academic Performance Index: Meeting Growth Targets

Year	Schoolwide		Hispanic/Latino Student Group		Socioeconomically Disadvantaged Student Group		English Learner Student Group	
	Target	Met	Target	Met	Target	Met	Target	Met
2014	Not applicable-API suspended; no Growth Targets calculated							
2013	7	No (-5)	9	No (-5)	8	No (3)	11	No (-26)
2012	9	Yes (39)	11	Yes (40)	10	Yes (43)	12	Yes (25)

Source: Data retrieved 1-9-15 from DataQuest

Analysis: Due to the suspension of the API, New City did not receive Growth Targets for 2014 (the year prior to renewal). Based on 2012 and 2013 data, **New City did not qualify for renewal** under this criterion as it did not meet API Growth Targets for both of those years.

EC 47607(b)(2): *Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.*

Academic Performance: Statewide Decile Rank

Year	Statewide Rank
2014	API suspended; no ranks issued
2013	1
2012	1

Source: Data retrieved 1-9-15 from DataQuest

Analysis: Due to the suspension of the API, New City will not receive a Statewide Rank for 2014 (the year prior to renewal). Based on 2012 and 2013 data, **New City did not qualify for renewal** under this criterion as it did not rank in deciles 4 to 10 during both of those years.

EC 47607(b)(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.*

Academic Performance: Similar Schools Decile Rank

Year	Similar Schools Rank
2014	API suspended; no ranks issued
2013	1
2012	1

Source: Data retrieved 1-9-15 from DataQuest

Analysis: Due to the suspension of the API, schools did not receive a Similar Schools Rank for 2014 (the year prior to renewal). Based on 2012 and 2013 data, **New City did not qualify for renewal** under this criterion as it did not rank in deciles 4 to 10 during both of those years.

EC 47607(b)(4):

(A) The entity that granted the charter [LBUSD Board] 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

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located, taking into account the composition of the pupil population that is served at the charter school. (Emphasis added)

(B) The determination made pursuant to this paragraph shall be based upon all of the following: (i) Documented and clear and convincing data. (ii) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) for demographically similar pupil populations in the comparison schools. (iii) Information submitted by the charter school.

(C) A chartering authority shall submit to the [State] Superintendent copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.

Analysis: The Review Team reviewed the written findings in LBUSD Board Resolution No 120914-A, and data submitted by the petitioner to the LBUSD Board, and concurs with the authorizing entity that New City failed to provide *documented and clear and convincing data* that it qualifies for renewal under this criteria. The documents submitted by New City to the LBUSD Board were as follows:

- The renewal petition, entitled *Charter Application submitted for Initial Review to LBUSD November 10, 2014* (Renewal Petition);
- The letter identified as *Initial Response to LBUSD draft Resolution No. 120914-A*, dated December 8, 2014 (*Initial Response*); and
- *The Case for Renewal of the New City School Charter (Case for Renewal)* attached to the December 8, 2014 letter.

Basis for concurring with the LBUSD Board's findings:

1. New City failed to provide its authorizing entity with academic performance data at the time the petition was submitted as specified in law (5 CCR 11966.5(b)(1)) in spite of notification from the CDE of this statutory obligation.⁵ New City submitted academic performance data to its authorizing entity about two (2) business days prior to Board action and only after the school received a draft of the proposed Board Resolution indicating non-renewal. Nonetheless, the data was considered by the authorizing entity and was found insufficient to warrant renewal.
2. The documents submitted by New City **did not show** through *documented and clear and convincing data* 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 [resident schools], 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.

New City failed to identify its resident schools or its comparable District schools and provided no data comparing New City's performance to those schools; therefore, it failed to meet its statutory or regulatory burden of proof.

⁵ Due to the suspension of API calculations for 2014, CDE notified renewing charter schools and the authorizing entities that they "will need to use other means to determine whether the academic performance of the charter school and all pupil subgroups is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend." CDE's notice that any determination of renewal made pursuant to EC 47607(b)(4) must be submitted to CDE as described in subsection C.

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3. New City enrolls students in Transitional Kindergarten through eighth grade; standardized achievement data was only provided for a select cohort of fifth and seventh grade students and this California Standards Test (CST) data was insufficient to support renewal for the following reasons:

- Due to the small sample sizes for the matched cohorts at fifth grade (n=21) and seventh grade (n=12), it is not possible to make generalized statements about the school's performance for *all groups of students served by the school* as required by statute.
- The matched cohort data only compares the performance of students who were continuously enrolled at New City from 2009-10 through 2012-13, and there is no indication these cohorts represent all the numerically significant student groups served by the school.

Selective and small comparison groups cannot be reflective of the achievement of all groups of students served by the school (e.g., all numerically significant student groups based on demographic factors or those who attend for a short time as well as those who attend for longer periods).

Public schools are evaluated on the performance of all numerically significant student groups and students who are enrolled from October through the first day of standardized testing each year, not only those students enrolled for multiple years. New City failed to provide data based on this standard.

- The Public Works, Inc. *Data Analysis Report* cited in the *Case for Renewal* contains methodological flaws. New City is in Program Improvement (PI), Year 5 indicating the school failed to meet annual achievement goals for at least seven (7) years. The comparison cohort in the *Data Analysis Report* was for select LBUSD schools in PI year 5. Students at New City would not be restricted in their attendance to only PI, Year 5 schools. In fact, federal law requires districts (and charter schools) to provide "choice" to parents of students whose local school of attendance is identified as being in PI. The achievement data comparison between New City and only PI Year 5 schools does not meet the "at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend" or the "academic performance of the schools in the school district in which the charter school is located" criteria outlined in charter school legislation as the report contends (*Data Analysis Report*, page 1).
 - CST data is used incorrectly in comparing the performance of the matched cohorts. New City compares student performance across years in an effort to demonstrate academic progress. Because the CSTs are not vertically articulated assessments, individual student scores cannot be compared across years. Therefore, the comparison of individual student scores across four (4) years cannot be considered valid.
 - New City provides graphs comparing performance based on scores of **Basic** and above without breaking data into specific performance bands. Since only scores of Proficient and Advanced are considered adequate performance, it is not possible to ascertain the percentage of students who performed adequately using the graphs. The graphs present an inaccurate picture of the success of New City's educational program.
4. New City's data fails to show that it outperformed LBUSD. Keeping the statistical design and data analysis flaws in mind, an analysis of the 2013 CST matched cohort data shows that in English-Language Arts, the New City fifth grade cohort performed slightly better than the LBUSD cohort while the New City seventh grade cohort was outperformed by LBUSD.

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In Mathematics, the New City fifth grade cohort performed well below the LBUSD cohort while the New City seventh grade cohort outperformed the LBUSD cohort.

The data summarized above is provided in the table below. Since only a score of Proficient or Advanced is considered adequate, only data for these performance bands is provided.

2013 CST Cohort Performance (% Proficient & Advanced)				
	Fifth Grade Cohort		Seventh Grade Cohort	
	New City	LBUSD	New City	LBUSD
English-Language Arts	52	51	33	38
Mathematics	19	45	33	24
Source: <i>Case for Renewal</i>				

5. Targeted Reading Intervention Data does not support renewal. The *Case for Renewal* (page 8) states New City instituted a Targeted Reading Intervention Program to address the needs of “chronically underperforming students” in 2012-13. Only 50% of the students in the targeted reading intervention showed at least one (1) year of growth after one (1) year of program participation. Actual gains (closing the achievement gap between instructional or independent reading level and grade level) are not provided.
6. The English Language Development (ELD) Intervention Program presents an equity issue. The *Case for Renewal* (page 8) states an ELD Intervention Program was instituted in 2014-15 “to ensure our English Learners are making adequate progress toward their goals.” The petition indicates 45% of New City students are identified as English learners, a significant portion of the school’s enrollment. The inequity arises because students assigned to the reading and/or mathematics Intervention Program (also described on page 8) are served by fully credentialed teachers while the students in the ELD Intervention Program are served by tutors who are not described as fully credentialed teachers.
7. New City’s claim of “positive growth” is not based on a complete analysis of data. The *Initial Response* to LBUSD (page 10) states the school experienced “positive growth since the base year of its current renewal term.”

That statement fails to reveal that in the last year of its prior charter term (2009-10) the school’s Growth API was 645. In the first year of its current term (2010-11) the Growth API **declined** to 621, in the second year (2011-12) it **increased** to 662 and in the third year (2012-13), it again **declined** to 659 (which resulted in New City not meeting its Growth Targets).

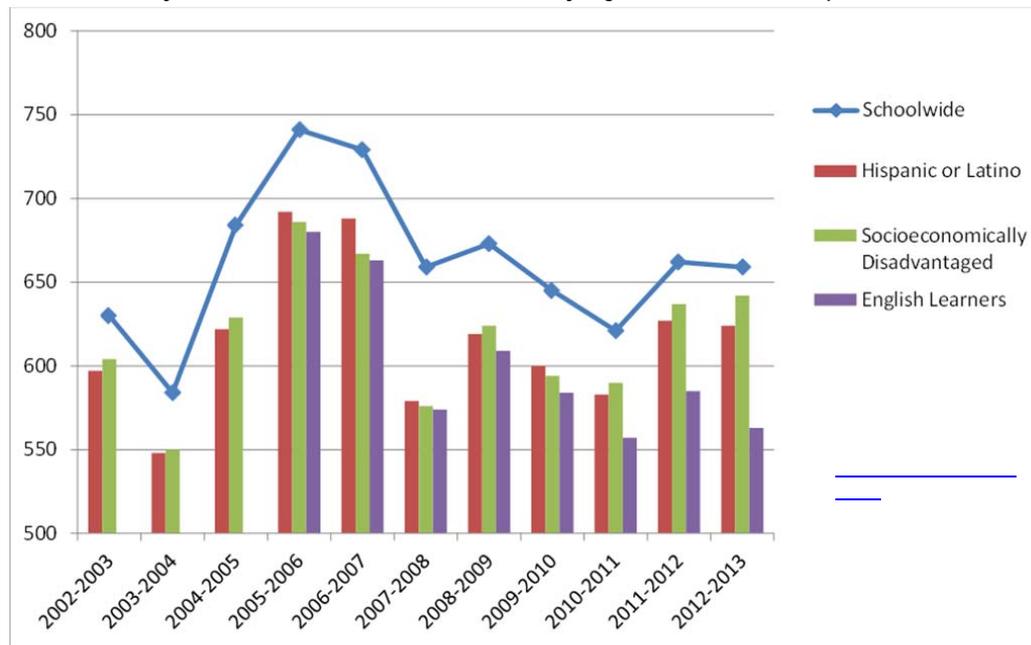
Similarly, the December 8, 2014 Charter School Development Center (CSDC) claim that New City is eligible for renewal because its “API scores grew between 2011 and 2013 for all numerically-significant subgroups” is inaccurate; **growth did not occur annually for each student group.**

The CSDC analysis compares Growth API only between 2011 and 2013. The calculation fails to show the **Growth API declines that occurred in 2011, 2012 and 2013** for specific student groups.

The graph below shows these data points over all three (3) charter terms and for all student groups served by the school. Additionally, the CSDC analysis **fails to compare New City’s performance to that of its resident or comparable district schools as required by law.**

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New City Growth API Schoolwide and Numerically Significant Student Groups 2003 – 2013



8. “Additional Achievement Results” in the *Case for Renewal* (pages 14-17) and data provided in the December 8, 2014 *Initial Response* is **insufficient to support renewal**. While alternative assessment measures may be considered by the entity that granted the charter in making a determination as to whether to renew a charter, documents submitted to the LBUSD Board do not provide sufficient data to meet the statutory threshold of **documented and clear and convincing data** for the following reasons:

Developmental Reading Assessment Data

- The *Case for Renewal*, does not establish a positive trend over time for students in grades 6-8. Data was for a single spring 2014 administration of the Developmental Reading Assessment (DRA); a single administration cannot show growth. At the Capacity Interview, the school reported this assessment measure is used regularly, which calls into question the reason the school did not present data for multiple years/administrations.
- Use of the DRA as a summative assessment is invalid. The DRA is a formative assessment tool that relies on teacher-scoring of individualized oral reading sessions. The purpose of the DRA is to measure a student’s independent reading level. According to the publisher, DRA results are intended to be used for instructional planning purposes.
- The DRA data does not demonstrate progress for all grades. The *Initial Response* to LBUSD contains a table with DRA performance for all grades served by the school (page 4); however, it does not show progress (positive change) for all grades. The *Initial Response* acknowledges a lack of progress at third and fifth grades (page 3).
- DRA data shows only third grade students appear to be performing within grade level expectations. The DRA has an established grade-level scale scoring system. The average raw scores submitted by the petitioner indicate:
 - First grade students scored in the bottom third of score-span (A-4) grade-level expectations;

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- Second grade students scored at the bottom of score-span (6-18) grade level expectations;
 - Third grade students scored near or beyond the top of score-span (18-28) grade level expectations;
 - Fourth grade students scored at the bottom or below score-span (20-28) grade level expectations;
 - Fifth grade students scored below the score span (40-50) grade level expectations.
- There is no data regarding the performance of students who were taught in Spanish. New City’s instructional model provides reading instruction in a student’s primary language until third grade. New City provided no assessment data to show the academic performance of students being taught in Spanish as their primary language.

The Standards-based Tests in Spanish (STS) administered as part of California’s Standardized Testing and Reporting System, show that in 2011, 2012 and 2013, **between 41 and 94 percent** of all second through fifth grade students who took this test **scored Below Basic or Far Below Basic in Spanish reading.** (See Appendix 1)

California English Language Development Test (CELDT) Reclassification Rate Data

- New City failed to provide evidence of an increased reclassification rate as claimed in the *Case for Renewal* (page 15). The school stated that it improved its English Learner reclassification rate “from 7.7% in 2012-13 to 11.05% in 2013-14.” The analysis in the *Case for Renewal* is deficient for three (3) reasons:
 - The source of the data is not provided to support the claim, and the claim is not supported by data reports in DataQuest.
 - There is no evidence of a positive trend over multiple years.
 - There is no comparison of New City’s performance to that of its resident or comparable district schools.

A comparison of reclassification (redesignation) rates for New City and LBUSD, compiled by the Review Team shows New City is outperformed by LBUSD.

English Learner Redesignation Rates for New City and LBUSD

Year	New City		LBUSD	
	% English Learners	% Redesignated Fluent English Proficient	% English Learners	% Redesignated Fluent English Proficient
2013-14	35.7	7.6	23.8	10.3
2012-13	38.6	7.5	21.3	11.7
2011-12	39.6	3.7	22.3	12.7
2010-11	43.1	21.0	23.3	11.3

Source: Data retrieved 1-22-15 from DataQuest (School and District English Learner Summary Report)

8th Grade Acceptance to Competitive Entry A-G Program:

- New City did not quantify the number of students accepted to the identified schools except for 2014 high school acceptance for 20 students and provided no evidence of that data to support its assertion (*Case for Renewal*, page 15).
- New City did not compare the school’s performance to that of its resident or comparable district schools.

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Parent Participation:

- New City only stated data for 2013-14 for two (2) measures of parent participation and provided no evidence of that data to support its assertion (*Case for Renewal*, page 15).
 - New City did not compare the school’s performance to that of its resident or comparable district schools.
9. New City failed to provide any analysis, evidence or data that indicates it met the measurable pupil outcomes stated in its 2010-2015 charter.

Prior to 2012, charter renewal was based on the school making progress toward meeting the measurable pupil outcomes stated in Element 2 of the charter. With the passage of SB 1290 in 2013, specific measurable criteria for renewal were enacted into law. Nonetheless, New City had the option of presenting evidence that it had made progress toward meeting the measurable outcomes stated in its current charter under *EC 47607(b)(4)* as described, above. **New City provided no information regarding its progress toward meeting those measurable outcomes.**

10. New City failed to provide data that shows the changes made to its instructional design through implementation of the Gomez & Gomez Dual Language Enrichment Model (G & G Model) led to improved educational outcomes for students in 2013-14 and/or 2014-15. The school did not provide benchmark assessments or other data to support this design change.
11. Publicly available academic performance data independently compiled by the LACOE Review Team does **not** provide evidence New City qualifies for renewal for the following reasons:
- New City’s Growth API shows a **significant performance gap exists** between the various student populations served by the school, and there has **not been a consistent increase in academic performance for all groups of students** served by the school.

3 - Year Average Academic Performance Index (API) School Report

Groups^	# Students in 2011 Growth API	2011 Growth API	# Students in 2012 Growth API	2012 Growth API	# Students in 2013 Growth API	2013 Growth API	Weighted 3-Year Average API
Schoolwide	327	621 (-)	282	662 (+)	265	659 (-)	646
Black or African American	15	571 (n/a)	13	540 (-)	14	660 (+)	591
Hispanic or Latino	240	583 (-)	206	627 (+)	200	624 (-)	610
White	15	757 (n/a)	12	828 (+)	28	826 (-)	808
Socioeconomically Disadvantaged	229	590 (-)	232	637 (+)	192	642 (+)	622
English Learners	172	557 (-)	127	585 (+)	109	563 (-)	567

^ Data reported only for numerically significant student groups
 (+) or (-) indicates growth or decline from previous year; (n/a) indicates not a numerically significant group
 Source: Data retrieved 1-21-15 from DataQuest (Academic Performance Index (API) Report, 3 - Year Average API School Report)

- **New City was outperformed by all LBUSD elementary and middle schools** based on the most recent Growth API data available. Barton Elementary school is the lowest performing traditional public school in LBUSD. It outperformed New City by 57 API Growth points in 2013 and by 103 Weighted 3-Year Average API points. (See Appendix 3)
- New City was outperformed by LBUSD on the 2014 CST Science Assessments. All fifth and eighth grade students in the state participated in this assessment, the only standardized

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assessment measure available for 2013-14. The table presents data for the numerically significant student groups served by New City and LBUSD.

2014 CST Science Exams (Percent of Students^ Scoring Proficient & Advanced)

	New City Grade 5	LBUSD Grade 5	New City Grade 8	LBUSD Grade 8
All Students	18	52	27	60
Disability Status				
Students with No Reported Disability	18	53	26	62
Economic Status				
Economically Disadvantaged (All students)	16	42	28	53
Economically Disadvantaged (Hispanic or Latino)	12	37	24	49
English-Language Fluency				
Fluent-English Proficient Only	29	61	33	66
Reclassified-Fluent English Proficient (R-FEP)	*	61	36	66
EL Enrolled in School in the US >= 12 Months	6	15	*	17
English Learner	6	15	*	16
English Only	26	61	*	67
Ethnicity				
Hispanic or Latino	13	41	22	52
^ Data reported only for numerically significant student groups * Fewer than 11 students had valid test scores Retrieved 1-2-15 from DataQuest (2014 CAASPP Test Results for New City and LBUSD)				

EC 47607(b)(5): *Has qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.*

Not applicable; New City has not qualified for an alternative accountability system (e.g., it is not an ASAM school).

(2) *When an appeal, a copy of the governing board’s denial and supporting written factual findings, if available.*

The petitioner supplied the required documents.

LBUSD staff presented an oral report to the LBUSD Board accompanied by a PowerPoint presentation entitled, *New City Progress Summary 2014*. This document contains graphs and charts used by the District as part of its analysis, including internal data not publicly available. As the document was not submitted by the petitioner, it was requested from the District. (See Appendix 4)

(3) *When an appeal, a description of any changes to the renewal petition necessary to reflect the county board of education as the chartering entity.*

The petitioner supplied this description as a component of the renewal petition. Findings regarding the description are addressed in Finding 5 under the specific petition element.

5 CCR 11966.5(c) provides the areas to be considered to make a determination as to whether a charter should be renewed and provides the conditions under which a **county board** may deny a renewal petition:

(1) *When considering a petition for renewal, the county board of education shall 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.*

Findings regarding the past performance of the school and plans for future improvement are addressed under Finding 1: *The charter school did not meet one (1) of the five (5) academic performance criteria specified in EC 47607(b) necessary to be considered for renewal; Finding 2: The*

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*petition provides an unsound educational program for students to be enrolled in the school; and **Finding 3:** The petitioners are demonstrably unlikely to successfully implement the proposed educational program.*

- (2) *The county board of education may deny a petition for renewal of a charter school only if [it] makes written factual findings, specific to the particular petition, setting forth facts to support one or more of the grounds for denial set forth, as applicable, in Education Code 47605(b) or failure to meet one of the criteria set forth in Education Code section 47607(b).* (Emphasis added)

Findings of Fact

Finding 1: The charter school does not meet one (1) of the five (5) academic performance criteria specified in EC section 47607(b) necessary to be considered for renewal.

The Review Team presented written findings on pages 7 – 15 of this report; these findings corroborate the conclusion of the LBUSD that New City does not meet the statutory criteria to be considered for renewal.

Finding 2: The petition provides an unsound educational program for students to be enrolled in the school. [EC 47605(b)(1)]

5 CCR 11967.5.1(b)(3) states an educational program shall be considered unsound *if the petition is for renewal...and either the charter school has not met the standards for renewal... or the...measurable pupil outcomes described in the charter.*

The Review Team finds New City’s academic performance during its 2010-15 charter term resulted in an unsound educational program because the school:

- Did not meet the criteria of EC 47607(b) necessary to be considered for renewal as described;
- Did not demonstrate progress toward meeting the measurable pupil outcomes stated in its charter; the school failed to submit any information regarding the outcomes in its operative charter; and
- Was identified by the State Superintendent as a school that had ***substantial and sustained departure from measurably successful practices that jeopardize the educational development of a school’s pupils*** pursuant to 5 CCR 11968.5 for three (3) consecutive years. A charter school was placed on this list if it had been in operation five (5) or more years, was not an ASAM school, and had a *statewide rank of 1 on API base data for two (2) years and did not achieve a cumulative API growth of at least 50 points over the last three (3) reporting cycles.*

The February 2014 School Summary report to the State Advisory Commission on Charter Schools states six (6) outcomes measures identified in the MOU between the LBUSD and New City. These include a “contract with an outside expert to complete an on-site Academic Audit” and submission of “summary visitation reports from Gomez y Gomez and other curriculum advisors.” New City provided no evidence that these outcome measures were fulfilled and there is no *documented and clear and convincing data* that the school made significant academic improvements since that date.

- Since 2006-07, New City has not had a schoolwide growth API above 673. Its highest Growth API during its current charter term was 662 in 2011-12. In 2012-13, New City had the lowest Growth API score when compared to all LBUSD elementary and middle schools. The school is currently in PI Year 5.

When the petitioner was asked about the school’s PI status, he said he thought the school was in PI year 3 or 4. When asked to provide the Review Team with a copy of the school’s Single Plan for Student Achievement (SPSA) or Single-School District Plan (SSDP), he responded that he was

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unable to locate a “signed copy” of the document. A school in PI Year 5 should be implementing the restructuring plan developed in PI Year 4. Without this document, the Review Team is unable to determine whether the school has implemented the plan and/or evaluate its effectiveness. (See additional comments under Finding 3, #2, page 17)

Finding 3: The petitioners are demonstrably unlikely to successfully implement the proposed educational program. [EC 47605(b)(2)]

5 CCR section 11967.5.1(f)(1) provides four (4) indicators that the petitioner is unlikely to implement the proposed educational program. The petitioner is unlikely to be successful based on evidence of the following indicators:

- (1) *They have a past history of involvement in charter schools or other education agencies (public or private), the history that LACOE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioner’s control.*

New City has an unsuccessful history of providing a high quality educational program based on its academic performance as previously described in this report and in the LBUSD findings of fact. New City failed to meet its burden to show that the programmatic changes it made in 2012 have resulted in improved academic outcomes for all groups of students served by the school.

Additionally, the governing body that holds the New City charter voluntarily closed its high school program, Colegio New City, in 2012 due to low enrollment and lack of state funding.⁶ Based on information in DataQuest, the school operated for three (3) years. Enrollment peaked at 87 students, and its 2012 Growth API was 683.

- (2) *They are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school.*

New City is out of compliance with federal Title I requirements. At the Capacity Interview, the Board and Leadership Team acknowledged that the school **has not submitted** a board approved Title I plan to the state since entering PI Year 3. The school failed to develop and submit to CDE a restructuring plan when it entered PI Year 4 and did not implement a restructuring plan when it entered PI Year 5.

There are conflicts between the petition and the corporate bylaws submitted with the petition. At the Capacity Interview, the Board and Leadership Team indicated there were revisions to the bylaws made in 2012; these revisions were not submitted with the petition. (See Finding 5, Element 4: Governance Structure). Additionally, the description of the changes to reflect the County Board as the potential authorizer lacks needed specificity and appears to be a generic response, not specific to the Los Angeles County Board or this petition because the same language appears in the changes submitted for other petitions.

Under the heading, “Transportation” (page 101) the petition states the school will not provide home-to-school transportation except as required for students with disabilities. The petition fails to demonstrate an understanding of the requirements of law under the McKinney-Vento Act, which requires transportation to school be provided upon request.

- (3) *They have presented an unrealistic financial and operational plan for the proposed charter school.*

⁶ Source: California Department of Education (Charter School Locator). Retrieved 1-22-15 from <http://www.cde.ca.gov/ds/si/cs/ap/rptresult.asp?name=New+City>

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An unrealistic financial and operational plan is one to which there is evidence that **any or all** of the following applies:

- *In the area of administrative services, the charter and supporting documents do not adequately describe...an understanding of school business practices and expertise to carry out the necessary administrative service, or a reasonable plan and time line to develop and assemble such practices and expertise.*

The New City Public School's General Accounting Policies and Procedures Manual (*Accounting Manual*) was submitted by the petitioner; this document lacks internal controls for the credit/debit card process.

- *In the area of administrative services, the charter and supporting documents do not adequately describe the criteria for the selection of a contractor or contractors that demonstrate the necessary expertise and the procedure for selection of the contractor or contractors.*

Neither the petition nor the *Accounting Manual* describes a competitive bidding process in the selection of contracts or independent contractors.

- *In the area of financial administration, the charter or supporting documents do not adequately include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school...based, when possible, on historical data from schools or school districts of similar type, size, and location.*

The operational budget shows New City's cash flow is not sufficient to cover the projected year annual payment of the consolidation loans. The school does not have adequate cash levels in relation to its high debt levels.

The petitioner's financial and operating plans contain material errors and omissions. Specific findings regarding the proposed 3-year budget projections show:

- The petitioner has projected a negative cash flow for the first and second years of the renewal term.
 - The New City Public School 1, LLC operating expenses are not included in the proposed budget, and the principal and interest repayments proposed are understated.
 - Local Control Funding Formula (LCFF) revenues for unduplicated pupils are overstated; the petitioner uses 86.10% instead of LBUSD's actual rate of 70.02%.
- *The budget in its totality **does not** appear viable and over a period of no less than two (2) years of operation **and does not** provide for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.*

While the budget includes notes regarding reserves, a reserve is not included in the budget projections as stipulated in state regulations and required by the LACOE MOU.

- *In the area of insurance, the charter and supporting documents do not adequately provide for the acquisition of and budgeting for general liability, workers compensations, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance.*

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There is insufficient information in the renewal petition and accompanying documents to make this determination.

- *In the area of facilities, the charter and supporting documents do not adequately reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.*

The budget reflects costs of \$1,425,780 over three (3) years. There is evidence of a Certificate of Occupancy from the City of Long Beach for the property located at 1637 Long Beach Blvd. The petitioner is currently leasing this property from The New City Public School 1, LLC. However, New City is in negotiations with Clearinghouse CDFI to consolidate all outstanding loans (\$5,578,786) into one payment, including principal and interest, for a term of five (5) years.

This agreement would cost New City approximately \$1,373,000 per year; however, the school currently budgets \$475,260 per year for rent. Should this consolidation agreement be executed, it would affect the school's yearly cash flow.

- (4) *They lack the necessary background in curriculum, instruction, assessment and finance and business management and the petitioners do not have plan to secure the services of individuals who have the necessary background.*

- The *Case for Renewal* submitted by New City identifies a lack of understanding of the correct use and analysis of data and assessments.
- New City has had the same Director of Education Programs since the school was established yet its academic performance does not meet the criteria for renewal and New City is in PI Year 5. The petition identifies the Director of Education Programs as the school's "academic leader" and states the qualifications for the position (page 65). There is no educational requirement to hold the position and the only experience required is "An interest and expertise in curriculum and instruction" without further explanation. While the Director of Education Program's resume indicates the individual holds a teaching credential, the school's academic performance over the term of the charter calls into question whether this individual has the necessary background to successfully implement the educational program stated in the petition, and deficiencies in the petition provide additional evidence of a lack of the necessary background.
- New City's plan for future improvement is insufficient. The *Case for Renewal* identifies only one (1) change to occur in the future: the adoption of the North West Education Association (NWEA) Measures of Academic Progress (MAP) assessment program. The remainder of the *Case for Renewal* discusses changes that were made in response to the school being identified as persistently low achieving and/or as a result of revocation proceedings that were initiated by the LBUSD Board.

At the Capacity Interview, school representatives stated New City had provided monthly reports to District staff specifying progress the school had made toward meeting revised outcome measures specified in a MOU between New City and the LBUSD Board as a result of the school being identified as persistently low achieving in 2011-12. New City did not submit, reference or provide any analysis contained in these reports as part of its renewal petition.

The petition states, "Our education program, wholly designed to support the NCS mission, has remained mostly unchanged, with the exception of our 2012 alignment to the Gomez & Gomez Dual Language Enrichment (DLE) model" (page 4). As described throughout this report, there is

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insufficient data to show that the changes implemented through this model resulted in improved academic outcomes for all groups of students served by the school from 2011 through 2014, the three (3) years prior to renewal.

- The school’s past financial difficulties coupled with the findings related to the budget submitted by the petitioner and approved by the governing board, results in concerns regarding the petitioner’s and board’s capacity with regard to finance and/or business management. At the Capacity Interview, the board stated it hired a new Executive Director in July 2014 and restructured its governing board. A review of resumes submitted with the petition indicates neither the Executive Director nor any of the board members has a degree or experience specific to finance, and the board stated one of its goals was to have a treasurer.
- (5) *In the case of a renewal petition, there is evidence that the past performance of the school in academics, finances, and operation indicate a likelihood the school will not be successful in the future and/or that plans for improvement, if any, are insufficient.*

The LBUSD Board findings document New City’s financial and academic history providing evidence New City is unlikely to be successful in the future. Those findings were corroborated by the Review Team as documented throughout this report. Neither the petition nor the *Case for Renewal* proposes sufficient plans for future improvement.

The table shows loans payable for the New City LLC and New City School as of November 2014:

	11/30/2014	6/30/2014	YTD Change
Loan Payable – School			
Hamory	17,225	21,390	(4,165)
Will Reid	4,489	8,654	(4,165)
Raza	410,787	431,702	(20,915)
Westbrook	324,998	345,833	(20,835)
CS Growth	110,000	110,000	-0-
Total School Loans	867,499	917,579	(50,080)
Loans Payable – LLC			
LIIF	4,486,261	4,659,656	(173,395)
LIIF Green	225,026	225,026	-0-
Total LLC Loans	4,711,287	4,884,682	(173,395)
Total Debt	5,578,786	5,802,261	(223,475)

Source: November 2014, Financial Update Report from Ed Tech

At the Capacity Interview, the school stated these loans are currently in forbearance, an indication of the school’s precarious financial position. The LIIF Green loan (\$4,711,287) is due in full by June 30, 2015. The petitioner submitted a “Proposed Statement of Financial Terms” from Clearinghouse CDFI, outlining borrowing terms for consolidation of debt. The specified contingencies on the \$5,780,000 loan amount are: (1) Renewal approval by LBUSD December 2014; (2) Seek support from the California Charter Schools Association; (3) The school has articulated a plan to increase academic performance of all students. The document states, “These terms are an expression of interest only. The terms are subject to additional underwriting and formal loan approval.”

Finding 4: The petition does not contain an affirmation of all specified assurances. [EC 47605(b)(4); EC 47605(d)]

The petition fails to provide the required assurance pursuant to EC 47605(d)(3): *If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter*

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school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to EC 48200. [EC 47605(d)(2)(C)(3)]

Finding 5: The petition does not contain a reasonably comprehensive description of all required elements. [EC 47605(b)(5)(A)-(P)]

Based on the guidance established in EC, 5 CCR, the requirements set forth in the Superintendent's Administrative Regulations (AR) and other requirements of law, eight (8) of the 16 required elements are not reasonably comprehensive. The findings of the Review Team are as follows:

Element 1: Description of the Educational Program. *Not reasonably comprehensive*

The petition lacks a *framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.*

The educational program for English learners, which comprises a significant portion of the school's target population and enrollment, is inadequate for the following reasons:

- The G & G Model is not grounded in research. Although the program has been used in some states for the past 15 years, Rosa Molina, executive director of the Association of Two-Way Dual Language Education (ATDLE) provided a written statement indicating the Association currently works with former G & G Model schools to realign the program. She also wrote that other national Two-Way Dual Language Education organizations (the Illinois Resource Center, the Center for Applied Linguistics) and the Dual Language of University of New Mexico do not acknowledge the efficacy of the model.
- Reading performance for New City at second and third grades is below LBUSD Dual-Immersion Schools indicating the inadequacy of New City's educational design. The G & G Model initially provides reading instruction in students' home language with second language instruction introduced in second grade. Based on this model, it would be expected that these students would display stronger reading skills in their home language than is evidenced by New City's performance on standardized tests since instituting the G & G Model in 2012. This is not the case.

Standardized Testing and Reporting scores in reading show that second and third grade students at New City were outperformed by their LBUSD grade peers regardless of whether they were assessed in English (CST) or Spanish (STS). The data is presented in the table that follows.

2012-2013 Grades 2 and 3 Standardized Tests of Reading
 (Percent of Students Scoring Proficient & Advanced)

	New City		Henry [^]		Webster		Lafayette		Willard	
	CST	STS	CST	STS	CST	STS	CST	STS	CST	STS
2013										
Grade 2	23	0	59	*	61	*	40	39	28	22
Grade 3	14	5	52	*	44	*	26	28	27	22
2012										
Grade 2	32	9	62	*	57	*	49	36	43	27
Grade 3	13	8	57	*	50	*	38	--	38	34

* 10 or fewer students had valid test scores
 -- no student tested for that group
[^] 90/10 Dual Immersion Model; all other LBUSD schools follow a 50/50 Dual Immersion Model
 Source: Data retrieved 1-26-15 from <http://dq.cde.ca.gov/dataquest/>

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- New City’s ELD program is inadequate based on the school’s Title III Plan. New City’s Title III needs assessment states that the school did not have an ELD program or a dedicated time set aside for English learners. It also indicated the school did not have the resources for providing ELD. As a result, the school reports it “cannot reach all struggling students early due to limited class availability.”

The Title III Plan indicates the school fails to understand that it is the classroom teacher’s responsibility to provide ELD to students even if there are no additional funds to provide a designated ELD teacher. It is the classroom teacher’s responsibility to reteach when students do not master standards.

Additionally, the plan identified a lack of follow-up training as well as a high teacher turn-over. At the Capacity Interview, the school stated that it lost nearly 50 percent of its teachers due to the revocation proceedings initiated by the LBUSD Board.

The Title III needs assessment does not indicate how the school monitors the quality of instruction or provides feedback to teachers. It proposes to correct academic gaps in several ways including providing more time for teacher planning, creating checklists to track progress, identifying English learners close to reclassification, identifying and providing intervention to English learner intermediates who are “stuck” and administering assessments. The needs assessment fails to recognize and address instruction, or its lack, within the classroom.

- New City’s instructional design is not meeting the needs of its English learners in reading. Given that in 2013, 88 percent of the school’s second grade students and 53 percent of its third grade students scored Below Basic or Far Below Basic on the reading component of the Standards-based Tests in Spanish, there is a clear indication that the instructional program being offered by New City is not meeting the needs of its students. (See Appendix 1)

Similarly 63 percent of the schools English-speaking second grade students and 56 percent of its third grade students scored Below Basic or Far Below Basic on the reading component of the CST in 2013. (See Appendix 2, page 2)

These scores indicate New City is not providing an adequate instructional program in reading in the early grades. The school’s student attrition rate at third grade, and the District’s data regarding the high retention rates for New City students who return to the District, corroborate deficiencies in the school’s instruction design. The school fails to recognize this issue and instead claims a need for more intervention. Improved initial instruction would reduce the need for intervention.

- New City’s instructional design is inadequate to meet the needs of its students in mathematics. Based on a grade-by-grade review of CST and STS performance in math, New City has a higher percentage of students who score Below Basic and Far Below Basic than all LBUSD students in comparable grades. (See Appendices 1 and 2)

Data for 2011 and 2012 shows that at nearly every grade level, about half of New City students scored Below Basic or Far Below Basic in mathematics. In 2013, New City had a lower percentage of students scoring in these performance bands; however, 49 percent of fourth graders and 61 percent of fifth graders scored in these performance bands.

As the school did not provide alternative assessment measure data for 2013-14, it is not possible to determine how students performed last year.

Element 2: Measurable Pupil Outcomes. *Reasonably comprehensive with a specific deficiency*

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The petition does not *include the school's Academic Performance Index* data as required by statute.

The school failed to include its 3-Year Weighted or Non-Weighted API calculations (in lieu of 2014 Growth API calculations) although they were released in May 2014. The purpose of the 3-Year API calculation is specified as follows:

Assembly Bill (AB) 484 amended California Education Code sections 52052(e)(2)(F) and 52052(e)(4) to allow schools that do not have an API calculated in 2013–14 and 2014–15 to use one of the following criteria to meet legislative and/or programmatic requirements:

The most recent API calculation;

An average of the three most recent annual API calculations; or

Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant groups.

The decision to use one of the above criteria may be made on a program by program basis and is a local decision.

Source: Retrieved 1-26-15 from <http://dq.cde.ca.gov/dataquest/Acnt2014/apiavgSch.aspx?allcde=19647256118269>)

Element 3: Method for Measuring Pupil Progress. *Reasonably comprehensive with specific deficiencies*

The petition does **not** utilize *a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.*

Based on the school's lack of submitted assessment data to support its renewal petition, statements in the petition fail to provide sufficient description of the assessment tools the school will utilize to document student learning and guide instruction outside of the outcome measures stated in the petition required to address the state's eight (8) priorities.

The petition states the school's Learning Record is a "comprehensive collection of assessments and evaluations of student work, narrative evidence of student performance, and a detailed summary of their progress." This record failed to provide the school with sufficient information to measure and document student academic progress in 2014, and there is no evidence the school has implemented sufficient assessment measures to document progress during the current year.

The school was required to use District benchmark assessments under the MOU with LBUSD due to its academic underperformance and the resulting revocation proceedings. However, it failed to provide evidence of progress based on those assessments or that it implemented alternative benchmarks when the District suspended its program as a result of implementing the Common Core Standards. The *Case for Renewal* (page 7) states the school "implemented OARS (Online Assessment Reporting System). The OARS system houses all of the State-mandated and teacher-created assessment results for students." No evidence of the data maintained by the school was submitted with its renewal petition.

The petition also states, the school provides teacher with "an architecture and process for documenting student progress and achievement...based on interviews, observations over time, samples of students' natural-occurring work, and evidence-based interpretations of learning across the 5 NCS outcome areas."

While the petition continues to describe its "Evidence Analysis" at each trimester, there is no specificity as to the assessment instruments the school utilizes. Without a commitment to an assessment process, including specific instruments that can document progress in a measurable and standardized manner, there is no assurance the school will adequately measure student progress in the future.

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Element 4: Governance Structure. *Not reasonably comprehensive*

1. The petition fails to include evidence that the *organizational and technical designs of the governance structure will ensure that the educational program will be successful.*

Given the school's history of academic performance, the school's governance structure, including the relationship among the Board, the school's administrators and the Community Council, **has not been adequate** to *ensure the educational program is successful.* There is no indication that the past governance structure has been revised such that different outcomes would be expected in the future.

2. The petition fails to include evidence that the *organizational and technical designs of the governance structure ensure there will be active and effective representation of interested parties, including, but not limited to parents (guardians) and that the educational program will be successful.*

The petition identifies a Community Council that reports to both the Executive Director and the Director of Education Programs but not the Board itself, which calls into question how the Community Council can impact the Board.

3. There is evidence that the governing board is not effectively engaged in policy making as the bylaws do not adhere with Government Code section 1090; the bylaws submitted with the petition allow for both a teacher and the Chief Executive Officer to sit on the board, which is also a violation of the Government Code.

Additionally there is a contradiction between the petition and the bylaws. The petition allows for two (2) parent representatives; the bylaws allow for only one (1).

At the Capacity Interview, the Board and Leadership Team indicated there were revisions to the bylaws made in 2012; these revisions were not submitted with the petition.

Element 5: Employee Qualifications. *Reasonably comprehensive with specific deficiencies*

1. The petition does not *identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.*

The job description for the Director of Education Programs is inadequate as described previously in Finding 3, Number 4 (page 19).

2. The petition fails to *specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.*

Under the Teacher Qualifications section, the petition states that the BCLAD/CLAD certification (or its equivalent) is preferred. Based on the educational program being offered, the certification must be required as half of the teachers for kindergarten through second grade are teaching English learners and all third through eighth grade teachers are instructing English learners. The petition fails to specify that teachers providing instruction in Spanish will be BCLAD certified.

Element 6: Health and Safety Procedures. *Reasonably comprehensive*

Element 7: Means to Achieve a Reflective Racial and Ethnic Balance. *Not reasonably comprehensive*

*Recognizing the limitations on admissions to charter schools imposed by EC 47605(d), the petition lacks specific information on the racial and ethnic composition of the general population residing within the territorial jurisdiction of the **school district** in which the charter is located. (Emphasis added)*

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- The petition does **not** provide data regarding the racial and ethnic composition of the general population residing within the geographic boundaries of the **entire** school district. It only contains information for the zip code where the school is located. LBUSD serves students who reside in multiple zip codes; therefore, the petition lacks data necessary to determine whether the school has a plan to reflect the demographics of the entire District.

Based on data for 2012-13 and 2013-14, New City did not reflect the racial and ethnic composition of LBUSD for all groups of students served by the school. The data is presented in the chart that follows.

Racial and Ethnic Composition of LBUSD and New City*

Racial /Ethnic Group	2012-2013		2013-2014	
	LBUSD	New City	LBUSD	New City
Black or African American	15.25%	7.85%	14.78%	5.37%
American Indian or Alaska Native	0.19%	0.46%	0.19%	0.23%
Asian	7.57%	0.92%	7.46%	1.40%
Filipino	3.38%	0.46%	3.26%	0.70%
Hispanic or Latino	54.39%	78.29%	54.95%	72.43%
White	14.69%	8.55%	14.30%	7.94%
Two or More Races	1.00%	2.77%	1.53%	3.74%

Source: Data retrieved 1-20-2015 from <http://dq.cde.ca.gov/dataquest/>

- No benchmarks were provided that would measure whether the applicant pool is reflective of the district and outreach strategies lack sufficient detail.

Element 8: Admission Requirements. *Not reasonably comprehensive*

The process for conducting the lottery is not clearly defined and/or observable; there are no timelines for notification, no information as to who will conduct the lottery, and no mention of where the public random drawing would be conducted.

At the Capacity Interview the petitioner stated that they allot 50% of their enrollment spaces to English speaking students and 50% to English learners. If a student speaks both languages, the parent may decide into which lottery pool they wish to be placed. There is a concern that allowing this choice may result in the school over-identifying students for the non-English speaking lottery and influence the language classification procedures used by the school. This critical information is not contained in the petition.

Element 9: Annual Independent Financial Audits. *Not reasonably comprehensive*

To be considered reasonably comprehensive, the petition must include the following statements: (1) *The independent audit is conducted annually;* (2) *The auditor shall be on the State controller’s list of educational auditors;* (3) *The auditor shall be hired by the Board of Directors of the charter school;* and (4) *Financial reporting to charter agency would be carried out in pursuant to EC 47604.33*

The petition fails to state the charter school would comply with EC 47604.33.

Element 10: Suspension and Expulsion Procedures. *Not reasonably comprehensive*

The element is not reasonably comprehensive based on the following findings:

- The petition does not *outline how the detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed.* Failure to regularly review policies and procedures can result in a lack of compliance with the law and failure to provide due process.

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2. The petition lacks *evidence that the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools*. For expulsions, the element lacked the guidelines for foster and homeless youth who are facing expulsion proceedings and there is no mention of the development, and implementation of rehabilitation plans for expelled students.

The petition omits reference to Assembly Bill 1610 enacted in 2012, which requires charter schools to notify the school district of residence when a charter school pupil has been expelled or left the school before the school year is completed.

3. The petition does not distinguish the difference between *a preliminary list of offenses for which students in the charter school must and may be suspended and, separately, expelled*. There are contradictions to the provided guidelines for discretionary suspendable offenses (pages 74-77) from the discretionary expellable offenses (pages 78-81) as the petition has the same list for both.
4. The petition does not comply with current law. The list of suspendable and expellable offenses does not reflect changes enacted through Assembly Bill 420 in September 2014 (effective January 2015) because they include violations that are no longer permissible for students in kindergarten through third grade.

Element 11: STRS, PERS, and Social Security. *Not reasonably comprehensive*

The petition fails to specify *the manner by which staff members of the charter schools will be covered by ... the Public Employees' Retirement System, or federal social security, as required by EC section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.*

There is no definitive statement about coverage for non-certificated employees; the petition states they will participate in PERS **and/or** federal social security. The state retirements systems require a definitive commitment for participation.

Element 12: Public School Attendance Alternatives. *Reasonably comprehensive*

Element 13: Post-Employment Rights of Employees. *Reasonably comprehensive*

Element 14: Dispute Resolution Procedures. *Not reasonably comprehensive*

The petition does not adequately acknowledge *that in the event that any dispute arises between the charter school and LACOE, both parties agree to use the procedure stated in the petition, except for any dispute that is any way related to revocation of the charter school*. The language used is not sufficiently definitive and does not align with LACOE requirements.

Additionally under "Renewal" (page 102), the petition states that prior to renewal the District will notify the school in writing of any concerns that would affect successful renewal and provide the school with a reasonable opportunity to cure. The petition additionally states that the dispute resolution procedures in the charter apply. LACOE and the County Board cannot agree to these terms, which are not grounded in statute; the petition confuses the requirements for revocation with those for renewal.

Element 15: Exclusive Public Employer. *Reasonably comprehensive*

Element 16: Closure Procedures. *Reasonably comprehensive with specific deficiencies*

The petition fails to provide the *identification of funding for the activities identified in 5 CCR 11962(a-h)*.

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Finding 6: The petition does not satisfy all of the Required Assurances of Education Code section 47605(c), (e) through (j), (l), and (m) as follows:

Standards, Assessments and Parent Consultation. [EC 47605(c)] *Meets the condition*

Employment is Voluntary. [EC 47605(e)] *Not applicable; not a conversion charter*

Pupil Attendance is Voluntary. [EC 47605(f)] *Not applicable; not a conversion charter*

Effect on the Authorizer and Financial Projections. [EC 47605(g)] *Does not provide the necessary evidence*

The petition results in *potential civil liability effects* for the County Board for the following reasons:

- The petition lacks sufficient detail with regard to racial/ethnic balance, enrollment process and student discipline matters, which could result in discrimination and/or violations of due process. LACOE may be subject to liability if it knowingly allows the charter school to enact policies that do not provide appropriate due process or equitable access to students.
- Dispute resolution procedures are deficient and do not comply with statutory requirements regarding revocations and renewals. These deficiencies could result in legal action for LACOE and the County Board.
- The financial findings identified in this report could become a fiscal and legal liability for the County Board and LACOE if the school is authorized since the County Board is aware of the poor financial condition of the school.

Preference to Academically Low Performing Students. [EC 47605(h)] *Does not qualify for the preference*

The petition does not *demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving...and therefore is not entitled to receive a charter authorizer preference for serving such a student population.*

It does not demonstrate the capability to provide quality experiences for Tier 1 English learners.

Based on the school's performance on standardized tests in both English and Spanish, the school is offering an unsound educational program by **creating** low achieving students. Data supplied by LBUSD indicates students who return from New City to District schools have historically had a grade retention rate of 7 to 19 percent in comparison to the District's retention rate of 2 to 4 percent. (Source: PowerPoint presentation entitled, *New City Progress Summary 2014*)

Teacher Credentialing Requirement. [EC 47605(l)] *Does not meet the condition*

The petition does not meet the requirement that *teachers in charter schools shall be required to hold a CCTC certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold.*

Under the Teacher Qualifications section, the petition states that the BCLAD/CLAD certification (or its equivalent) is preferred. Based on the proposed educational program, it should be a requirement.

Transmission of Audit Report. [EC 47605(m)] *Meets the condition*

2013 Standards-based Tests in Spanish (STS) for The New City School (NCS) and Long Beach Unified School District (LBUSD)								
Comparison Groups	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD
Grade Level	2	2	3	3	4	4	5	5
STS Reading Language Arts								
Number of Reported EL Students	36	1,793	22	1,737	23	1,426	10	1,103
Students Tested / Students with Scores	34 / 34	65 / 62	21 / 21	50 / 48	22 / 22	40 / 39	10 / 10	27 / 24
% of Enrollment	40	1	44	1	47	1	29	1
% Advanced + Proficient	0	28	5	25	18	26	*	25
% Basic	12	37	43	38	41	38	*	13
% Below Basic + Far Below Basic	88	36	53	37	41	36	*	62
STS Mathematics								
Number of Reported EL Students	36	1,793	22	1,737	23	1,426	10	1,103
Students Tested / Students with Scores	34 / 32	65 / 61	21 / 21	50 / 47	22 / 22	40 / 39	10 / 10	27 / 24
% of Enrollment	40	1	44	1	47	1	29	1
% Advanced + Proficient	22	68	10	51	18	49	*	54
% Basic	22	26	43	30	36	21	*	17
% Below Basic + Far Below Basic	56	7	48	19	45	31	*	29
2012 Standards-based Tests in Spanish (STS) for The New City School (NCS) and Long Beach Unified School District (LBUSD)								
Comparison Groups	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD
Grade Level	2	2	3	3	4	4	5	5
STS Reading Language Arts								
Number of Reported EL Students	35	1,897	37	1,651	17	1,515	16	1,172
Students Tested / Students with Scores	33 / 32	64 / 63	37 / 37	48 / 47	17 / 17	45 / 44	16 / 16	32 / 32
% of Enrollment	43	1	57	1	37	1	36	1
% Advanced + Proficient	9	26	8	27	41	27	0	19
% Basic	22	41	22	43	6	23	6	16
% Below Basic + Far Below Basic	69	33	70	30	53	50	94	66
STS Mathematics								
Number of Reported EL Students	35	1,897	37	1,651	17	1,515	16	1,172
Students Tested / Students with Scores	33 / 30	61 / 60	37 / 37	48 / 47	16 / 16	45 / 44	16 / 16	33 / 32
% of Enrollment	43	1	57	1	35	1	36	1
% Advanced + Proficient	17	61	16	66	19	48	6	47
% Basic	30	22	27	23	31	18	25	19
% Below Basic + Far Below Basic	54	17	56	11	50	34	69	34
2011 Standards-based Tests in Spanish (STS) for The New City School (NCS) and Long Beach Unified School District (LBUSD)								
Comparison Groups	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD
Grade Level	2	2	3	3	4	4	5	5
STS Reading Language Arts								
Number of Reported EL Students	49	1,823	33	1,893	18	1,598	28	1,292
Students Tested / Students with Scores	43 / 42	79 / 78	31 / 31	64 / 64	15 / 15	58 / 58	16 / 16	37 / 37
% of Enrollment	49	1	44	1	30	1	33	1
% Advanced + Proficient	0	26	9	33	7	31	25	22
% Basic	14	35	29	36	27	34	6	22
% Below Basic + Far Below Basic	85	40	62	31	67	35	69	56
STS Mathematics								
Number of Reported EL Students	49	1,823	33	1,893	18	1,598	28	1,292
Students Tested / Students with Scores	43 / 43	79 / 79	31 / 31	64 / 63	15 / 15	58 / 58	16 / 16	37 / 37
% of Enrollment	49	1	44	1	30	1	33	1
% Advanced + Proficient	7	59	3	63	0	52	6	44
% Basic	33	23	39	17	40	24	25	35
% Below Basic + Far Below Basic	60	17	58	19	60	24	69	21

An asterisk (*) denotes that 10 or fewer students had valid test scores.
 Data is not presented for Grades 6 through 8 because there were 10 or fewer students from NCS with valid test scores.
 All percentages have been rounded to the nearest whole number.
 Data retrieved 1-21-15 and 1-22-15 from <http://dq.cde.ca.gov/dataquest/>.

2013 Comparison of CST Scores in Mathematics and English-Language Arts for The New City School (NCS) and Long Beach Unified School District (LBUSD)								
Grades 2-5								
Comparison Groups	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD
Grade Level	2	2	3	3	4	4	5	5
English-Language Arts								
Students Tested / Students with Scores	86 / 86	6022 / 6010	48 / 48	5927 / 5919	44 / 44	5571 / 5564	34 / 34	5551 / 5545
% of Enrollment	100	98	100	95	94	93	100	93
% Advanced + Proficient	23	52	14	40	21	62	39	58
% Basic	14	29	29	34	55	26	24	31
% Below Basic + Far Below Basic	63	19	56	26	25	11	39	11
Mathematics								
Students Tested / Students with Scores	85 / 85	6016 / 5999	48 / 48	5938 / 5923	45 / 45	5615 / 5606	34 / 34	5603 / 5599
% of Enrollment	99	98	100	95	96	94	100	94
% Advanced + Proficient	48	66	30	64	18	74	15	66
% Basic	27	21	33	22	33	17	24	20
% Below Basic + Far Below Basic	25	14	37	15	49	10	61	14
Grades 6-8								
Comparison Groups	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD		
Grade Level	6	6	7	7	8	8		
English-Language Arts								
Students Tested / Students with Scores	30 / 30	5530 / 5528	19 / 19	5678 / 5665	19 / 19	5773 / 5764		
% of Enrollment	100	93	91	94	100	94		
% Advanced + Proficient	46	57	16	57	16	55		
% Basic	30	31	58	29	63	29		
% Below Basic + Far Below Basic	23	12	26	15	21	16		
Mathematics (6-7) / General Mathematics (8)								
Students Tested / Students with Scores	30 / 30	5563 / 5554	19 / 19	5286 / 5281	19 / 19	2227 / 2220		
% of Enrollment	100	94	91	88	100	36		
% Advanced + Proficient	23	56	16	51	11	24		
% Basic	30	27	42	29	53	41		
% Below Basic + Far Below Basic	47	17	42	20	37	34		
All percentages have been rounded to the nearest whole number. Data retrieved 1-22-15 from http://dq.cde.ca.gov/dataquest/ .								

2012 Comparison of CST Scores in Mathematics and English-Language Arts for The New City School (NCS) and Long Beach Unified School District (LBUSD)								
Grades 2-5								
Comparison Groups	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD
Grade Level	2	2	3	3	4	4	5	5
CST English-Language Arts								
Students Tested / Students with Scores	74 / 74	6140 / 6130	60 / 60	5829 / 5819	44 / 44	5695 / 5619	44 / 44	5639 / 5636
% of Enrollment	96	99	92	95	96	93	98	93
% Advanced + Proficient	32	54	13	43	36	66	45	62
% Basic	31	26	33	32	32	25	16	28
% Below Basic + Far Below Basic	38	20	53	24	32	9	38	10
Mathematics								
Students Tested / Students with Scores	75 / 75	6133 / 6112	60 / 60	5841 / 5828	44 / 44	5754 / 5749	44 / 44	5691 / 5688
% of Enrollment	97	99	92	95	96	94	98	94
% Advanced + Proficient	60	65	20	70	9	73	20	71
% Basic	16	21	30	19	34	18	25	19
% Below Basic + Far Below Basic	24	14	50	11	56	9	55	11
Grades 6-8								
Comparison Groups	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD		
Grade Level	6	6	7	7	8	8		
CST English-Language Arts								
Students Tested / Students with Scores	29 / 29	5742 / 5742	22 / 22	5810 / 5804	16 / 16	5897 / 5894		
% of Enrollment	94	94	100	94	100	94		
% Advanced + Proficient	17	57	23	60	57	54		
% Basic	69	29	50	26	25	27		
% Below Basic + Far Below Basic	13	15	28	14	19	20		
Mathematics (6-7) / General Mathematics (8)								
Students Tested / Students with Scores	29 / 29	5764 / 5756	21 / 21	5748 / 5742	10 / 10	2442 / 2436		
% of Enrollment	94	95	96	93	63	39		
% Advanced + Proficient	7	55	10	55	*	23		
% Basic	41	27	33	25	*	39		
% Below Basic + Far Below Basic	52	17	57	19	*	37		
An asterisk (*) denotes that 10 or fewer students had valid test scores. Data is not presented for students who took the Algebra 1 and Geometry tests because there were 10 or fewer students from NCS with valid test scores. All percentages have been rounded to the nearest whole number. Data retrieved 1-22-15 from http://dq.cde.ca.gov/dataquest/ .								

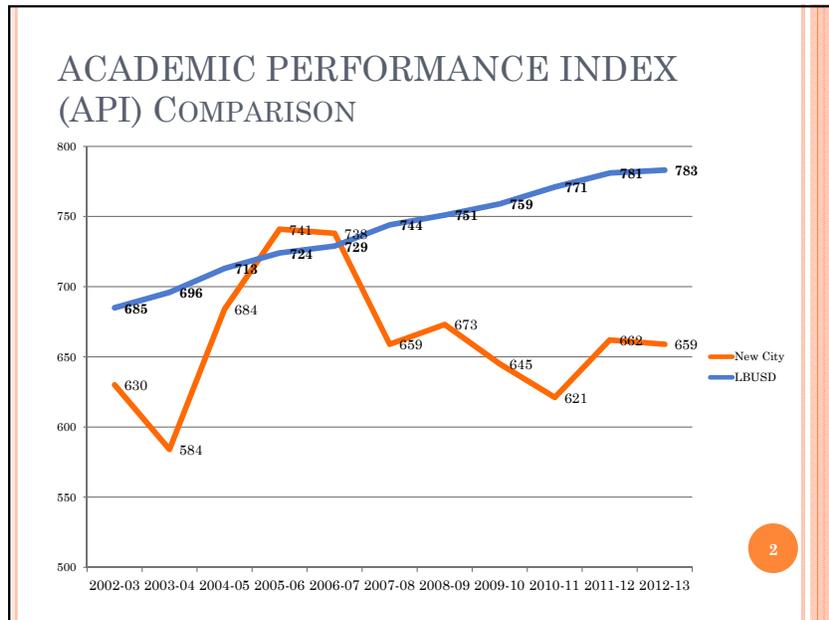
2011 Comparison of CST Scores in Mathematics and English-Language Arts for The New City School (NCS) and Long Beach Unified School District (LBUSD)								
Grades 2-5								
Comparison Groups	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD
Grade Level	2	2	3	3	4	4	5	5
CST English-Language Arts								
Students Tested / Students with Scores	79 / 79	6085 / 6074	70 / 70	5959 / 5956	48 / 48	5762 / 5758	46 / 46	5822 / 5822
% of Enrollment	91	99	99	95	96	93	94	94
% Advanced + Proficient	13	56	16	44	42	64	26	59
% Basic	16	26	27	33	25	26	37	27
% Below Basic + Far Below Basic	71	18	57	22	34	10	37	14
Mathematics								
Students Tested / Students with Scores	79 / 79	6084 / 6066	70 / 70	5990 / 5983	48 / 48	5825 / 5819	46 / 46	5868 / 5866
% of Enrollment	91	99	99	96	96	94	94	94
% Advanced + Proficient	17	71	20	72	21	76	15	70
% Basic	29	17	27	19	31	17	26	19
% Below Basic + Far Below Basic	54	13	53	9	48	8	58	12
Grades 6-8								
Comparison Groups	NCS	LBUSD	NCS	LBUSD	NCS	LBUSD		
Grade Level	6	6	7	7	8	8		
CST English-Language Arts								
Students Tested / Students with Scores	33 / 33	5846 / 5844	28 / 28	5929 / 5922	32 / 32	6203 / 6189		
% of Enrollment	100	94	100	94	97	95		
% Advanced + Proficient	27	52	43	51	44	51		
% Basic	48	32	25	29	44	28		
% Below Basic + Far Below Basic	24	16	32	19	12	21		
Mathematics (6-7) / General Mathematics (8)								
Students Tested / Students with Scores	33 / 33	5870 / 5868	24 / 24	5870 / 5862	14 / 14	2770 / 2766		
% of Enrollment	100	95	86	93	42	42		
% Advanced + Proficient	6	51	17	50	0	26		
% Basic	30	27	50	29	21	38		
% Below Basic + Far Below Basic	63	22	34	21	79	36		
Algebra 1								
Students Tested / Students with Scores	N/A	N/A	4 / 4	81 / 81	19 / 19	3613 / 3610		
% of Enrollment	N/A	N/A	14	1	58	55		
% Advanced + Proficient	N/A	N/A	*	93	5	64		
% Basic	N/A	N/A	*	2	37	24		
% Below Basic + Far Below Basic	N/A	N/A	*	4	58	12		
An asterisk (*) denotes that 10 or fewer students had valid test scores. All percentages have been rounded to the nearest whole number. Data retrieved 1-22-15 from http://dq.cde.ca.gov/dataquest/ .								

2013 Growth and 3-Year Average API for New City and LBUSD Elementary & Middle Schools^			
School	2013 Growth API	Non-Weighted 3-Year API Average	Weighted 3-Year API Average
Naples Elementary	947	953	953
Gant Elementary	940	941	941
Lowell Elementary	936	935	935
Rogers Middle	927	909	909
Fremont Elementary	919	928	928
Newcomb Academy	914	915	915
Carver Elementary	901	906	906
Tincher Preparatory	888	873	872
Madison Elementary	886	891	891
Kettering Elementary	884	893	893
Henry K-8*	877	864	864
Longfellow Elementary	876	897	896
Stanford Middle	875	876	876
Los Cerritos Elementary	874	868	869
Emerson Parkside Academy Charter	872	880	880
Prisk Elementary	866	876	876
Alvarado Elementary	860	851	851
Cubberley K-8	857	870	870
Bancroft Middle	850	849	849
Twain Elementary	849	866	866
Hughes Middle	847	837	837
Cleveland Elementary	842	834	834
Gompers K-8	836	831	831
Hoover Middle	836	830	830
Webster Elementary*	832	823	823
Signal Hill Elementary	831	842	842
Roosevelt Elementary	828	827	827
Bixby Elementary	828	836	837
Riley Elementary	825	831	832
Lee Elementary	816	834	834
Bryant Elementary	813	832	831
Muir K-8	808	817	817
Birney Elementary	802	802	802
Dooley Elementary	801	800	800
Stevenson Elementary	800	808	808
Monroe K-8	800	779	778
Edison Elementary	798	795	796
Mann Elementary	795	812	812
Hill Classical Middle	795	805	805
Chavez Elementary	794	792	792
Robinson Academy	792	784	785
Hudson K-8	789	784	784
Whittier Elementary	788	790	790
Garfield Elementary	786	788	788
Lafayette Elementary*	786	814	813
Jessie Nelson Academy	783	743	746
Avalon K-12	782	781	781
Burnett Elementary	782	786	786
Franklin Classical Middle	782	731	733
Grant Elementary	781	789	789
Lindbergh Middle	779	743	741
Addams Elementary	777	790	790
King Elementary	776	784	784
MacArthur Elementary	776	792	793
Burbank Elementary	773	791	791
Burcham K-8	772	782	781
Marshall Academy of the Arts	771	752	750

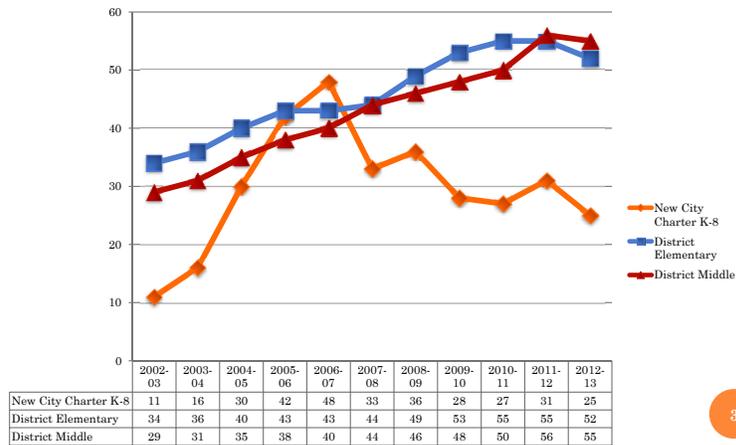
2013 Growth and 3-Year Average API for New City and LBUSD Elementary & Middle Schools^			
School	2013 Growth API	Non-Weighted 3-Year API Average	Weighted 3-Year API Average
International Elementary	768	796	795
Holmes Elementary	765	786	787
Lindsey Academy	763	740	739
Hamilton Middle	762	735	734
Powell Academy for Success	760	751	751
Harte Elementary	759	770	770
Jefferson Leadership Academies	753	720	720
Stephens Middle	740	733	732
Lincoln Elementary	737	754	754
McKinley Elementary	737	766	768
Washington Middle	737	730	731
Willard Elementary*	725	759	759
Barton Elementary	716	747	749
New City*	659	647	646

*Dual Immersion Program (Source: LBUSD Website Retrieved 1-7-15)
 ^Three (3) LBUSD schools did not have scores
 Source: Data retrieved 1-7-15 from DataQuest (Local Educational Agency List of Schools 3 - Year Average Academic Performance Index Report)

Appendix 4



CST ENGLISH LANGUAGE ARTS (ELA) PERCENT PROFICIENT/ADVANCED

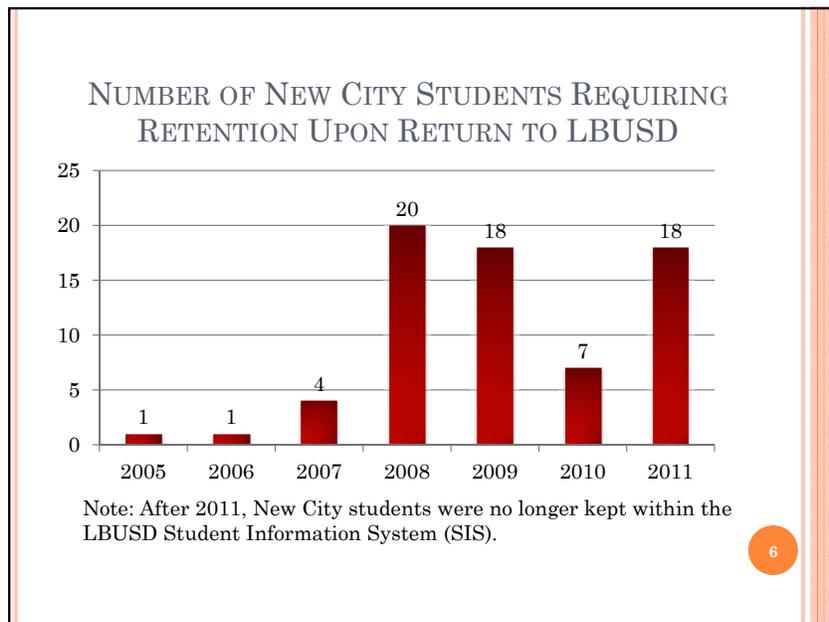
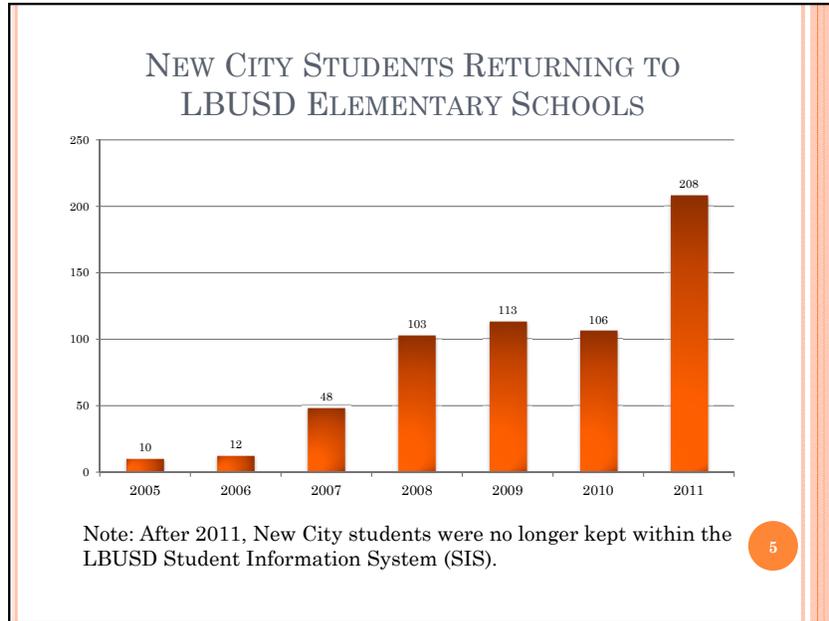


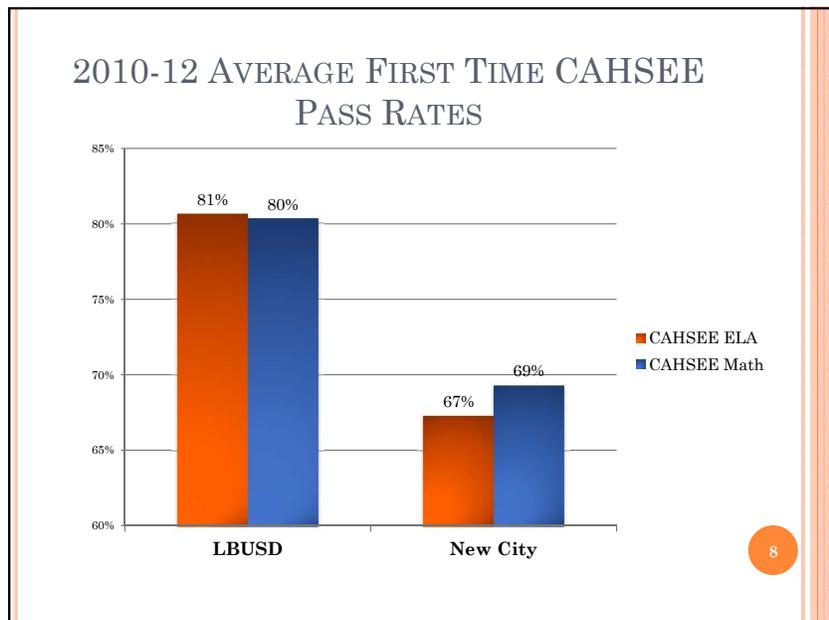
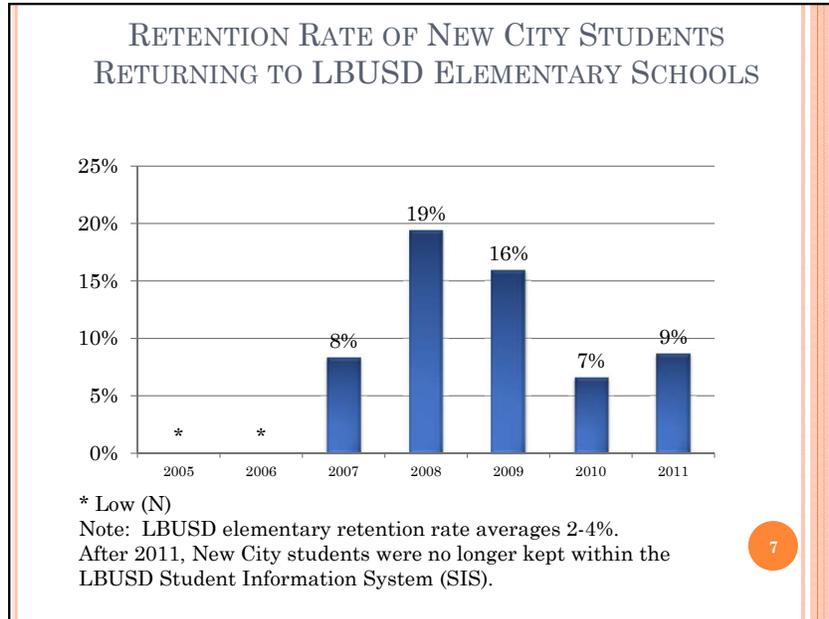
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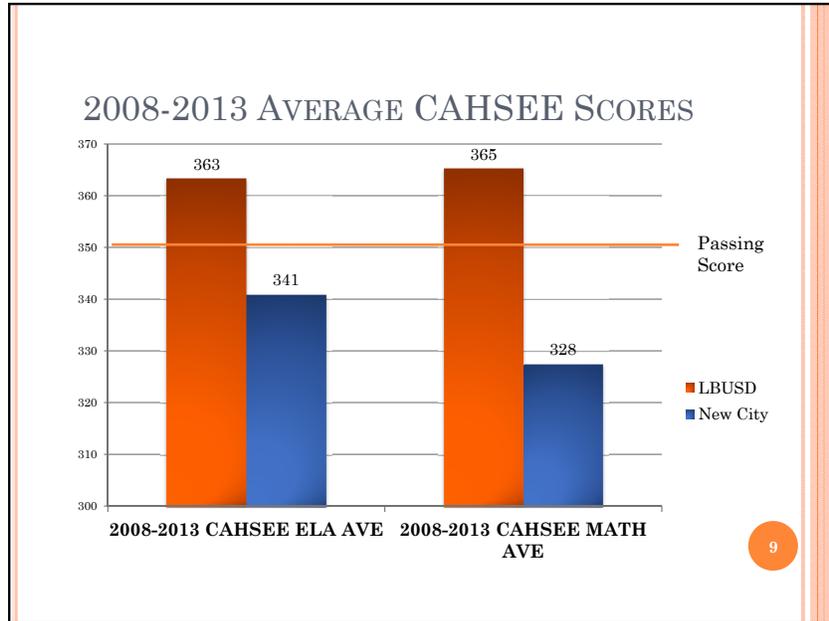
CST MATHEMATICS PERCENT PROFICIENT/ADVANCED



4







Board Meeting – February 3, 2015

Item VII. Consent Calendar Recommendations

- A. Adoption of Board Resolution No. 12: 2014-2015 to recognize February 2-6, 2015, as National School Counseling Week

The Superintendent recommends that the Board adopt Resolution No. 12 as part of the regular Board meeting on February 3, 2015; and further recommends that the Board recognize February 2-6, 2015, as National School Counseling Week. The Resolution acknowledges the vital role that school counselors play in the success of our public schools and in the lives of our students and the academic community as a whole.

Resolution No. 12 is attached.

RESOLUTION

No. 12: 2014-2015

WHEREAS our children are our future, our most valuable resource, and providing them with appropriate guidance and direction is our most important responsibility; and

WHEREAS students benefit significantly from having a professional school counselor on their school site; and

WHEREAS professional school counselors are dedicated education professionals who work in collaboration with families, schools and communities to develop and promote comprehensive counseling programs and services for our youth; and

WHEREAS schools and communities benefit from the expertise and guidance of professional school counselors providing academic, career and personal/social development; and

WHEREAS the nation's 100,000 professional school counselors are charged with the responsibility of addressing critical issues and providing diligent care for all students through implementation of a standards-based counseling program:

NOW, THEREFORE, BE IT RESOLVED that the Los Angeles County Board of Education joins Los Angeles County Office of Education Superintendent Dr. Arturo Delgado and the American School Counselor Association in declaring February 2 to 6, 2015, as "School Counseling Week" in order to salute the vital role that professional school counselors play in the success of our public schools and the future of our children.

ADOPTED this third day of February 2015, by the Los Angeles County Board of Education in Downey, California.

Board Meeting – February 3, 2015

Item VII. Consent Calendar Recommendations

B. Approval for Disposal of Surplus Personal Property

The Superintendent recommends that the County Board approve the disposal of public personal property. Surplus assets will be disposed of through e-waste.

Education Code Section 17545 authorizes the governing board to sell or dispose of surplus personal property. Any personal property not required for school purposes, unsuitable or unsatisfactory for school use or to be disposed of due to replacement, may be disposed in this manner.

E-Waste property to be disposed of may include unusable:

Equipment – Projectors, Typewriters, Fax Machines, Computers, Monitors, Printers, Camcorders, VCRs, Bulbs, and Old/Obsolete items, etc.

DT REC'D	ITEM DESCRIPTION	TAG #	SERIAL NUMBER	PURCHASE DATE
12/09/14	Gateway Monitor	EK38820	MP16750004585	08/30/06
12/09/14	Gateway Monitor	EK38806	MP16750004590	08/30/06
12/09/14	Gateway Monitor	EK38804	MP16450001528	08/30/06
12/09/14	Gateway Monitor	EK38809	MP16750004596	08/30/06
12/09/14	Gateway Monitor	EK38813	MP16750004587	08/30/06
12/09/14	Gateway Monitor	EK38801	MP16450004560	08/30/06
12/09/14	Gateway Monitor	EK38824	MP16750004592	08/30/06
12/09/14	Gateway Monitor	EK38807	MP16750004205	08/30/06
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12/09/14	Gateway Profile Computer	EK34697	36072800	11/08/05
12/09/14	Gateway Profile Computer	EK34694	36072797	11/08/05
12/09/14	Gateway Profile Computer	EK34702	36072805	11/08/05
12/09/14	Gateway Profile Computer	EK34700	36072803	11/08/05
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12/09/14	Gateway Profile Computer	EK34693	36072797	11/08/05
12/09/14	Gateway Profile Computer	EK45063	4553029	05/28/08
12/09/14	Gateway Profile Computer	EK45067	4553033	05/28/08
12/09/14	Gateway Profile Computer	EK45069	4553028	05/28/08
12/09/14	Gateway Profile Computer	EK45068	4553031	05/28/08
12/09/14	Gateway Tower	EK38832	37087966	08/30/06
12/09/14	Gateway Tower	EK40198	39048489	04/14/07
12/09/14	Gateway Tower	EK38838	37087963	08/30/06
12/09/14	Gateway Tower	EK45103	4570583	05/27/08
12/09/14	Gateway Tower	EK30135	35589489	07/30/04
12/09/14	Gateway Tower	EK35446	36481471	03/07/06
12/09/14	Gateway Tower	EK31756	34955557	03/04/05

DT REC'D	ITEM DESCRIPTION	TAG #	SERIAL NUMBER	PURCHASE DATE
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12/09/14	Gateway Tower	EK39329	37182698	10/06/06
12/09/14	Emac	EK28965	34955721	06/30/04
12/09/14	Gateway Tower	EK39330	37182697	10/06/06
12/09/14	Gateway Tower	EK38007	36832612	06/30/06
12/09/14	Gateway Tower	EK37938	36851130	06/30/06
12/09/14	Gateway Tower	EK40843	187400TQ2781H00574	06/15/07
12/09/14	Gateway Tower	EK44327	4511674	03/26/08
12/09/14	Gateway Tower	EK45066	4553027	05/28/08
12/09/14	Epson Printer		JKDY227183	
12/09/14	Sharp Fax		97292092	
12/09/14	Gateway Laptop	EK34604	35771445	08/09/05
12/09/14	Apple Laptop	EK43731	W88050HUXA9	01/31/08
12/09/14	Dell Laptop	EK52063	GJVRCL1	05/24/10
12/09/14	Dell Laptop	EK52058	6CZC1M1	05/24/10
12/09/14	Dell Laptop	EK52075	7GZC1M1	05/24/10
12/09/14	Dell Laptop	EK52073	FJVRCL1	05/24/10
12/09/14	Dell Laptop	EK52085	2GZC1M1	05/24/10
12/09/14	Dell Laptop	EK52048	JCZC1M1	05/24/10
12/09/14	Dell Tower	EK48319	HLCK5J1	06/26/09
12/09/14	Dell Tower	EK48539	JCYX5J1	06/30/09
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12/09/14	Dell Optiplex GX760	EK48528	CNOW160G728729621G1I	06/30/09
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12/09/14	Dell Tower	EK48615	J14P4J1	06/30/09
12/09/14	Dell Tower	EK53437	9LR2MM1	07/30/10
12/09/14	Dell Tower	EK53035	1BMVLM1	07/20/10
12/09/14	Dell Tower	EK48536	JCYW4J1	06/30/09
12/09/14	Dell Tower	EK48535	JCY4J1	06/30/09
12/09/14	Dell Tower	EK48537	4553023	05/28/08
12/09/14	Hp Scanjet		3882H151	
12/09/14	Compaq Tower	EK53809	SMXL03702BX	10/14/10
12/09/14	Panasonic Fax Machine	EK36572	FFP47800026	08/30/06
12/09/14	IBM Wheelwriter	EK07297	11ZA283	03/23/99
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12/09/14	Gateway Profile Computer	EK35638	36550947	04/07/06
12/09/14	Gateway Profile Computer	EK35634	36550946	04/07/06
12/09/14	Gateway Profile Computer	EK35643	36550939	04/07/06
12/09/14	Gateway Profile Computer	EK34501	35806860	08/16/05
12/09/14	Gateway Profile Computer	EK35635	36550948	04/07/06
12/09/14	Gateway Profile Computer	EK35641	36550942	04/07/06
12/09/14	Gateway Profile Computer	EK34505	35806864	08/16/05
12/09/14	Gateway Profile Computer		35463967	
12/09/14	IMAC AIO	EK41672	SW87254K6WH5	06/28/07
12/09/14	IMAC AIO	EK41660	SW87252SLWH5	06/28/07
12/09/14	IMAC AIO	EK41670	SW87254KOWH5	06/28/07
12/09/14	IMAC AIO	EK41676	SW872537VWH5	06/28/07
12/09/14	IMAC AIO	EK41633	SW87261JSWH5	06/28/07
12/09/14	IMAC AIO	EK41653	SW87252SYWH5	06/28/07
12/09/14	IMAC AIO	EK40505	SW87140WUWH5	05/16/07
12/09/14	Dell Monitor	EK48540	CNON199J7287295K1LW1	06/30/09
12/09/14	Dell Monitor	EK48541	CNON199J7287295K1LU1	06/30/09
12/09/14	Dell Monitor	EK48543	CNON199J7287295K1LY1	06/30/09
12/09/14	Dell Monitor	EK48542	CNON199J7287295K1LV1	06/30/09
12/09/14	Dell Monitor	EK48544	CNON199J7287295K1LT1	06/30/09
12/09/14	Dell Monitor	EK48331	CN0U185J7444593C282L	06/26/09
12/09/14	Viewsonic Monitor		PSW054201745	
12/09/14	Viewsonic Monitor		PSW054201741	
12/09/14	Viewsonic Monitor		PSW054200167	
12/09/14	Viewsonic Monitor		PSW054201621	
12/09/14	Viewsonic Monitor		PSW054201735	
12/09/14	Viewsonic Monitor		QSB073001121	
12/09/14	Viewsonic Monitor		PSW054200275	

DT REC'D	ITEM DESCRIPTION	TAG #	SERIAL NUMBER	PURCHASE DATE
12/09/14	Gateway Monitor		ME55890C04608	
12/09/14	Gateway Monitor		MUL7007A0012589	
12/09/14	Gateway Monitor	EK30354-01	MUL5022C0131264	07/12/04
12/09/14	Gateway Monitor	EK39340	ME35B90L08817	10/06/06
12/09/14	Gateway Monitor	EK44845	MGM8170P04182	05/27/08
12/09/14	Gateway Monitor	EK44661	MW883B0H00408	05/02/08
12/09/14	Planar Monitor		AJ809F25820	
12/09/14	HP Monitor	EK53816	SCNC018S4H2	10/14/10
12/09/14	Gateway Tower	EK45107	4570586	05/27/08
12/09/14	Gateway Tower	EK45109	4570582	05/27/08
12/09/14	Gateway Tower	EK45108	4570580	05/27/08
12/09/14	Gateway Tower	EK45468	4582846	06/30/08
12/09/14	Gateway Tower	EK38830	37087971	08/30/06
12/09/14	Gateway Tower	EK38844	37087982	08/30/06
12/09/14	Gateway Monitor	EK32355-01	MR14A50001035	04/02/05
12/09/14	Gateway Monitor	EK38808	MP16750003133	08/30/06
12/09/14	Gateway Monitor	EK38802	MP16450004561	08/30/06
12/09/14	Gateway Monitor	EK24281-01		04/24/03
12/09/14	Apple IMAC	EK08240	XA9164SCG5N	04/29/99
12/09/14	Apple IMAC		ZV0361WUJAK	
12/09/14	Persona C30E	EK49366	A9450309	03/18/10
12/09/14	Infocus Projector	EK46199	1SAZNB84400378	01/30/09
12/09/14	Toaster Oven Black&Decker			
12/09/14	HP Printer		MYC43B05D	
12/09/14	HP Printer		CN19A435WB	
12/09/14	HP Printer		MY6AKG207M	
12/09/14	HP Printer		TH23E2112Q	
12/09/14	Apollo Projector	EK29384	8583	06/15/04
12/09/14	CCS 5000 Shredder			
12/09/14	Fellows Shredder		CRC30311	
12/09/14	Epson Printer	EK33717	GJXE015836	06/14/05
12/09/14	JVC TV	EK32539	10024741	05/20/05
12/09/14	Panasonic TV	EJ3636	AS43420070	04/23/95
12/09/14	Panasonic TV	EK05018	MD80400825	03/14/98
12/09/14	Gateway Monitor	EK28542-01		06/15/04
12/09/14	Gateway Monitor	EK28560-01		06/15/04
12/09/14	Gateway Monitor		MU19009C0012274	
12/09/14	Gateway Monitor	EK37644	MW863B0H03206	06/22/06
12/09/14	Gateway Tower	EK37605	36791564	06/22/06
12/09/14	Gateway Tower	EK41803	39210887	06/13/07
12/09/14	HP 4250 Printer	EK32098		03/15/05
12/09/14	HP 4200 Printer		USDNM17544	
12/09/14	Gateway Tower	EK37612	36791573	06/22/06
12/09/14	Gateway Tower	EK41599	39210884	06/13/07
12/09/14	HP Printer	EK31736	CNGHH02215	01/25/05
12/09/14	HP Printer	EK36037	SCNGXH20942	03/13/06

DT REC'D	ITEM DESCRIPTION	TAG #	SERIAL NUMBER	PURCHASE DATE
12/09/14	HP Printer	EK25562	CNBX234373	06/30/03
12/09/14	HP Printer	EK36038	SCNDC61H1BH	03/13/06
12/09/14	3M Overhead Projector	EK35613	170155444	04/05/06
12/09/14	3M Overhead Projector	EK35614	170155482	04/05/06
12/09/14	Magic Chef Microwave		20620718	
12/09/14	Chiefmate Refrigerator		80631839	
12/09/14	Dell Monitor	EK22982-01	MX05C5444780127HL02N	08/09/02
12/09/14	Gateway Monitor	EK28566-01		06/15/04
12/09/14	Gateway Monitor		MU19009C0012266	
12/09/14	Gateway Monitor		MU19009B0012733	
12/09/14	Gateway Tower	EK25972	31512670	06/21/03
12/09/14	Gateway Tower	EK28542		06/15/04
12/09/14	Gateway Tower	EK25971	31512680	06/21/03
12/09/14	Dell Projector	EK58728	CNOY099JS008114J0018	08/17/11
12/09/14	Dell Projector	EK58716	CNOY099JS008114J0025	08/17/11
12/09/14	Dell Projector	EK58715	CNOY099JS008114J0031	08/17/11
12/09/14	Dell Projector	EK58720	CNOY099JS008114J0030	08/17/11
12/09/14	Dell Projector	EK58724	CNOY099JS008114J0019	08/17/11
12/09/14	Dell Projector	EK58708	CNOY099JS008114J0016	08/17/11
12/09/14	Dell Projector	EK58382	7YMY3P1	07/29/11
12/09/14	Dell Projector	EK58721	CNOY099JS008114D0322	08/17/11
12/09/14	Dell Projector	EK58710	CNOY099JS008114J0023	08/17/11
12/09/14	Dell Projector	EK58725	CNOY099JS008114J0032	08/17/11
12/09/14	Xerox 8550 Printer	EK39477	WYP334786E	12/07/06
12/09/14	HP 1320 Printer		CNFC54B0F2	
12/09/14	Gateway Tower	EK28546		06/15/04
12/09/14	Gateway Tower	EK37725	36791542	06/28/06
12/09/14	Gateway Tower	EK28558		06/15/04
12/09/14	Gateway Tower	EK28564		06/15/04
12/09/14	Gateway Tower	EK41801	39210889	06/13/07
12/09/14	Gateway Tower	EK25982	31512665	06/21/03
12/09/14	Gateway Tower		31512672	
12/09/14	Gateway Tower	EK25976	31512668	06/21/03
12/09/14	Gateway Tower	EK28549		06/15/04
12/09/14	Gateway Tower	EK41600	39210885	06/13/07
12/09/14	HP 4200 Printer		CNDX400226	
12/09/14	HP All in One	EK37326		
12/09/14	KDS Monitor		1982SAC48605481	
12/09/14	Sanyo Projector	EK45569	68525408	06/19/08
12/09/14	Sanyo Projector	EK45571	68117413V	06/19/08
12/09/14	Epson Projector	EK46094	L5YF8Z2823L	03/06/09
12/09/14	Elmo Projector	EK46046	65268	02/26/09
12/09/14	Elmo Projector	EK46051	65251	02/26/09
12/09/14	Lumens Projector	EK52338	D18B02254	05/28/10
12/09/14	Gateway Tower	EK41804	39210886	06/13/07
12/09/14	Gateway Tower	EK25977	31512671	06/21/03

DT REC'D	ITEM DESCRIPTION	TAG #	SERIAL NUMBER	PURCHASE DATE
12/09/14	Gateway Tower		31512678	
12/09/14	Gateway Tower		31512666	
12/09/14	Gateway Tower	EK28548		06/15/04
12/09/14	Gateway Tower		31512664	
12/09/14	Gateway Tower	EK28555		06/15/04
12/09/14	HP Tower	EK56847	SMXL10928KV	06/30/11
12/09/14	HP Tower	EK56846	SMXL10928PC	06/30/11
12/09/14	HP Tower	EK56850	SMXL10928LN	06/30/11
12/09/14	Gateway Monitor		MU19009C0012195	
12/09/14	HP All in One	EK40373	MY73R320X4	05/03/07
12/09/14	Lanier Printer		Q0246401221	
12/09/14	Hp Printer		USLNH05006	
12/09/14	Apple IMAC	EK32841	QP51900HSDX	05/05/05
12/09/14	Apple IMAC	EK45285	SW88121QQ289	06/04/08
12/09/14	Apple IMAC	EK32836	QP5180WSSDX	05/05/05
12/09/14	Apple IMAC	EK45314	SW88120JF289	06/04/08
12/09/14	Gateway Monitor	EK42609	MW675B0N02414	08/10/07
12/09/14	Gateway Tower	EK41802	39210888	06/13/07
12/09/14	Gateway Tower	EK28582		06/15/04
12/09/14	HP Tower	EK56650	SMXL1200S79	06/30/11
12/09/14	HP Tower	EK52256	SMXL0221616	06/30/10
12/09/14	Gateway Tower	EK45474	4582844	06/30/08
12/09/14	Dell Tower			
12/09/14	Kenmore Microwave			
12/09/14	HP All in One	EK36684	SMY62AQ72FC	05/10/06
12/09/14	Hp Printer	EK26858	CNBF73921	01/27/04
12/09/14	Epson All in One			
12/09/14	Dell 946 All in One			
12/09/14	Hp Printer	EK41334	SCNYCH65880	06/19/07
12/09/14	Panasonic Panafax	EK51698	LID6PE00018	08/16/10
12/09/14	HP All in One	EK62474		
12/09/14	Gateway Profile Computer	EK34297	35816637	08/18/05
12/09/14	Dell Projector	EK32820		05/15/05
12/09/14	Dell Projector	EK32806		05/15/05
12/09/14	Windtech Microphone			
12/09/14	Storage Cabinets (2)			
12/09/14	Book Case			
12/09/14	4 DWR Brown File Cabinet	EB9874		
12/09/14	4 DWR File Cabinet	EG4980		
12/09/14	Storage Cabinet	EA2920		
12/09/14	Book Case			
12/09/14	2 DWR File Cabinet	EA0204		
12/09/14	4 DWR File Cabinet	EJ5752	NONE	05/09/95
12/09/14	Cabinets (2)			
12/09/14	4 DWR File Cabinet	EA6163		
12/09/14	3 DWR Gray File Cabinet			

DT REC'D	ITEM DESCRIPTION	TAG #	SERIAL NUMBER	PURCHASE DATE
12/09/14	4 DWR Lateral File	EA6261		
12/09/14	Gray Storage Cabinets (2)			
12/09/14	4 DWR File Cabinet			
12/09/14	Beige Storage Cabinet			
12/09/14	4 DWR Lateral File	EB4796		
12/09/14	Brown Storage Cabinet			
12/09/14	Storage Cabinet			
12/09/14	4 DWR File Cabinet		332608	
12/09/14	Storage Cabinets (4)			
12/09/14	Compact Refrigerator Sanyo		1129421	
12/09/14	Orange Bookshelf			
12/09/14	Light Brown 5 DWR			
12/09/14	Blue 3 DWR File Cabinet	EH9075	N/A	02/28/94
12/09/14	Gray 2 Door Storage Cabinet			
12/09/14	2 Door Storage Cabinet Dark Blue (2)			
12/09/14	5 DWR File Cabinet Dark Blue	EA3218		
12/09/14	White 5 DWR File Cabinet			
12/09/14	White and Yellow 5 DWR File Cabinets (3)			
12/09/14	HP Laserjet Printer	EK23253	SJPAKB04665	08/20/02
12/09/14	HP Laserjet Printer	EK48249	SCNCC88L08B	06/24/09
12/09/14	HP Laserjet Printer	EK26003	SJPDKC44323	06/16/03
12/09/14	Apple Tower	EK20493	XB1500P3KSD	12/12/01
12/09/14	Gateway Tower		31548904	
12/09/14	Dell Tower	EK48221	1W28BK1	06/23/09
12/09/14	Infocus Projector	EK23408	AAAN2200DS	10/31/02
12/09/14	TCC Laminator		9310357	
12/09/14	Sony CD Player / Radio			
12/09/14	Epson Scanner	EK26257	DASW003013	06/30/03
12/09/14	HP Scanner		CN0AV1608J	
12/09/14	Epson 880 Printer		CMR1197522	
12/09/14	Dell Monitor		MX0426PF4780106KB0N0	
12/09/14	Gateway Tower	EK42693	39260530	08/07/07
12/09/14	Gateway Laptop	EK42408	39217718	07/18/07
12/09/14	HP Laptop	EK48908	CNU93571XH	09/17/09
12/09/14	Apple Laptop	EK47006	SW89164TY71A	04/21/09
12/09/14	Dell Laptop		CIFMIJI	
12/09/14	Dell Laptop	EK49916	HQZ41M1	05/13/10
12/09/14	Dell Laptop	EK49953	4NZ41M1	05/13/10
12/09/14	Dell Laptop	EK49949	BMZ41M1	05/13/10
12/09/14	Dell Laptop	EK49928	JNZ41M1	05/13/10
12/09/14	Dell Laptop	EK49929	FZZ41M1	05/13/10
12/09/14	Dell Laptop	EK49954	57051M1	05/13/10
12/09/14	Dell Laptop	EK49938	1NZ41M1	05/13/10
12/09/14	Dell Laptop	EK49915	BTZ41M1	05/13/10
12/09/14	Dell Laptop	EK49939	2NZ41M1	05/13/10
12/09/14	Dell Laptop	EK49942	2TZ41M1	05/13/10

DT REC'D	ITEM DESCRIPTION	TAG #	SERIAL NUMBER	PURCHASE DATE
12/09/14	Dell Laptop	EK49924	75051M1	05/13/10
12/09/14	Dell Laptop	EK49941	6VZ41M1	05/13/10
12/09/14	Dell Laptop	EK49950	DMZ41M1	05/13/10
12/09/14	Dell Laptop	EK49914	DRZ41M1	05/13/10
12/09/14	Dell Laptop	EK49923	JMZ41M1	05/13/10
12/09/14	Dell Laptop	EK49931	1QZ41M1	05/13/10
12/09/14	Dell Laptop	EK49927	6MZ41M1	05/13/10
12/09/14	Dell Laptop	EK49913	DPZ41M1	05/13/10
12/09/14	Dell Laptop	EK49937	6TZ41M1	05/13/10
12/09/14	Dell Laptop	EK49926	GQZ41M1	05/13/10
12/09/14	Dell Laptop	EK49952	2PZ41M1	05/13/10
12/09/14	Dell Laptop	EK49936	4PZ41M1	05/13/10
12/09/14	Dell Laptop	EK49930	FNZ41M1	05/13/10
12/09/14	Dell Laptop	EK49918	FW251M1	05/13/10
12/09/14	Dell Laptop	EK49935	GTZ41M1	05/13/10
12/09/14	Dell Laptop	EK49917	JZZ41M1	05/13/10
12/09/14	Dell Laptop	EK49920	83051M1	05/13/10
12/09/14	Dell Laptop	EK49919	1RZ41M1	05/13/10
12/09/14	Dell Laptop	EK49951	9QZ41M1	05/13/10
12/09/14	Wilson Jones Hole Puncher	ED9957		
12/09/14	Sony TV	EJ1548	7036540	08/02/94
12/09/14	Toshiba TV	EK42040	BAC367005871	04/16/07
12/09/14	Toshiba TV	EK38141	MP16650002621	07/21/06
12/09/14	Hp Printer	EK35487	CNNCH15788	03/23/06
12/09/14	Hp Printer	EK41335	SCNYCH67388	06/19/07
12/09/14	Hp Printer	EK52499	SJPDF028686	06/23/10
12/09/14	Neumade Overhead	EH4172	DM-2452	03/23/92
12/09/14	Gateway Profile Computer	EK34298	35816636	08/18/05
12/09/14	Gateway Profile Computer	EK34301	35816641	08/18/05
12/09/14	Samsung Monitor	EK28204	NB19HCHX424075	05/25/04
12/09/14	Gateway Monitor	EK31750-01	MUL9002L0010762	03/31/05
12/09/14	NEC Monitor		79137956TA	
12/09/14	Dell Projector	EK58717	CNOY099JS008114J0033	08/17/11
12/09/14	Dell Projector	EK58381	J8MY3P1	07/29/11
12/09/14	Office Zone Binding Machine		OH03911	
12/09/14	GE Microwave		ZG994684S	
12/09/14	Apple Monitor	EK20494	N51371DPKW	12/11/01
12/09/14	Dell Laptop	EK47729	938L3K1	05/15/09
12/09/14	Dell Laptop	EK48830	3VYTSK1	08/14/09
12/09/14	Dell Laptop	EK49167	44HGSLL1	01/08/10
12/09/14	Cabinets (2)	EA6524		
12/09/14	2 Door File Cabinet			
12/09/14	TV Carts (2)			
12/09/14	4 Door File Cabinets (2)			
12/09/14	Desk	AB2649		
12/09/14	3 DWR Gray Lateral File			

DT REC'D	ITEM DESCRIPTION	TAG #	SERIAL NUMBER	PURCHASE DATE
12/09/14	2 DWR Lateral File	EA0318		
12/09/14	2 DWR Lateral File			
12/09/14	4 DWR File Cabinet Green			
12/09/14	2 DWR File Cabinet Brown			

Board Meeting – February 3, 2015

Item VII. Consent Calendar Recommendations

C. Approval of Conversion of Enrollment Slots from Head Start Children to Early Head Start Children

The Superintendent recommends that the Los Angeles County Board approve the conversion of 184 Head Start to 125 Early Head Start slots with corresponding funding decrease to Head Start and increase to Early Head Start of \$1,009,147 (\$984,005 Basic and \$25,142 Training and Technical Assistance).

The conversion will enable LACOE to serve an additional 125 pregnant women, infants, and toddlers in a home-based program option and offer Early Head Start services in the 90650 zip code (Norwalk).

The Policy Council's Planning and Development Committee made a recommendation to the Policy Council to approve the conversion.

The Head Start-State Preschool Division Director, Keesha Woods, is available to respond to questions.

Board Meeting – February 3, 2015

Item VIII. Recommendations

- A. Approve the Superintendent's Recommendation to Authorize the *Valiente College Preparatory Charter School, Grades 4-8*: Initial Petition on Appeal denied by Los Angeles Unified School District Board of Education

The Superintendent recommends that the Los Angeles County Board of Education (County Board) take action to approve the petition to establish the Valiente College Preparatory Charter School. The term of the charter will commence February 1, 2015, and end on June 30, 2019, subject to meeting the following conditions by the specified dates:

1. The school shall commence instruction between July 1, 2015, and September 30, 2015.
2. **By March 31, 2015**, the school shall submit to the Los Angeles County Office of Education (LACOE) the following:
 - a. Signed Monitoring and Oversight Memorandum of Understanding (MOU) following approval by the school's governing board.
 - b. A revised charter petition containing necessary technical adjustments, including the non-material changes needed to reflect the County Board as the authorizer, and addressing the deficiencies identified in the LACOE Report on the Findings of Fact to the County Board dated February 3, 2015, including those found in Findings two (2), five (5) and six (6) which includes, but is not limited to, the *Description of the Educational Program* (Element 1); *Employee Qualifications* (Element 5); *Suspension and Expulsion* (Element 10) and *Public School Attendance Alternatives* (Element 12).

The County Superintendent of Schools shall determine whether the changes are sufficient; if they are not, the school shall complete additional changes to be sufficient by **May 31, 2015**.

3. **By April 30, 2015**, the school shall submit to LACOE a draft of the Health and Safety Plan including its Comprehensive School Plan.

The final plan will be submitted according to the dates specified in the MOU.

Board Meeting – February 3, 2015

Approve the Superintendent's Recommendation to Authorize the *Valiente College Preparatory Charter School, Grades 4-8*: Initial Petition on Appeal denied by Los Angeles Unified School District Board of Education

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4. **By May 31, 2015**, the school shall submit to LACOE the following:
 - a. Evidence of having identified the individual that will be employed as the Director of Curriculum and Instruction (DCI).
 - b. Evidence of SELPA acceptance.
 - c. Evidence of prospective enrollment of 112 students. The petition states the school expects to enroll 140 students in its first year of operation. Per the MOU, any variance in enrollment greater than 20% (+/- 28 students) requires a material revision to the charter.
 - d. Receipt of \$250,000 in funding from either the Building Excellent Schools (BES) Foundation or the Public Charter Schools Grant Program (PCSGP).
 - e. An executed Lease Agreement and a Certificate of Occupancy (COO) that permits the operation of a charter school.
 - f. Evidence of having scheduled and completed a LACOE Facilities and Construction Unit site visit and supplied all necessary documents.
 - g. Evidence of having received a Charter School Number and a County-District-School (CDS) Code from the California Department of Education.
 - h. Evidence of an Originating Agency Identifier (ORI) and approved as a Custodian of Records from the California Department of Justice (DOJ).
5. **On or before July 1, 2015**, the governing board of the charter school shall adopt a local control and accountability plan (LCAP).
No later than five (5) days after adoption, the school shall submit its LCAP to the County Superintendent of Schools.
6. **By July 31, 2015**, the school shall comply with all corrections identified in the Facilities and Construction Unit's report
7. **On or before the dates in the MOU**, the school shall comply with all requirements necessary prior to opening.

If any part or sub-part of conditions two (2) through seven (7) is not met by the date specified, the Superintendent will notify the County Board at a regularly scheduled meeting. Failure to meet any of the conditions by the specified timeline is grounds for immediate termination.

Board Meeting – February 3, 2015

Approve the Superintendent's Recommendation to Authorize the *Valiente College Preparatory Charter School, Grades 4-8*: Initial Petition on Appeal denied by Los Angeles Unified School District Board of Education

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If instruction does not begin by September 30, 2015, the charter is terminated.

Terminating authorization of the charter is considered a denial.

The complete Report of the Findings of Fact on the petition for the Valiente College Preparatory Charter School, Grades 4-8 is attached to the Report Item dated February 3, 2015.

Board Meeting – February 3, 2015

Item IX. Informational Items

A. Governmental Relations

Dr. Delgado will provide an update on Governmental Relations.

Board Meeting – February 3, 2015

Item IX. Informational Items

B. Board Committee / Liaison Reports

Board members serving as Committee/Liaison representatives will report on their activities.

Board Meeting — February 3, 2015

Item IX. Informational Items

- C. Los Angeles County Board of Education Meeting Schedule, Establishment of Meeting Times, Future Agenda Items, Follow up

Board meetings scheduled for 2014-2015 are listed on the following pages. The calendar is presented for discussion, to establish meeting times, and to receive Board members' requests for future agenda items.

This process will facilitate planning for Board meetings.

02/3/2015

**LOS ANGELES COUNTY
BOARD OF EDUCATION
MEETING CALENDAR**

February 3, 2015 – June 30, 2015

FEBRUARY 3 2015

2:00 Board Finance Committee Meeting

3:00 Board Meeting

Presentation: Introduction of the Los Angeles County Office of Education (LACOE) Head Start-State Preschool Policy Council to Los Angeles County Board of Education

Rpt: Report on the *Valiente College Preparatory Charter School, Grades 4-8*: Appeal of a Petition to Establish a Charter previously denied by Los Angeles Unified School District Board of Education

Rpt: Report on the Appeal of *The New City School, Grades TK-8*: A Renewal Petition denied by Long Beach Unified School District Board of Education

Consent Rec/Bd. Res.: Adoption of Board Resolution No 12: 2014-15, to recognize February 2-6, 2015, as National School Counseling Week (SSS)

Consent Rec: Approval for Disposal of Surplus Personal Property

Consent Rec: Approval of Conversion of Enrollment Slots from Head Start Children to Early Head Start Children

Rec: Approve the Superintendent's Recommendation to Authorize the *Valiente College Preparatory Charter School, Grades 4-8*: Initial Petition on Appeal denied by Los Angeles Unified School District Board of Education

Interdistrict Attendance Appeals

1. Jady X. v. Pasadena USD (Mandarin Interpreter)
2. Morgan D. v. Torrance USD

FEBRUARY 10

3:00 Board Meeting

Rpt: Head Start-State Preschool Division Planning System

Rpt: Report on Magnolia Science Academy-Bell, Grades 6-8: Appeal of a Non-Renewed Charter denied by Los Angeles Unified School District Board of Education

Rec: Approval of Head State-State Preschool Division Planning System

Rec: Approval/Denial on the Superintendent's Recommendation for the Magnolia Science Academy-Bell, Grades 6-8: Appeal of a Non-Renewed Charter denied by Los Angeles Unified School District Board of Education

Rec: Approval/Denial of the Superintendent's Recommendation for the New City School, Grades, TK-8: Appeal of a Non-Renewed Charter denied by Long Beach Unified School District Board of Education

FEBRUARY 10 (Cont.) 2015

Interdistrict Attendance Appeals

1. Janelly J. v. Montebello USD * (Spanish Interpreter)
2. Mario V. v. Los Angeles USD * (Spanish Interpreter)
3. Victor W. v. Los Angeles USD *
4. Blake W. v. Los Angeles USD *
5. Luna M. v. Los Angeles USD *
6. Jackie V. v. Los Angeles USD *
7. Carlotta M. v. Los Angeles USD *
8. Rebecca M. v. Los Angeles USD *
9. Desiree H. v. Los Angeles USD
10. John C. v. Los Angeles USD *
11. Emilio R. v. Los Angeles USD
12. Miguel T. v. Los Angeles USD *
13. Marcus S. v. Los Angeles USD *

FEBRUARY 17

2:00 Board Curriculum, Instruction and Assessment Committee Meeting

3:00 Board Meeting

Public Hearing: Disposal of Textbooks and Instructional Materials for Educational Programs School Sites

Consent Rec/Bd. Res.: Adoption of Board Resolution No. __: 2014-15, to recognize March ____, 2015 as Week of the School Administrator in Los Angeles County

Rpt: Report on the Alma Fuerte Public School, Grade K-8: Appeal of a Petition previously denied by Pasadena Unified School District Board of Education

Rec: Approval of Educational Programs 2014-15 Textbooks and Instructional Materials Disposal List

Interdistrict Attendance Appeals

1. Janelly J. v. Montebello USD * (Spanish Interpreter)
2. Valeria G. v. Los Angeles USD *
3. Cierra B. v. Los Angeles USD
4. Timothy B. v. Los Angeles USD
5. Angel H. v. Los Angeles USD
6. Joshua A. v. Los Angeles USD *
7. Ethan J. v. Los Angeles USD * #
8. Alexa P. v. Los Angeles USD *
9. Alexis P. v. Los Angeles USD *
10. Randy P. v. Los Angeles USD *
11. Emily F. v. Los Angeles USD *
12. Jillian H. v. Los Angeles USD *
13. Liyah H. v. Los Angeles USD *

***Pending Appeal Hearing**

#1000 Schools List

AB – AB2444

<p>MARCH 3 2015 2:00 Board Finance Committee Meeting 3:00 Board Meeting Consent Rec/Bd. Res.: Adoption of Board Resolution No. 12: 2014-15, to establish a week during the Month of April as Public Schools Month Rec: Approval/Denial of the Superintendent's Recommendation for the Alma Fuerte Public School, Grades K-8: Appeal of a Petition to Establish a Charter previously denied by the Pasadena Unified School District Board of Education</p> <p>MARCH 10 2:00 Board Policy Committee Meeting 3:00 Board Meeting Presentation: Meeting of the Board/Superintendent/Personnel Commission Rpt: Head Start/Early Head Start 2015-16 Funding Application (Year 2) Expulsion Appeal 1. Case # 1415-006 v. South Pasadena USD (Closed Session)</p>	<p>MARCH 17 2015 2:00 Board Curriculum, Instruction and Assessment Committee Meeting 3:00 Board Meeting Presentation: Recognition of the winners of the Los Angeles County Office of Education's Ninth Annual Student Art Exhibition, and the Eighth Annual Los Angeles County Regional Poetry Out Loud Competition Consent Rec: Approval of the Extended School Year Calendar for Educational Programs Division of Special Education Rec: Second Interim Report on the Financial Condition of the County Office Rec: Approval of Head Start-Early Head Start 2015-16 Funding Application (Year 2) Expulsion Appeal 1. Case # 1314-003 v. Culver City USD (Closed Session)</p>
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<p>APRIL 7 2015 2:00 Board Finance Committee Meeting 3:00 Board Meeting Presentation: 2014-15 Los Angeles County Academic Decathlon Winners Presentation: Recognition of the 2014-15 Winners of the 10th Annual Los Angeles County Spelling Bee Public Hearing: <u>Disposal of Textbooks and Instructional Materials for Educational Programs School Sites</u> Consent Rec: Approval of the Extended School Year Calendar for the Division of Special Education (DSE) Rec: <u>Approval of Educational Programs 2014-15 Textbooks and Instructional Materials Disposal List</u></p> <p>APRIL 14 2:00 Board Audit Committee Meeting 3:00 Board Meeting Presentation: Recognition of 2015 Science Competition and Events Rpt: Los Angeles County Office of Education's Proposed 2015-16 Budget Rpt: Uniform Complaint Procedure Quarterly Report for Educational Programs, January 1 to March 31, 2015</p>	<p>APRIL 21 2015 2:00 Board Curriculum, Instruction and Assessment Committee Meeting 3:00 Board Meeting Consent Rec/Bd. Res.: Adoption of Board Resolution No. __ to recognize May ____, 2015, as El Dia del Maestro, or Day of the Teacher, in Los Angeles County Consent Rec/Bd. Res.: Adoption of Board Resolution No. __ to recognize May ____, 2015 as Classified School Employees Week in Los Angeles County</p>
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<p>MAY 5 2015 2:00 Board Finance Committee Meeting 3:00 Board Meeting Presentation: Career Technical Education (CTE) Student Recognition Presentation Presentation: Day of the Teacher 2015 Consent Rec: Adoption of Board Resolution No. __: to recognize May __, 2015, as National School Nurse Day</p> <p>MAY 12 3:00 Board Meeting Presentation: Classified Employees Week Rpt: Los Angeles County Office of Education’s Proposed 2015-16 Budget Rpt: Self-Assessment & Program Improvement Plan (HS)</p>	<p>MAY 19 2015 2:00 Board Curriculum, Instruction and Assessment Committee Meeting 3:00 Board Meeting Presentation: Juvenile Court Schools 2015 Academic Bowl Rec: Approval of Self-Assessment & Program Improvement Plan HS</p>
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<p>JUNE 2 2015 2:00 Board Finance Committee Meeting 3:00 Board Meeting Presentation: History Day Awards 2015 Consent Rec: Approval of Annual Distribution of United States Forest Reserve Funds Rec: Adoption of Board Resolution No. __: Short Term Cash Loans to School Districts in Los Angeles County Rec: Approval of the Los Angeles County Board of Education Schedule, 2015-2016, Establishment of meeting times, future agenda items, follow up</p> <p>JUNE 9 2:00 Board Policy Committee Meeting 3:00 Board Meeting Presentation: Annual Service Awards Public Hearing: Local Control Accountability Plan (LCAP) Public Hearing: Adoption of 2015-16 Proposed Budget Rpt: Proposed 2015-16 Budget First Reading Rec: Adoption of Resolution No. _Education Protection Act</p>	<p>JUNE 16 2015 2:00 Board Curriculum, Instruction and Assessment Committee Meeting 3:00 Board Meeting Rec: Adoption of Local Control Accountability Plan (LCAP) Rec: Adoption of 2015-16 Proposed Budget</p>
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Board Meeting – February 3, 2015

- WBM: January 13, 2015 / WBM: January 30, 2015

BOARD FOLLOW-UP STATUS REPORT

NO.	BD DATE	BOARD MEMBER	ISSUE	STATUS
JANUARY 2015				
1.	13	Dr. Reisler / Mr. Boyd	What process was followed with previous legal opinion, which was waived? <i>Information provided in the Weekly Board Memo on 1/16/15.</i>	<i>Completed</i>
2.	20	Ms. Braude/ Dr. Reisler	Would like a review of the charter school appeal process, timelines and Board responsibility during Hearing, Report and Recommendation process. <i>Information provided in the Weekly Board Memo on 1/30/15.</i>	<i>Completed</i>