

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of Education March 2019 Agenda Item #19

## Subject

Renewal Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Thrive Public School, which was denied by the San Diego Unified School District.

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue

Thrive Public School (TPS) is currently a State Board of Education (SBE)-authorized charter school, with a charter term that expires on June 30, 2019.

Pursuant to California *Education Code* (*EC*) Section 47605(k)(3), which requires an SBE-authorized charter school to submit a renewal petition to the authority that originally denied the charter, TPS submitted a renewal petition to the San Diego Unified School District (SDUSD) on August 23, 2018. On November 13, 2018, SDUSD voted to deny the TPS petition by a vote of four to zero.

If a governing board of a school district denies a renewal petition for an SBE-authorized charter school, *EC* Section 47605(k)(3) permits the charter school to submit the renewal petition directly to the SBE.

The TPS petitioner submitted a petition on appeal to the SBE on December 3, 2018.

## Recommendation

The California Department of Education (CDE) recommends that the SBE hold a public hearing to deny the request to renew TPS, a transitional kindergarten (TK) through grade twelve charter school based on the CDE’s findings pursuant to *EC* sections47605(b)(1), 47605(b)(5) and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.

The TPS petitioner does not meet the renewal criteria and does not present a sound educational program as they do not perform, overall, at least equal to its comparable district schools where the majority of TPS pupils would otherwise attend.

Additionally, the TPS petition does not include the necessary language for Element 2–Measurable Pupil Outcomes (MPOs).

## Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) considered the TPS petition for renewal at its February 5, 2019, meeting. The ACCS moved to recommend approval of the CDE staff recommendation. The motion did not pass by a vote of four to two. Five votes are required to move an ACCS recommendation forward to the SBE; therefore, no recommendation moved.

The meeting notice for the February 5, 2019, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020519.asp>.

## Brief History of TPS

TPS was originally approved by the SBE on July 9, 2014, for a five-year term. On May 6, 2015, the SBE approved a material revision of the TPS charter petition to amend the build-out plan to serve TK through grade eight beginning in 2015–16. On March 10, 2016, the SBE approved a material revision of the TPS charter petition to amend the build-out plan to serve TK through grade twelve beginning in 2016–17.

TPS intends to serve 1,245 pupils in grades TK through grade twelve in 2019–2020 and 1,458 pupils in grades TK through grade twelve by 2023–24. TPS currently serves TK through grade eleven at four sites within the SDUSD boundaries. TPS’s mission states that the schools set the standard for preparing a diverse pupil population to become community connected, college prepared, and career inspired. The TPS petition states that the school will ensure that every pupil has a joyful, personalized, and deeply engaging learning experience and that TPS prepares pupils to be educated citizens in the twenty-first century by equipping pupils with the following three skills: discernment, agency, and empathy.

TPS currently serves TK through grade eleven at two private and two Proposition 39 facilities at the following sites:

* 3251 Juanita Street, San Diego, CA 92105
* 4260 54th Street, San Diego, CA 92115
* 2202 Comstock Street, San Diego, CA 92111
* 6402 Linda Vista Road, San Diego, CA 92111

## Renewal Criteria

*EC* Section 47607 sets forth grounds for denying a renewal petition.

1. The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor determining whether to grant a charter renewal.
2. The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

TPS does not perform, overall, at least equal to its comparable district schools where the majority of TPS pupils would otherwise attend.

### CDE’s Review of Renewal Criteria Under *EC* Section 47607

The CDE selected six schools where pupils would otherwise be required to attend and are comparable in that they have similar enrollment for similar significant subgroups of Hispanic/Latino, White, socioeconomically disadvantaged (SED), English Learners (ELs), and pupils with disabilities. The six schools serve a variety of grade spans from either kindergarten (K) through grade five, K through grade eight, grade six through grade eight, or grade nine through grade twelve.

The CDE notes that TPS received a new County-District-School code following a charter petition material revision in 2016, which resulted in TPS’s California Assessment of Student Performance and Progress (CAASPP) data for 2014–15 and 2015–16 to be inaccessible from the CDE database. The CDE was, however, able to verify the 2014–15 and 2015–16 results through the CAASPP website.

The following table shows the percent of pupils that met/exceeded standards on the 2014–15, 2015–16, 2016–17, and 2017–18 CAASPP assessments for English language arts (ELA) and mathematics for TPS and the CDE-chosen comparable schools that pupils would otherwise attend as well as the 2017–18 demographic data for TPS and the CDE-chosen comparable schools.

The data shows the significant decreases in ELA and mathematics results in 2016–17 and 2017–18 and that TPS does not perform, overall, at least equal to comparable district schools.

*An asterisk (\*) denotes that the CDE-chosen comparison school was on both of the lists for district and petitioner-chosen comparison schools.*

**CDE-chosen Comparable 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 | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| TPS | 48 | 34 | 44 | 27 | 36.6 | 19.59 | 30.6 | 18.72 |
| Fay Elementary\* | 28 | 18 | 34 | 24 | 33.33 | 30.82 | 33 | 28.34 |
| Carver Elementary\* | 20 | 20 | 34 | 26 | 36.67 | 30 | 41.46 | 34.53 |
| Mann Middle\* | 24 | 28 | 36 | 28 | 32.31 | 23.28 | 33.86 | 22.99 |
| Darnall Charter | 32 | 25 | 31 | 25 | 36.52 | 26.6 | 38.06 | 29.01 |
| Kearney College Connections | 82 | 42 | 87 | 49 | 86.58 | 42.69 | 81.05 | 41.05 |
| City Heights Preparatory Charter | 13 | 10 | 21 | 8 | 14.29 | 10.87 | 23.76 | 11.88 |

### TPS’s Review of Renewal Criteria Under *EC* Section 47607

The TPS petitioner completed data comparison analyses between two sets of TPS-chosen schools: (1) SDUSD schools that TPS pupils would otherwise attend; and (2) SDUSD schools that serve similar pupil populations but only for 2017–18.

The following tables show the percent of pupils that met/exceeded standards on the 2017–18 CAASPP assessment for ELA and mathematics for all pupils schoolwide and subgroups at TPS.

*An asterisk (\*) denotes that TPS identified the schools that serve similar pupil populations and are located in the same neighborhood as TPS.*

**2016–17 ELA CAASPP Results by Subgroup for TPS and TPS-chosen Comparable Schools (Percent Meets/Exceeds Standards)**

| School | All | SED | Hispanic/Latino | ELs |
| --- | --- | --- | --- | --- |
| **TPS** | 37 | 20 | 24 | 3 |
| **Carver Elementary** | 37 | 35 | 26 | 26 |
| **Clay Elementary** | 43 | 43 | 49 | 32 |
| **Fay Elementary** | 33 | 33 | 34 | 22 |
| **Oak Park Elementary** | 53 | 51 | 39 | 35 |
| **Bell Middle** | 31 | 27 | 24 | 3 |
| **Mann Middle** | 32 | 32 | 28 | 8 |
| **Millennial Tech Middle** | 24 | 23 | 23 | 1 |
| **Euclid Elementary\*** | 34 | 34 | 30 | 20 |
| **Holly Drive Leadership Academy\*** | 27 | 26 | 29 | 12 |
| **Iftin Charter\*** | 30 | 30 | 17 | 18 |
| **City Heights Preparatory Charter\*** | 14 | 14 | 20 | 5 |
| **Clark Middle\*** | 29 | 29 | 26 | 7 |
| **Wilson Middle\*** | 29 | 29 | 27 | 5 |

**2016–17 Mathematics CAASPP Results by Subgroup for TPS and TPS-chosen Comparable Schools (Percent Meets/Exceeds Standards)**

| School | All | SED | Hispanic/Latino | ELs |
| --- | --- | --- | --- | --- |
| **TPS** | 20 | 10 | 13 | 0 |
| **Carver Elementary** | 30 | 27 | 23 | 25 |
| **Clay Elementary** | 38 | 36 | 39 | 32 |
| **Fay Elementary** | 31 | 31 | 32 | 22 |
| **Oak Park Elementary** | 52 | 50 | 39 | 6 |
| **Bell Middle** | 19 | 16 | 10 | 37 |
| **Mann Middle** | 23 | 24 | 22 | 3 |
| **Millennial Tech Middle** | 13 | 13 | 14 | 1 |
| **Euclid Elementary\*** | 33 | 33 | 26 | 24 |
| **Holly Drive Leadership Academy\*** | 18 | 14 | 17 | 12 |
| **Iftin Charter\*** | 24 | 25 | 29 | 18 |
| **City Heights Preparatory Charter\*** | 11 | 11 | 18 | 6 |
| **Clark Middle\*** | 20 | 20 | 18 | 3 |
| **Wilson Middle\*** | 15 | 15 | 13 | 2 |

### SDUSD’s Review of Renewal Criteria Under *EC* Section 47607

SDUSD reviewed 2014–15, 2015–16, 2016–17, and 2017–18 CAASPP data for TPS and district-chosen comparable schools, which show that TPS has had significant decreases in its annual ELA and mathematics results over a three year period. Additionally, with some exceptions, the district-chosen comparison schools have consistently had higher CAASPP results than TPS (Attachment 3, p. 10).

The following table shows the percent of pupils that met/exceeded standards on the 2014–15, 2015–16, 2016–17, and 2017–18 CAASPP assessments for ELA and mathematics for TPS and the SDUSD-chosen comparable schools that pupils would otherwise attend.

*An asterisk (\*) denotes that SDUSD identified the schools as demographically similar to TPS based on having similar percentages in more than one category.*

**CAASPP Results for TPS and SDUSD-chosen comparable schools**

| School | 2014–15 ELA | 2014–15 Math | 2015–16 ELA | 2015–16 Math | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| TPS | 50 | 34 | 44 | 27 | 36.6 | 19.59 | 30.6 | 18.72 |
| Fay Elementary | 28 | 18 | 34 | 24 | 33.33 | 30.82 | 33 | 28.34 |
| Mann Middle | 24 | 28 | 36 | 28 | 32.31 | 23.28 | 33.86 | 22.99 |
| Clay Elementary | 41 | 32 | 50 | 39 | 43.48 | 37.85 | 47.95 | 41.89 |
| Carver Elementary | 20 | 20 | 34 | 26 | 36.67 | 30 | 41.46 | 34.53 |
| Oak Park Elementary | 45 | 41 | 50 | 43 | 53.38 | 51.70 | 54 | 51.60 |
| Rolando Park Elementary | 32 | 22 | 45 | 32 | 40.66 | 45.06 | 58.97 | 57.69 |
| Millennial Tech Middle | 15 | 10 | 19 | 11 | 24.08 | 13.37 | 26.45 | 12.67 |
| Bethune K–8\* | 48 | 49 | 60 | 50 | 56.31 | 48.83 | 59.20 | 52.58 |
| Language Academy\* | 58 | 39 | 63 | 40 | 57.78 | 40.67 | 56.69 | 48.75 |
| Darnall Charter\* | 32 | 25 | 31 | 25 | 36.52 | 26.6 | 38.06 | 29.01 |
| SD Global Vision Academy\* | 54 | 46 | 51 | 41 | 56.66 | 40.48 | 59.91 | 47.09 |
| Crown Point Elementary\* | 60 | 48 | 56 | 46 | 49.15 | 47.23 | 55.76 | 53.37 |
| Foster Elementary\* | 51 | 28 | 56 | 41 | 49.7 | 39.05 | 54.95 | 48.37 |
| Bell Middle\* | 30 | 19 | 32 | 19 | 30.98 | 18.54 | 31.6 | 26.65 |

SDUSD determined that TPS had decreases in ELA in the following subgroups when compared to SDUSD-chosen comparison schools: SED, pupils with disabilities, African American, Hispanic/Latino, and White.

SDUSD determined that TPS had decreases in mathematics in the following subgroups when compared to SDUSD-chosen comparison schools: SED, pupils with disabilities, Hispanic/Latino, and White.

Additionally, the CDE reviewed the information provided by SDUSD and has determined that SDUSD’s review and analysis of the pupil achievement data pursuant to *EC* Section 47607 was comprehensive. Further, the CDE has determined that SDUSD considered increases in pupil academic achievement for all groups of pupils served by TPS as the most important factor in determining whether to grant TPS’s renewal request.

### SDUSD’s Review of Renewal Criteria Under *EC* Section 52052–Alternative Measures

Academic Performance Index (API) has not been calculated as of the 2013–14 school year (SY). In such a case, *EC* Section 52052(f), provides for the following in determining whether a charter is meeting legislative and/or programmatic requirements:

* Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups shall be used.

SDUSD reviewed the following alternative measures that TPS proposed in its renewal petition:

* 2017–18 CAASPP cohort data (Attachment 6, p. 11)
  + SDUSD determined that 42 percent of pupils in the 3+ year cohort met/exceeded standards, which was 13 percentage points higher than the 2-year cohort and 16 percentage points higher than the 1-year cohort.
* Fall 2017 Distance from Level 3 (DF3) data (Attachment 6, p. 14)
  + SDUSD determined that 4 of the 14 SDUSD-chosen schools scored lower than TPS in ELA and 3 scored lower than TPS in mathematics.
* Other alternative measures submitted including: Northwest Evaluation Association (NWEA) Measures of Academic Progress (MAP) results for reading and mathematics, Lexile results, Conditional Growth, Core Social Emotional Competencies, and CAASPP Average Point Difference (APD) (Attachment 6, pp. 10–20)
  + SDUSD determined that there was no publicly available comparison data for these measures so district staff was unable to verify the information or provide a comparison analysis with other schools.

The CDE reviewed the alternative measures information provided by SDUSD and has determined that SDUSD’s review and analysis of the pupil achievement data pursuant to *EC* Section 52052(f) was comprehensive. Further, the CDE has determined that SDUSD considered increases in pupil academic achievement for all groups of pupils served by TPS as the most important factor in determining whether to grant TPS’s renewal request.

### CDE’s Review of Renewal Criteria Under *EC* Section 52052–Alternative Measures

The CDE also considered *EC* Section 52052 in its review of TPS’s renewal petition. As referenced above, API has not been calculated as of the 2013–14 SY. In such a case, *EC* Section 52052(f), provides for the following in determining whether a charter is meeting legislative and/or programmatic requirements:

* Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups shall be used.

The CDE reviewed the following alternative measures as criteria for charter renewal (Attachment 3, pp. 7–33):

* Additional CAASPP data (i.e. 3+ year, 2-year, and 1-year cohorts)
* DF3
* APD
* NWEA MAP
* MAP Rasch Unit (RIT) scores
* MAP Lexile scores
* School Climate and Satisfaction data
* Growth on Core Social Emotional Competencies
* Growth through Meaningful Project Work and Exhibition
* TPS Successes and Accomplishments of the Prior Charter Term 2014–19

In addition, TPS included a plan for continuous academic improvement. Currently, TPS is engaged in an array of efforts to improve the academic performance of pupils, emphasizing a focus on literacy, close reading protocols, aligning online learning programs, and curricula that match the rigor of the Common Core State Standards (Attachment 3, p. 33).

The CDE reviewed the alternative measures information provided by TPS. The data from the TPS alternative measures reflect some increases in pupil academic achievement for all groups of pupils schoolwide and among significant subgroups pursuant to *EC* Section 52052(f). However, the data presented by TPS relies on assessments for which the CDE lacks independent confirmation of their reliability, validity, fairness, and alignment.

## Charter Elements

The CDE finds that the TPS petition does provide a reasonably comprehensive description of most of the required charter elements.

### Measurable Pupil Outcomes

The TPS petition does not present a reasonably comprehensive description of MPOs. The petition does not include a description of outcomes for each subgroup of pupils. The petition lists three goals as well as annual measurable outcomes (Attachment 3, pp. 106–107). The petition states that TPS has clearly defined goals, actions, and measurable outcomes, for all pupils schoolwide and subgroups, which align with the eight state priorities that can be found in the TPS Local Control and Accountability Plan (LCAP) approved by the TPS Board (Attachment 3, p. 105). However, the goals, actions, and measurable outcomes outlined in the TPS LCAP is not outlined in the petition in Element 2–Measurable Pupil Outcomes, pursuant to *EC* Section 47605(b)(5)(B). Additionally, the CDE notes that the TPS LCAP did not include a description of outcomes for each subgroup of pupils (Attachment 8, pp. 182–279).

If approved by the SBE, as a condition for approval, the TPS petitioner will be required to revise the petition to include the necessary language for Element 2–Measurable Pupil Outcomes to align the MPOs for each of the following subgroups: Hispanic/Latino pupils, White pupils, pupils with disabilities, ELs, SED pupils, and any other applicable subgroup as identified in *EC* Section 52052.

## Ability to Successfully Implement the Intended Program

### Fiscal Analysis

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

* 1,245 TK through grade twelve in 2019–2020
* 1,321 TK through grade twelve in 2020–21
* 1,387 TK through grade twelve in 2021–22
* 1,439 TK through grade twelve in 2022–23
* 1,458 TK through grade twelve in 2023–24

TPS has maintained a good financial standing under SBE authorization throughout its four years. The TPS fiscal year (FY) 2018–19 first interim report indicates that TPS is projecting a positive ending fund balance of $1,305,402 and reserves of 11.39 percent, which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding (MOU) between TPS and the SBE.

The CDE reviewed audited financial data from the 2017–18 audit report that reflected an unqualified status and unqualified audit opinion with no significant audit findings noted. An unqualified opinion means that the auditor has opined that the charter school’s financial statements are fairly presented, are free of material misstatements, and have been prepared in accordance with generally accepted accounting principles.

The CDE concluded that the TPS projected budget is viable due to the positive ending fund balances of $1,301,179; $1,306,010; and $1,341,968, with reserves of 9, 8.4, and 7.8 percent for FYs 2019–2020 through 2021–22, respectively.

## Past History Under SBE Authorization

TPS has a record of educational, financial, and governance success over its five years in operation. CDE finds that TPS implements the program as described in the current charter petition and the school leadership provides regular updates to CDE staff, both formally and informally. TPS is in compliance with the TPS petition and the MOU between the charter and the SBE. TPS has appropriately responded to all letters of concern from CDE and corrected any needed actions as recommended. The CDE has determined that the TPS responses to concerns were sufficient.

## CDE Staff Review

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

* TPS Petition (Attachment 3 of Agenda Item 04 on the February 5, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb19item04a3.pdf>).
* Educational and demographic data of schools where pupils would otherwise be required to attend (Attachment 2 of Agenda Item 04 on the February 5, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb19item04a2.xlsx>).
* TPS Budget and Financial Projections (Attachment 4 of Agenda Item 04 on the February 5, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb19item04a4.pdf>).
* Letter Dated December 3, 2018, Description of Changes to Thrive Public School Charter Renewal Petition Necessary for Appeal to the State Board of Education (Attachment 5 of Agenda Item 04 on the February 5, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb19item04a5.pdf>).
* San Diego Unified School District November 13, 2018, Meeting Minutes, San Diego Unified School District Staff Report, and Petitioner’s Response (Attachment 6 of Agenda Item 04 on the February 5, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb19item04a6.pdf>).
* TPS Public School Articles of Incorporation, Bylaws, and Conflict of Interest Code (Attachment 7 of Agenda Item 04 on the February 5, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb19item04a7.pdf>).
* Thrive Public School Appendices and Attachments (Attachment 8 of Agenda Item 04 on the February 5, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb19item04a8.pdf>).

## SDUSD Findings

On November 13, 2018, SDUSD denied the TPS petition based on the following findings (Attachment 6):

* TPS presents an unsound educational program, pursuant to *EC* Section 47605(b)(1), based on decreases in pupil achievement both schoolwide and by numerically significant subgroups.
* TPS is demonstrably unlikely to successfully implement the program, pursuant to *EC* Section 47605(b)(2), as set forth in its charter based on its continued growth plans.

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

Currently, 42 charter schools operate under SBE authorization as follows:

* One statewide benefit charter, operating a total of seven sites
* Seven districtwide charters, operating a total of 18 sites
* 34 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.

## Attachments

* **Attachment 1:** California Department of Education Charter School Petition Review Form: Thrive Public School (45 Pages)
* **Attachment 2:** Thrive Public School Data Tables (7 Pages)
* **Attachment 3:** California State Board of Education Standard Conditions on Opening and Operation (4 Pages)