

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

ssb-csd-jul18item09

# California State Board of EducationJuly 2018 AgendaItem #21

## Subject

Renewal Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Guidance Charter School, which was denied by the Palmdale School District and the Los Angeles County Office of Education.

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue(s)

On October 29, 2017, the petitioners submitted the Guidance Charter School (GCS) renewal petition to Palmdale School District (PSD). On January 16, 2018, PSD voted to deny the petition of GCS by a vote of three to one with one abstention.

On January 22, 2018, the petitioners submitted the GCS renewal petition appeal to the Los Angeles County Office of Education (LACOE). On March 20, 2018, the Los Angeles County Board of Education (LACBOE) took no action on the GCS charter renewal petition. The GCS petitioners submitted a petition on appeal to the State Board of Education (SBE) on April 2, 2018.

Pursuant to California *Education Code* (*EC*) Section 47605(j), petitioners for a charter school that have been denied at the local level may petition the SBE for approval of the charter, subject to certain conditions.

## Recommendation

The California Department of Education (CDE) recommends that the SBE hold a public hearing to deny the request to renew GCS, a kindergarten (K) through grade twelve charter school, under the oversight of the SBE, based on the CDE’s findings pursuant to *EC* sections47605(b)(1) and 47605(b)(5), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1.

The CDE finds that the GCS petition is not consistent with sound educational practice. GCS does not perform, overall, at least equal to its comparable district schools where the majority of GCS pupils would otherwise attend.

Additionally, the CDE finds that the GCS petition does not provide reasonably comprehensive descriptions of the required elements, including a description of the educational program, measurable pupil outcomes, method for measuring pupil progress, governance structure, employee qualifications, annual independent financial audits, suspension and expulsion procedures, and closure procedures.

The meeting notice for the June 12, 2018 Advisory Commission on Charter Schools (ACCS) meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice061218.asp>.

## Advisory Commission on Charter Schools Recommendation

The ACCS considered the GCS petition for establishment at its June 12, 2018 meeting.  The ACCS moved to recommend approval of the GCS petition on appeal. The motion passed by a vote of five to three.

## Brief History of Key Issues

The GCS petition was denied by the PSD on January 16, 2018. On March 20, 2018, LACBOE did not take action on the GCS charter renewal petition.

## CDE Staff Review

In considering the GCS petition, CDE staff reviewed the following:

* GCS Petition (Attachment 3 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a3.pdf>).
* Educational and demographic data of schools where pupils would otherwise be required to attend (Attachment 2 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a2.docx>).
* GCS Budget and Financial Projections (Attachment 4 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a4.pdf>).
* Letter Dated March 30, 2018, GCS Renewal Petition Cover Letter (Attachment 5 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a5.pdf>).
* Letter Dated March 30, 2018, Describing Changes to the GCS Charter Renewal Petition Necessary for Appeal to the SBE (Attachment 6 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a6.pdf>).
* PSD Findings for Denial and Petitioner’s Response (Attachment 7 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a7.pdf>).
* LACOE Confirmation of County Board Action on the GCS Renewal Petition Letter Dated March 23, 2018, Findings for Denial, and Petitioner’s Response (Attachment 8 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a8.pdf>).
* GCS Articles of Incorporation, Bylaws, and Conflict of Interest Code (Attachment 9 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a9.pdf>).
* GCS Employee Handbook 2017–18 (Attachment 10 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a10.pdf>).
* GCS Student Handbook (Attachment 11 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a11.pdf>).
* GCS Emergency Response Plan and Comprehensive Safe School Plan (Attachment 12 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a12.pdf>).
* GCS Independent Study Policy and Master Agreement (Attachment 13 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a13.pdf>).
* GCS Master Plan for English Learners (Attachment 14 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a14.pdf>).
* GCS Class Schedules (Attachment 15 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a15.pdf>).
* GCS Local Control and Accountability Plan (Attachment 16 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a16.pdf>).
* GCS Organizational Charter (Attachment 17 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a17.pdf>).
* GCS Audit Reports, 2013–14, 2014–15, 2015–16, 2016–17 (Attachment 18 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a18.pdf>).
* GCS 2017 Dashboard Student Group Report (Attachment 19 of Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS web page <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a19.pdf>).

## Brief History

GCS opened in 2001 and currently serves 901 pupils in kindergarten through grade twelve in a private facility within the geographic boundaries of PSD. GCS’s mission is to empower every pupil with essential skills and knowledge, inspire lifelong learning, and develop responsible citizens in a kindergarten through grade twelve school with both classroom-based and independent study options.

GCS’s kindergarten through grade five program is currently located in a private facility at 1125-B Palmdale Boulevard, Palmdale, CA 93550. GCS’s grade six through grade twelve program is currently located at 37230 37th Street East, Palmdale, CA 93550, pursuant to a use agreement with PSD. GCS proposes to move the grade six through grade twelve program to a private facility that is currently under construction and scheduled to be completed by May 31, 2018, at 3838 East Avenue R, Palmdale, CA 93550 (Attachment 3, p. 107 of the Agenda Item 09 on the June 12, 2018, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-jun18item09a3.pdf>).

### Unsound Educational Program

GCS does not perform, overall, at least equal to its comparable district schools where the majority of GCS pupils would otherwise attend. The GCS petition does not present a reasonably comprehensive description of the educational program. Additionally, the 2015–16 and 2016–17 California Assessment of Student Performance and Progress (CAASPP) results for GCS show a decrease in its record of pupil academic achievement schoolwide as measured by pupils’ subgroup data and, thus, do not meet the minimum criteria for renewal eligibility specified in *EC* sections 47607(a)(3)(A) and 47607(b).

GCS included Academic Performance Index (API) scores from 2011, 2012, and 2013 and CAASPP scores from 2015, 2016, and 2017. The CDE reviewed the materials and determined that GCS has not met the applicable renewal criteria pursuant to *EC* Section 47607 because they do not demonstrate increases in pupil achievement for all groups of pupils served by the charter school. While the Fall 2017 Dashboard shows that GCS has made some increases in academic achievement in English Language Arts (ELA) and mathematics, both are still identified as “low” for all students.

The following table reflects the CAASPP data from 2014–17 in ELA and mathematics for GCS and the schools that pupils would otherwise attend. GCS scores fall consistently among the lowest of the surrounding schools.

**CAASPP Results (Percent Meets/Exceeds Standards)**

| School | 2014-15 ELA | 2014-15 Math | 2015–16 ELA | 2015–16 Math | 2016–17 ELA | 2016–17 Math |
| --- | --- | --- | --- | --- | --- | --- |
| GCS | 21 | 10 | 27 | 12 | 30.16 | 11.34 |
| Desert Willow | 27 | 14 | 29 | 14 | 26.77 | 12.48 |
| Palmdale Aerospace Academy | 35 | 20 | 45 | 18 | 46.41 | 20.5 |
| David G. Millen | 32 | 18 | 31 | 14 | 29.09 | 14.83 |
| Cactus Middle | 27 | 11 | 24 | 11 | 24.26 | 10.93 |
| Palmdale Learning Plaza | 43 | 35 | 46 | 35 | 41.72 | 34.14 |
| Shadow Hills Middle | 30 | 24 | 36 | 26 | 33.38 | 21.14 |

## Ability to Implement the Program

### Fiscal Analysis

The CDE concluded that the multi-year financial plan is fiscally viable due to the positive ending fund balances of $10,612,403; $13,057,140; and $16,047,941 with reserves of 101, 117, and 120 percent for fiscal years (FY) 2018–19 to 2020–21, respectively.

### Budget

The GCS multi-year projected budget includes the following projected pupil enrollment (Attachment 4):

* 1050 kindergarten through grade twelve in 2018–19
* 1200 kindergarten through grade twelve in 2019–20
* 1400 kindergarten through grade twelve in 2020–21

GCS only provided the CDE with three years’ multi-year financial plan instead of five.

### Charter Elements

#### Description of Educational Plan

The GCS petition does not present a reasonably comprehensive description of the educational program.

##### English Learners

The GCS petition does not present a reasonably comprehensive description of the educational program. The petition does not describe how GCS will respond to the needs of English Learners (EL) and does not include the process by which ELs who are reclassified as fluent English proficient will be monitored for a minimum of four years to ensure correct classification, placement, and support. Based on the petition, 35 percent of the students are English Learners.

##### Special Education

The GCS petition does not describe a reasonably comprehensive plan for special education, which includes the process to be used to identify pupils who qualify for special education programs and services; how GCS will provide or access special education programs and services; GCS’s understanding of its responsibilities under law for special education pupils; and how GCS intends to meet those responsibilities.

##### Measurable Pupil Outcomes

The GCS petition does not present a reasonably comprehensive description of measureable pupil outcomes (MPOs), the method for measuring pupil progress, and goals to address the eight state priorities. The CDE finds that the MPOs do not address all groups of pupils that will be attending GCS. Additionally, the petition does not outline a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and pupils’ parents and/or guardians, or for utilizing the data to continuously monitor and improve the GCS educational program.

##### Governance

The petition does not present a reasonably comprehensive description of the GCS governance structure. The petition does not include evidence that there will be active and effective representation of interested parties, including, but not limited to, parents/guardians. The petition states that the Board will have five members, members will be parents and/or members of the community, and shall serve until death, resignation, or removal in accordance with the corporate bylaws. However, the GCS Bylaws and list of Board of Directors lack sufficient detail regarding how parents of GCS will be represented on the GCS Board of Directors.

## District and County Office of Education Findings

### January 16, 2018, PSD Findings

On January 16, 2018, the PSD denied the GCS petition based on the following findings (Attachment 7):

* GCS presents an unsound educational program for the pupils to be enrolled in the charter school.
* The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
* The petition does not contain reasonably comprehensive descriptions of all of the required elements.

### March 20, 2018, LACOE Findings

On March 20, 2018, the LACBOE did not take action on the GCS petition on appeal (Attachment 8, pp. 1–2). LACOE recommended to deny the GCS petition based on the following findings (Attachment 8, pp. 3–45):

* GCS failed to meet the academic performance criteria specified in *EC* Section 47605(b) necessary to be considered for renewal.
* The petition provides an unsound educational program for pupils to be enrolled in the school.
* The petitioners are demonstrably unlikely to successfully implement the proposed educational program.
* The petition does not contain a reasonably comprehensive description of all of the required elements.

The petition does not satisfy all of the required assurances.

## Summary of Previous State Board of Education Discussion and Action

Currently, 35 charter schools operate under SBE authorization as follows:

* One statewide benefit charter, operating a total of six sites
* Seven districtwide charters, operating a total of 18 sites
* 27 charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

## Fiscal Analysis (as appropriate)

If approved as an SBE-authorized charter school, the CDE would receive approximately one percent of the revenue of the charter school for the CDE’s oversight activities. However, no additional resources are allocated to the CDE for oversight.

## Attachment(s)

* **Attachment 1:** California State Board of Education Standard Conditions on Opening and Operation (4 Pages)