

Agenda Item Details

Meeting

Jan 07, 2014 - Regular Charter Meeting, 5:00 P.M.

Category

F. OPERATIONAL MATTERS RESERVED FOR THE BOARD

Subject

2. Petition to Establish Thrive Public School Charter School; BUDGETED: N/A

Type

Action

RECOMMENDATION: Approve the petition to establish Thrive Public School Charter School, for a five-year term beginning July 1, 2015, and ending June 30, 2020.

FISCAL IMPACT: None.

PRIOR YEAR FISCAL IMPACT: None.

IMPACT TO DISTRICT STAFFING: None.

CONSULTATION WITH BOARD ADVISORY COMMITTEE: Not applicable.

BACKGROUND: Staff recommends approval of the petition to establish Thrive Public School (Thrive), a new charter school, for a five-year term beginning July 1, 2015, and ending June 30, 2020. Although the Thrive petitioners are seeking a charter term that begins July 2014, based on the findings identified below, staff recommends the charter term date begin July 2015.

Finding 1: The Thrive petitioners' recent history of involvement with charter schools has been unsuccessful due to their submitting and subsequently withdrawing charter petitions to San Diego Unified School District and La Mesa-Spring Valley School District.

On July 15, 2013, the petitioners submitted their First Petition to San Diego Unified School District. On September 4, 2013, a public hearing was held for the First Petition.

On September 15, 2013, the petitioners submitted a Second Petition to La Mesa-Spring Valley School District.

On October 1, 2013, staff recommended denial of the First Petition.

The petitioners withdrew both the First and the Second Petitions.

On November 13, the petitioners submitted a Third Petition to San Diego Unified School District.

Based on the above-described events, the petitioners' recent history of involvement with charter schools has been unsuccessful due to their submitting and subsequently

withdrawing charter petitions to San Diego Unified School District and La Mesa-Spring Valley School District.

Finding 2: The students who will enroll at Thrive will benefit from a planning period prior to the opening of the new charter school.

Over the past few months, the Thrive petitioners have revised their school growth plan, facilities plan, grade levels to be served, and financial documents with respect to its charter management organization (CMO) structure. The most recent charter petition documents state:

- Thrive has “revised its launch/growth model to include just one school” in year one
- Thrive has “pushed the CMO/office launch back to year three”
- Thrive has “lowered projected enrollment in Year 1 from 250 to 168”
- Thrive has changed its year one grade level offerings from (K, 5, 6) to (K, 6)
- Thrive has amended its petition to include a “broader geographic area”
- Thrive has stated that “if additional schools are launched, these schools will be governed/operated by Thrive Public Schools, Inc., and each school site will have its own site-based School Advisory Council”
- Thrive has opted not to apply for Prop 39 in year one and is planning to secure a private facility for the long-term based on the identification of three viable facilities options with InSite, a real estate company that specializes in charter school facilities

As noted above, Thrive will offer only Grades K and 6 during year one of operations. During the capacity interview, the petitioners stated that if there is sufficient interest from families beyond Grades K and 6, Thrive would consider requesting approval from the district to serve additional grade levels during year one. Given the short time period between the proposed charter action date (January 7), securing of facilities, recruitment of students, and possible request to add grade levels, staff recommends the charter term date begin July 1, 2015, to ensure families, the charter school, and the district can appropriately plan for the 2015-16 academic year.

Staff has considered the following factors:

- The table below summarizes the enrollment of charter schools that have recently opened in San Diego Unified School District and served fewer than four grade levels during its first year of operation.

Charter School	Total Number of Schools	Year One Grade Levels	Year One Enrollment Actual	Year One Enrollment Proposed
Kavod	1	K, 1, 2	51	270
San Diego Cooperative 2	2	K, 1	61	200
San Diego Global Vision Academy Middle	2	6	43	90
Thrive	1	K, 6	-	168

- Different financial and governance structures exist among the nine charter operators in the district that manage multiple charter schools (CMOs). Some

CMOs assign personnel separately to each school, while others employ "central office" personnel who provide services to multiple schools within the CMO (for example, budget, information technology, human resources, etc.). Some CMOs employ "in-house" staff to provide services, while others contract with a private "back-office" provider. Certain charter schools pay a set percentage of their unrestricted revenue or operating budget to the CMO for the services received. Generally, each CMO has a single, independent governing board that physically meets within the boundaries of San Diego Unified School District and is largely comprised of local residents. Regarding the Thrive petition, the governance structure describes a charter school that will be operated by "Thrive Public Schools, Inc." a California nonprofit public benefit corporation, with a governing board of five to eleven members. The five founding board members of Thrive are residents of San Diego. A School Advisory Council will be formed and comprised of elected parents and teachers to advise the Thrive governing board. Thrive proposes to contract with a EdTec as its back-office provider.

- HTe, a petition to establish a new charter school by a successful existing operator, High Tech High, which operates six charter schools in San Diego Unified School District submitted its petition at approximately the same time as the Thrive petition. The proposed opening date for HTe is fall of 2015, to ensure adequate planning time for families, the charter school, and the district.

Finding 3: The Thrive petitioners have not demonstrated a strong level of support for the petition.

On December 3, 2013, the San Diego Unified Board of Education, pursuant to Education Code section 47605(b), held a public hearing on the Thrive charter petition, at which time the board considered the level of support for the petition by teachers employed by the district, other employees of the district, and parents. It is noted that only two individuals, the Thrive CEO and Thrive Board President, spoke in support of the Thrive petition. There were no parents at the public hearing who spoke in support of the Thrive petition.

The petitioners have submitted parent signatures to demonstrate the level of support from parents interested in enrolling their children. Of the approximately 150 parent signatures, only 42 of the parent signatures represent children who would be entering Grades K or 6, which are the only two grades that Thrive proposes to offer during its first year of operation. Moreover, the range of dates from the parent signatures between June 27, 2013 to October 15, 2013, makes it unclear which charter petition the parents signed to demonstrate their support. Given the significant changes to the most recent charter petition submitted by Thrive, the signatures gathered as part of the first charter petition cannot be automatically viewed as supporting the current charter petition.

Finding 4: District policy recommends charter petitions be submitted by November 1 of the year prior of the proposed opening. The current petition submitted by Thrive was submitted on November 13.

As summarized in the table below, Thrive proposes to open a charter school in September 2014, serve Grades K and 6, and reach capacity at 756 by 2019-20.

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Grade K	84 (4 classes)					
Grade 1		84 (3 classes)				
Grade 2			84 (3 classes)	84 (3 classes)	84 (3 classes)	84 (3 classes)
Grade 3				84 (3 classes)	84 (3 classes)	84 (3 classes)
Grade 4					84 (3 classes)	84 (3 classes)
Grade 5						84 (3 classes)
Grade 6	84 (3 classes)					
Grade 7		84 (3 classes)				
Grade 8			84 (3 classes)	84 (3 classes)	84 (3 classes)	84 (3 classes)
Total	168	336	504	588	672	756

The educational program described by Thrive includes the following characteristics:

- Thrive's Habits of Heart and Mind, adapted from the Institute for Habits of Mind
- Project-based learning
- Blended learning via ST Math, Dream Box, and other online curriculum
- Students will be grouped in mixed age clusters (Grades 1-2, 3-4, 5-6, and 7-8) after kindergarten, and typically stay two years in each cohort, "looping" with the same teachers

In summary, the petitioners' actions of submitting and withdrawing multiple petitions to the San Diego Unified School District and La Mesa-Spring Valley School District, along with the timing and significant changes to the current petition (grade levels, facilities plan, growth plan, etc.) and the lack of parent support demonstrated at the public hearing held on December 3, contributed to staff's recommendation. Staff recommends approval of the petition to establish Thrive Public School (Thrive) Charter School, for a five-year term beginning July 1, 2015 and ending June 30, 2020.

[Originator/Contact: Moisés G. Aguirre, Executive Director, District Relations, 619.725.7104, maguirre@sandi.net]

[Thrive Charter Petition - November 2013.pdf \(21.912 KB\)](#)



Board of Education

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OFFICE OF THE SUPERINTENDENT
Board Services

EXCERPT

The following is a report of an item discussed and action taken by the Board of Education of the San Diego Unified School District at a regular meeting of said board held at 5:00 p.m., Tuesday, January 7, 2014:

Evans moved, Barrera seconded the motion to deny the petition to establish Thrive Public School Charter School; agenda item F.2., attached and by this reference incorporated to this excerpt in full, in that the Petition does not contain reasonably comprehensive descriptions of the criteria as set forth in Education Code Section 47605, based on the following findings:

The petitioners are demonstrably unlikely to successfully implement the programs set forth in the petition, in that:

- a. The Thrive petitioners' recent history of involvement with charter schools has been unsuccessful due to their simultaneously submitting and subsequently withdrawing charter petitions to San Diego Unified School District and La Mesa-Spring Valley School District, which shows a lack of commitment to the local community.
- b. Enrollment trends for charter schools that have recently opened in San Diego Unified School District and served fewer than four grade levels during their first year of operation indicate petitioner's enrollment projections for a K, 6 school are unrealistic.
- c. The Thrive petitioners have not demonstrated a strong level of support for the Petition.

Ayes: Barrera, Evans, Foster
Nays: Barnett, Beiser
Absent: None
Abstain: None

The above-described motion was approved. I hereby certify the foregoing to be a true report of actions taken as indicated.

A handwritten signature in blue ink that reads "Cheryl Ward". The signature is written in a cursive, flowing style.

Cheryl Ward, Board Action Officer
Board of Education, San Diego Unified School

[SEAL]

District

January 24, 2014
San Diego, California
010714.1

Attachment



VIA: HAND DELIVERY
1/27/2014

Randolph E. Ward, Superintendent
San Diego County Office of Education
6401 Linda Vista Road
San Diego, CA 92111-7319

Re: *Thrive Public School Charter Petition Appeal to the San Diego County Board of Education*

Dear Dr. Ward:

As the Lead Petitioner for Thrive Public School (the "Charter School" or "Thrive"), I hereby submit an appeal to the San Diego County Board of Education (the "County" or "SDCOE") of the denial of our charter petition by the Board of Education of the San Diego Unified School District (the "District" or "SDUSD"), as provided for in Education Code Section 47605(j)(1) and the California Code of Regulations, Title 5, Section 11967(a).

This letter will present a brief summary of Thrive's plans and respond to each of the District's findings as stated in the SDUSD Board Agenda for January 7, 2014. It is important to note that in these findings, the Charter Schools Office staff and Superintendent **recommended approval** of Thrive's petition, but the Board voted 3-2 to deny the petition. (See *Agenda Item Details, January 7, 2014, Petition to Establish Thrive Public School Charter School* and excerpts of said agenda below.) Thrive has repeatedly requested written findings detailing the grounds for denial or written confirmation of the denial; to date, SDUSD has not provided Thrive with said written documentation. Thus, we address their findings before the Board vote as the basis for the denial, along with comments made at the Board meeting on January 7th, as recorded and available for review on SDUSD's website (www.sandi.net).

Below you will find additional information on:

- 1) Strengths of Thrive (p.1)
- 2) Overview of Instructional Program (p. 2)
- 3) Thrive's Extensive Efforts to Collaborate with SDUSD (p. 3)
- 4) Legal Basis for Charter Petition Denial (p.6)
- 5) SDUSD's Findings and Thrive's Responses (p. 7)
- 6) Appeal of Denial (p. 12)

I. THE STRENGTHS OF THRIVE

As you will find in your review of our enclosed materials, Thrive Public School is extremely well positioned to offer a public school alternative in a neighborhood that currently offers few (if any) free neighborhood school options. We believe we are in a great position to offer families an educational choice in Mission Valley for the following 5 reasons:



1. Local team with track record of success. Thrive Public School has been carefully designed by an exceptional team of experienced educators who were raised in San Diego and who have successfully founded, led, and taught at acclaimed charter schools and traditional district schools throughout Southern California. Members of our team have presented nationally on topics such as innovative education practices, charter management, deeper learning, and the common core standards. Additionally, the lead petitioner has also served as a professor for both UCLA's Charter School Policy, Finance, and Administration Certificate Program, and the Charter and Autonomous School Leadership Academy at Cal State Dominguez Hills. Furthermore, Thrive is overseen by an accomplished and experienced Board of Governors, including experts in education, charter management, child development, finance, and law.

2. Nationally recognized, innovative school design to meet the needs of all students. Thrive's mission is to innovate, adapt, and expand the concept of a 21st century school by leveraging technology and collaboration to provide a rigorous and highly individualized K-8 academic program for diverse students in central San Diego. Thrive is committed to competency-based learning, which is particularly relevant for special populations such as English Learners and students with disabilities. Thrive will deliver its innovative academic program that utilizes proven best practices in Blended Learning and Project Based Learning, for which Thrive has been nationally recognized by organizations such as The Gates Foundation, The Broad Foundation, and The Charter School Growth Fund.

3. Strong community support and demand. More than 150 parents and 30 teachers signed our charter petition; nearly 50 people attended our public hearing before the District; and multiple community organizations wrote us letters of support to date. Support and parent interest continue to mount as community outreach progresses. The large number of families who have joined our movement as well as the over 1,000 students currently on waitlists for charter schools in San Diego speak to the level of community demand for quality school options.

4. Solid financial plan. The five-year budget we provided with our charter petition is fiscally sound with conservative revenue assumptions, as also noted by District staff, who reviewed our petition. Furthermore, Thrive has been awarded over \$500,000 in philanthropic support in addition to being awarded a state PCSGP grant of another \$575,000 (dependent on charter approval).

5. Strong, thorough, and legally compliant petition. The Thrive petition meets and exceeds the state requirements for a charter petition and received SDUSD staff recommendation for a 5 year approval after review by 12 different departments inside the district.

Despite all of these points, the San Diego Unified School District Governing Board voted 3 to 2 deny the Charter School's petition on January 7, 2014.

II. OVERVIEW OF INSTRUCTIONAL PROGRAM

Thrive's highly personalized, competency-based learning model will offer a unique educational opportunity for students. Thrive's integration of Blended Learning and Project-Based Learning will provide a highly rigorous college-prep program that is directly aligned with the new Common Core Standards and based on strategies proven to be successful with those most "at-risk" – English Learners, children with disabilities, and those who will be the first in their families to graduate high school and attend college.



III. **THRIVE'S EXTENSIVE EFFORTS TO COLLABORATE WITH SDUSD:**

For seven months, Thrive's founders worked with SDUSD to establish in San Diego our already acclaimed model for public education. In this process, Thrive worked closely with District staff to make changes and concessions in response to SDUSD requests in order to create a collaborative relationship. Chief among these were modifications to Thrive's strategic plan including no longer requesting Prop 39 facilities, reducing our enrollment, and changing our growth plan that originally aimed to open 2 schools in greater San Diego in order to share best practices and reduce operational and administrative expenses.

To better illustrate Thrive's efforts to collaborate with the district during these seven months, below is a timeline of Thrive's petition submission to SDUSD:

- *April/May 2013:* Thrive team members communicate with District to understand protocols, preferences and workings of the District.
- *June 13, 2013:* Thrive's lead petitioners meets with District staff to hand deliver copies of the petition, which were prepared based on earlier telephone conversations with staff regarding format and procedure. Charter office staff request that seven changes be made to the petition, as follows: (1) provide a conformed copy of the filed Articles of Incorporation; (2) provide the Thrive Board's adopted copies of the Bylaws and Conflicts policy; (3) provide five years of financials/budget, not three as required by Education Code; (4) include the dates teachers signed in support of the petition; (5) provide a letter from the intended SELPA confirming Thrive was approved to join; (6) provide lead petitioner signature on Assurances page; and (7) instead of 6 copies in binders, provide 2 binders and 10 rubber-banded copies, all with no tabs. While none of these requirements are mandated by the Education Code, Thrive complies with these requests.
- *July 15, 2013:* Thrive's petition is accepted by SDUSD Charter Office staff.
- *September 3, 2013:* The District holds a public hearing pursuant to Education Code section 47605 to consider the level of support for the Thrive Public School petition by teachers employed by the District, other employees of the District, and parents and guardians. Six individuals speak in support of Thrive and almost 30 parents and supporters attend the meeting to show their support.
- *September 4, 2013:* Thrive's founder and Thrive's Board President attend a comprehensive 1 hour capacity interview with SDUSD Charter Office staff, leaders from San Diego charter schools, a representative from the Superintendent's Office, and finance staff .
- *September 16, 2013:* Thrive submits a second charter petition for Thrive Public School #2 to the La Mesa-Spring Valley School District to establish a second K-8 charter school in 2014. Simultaneously, Thrive submits two grant applications to the California Department of Education for funding for both schools under the Public Charter Schools Grant Program (PCSGP).
- *September 27, 2013:* District staff makes a recommendation for "**Conditional approval** of the petition to establish Thrive Public School, a charter school, for a three-year term beginning July 1, 2014, and expiring on June 30, 2017, subject to the petitioners submitting an addendum to the charter petition that addresses the below-identified findings in a manner acceptable to the district within 60 calendar days of



the board's action. If the district determines the addendum does not adequately address the concerns or the charter school is unable to demonstrate the enrollment of a minimum of 202 students by August 1, 2014, the approval is rescinded." The recommendation goes on to detail seven requested changes to the petition including: (1) additional details regarding the proposed CMO fee starting in Year 3 and removal of the revolving loan from the budget until the loan is secured; (2) documentation of at least 80% enrollment achieved by August 1, 2014; (3) no change requested, just a comment from the District about other charter schools and their facilities history in the area, including challenges with Prop 39; (4-6) minor wording changes in the sections on Dispute Resolution, Health & Safety Plan and Insurance; and (7) request that the petition specify the maximum number of Board members and not simply reference the Bylaws. (See Attachment: *Agenda Item Detail, October 1, 2013, REVISED 9-30-13: Consider New Charter Petition to Establish a Charter School by Thrive Public School.*) Thrive asks staff if these changes could be made to the petition in real time and SDUSD staff informs petitioner that no changes can be made to petition once submitted, but that this would be something worked out after the board decision.

- *October 1, 2013*: District staff recommendation is changed to a recommended Denial of Thrive's petition. The findings in the Denial recommendation are identical to those that earlier had supported a recommended approval, with two changes: (1) the District no longer requested changes to the Dispute Resolution, Health & Safety Plan, Insurance or Governance sections, and (2) the District added two new findings related teacher signatures and governance structure, as follows:

"Employment Plan: After submitting a charter petition to San Diego Unified School District, on or about September 16, 2013, the petitioners submitted a second charter petition to the La Mesa-Spring Valley School District to establish "Thrive Public School #2." Both charter petitions include signatures of teachers; however, eight of the signatures appear to be duplicates of the same teachers, calling into question which charter school the individuals are meaningfully interested in being employed at for the same proposed first year of operation in 2014-15.

The Petition does not contain a reasonably comprehensive description of all the elements set forth in Education Code section 47605(b)(5). Specifically, the Petition does not contain a reasonably comprehensive description of the governance structure pursuant to Education Code section 47605(b)(5)(D). As noted above, two charter petitions with same name, "Thrive Public School," were submitted to the San Diego Unified School District and La Mesa-Spring Valley School District with the same opening year of 2014-15. The governance structure among the two charter schools is not described in the Petition. The budget document included in the Petition to San Diego Unified School District includes a CMO fee, but this fee does not begin until the school's third year of operation in 2016-17."

It is important to note that the first four findings in the denial recommendation were all the basis of requested changes in the initial staff recommendation – NOT a denial – posted just a few days earlier. As for the two new findings:

Regarding teacher signatures, the Education Code requires that 50% of "meaningfully interested" teachers sign in support of the petition; for a first year enrollment projection of 250 students, Thrive's petition required 5 teacher signatures, and Thrive submitted 18 in total -- 13 more than required. Eleven of these signatures were not duplicated on the La Mesa petition. Therefore, Thrive exceeded the legal requirement and this was not a proper basis for denial.



Regarding the governance structure, the petition was quite clear that the corporate name is Thrive Public Schools (plural), Inc., and the provisions of the petition plainly met all required elements of the Education Code in describing the governance structure (as indicated by the fact that the District staff's recommendation initially was to approve the petition, with only one minor change to the Governance section, specifying the maximum number of board members in the petition, rather than simply referencing the Bylaws). The fact that Thrive Public Schools may operate more than one school at any time is not a proper basis for denial of a petition.

- *October 4, 2013:* While we did not believe these findings were a proper basis for denial, Thrive decides to withdraw the petition in order to make changes to the items the District raised and re-submit.
- *October 28, 2013:* In an effort to appease the SDUSD and demonstrate our commitment to collaborating with the District, Thrive withdraws its petition for a second school in La Mesa-Spring Valley and agrees to revise its growth plan to include just one school in 2014.
- *November 13, 2013:* Thrive re-submits a revised petition to SDUSD, incorporating all of the changes requested, including comments made by SDUSD Board members and staff both in the earlier public hearing and in meetings. Specifically, Thrive modifies its enrollment projections to scale back the initial enrollment figures; changes the target area to reflect Board members' stated preferences; and makes the requested minor clarifications in the petition language. (See *Letter from Dr. Assisi to SDUSD, dated Nov. 8, 2013* final page of charter petition)
- *December 3, 2013:* A second public hearing is held, this time for the revised, re-submitted petition. Thrive's team once again makes presentations to the Board and answers their questions. Thrive supporters once again attend the meeting to show community support.
- *December 9, 2013:* A second capacity interview is held with District staff and three of Thrive's team. According to the five members selected by the district, the meeting goes well. One of the charter leaders on the committee mentions it is one of the strongest capacity interviews to date.
- *December 22, 2013:* District staff informs Thrive they are recommending approval. However, since the charter petition was not submitted until November (despite the preceding months of work and review), they did not believe it would be possible to open in 2014.
- *December 23, 2013:* The District publishes the staff report with a **Recommendation for Approval of a five-year charter term** (see below). Thrive founder meets with Charter Office staff to better understand a recommendation for delayed opening in order to make a stronger case for why a 2014 opening is not only viable but preferred.
- *January 7, 2014:* Charter Office staff and Superintendent make recommendation for approval. After more than 52 minutes of discussion, the SDUSD Board of Education votes 3-2 to deny Thrive's petition.
- *January 8 – 24, 2014:* Thrive team and a California Charter Schools Association representative make multiple requests for written confirmation of denial to SDUSD, to no avail.



IV. LEGAL BASIS FOR CHARTER PETITION DENIAL

As you know, the Education Code provides specific guidance to authorizing school boards to approve the establishment of charter schools. Education Code § 47605(b) states:

In reviewing petitions for the establishment of charter schools ... the chartering authority shall be guided by 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. (Emphasis added.)

Education Code § 47605(b) also provides the legal basis for the denial of a charter petition as follows:

The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the 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) [of Education Code § 47605].
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) [of Education Code § 47605].
- (5) The petition does not contain reasonably comprehensive descriptions of [the 16 required elements]. (Emphasis added.)

Accordingly, the law is written such that the default position is for a school district board of education to approve a charter petition, unless it makes written factual findings to support a denial.

In our case, the District's written findings state: "**RECOMMENDATION:** Approve the petition to establish Thrive Public School Charter School, for a five-year term beginning July 1, 2015, and ending June 30, 2020." The SDUSD District staff report and proposed recommendation contain findings that do not meet the legal standard for denial of a charter petition. As demonstrated herein, the findings are based on incorrect facts and legal interpretation, and therefore the findings constitute an impermissible basis for denial of Thrive's charter petition.



V. SDUSD'S FINDINGS AND THRIVE'S RESPONSES

Below, please find the summary of findings from the District staff report (in *italics*), in the order in which they were presented, immediately followed by the Charter School's response.

BACKGROUND: *Staff recommends approval of the petition to establish Thrive Public School (Thrive), a new charter school, for a five-year term beginning July 1, 2015, and ending June 30, 2020. Although the Thrive petitioners are seeking a charter term that begins July 2014, based on the findings identified below, staff recommends the charter term date begin July 2015.*

Finding 1: *The Thrive petitioners' recent history of involvement with charter schools has been unsuccessful due to their submitting and subsequently withdrawing charter petitions to San Diego Unified School District and La Mesa-Spring Valley School District.*

On July 15, 2013, the petitioners submitted their First Petition to San Diego Unified School District. On September 4, 2013, a public hearing was held for the First Petition.

On September 15, 2013, the petitioners submitted a Second Petition to La Mesa-Spring Valley School District.

On October 1, 2013, staff recommended denial of the First Petition.

The petitioners withdrew both the First and the Second Petitions.

On November 13, the petitioners submitted a Third Petition to San Diego Unified School District.

Based on the above-described events, the petitioners' recent history of involvement with charter schools has been unsuccessful due to their submitting and subsequently withdrawing charter petitions to San Diego Unified School District and La Mesa-Spring Valley School District.

RESPONSE: There is no legal basis in the Education Code for denying a charter petition simply because a petitioner has submitted and withdrawn previous petitions. To the contrary, throughout the State, it is common practice for schools to submit, withdraw, revise and re-submit petitions before obtaining an approval. While some school districts are interactive and transparent with charter petitioners in their review process and allow petitioners to edit their petition, others, including SDUSD, do not. Thus, rather than accept a denial and undergo the appeals process, petitioners routinely use the initial findings received from an authorizer to strengthen the petition and re-submit.

That is exactly what Thrive did here. In fact, every single one of the changes made in the re-submission of our petition to SDUSD was at SDUSD's request and based on their explicit feedback. Characterizing the re-submission of our petition to SDUSD in November as a "Third" petition is misleading and disingenuous. In fact, out of a 136 page narrative plus over 400 pages in attachments, changes between July and November were made to broaden the target area and reduce the enrollment projections, incorporate minor legal wording in three elements, along with submission of additional parent and teacher signatures and a letter explaining the changes that were made in response to SDUSD feedback.



As for the La Mesa-Spring Valley petition, Thrive had hoped to open two schools in 2014, based both on our team's experience, the support of our funders, and the desire to realize valuable economies of scale and shared resources and support personnel for our innovative model of instruction. Our plan was to secure an approval from SDUSD, and then seek a second charter with a smaller nearby district. When the CDE announced the application deadline for PCSGP start-up grants, we made the decision to submit the petition for Thrive Public School #2 to La Mesa before we had secured SDUSD approval for our first school, but based on the understanding at that point that SDUSD was fully supportive of our charter petition. When SDUSD later expressed concern about Thrive opening two schools at once, we conceded to maintain a collaborative relationship with the District and changed our growth model to include only one school for 2014.

Finding 2: *The students who will enroll at Thrive will benefit from a planning period prior to the opening of the new charter school.*

RESPONSE: Thrive has benefited from more experienced planning by expert charter developers to date than most new schools in California. Our lead founder and CEO, Dr. Nicole Temple Assisi, has worked full-time on Thrive since June 2013 and had drafted a complete charter petition and secured major funding even prior to June; our Founding Director, JoHanna Simko, has worked approximately 200 hours on Thrive, as has our Business Manager, Laura Glasser. Our Board has held 4 meetings. Funding in excess of \$ 1,000,000 has been secured – a virtually unprecedented amount for a start-up school. Promising and viable temporary facilities options have been identified in our target community, yet we cannot formally sign a lease without an approved charter petition. More than 150 parents have expressed interest in enrolling their children in our school, all before knowing that a charter was approved, the location of the school, or the beginning of our targeted outreach and open enrollment period. More than 30 teachers have submitted resumes and indicated interest in working with us. In short, we are ready. Thrive is ready to open September 2014. Our families are ready for Thrive.

Over the past few months, the Thrive petitioners have revised their school growth plan, facilities plan, grade levels to be served, and financial documents with respect to its charter management organization (CMO) structure. The most recent charter petition documents state:

- *Thrive has "revised its launch/growth model to include just one school" in year one*

RESPONSE: This was at the explicit request of SDUSD.

- *Thrive has "pushed the CMO/office launch back to year three"*

RESPONSE: Actually, Thrive's July 2013 budget included a CMO fee starting in Year 3; SDUSD asked for more specificity about the fee. That specificity was provided at SDUSD's request.

- *Thrive has "lowered projected enrollment in Year 1 from 250 to 168"*

RESPONSE: Again, Thrive lowered its enrollment projections based on explicit feedback from SDUSD staff and Board members, despite our confidence and Thrive's staff past experience in opening much larger schools.

- *Thrive has changed its year one grade level offerings from (K, 5, 6) to (K, 6)*



RESPONSE: This also was in response to SDUSD’s requests regarding enrollment – in order for our model to be sustainable, we envision 84 students per grade. In order to address SDUSD’s concerns about total enrollment, we eliminated one grade level from our opening year of operations.

- *Thrive has amended its petition to include a “broader geographic area”*

RESPONSE: SDUSD Board members and staff requested that Thrive look beyond the mid-City area both in public hearing and in meetings. Thrive agreed.

- *Thrive has stated that “if additional schools are launched, these schools will be governed/operated by Thrive Public School, Inc., and each school site will have its own site-based School Advisory Council”*

RESPONSE: In response to SDUSD’s findings on October 1, 2013, Thrive clarified in its petition that additional schools would be governed by the same Board, as is common practice throughout California.

- *Thrive has opted not to apply for Prop 39 in year one and is planning to secure a private facility for the long-term based on the identification of three viable facilities options with InSite, a real estate company that specializes in charter school facilities*

RESPONSE: While the application for a Prop 39 facility cannot be a legal basis for denial, SDUSD Board members and staff made clear in their statements during the public hearing and in the written findings that the lack of availability of Prop 39 locations in the target area was a serious concern and issue. As a result of this feedback, Thrive elected to not to apply for Prop 39.

As noted above, Thrive will offer only Grades K and 6 during year one of operations. During the capacity interview, the petitioners stated that if there is sufficient interest from families beyond Grades K and 6, Thrive would consider requesting approval from the district to serve additional grade levels during year one. Given the short time period between the proposed charter action date (January 7), securing of facilities, recruitment of students, and possible request to add grade levels, staff recommends the charter term date begin July 1, 2015, to ensure families, the charter school, and the district can appropriately plan for the 2015-16 academic year.

RESPONSE: As noted above, Thrive is quite confident it can open in September 2014.

Staff has considered the following factors:

- *The table below summarizes the enrollment of charter schools that have recently opened in San Diego Unified School District and served fewer than four grade levels during its first year of operation.*

<i>Charter School</i>	<i>Total Number of Schools</i>	<i>Year One Grade Levels</i>	<i>Year One Enrollment Actual</i>	<i>Year One Enrollment Proposed</i>
<i>Kavod</i>	<i>1</i>	<i>K, 1, 2</i>	<i>51</i>	<i>270</i>
<i>San Diego Cooperative 2</i>	<i>2</i>	<i>K, 1</i>	<i>61</i>	<i>200</i>
<i>San Diego Global Vision Academy Middle</i>	<i>2</i>	<i>6</i>	<i>43</i>	<i>90</i>
<i>Thrive</i>	<i>1</i>	<i>K, 6</i>	<i>-</i>	<i>168</i>



RESPONSE: While some other schools may have faced challenges in initial enrollment, this is entirely speculative and not a proper basis for denying our petition. Notably, on December 3, 2012, SDUSD **approved** the charter for Empower Charter School, proposing 180 students in Year 1 in grades K-5; the District did not have any issues with Empower's proposed enrollment. Similarly, District staff originally cited "overly optimistic" enrollment projections of 266 students in K-5 for Year 1 of Elevate Charter School as one of eight findings supporting a recommended denial of that petition on Nov. 19, 2013, but the Board went on to approve Elevate Charter School to open in 2014. Further, the district left out information about other charters who not only met, but exceeded their enrollment projections, including Epiphany, E3 Civics, and High Tech High.

At the same time, SDUSD did not find any issues with Thrive's budget projections over the first five years of operations. As noted earlier, Thrive's financial position, thanks to extraordinary national recognition for our innovative model, has resulted in an astounding amount of private funding support before our charter has even been approved. Any potential enrollment challenges or other contingencies will easily be weathered through our conservative fiscal planning.

- *HTe, a petition to establish a new charter school by a successful existing operator, High Tech High, which operates six charter schools in San Diego Unified School District submitted its petition at approximately the same time as the Thrive petition. The proposed opening date for HTe is fall of 2015, to ensure adequate planning time for families, the charter school, and the district.*

RESPONSE: Each organization is different and makes different decisions about timelines. Further, HTe submitted its petition for the first time on December 3, 2013. Additionally, HTe proposes to serve 360 students in grades K-5 in Year 1, and, to date, SDUSD has not raised any concerns about this enrollment plan. Conversely, Thrive first attempted to submit a petition as early as June 2013 for a school opening in September 2014; as discussed above, other than changes specifically requested by SDUSD, Thrive's plans and petition have remained the same since spring 2013. Thrive has continued to prepare for a 2014 opening throughout this process.

Finding 3: *The Thrive petitioners have not demonstrated a strong level of support for the petition.*

On December 3, 2013, the San Diego Unified Board of Education, pursuant to Education Code section 47605(b), held a public hearing on the Thrive charter petition, at which time the board considered the level of support for the petition by teachers employed by the district, other employees of the district, and parents. It is noted that only two individuals, the Thrive CEO and Thrive Board President, spoke in support of the Thrive petition. There were no parents at the public hearing who spoke in support of the Thrive petition.

RESPONSE: This finding ignores the fact that at the September 3, 2013 public hearing, Thrive had six speakers and almost 30 supporters in attendance to demonstrate community support. Also, letters of support, parents who attended the hearing and parent signatures were all part of the support for Thrive. It is important to note that the December 3rd Board Meeting was cut short for a community event and the Board President specifically requested that speakers be kept to a minimum and be brief. Parent speakers are not grounds for denial under the Education Code and Thrive demonstrated support for its school in multiple other ways. Furthermore, at no time has any member of the community opposed Thrive. Lastly, a prior conversation with Charter Office staff signaled Thrive that lengthy presentations would not be necessary given staff recommendation for approval.

The petitioners have submitted parent signatures to demonstrate the level of support from parents interested in enrolling their children. Of the approximately 150 parent signatures, only 42 of the parent signatures represent



children who would be entering Grades K or 6, which are the only two grades that Thrive proposes to offer during its first year of operation. Moreover, the range of dates from the parent signatures between June 27, 2013 to October 15, 2013, makes it unclear which charter petition the parents signed to demonstrate their support. Given the significant changes to the most recent charter petition submitted by Thrive, the signatures gathered as part of the first charter petition cannot be automatically viewed as supporting the current charter petition.

RESPONSE: Under California Education Code § 47605(a)(1)(A-B), a petitioner may present either signatures of a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation or a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

Thrive presented both teacher and parent signatures; the District found no issues with the teacher signatures, thus the requirement has been met. (Furthermore, the Education Code does not require that these signatures be dated. Nevertheless, nothing about Thrive's educational program was changed in any way; rather, again, the only changes made to the petition were based on SDUSD requests regarding operations.)

Finding 4: *District policy recommends charter petitions be submitted by November 1 of the year prior of the proposed opening. The current petition submitted by Thrive was submitted on November 13.*

RESPONSE: As detailed above, Thrive's November 13 re-submission simply included changes made at the request of SDUSD; Thrive even provided a red-lined copy to District staff so that they could easily see what had been modified in the re-submission. Nothing in the Education Code requires that petitioners submit prior to Nov. 1st; at the Board meeting, Charter Office staff noted that the Nov. 1st date is only a requirement for schools requesting Prop 39 facilities.

In summary, the petitioners' actions of submitting and withdrawing multiple petitions to the San Diego Unified School District and La Mesa-Spring Valley School District, along with the timing and significant changes to the current petition (grade levels, facilities plan, growth plan, etc.) and the lack of parent support demonstrated at the public hearing held on December 3, contributed to staff's recommendation. Staff recommends approval of the petition to establish Thrive Public School (Thrive) Charter School, for a five-year term beginning July 1, 2015 and ending June 30, 2020.

RESPONSE: As detailed above, this summary mischaracterizes the events leading up to the January 7, 2014 SDUSD Board meeting. Further, the Superintendent and District staff **recommended approval** after thorough review of the petition and interaction with the petitioners. During the board meeting the trustees verbally speculated about the "saturation" of the market, the success of other charter schools and the demand for charters, and used this dialogue to explain why they were denying Thrive, yet none of these are basis for denying the Thrive petition. Further, the board went on to say they desired to change their current charter policy. Any reform of policy or concerns with other schools, are neither legal grounds to deny a petition nor are they specific to the petition or the petitioner. We therefore request that the County Office of Education, review the Thrive petition and actions taken by the SDUSD board.



VI. APPEAL OF DENIAL

Enclosed herein and described below are the required documents for a San Diego County Board of Education appeal of the denial of Thrive Charter School's petition by San Diego Unified School District. The California Code of Regulations, Title 5, § 11967(b) and San Diego County Board policy requires that a charter school whose petition has been denied and that wishes to appeal its petition to the County Board of Education must send the following information within 180 days after the denial action (January 7, 2014):

- (1) A complete copy of the charter petition as denied by the District, including the signatures required by Education Code § 47605.
- (2) Evidence of the District governing board's action to deny the petition. [NOTE: SDUSD has not yet published minutes of its Board meetings from December or January; despite repeated requests to the SDUSD staff and Board, we have been unable to secure written documentation of the denial. The Board meeting video can be viewed at SDUSD's website. The discussion regarding Thrive starts at 0:17:30 and the vote starts at 01:09:20.] Given the time constraints involved and the District's refusal to respond to our repeated requests, we ask that SDCOE will accept the record as presented here.
- (3) A signed certification stating that petitioners will comply with all applicable laws.
- (4) A description of any changes to the petition necessary to reflect the County as the chartering entity.
- (5) Efforts made on behalf of the Charter School to communicate with District Staff and Board including written responses to questions raised in the public hearing, written responses to the staff findings and a communication log documenting efforts to engage with District Staff and Board throughout the review process.

With the exception of item 2 (which SDUSD has not provided to date), all of the above have been included in the County Office of Education requested binder. The binder, along with other items set forth in policies posted on the County Office of Education Website and confirmed by county office staff, Erin Garcia, were submitted on January 27th to the County Office of Education.

According to Education Code Section 47605(b) and California Code of Regulations, Title 5, § 11967(d), no later than 60 days after receiving a complete petition package, the San Diego County Board of Education shall grant or deny the charter petition.

In summary, the Thrive charter petition meets and exceeds the state and legal requirements (as evidenced by SDUSD staff who thoroughly reviewed and recommended a 5 years approval), and the Thrive team has the experience, expertise, and support to operate and open a school in San Diego.



We look forward to working with the County Board and the San Diego County Office of Education during consideration of the charter petition. Please feel free to contact me (nassisi@thriveps.org; 310-883-3667) if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "N. Assisi", with a long horizontal flourish extending to the right.

Dr. Nicole Assisi
Lead Petitioner, Founder and CEO
Thrive Public School

EXHIBIT "A"

TO RESOLUTION #2014-07

OF THE SAN DIEGO COUNTY BOARD OF EDUCATION DENYING THE CHARTER SCHOOL
PETITION TO ESTABLISH THRIVE PUBLIC SCHOOL

STAFF RECOMMENDATION REGARDING THE PETITION TO ESTABLISH THRIVE PUBLIC
SCHOOL, ON APPEAL FROM SAN DIEGO UNIFIED SCHOOL DISTRICT

March 27, 2014

Staff recommends that the Governing Board:

- I. Deny the petition to establish the Thrive Public School.
- II. Adopt findings in support of its decision, as detailed in the following documentation, that:
 - A. The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School, and
 - B. The petition does not contain reasonably comprehensive descriptions of several required elements.

FINDINGS

IN SUPPORT OF THE STAFF RECOMMENDATION TO DENY THE PETITION TO ESTABLISH THRIVE PUBLIC SCHOOL [Education Code Section 47605(b) & (j)]

A. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school, in that:

1. *The petition to establish the Thrive Public School ("Thrive" or "Charter School") fails to clearly identify how the mission and vision of the school aligns with the needs of the target student population.*
 - The mission, vision and description of the population to be served do not mention any specifics about the needs of the population, particularly English learners, Students with Disabilities or socioeconomically disadvantaged students. There is no connection between how the mission and vision align to meet the specific needs of their target population.
 - The petition clearly identifies the research behind the five "teaching methodologies" (1- project based learning, 2-blended learning, 3- exploratory learning, 4-family-facilitated learning, 5-social emotional learning) proposed to be used. The petition does not explain how these teaching methodologies will work together to specifically meet the needs of the schools' target students.

2. *The petition does not provide a clear picture of what a student who attends the school will experience in terms of structure, materials, schedule, assessment and outcomes.*
 - The petition identifies published instructional programs for each subject area (Lucy Calkins Reading/Writing Project, Foss Science, etc.) and includes copied pages from those programs in the appendix. However, there is no indication of how these specific programs fit into schools' instructional design (Project Based Learning/Blended Learning/Exploratory Learning/Family-Facilitated Learning and Social Emotional Learning).
 - Two curricular areas are not aligned to Common Core. The writing types and genres are not those identified by Common Core, and the mathematics curriculum is not in alignment with common core middle school curriculum.
 - When referring to "Project Based Learning," the petition states, "instead of treating each subject as an isolated silo, we recognize that in the real world, math, science, English Language Arts, history, technology and the arts all intersect." However, the tables of instructional minutes contradict the above statement, by showing "Project Based Learning" as blocks of instructional time, separate from exploratory learning, math, and English Language Arts.
 - Measureable Student Outcomes
 - The petition lists four overarching outcomes and eight additional student outcomes, plus four additional non-student outcomes. The four major student outcomes include performance measures (API, AYP, assessment participation rate).

- One of the performance expectations (“All subgroups will make at least 80% of the school’s overall growth target”) does not match current state methodology and is no longer the comparable improvement metric within API. The outcome should state that all subgroups will meet their specific improvement targets.
 - Most of the outcomes described by Thrive specify schoolwide performance goals that students will achieve over time (e.g., reach 840 API within five-year term of the charter; progress on level on the CELDT; maintain 95% ADA) but some do not list specific performance expectations. For example, “students will demonstrate mastery of grade-level standards” does not specify how mastery will be measured and what the performance expectation is in terms of number or percentage of students and/or progress or growth.
 - The student outcomes goals listed on pages 85-86 of the petition do not fully align with the measurable outcomes listed in the assessment matrix shown on page 90 of the petition; therefore, it is difficult to determine whether there are specific assessments aligned to each outcome.
 - Assessment tools shown in the matrix are very general (e.g., California State Test, pre- and post-diagnostics, in-class assessments); while the narrative on pages 35-37 and 84-85 of the petition better identify some specific assessments and how assessment results will be used to guide and modify instruction. Due to the inconsistencies between various tables and the narrative, it is difficult to assess which tools will actually be utilized by the charter school.
 - The narrative, on page 85 of the petition, states that “Thrive will pursue for all students the academic and social outcomes summarized in the following table, including focus content areas, methods and frequency for measuring academic progress, and specific benchmarks for student performance.” It is unclear which table is being referred to; there does not appear to be a table that includes all of this information, particularly the frequency for measuring academic progress and specific benchmarks for student performance.
 - There does not appear to be an acknowledgement that the exit outcomes and performance goals may need to be modified over time.
3. *The petition does not provide a clear picture of what students not achieving at or above expected levels will experience in terms of structure, materials, schedule, assessment and outcomes.*
- A goal of Thrive is to “ensure that as each student masters the new Common Core standards across each discipline, we also develop each student’s confidence and passion for learning.” The petition does not include information on the approaches and strategies to be used to ensure that students “master” the Common Core standards. It also does not identify what evidence will be collected to determine whether students have mastered the content.
 - The petition does not clearly state what it means for a student to be “at risk” of mastering a standard.
 - According to the petition, students “at risk” of not mastering content will receive assessments, differentiated instruction, scaffolding, alternative assignments, and tutoring. If these “strategies” fail, then the student will be referred to the Study Success Team (SST). There is no mention of Tier II or Tier III supports prior to sending the child to SST. Under the heading “Special Education Strategies for Instruction and Services,” the petition outlines the three Tiers of an RTI program.

However, Response to Intervention is a general education support and should not be identified exclusively in the special education portion of the petition.

- The strategies of RTI mentioned under Special Education are vague (i.e. small group and individualized instruction) and are not qualitatively or quantitatively different from Tier 1 instruction.

4. *The petition does not clearly describe the plan for assessing and measuring student progress.*

- The petition names and lists assessment tools that might measure the identified student outcomes, but does not describe minimal performance levels beyond “demonstrate mastery” or “achieve proficiency.”
- Multiple progress measures are listed in the petition on a matrix, but it does not clearly indicate how these measures are or will be aligned to the common core standards and other content standards, nor does it indicate the validity and reliability of the measures and their appropriateness to the standards and skills they seek to measure.
- There are assessments identified in the narrative that are not clearly connected to the assessment tools listed in the associated matrix. For example, the narrative identifies DRA2 and MAP assessments and Pearson GRADE and GMADE, but these are not called out specifically within the assessment matrix.
- No specific tools are listed for students with disabilities other than meeting IEP goals, and the petition does not indicate how these students will be included in other assessments and expected to meet state standards.

5. *The petition does not clearly describe a plan for how the school will meet the needs of English Language Learners by helping them gain English proficiency and also make progress in all academic subjects.*

- While the petition identifies six key strategies for teachers of English learners, it does not describe any targeted English Language Development (ELD) support to be used specifically for English Learners.

B. The petition does not contain reasonably comprehensive descriptions of the elements described below:

1. *The petition fails to adequately describe the educational program to be provided at the Charter School. The findings listed under Section A above are hereby incorporated by reference to support this conclusion.*

2. *The petition does not specify the location of a Charter School facility that the petitioner proposes to operate.*

- The petition discusses facility requirements in a generalized sense, which appear reasonable based on projected student enrollment, but fails to provide any specific planned or potential sites. Without sufficient detail, we cannot assess compliance with facility standards.

3. *The petition fails to adequately describe the retirement system that will be offered to employees.*
 - The petition states an intention to participate in STRS for eligible staff, but there is no reference to a retirement plan for non-STRS eligible employees, which leaves it unclear whether or not they plan to participate in PERS.
 - The petition states that they may choose not to participate in STRS, in which case a 403(b)/401(k) plan will be offered, but does not describe the circumstances under which the board would choose not to participate in STRS.
 4. *The petition fails to adequately describe the closure procedures that will be used.*
 - The petition does not address the disposition of all net assets. It describes how both restricted assets and donated materials will be addressed, but does not include a description of how unrestricted net assets will be disposed.
- C. The petition contains a number of other deficiencies not specifically listed in the findings above. These findings are not intended to be exhaustive, and should not be interpreted to suggest or imply approval of any aspect of the petition not specifically addressed.**



SAN DIEGO COUNTY OFFICE OF EDUCATION

6401 LINDA VISTA ROAD, SAN DIEGO, CALIFORNIA 92111-7399 (858) 292-3500

Superintendent of Schools
Randolph E. Ward, Ed.D.

March 28, 2014

To: Nicole Assisi, Lead Petitioner, Thrive Public School
Cindy Marten, Superintendent, San Diego Unified School District

From: County Superintendent of Schools

Re: Transmittal of Resolution Denying the Charter School Petition to Establish Thrive
Public School

Enclosed is a certified copy of San Diego County Board of Education Resolution
#2014-07, Denying the Charter School Petition to Establish thrive Public School, which was
adopted March 27, 2014.

If you have any questions, please contact Erin Garcia, Consultant, Business Advisory Services,
at erin.garcia@sdcoe.net or (858) 292-3810.

Randolph E. Ward, Ed.D.
County Superintendent of Schools

By


Lora L. Duzyk, Deputy

REW:LLD
cc: Deidre Walsh, Manager, Office of Charter Schools
Enclosure

Board of Education

Mark C. Anderson Susan Hartley Sharon C. Jones Lyn Neylon Gregg Robinson

SERVICE AND LEADERSHIP

**SAN DIEGO COUNTY BOARD OF EDUCATION
RESOLUTION #2014-07**

**DENYING THE CHARTER SCHOOL PETITION
TO ESTABLISH THRIVE PUBLIC SCHOOL**

WHEREAS, the Charter Schools Act of 1992, set forth at Education Code section ("Section") 47600 et seq., (the "Act") provides for the establishment and operation of publicly-funded charter schools in the State of California; and

WHEREAS, pursuant to Section 47605 of the Act, a school district governing board may approve a petition for the operation of a charter school that will operate at one or more sites within the geographical boundaries of the school district; and

WHEREAS, pursuant to Section 47605(j) of the Act, if a charter petition is denied by a school district governing board, the petition may be submitted on appeal to the county board of education, which board shall review the petition pursuant to the criteria and standards set forth in Section 47605(b) and take action to either grant or deny a petition; and

WHEREAS, on or about November 13, 2013, lead petitioner ("Petitioner") for the proposed Thrive Public School ("Charter School") submitted a charter petition ("Petition") to the San Diego Unified School District ("District") for the establishment of a new charter school; and

WHEREAS, pursuant to Education Code section 47605(b), the District governing board denied the Petition on January 7, 2014, and made findings of fact in support of that denial; and

WHEREAS, on or about January 27, 2014, the Petitioner submitted the Petition to the San Diego County Board of Education ("Board") on appeal from the District's denial; and

WHEREAS, administrative staff of the San Diego County Office of Education ("SDCOE") reviewed and analyzed the Petition and supporting documentation to determine, with the assistance of legal counsel, whether the Charter Petition satisfies the legal criteria and standards set forth in Section 47605(b); and

WHEREAS, the Board held a duly noticed public hearing on February 12, 2014, at which time the Board considered the level of support for the petition, and received information from the Petitioners and the San Diego Unified School District; and

WHEREAS, the Board held a public meeting on March 27, 2014, to receive comments and analysis from San Diego County Office of Education staff, and to further consider the Petition and to grant or deny the Petition;

**NOW, THEREFORE, THE SAN DIEGO COUNTY BOARD OF EDUCATION
HEREBY FINDS AS FOLLOWS:**

Section 1. The recitals above are true and correct.

Section 2. The comments and discussion of the Board members and administrative staff at the meetings of February 12, 2014, and March 27, 2014, regarding the Petition are hereby incorporated by reference and serve to support the Board's action.

Section 3. The "Findings in Support of the Staff Recommendation to Deny the Petition to Establish Thrive Public School," attached hereto as Exhibit "A" and incorporated by this reference, are expressly adopted by the Board as its own findings to support the Board's action.

Section 4. The Board generally concurs with the decision and findings of the District's governing board, but makes the following independent findings based on review and analysis of SDCOE staff and legal counsel: (a) the Petition presents an unsound educational program for the pupils to be enrolled in the charter school; and (b) the Petition fails to contain reasonably comprehensive descriptions of certain aspects of its programs and operations as required by the California Education Code.

NOW, THEREFORE, BE IT RESOLVED BY THE SAN DIEGO COUNTY BOARD OF EDUCATION that the Charter Petition is hereby DENIED based on the findings set forth in this Resolution.

PASSED AND ADOPTED by the San Diego County Board of Education this 27th day of March, 2014, by the following vote:

- AYES: Jones, Neylon, Robinson
- NOES: Anderson, Hartley
- ABSTAIN: None
- ABSENT: None

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

I, Randolph E. Ward, Secretary of the Governing Board, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by said Board at a regularly called and conducted meeting held on said date.

Dated: 3/28/14



Randolph E. Ward, Ed. D.
San Diego County Superintendent of Schools



VIA: E-MAIL
3/27/2014

Board of Education and Superintendent
San Diego County Office of Education
6401 Linda Vista Road
San Diego, CA 92111-7319

Re: San Diego County Board of Education Findings for Thrive Public School Charter Petition

Dear President Hartley, Board of Education Members and Superintendent Dr. Ward:

The purpose of this letter is to respond to the draft Resolution prepared by the San Diego County Office of Education ("SDCOE") and its attached findings ("Findings") recommending denial of the Thrive Public School ("Thrive") charter. Based on the information provided, we respectfully ask the San Diego County Board of Education ("Board") to approve the Thrive charter.

Short Summary of Response

Educational experts throughout the country have reviewed Thrive's educational program, resulting in Thrive being selected over three-hundred school proposals nationwide to win the highly competitive Next Generation Learning Challenge; and receiving grants from the Broad Foundation, the Girard Foundation, the Bill and Melinda Gates Foundation, the Public Charter Schools Grant Program and the Charter School's Growth Fund. A primary concern of all of these reviewers and entities has been whether Thrive could provide an educationally successful program. Certainly differences of opinion can exist, but in this case, Thrive has raised over a million dollars in grants in support of its educational program and the successful administrative experience of its leadership after thorough vetting, interviews, and competitive processes. The SDCOE staff Findings also represent a valuable review of the charter petition, but unfortunately, the process does not allow for dialogue that we believe would easily satisfy the points raised in the staff report. In fact, Thrive was specifically told in its Capacity Interview that the SDCOE interviewers were not expert in instruction and thus discussions regarding instruction should be limited. As such, the Findings represent SDCOE opinion without having action to get clarity on any further information from our team.

The law was not designed to allow mere differences of opinion to form the basis of a denial of a charter. Instead the law encourages the establishment of charter schools, requiring approval unless written factual findings, specific to the petition, setting forth specific facts to support one or more lawful basis of denial are made. Here, the Findings hold the charter to a legal standard that does not exist, mistaking opinion and conjecture for fact. Over four hundred letters of support for Thrive have been provided to the County Board. **We respectfully ask the Board to consider the law, the opinions of experts across the country supporting Thrive, and the successful experience of the Petitioners before taking an action that would prevent the increased learning opportunities, and different and innovative teaching methods that Thrive seeks to provide to the students of this County.**

Legal Standard For Denial of a Charter

The County's review of the charter is subject to the provisions of Education Code Section 47605(b):



Pursuant to Education Code Section 47605(b)(5), the San Diego County Board of Education may not deny a charter petition unless it makes written factual findings specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the 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) of Education Code Section 47605.
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) of Education Code Section 47605.
- (5) The petition does not contain reasonably comprehensive descriptions of all of the elements described in Education Code Section 47605(b)(5)(A)-(P)

Furthermore, Education Code Section 47605(b) provides the following guidance:

In reviewing petitions for the establishment of charter schools pursuant to [Education Code Section 47605(b)], the chartering authority shall be guided by 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.

The State Board of Education has additionally adopted regulations, Title 5 California Code of Regulations Section 11967.5.1, which further define the provisions of Education Code Section 47605 for its review of charter appeals. Significantly, Section 11967.5.1(b) defines “unsound educational program” as follows:

- (1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.
- (2) A program that the SBE determines not to be likely to be of educational benefit to the pupils who attend.

Here, the Findings presented do not support any lawful or reasonable definition of “unsound educational program” and thus cannot lawfully form the basis for denial of a charter.

Educational Program

With all due respect, we believe the San Diego County Office of Education (SDCOE) reviewers of the Thrive petition have failed to understand the very foundation of our program, described consistently and in tremendous detail: at Thrive, our approach is truly individualized and focused on each and every student and his/her personal talents and needs. There appears to be some confusion about our use of



the term “mastery-based learning,” and our desire to ensure that students achieve mastery. We perhaps erroneously assumed that this terminology was commonplace, and acknowledge that it is not plainly defined in the petition. In essence, our emphasis on mastery-based learning is an emphasis on proficiency for all students. Mastery is not necessarily based just on teachers and students spending time on a particular concept or task. Rather, in mastery-based learning, teachers rely heavily on assessments to ensure that each and every student has achieved the desired learning goals from a particular lesson before that student moves on to the next. For some students, this will mean reteach, or going about the learning in a different way. The varied strategies and instructional approaches Thrive will utilize to achieve mastery for all of its diverse students is detailed quite thoroughly throughout the petition.

We disagree wholeheartedly with the County staff’s characterization of certain sections as “deficient.” As detailed below, **each and every one of these findings is clearly refuted by the content of the petition, with the sole exception of one sentence that was inadvertently left in during an editing process referencing a table that does not exist (yet still substantively inconsequential).** We note that the San Diego Unified School District staff (12 different departments) and school board did not find a single aspect of our educational program “deficient” – in fact, the SDUSD staff had recommended our petition for approval before it was denied on a 3-2 vote. (See previously sent letter from Thrive dated Jan. 27, 2014 detailing our responses to SDUSD vote of denial on specious grounds.)

It is true that our petition in many respects does not mirror a typical public school structure – we do not focus our attention of different treatment and strategies for different subgroups (English Learner, students with special needs, gifted, at-risk of low achievement, etc.) because we simply do not focus on sub-groups. We focus on individual children, and each student’s “mastery” of content and achievement of learning objectives. We fully embrace the leading thinking in education today and reject an antiquated “one-size-fits-all” approach to instruction – this belief carries through all aspects of our program. We do not have typically prescribed structures and formats in which our students must learn; rather, our entire school design is intended to adapt to each child’s needs and present myriad strategies and opportunities for students to succeed. We realize that for some, this is a revolutionary approach to public instruction, but we are quite confident that our model is supported by best practices in education today and the needs of our 21st century.

Thrive has already received national attention via prestigious grants and presentations, and no one has questioned the experience and expertise of our highly accomplished team, our fiscal plans and stability, and, until now, no one has questioned the excellence of our proposed instructional program. We urge SDCOE staff and Board to reconsider these findings, in light of our responses below, and partner with Thrive in establishing a school that will serve as a model for 21st century education.

Responses to Specific Findings

Below, please find the Findings prepared by SDCOE staff in red bold text, with Thrive’s response immediately following in black italicized text.

FINDING: The petition to establish the Thrive Public School (“Thrive” or “Charter School”) fails to clearly identify how the mission and vision of the school aligns with the needs of the target student population.

The mission, vision and description of the population to be served do not mention any specifics about the needs of the population, particularly English learners, Students with Disabilities or



socioeconomically disadvantaged students. There is no connection between how the mission and vision align to meet the specific needs of their target population.

RESPONSE: *We respectfully ask that SDCOE reconsider this finding, as it is clearly based on a fundamental misunderstanding of our program. Thrive's mission, vision, and description of the target population are rather thoroughly detailed and singularly focused on the diverse needs of individual students, regardless of what those needs may be. As our petition explains, we believe that every child learns differently and has unique needs from the next, regardless of his or her subgroup classification, and that a child's status as an English Learner or experience in a socio-economically disadvantaged family does not define his or her needs or his or her ability to succeed.*

Thrive's mission and vision statements clearly emphasize our intention to provide a "highly individualized" program to meet the needs of "diverse students," noting repeatedly how our program will adapt to meet individual students' needs:¹

*Thrive Public School will innovate, adapt and expand the concept of a 21st century school by leveraging technology and collaboration to provide a rigorous and **highly individualized** K-8 academic program for **diverse students in the southwest area of San Diego Unified Sub-District B**. The foundation of our program is the concept of Aristotle's Phronesis: it is not enough to have knowledge; we must know what to do in context and with thoughtful deliberation. Thrive will create a cost-effective new paradigm for public education **to help all students** meet high expectations for long-term growth and success as we:*

***INNOVATE** and model the Common Core through an authentic **student-centered**, mastery-based approach that integrates Project-Based Learning, Blended/Targeted Learning and a "whole child" approach via Exploratory Learning to ensure students gain "real world" understanding of content and learn how to learn;*

***ADAPT** by ensuring that our highly qualified educators have the time, resources, skills and support to **meet individual student needs based on data, inquiry and ongoing reflection** to offer a truly **individualized program for each and every student**, including multiage grouping, looping and team teaching **to best meet students' needs**;*

***EXPAND** the concept of school beyond school walls to incorporate Family-Facilitated Learning at home, and beyond core academics to include Social/Emotional Learning as students work both individually and collaboratively, adapt to new challenges, and employ solid decision-making and self-regulation in the pursuit of ambitious goals.*

(Petition p. 10 (emphasis added).)

The description of our Target Population includes six detailed pages of statistics, data and narrative description about the incredibly diverse community we intend to serve, including a broad range of race/ethnicity (51.5% White, 24.3% Hispanic, 12.8% Asian, 6.7% Black), family income (ranging from

¹ We also note that charter schools rarely make specific references to specific sub-group populations in their mission statement.



4.8% to 24.7% of families below the federal poverty line in the four covered zip codes), and a detailed analysis of 19 existing public schools in the target area, noting contrasts between the local population and the population of students served as these schools (e.g., disproportionate numbers of Latino and low-income students). (Petition, pp. 11-18.)

On pages 19-22, Thrive then detailed precisely how our unique and innovative instructional model will serve this diverse mixed-race, mixed-socioeconomic target population:

Like many in education reform, we believe that models of education developed during the industrial age and still in effect today are outdated and impractical for our ever-changing, rapidly developing global economy. We believe education is not simply about drilling students to learn concrete facts and skills found in standardized tests, but rather that a 21st century education, in order to be truly successful for both students and our nation's future, must emphasize aptitudes such as problem-solving, critical and creative thinking, inquiry, collaboration, communication and invention. While these aptitudes necessarily depend on a foundational knowledge base that is detailed in content standards, we believe the strongest value in education is learning how to learn. Thus, our overarching goal is to ensure that as each student masters the new Common Core standards across each discipline, we also develop each individual student's confidence and passion for learning.

"If we teach today as we taught yesterday, we rob our children of tomorrow." –
John Dewey, Democracy and Education (1944).

At Thrive, our hybrid model of instruction will incorporate an integrated approach based on the best thinking in education today – learning will be both active and personalized. Students will acquire knowledge by doing and experiencing learning through hands-on, personalized inquiries and expressions of learning through a highly engaging project-based learning model that emphasizes critical thinking and problem-solving abilities crucial for success in secondary school, college and the global workforce. A visitor to our school will notice how incredibly active our students are – these are not students sitting quietly in rows as teachers lecture, but rather students are seen debating ideas energetically, collaboratively creating machines and models, and expressing their interpretations of literature through art. Student work will be continuously showcased and celebrated in culmination exhibitions of project work in which families and community members come see student presentations of their learning. Our students will be engaged, inspired and motivated to learn.

Similarly, instruction will be targeted to the needs of the student, with intensive individualized instruction through blended learning, one-on-one and small group instruction, and a constant review of student achievement data. We believe every child can meet high expectations for success – beyond "proficiency" in core subjects – if the school/instructors adapt to meet individual students' needs, rather than expecting students to adapt to the school's needs. The core



tenets of our model (described in more detail in Section IV.C. Teaching Methodologies, below) are based on “best practices” and leading innovations in public education.

(Petition, pp. 19-20 (emphasis added).)

Similarly, on p. 63:

*Our integrated instructional approach – Project-Based Learning, Blended/Targeted Instruction, Family-Facilitated Learning and Social/Emotional Learning – are all intended to ensure that each and every student’s individual learning needs and learning styles are a central focus in the learning process at Thrive. Our mastery-based approach ensures that students will progress at their own pace, receiving targeted support and instruction as needed to ensure they master content before moving on. **Through this differentiated and highly personalized learning program, our special needs populations (EL, Gifted, At-Risk of Low Achieving, Low Socioeconomic and Special Education) will automatically receive focused attention to their needs and strengths as teachers implement individualized instruction based on data-driven assessments.** In addition, the following assist in meeting students’ individual needs:*

- Multiage grouping and looping (same teacher for two years) which allow the teachers to truly know their students;*
- Ample instructional planning time so that teachers can collaborate and create lessons and curriculum to meet the needs of individual students;*
- A culture among teachers of openness and collaboration, including team planning sessions and weekly professional development activities, allowing teachers to learn from each other’s varying expertise in handling learning differences;*
- An emphasis on communication between teachers and parents, including the Family-Facilitated Learning program, and a commitment to work together for the education of their children;*
- Various forms of online, project-based and benchmark assessments that are used to guide instruction;*
- Learning goals and objectives that are clearly articulated; and*
- High expectations for all students.*

Thrive will carefully establish procedures and sufficient staffing to ensure the needs of all students are met, including those who need additional support beyond the classroom to meet grade level standards.

Here, the Finding presented is utilized by SDCOE staff to support a denial on the legal basis of an “unsound education program.” Title 5 Section 11967.5.1 defines an “unsound educational program” as one that is (1) A program that involves activities that would present the likelihood of physical, educational, or psychological harm to the affected pupils; or (2) A program that is not to be likely to be of educational benefit to the pupils who attend. Here, the Findings related to the mission and vision of Thrive are factually incorrect and certainly, even if true, would not reasonably rise to any conclusion that



Education Program is “unsound” as defined by the Section 11967.5.1. Thus, they may not be used to

CONCLUSION: *The Thrive petition details extensively how the instructional program will meet the needs of each and every individual student served, and thus is not a proper or lawful basis for denial of this petition.*

FINDING: *The petition clearly identifies the research behind the five “teaching methodologies” (1- project based learning, 2-blended learning, 3- exploratory learning, 4-family-facilitated learning, 5-social emotional learning) proposed to be used. The petition does not explain how these teaching methodologies will work together to specifically meet the needs of the schools’ target students.*

RESPONSE: *Again, we acknowledge that our model is unique, and does not follow typical public school structures. Yet our petition devotes more than 60 pages (pp. 21-54, pp. 66-82, pp. 84-91) to explaining our “hybrid” approach to learning and the integration of multiple “best practices” instructional strategies to achieve success for each and every student in an individualized, tailored program based on his/her identified needs over time. As detailed in Thrive’s sample bell schedules (p. 60), each day is broken into sections of devoted single-subject instructional time and collaborative project-based time. The descriptions of the five teaching methodologies (pp. 28-43) correlate directly to the sample instructional time and student needs:*

Project-Based Learning (inter-disciplinary, hands-on application of learning, with alternating focus on science and social science) is given dedicated time in our bell schedule, as explained in the petition:

While many schools today incorporate some aspect of project-based learning, at Thrive, projects will offer two key elements: First, our projects will be comprehensive and all-encompassing – projects are not a side element of our curriculum or minor portion of the instructional schedule, but rather a core part of student learning that permeates and integrates activities at our school. This enables students to make real connections between subjects and deepen their understanding of skills and content. Faculty will carefully plan and detail all aspects of projects before starting, including alignment to standards across all subject areas. During common planning time, teachers will collaboratively create projects using a common project planning template and resources from experts such as the Buck Institute, and then use ongoing student achievement data to continuously refine their plans to ensure the needs of each individual student are being met.

(Petition, pp. 29-31.)

Blended/Targeted Learning is described as “A critical tool in our effort to personalize learning for each student...” (p. 32.) Explicit, direct instruction, along with interactive online practice and drills are a critical component of our program, particularly in ELA and Math (each allotted specific time in the daily schedule), as discussed extensively in this section. Our petition includes several pages detailing the benefits of tech-assisted differentiated instruction for all learners, identified more than a dozen specific tech-based curriculum programs by subject areas, and includes specific discussion of those with special needs. (pp. 32-37.)

Exploratory Learning (8 week mini-classes in the arts, tech, and more), like project-based learning, has dedicated time in the daily schedule. As we explain in detail, we believe this “whole child” approach beyond the four core academic subjects is critical for young students. Our offering arts, technology, PE



and more is truly no different than most schools, and we are confident that we have clearly explained the role these courses will play. (pp. 37-39.)

Family-Facilitated Learning is perhaps the most unique aspect of our program, as of course many schools today utilize project-based learning, blended learning and enrichment/exploratory learning in their programs. But again, we have explained in great detail our concept of providing students with “high-quality learning activities at home” rather than “homework,” and our efforts to engage families actively in school life as partners in their children’s education. (pp. 39-41.) Our schedule notes Optional Tutoring time both before and after school, as another means of critical support for our students to ensure individual success.

Finally, Social-Emotional Learning is again not unique to Thrive, and on pages 41-43 we detail strategies such as Multiage Grouping, Looping, and our Community Agreements (tied in with our Habits of Heart and Mind). Again, this important instructional strategy is given dedicated time in our schedule, via one hour each day of Morning and Afternoon Meetings at the start and end of each day.

Again, here, the Finding presented is utilized by SDCOE staff to support a denial on the legal basis of an “unsound education program.” Title 5 Section 11967.5.1 defines an “unsound educational program” as one that is (1) A program that involves activities that would present the likelihood of physical, educational, or psychological harm to the affected pupils; or (2) A program that is not to be likely to be of educational benefit to the pupils who attend. Here, the Findings related to the five core teaching methodologies of Thrive are factually incorrect and certainly, as demonstrated above, and even if true, would not reasonably rise to any conclusion that Education Program is “unsound” as defined by the Section 11967.5.1. Thus, they may not be used to support a lawful basis for denial of a charter.

CONCLUSION: *Thrive has thoughtfully addressed how its five core teaching methodologies will work together to specifically meet the needs of the schools’ target students; this is not a proper or lawful basis for denial of the petition.*

FINDING: *The petition does not provide a clear picture of what a student who attends the school will experience in terms of structure, materials, schedule, assessment and outcomes.*

The petition identifies published instructional programs for each subject area (Lucy Calkins Reading/Writing Project, Foss Science, etc.) and includes copied pages from those programs in the appendix. However, there is no indication of how these specific programs fit into schools’ instructional design (Project Based Learning/Blended Learning/Exploratory Learning/Family-Facilitated Learning and Social Emotional Learning).

RESPONSE: *On pages 44-54 of the petition, Thrive details rather specifically how each of the chosen curricular programs aligns with our model of instruction and the Common Core.*

Teachers will implement an academically challenging and integrated curriculum, incorporating Common Core Standards while focusing on the innovative instructional approaches and direct instruction as detailed above. At all times, Thrive will ensure that lesson planning, instruction and assessments reflect the full scope of the California Content Standards and Common Core Standards by grade level. Purchased curricular materials will be used as a basis upon which teachers will build. (See Section IV.E Textbooks and Other Instructional Resources, below and Appendix A for further details.)



Most importantly, the key to our instructional methodologies is a focus on individualized instruction, tailored to meet the needs of students. We believe that all children can and will achieve state standards mastery, regardless of their background or circumstances. The challenge as educators is to discover the means with which to help each individual child achieve his or her full potential. By using these active learning strategies, a strong focus on data and ongoing multi-faceted assessments to inform instruction, we are confident that all sub-groups and individual students will succeed. (p. 44.)

The integrated curriculum at Thrive will provide daily occasion for teachers to “take every opportunity to link reading and writing to other core curricula, including history, social science, mathematics, science, and the visual and performing arts, to help students achieve success in all areas.” To support teaching the standards, teachers will use the Reading / Language Arts Framework; A Look At Kindergarten Through Grade Six in California Public Schools; and A Look at Grades Seven and Eight in California Public Schools: Transitioning to the Common Core State Standards in English Language Arts and Mathematics for planning and guidance. The framework will also be used as a reference guide during the selection of instructional materials and for professional development activities. (p. 44.)

As detailed in the petition, Exploratory Learning is electives and enrichments, Family-Facilitated Learning is home-based learning rather than “homework,” and Social-Emotional Learning relates to students’ psycho-social development via school meetings, Habits of Heart and Mind, and strategies such as multiage grouping and looping. Thus, this comment indicates lack of understanding of these instructional strategies and is misplaced in reference to specific published curriculum in core subjects that Thrive will use. The petition does include, however, a wealth of details about how Project-Based Learning and Blended Learning (including a detailed list of specific on-line programs that will be utilized, by subject – p. 33-34) will align with these published resources. Foss, for example, is perhaps the most commonly used hands-on science curriculum in California, and is directly aligned with our project-based learning model, as are History Alive! and Social Studies Alive! for social science. In the instant case, SDCOE has failed to provide facts to support any legal definition of “unsound educational program” as defined in Section 11967.5.1. Thrive has provided extensive detail as to the student experience and instructional design and thus, these Findings cannot be utilized to support a lawful basis for denial.

CONCLUSION: *This finding is simply erroneous, and may not be used as a lawful basis for denial of the petition.*

FINDING: *Two curricular areas are not aligned to Common Core. The writing types and genres are not those identified by Common Core, and the mathematics curriculum is not in alignment with common core middle school curriculum.*

RESPONSE: *At the time this petition was originally submitted, many curriculum providers in California (and beyond) were working diligently to publish their Common Core-aligned curriculum for California schools. The petition makes clear repeatedly that, “At all times, Thrive will ensure that lesson planning, instruction and assessments reflect the full scope of the California Content Standards and Common Core Standards by grade level. Purchased curricular materials will be used as a basis upon which teachers will build.” (See, e.g., p. 44.) Furthermore, the curriculum detailed throughout the petition, with its emphasis on critical thinking skills and inquiry-based learning is actually more aligned with the Common Core than most public schools in California today.*



Furthermore, one of our Founding Teachers is a national instructor in Common Core Instruction, training other teachers on the implementation of the Common Core standards.

Accordingly, there are no facts to support a finding that Thrive's curriculum, as implemented, will not be aligned with the Common Core State Standards. Facts and not conjecture are required to support a lawful basis for denial pursuant to Education Code Section 47605(b).

CONCLUSION: Again, this finding is simply erroneous, and thus may not be used as a lawful basis for denial of the petition.

FINDING: When referring to "Project Based Learning," the petition states, "instead of treating each subject as an isolated silo, we recognize that in the real world, math, science, English Language Arts, history, technology and the arts all intersect." However, the tables of instructional minutes contradict the above statement, by showing "Project Based Learning" as blocks of instructional time, separate from exploratory learning, math, and English Language Arts.

RESPONSE: This finding is an error. The blocks of dedicated PBL time (focused on either Science or Social Science, as specified) are designed explicitly to ensure interdisciplinary learning time through projects, entirely consistent with our model and statements throughout the petition. We never state that PBL will be the sole method of instruction – to the contrary, we identify five different core instructional methodologies. As we also note,

"Explicit instruction – particularly in reading, writing and mathematics – will play an important role within the overall delivery of instruction. Skill-specific academic needs will be identified through formative and summative assessments and subsequently addressed through direct instruction. Phonics, reading fluency, reading comprehension, sentence structure, grammar, and arithmetic are examples of skill areas that will be introduced and reinforced explicitly by teachers working with students individually, in small groups, and as a whole class. Teachers will work with students, based on data, to provide "Just in Time Support" to focus lessons on what students actually need, incorporating CGI strategies (see Math, below) and realia." (p. 37.)

In this way, students will receive direct, explicit instruction in time slots dedicated to math and ELA, while also enabling students to apply their learning in hands-on interdisciplinary projects during dedicated PBL time. Exploratory Learning, as defined repeatedly in our petition, includes learning beyond the four core subject areas, "far more broadly in ensuring each and every student demonstrates a wide array of skills and talents that go well beyond literacy, math, science and social science – a "whole child" approach." (p. 37.) While aspects of Exploratory Learning (e.g., the arts) will also be incorporated into the PBL time block, we believe these important enriching activities deserve their own dedicated time allotments as well via 8-week mini classes detailed in the petition.

The SDCOE has misread and misunderstood the daily schedule as it was described. Had any of the instructional team members of the SDCOE participated in the capacity interview, the schedule could have been discussed in further detail. That said, the SDCOE's inaccurate interpretation of the daily schedule does not make the Educational Program unsound, particularly when you consider the definition of an unsound educational program as described in Section 11967.5.1, noted above.



CONCLUSION: *The misreading of our daily schedule is not a proper or lawful basis for denial of the petition.*

FINDING: Measureable Student Outcomes

The petition lists four overarching outcomes and eight additional student outcomes, plus four additional non-student outcomes. The four major student outcomes include performance measures (API, AYP, assessment participation rate).

One of the performance expectations (“All subgroups will make at least 80% of the school’s overall growth target”) does not match current state methodology and is no longer the comparable improvement metric within API. The outcome should state that all subgroups will meet their specific improvement targets.

RESPONSE: *Our “80%” reference is intended to state a goal that indicates our efforts to close the achievement gap. The following goal states, “Thrive will meet or exceed Adequate Yearly Progress goals, as required by NCLB.” AYP goals of course include specific annual subgroup goals. Thus, Thrive has clearly indicated that all subgroups will meet their specific improvement targets.*

CONCLUSION: *This finding is an error and not a proper basis for denial.*

FINDING: *Most of the outcomes described by Thrive specify schoolwide performance goals that students will achieve over time (e.g., reach 840 API within five-year term of the charter; progress on level on the CELDT; maintain 95% ADA) but some do not list specific performance expectations. For example, “students will demonstrate mastery of grade-level standards” does not specify how mastery will be measured and what the performance expectation is in terms of number or percentage of students and/or progress or growth.*

RESPONSE: *This finding includes a segment of a sentence, which, when fully read in context, is comprehensive. After detailing specific goals relating to state standardized test proficiency, the petition states, “In addition...” and goes on to detail other academic outcome goals. The full sentence that is excerpted above reads: “Students will demonstrate a mastery of grade-level standards **and designated outcome goals** in the areas of English Language Arts, mathematics, science, Social Science/History, and chosen electives in the arts.” As detailed extensively in Element 3, Thrive will use a variety of formative and summative assessment measures – both standardized/published assessments as well as teacher-designed rubrics:*

Tracking each student's growth in a holistic way is accomplished through a combination of the following:

- Progress reports that capture teacher, student and family reflections on development in both skills and habits of heart and mind*
- Adaptive assessment tool (see "MAP" section below) that is geared more towards measuring growth in skills, versus a one-time snapshot of proficiency provided by standardized tests*
- Student Presentations of Learning and Portfolios of Work provide tangible evidence of each student's growth over time in a way that honors each student for the unique individual that they are*



- *Ongoing observation and communication between students, teachers and families (p. 88).*

At this time, before enrolling a single student, it is impossible to define specific goals for student performance on specific rubrics, or growth goals – we do not yet know what the baseline is. Nor is this level of detail required in a petition. We note, however, that Thrive will track individual student growth continuously, as detailed in the petition:

Utilizing a data management system such as Illuminate, a leading provider in student data and assessment management (illuminateed.com) the school leadership will be able to track student growth on state standards and run analyses such as pivot tables to compare growth on two dimensions, correlation analyses (to address assumptions about student demographic factors and links to student achievement), and identify patterns of behavior and achievement that can be addressed through instructional and behavioral policies and practices. School leaders will also be able to access teacher efficacy in real-time, ensuring that teachers who are struggling to achieve intended outcomes in specific subject areas, or with specific students, receive targeted training, support and professional development to improve their teaching practice.

Section 11967.5.1(f)(2)(A) provides more information as to the level of detail required in the Section of the charter required Education Code Section 47605(b)(5)(B), "Pupil Outcomes":

Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.

As described above, Pages 84-87 adequately address the regulatory definition of a sufficient description of the Pupil Outcomes in the charter. As such, these Findings are inaccurate and may not be used to support a lawful basis for denial.

CONCLUSION: *Thrive has presented a very detailed and ambitious description of both its outcome goals and varied methods to measure attainment of those goals and growth over time, thus the language is reasonably comprehensive and the finding is not appropriate lawful basis for denial.*

FINDING: *The student outcomes goals listed on pages 85-86 of the petition do not fully align with the measurable outcomes listed in the assessment matrix shown on page 90 of the petition; therefore, it is difficult to determine whether there are specific assessments aligned to each outcome.*



Assessment tools shown in the matrix are very general (e.g., California State Test, pre- and post-diagnostics, in-class assessments); while the narrative on pages 35-37 and 84-85 of the petition better identify some specific assessments and how assessment results will be used to guide and modify instruction. Due to the inconsistencies between various tables and the narrative, it is difficult to assess which tools will actually be utilized by the charter school.

RESPONSE: *It is true that the chart on p. 90 is more generalized than the dozens of pages of detailed narrative about the instructional program and assessments that precede it. For example, the petition states:*

<i>Measurable Outcomes</i>	<i>Assessment Tools</i>
<i>Students will achieve proficiency in English/Language Arts</i>	<i>California State Test (CST)/CalMAPP Pre- and post-diagnostics In-class assessments Portfolios, presentations of learning, project exhibits and other authentic assessments</i>

Throughout the petition, detailed descriptions are provided for the regular and ongoing use of assessment data via various sources. For example, on p. 64, the petition states:

1. INITIAL ASSESSMENT

An entrance assessment, including a school-designed test derived from state standards and an English language assessment (where applicable) will be administered to all new students, and a baseline assessment will be administered to returning students. (See Element 2: Measuring Pupil Outcomes and Element 3: Methods for Measuring Pupil Outcomes for further details about assessments.) Throughout the year, teachers also will assess students through informal measures such as checklists, class work and observations, and through more formal means, such as STAR/CalMAPP testing and benchmark assessments both in writing and via online assessment (see also Elements 2 and 3, below). Throughout the year, formative and summative assessments, as well as data from computer programs will be reviewed during Wednesday shortened days and will be implemented during Flex Time on Thursdays (where teachers will group students based on data and provide just in time instruction).

On pp. 35-37, the petition states:

Our faculty will use a variety of assessments to measure individual students' attainment of state content standards and the objectives of our curriculum. Students will participate in several formal assessments each year, including the DRA2 and MAP diagnostic assessments. Official checklists and rubrics from the published curriculum programs and online resources such as ST Math and Achieve 300 will play a major role in teachers' determination of student achievement of standards mastery. Yet more informal assessment techniques will also play a major role. In kindergarten, for example, in order to find out how children are progressing, the teachers will observe the children engaged in a variety of events: children working on math manipulatives; using a pointer, children are



reading from poetry charts; the teacher sitting at a table with a small group of children presenting a mini-lesson or conferencing; and so on. Teachers will observe children as they are engaged in classroom activities and record their behaviors in an anecdotal record. These observations, along with student work samples over a period of time gathered in a portfolio, guide the instruction.

As students become increasingly able to produce independent work samples such as journal entries, written reports, project work and presentations, these products will also be evaluated by teachers. By the end of the third grade we expect that most students will perform at the proficient level or above in reading, writing and speaking according to the school's identified assessment measures. Ongoing assessment of daily work and formal evaluation using online assessments, scoring guides, tests and checklists will provide the teacher, parent and student with feedback on student achievement and progress. As students progress into and through middle grades, student evaluation will become more formal, including student-produced book projects, final draft writing, science experiments and presentations of research. Portfolios, public Presentations of Learning, and project Exhibits will be used to assess student growth and to assist both the student and the teacher in identifying the next steps for growth. Students will be assessed in a summative manner on a weekly basis in the form of a quiz, test (both written and online), essay, research paper, presentation or project.

b. Real Time Assessment Data

Perhaps most critically, online learning provides an invaluable level of efficiency in the way programs assess student content mastery via frequent and ongoing assessments. Programs such as ST Math and Achieve 3000 will be utilized at all grade levels to provide teachers and school leaders – and parents -- with frequent measures of student performance. As students use these programs, data is automatically generated for teachers to see which skills students have mastered, which require more instruction, and so on. These reports are tied directly to state content standards so that summative data shows student mastery of specific standards as well as diagnostic data about areas in need of further development. Teachers and school leaders can easily generate individual, sub-group, grade level and school wide achievement data in an efficient way, so that lessons, professional development of faculty and more can all be tailored directly to student needs.

This online data, in addition to a variety of formative and summative assessment tools (end-of-unit curriculum tests, informal checks, observation/dialogue, standards based quiz/test, open-ended prompts, performance tasks and presentations) will enable our faculty to develop and refine their instructional strategies and provide targeted support to ensure that each and every student is meeting the defined criteria for academic success.



c. Review of Student Achievement Data

At least monthly, the Director will facilitate data conferences to engage teachers in conversations, reflection, and planning based on student achievement data. In order to support this process, the school will systematically collect and analyze student data on key demographic, behavioral, and proficiency indicators. We will collect data through the implementation of a robust set of diagnostic and benchmark assessments that complement the state standardized test data (CST, CELDT, etc.) and provide continuous information about student progress towards standards. The school will implement diagnostic assessments such as the NWEA MAPS or Pearson GRADE and GMADE. These formalized diagnostic assessments will provide data at least three times per year that informs student grouping, lexile levels, math placement, intervention and enrichment needs, and pre- and re-teaching needs.

Furthermore, quarterly assessments aligned to the Common Core standards will provide ongoing data about students' real-time mastery of grade level standards. Formative diagnostics will be part of our daily teaching practice. Teachers and students will collaborate to set measurable goals that personalize individual achievements for students of varying abilities. Data-driven conversations will also focus on teacher-generated grades to ensure that grading policies are fair, equitable, and focused on student proficiency (as opposed to behavior, homework completion, or compliance).

...

We see a vital, next step in education to be creating tracking of student performance and assessment data. We want to measure what matters in K-16 student success. Specifically, we are envisioning a dashboard of metrics that aligns with a multi-faceted assessment tool culminating in a K-16 Success Indicator Dashboard (K16SID). Based on recent educational trends, research and 21st century needs, we believe that the factors that indicate students' success beyond K-12 are college and career readiness indicators, such as:

- Deeper Learning*
- Common Core Mastery*
- 21st Century Skills*
- Habits of Heart and Mind*

In order to effectively track these indicia over time in a meaningful way, we are working with Illuminate Education to develop a single comprehensive tool that will allow educators to compile and disaggregate data to support easy analysis and prediction of student success from Kindergarten through college. Measurements may include: Common Core assessments, End of Year Portfolios, developmental assets evaluations, satisfaction surveys, benchmarks, reading levels, course work completion, early college enrollment, academic achievement, attendance and demographic influences. We believe this system will provide a powerful tool to bring



together granular and nontraditional data to help inform instruction, improve schools and predict the success of students earlier in order to offer more effective early interventions and critical support programs. Such a tool could also provide students/family, staff, and more with an understanding of what students know, are able to do, and need, to reach their goals.

Data-driven conversations will be Director-led initially, but eventually will be the responsibility of departmental and grade-level leaders, who will develop the capacity to design common formative assessments, run data reports, and analyze data to inform instruction. Departments and grade levels will be provided with common planning time that they will use to examine data at least monthly. Even as the responsibility transitions to departmental leads, the Director will continue to supervise the use of data by teachers (through meetings with department leads and collection of data conferencing agendas and notes, and to monitor actual student progress through weekly examination of the data. In particular, the Director will monitor the progress of all subgroups (particularly language learners and special education students), and patterns of academic achievement or behavior that may indicate declining progress or inequitable outcomes among different sub groups. Any problematic data trends will be directly addressed through meetings with individual teachers and departments, and through the examination of policies that may be contributing to declining achievement or inequities. At all times, teachers will be expected to be able to articulate data patterns in their classrooms and describe what they are doing to raise the achievement of all students, and close any gaps that may exist.

Explicit instruction – particularly in reading, writing and mathematics – will play an important role within the overall delivery of instruction. Skill-specific academic needs will be identified through formative and summative assessments and subsequently addressed through direct instruction. Phonics, reading fluency, reading comprehension, sentence structure, grammar, and arithmetic are examples of skill areas that will be introduced and reinforced explicitly by teachers working with students individually, in small groups, and as a whole class. Teachers will work with students, based on data, to provide “Just in Time Support” to focus lessons on what students actually need, incorporating CGI strategies (see Math, below) and realia. (pp. 35-37.)

In addition, discussion of each core subject includes details about specific assessments that will be used by faculty within that subject to assess progress.

CONCLUSION: *In short, Thrive has proposed to utilize student assessments more intensively than the overwhelming majority of public schools in California, and well beyond the requirements of the Education Code or any regulation or policy. As described above, the language in the charter sufficiently aligns with the Education Code 47605(b)(5)(B) and (C) and Title 5 California Code of Regulations Section 11967.5.1. The finding that “Due to the inconsistencies between various tables and the narrative, it is difficult to assess which tools will actually be utilized by the charter school” is disingenuous, and may not form a lawful basis for denial of the petition.*



FINDING: The narrative, on page 85 of the petition, states that “Thrive will pursue for all students the academic and social outcomes summarized in the following table, including focus content areas, methods and frequency for measuring academic progress, and specific benchmarks for student performance.” It is unclear which table is being referred to; there does not appear to be a table that includes all of this information, particularly the frequency for measuring academic progress and specific benchmarks for student performance.

RESPONSE: *This reference on p. 85 is in fact an error. At the time of Thrive’s re-submission of its petition to SDUSD in early November 2013, there was some debate about whether a specific chart detailing requirements under the Local Control Accountability Plan should be included. Ultimately it was determined that this was not required for the petition. Nevertheless, as detailed in the section excerpted above, Thrive has provided extensive details about the various assessments that will be used and their frequency. Thrive will comply with all LCAP requirements as mandated by the new law and provide appropriately detailed plans by July 1st of each year. Sufficient details are nevertheless provided in Element 2:*

Thrive will adopt a comprehensive set of benchmarks for student and school outcomes that support the achievement of the school’s vision and mission, based on the state and common core standards, state priorities, and our definition of an educated person in the 21st Century. Full implementation of the educational program and frequent monitoring of student and school outcomes will ensure that the school is an academic success and is achieving all of its overarching goals. To make certain that the school’s primary goal of increased academic achievement for all students is met, student achievement data obtained from standardized assessments will be disaggregated annually to clearly identify the academic performance of students by sub-groups (e.g., by ethnicity, gender, English Learners, socioeconomically disadvantaged students, and students with disabilities).

Additional internal assessments, such as teacher-created, publisher and online assessment tools, will be analyzed individually by teachers and in collaborative groups during weekly planning in order to target student needs, identify program strengths and gaps, and to plan subsequent instruction. Throughout the year benchmark student achievement data will be analyzed among the school faculty during pupil-free professional development days.

Our faculty will use a variety of assessments to measure individual students’ attainment of state content standards and the objectives of our curriculum. Students will participate in several formal assessments each year, including the DRA2 and MAP diagnostic assessments. Official checklists and rubrics from the published curriculum programs and online resources such as ST Math and Achieve 300 will play a major role in teachers’ determination of student achievement of standards mastery. Yet more informal assessment techniques will also play a major role. In kindergarten, for example, in order to find out how children are progressing, the teachers will observe the children engaged in a variety of events: children working on math manipulatives; using a pointer, children are reading from poetry charts; the teacher sitting at a table with a small group of children presenting a mini-lesson or conferencing; and so on. Teachers will observe children as they are engaged in classroom activities and record their behaviors in an anecdotal record. These observations, along with student work samples over a period of time gathered in a portfolio, guide the instruction.



As students become increasingly able to produce independent work samples such as journal entries, written reports, project work and presentations, these products will also be evaluated by teachers. By the end of the third grade we expect that most students will perform at the proficient level or above in reading, writing and speaking according to the school's identified assessment measures. Ongoing assessment of daily work and formal evaluation using online assessments, scoring guides, tests and checklists will provide the teacher, parent and student with feedback on student achievement and progress. As students progress into and through middle grades, student evaluation will become more formal, including student-produced book projects, final draft writing, science experiments and presentations of research. Portfolios, public Presentations of Learning, and project Exhibits will be used to assess student growth and to assist both the student and the teacher in identifying the next steps for growth. Students will be assessed in a summative manner on a weekly basis in the form of a quiz, test (both written and online), essay, research paper, presentation or project.

. . . . The CEO, Director and faculty will be accountable for the academic achievement and psychological well-being of students. The Director is ultimately responsible for meeting target goals, and will be held accountable by the CEO and Board of Governors. The Director also will be accountable for meeting Adequate Yearly Progress as required by NCLB.

(Petition pp. 84-85.)

CONCLUSION: *While we regret this typographical error, it should not form the basis for a denial of the petition when sufficient information is clearly presented to ensure confidence in Thrive's commitment to assessing student progress above and beyond the requirements of the Education Code and Section 11967.5.1.*

FINDING: *There does not appear to be an acknowledgement that the exit outcomes and performance goals may need to be modified over time.*

RESPONSE: *Thrive specifically addressed the new LCAP requirements, which include annual plans detailing specific outcomes and performance goals. "Thrive will comply with all applicable laws and regulations related to AB 97 (Local Control Funding Formula), as they may be amended from time to time, including requirements relating to a Local Control and Accountability Plan (LCAP) pursuant to California Education Code §§ 47604.33 and 47606.5." (p. 85.)*

Here, the Findings seek to hold Thrive to a standard that is not required by law. Nothing in the Education Code or regulatory requirements require a set of goals that extend beyond the term of the charter. Furthermore the description of LCAP compliance clearly demonstrates Thrive's intention of updating goals and outcomes over time, annually.

CONCLUSION: *The charter complies with legal requirements. The SDCOE findings seek to apply a standard that does not exist in law. Accordingly, no lawful basis for denial exists.*

FINDING: *The petition does not provide a clear picture of what students not achieving at or above expected levels will experience in terms of structure, materials, schedule, assessment and outcomes.*



A goal of Thrive is to “ensure that as each student masters the new Common Core standards across each discipline, we also develop each student’s confidence and passion for learning.” The petition does not include information on the approaches and strategies to be used to ensure that students “master” the Common Core standards. It also does not identify what evidence will be collected to determine whether students have mastered the content.

RESPONSE: *In light of the findings above, we are unclear how it can be said that Thrive does “not include information on the approaches and strategies to be used” (see numerous references above to the five teaching strategies). Similarly, as we have detailed above, there is extensive information in the petition about the myriad forms of summative and formative assessments that will be used to measure student progress and proficiency levels. We can only assume that this finding is based on a misunderstanding of the concept of mastery-based learning, yet we believe we have already sufficiently addressed herein how each and every student at Thrive will be provided a highly individualized instructional program to ensure that they “master” – or achieve proficiency – stated learning outcomes.*

CONCLUSION: *As discussed above, the charter comprehensively addresses students who are low achieving or at risk of low achievement on pages 72 through 75. Thrive has more than adequately addressed the approaches and strategies to be used to ensure students master the Common Core standards and the collection of evidence to assess student mastery; this is not a proper or lawful basis for denial.*

FINDING: *According to the petition, students “at risk” of not mastering content will receive assessments, differentiated instruction, scaffolding, alternative assignments, and tutoring. If these “strategies” fail, then the student will be referred to the Study Success Team (SST). There is no mention of Tier II or Tier III supports prior to sending the child to SST. Under the heading “Special Education Strategies for Instruction and Services,” the petition outlines the three Tiers of an RTI program. However, Response to Intervention is a general education support and should not be identified exclusively in the special education portion of the petition.*

RESPONSE: *This finding misstates the purpose and involvement of Thrive’s SST. In fact, the petition states:*

Despite the many strengths of the school’s programs, methods, and organizational design, additional support may be necessary in instances when students are not making satisfactory academic progress or when their behaviors are impeding their own progress or the progress of others. On those occasions, a referral to the Student Success Team (SST) will open a new pathway of support to students. The purpose of the SST is to ensure that the school and community are doing everything possible to make students successful at school. The SST mobilizes and coordinates the school’s resources, and a request for assistance from the SST can be made by a teacher, administrator, parent or guardian. . . .

The SST process begins by reviewing the student’s progress and clarifying the student’s strengths and other known background information, and continues with a discussion of the concerns and the modifications and/or interventions that have been tried. The meeting concludes after an action plan has been prepared and agreed upon which includes modifications and supports to be provided by the teacher as well as other intervention strategies for the family to implement at home and outside of school, along



with a timeline for successfully implementing these interventions. Following the implementation of an SST plan and follow up, if concerns continue a second follow up meeting may be set where revisions to the original SST plan are discussed.

It is imperative to understand – and is repeatedly explained in our petition – that every child at Thrive will receive differentiated instruction, modifications of learning and “interventions” aimed at helping him/her succeed. There simply is not a “standardized” method of instruction at Thrive that will apply to all students. When properly read in context of our model, it is clear that “modifications and/or interventions” do not exist solely in the context of an Rtl structure or an IEP process, but rather permeate our entire instructional program.

Furthermore, pp. 71-74 detail Thrive’s approach to students who are “At-Risk of Low Achievement,” including several “best practices” (high expectations, reality-based teaching, cooperative learning, varied assessments, and direct instruction), identification of students at-risk of performing below grade level, several strategies and targeted supports, classroom modifications and tracking these students’ progress.

Grade level teams will ensure that modifications such as differentiated instruction, scaffolding, and alternative assignments will be used to address the needs of individual students. Throughout each school day, our model of instruction allows time for small group and individual instruction by teachers. In addition, students who are struggling will be referred to our tutoring program for additional instructional assistance. These interventions will be recorded in a log (or online database), which will document the length of time and effectiveness of the modification. (p. 64.)

Finally, we respectfully disagree with the characterization of RTI solely as a “general education support” – many schools implement RTI as a core component of their special education program, integrated with their general education program. “As detailed [here and] throughout this petition, Thrive will employ a highly individualized model of instruction for all students, which will benefit all students with learning challenges. Thrive will utilize a Response to Intervention (RTI) model, and will also comply with the federal mandate of the least restrictive environment (“LRE”).” (p. 79.) Our petition goes on to explain how Tiers 1 and 2 of RTI are effectively in use daily with all students in every classroom as part of our highly individualized model of instruction. We then note that Tier 3 is “an ongoing, long-term program of diagnostic and prescriptive teaching and could be thought of as special education.” (p. 79.)

CONCLUSION: *While Thrive’s proposed approach to students who are “at-risk” may differ from traditional schools’ approach, it is directly aligned with the “best practices” of dozens of high-performing charter schools in California, including those our school founders have helped lead (High Tech High, Camino Nuevo, Da Vinci Schools). The misreading and subjective interpretation of our strategies is not a proper basis for denial of our petition. As stated herein, a difference of opinion as to the sufficiency of the charter is not a fact upon which you may base a lawful denial of a charter. The level of description within the charter exceeds legal requirements and describes a sound educational program. The SDCOE finding is utilized here to support a finding that the charter presents an unsound education program. However, as described above, the regulatory standard under 11967.5.1 defines “unsound education program” as one that is not likely to benefit pupils or one that is psychologically, educationally, or physically harmful to pupils. Thrive’s approach to at-risk students has proven successfully, is well – researched, and thus cannot form the basis of a lawful denial.*



FINDING: The strategies of RTI mentioned under Special Education are vague (i.e. small group and individualized instruction) and are not qualitatively or quantitatively different from Tier 1 instruction.

RESPONSE: *Thrive's special education strategies are indeed directly aligned with its strategies for all students who are struggling or need additional supports – again, this is based on “best practices” in use at some of California’s highest performing schools. As we state in the petition,*

As detailed throughout this petition, Thrive will employ a highly individualized model of instruction for all students, which will benefit all students with learning challenges. Thrive will utilize a Response to Intervention (RTI) model, and will also comply with the federal mandate of the least restrictive environment (“LRE”). Thrive will mainstream all of its students as much as is appropriate according to each individual IEP. Each student’s IEP will require different kinds of modifications for instruction and services, therefore the educational strategies of the IEP will be built around the student’s needs and how these fit within the general educational program of the school.

Thrive will employ a variety of strategies to ensure student success for our Special Education such as those detailed extensively in the previous sections, and all will be in accordance with their IEP.

*Thrive may also contract with outside special education service providers depending on operational needs or specific requirements of the students’ IEPs. Some of the potential contracted services may include nurses, speech therapists, psychologists, autism behavioral or occupational therapists, and counselors. Thrive will reassess its special education staffing, service providers, methods, and strategies on a continuous basis to assure that all services provided are effective and of the highest quality.
(p. 79.)*

For example, in the earlier section of the petition detailing GLAD and SDAIE strategies for English Learners, the petition notes that these strategies will be utilized for all students and have proven beneficial beyond English Learners. (pp. 66-69.)

CONCLUSION: *Thrive’s petition meets and exceeds all legal requirements for its description of the manner in which RTI strategies will be utilized to serve all students through a highly personalized learning approach for all students; this finding does not properly sustain a lawful basis for denial of the petition. The language in the charter regarding RTI strategies is reasonably comprehensive and aligns with the instructional model described in the charter to maximize student success.*

FINDING: The petition does not clearly describe the plan for assessing and measuring student progress. The petition names and lists assessment tools that might measure the identified student outcomes, but does not describe minimal performance levels beyond “demonstrate mastery” or “achieve proficiency.”

RESPONSE: *As detailed above, Thrive has clearly and in great detail identified specific assessment tools that will be used across the curriculum and throughout the year, along with details about Thrive’s intensive use of student achievement data to monitor student performance. At Thrive, we have high*



expectations for all students, and will work to ensure that all students achieve proficiency and demonstrate understanding of the core content standards. While some schools may accept “Basic” skills as sufficient, our “minimal performance levels” are the same as the State of California’s. As the State rolls out new standardized assessments and measures of student performance, Thrive will of course adapt these same labels to refer to different levels of performance (e.g., Far Below Basic, Below Basic, Basic, Proficient and Advanced). Similarly, our nationally-recognized assessment tools detailed throughout the petition all include various scales and categorizations of student performance, including some that are nationally-norm referenced.

CONCLUSION: Failure to define a “minimal performance level” below state-mandated expectations is not criteria for review of the charter. Nothing in the law requires a charter school to set a minimum level of performance standards below state standards. As you can see from the regulatory language quoted above from Section 11967.5.1, the language provided in the charter exceeds the language required by law and thus cannot serve as a lawful basis for denial of the charter.

FINDING: Multiple progress measures are listed in the petition on a matrix, but it does not clearly indicate how these measures are or will be aligned to the common core standards and other content standards, nor does it indicate the validity and reliability of the measures and their appropriateness to the standards and skills they seek to measure.

RESPONSE: We are unclear if the SDCOE is questioning the validity of nationally-acclaimed assessments such as the DRA2, MAP, GRADE and GMADE, or the assessments embedded in published curriculum from providers such as Pearson or Houghton-Mifflin? In fact, in Element 2, as noted above, the petition states:

As a California charter school, Thrive will assume an increased level of accountability for all aspects of its programs and for achieving the goals described within the vision and mission of the school.

Thrive will adopt a comprehensive set of benchmarks for student and school outcomes that support the achievement of the school’s vision and mission, based on the state and common core standards, state priorities, and our definition of an educated person in the 21st Century. Full implementation of the educational program and frequent monitoring of student and school outcomes will ensure that the school is an academic success and is achieving all of its overarching goals. To make certain that the school’s primary goal of increased academic achievement for all students is met, student achievement data obtained from standardized assessments will be disaggregated annually to clearly identify the academic performance of students by sub-groups (e.g., by ethnicity, gender, English Learners, socioeconomically disadvantaged students, and students with disabilities).

Additional internal assessments, such as teacher-created, publisher and online assessment tools, will be analyzed individually by teachers and in collaborative groups during weekly planning in order to target student needs, identify program strengths and gaps, and to plan subsequent instruction. Throughout the year benchmark student achievement data will be analyzed among the school faculty during pupil-free professional development days.

Our faculty will use a variety of assessments to measure individual students’ attainment of state content standards and the objectives of our curriculum. Students will participate in several formal assessments each year, including the DRA2 and MAP diagnostic assessments. Official checklists



and rubrics from the published curriculum programs and online resources such as ST Math and Achieve 300 will play a major role in teachers' determination of student achievement of standards mastery. Yet more informal assessment techniques will also play a major role.

(p. 84.)

FINDING: There are assessments identified in the narrative that are not clearly connected to the assessment tools listed in the associated matrix. For example, the narrative identifies DRA2 and MAP assessments and Pearson GRADE and GMADE, but these are not called out specifically within the assessment matrix.

RESPONSE: Please see response addressed under Item 2, above. The use of a more generalized summary chart on p. 90 does not mean that the petition failed to clearly connect assessments to the program.

CONCLUSION: This is not a lawful or proper basis for denial.

FINDING: No specific tools are listed for students with disabilities other than meeting IEP goals, and the petition does not indicate how these students will be included in other assessments and expected to meet state standards.

RESPONSE: This has already been addressed under Item 3, above. Throughout the petition there are details about the use of varied assessments, strategies and interventions that will be used to assist all students (including those with disabilities) in meeting state standards. However, in accordance with the IDEA, each eligible student under the IDEA must also have individualized goals in his/her IEP, thus tying the outcomes of students with disabilities to IEP goals is both appropriate and necessary. Thus, this finding fails to form any lawful basis for denial of the charter and appears to be criticizing the charter for comprehensively describing goals and assessments for all students, including students with special needs.

CONCLUSION: This is not a lawful or proper basis for denial.

FINDING: The petition does not clearly describe a plan for how the school will meet the needs of English Language Learners by helping them gain English proficiency and also make progress in all academic subjects. While the petition identifies six key strategies for teachers of English learners, it does not describe any targeted English Language Development (ELD) support to be used specifically for English Learners.

RESPONSE: Thrive has detailed extensively its plans to utilize a "push-in" model for English Learners, based on "best practices" of similar schools serving similar populations. There is no legal requirement that Thrive provide a "pull-out" targeted ELD time, and we are quite confident that our strategies will ensure success for our English Learners.

We expect that Thrive will serve a significant number of English Learners. To address the significant academic needs of EL students, all of the major components of Thrive's instructional program have been carefully designed to promote the academic and social success of EL students. Several key features of effective programs for English learners were identified during a study of 75 exemplary schools that successfully provide academic programs to English learners in California. (www.sharingsuccess.org)



Many of those features have been incorporated within the program at Thrive, such as:

- **Inclusion** - The program for English learners will be an integral part of the school, neither conceptually nor physically separated from the rest of the school.
- **Enrichment** – English learners will be provided with a rich intellectual diet, not a remedial curriculum. The instructional approach for all students will emphasize critical thinking, hands-on learning, relevance, and connection across the disciplines.
- **Coordination** - A premium will be placed on coordination and collaboration both horizontally and vertically across grade levels. Weekly schedules have been designed to provide common planning time for teachers.
- **Internal Impetus** – Thrive teachers and school leaders will be the driving force and key players in designing and implementing innovative curricular and instructional approaches.

(Petition p. 65.)

Throughout the petition we make several other references to English Learners, such as:

Finally, project-based learning has significant benefits for English learners as well. Karen Carrier, in “Key Issues for Teaching English Language Learners in Academic Classrooms,” (Middle School Journal, November 2005) identifies three key challenges English Learners face in the academic classroom: (1) the amount of time required for second language acquisition; (2) the dual job of ELs – learning content and learning the language; and (3) the need for multiple modes of input and output.

Through project-based learning, teachers will be able to frontload key vocabulary and concepts, and engage in multiple modes of instruction within one class period, therefore meeting the needs of diverse learners. Project-based learning also naturally allows for multiple modes of input and output, providing students with real-world applications and built-in visuals and realia to contextualize new learning.

(Petition p. 31.)

Unique offerings for students with special needs. Thrive has chosen software programs that are flexible and can meet the needs of our student population. ST Math, for example, the acclaimed online math program from the MIND Institute, includes very little language and focuses on numbers, objects and concepts. This has proven to be particularly effective for English Learners. Additionally, Achieve 3000, a literacy program, has customized supports for English Learners built into the software. Blended learning also is particularly impactful as it allows for teachers to most effectively provide targeted one-on-one and small group instruction while other students work online. (p. 32.)



Nothing in the law requires a separated “pull-out” ELD model for English Learners. In fact, as you can see from the above, research supports the individualized model provided by Thrive. The Thrive petition addresses how it will meet the needs of English Learners and all students through its individualized model of instruction. By doing so, Thrive has met the requirement described in Section 11967.5.1(f)(1)(G)) for a reasonably comprehensive description of how it will meet the needs of English Learners. Accordingly, this finding does not align with legal requirements, holding Thrive to a standard that does not exist in the law. Furthermore, nothing in these Findings related to English Learners would allow the Board to reach a reasonable or legal conclusion that accordingly, it cannot be used as a lawful basis for denial of the charter.

CONCLUSION: Thrive is confident that our model of serving all students, including English Learners, on an individualized basis will lead to academic success. Accordingly, this Finding is erroneous, goes beyond legal standards, and is not a proper or lawful basis for denial of the petition

FINDING: B. The petition does not contain reasonably comprehensive descriptions of the elements described below:

1. The petition fails to adequately describe the educational program to be provided at the Charter School. The findings listed under Section A above are hereby incorporated by reference to support this conclusion.

See above responses, incorporated herein.

Additionally, Section 11967.5.1(f)(1) defines the level of detail necessary for a reasonably comprehensive description of an Education Program:

(1) The description of the educational program of the school, as required by [Education Code section 47605\(b\)\(5\)\(A\)](#), at a minimum:

(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.

See pages 15-20 of the charter where this is clearly addressed.

(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.

See pages 10-11; 23-27 of the charter where this is clearly addressed.

(C) Includes 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.

See pages 21-23 of the charter where this is clearly addressed.

(D) Indicates the basic learning environment or environments (e.g., site-



based matriculation, independent study, community-based education, or technology-based education).

See pages 21-23 of the charter where this is clearly addressed.

(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to [Education Code section 60605](#) and to achieve the objectives specified in the charter.

See pages 21-54 of the charter where this is clearly addressed.

(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.

See pages 72-75 of the charter where this is clearly addressed.

(G) Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.

See pages 63-82 of the charter where this is clearly addressed.

(H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of [Education Code section 47641](#), 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, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.

See pages 74-82 of the charter where this is clearly addressed.

CONCLUSION: *Accordingly, the Thrive charter meets all legal definitions of a reasonably comprehensive description of the education program as described in Education Code Section 47605(b) and Section 11967.5.1. Thus, the SDCOE Findings with regard to the comprehensiveness of the Education Program are inaccurate and thus may not lawfully be used to support a finding for denial of the charter.*

FINDING: 2. The petition does not specify the location of a Charter School facility that the petitioner proposes to operate.

The petition discusses facility requirements in a generalized sense, which appear reasonable based on projected student enrollment, but fails to provide any specific planned or potential sites. Without sufficient detail, we cannot assess compliance with facility standards.



RESPONSE: On page 108 of the petition, Thrive provided a detailed Facilities statement based on information it had available at the time the petition was submitted in fall 2013. The required contents of a petition are described in Education Code Section 47605(b)(5)(A)-(G). Nothing in the law requires a detailed description of a specific planned facility within the charter. Education Code Section 47605(g) separately requires petitioners, outside of the requirements in the charter to provide a description to the Authorizer of the facilities to be used by the charter school. Typically, a charter petitioner does not have specific information on a planned facility at the time of submission, as most petitioners cannot secure facilities prior to approval. In fact, the timeline for seeking facilities from a school district under Education Code Section 47614 and its implementing regulations would not provide a charter petitioner with information as to its facilities at the time of submission.

Section 11967.5.1(c)(3)(D) provides the legal standard for review of the facilities information within the charter, which clearly acknowledges the possibility that facilities may not be obtained as of the date of the charter submission:

(D) In the area of facilities, the charter and supporting documents do not adequately:

- 1. Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.*
- 2. In the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school.*

The language on page 108 and the budget satisfies the regulatory requirement. Typically, an authorizer requires its charter school to provide final facility information, including all necessary permits prior to operation. Thrive has potential facilities options in place and has been in conversations with 2 landlords about the pending vote that is imperative to us finalizing our lease. Upon approval, Thrive will finalize facilities and provide that information to the County for its review.

CONCLUSION: Here, the SDCOE Findings seek to apply a standard for review that exceeds legal requirements for the content of a charter petition. As a result, the Findings cannot be used as a lawful basis for denial of a charter.

FINDING: 3. The petition fails to adequately describe the retirement system that will be offered to employees.

The petition states an intention to participate in STRS for eligible staff, but there is no reference to a retirement plan for non-STRS eligible employees, which leaves it unclear whether or not they plan to participate in PERS.

RESPONSE: The Education Code 47605(b)(5)(K) requires that the charter include the manner by which staff members of the charter school will be covered by the State Teachers' Retirement Systems, the Public Employees' Retirement System, or federal social security. The charter, on page 127, specifically addresses this legal requirement. It states that teachers will be covered by STRS and social security for non-certificated employees, an option that addresses the requirements of law.



Section 11967.5.1(f)(11) aligns with Education Code Section 47605(b)(5)(K) and additionally requires that a reasonably comprehensive description of this Section include a description of the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.

The charter clearly addresses this on page 127, noting that the Business Manager will be responsible for ensuring appropriate arrangements for coverage have been made.

CONCLUSION: *As the charter provides the required legal level of description, the SDCOE Findings are erroneous and thus may not form a lawful basis for denial of a charter.*

FINDING: *The petition states that they may choose not to participate in STRS, in which case a 403(b)/401(k) plan will be offered, but does not describe the circumstances under which the board would choose not to participate in STRS.*

Please see response immediately above, the charter provides the required legal level of description of this element and thus this Finding may not be used to form a lawful basis for denial of a charter.

FINDING: 4. *The petition fails to adequately describe the closure procedures that will be used.*

The petition does not address the disposition of all net assets. It describes how both restricted assets and donated materials will be addressed, but does not include a description of how unrestricted net assets will be disposed.

RESPONSE: *The language of the charter is in specific alignment with Title 5, California Code of Regulations Section 11962, which describes the legal requirements for the contents of the procedure for charter school closure, including the discussion required by Section 11962(g), regarding the disposition of assets. As to unrestricted assets, the charter school notes that it will comply with California Corporations Code. The Corporations Code requires that all net assets be distributed upon dissolution of a nonprofit only upon approval of the Attorney General and only to another nonprofit or governmental entity.*

CONCLUSION: *As the language of the charter aligns with the regulatory section in specific detail, this Finding is incorrect and thus may not form the basis of a lawful basis for denial.*

FINDING: C. *The petition contains a number of other deficiencies not specifically listed in the findings above. These findings are not intended to be exhaustive, and should not be interpreted to suggest or imply approval of any aspect of the petition not specifically addressed.*

RESPONSE: *A denial must be based upon facts, specific to the petition, setting forth one or more legal basis for denial in accordance with Education Code Section 47605(b). As such, a statement regarding unlisted deficiencies may not form a lawful basis for denial.*

We hope that through this document you can see that careful attention was placed on our program. Clearly many details were overlooked through the process of having multiple reviewers reading only pieces of our document. Thrive received the Resolution and Findings less than twenty-four hours ago, and prepared this response at the earliest possible opportunity for your review. We hope that you will carefully consider our response prior to taking action on the appeal.

* * *



Thrive Public School is extremely well positioned to offer a public school alternative. We believe we are in a great position to offer families an educational choice for the following 6 reasons:

1. Local team with track record of success. Thrive Public School has been carefully designed by an exceptional team of experienced educators who were raised in San Diego and who have successfully founded, led, and taught at acclaimed charter schools and traditional district schools throughout Southern California. Members of our team have presented nationally on topics such as innovative education practices, charter management, deeper learning, and the common core standards. Additionally, the lead petitioner has also served as a professor for both UCLA's Charter School Policy, Finance, and Administration Certificate Program, and the Charter and Autonomous School Leadership Academy at Cal State Dominguez Hills. Furthermore, Thrive is overseen by an accomplished and experienced Board of Governors, with varying professional expertise and a strong commitment and connection to the community we are serving.

2. Nationally recognized, innovative school design to meet the needs of all students. Thrive's mission is to innovate, adapt, and expand the concept of a 21st century school by leveraging technology and collaboration to provide a rigorous and highly individualized K-8 academic program for diverse students in central San Diego. Thrive is committed to competency-based learning, which is particularly relevant for special populations such as English Learners and students with disabilities. Thrive will deliver its innovative academic program that utilizes proven best practices in Blended Learning and Project Based Learning, for which Thrive has been nationally recognized by organizations such as The Gates Foundation, The Broad Foundation, and The Charter School Growth Fund.

3. Strong community support and demand. More than 400 signatures of local supporters have been collected. Support and parent interest continue to mount as community outreach progresses. The large number of families who have joined our movement as well as the over 1,000 students currently on waitlists for charter schools in San Diego speak to the level of community demand for quality school options.

4. Solid financial plan. The five-year budget we provided with our charter petition is fiscally sound with conservative revenue assumptions, as also noted by District staff, who reviewed our petition. Furthermore, Thrive has been awarded over \$500,000 in philanthropic support in addition to being awarded a state PCSGP grant of another \$575,000 (dependent on charter approval).

5. Strong, thorough, and legally compliant petition. The Thrive petition meets and exceeds the state requirements for a charter petition and received SDUSD staff recommendation for a 5 year approval after review by 12 different departments inside the District.

6. A instructional program with personalization at its core. Thrive's highly personalized, competency-based learning model will offer a unique educational opportunity for students. Thrive's integration of Blended Learning and Project-Based Learning will provide a highly rigorous college-prep program that is directly aligned with the new Common Core Standards and based on strategies proven to be successful with those most "at-risk" – English Learners, children with disabilities, and those who will be the first in their families to graduate high school and attend college.

We hope that this document helps clarify points. Please feel free to contact me (nassisi@thriveps.org; 310- 883-3667) if you have any questions.



Sincerely,

A handwritten signature in blue ink, appearing to read "N. Assisi", is written over the printed name.

Dr. Nicole Assisi
Lead Petitioner, Founder and CEO
Thrive Public School