

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

gacsb-csd-may19item05

# California State Board of EducationMay 2019 AgendaItem #16

## Subject

Renewal Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Los Angeles International Charter High School, which was denied by the Los Angeles County Board of Education.

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue

Los Angeles International Charter High School (LAICHS) is seeking a renewal of its charter from the State Board of Education (SBE).

LAICHS was originally authorized by the Los Angeles Unified School District (LAUSD) on June 14, 2005, for a three-year term that was extended for one year in May 2008. LAUSD denied the LAICHS renewal petition on March 24, 2009. LAICHS was then authorized on appeal by the Los Angeles County Board of Education (LACBOE) in 2009 and renewed on March 11, 2014, for a five-year term from July 1, 2014, through June 30, 2019.

On November 26, 2018, the petitioners submitted the LAICHS renewal petition to the Los Angeles County Office of Education (LACOE). On January 22, 2019, LACBOE denied the LAICHS renewal petition by a vote of five to one.

The LAICHS petitioners submitted a renewal petition to the SBE on January 28, 2019.

## Recommendation

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

The LAICHS petitioner does not meet the renewal criteria as they do not perform, overall, at least equal to its comparable district schools where the majority of LAICHS’ pupils would otherwise attend.

Additionally, the LAICHS petition does not provide a reasonably comprehensive description of 8 of the 15 required charter elements as follows: Description of Educational Program, Measurable Pupil Outcomes, Method for Measuring Pupil Progress, Employee Qualifications, Health and Safety Procedures, Admission Requirements, Annual Independent Financial Audits, and Suspension and Expulsion Procedures. The petition also does not provide reasonably comprehensive descriptions of Teacher Credentialing and Goals to Address the Eight State Priorities.

If approved by the SBE, and as a condition of approval, LAICHS will be required to revise the petition in order to reflect the SBE as authorizer and include the necessary language for the required charter elements as noted above.

## Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) considered the LAICHS petition for renewal at its April 10, 2019, meeting. The ACCS moved CDE staff recommendation to deny the LAICHS petition. The motion did not pass by a vote of four to four. Five votes are required to move an ACCS motion forward to the SBE; therefore, no recommendation moved.

The meeting notice for the April 10, 2019, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice041019.asp>.

## Past History

LAICHS has operated since 2005 and currently serves 153 pupils in grade nine through grade twelve. LAICHS is located within the geographic boundaries of LAUSD at 625 Coleman Avenue, Los Angeles, CA. The petitioner proposes to add grade six through grade eight, an independent study (IS) program, and to change the school name to Los Angeles International Charter School.

The petition proposes to add grade six to serve 172 pupils in grade six and grade nine through grade twelve in 2019–2020 and increase to serve 240 pupils in grade six through grade twelve in 2023–24.

LAICHS’s mission is to improve pupil achievement by providing a high quality, standards based educational opportunity for all pupils that attend. The petition states that LAICHS focuses on a college preparatory program, college readiness for all pupils, and a personalized learning environment. The petition includes sample schedules for grade six through grade eight, grade nine through grade twelve, and the IS program at LAICHS.

## 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.

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

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

LACOE completed a review of 2015–16, 2016–17, and 2017–18 California Assessment of Student Performance and Progress (CAASPP) data for LAICHS and district-chosen comparable schools, which show declines in English language arts (ELA) and mathematics schoolwide and for all pupil groups. LACOE determined that LAICHS has not met the academic performance levels and is not eligible for renewal. For ELA, schoolwide, the percentage of pupils meeting or exceeding standards dropped from 52 to 49 percent over the three-year period with a low of 41 percent in 2016–17. Numerically significant pupil groups show decreases in proficiency over the three-year period for socioeconomically disadvantaged (SED) pupils by five percent and Hispanic/Latino pupils by four percent. For mathematics, schoolwide, the percentage of pupils meeting or exceeding standards dropped from 12 to 9 percent over the three-year period. Numerically significant pupil groups show decreases in proficiency over the three-year period for both SED and Hispanic/Latino pupils by five percent. LACOE determined that LAICHS has not demonstrated increases in pupil academic achievement for all groups of pupils served by the school.

Additionally, LACOE completed an analysis which reviewed the 2015–16, 2016–17, and 2017–18 CAASPP data for LAICHS compared to its resident and comparison schools. LACOE considered schools where 2.5 percent or more of LAICHS’ pupils would otherwise be enrolled as resident schools, and considered schools within LAUSD serving comparable grade levels and pupil demographics as comparable schools. LACOE determined that LAICHS does not qualify for renewal consideration as its academic performance is not at least equal to the academic performance of the public schools that LAICHS’ pupils would otherwise have been required to attend as well as the academic performance of the schools in LAUSD in which LAICHS is located.

**LACOE-chosen Resident Schools CAASPP Results for LAICHS (Percent Meets/Exceeds Standards)**

| School | 2015–16 ELA | 2015–16 Math | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- | --- | --- | --- | --- |
| LAICHS | 52 | 12 | 41 | 8 | 49 | 9 |
| Alhambra High | 65 | 42 | 68 | 45 | 65 | 44 |
| Belmont Senior High | 53 | 24 | 39 | 11 | 37 | 14 |
| Benjamin Franklin Senior High | 63 | 39 | 62 | 41 | 50 | 31 |
| Los Angeles River at Sonia Sotomayor Learning Academy | 38 | 12 | 37 | 6 | 55 | 0 |
| Woodrow Wilson Senior High | 52 | 18 | 48 | 19 | 43 | 16 |

**LACOE-chosen Comparison Schools CAASPP Results for LAICHS (Percent Meets/Exceeds Standards)**

| School | 2015–16 ELA | 2015–16 Math | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- | --- | --- | --- | --- |
| LAICHS | 52 | 12 | 41 | 8 | 49 | 9 |
| International Studies Learning Center at Legacy High School Complex | 50 | 31 | 46 | 32 | 52 | 29 |
| James A. Garfield Senior High | 64 | 36 | 64 | 33 | 65 | 39 |
| North Hollywood Senior High | 59 | 38 | 70 | 42 | 68 | 37 |
| PUC Community Charter Middle and PUC Community Charter Early College High | 47 | 32 | 48 | 37 | 43 | 38 |

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

After reviewing the information presented by LACOE, the CDE has determined that LACOE’s review and analysis of the pupil achievement data pursuant to *EC* Section 47607(b) was comprehensive, and that LACOE considered increases in pupil academic achievement for all groups of pupils served by LAICHS as the most important factor in determining whether to grant LAICHS’ renewal request.

The CDE reviewed the materials and determined that LAICHS has not met the applicable renewal criteria pursuant to *EC* Section 47607. The CDE selected seven 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, SED, English learners (ELs), and pupils with disabilities. The seven schools serve pupils in grade nine through grade twelve.

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

**CDE-chosen Comparable Schools CAASPP Results for LAICHS (Percent Meets/Exceeds Standards)**

| School | 2015–16 ELA | 2015–16 Math | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- | --- | --- | --- | --- |
| LAICHS | 52 | 12 | 41.17 | 8.0 | 48.94 | 8.51 |
| Academia Avance Charter | 27 | 12 | 27.96 | 14.76 | 32.40 | 20.18 |
| Benjamin Franklin Senior High | 63 | 39 | 61.74 | 40.52 | 49.69 | 31.45 |
| Los Angeles Leadership Academy | 40 | 13 | 36.91 | 17.51 | 23.47 | 12.86 |
| Los Angeles River at Sonia Sotomayor Learning Academy | 38 | 12 | 37.04 | 5.56 | 55.10 | 0 |
| Alliance Marc & Stern Math and Science | 79 | 34 | 75.61 | 42.28 | 80 | 40.72 |
| PUC Early College Academy for Leaders and Scholars | 70 | 37 | 58.54 | 42.69 | 56.39 | 35.49 |
| Manual Arts Senior High | 28 | 9 | 33.01 | 9.09 | 31.45 | 7.92 |

### LAICHS’ Review of Renewal Criteria Under *EC* Section 47607

LAICHS compared their own CAASPP data only for 2015–16, 2016–17, and 2017–18. CAASPP data reflected a decline in academic performance in 2016–17 and a small increase in 2017–18. In 2016–17, without including students with disabilities, 45.6 percent of pupils met and exceeded standards in ELA and 8.89 percent in mathematics. In 2017–18, without including students with disabilities, 47.5 percent of pupils met and exceeded standards in ELA and 10 percent in mathematics, which showed an increase. LAICHS acknowledges the challenge the school is experiencing with the academic performance of pupils in mathematics and is committed to continual improvement through comprehensive, ongoing professional development for all LAICHS staff.

The CDE notes that in LAICHS’ response to the LACOE findings the petitioner states that LACOE instructed LAICHS to use the same resident and comparison schools in the charter renewal despite objections that the lists of schools were flawed (Attachment 6, pp. 36). Additionally, the petitioner included a table of resident and comparison schools that the petitioner claims are more accurate and reflect LAICHS’ increases in pupil achievement. The petitioner states that LAICHS did not include these tables in the renewal petition because they were directed by LACOE staff to not use these schools.

### LACOE’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.

The CDE notes that LACOE did not consider academic performance under *EC* section 52052(f).

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

The CDE also considered *EC* Section 52052 in its review of the LAICHS 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.

In the petitioner’s response to LACOE’s findings, LAICHS lists the following alternative measures proposing that LAICHS has made increases in pupil academic achievement and qualifies for renewal under *EC* Section 52052:

* The percentage of pupils schoolwide who met or exceeded standards on CAASPP in ELA increased in 2018.
* The percentage of pupils schoolwide who met or exceeded standards on CAASPP in mathematics increased in 2018.
* The percentage of Hispanic/Latino pupils who met or exceeded standards on CAASPP in ELA increased in 2018.
* The percentage of Hispanic/Latino pupils who met or exceeded standards on CAASPP in mathematics increased slightly in 2018.
* The percentage of SED pupils who met or exceeded standards on CAASPP in ELA increased in 2018.
* The percentage of SED pupils who met or exceeded standards on CAASPP in mathematics increased in 2018.
* The percentage of LAICHS pupils taking and passing Advanced Placement (AP) exams increased in 2018.
* LAICHS’s graduation rate increased in 2018 in which 36 of the 38 qualifying pupils in grade twelve were accepted into a four-year college/university.
* The percentage of graduating pupils in grade twelve who were accepted into a four-year college/university increased in 2018.
* The number of honors and AP courses offered at LAICHS, the number of pupils taking an AP exam, and the percentage of pupils who passed an AP exam increased in 2018.
* The Golden State Seal Merit Diploma has a criteria of three or better on CAASPP or passage of a mathematics class with a B or better. Twenty-four of the thirty-eight pupils in grade twelve passed honors and mathematics classes with a B or better, with no pupils receiving a failing grade.

The CDE reviewed the alternative measures information provided by LAICHS pursuant to *EC* Section 52052(f). The data from the LAICHS alternative measures reflect increases in 2017–18 CAASPP results in ELA and mathematics for all pupils schoolwide, and among the SED and Hispanic/Latino subgroups when compared to LAICHS’ 2016–17 CAASPP results, although the data does not reflect increases when compared to LAICHS’ 2015–16 CAASPP results and ignores the decreases in 2016–17 as compared to 2015–16. However, the data presented by LAICHS for AP passage rates, college acceptance rates, and enrollment in Honors and/or AP courses relies on assessments and/or data for which the CDE lacks independent confirmation of their reliability, validity, fairness, and alignment.

## Inability to Successfully Implement the Intended Program

### Unsound Educational Program

The LAICHS petition does not overall present a reasonably comprehensive description of the educational program. The petition does not describe a plan for how LAICHS will identify, respond to, and meet the needs of ELs as well as a description of the IS program.

The CDE notes that the LAICHS petitioners included an EL Master Plan in the appendices of the petition; however, the plan appears to be outdated and does not cite the correct statewide assessments (i.e. California English Language Development Test, California Standards Test, and California High School Exit Exam). The petition does not describe how LAICHS will provide integrated and designated English language development (ELD) for ELs during the instructional day. Additionally, the petition does not state that reclassified fluent English proficient pupils will be monitored for four years after reclassification.

Additionally, LAICHS proposes to add an IS program; however, the petition does not indicate if the program will maintain a ratio of independent study pupils to full-time certificated employees as required by *EC* Section 51745.6. The petition also does not indicate required written policies for independent study apportionment funding as per *EC* Section 51747, which should include maximum length of time, by grade level and type of program, that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work, the number of missed assignments that will be allowed before an evaluation is conducted to determine appropriateness of pupil placement, and the manner, time, frequency, and place for submitting a pupil’s assignments as well as reporting pupil progress and evaluation methods utilized.

## Fiscal Analysis

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

* 172 grade six through grade twelve in 2019–2020
* 200 grade six through grade twelve in 2020–21
* 240 grade six through grade twelve in 2021–22
* 240 grade six through grade twelve in 2022–23
* 240 grade six through grade twelve in 2023–24

The CDE reviewed audited financial data from the 2017–18 audit report which 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 LAICHS projected budget is viable due to the positive ending fund balances of $717,012; $947,002; and $1,428,480, with reserves of 32.1, 40.9, and 55.3 percent for fiscal years 2019–2020 through 2021–22, respectively.

## Charter Elements

The CDE finds that the LAICHS petition does not provide a reasonably comprehensive description of 8 of the 15 required charter elements. The most material elements are listed below.

### Measurable Pupil Outcomes

The LAICHS petition does not present a reasonably comprehensive description of measurable pupil outcomes (MPOs). The petition does not include a description of the LAICHS’ annual goals and actions to be achieved in each of the state priorities, as well as the MPOs for all pupils and for each subgroup of pupils identified in the petition. The petition outlines the baseline performance level, annual goals, actions to achieve annual goals, and annual measurable outcomes; however, the goals are not in alignment with the eight state priorities. Additionally, the tables do not include MPOs for all pupils and for each subgroup of pupils.

### Method for Measuring Pupil Progress

The LAICHS petition does not present a reasonably comprehensive description of the method for measuring pupil progress. LAICHS teachers analyze benchmark results in grade level data teams in order to identify pupil needs and intervention strategies.

The petition states that LAICHS will satisfy state requirements for pupil assessments pertaining to *EC* Section 60605 and that quarterly benchmarks are designed to identify pupil growth and target pupil needs for intervention and goal setting; however, the petition does not describe how LAICHS will utilize a variety of assessment tools appropriate to the skills, knowledge, or attitudes being assessed, including tools that employ objective means of assessment consistent with the MPOs. The LAICHS petition does not outline a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils’ parents and guardians, and for utilizing the data continuously to monitor and improve the LAICHS educational program.

### Employee Qualifications

The LAICHS petition does not present a reasonably comprehensive description of employee qualifications. Additionally, the petition does not identify those positions that LAICHS regards as key in each category, specify the additional qualifications expected of individuals assigned to those positions, or indicate that teachers and curriculum specialists/EL coordinators obtain special education certification or EL authorization.

### Admission Requirements

The LAICHS petition does not present a reasonably comprehensive description of admission requirements. The petition states that families must attend a mandatory enrollment meeting and complete all documents in the enrollment packet, and that failure to do so will result in the family forfeiting their enrollment at LAICHS for the school year (Attachment 3, pp. 89–90). This provision set forth in the petition makes the admission process selective, and also seems to mandate parental involvement, which violates *EC* Section 47605(n) as it would limit LAICHS from admitting all pupils who wish to attend. Additionally, the petition lists exemptions in its preferences that are not permitted pursuant to *EC* Section 47605(d)(2)(B).

### Suspension and Pupil Expulsion Procedures

The LAICHS petition does not state that no pupil shall be involuntarily removed by LAICHS for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. The petition does not state that LAICHS will provide a hearing adjudicated by a neutral officer within a reasonable number of days for any expulsion or suspension of ten days or more as required by *EC* Section 47605(b)(4)(J)(ii)(II).

Additionally, the petition states that when an appeal relating to the placement of the pupil or the manifestation determination has been requested by either the parent or LAICHS, the pupil shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law or until the expiration of the 45-day time period provided for in an interim alternative educational setting whichever occurs first, unless the parent and LAICHS agree otherwise. However, the automatic placement of a pupil in an interim alternative educational setting is contrary to the provision of 20 United States Code Section 1415(k) which gives only a hearing officer the authority to order a change in placement.

## CDE Staff Review

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

* LAICHS Petition (Attachment 3 of the Agenda Item 05 on the April 10, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-apr19item05a3.pdf>).
* Educational and demographic data of schools where pupils would otherwise be required to attend (Attachment 2 of the Agenda Item 05 on the April 10, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-apr19item05a2.xlsx>).
* LAICHS Budget and Financial Projections (Attachment 4 of the Agenda Item 05 on the April 10, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-apr19item05a4.pdf>).
* Letter Dated January 28, 2019, Description of Changes to LAICHS Charter Renewal Petition Necessary to Reflect the SBE as the Chartering Entity (Attachment 5 of the Agenda Item 05 on the April 10, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-apr19item05a5.pdf>).
* Los Angeles County Board of Education Confirmation Letter Dated January 24, 2019; January 22, 2019, Meeting Minutes; Staff Findings; and Petitioner’s Response (Attachment 6 of the Agenda Item 05 on the April 10, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-apr19item05a6.pdf>).
* LAICHS Articles of Incorporation and Bylaws (Attachment 7 of the Agenda Item 05 on the April 10, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-apr19item05a7.pdf>).
* LAICHS Appendices and Attachments (Attachment 8 of the Agenda Item 05 on the April 10, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-apr19item05a8.pdf>).

## LACBOE Findings

On January 22, 2019, LACBOE denied the LAICHS petition based on the following findings:

* The charter school does not meet the academic performance criteria specified in *EC* Section 47605(b)(1)–(5) 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 required elements.

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

Currently, 41 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
* 33 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: Los Angeles International Charter High School (45 Pages)
* **Attachment 2:** Los Angeles International Charter High School Data Tables (7 Pages)
* **Attachment 3:** California State Board of Education Standard Conditions on Opening and Operation (4 Pages)