



## Los Angeles County Office of Education

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April 8, 2010

Darline P. Robles, Ph.D.  
Superintendent

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Board of Education

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Today's Fresh Start Charter School  
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Dr. Jeanette Parker, School Superintendent  
Mr. Maury Wills  
4514 Crenshaw Boulevard  
Los Angeles, CA 90043

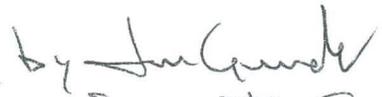
Dear Members of the Board:

On Tuesday, April 6, 2010, the Los Angeles County Board of Education took action to deny the renewal petition from Today's Fresh Start Charter School (TFSCS), pursuant to Education Code Section 47607. A copy of the approved action is provided along with the Charter School Closure Procedures Checklist.

To facilitate communication regarding the school closure process, please plan to meet with the Charter School Office at 1:00 p.m. on Friday, April 9, 2010, at Los Angeles County Office of Education, 12830 Columbia Way, Downey, CA 90242.

If you have questions, please contact Janis Isenberg in the Charter School Office at (562) 922-8806.

Sincerely,

 by   


Darline P. Robles, Ph.D.  
Superintendent

DR:JI:ls:drh  
Attachments (2)

c: Lupe Delgado, Ed.D.  
Yolanda M. Benitez  
Janis Isenberg

Board Meeting – April 6, 2010

APR 06 2010

BY: DPZ: UMB  
Ex Officio Secretary

Item VI. Recommendations

B. Action on the *Today's Fresh Start Charter School* renewal petition

The Superintendent recommends that the Los Angeles County Board of Education (The County Board) take action to deny the renewal petition from Today's Fresh Start Charter School.

The Today's Fresh Start Charter School (TFSCS) renewal petition is presented to the County Board pursuant to Education Code Section 47607. The charter renewal process requires the authorizer to evaluate both the academic performance of the charter school and whether the renewal petition meets the criteria for renewal. Education Code § 47607(b) provides five academic performance criteria of which *one* must be met in order for the charter to be considered for renewal. TFSCS met one of the five criteria.

The findings for denial are as follows:

**I. Education Code § 47607(a)(2) provides that renewals and material revisions of charters shall be governed by the standards and criteria including but not limited to § 47605(b).**

The criteria for denial are as follows:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled
- (2) The petitioners are demonstrably unlikely to successfully implement the program
- (3) The petition does not contain the required number of signatures (*Not applicable for a renewal*)
- (4) The petition does not contain an affirmation of specified assurances
- (5) The petition does not contain reasonably comprehensive descriptions of the required elements of a charter

The Today's Fresh Start Charter School petition fails to meet renewal criteria (1), (2), and (5).

- (1) The charter school presents an unsound educational program.**

Educational Performance: Since 2005, the school’s Academic Performance has been inconsistent as documented by the Academic Performance Index (API) Growth Scores the school has attained as well as its Similar School and Statewide Decile ranks. TFSCS did not make the federal standard of Adequate Yearly Progress (AYP) in 2007 and in 2008 was identified for federal sanctions as a Program Improvement Year 1 school. The school made AYP in 2009 through alternative Safe Harbor calculations and is “frozen” in Program Improvement (PI) Year 1 status.

Today’s Fresh Start Charter School has been identified as being one of the 5% *persistently lowest-achieving schools* in California by the California Department of Education. There are 35 Tier I schools in LA County, including TFS. Statewide, there are 57 schools of which TFS is one. The chart below depicts the school’s API growth over the last five years, as used by the California Department of Education:

2004 Base	2005 Growth	04-05 Growth
630	597	-83
2005 Base	2006 Growth	05-06 Growth
597	676	+79
2006 Base	2007 Growth	06-07 Growth
674	654	-20
2007 Base	2008 Growth	07-08 Growth
653	638	-15
2008 Base	2009 Growth	08-09 Growth
643	685	+42
		Five Year Growth
		+3

Today’s Fresh Start had a 3 point gain over the last five years in their schoolwide API.

Federal and state laws and guidance associated with the American Recovery and Reinvestment Act of 2009 (ARRA), the School Improvement Grant (SIG) program, the Race to the Top (RTTT) program and Senate Bill X5\_1 require California to identify the state’s *persistently lowest-achieving schools* and require the lowest 5% of these schools to implement one of four school intervention models beginning in the 2010-11 school year. These models include: School

closure, Turnaround, Transformation, and Restart. Local Educational Agencies (LEA) are responsible for ensuring that one of these four school intervention models is implemented at each school identified as persistently lowest-achieving.

The identification of persistently lowest-achieving schools in California is a multi-step process that is informed by both federal and state law. Calculations were based on the following progression of criteria:

- Identification of any Title 1 school in improvement, corrective action, or restructuring (program improvement)
- A three-year average proficiency rate for English-language arts (ELA) and mathematics was computed based on Adequate Yearly Progress (AYP)
- Schools were then evaluated on their academic progress on the state's Academic Performance Index (API). Schools that improved by 50 points of more on the API over the last five years or had an API of 800 did not continue in the analysis of defining the lowest-performing schools.

Middle School Students: The petition fails to provide an adequate description of the instructional program including the specific courses to be offered at grades seven and eight. It does not state it will comply with the legal requirement to offer Algebra I. A review of the school's 2008-09 California Standardized Testing and Reporting (STAR) data for English-Language Arts indicates 73% of sixth grade and 78% of seventh grade students score below Proficient; for Mathematics, 90% of sixth grade and 92% of seventh grade students score below Proficient. Data is not available for the eighth students enrolled in eighth grade; however, all students are identified as having taken the General Math assessment. The petition does not offer evidence of a standards based eighth grade mathematics course pursuant to the updated Mathematics Framework setting forth the eighth grade standards based course-taking options of Algebra I or Algebra Readiness.

High School Students: The petition fails to address required elements for schools proposing to serve high school students. Education Code requires that if a charter school proposes "to enroll high school students, the petition must provide a

reasonably comprehensive description of the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools...” and “information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements...” The petition fails to provide any mention of a high school program. Content standards and student outcomes are not described. There is no build-out plan (i.e., time-line, number of students to be served, facilities, and budget) for establishing a high school program. The petition does not identify staff with expertise necessary to develop a high school.

English Learners: The petition does not demonstrate an understanding of sound educational practice for English learners, a subgroup which constitutes approximately one-third of the school’s enrollment. Core curriculum description does not address the methodology to be used to ensure academic and linguistic access for English learners. There is no mention of English language development. The petition also demonstrates lack of understanding of State and Federal Requirements under Title III. In 2008-09, the school failed to correct student data codes for the California English Language Development Tests (CELDT) submitted to the state was incorrectly coded as “Initial Assessments” and not “Annual Assessments” and thus limited data is available to determinate Title III Accountability targets.

Low and Underperforming Students: The petition states the school uses Individual Learning Plans, small class size, and experiential opportunities for meeting the needs of all students. The petition fails to provide a description of how students will be identified, served, or supported. The petition (Petition page 7 of 45) states, “intervention programs are available” but does not provide a description of the programs. The Early Intervention Reading Program is identified for elementary students, who struggle in reading, but no program is identified for middle and high school students.

Students with Disabilities: Although the Southwest SELPA confirmed membership and adherence to SELPA procedures, the petition itself is required to provide information on how students will be served. The petition fails to provide a description of the manner in which students with disabilities will be identified, referred for assessment, served in the

general education program, provided with access to the curriculum, be included in standardized testing, or specify the continuum of services the school will provide. There is no mention of Response to Intervention (RTI) or a Student Study Team process. The only statements in the petition regarding special education are that “the federal laws that may be most relevant to special education in a charter school is as below” and “TFSCS is a member of the South West [sic] SELPA and therefore, will cooperate and utilize its services.” The petition does affirm adherence to laws regarding students with disabilities and does not state whether the school is an LEA for the purpose of special education as required by charter school law.

Protected Classes: The petition affirms to follow the nondiscrimination policies of Education Code § 220. The petition fails to affirm protection under Title IX (sex discrimination in education), as required by law.

**(2) The petitioners are demonstrably unlikely to successfully implement the program.**

Failure to fulfill terms of its 2005 charter: Reasons include, but are not limited to the following:

- Failure to address student outcomes identified in the charter, which the charter states is cause for revocation; repeatedly failed to report progress to the County Board on stated academic goals.
- Repeated failure to provide the County Board, Superintendent, and LACOE staff designated to provide oversight with reasonable requests for information pursuant to Education Code § 47604.3.
- Failure to follow the plan for grade expansion stated on page four of the petition.
- Failure to comply with assurance stated on page 55 of the petition that, “all sites will comply with building code standards and regulations...” It has failed to maintain valid Certificates of Occupancy for two of its five sites, as required by the California Building Standards Code, as adopted and enforced by the local building enforcement agencies with jurisdictions, as stated in EC 47610(d.)

Failure to address high school requirements: The petition lacks a plan to develop and implement a high school program; without such a plan, the petitioner is demonstrably unlikely to successfully implement such a program.

Failure to implement recruitment strategies: The petition lacks documentation that the school, now in its seventh year of operation, successfully implemented recruitment strategies and achieved the demographic goal specified by the 2005 recommendation to authorize the charter.

**(5) The petition does not contain reasonably comprehensive descriptions of the required elements of a charter.**

Seven of the required elements are not reasonably comprehensive based on the standards established by the California Department of Education:

Description of the School's Educational Program: While there is a description of a 21st Century learner, there is no evidence of how students will be prepared. The learning environment and educational program are based solely on the needs of elementary students with no description of a standards-based instructional approach for middle or high school students. There is no evidence of rigorous, relevant course work to prepare students to be college and work ready. Required elements for a high school program are absent: there is no mention of A-G required courses, high school graduation requirements, the process for obtaining UC/CSU coursework approval, discussion of how parents will be notified of transferability of courses to other public high schools, or mention of the process to become WASC accredited. The petition fails to describe academic and linguistic support for English learners when progress is not made. There is no mention of how instruction is differentiated for English learners, how English learners are identified and served in special education. There is no attempt to tie curriculum, instructional materials, instructional methods, standards, and assessments together. The petition does not describe how special education students will be provided with access to the general education curriculum or the referral and identification process. It defers responsibility to the SELPA.

Measurable Pupil Outcomes: The petition does not identify measurable student outcomes for any subject area grade level or subgroup. There is no information on current level of

performance on standardized tests and how performance is used to set measurable student outcomes. The petition does not identify how growth is measured using standardized tests for any subject area at specific grade levels. There is no evidence of outcomes to ensure students are successful on high school assessments including, but not limited to, the California High School Exit Exam (CAHSEE), Advanced Placement Tests, Preliminary Scholastic Aptitude Test, Scholastic Aptitude Test.

Methods to Assess Pupil Progress toward Outcomes: The petition does not provide specifics on how the school will measure student progress using a variety of assessment tools. The current level of student performance is not provided in order to set measurable student outcomes. It does not describe formative and summative assessment systems that will be used to monitor student progress and identify students for intervention.

Facilities: The petition is not reasonably comprehensive for reasons including but not limited to the following:

The petition does not include the intent to renew the lease for any of the five sites. The leases for four sites expire on or before June 30, 2010. The Compton lease expired June 30, 2009.

The addresses listed in the petition for the Vernon site do not match those stated on the lease.

The petition does not include details such as general description of the facilities, number of classrooms, shared occupancy to ensure separation and safety for multiple occupants.

Governance Structure: The petition is not reasonably comprehensive in that certain provisions of the bylaws present a violation of the Brown Act such as permitting an “Action without Meeting” (Bylaws, § 3.08). The petition and bylaws affirm that meetings will comply with and adhere to the Brown Act.

Setting regular board meetings at irregular times “held with notice twice per calendar year... on the date and time as fixed and/or agreed to by the Board of Directors and noticed by the

president” fails to comport with the Brown Act in that a regular set time is required. (Cal. Gov’t Code § 54954(a))

The bylaws authorize teleconferencing as constituting presence at the meeting without stating the necessary safeguards that would render it compliant with the Brown Act such as posting agendas at the teleconferencing location and ensuring those locations are fully accessible to members of the public.

In response to numerous communications to TFSCS, including *Notice of Concern*, and *Notice of Violation* letters, TFSCS provided a letter to the Board on January 5, 2010, agreeing to adhere to submission of documents to demonstrate that TFSCS Board meetings are in compliance with the Brown Act.

Health and Safety Procedures: The petition does not describe vision, hearing, and scoliosis screenings. While the petition states compliance to local health, safety, and building codes, the petition lacks documentation of such compliance under the current charter and required compliance is not completely in place for the term of the proposed charter.

The petition does not include assurance that the charter school will comply with requirements of the Health Department regarding food services.

Means to Achieve a Reflective Racial and Ethnic Balance: Outlined recruitment strategies are generic. There are no details about promotional materials or outreach meetings. The petition lacks demographic information for the charter, for assigned comparison schools, and for the “general population residing within the territorial jurisdiction of the school district [LACOE] to which the charter petition is submitted.” The petition lacks measurable goals and benchmarks.

**II. The petitioner’s submitted Abstract (required of all Countywide petitions) pursuant to 47605.6(b) does not provide adequate justification to be considered a countywide charter.**

The Abstract fails to describe (1) the services offered to a pupil population that will benefit from those services, and (2) the reason students cannot be served as well by a charter school that operates in only one school district in Los Angeles County as required by LACOE Board Policy 6620 B.

The TFSCS renewal petition was submitted as a countywide K-12 charter per the “Notice of Intent to Submit Charter Petition” signed by the petitioner and received by the Los Angeles County Office of Education (LACOE) on January 11, 2010. Per Education Code § 47605.6(b), a county board may authorize a countywide charter and “impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide charter school.”

A county board may grant a petition for a charter school only if it has reasonable justification as to why the charter could not be established by petition to a school district pursuant to Section 47605.

Los Angeles County Office of Education  
Charter School Office  
March 2, 2010

Report on the *Today's Fresh Start Charter School (TFSCS)*  
Charter Renewal Petition Pursuant to Education Code 47607

The Today's Fresh Start charter renewal is presented to the Los Angeles County Board of Education (County Board) pursuant to Education Code Section (EC §) 47607. The renewal process requires the authorizer to make the following two determinations:

- The charter must have met *one* of the five academic performance criteria stated in EC § 47607(b); and
- The submitted charter petition must meet the criteria set forth in the Education Code section pertinent to the type of charter school for which it is submitted – in this case, the petition is for a countywide charter as defined by EC § 47605.6.

Under EC § 47605.6(b), a county board may authorize a countywide charter and “impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide charter school.”

This report provides the following:

- I. A review of components that are integral to the operation of a successful and sustainable charter school: (1) Educational Performance; (2) Governance and Organizational Management; (3) Fiscal Operations; and (4) Fulfilling Terms of the Charter. The analysis covers the period of the 2005 charter which began in July 2005 and ends in June 2010.
- II. A determination of whether TFSCS met the academic performance criteria required of EC § 47607(b) to be considered for renewal.
- III. A determination of whether the petition (1) meets the requirements to be considered a countywide charter; and (2) all required elements of the petition are addressed and are reasonably comprehensive.

**I. Review of Components Integral to the Operation of a Successful and Sustainable Charter School**

Background:

On January 11, 2010, the Los Angeles County Office of Education (LACOE) received a request from the petitioner of Today's Fresh Start Charter School (TFSCS) to authorize the renewal of a school located at sites within the Los Angeles and Compton Unified School Districts. The school has been in operation since September 2003 under the authorization of the County Board. The charter was previously renewed in 2005. The submitted petition is for a K-12 countywide charter school.

Educational Performance:

Since 2005, the school's Academic Performance has been inconsistent as documented by the Academic Performance Index (API) Growth Scores the school has attained as well as its Similar School and Statewide Decile ranks.

Report on the Today’s Fresh Start Charter School (TFSCS)

Year	2004-05	2005-06	2006-07	2007-08	2008-09
API Growth Score	579	↑ 676	↓ 654	↓ 638	↑ 685
Similar Schools Rank	1	3	4	1	Not released
Statewide Rank	1	2	1	1	Not released

TFSCS did not make the federal standard of Adequate Yearly Progress (AYP) in 2007 and in 2008 was identified for federal sanctions as a Program Improvement Year 1 school. The school made AYP in 2009 through alternative Safe Harbor calculations and is “frozen” in Program Improvement (PI) Year 1 status.

Governance/Organizational Management Performance:

The petition states that “TFSCS is incorporated as an independent California Nonprofit Public Benefit Corporation with its own Board of Directors.” (Page 26, emphasis added). When a charter school is operated as a 501(c)(3), it means the sole purpose of the nonprofit is to operate the charter school. When a nonprofit entity operates multiple schools, the schools are operated by a 501 (c)(3). The operation of the TFSCS Inglewood through the same nonprofit public benefit corporation calls into question whether TFSCS is operated as or by a nonprofit benefit corporation. Because of TFSCS’ failure to submit its Articles of Incorporation with the renewal petition, LACOE is unable to confirm whether the articles of incorporation specifies that the exclusive purpose of this corporation is operation of the LACOE county-wide charter school. The petition fails to describe the commingling of responsibilities and the fiscal relationship between the LACOE countywide charter and the Inglewood charter, authorized by the Inglewood Unified School District resulting in a confusing governance structure and raising concern about the ability of LACOE to exercise its oversight obligations.

The TFSCS governing board has five voting members: Clark Parker (Board President), Jeanette Parker (also employed as the school’s lead administrator), one parent, and two community members. The Parkers have been on the Board since the school’s inception. The school held three Board meetings in 2008-09.

The 2005 charter states, “TFS will comply with all laws relating to public agencies... including the Brown Act.” Review of submitted Board Minutes indicates the Administrator was evaluated in closed session. This is a violation of the Brown Act. The 2003 Amendment to the Bylaws of the 501(c)(3) states the Date and Time of Meetings in a manner that is inconsistent with the Brown Act.

In December 2009, the County Board received a report on the school’s failure to comply with reasonable requests pursuant to EC § 47604.3. Repeatedly, the school’s administration and governing board failed to provide requested information in a complete and timely manner. The Annual Report to the County Board presented in March 2009, indicated the TFSCS Board and its leadership are not consistently responsive to LACOE’s monitoring and oversight. LACOE continues to have concerns regarding Compliance with the Brown Act, potential Conflict of Interest, and school loans.

In 2010, the County Board was informed of the school’s failure to supply information requested repeatedly by the Superintendent. The LACOE Controller’s Office, Facilities and Construction, Risk Management, Internal Audit and Analysis, and Charter School Office have all experienced this same pattern.

## Report on the Today's Fresh Start Charter School (TFSCS)

TFSCS authorized by the County Board operates as a 501(c)(3) incorporated as Today's Fresh Start, Inc. (TFSCS-LACOE). The same 501(c)(3) operates Today's Fresh Start Charter School, authorized by the Inglewood Unified School District Board in January 2009 (TFSCS-Inglewood). Since that time, there have been concerns regarding the school's ability to operate as two separate and distinct entities. For example, in fall 2009, students and staff were transferred between the charters due to a lack of a Certificate of Occupancy for the TFSCS-Inglewood site. The transfer of students and staff resulted in confusion regarding which school was entitled to claim the student attendance during the two months the students were bused to the TFSCS-LACOE charter. LACOE was not notified by TFSCS of the movement of the students; notification came from a parent complaint. The transfer, even temporarily, of staff and students onto sites authorized by the County Board also presented potential liability issues. The movement was not consistent with the terms of the charter and should have been brought to the County Board for approval.

In December 2009, LACOE received the TFSCS-LACOE Independent Auditor's Report indicating a note payable to US Bank represented a short-term commercial loan to finance the acquisition of land to be used as a future school site for the TFSCS-Inglewood charter. Neither the agenda nor minutes indicate a loan was approved by the TFSCS Board.

On February 19, 2010, LACOE received a letter from TFSCS in response to the LACOE Facilities and Construction request for, among other documents, the master lease agreement for the Vernon site and the funding source for the construction of the new classroom building at the Vernon site. The TFSCS response to the request for the master lease was "The [master] lease is not available." TFSCS failed to provide the source of funding for the new classroom construction. The response stated, "TFSCS is not funding the new construction."

The school's approach to governance and management impedes LACOE's ability to provide the school with support and fulfill LACOE's monitoring responsibilities. The school's failure to respond to all reasonable inquiries and lack of transparency impede LACOE's ability to fulfill its oversight responsibilities, thereby, potentially exposing the authorizer for the debts or obligations of the charter school. (EC § 47604(c))

### Fiscal Operations:

Analysis of the 2008-09 Annual Independent Audit by the LACOE Controller's Office indicates TFSCS is fiscally sound with a positive cash balance, sufficient reserves, and taxes are current. For year ending June 2009, the school's net assets were \$2,695,742, a decrease of \$159,431 from the previous year. There was a receivable of \$837,837 representing attorney's fees and legal expenses claimed for reimbursement in relation to the litigation the charter school filed against the County Board. There were two significant Notes Payable related to purchase of land acquired for future use by the charter school: one to US Bank in the amount of \$5,100,000 and one to Clark and Jeanette Parker for \$1,097,071. There were no audit findings.

As of February 2010 the Notes Payable are currently due and payable on June 30, 2010.

### Fulfilling the Terms of the Charter:

The County Board approved a material revision to the charter in 2009 allowing the school to forgo scheduled expansion to include grade nine for school year 2009-10.

There are documented concerns about the school's ability to analyze and report student achievement data. The school has reported fulfilling its *non-academic* charter-specific goals, but failed to address its charter-specific *academic* goals in the 2005-07, 2006-07, 2007-08, and 2008-09 Annual Reports to the County Board. The renewal petition is similarly silent on this topic.

Report on the Today's Fresh Start Charter School (TFSCS)

**II. Determination of whether TFSCS met the academic performance criteria of EC § 47607(b) required to be considered for renewal.**

Because the school attained its Academic Performance Index (API) growth target in year prior to renewal (school year 2008-2009) Today's Fresh Start Charter School met the academic performance criteria for renewal under EC § 47607(b)(1).

**III. Determination of whether the petition (1) meets the requirements to be considered a countywide charter and (2) all required elements of a petition are addressed and reasonably comprehensive.**

Statute relevant to review and authorization of a petition for a countywide charter is provided in EC § 47605.6. Et. Seq.

...a county board of education **may**... approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. A county board of education **may only approve a countywide charter** if it finds, in addition to the other requirements of this section, **that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.** (*Emphasis added*)

...A county board of education may impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide charter school.

A county board of education may grant a charter for the operation of a school under this part only if the board is satisfied that granting the charter is consistent with sound educational practice and that **the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605.** (*Emphasis added*)

The county board of education **shall deny** (*Emphasis added*) a petition for the establishment of a charter school if the board finds, one or more of the following:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision (a). (*Not applicable for a renewal*)
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).
- (5) The petition does not contain reasonably comprehensive descriptions of **all** of the [required elements]. (*Emphasis added*)

Petition Review Process:

The LACOE Charter School Review Team (Review Team) included representatives from the Controller's Office, Business Operations, Division for School Improvement, Curriculum and Instruction, Special Education, Student Support Services, Human Resource Services, Risk Management, Charter School Office, and General Counsel. The Review Team considered the petition according to the requirements of law, *California Administrative Code* regulations, LACOE Board Policy and Regulations, and petition review procedures.

## Report on the Today's Fresh Start Charter School (TFSCS)

Charter School Office staff compiled the analysis and reports these findings:

**Finding 1: The Renewal Petition of Today's Fresh Start fails to meet the criteria for a countywide charter under EC § 47605.6.**

The petition does not offer reasonable justification why it could not be authorized by a local school district. Education Code requires that the justification state the reason the pupil population could not be served as well by a charter school that operates in one school district in the county. Neither the statement under "Justification for a Countywide Charter" (Petition page 3 of 45) nor the submitted Abstract offer a reasonable justification for the establishment of a countywide charter.

The renewal petition submitted to LACOE is substantively identical to the petition submitted to Inglewood Unified School District for a charter elementary school which was authorized in January 2009. That authorization demonstrates the petition can be authorized by a school district and, thereby, not meeting the criteria of a countywide charter.

The petition justification states the school enrolls students from multiple districts. This is not a justification for a countywide school. California students may attend any charter school in the state regardless of their district of residence.

The petition Abstract states TFSCS currently operates in two school districts (LAUSD and Compton USD). The petition can be submitted to each of those districts as it was to Inglewood USD.

**Finding 2: The petition contains all required affirmations.**

**Finding 3: The petition presents an unsound educational program for students to be enrolled in the school.**

The petition proposes to serve kindergarten through twelfth grade students and to address "the unique educational needs of an *increasing at risk school age population*. The mission of TFSCS rests with a *commitment to excellence in educating at risk students*." (Petition page 3 of 45) The petition states, "TFSCS provides a strong academic experience for all students by making good use of what others have already found successful. *California State Approved Programs*, such as *Houghton Mifflin* forms the foundation of our total curriculum." (Petition page 6 of 45)

Analysis of the required elements indicates the petition presents an unsound educational program for the following student populations:

Middle School Students: The petition fails to provide an adequate description of the instructional program and provide a description of the curriculum supporting that mission for middle school students. For example, there is no mention of providing Algebra I or Geometry instruction. Statute governing renewals requires that petitions address changes to law that occurred since the last authorization; the requirement for Algebra I is one such requirement.

A review of the school's 2008-09 California Standardized Testing and Reporting (STAR) data for English-Language Arts indicates 73% of sixth grade and 78% of seventh grade students score below Proficient; for Mathematics, 90% of sixth grade and 92% of seventh grade students score below Proficient. Data is not available for the eighth student enrolled in eighth grade.

High School Students: The petition fails to address required elements for schools proposing to serve high school students. Education Code requires that if a charter school proposes "to enroll high school students, the petition must provide a reasonably comprehensive description of the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools..." and "information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements..." The petition fails to provide any mention of a high school program. Content standards and student outcomes are not described. There is no build-out plan (i.e., time-line, number

## Report on the Today's Fresh Start Charter School (TFSCS)

of students to be served, facilities, and budget) for establishing a high school program. The petition does not identify staff with expertise necessary to develop a high school.

English Learners: The petition does not demonstrate an understanding of sound educational practice for English Learners, a subgroup which constitutes approximately one-third of the school's enrollment. Core curriculum description does not address the methodology to be used to ensure academic and linguistic access for English learners. There is no mention of English language development. The petition also demonstrates lack of understanding of State and Federal Requirements under Title III. In 2008-09, the school failed to correct student data codes for the California English Language Development Tests (CELDT) that was submitted to the state, and thus no data is available to determine annual English language growth. (See "Description of the School's Educational Program" in this report.)

Low and Underperforming Students: The petition states the school uses Individual Learning Plans, small class size, and experiential opportunities for meeting the needs of all students.

The petition fails to provide a description of how students will be identified, served, or supported. The petition (Petition page 7 of 45) states, "intervention programs are available" but does not provide a description of the programs. The Early Intervention Reading Program is identified for elementary students, who struggle in reading, but no program is identified for middle and high school students. After-school programs are identified as an intervention (Petition page 12 of 45) "offered throughout the year as funds are available."

Students with Disabilities: Although the Southwest SELPA confirmed membership and adherence to SELPA procedures, the petition itself is required to provide information on how students will be served.

The petition fails to provide a description of the manner in which students with disabilities will be identified, referred for assessment, served in the general education program, provided with access to the curriculum, be included in standardized testing, or specify the continuum of services the school will provide. There is no mention of Response to Intervention (RTI) or a Student Study Team process. The only statements in the petition regarding special education are that "the federal laws that may be most relevant to special education in a charter school is as below" and "TFSCS is a member of the South West [sic] SELPA and therefore, will cooperate and utilize its services." The petition does affirm adherence to laws regarding student with disabilities and does not state whether the school is an LEA for the purpose of special education as required by charter school law.

Protected Classes: The petition affirms to follow the nondiscrimination policies of EC § 220. The petition fails to affirm protection under Title IX (sex discrimination in education), as required by law.

The reported deficiencies above support the conclusion that the charter petition presents an unsound educational program for the identified student subgroups the charter proposes to serve.

### **Finding 4: The petitioners are unlikely to successfully implement the program.**

TFSCS has been operating for almost seven years. The petition indicates a lack of awareness of the requirements of law that apply to the proposed K-12 countywide charter school.

The petition fails to describe the development and implementation of a high school program. Without such planning, successful implementation is unlikely. The petition does not identify current staff with the necessary background in curriculum, instruction, and assessment to develop a high school program. Plans to secure the services of such individuals are not provided.

The petition does not include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed as required under EC § 47605(a)(2) with regard to middle school curriculum, English Learners (Title III), and

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Special Education. Additionally, the petition fails to include specific provisions of law enacted prior to the last charter authorization.

**Finding 5: The petition does not contain reasonably comprehensive descriptions of all of the elements required for the establishment of a K-12 countywide charter school.**

*Note: The petition presents the required elements as though the charter was being considered by a local school district board rather than the manner required for a countywide charter. The Review Team analyzed the petition as presented while considering the petition as a countywide charter.*

The Review Team determined that descriptions of the following required elements are not reasonably comprehensive:

Description of the School's Educational Program: *Not reasonably comprehensive.*

While there is a description of a 21<sup>st</sup> Century learner, there is no evidence of how students will be prepared. The learning environment and educational program are based solely on the needs of elementary students. There is no description of a sound instructional program for middle or high school grade students. There is no evidence of rigorous, relevant course work to prepare students to be college and work ready. Required elements for a high school program are absent: there is no mention of A-G required courses, high school graduation requirements, the process for obtaining UC/CSU coursework approval, discussion of how parents will be notified of transferability of courses to other public high schools, or mention of the process to become WASC accredited. There is no mention of interventions for academic and linguistic support for English Learners when progress is not made. There is no mention of how content instruction is differentiated for English Learners through specific access strategies. There is no mention of how English Learners are identified and served in special education. There is no attempt to tie curriculum, instructional materials, instructional methods, standards, and assessments together. See also Finding 2.

Measurable Pupil Outcomes: *Not reasonably comprehensive.*

The petition does not identify measurable student outcomes for any subject area. There is no information regarding current level of performance on standardized tests and how these results are used to set measurable student outcomes. The petition does not identify how it will measure growth using standardized tests for any subject area at specific grade levels. There is no evidence of outcomes to ensure that students are successful of high school assessments including, but not limited to, the California High School Exit Exam (CAHSEE), Advanced Placement Tests, Preliminary Scholastic Aptitude Test, Scholastic Aptitude Test I and II.

Methods to Assess Pupil Progress toward Outcomes: *Not reasonably comprehensive.*

Does not provide specifics on how the school will measure student progress using a variety of assessment tools. The current level of student performance is not provided in order to set measurable student outcomes. Does not describe formative and summative assessment systems that will be used to monitor student progress and identify students for intervention.

Facilities: *Not reasonably comprehensive.*

The petition includes five sites (Vernon, Adams, Hyde Park, Unity, and Compton) with three different leases.

The petition states a commitment to adopt and implement a comprehensive set of health, safety, and risk management procedures including "A policy that the school locations are housed in facilities that have received Fire Marshal or local approval and that have been granted a school Certificate of Occupancy from local department of Building and Safety." (Petition page 26 of 45) and "All sites comply with all building code standards and regulations adopted by the local Departments of Building and Safety and local Fire Departments." (Petition page 42 of 45)

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LACOE Facilities and Construction Unit reviewed documents pertinent to facilities. Staff also conducted a visit to the Vernon site on February 5, 2010. The findings include, but are not limited to, concerns regarding the description of the facilities, lease agreements, including expiration dates and renewals, site addresses, square footage, shared occupancy, number of classrooms to be utilized, and Certificates of Occupancy.

1. Two of the five currently operating sites do not have an appropriate Certificate of Occupancy for school use (i.e., Unity at 2811 54<sup>th</sup> Street and Compton at 2301 Rosecrans Blvd). Therefore, two sites do not comply with local building and fire departments.
2. The petition does not include the intent to renew the lease for any of the five sites. The leases for four sites expire on or before June 30, 2010. The Compton lease expired June 30, 2009.
3. Addresses listed in the petition for the Vernon site do not match those stated on the lease.
4. The petition does not include details such as general description of the facilities, number of classrooms, shared occupancy to ensure separation and safety for multiple occupants.
5. The petition states (Petition page 42 of 45) that due to a zoning change, application has been submitted for a Conditional Use Permit. "If the Conditions have not been completed by the beginning of the [2010] school year, students will be located at" 4480 Crenshaw Blvd. [now under construction]. However, prior to use by the charter school, LACOE would need to conduct a site visit and require an appropriate Certificate of Occupancy before the building could be used.

Governance Structure, including process to ensure parental involvement: *Not reasonably Comprehensive*

The statement in the 2010 Renewal petition that the "authorized number of **Directors shall be 5** until changed by amendment of the Bylaws" on page 19/26 conflicts with the 2003 amendment to the bylaws that states, "The Board of Directors shall have ... nor [sic] more than **seven (7) Directors.**" The lack of clarity in who and the number of directors authorized to sit on the board was an issue in the past with respect to Corporations Code § 5227 which prohibits no more that 49% of board members be interested persons.

The petition and bylaws affirm that meetings will comply with and adhere to the Brown Act. However, certain provisions of the bylaws present a violation of the Brown Act such as permitting an "Action without Meeting" (Bylaws, Section 3.08).

Setting regular board meetings at irregular times "held with notice twice per calendar year... on the date and time as fixed and/or agreed to by the Board of Directors and noticed by the president" fails to comport with the Brown Act in that a regular set time is required. (Cal. Gov't Code § 54954(a).)

The bylaws authorize teleconferencing as constituting presence at the meeting without stating the necessary safeguards that would render it compliant with the Brown Act such as posting agendas at the teleconferencing location and ensuring those locations are fully accessible to members of the public.

Health and Safety Procedures: *Not reasonably comprehensive.*

The petition does not describe vision, hearing, and scoliosis screenings.

While the petition states compliance to local health, safety, and building codes, the petition lacks documentation of such compliance under the current charter and required compliance is not completely in place for the term of the proposed charter.

The petition does not include assurance that the charter school will comply with requirements of the Health Department regarding food services.

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### Means to Achieve a Reflective Racial and Ethnic Balance: *Not reasonably comprehensive.*

Outlined recruitment strategies are generic. There are no details about promotional materials or outreach meetings. The petition lacks documentation that the school, now in its seventh year of operation, successfully implemented recruitment strategies and achieved the demographic goal specified by the 2005 recommendation to authorize the charter. The petition lacks demographic information for the charter, for assigned comparison schools, and for the "general population residing within the territorial jurisdiction of the school district [LACOE] to which the charter petition is submitted." The petition lacks measurable goals and benchmarks.

The Review Team determined that descriptions of the remaining required elements are reasonably comprehensive with noted concerns:

Annual Independent Financial Audits & Review of Submitted Budgets: The petition mentions the manner for independent financial audit, but fails to include the resolution of audit exceptions to the satisfaction of the chartering authority as required by statute. The process for submitting audit reports to the County Office is included; the process for submitting to the State Controller and the State Department of Education is not addressed.

The Controller's Office reviewed the budget submitted with the petition. Revenue calculations were adjusted to reflect the appropriate levels using the latest financial information available from the 2010 School Services of California (SSC) School District and County Office Financial Projection Dartboard for fiscal years 2010-11 through 2012-13. These adjustments resulted in a significant reduction to the projected ending balance for all three years. In addition, the Employee Benefits budgeted were ten percent (10%) of total salaries. The audit reports for the year ended June 30, 2009 and June 30, 2008, indicate an actual percentage for Employee Benefits of 17% and 19% respectively. The amount projected for 2010-11 and forward appears to be understated by 7% to 10% estimated at \$194,000 to \$295,000 for each of the three years.

Facility sublease agreements have expired or will expire in June 2010. Without valid lease agreements, it is not possible to verify the proposed budget for facilities.

The budget lacks a plan for the build-out of a high school program.

A revised budget is needed to more clearly represent projected revenue and expenditures.

### Dispute Resolution Procedures:

The petition fails to state that the dispute resolution provision does not apply to issues that may trigger the revocation process (as provided in Education Code Section 47607 which includes violations of law or charter, failure to meet pupil outcomes, or fiscal mismanagement).

No mandatory uniform complaint procedure is identified.

Closure Procedures: The petition does not comport to LACOE's closure procedures. The petitioner was most recently provided with the procedures in September 2009.

Effect on Authorizer: The petition does not comport to LACOE's insurance requirements. The petitioner was provided with the requirements in September 2009.

The Review Team determined the following required elements are reasonably comprehensive:

Employee Qualifications

Admission Requirements

Suspension and Expulsion Procedures

STRS, PERS, and Social Security Coverage

Public School Attendance Alternatives

Post-Employment Rights of Employees

Exclusive Public School Employer