# CHARTER SCHOOL PETITION REVIEW FORM:The New School of San Francisco

CALIFORNIA DEPARTMENT OF EDUCATION

## Key Information Regarding The New School of San Francisco

### Proposed Grade Span and Build-out Plan

#### Table 1: 2020–25 Proposed Enrollment

K–kindergarten

NA–Not Applicable. Grade levels not served.

| Grade | 2020–21 | 2021–22 | 2022–23 | 2023–24 | 2024–25 |
| --- | --- | --- | --- | --- | --- |
| K | 48 | 48 | 48 | 48 | 48 |
|  1 | 48 | 48 | 48 | 48 | 48 |
|  2 | 48 | 48 | 48 | 48 | 48 |
|  3 | 48 | 48 | 48 | 48 | 48 |
|  4 | 48 | 48 | 48 | 48 | 48 |
|  5 | 48 | 48 | 48 | 48 | 48 |
|  6 | NA | NA | NA | NA | NA |
|  7 | NA | NA | NA | NA | NA |
|  8 | NA | NA | NA | NA | NA |
| Total | 288 | 288 | 288 | 288 | 288 |

### Proposed Location

The New School of San Francisco (NSSF) currently serves 288 pupils in kindergarten (K) through grade five on a Proposition 39 agreement with San Francisco Unified School District (SFUSD) for a facility at 655 De Haro Street, San Francisco, California. The petition states that NSSF plans to request facilities from SFUSD through Proposition 39 and that if NSSF is unable to secure facilities, NSSF will secure appropriate private facilities within SFUSD boundaries (Attachment 3, p. 140).

### Brief History

NSSF is a State Board of Education (SBE)-authorized charter school serving pupils in K through grade five. NSSF was originally approved by the SBE on March 12, 2015, for a five-year term, which expires on June 30, 2020. The California Department of Education (CDE) notes that NSSF has a subsequent item on the agenda if the renewal is approved, which is a material revision to change from K through grade five to K through grade eight.

On June 14, 2019, the petitioner submitted the NSSF petition to SFUSD. SFUSD considered the NSSF renewal petition as the following: (1) a renewal of the existing petition serving K through grade five, and (2) a material revision to expand the grade levels NSSF serves through grade eight. On September 24, 2019, the SFUSD Board denied both items of the NSSF petition by a unanimous vote of six to zero.

### Lead Petitioners

Emily Bobel, School Co-Founder

Ryan Chapman, School Co-Founder

## SUMMARY OF REQUIRED CHARTER ELEMENTS PURSUANT TO CALIFORNIA *EDUCATION CODE* SECTION 47605(b)

| **Charter Requirements Pursuant to California*****Education Code* Section 47605(b)** | **Meets Requirements** |
| --- | --- |
| Sound Educational Practice (California *Education Code* [*EC*] sections 47605[b] and [b][1]) | Yes |
| Ability to Successfully Implement the Intended Program (*EC* Section 47605[b][2]) | Yes |
| Required Number of Signatures (*EC* Section 47605[b][3]) | NA |
| Affirmation of Specified Conditions (*EC* sections 47605[b][4] and [d]) | Yes |
| Exclusive Public School Employer (*EC* Section 47605[b][6]) | Yes |
| 1. Description of Educational Program (*EC* Section 47605[b][5][A])
 | Yes |
| 1. Measurable Pupil Outcomes (*EC* Section 47605[b][5][B])
 | Yes |
| 1. Method for Measuring Pupil Progress (*EC* Section 47605[b][5][C])
 | Yes |
| 1. Governance Structure (*EC* Section 47605[b][5][D])
 | Yes |
| 1. Employee Qualifications (*EC* Section 47605[b][5][E])
 | No |
| 1. Health and Safety Procedures (*EC* Section 47605[b][5][F])
 | Yes |
| 1. Racial and Ethnic Balance (*EC* Section 47605[b][5][G])
 | No |
| 1. Admission Requirements (*EC* Section 47605[b][5][H])
 | No |
| 1. Annual Independent Financial Audits (*EC* Section 47605[b][5][I])
 | Yes |
| 1. Suspension and Expulsion Procedures (*EC* Section 47605[b][5][J])
 | Yes |
| 1. Retirement Coverage (*EC* Section 47605[b][5][K])
 | Yes |
| 1. Public School Attendance Alternatives (*EC* Section 47605[b][5][L])
 | Yes |
| 1. Post-employment Rights of Employees (*EC* Section 47605[b][5][M])
 | Yes |
| 1. Dispute Resolution Procedures (*EC* Section 47605[b][5][N])
 | No |
| 1. Closure Procedures (*EC* Section 47605[b][5][O])
 | Yes |
| Standards, Assessments, and Parent Consultation (*EC* sections 47605[c][1] and [2]) | Yes |
| Effect on Authorizer and Financial Projections (*EC* Section 47605[g]) | Yes |
| Teacher Credentialing (*EC* Section 47605[l]) | Yes |
| Transmission of Audit Report (*EC* Section 47605[m]) | Yes |
| Goals to Address the Eight State Priorities (*EC* Section 47605[b][5][A][ii]) | Yes |
| Transferability of Secondary Courses (*EC* 47605 [b][5][A][iii]) | NA |

**REQUIREMENTS FOR STATE BOARD OF EDUCATION-AUTHORIZED CHARTER SCHOOLS**

## Sound Educational Practice

*EC* sections 47605(b) and (b)(1)

*California Code of Regulations*, Title 5(5 *CCR*) sections 11967.5.1(a) and (b)

### Evaluation Criteria

For purposes of *EC* Section 47605(b), a charter petition shall be “consistent with sound educational practice” if, in the SBE’s judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.

For purposes of *EC* Section 47605(b)(1), a charter petition shall be “an unsound educational program” if it is either of the following:

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 likely to be of educational benefit to the pupils who attend.

**The charter petition is “consistent with sound educational practice.”**

### Comments

The NSSF petition is consistent with sound educational practice. NSSF’s pupils do perform at least equal to its comparable district schools where the majority of NSSF pupils would otherwise attend.

#### Renewal Criteria

*EC* Section 47607 set 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 in 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.

NSSF does perform, overall, at least equal to its comparable district schools where the majority of NSSF pupils would otherwise attend.

The CDE notes that only two years of California Assessment of Student Performance and Progress (CAASSP) data were reviewed and shown below given that the first year NSSF enrolled grade three pupils was 2017–18.

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

The CDE selected four schools where pupils would otherwise be required to attend and that are comparable in that they have similar enrollment for similar significant subgroups. The four schools serve K through grade five.

The following table shows the percentage of pupils that met/exceeded standards on the 2017–18 and 2018–19 CAASPP assessment for English language arts (ELA) and mathematics for NSSF and the CDE-chosen comparable schools that pupils would otherwise attend. The 2017–18 and 2018–19 CAASPP data show that NSSF does perform, overall, at least equal to comparable district schools. Additionally, the results reflect an increase in both ELA and mathematics from 2017–18 to 2018–19.

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

| School | 2017–18 ELA | 2017–18 Math | 2018–19ELA | 2018–19Math |
| --- | --- | --- | --- | --- |
| NSSF | 73.17 | 58.53 | 80.43 | 70.65 |
| Chavez (Cesar) Elementary | 14.15 | 14.15 | 21.43 | 15.74 |
| Cobb (William L.) Elementary | 14.58 | 18.75 | 19.15 | 23.41 |
| Flynn (Leonard R.) Elementary | 21.76 | 16.83 | 21.43 | 12.5 |
| Parks (Rosa) Elementary | 40.51 | 34.87 | 44.11 | 36.36 |

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

The NSSF petitioner completed data comparison analyses between two sets of NSSF-chosen comparable schools: (1) NSSF-chosen SFUSD schools that pupils would otherwise attend; and (2) NSSF-chosen SFUSD schools with similar demographics.

The following table shows the percentage of pupils that met/exceeded standards on the 2017–18 CAASPP assessment for ELA and mathematics for all pupils schoolwide for NSSF and for NSSF-chosen SFUSD schools that pupils would otherwise attend.

**CAASPP Results for NSSF-chosen SFUSD Schools that Pupils Would Otherwise Attend (Percent Meets/Exceeds Standards)**

| School | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- |
| NSSF | 73.17 | 58.53 |
| Chavez (Cesar) Elementary | 14.15 | 14.15 |
| Cobb (William L.) Elementary | 14.58 | 18.75 |
| Flynn (Leonard R.) Elementary | 21.76 | 16.83 |
| Parks (Rosa) Elementary | 40.51 | 34.87 |
| SFUSD | 55.27 | 50.58 |
| California | 49.88 | 38.65 |

The following table shows the percentage of pupils that met/exceeded standards on the 2017–18 CAASPP assessment for ELA and mathematics for all pupils schoolwide for NSSF and for NSSF-chosen SFUSD schools with similar demographics.

**CAASPP Results for NSSF-chosen SFUSD Schools with Similar Demographics (Percent Meets/Exceeds Standards)**

| School | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- |
| NSSF | 73.17 | 58.53 |
| Milk (Harvey) Civil Rights Elementary | 34.41 | 26.88 |
| McKinley Elementary | 68.18 | 62.5 |
| New Traditions Elementary | 72.65 | 66.09 |
| San Francisco Public Montessori | 62.32 | 59.14 |
| Sunnyside Elementary | 63.41 | 44.87 |

Additionally, NSSF reviewed the 2018–19 CAASSP preliminary data for ELA and mathematics. The NSSF preliminary data showed that 81 percent met or exceeded standards for ELA and 71 percent met or exceeded standards for mathematics. These averages reflect a 10 percent increase in ELA and a 12 percent increase in mathematics from the 2017–18 results.

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

SDUSD reviewed 2017–18 CAASPP data for NSSF and two types of district-chosen comparable schools: (1) SFUSD-chosen schools pupils would otherwise attend; and (2) SFUSD-chosen comparable schools that are demographically similar. The data support a finding that NSSF performance is at least equal to the SFUSD schools NSSF pupils would otherwise attend (Attachment 6, pp. 8–9).

The SFUSD staff recommendation was to approve the NSSF renewal petition for K through grade five based on the finding that NSSF’s performance for the 2017–18 third grade CAASPP results was at least equal to the SFUSD schools NSSF pupils would otherwise attend. NSSF’s results exceeded those of the SFUSD schools NSSF pupils would otherwise attend, SFUSD, and California statewide. Additionally, in comparison to five demographically similar SFUSD schools, NSSF results exceeded two schools, and equaled or lagged three others in ELA. In mathematics, NSSF results exceeded those of one school, and lagged those of four schools (Attachment 6, p. 9).

The following table shows the percentage of pupils that met/exceeded standards on the 2017–18 CAASPP assessment for ELA and mathematics for NSSF and the SFUSD-chosen comparable schools that pupils would otherwise attend. At the time the petitioner submitted the NSSF renewal petition to SFUSD, the 2018–19 CAASPP data were not available.

**CAASPP Results for SFUSD-chosen Comparable Schools that Pupils Would Otherwise Attend (Percent Meets/Exceeds Standards)**

| School | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- |
| NSSF | 71 | 58.5 |
| Cobb (William L.) Elementary | 23 | 27 |
| Chavez (Cesar) Elementary | 21 | 21 |
| Flynn (Leonard R.) Elementary | 16 | 18 |
| Parks (Rosa) Elementary | 34 | 41 |
| SFUSD | 52 | 57 |
| California | 48 | 49 |

The following table shows the percentage of pupils that met/exceeded standards on the 2017–18 CAASPP assessment for ELA and mathematics for all pupils schoolwide for NSSF and for SFUSD-chosen schools with similar demographics.

**CAASPP Results for NSSF-chosen SFUSD Schools with Similar Demographics (Percent Meets/Exceeds Standards)**

| School | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- |
| NSSF | 71 | 58.5 |
| Milk (Harvey) Civil Rights Elementary | 55 | 42 |
| McKinley Elementary | 63 | 62 |
| New Traditions Elementary | 80 | 75 |
| San Francisco Public Montessori | 88 | 67 |
| Sunnyside Elementary | 72 | 75 |

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

##### SFUSD’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 significant subgroups.

SFUSD 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 NSSF’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 significant subgroups.

The CDE reviewed the following alternative measures as criteria for charter renewal (Attachment 3, pp. 11–15):

* Preliminary CAASPP data for 2018–19
* California School Dashboard indicators for subgroups

NSSF CAASPP data for 2018–19 reflect a 10 percent increase in proficiency for ELA and a 12 percent increase for mathematics from the 2017–18 CAASPP data. NSSF’s 2018–19 CAASPP results exceeded both the SFUSD and California statewide averages. The 2018 California School Dashboard for NSSF reports chronic absenteeism at 4.7 percent (Green) and a suspension rate of 0.5 percent (Green).

In addition, the CDE reviewed the following alternative measures (Attachment 3, pp. 11–15):

* Internal proficiency data for subgroups (Fountas and Pinnell - literacy; Common Core State Standards aligned benchmark – numeracy)
* Internal data on school culture and climate
* School accountability ranking by California Charter Schools Association

The data from the NSSF 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 NSSF relies on assessments for which the CDE lacks independent confirmation of their reliability, validity, fairness, and alignment.

## Ability to Successfully Implement the Intended Program

*EC* Section 47605(b)(2)

5 *CCR* Section 11967.5.1(c)

### Evaluation Criteria

For purposes of *EC* Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program":

1. If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners’ control.
2. The petitioners are unfamiliar, in the SBE’s judgment, with the content of the petition or the requirements of law that would apply to the proposed charter school.
3. The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified).
4. The petitioners personally lack the necessary background in the following areas critical to the charter school’s success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

**The petitioners are able to successfully implement the intended program.**

### Comments

#### Fiscal Analysis

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

* 288 K through grade five in 2020–21
* 288 K through grade five in 2021–22
* 288 K through grade five in 2022–23

The CDE notes that a revised budget was requested from the NSSF petitioner to reflect projected enrollment for the K through grade five renewal given that the budget submitted included the projected enrollment for K through grade eight (Attachment 4).

NSSF has a good financial record under SBE authorization. NSSF’s fiscal year (FY) 2019–20 preliminary budget report indicates that NSSF is projecting a positive ending fund balance of $520,772 and reserves of 11.43 percent, which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding (MOU) between NSSF and the SBE. The CDE reviewed the audited financial data from the 2017–18 audit report that reflected an unqualified status. In addition, NSSF’s current enrollment of 288, is approximately three times the enrollment stated in the original petition.

The CDE concludes that the NSSF projected budget is viable with the projected enrollment of 288 each year and positive ending fund balances of $837,556; $900,234; and $961,420 with reserves of 17.9, 18.7, and 19.3 percent for FY 2020–21 through 2022–23, respectively.

**Past Fiscal History Under SBE Authorization**

Overall, NSSF has had a good financial record under SBE authorization. NSSF’s FY 2019–20 preliminary budget report indicates that NSSF is projecting a positive ending fund balance of $520,772 and reserves of 11.43 percent, which is above the recommended 5 percent in reserves outlined in the MOU between NSSF and the SBE. The CDE reviewed the audited financial data from the 2017–18 audit report that reflected an unqualified status. In addition, NSSF’s current enrollment of 288, is approximately three times the enrollment stated in the original petition.

The following outlines NSSF’s fiscal standing based on the annual SBE Fiscal Memorandums issued over the last four years:

* August 1, 2019: Good financial standing, which means that a charter school has demonstrated an ability to operate with a balanced budget; maintain stable enrollment and attendance ratios; manage cash liquidity; maintain a low debt level; maintain a positive fund balance; and has met the recommended reserve level specified in the MOU.
* August 1, 2018: Good financial standing, which means that a charter school has demonstrated an ability to operate with a balanced budget; maintain stable enrollment and attendance ratios; manage cash liquidity; maintain a low debt level; maintain a positive fund balance; and has met the recommended reserve level specified in the MOU.
* August 10, 2017: Poor financial condition, which means that a charter school is in danger of jeopardizing their fiscal operations going forward. Timely and appropriate action by the charter school’s Board is critical in addressing and mitigating the serious decline in financial condition. Specifically, charter schools in poor financial condition have a negative fund balance and no reserve. These schools do not have an adequate cash level and have a high debt level.

As shown on the 2017–18 audit report, NSSF remedied this poor condition by demonstrating an ability to operate with a balanced budget, maintaining a positive ending fund balance of $279,964 with approximately eight percent in reserves. NSSF also maintained a low debt level of 0.79, with adequate cash liquidity. Additionally, NSSF maintained stable enrollment by increasing its enrollment from 184 pupils in 2017–18 to 235 pupils in 2018–2019.

* April 1, 2016: Fair financial condition, which means that a charter school is showing some signs of fiscal distress and needs to take appropriate action to address the decline in financial condition. Specifically, a charter school in fair financial condition may have an out-of-balance (deficit spending) budget; declining enrollment or attendance ratio; cash liquidity that is not adequate; debt level that is high; declining or low fund balances; or reserve level that is below the level required in the MOU.

Additionally, as part of oversight, as the CAASPP data and fiscal reports become available, the CDE will continue to monitor the fiscal viability and academic performance of NSSF, which could result in CDE requesting a written response, an action plan, or additional documentation.

## Required Number of Signatures

*EC* Section 47605(b)(3)

5 *CCR* Section 11967.5.1(d)

### Evaluation Criteria

For purposes of *EC* Section 47605(b)(3), a charter petition that “does not contain the number of signatures required by [law]” …, shall be a petition that did not contain the requisite number of signatures at the time of its submission …

**This requirement is not applicable.**

### Comments

Signatures are not applicable for a charter renewal.

## Affirmation of Specified Conditions

*EC* sections 47605(b)(4) and (d)

5 *CCR* Section 11967.5.1(e)

### Evaluation Criteria

For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in (*EC* Section 47605[d])" …, shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).

| Criteria | Criteria Met |
| --- | --- |
| 1. [A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the California *Penal Code*. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.
 | Yes |
| 1. (A) A charter school shall admit all pupils who wish to attend the school.
2. If the number of pupils who wish to attend the charter school exceeds the charter school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school’s teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis.
3. In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.
 | Yes |
| 1. If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to *EC* Section 48200.
 | Yes |

**The petition does contain the required affirmations.**

### Comments

The NSSF petition contains the required affirmations (Attachment 3, pp. 6–7); however, the Affirmations and Declarations pages of the petition are not signed by the petitioner.

If approved by the SBE, as a condition for approval, the NSSF petitioner will be required to submit a signed copy of the Affirmations and Declarations section of the petition.

## Exclusive Public School Employer

*EC* Section 47605(b)(6)

5 *CCR* Section 11967.5.1(f)(15)

### Evaluation Criteria

The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 [commencing with Section 3540] of Division 4 of Title 1 of the California *Government Code*), as required by *EC* Section 47605(b)(6), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (EERA).

**The petition does include the necessary declaration.**

### Comments

The NSSF petition does include the necessary declaration (Attachment 3, p. 6).

**THE 15 CHARTER ELEMENTS**

## 1. Description of Educational Program

*EC* Section 47605(b)(5)(A)

5 *CCR* Section 11967.5.1(f)(1)

### Evaluation Criteria

The description of the educational program …, as required by *EC* Section 47605(b)(5)(A), at a minimum:

| **Criteria** | **Criteria Met** |
| --- | --- |
| 1. 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.
 | Yes |
| 1. 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 twenty-first century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.
 | Yes |
| 1. 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.
 | Yes |
| 1. Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).
 | Yes |
| 1. 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 *EC* Section 60605 and to achieve the objectives specified in the charter.
 | Yes |
| 1. Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.
 | Yes |
| 1. 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.
 | Yes |
| 1. 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 *EC* 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.
 | Yes |

**The petition does overall present a reasonably comprehensive description of the educational program.**

### Comments

The NSSF petition does overall present a reasonably comprehensive description of the educational program.

#### Educational Program

NSSF intends to serve 348 pupils in grades K through grade five in 2020–21 and 468 pupils in grades K through grade eight by 2024–25. The petition states that NSSF’s vision and mission is that all San Francisco pupils, regardless of their background, receive an education equal to their extraordinary potential. NSSF’s educational model is designed to meet the needs of every learner and operates under the following four principles of teaching (Attachment 3, pp. 30–32):

* We learn by doing
* We believe every child is unique
* We celebrate diversity and practice equity
* We build community through partnership

Additionally, the NSSF petition states that learning occurs best when the following occur (Attachment 3, pp. 33–35):

* Pupils feel a sense of belonging
* Pupils feel physically and psychologically safe
* Pupils have agency over their learning
* Pupils have hands-on, relevant learning opportunities

NSSF’s instructional approach incorporates an inquiry-based model with personalized learning, integrated social-emotional development, and connectedness to the community and world. The petition states that NSSF employs a co-teaching model with at least three teachers per grade, which allows for greater flexibility in establishing learning communities within a grade.

#### Plan for Low-Achieving Pupils

The NSSF petition states that a variety of assessment tools are used to identify pupils who are academically low-achieving such as baseline assessments, diagnostic assessment in language arts and mathematics, Fountas and Pinnell assessments, and writing samples. Pupils are considered low-achieving based on the following criteria (Attachment 3, p. 68):

* Demonstrating below or far-below basic on the baseline kindergarten Readiness Assessment
* Performing significantly below grade level on their independent reading as measured by Fountas and Pinnell
* Performing significantly below their grade-level peers on writing samples
* Performing significantly below grade level on numeracy benchmarks
* Scoring below basic or far-below basic on the mathematics and/or language arts portion of the Smarter Balanced assessment for the prior year(s)

The NSSF petition states that the following practices and intervention services will be used to support low-achieving pupils (Attachment 3, pp. 68–69):

* Hands-on, integrated curriculum with concrete experiences to help pupils to access content through a variety of modalities.
* Differentiated instruction practices to make the curriculum accessible; flexible, targeted grouping is used to develop content area skills.
* During professional development days and weekly faculty collaboration times, faculty discusses the academic progress of pupils to develop and refine intervention supports.
* Cross-age tutoring may be used in order to increase performance in both tutor or tutee.
* Pupils who demonstrate difficulty with mathematics may be grouped for targeted strategic interventions during the skills lesson; the teacher meets with these small groups or individuals on a weekly basis.
* Pupils who demonstrate difficulty with reading are grouped according to their instructional reading level and provided with small group guided reading instruction related to their areas of need during reading workshops; teachers meet with lower reading groups for longer durations and/or with greater frequency in order to accelerate their learning and work with each individual pupils in selecting independent reading material appropriate to his or her level, to provide further individualized instruction and support.
* Pupils who demonstrate difficulty with writing receive support in the classroom which includes targeted mini-lessons, additional conferencing time/duration, and/or other strategies aimed at helping the pupil improve.
* Before- or after-school interventions are considered when pupils demonstrate persistent gaps to bolster their skill acquisition while maintaining exposure to the instructional day.

#### Plan for High-Achieving Pupils

The NSSF petitions states that pupils are considered academically high achieving based on the following criteria (Attachment 3, p. 69):

* Demonstrating above basic on the baseline kindergarten Readiness Assessment
* Performing significantly above grade level on their independent reading as measured by Fountas and Pinnell
* Performing significantly above their grade-level peers on writing samples
* Performing significantly above grade level on numeracy benchmarks
* Exceeding standards on the mathematics and/or language arts portion of the Smarter Balanced assessments from the prior year(s)

The NSSF petition states that NSSF will implement the following additional strategies to ensure that the needs of advanced learners are met (Attachment 3, p. 70):

* Providing learning opportunities that meet and challenge pupils’ development for all core content areas.
* Facilitating individual and small group projects developed to challenge academically high-achieving pupils and extend learning beyond the classroom.
* Guiding pupils to develop their own learning goals and objectives.
* Participating in a small group with a different grade or higher-grade peers.

#### Plan for English Learners

The petition states that NSSF currently meets all applicable legal requirements for English learner (EL) pupils, including long-term (LT) EL pupils or EL pupils at risk of becoming LT EL pupils, as they pertain to annual notifications to parents, pupil identification, placement, program options, EL and core content instruction, teacher qualifications and training, reclassification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. The English Language Proficiency Assessments for California (ELPAC) is used to assess English proficiency and the following criteria may be used re-designate pupils as fluent English proficient (Attachment 3, p. 72):

* An assessment of English Language Proficiency on the ELPAC test
* Sufficient performance on baseline and benchmark assessments
* Teacher evaluation and recommendation
* Parent opinion and consultation

The petition states that NSSF will monitor reclassified pupils for four years (Attachment 3, p. 88). The petition states that all EL pupils will receive at least 30 minutes a day of designated English language development (ELD) instruction from either teachers or learning specialists, which occurs during the course of the literacy block (Attachment 3, p. 74). Additionally, NSSF uses the critical principles outlined in the ELD standards as well as a personalized learning approach in which strategies and supports may look different to each pupil. The petition states that NSSF has created an English Learner Advisory Council, organized by the Director of Community and the Director of Student Access, which meets three to four times a year and assists in the development of the EL program (Attachment 3, p. 70).

#### Plan for Special Education

The petition states that NSSF shall comply with all applicable state and federal laws in serving pupils with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Individuals with Disabilities Education Improvement Act. NSSF is a member of the El Dorado County Charter Special Education Local Plan Area. The NSSF petition identifies a plan for pupils with disabilities, including identification; assessments; development, implementation, and review of Individualized Education Programs; strategies for instruction and services; reporting; and due process and procedural safeguards (Attachment 3, pp. 75–82).

## 2. Measurable Pupil Outcomes

*EC* Section 47605(b)(5)(B)

5 *CCR* Section 11967.5.1(f)(2)

### Evaluation Criteria

Measurable pupil outcomes, as required by *EC* Section 47605(b)(5)(B), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. 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.
 | Yes |
| 1. Include the school’s API growth target, if applicable.
 | Not Applicable |

**The petition does present a reasonably comprehensive description of measurable pupil outcomes.**

### Comments

The NSSF petition does present a reasonably comprehensive description of measurable pupil outcomes. The petition contains a table that outlines the goals, actions, measureable outcomes, and methods of measurement that align with the eight state priorities for pupils schoolwide and for pupil subgroups (Attachment 3, pp. 84–94).

## 3. Method for Measuring Pupil Progress

*EC* Section 47605(b)(5)(C)

5 *CCR* Section 11967.5.1(f)(3)

### Evaluation Criteria

The method for measuring pupil progress, as required by *EC* Section 47605(b)(5)(C), at a minimum:

| **Criteria** | **Criteria Met** |
| --- | --- |
| 1. Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.
 | Yes |
| 1. Includes the annual assessment results from the Standardized Testing and Reporting (STAR) program.
 | Not Applicable |
| 1. Outlines 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 charter school’s educational program.
 | Yes |

**The petition does present a reasonably comprehensive description of the method for measuring pupil progress.**

### Comments

The NSSF petition does present a reasonably comprehensive description of the method for measuring pupil progress. The petition states NSSF will implement a comprehensive assessment system to measure progress toward the NSSF vision for pupil success, which includes tracking pupil mastery of grade-level standards and requisite skills in each subject area. Additionally, the petition contains a table, which delineates the performance area, assessment tool, type of assessment, and frequency as well as NSSF’s use and reporting of data to parents and in the school accountability report card (Attachment 3, pp. 95–99).

## 4. Governance Structure

*EC* Section 47605(b)(5)(D)

5 *CCR* Section 11967.5.1(f)(4)

### Evaluation Criteria

The governance structure of the charter school, including, but not limited to, the process … to ensure parental involvement …, as required by *EC* Section 47605(b)(5)(D), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Includes evidence of the charter school’s incorporation as a non-profit public benefit corporation, if applicable.
 | Yes |
| 1. Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:
	1. The charter school will become and remain a viable enterprise.
	2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).
	3. The educational program will be successful.
 | Yes |

**The petition does present a reasonably comprehensive description of the school’s governance structure.**

### Comments

The petition does present a reasonably comprehensive description of the NSSF governance structure (Attachment 3, pp. 100–105). The petition states that NSSF is a directly-funded independent charter school operated by NSSF, a California non-profit public benefit corporation, pursuant to California law. NSSF is governed by a Board of Directors, which has adopted a Conflict of Interest Code that complies with the Political Reform Act, *Government Code* (*GC*) Section 1090, and the Brown Act. The Board of Directors is fully responsible for the operation and fiscal affairs of NSSF. Additionally, the petition states that NSSF will establish and maintain the following three bodies: Board of Directors, Home and School Council, and Advisory Network. The three bodies will include parents, either in part or in whole, with the goal to increase family involvement and leadership, broaden participation in decision-making, build community, and establish trust, transparency, and accountability.

The SBE expects all SBE-authorized charter schools to comply with *EC* Section 47604.1 (effective January 1, 2020), which requires charter schools or entities managing charter schools to comply with the following:

1. The Ralph M. Brown Act (commencing with *GC* Section 54590);
2. The California Public Records Act (commencing with *GC* Section 6250);
3. Conflict of Interest Rules (commencing with *GC* Section 1090); and
4. The Political Reform Act (commencing with *GC* Section 81000).

## 5. Employee Qualifications

*EC* Section 47605(b)(5)(E)

5 *CCR* Section 11967.5.1(f)(5)

### Evaluation Criteria

The qualifications (of the school’s employees), as required by *EC* Section 47605(b)(5)(E), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health and safety of the school’s faculty, staff, and pupils.
 | Yes |
| 1. Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.
 | No |
| 1. Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to, credentials as necessary.
 | Yes |

**The petition does not present a reasonably comprehensive description of employee qualifications.**

### Comments

The NSSF petition does not present a reasonably comprehensive description of employee qualifications. The petition identifies general qualifications for NSSF positions of employment (Attachment 3, pp. 106–109); however, the petition does not identify those positions that NSSF regards as key in each category nor does it specify the additional qualifications expected of individuals assigned to those positions.

If approved by the SBE, as a condition for approval, the petitioners will be required to revise the petition in order to reflect the SBE as the authorizer and include the necessary language for Element 5–Employee Qualifications by identifying the positions that NSSF regards as key in each category.

## 6. Health and Safety Procedures

*EC* Section 47605(b)(5)(F)

5 *CCR* Section 11967.5.1(f)(6)

### Evaluation Criteria

The procedures …, to ensure the health and safety of pupils and staff, as required by *EC* Section 47605(b)(5)(F), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Require that each employee of the school furnish the school with a criminal record summary as described in *EC* Section 44237 and comply with *EC* Section 44830.1.
 | Yes |
| 1. Include the examination of faculty and staff for tuberculosis as described in *EC* Section 49406.
 | Yes |
| 1. Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.
 | Yes |
| 1. Provide for the screening of pupils’ vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.
 | Yes |

**The petition does present a reasonably comprehensive description of health and safety procedures.**

### Comments

The NSSF petition does present a reasonably comprehensive description of health and safety procedures. The petition states that NSSF will adopt and implement full health and safety procedures and risk management policies at the school site in consultation with its insurance carriers and risk management experts. The petition states that NSSF employees and contractors will be required to submit to a criminal background check and furnish a criminal record summary as required by *EC* sections 44237 and 45125.1, which will be monitored by the Heads of Schools. The Board President shall monitor the fingerprinting and background clearance of the Heads of Schools. Employees and volunteers who have frequent or prolonged contact with pupils will be assessed and examined for tuberculosis prior to commencing employment and working with pupils, and for employees at least once each four years thereafter, as required by *EC* Section 49406. The petition states that all enrolled pupils will be required to provide records documenting immunizations. All pupils will be screened for vision, hearing, and scoliosis pursuant to *EC* Section 49450. The petition states that NSSF shall adopt a School Safety Plan, to be reviewed and updated by March 1 of every year, which shall include identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address procedures for complying with applicable laws related to school safety, including the development of the following pursuant to *EC* sections 32282(a)(2)(A) through (H) (Attachment 3, pp. 110–113):

* Child abuse reporting procedures
* Routine and emergency disaster procedures
* Policies for pupils who committed an act under *EC* Section 48915 and other NSSF-designated serious acts leading to suspension, expulsion, or mandatory expulsion recommendations
* Procedures to notify teachers of dangerous pupils pursuant the *EC* Section 49079
* A discrimination and harassment policy consistent with *EC* Section 200
* Provisions of any schoolwide dress code that prohibits pupils from wearing gang-related apparel, if applicable
* Procedures for safe ingress and egress of pupils, parents, and employees to and from NSSF
* A safe and orderly environment conducive to learning
* Procedures for conducting tactical responses to criminal incidents

## 7. Racial and Ethnic Balance

*EC* Section 47605(b)(5)(G)

5 *CCR* Section 11967.5.1(f)(7)

### Evaluation Criteria

Recognizing the limitations on admissions to charter schools imposed by *EC* Section 47605(d), the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district …, as required by *EC* Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.

**The petition does not present a reasonably comprehensive description of means for achieving racial and ethnic balance.**

### Comments

The NSSF petition does not present a reasonably comprehensive description of the means for achieving racial and ethnic balance. The following table shows the 2018–19 demographic data for NSSF and SFUSD. The data show that the racial and ethnic balance served by NSSF is not reflective of that of SFUSD.

**2018–19 Demographic Data for NSSF and SFUSD (Percent of Pupils Enrolled)**

| School | English Learners | Special Education | Socio-economically Disadvantaged | African American | Hispanic/ Latino | White |
| --- | --- | --- | --- | --- | --- | --- |
| NSSF | 9.4 | 7.2 | 11.5 | 5.1 | 20.9 | 52.8 |
| SFUSD | 28.1 | 11.5 | 54.7 | 8.1 | 31.5 | 14.3 |

The petition states that NSSF shall adhere to a Community Engagement Plan (Attachment 8, pp. 144–151) that combines effective recruitment strategies with resources to attract and retain a diverse pupil body and to ensure that the population of pupils is reflective of the general population within the territorial jurisdiction of SFUSD (Attachment 3, p. 114); however, the plan is located in the NSSF petition appendices and is not included in the petition. Additionally, the CDE is concerned that the racial and ethnic balance has not been achieved in the five years NSSF has been in operation, and that the preferences currently written in Element 8–Admission Requirements of the petition will not yield a racial and ethnic balance reflective of SFUSD.

If approved by the SBE, as a condition for approval, the NSSF petitioner will be required to revise the petition as follows: to reflect the SBE as the authorizer; to include the necessary language for Element 7–Racial and Ethnic Balance to incorporate the Community Engagement Plan in the NSSF petition; and to revise the preferences in Element 8–Admission Requirements.

## 8. Admission Requirements, If Applicable

*EC* Section 47605(b)(5)(H)

5 *CCR* Section 11967.5.1(f)(8)

### Evaluation Criteria

To the extent admission requirements are included in keeping with *EC* Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of *EC* Section 47605(d)(2)(B) and any other applicable provision of law.

**The petition does not present a reasonably comprehensive description of admission requirements.**

### Comments

The NSSF petition does not present a reasonably comprehensive description of admission requirements. The 2018–19 demographic data show that the racial and ethnic balance served by NSSF is not reflective of that of SFUSD. The CDE is concerned that preferences currently written in Element 8–Admission Requirements of the petition will not yield a racial and ethnic balance reflective of SFUSD. Additionally, the NSSF petition states that NSSF has been fully enrolled and has maintained a waitlist for all grades since the school’s opening. For the 2018–19 school year, NSSF has 444 pupils on the waitlist for K through grade four (Attachment 3, p. 116). The CDE is concerned that with sibling preference being first in NSSF’s lottery, it is unlikely that NSSF will be able to achieve racial and ethnic diversity with the proposed admission requirements

The petitions states that NSSF shall admit all pupils who wish to attend. The NSSF petition states that in the case of a public random drawing, admission preferences shall be in the following order (Attachment 3, p. 115):

1. Siblings of pupils admitted to or attending NSSF
2. Pupils eligible for free and reduced-price meals who reside within the boundaries of SFUSD, not to exceed 33 percent for each grade
3. Children of employees and board members of NSSF, not to exceed 10 percent of the total enrollment
4. All other pupils residing in the boundaries of SFUSD
5. Pupils residing outside the boundaries of SFUSD

The petition notes that admission preference caps do not limit the number of pupils in each of these categories who will be enrolled in NSSF, only the scope of the preference. The NSSF petition outlines dates for planned application, public random drawing, and admission schedule (Attachment 3, p. 116).

Additionally, the petition states that having one lottery for enrollment spanning K through grade eight will alleviate parent stress, preserve and strengthen parent networks, ensure a consistent and cohesive educational approach through middle school, and mitigate some of the adverse effects of school transitions at the end of grade five and grade eight (Attachment 3, p. 27).

If approved by the SBE, as a condition for approval, the NSSF petitioner will be required to revise the petition in order to reflect the SBE as the authorizer and to include the necessary language for Element 8–Admission Requirements to reorder the NSSF admission preferences to achieve a racial and ethnic balance that is reflective of SFUSD.

The SBE has the discretion to approve the proposed preferences in the NSSF petition at a public hearing.

## 9. Annual Independent Financial Audits

*EC* Section 47605(b)(5)(I)

5 *CCR* Section 11967.5.1(f)(9)

### Evaluation Criteria

The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE’s satisfaction, as required by *EC* Section 47605(b)(5)(I), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Specify who is responsible for contracting and overseeing the independent audit.
 | Yes |
| 1. Specify that the auditor will have experience in education finance.
 | Yes |
| 1. Outline the process of providing audit reports to the SBE, CDE, or other agency as the SBE may direct, and specifying the timeline in which audit exceptions will typically be addressed.
 | Yes |
| 1. Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.
 | Yes |

**The petition does present a reasonably comprehensive description of annual independent financial audits.**

### Comments

The NSSF petition does present a reasonably comprehensive description of annual independent financial audits (Attachment 3, p. 117).

## 10. Suspension and Expulsion Procedures

*EC* Section 47605(b)(5)(J)

5 *CCR* Section 11967.5.1(f)(10)

### Evaluation Criteria

The procedures by which pupils can be suspended or expelled, as required by *EC* Section 47605(b)(5)(J), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners’ reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.
 | Yes |
| 1. Identify the procedures by which pupils can be suspended or expelled.
 | Yes |
| 1. Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.
 | Yes |
| 1. Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests of the school’s pupils and their parents (guardians).
 | Yes |
| 1. If not otherwise covered under subparagraphs (A), (B), (C), and (D):
2. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.
3. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.
 | Yes |

**The petition does present a reasonably comprehensive description of suspension and expulsion procedures.**

### Comments

The NSSF petition does present a reasonably comprehensive description of suspension and expulsion procedures.

Addressing evaluation criteria A, B, and D, the petition states that the pupil suspension and expulsion policy has been established in order to promote learning and protect the safety and well-being of all pupils at NSSF. The petition lists discretionary and non-discretionary offenses and procedures for suspension and expulsion (Attachment 3, pp. 119–124). Additionally, the petition states that NSSF is committed to the annual review and modification of the list of offenses and policies and procedures surrounding suspension and expulsion (Attachment 3, p. 118). The petition states that no pupil shall be involuntarily removed by NSSF 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 (Attachment 3, p. 119). Additionally, the petition states that a pupil may be expelled either by the neutral and impartial NSSF Board following a hearing before it or by the NSSF Board upon the recommendation of a neutral and impartial Administrative Panel to be assigned by the Board as needed. The Administrative Panel will consist of at least three members who are certificated and who are neither a teacher of the pupil nor a member of the NSSF Board (Attachment 3, p. 126).

Addressing evaluation criteria C and E, the NSSF 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 NSSF, the pupil shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 *United States Code* (*USC*) Section 1415(k), until the expiration of the 45-day time period provided for in an interim alternative educational setting, unless the parent and NSSF agree otherwise (Attachment 3, p. 130).

If approved by the SBE, as a condition for approval, the NSSF petitioner will be required to revise the petition in order to reflect the SBE as the authorizer and to include the necessary language for Element 10–Suspension and Expulsion that when an appeal relating to the placement of the pupil or the manifestation determination has been requested by either the parent or NSSF, the pupil shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in 20 *USC* Section 1415(k)(l)(c), whichever occurs first, unless the parent and NSSF agree otherwise.

## 11. Teachers’ and Public Employees’ Retirement System, and Social Security Coverage

**California State Teachers’ Retirement System, California Public Employees’ Retirement System, and Social Security Coverage**

*EC* Section 47605(b)(5)(K)

5 *CCR* Section 11967.5.1(f)(11)

### Evaluation Criteria

The manner by which staff members of the charter schools will be covered by California State Teachers’ Retirement System (CalSTRS), California Public Employees’ Retirement System (CalPERS), or federal social security, as required by *EC* Section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.

**The petition does present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage.**

### Comments

The petition does present a reasonably comprehensive description of the NSSF retirement systems. The petition states that all applicants for positions within NSSF shall be informed of the retirement system option for employees of NSSF. This information shall specifically include that NSSF makes available to its employees a 403(b) retirement plan option and social security, and that accepting employment with NSSF may exclude the applicant from further coverage in the applicant’s current retirement system. The petition states that the Operations Manager will be responsible for ensuring that appropriate arrangements for coverage have been made for each employee (Attachment 3, p. 133).

## 12. Public School Attendance Alternatives

*EC* Section 47605(b)(5)(L)

5 *CCR* Section 11967.5.1(f)(12)

### Evaluation Criteria

The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by *EC* Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.

**The petition does present a reasonably comprehensive description of public school attendance alternatives.**

### Comments

The NSSF petition does present a reasonably comprehensive description of public school attendance alternatives (Attachment 3, p. 134).

## 13. Post-employment Rights of Employees

*EC* Section 47605(b)(5)(M)

5 *CCR* Section 11967.5.1(f)(13)

### Evaluation Criteria

The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by *EC* Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:

| Criteria | Criteria Met |
| --- | --- |
| 1. Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.
 | Yes |
| 1. Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.
 | Yes |
| 1. Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.
 | Yes |

**The petition does present a reasonably comprehensive description of post-employment rights of employees.**

### Comments

The NSSF petition does present a reasonably comprehensive description of post-employment rights of employees (Attachment 3, p. 135).

## 14. Dispute Resolution Procedures

*EC* Section 47605(b)(5)(N)

5 *CCR* Section 11967.5.1(f)(14)

### Evaluation Criteria

The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by *EC* Section 47605(b)(5)(N), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA.
 | Yes |
| 1. Describe how the costs of the dispute resolution process, if needed, would be funded.
 | No |
| 1. Recognize that, because it is not a LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.
 | Yes |
| 1. Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE’s discretion in accordance with that provision of law and any regulations pertaining thereto.
 | No |

**The petition does not present a reasonably comprehensive description of dispute resolution procedures.**

### Comments

The NSSF petition does not present a reasonably comprehensive description of dispute resolution procedures. The petition states that the costs of the mediator shall by split equally between SFUSD and NSSF, and that in the event the SFUSD Board of Education believes that a dispute relates to an issue that could lead to revocation of the charter, NSSF requests that this shall be noted in the written dispute statement, although NSSF recognizes it cannot legally bind SFUSD to do so (Attachment 3, p. 136).

If approved by the SBE, as a condition for approval, the NSSF petitioners will be required to revise the petition to include the necessary language for Element 14–Dispute Resolution Procedures by including the following language:

* Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE’s discretion in accordance with that provision of law and any regulations pertaining thereto.
* Recognize that the SBE cannot be pre-bound to a contractual obligation to split the costs of mediation or agree to mediation to resolve disputes.

## 15. Closure Procedures

*EC* Section 47605(b)(5)(O)

5 *CCR* Section 11967.5.1(f)(15)

### Evaluation Criteria

A description of the procedures to be used if the charter school closes, in keeping with *EC* Section 47605(b)(5)(O). The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

**The petition does include a reasonably comprehensive description of closure procedures.**

### Comments

The NSSF petition does include a reasonably comprehensive description of closure procedures (Attachment 3, pp. 137–138).

**ADDITIONAL REQUIREMENTS UNDER *EDUCATION CODE* SECTION 47605**

## Standards, Assessments, and Parent Consultation

*EC* sections 47605(c)(1) and (2)

5 *CCR* Section 11967.5.1(f)(3)

### Evaluation Criteria

Evidence is provided that:

| Criteria | Criteria Met |
| --- | --- |
| 1. The school shall meet all statewide standards and conduct the pupil assessments required pursuant to *EC* sections 60605, 60851, and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.
 | Yes |
| 1. The school shall, on a regular basis, consult with their parents and teachers regarding the school’s educational programs.
 | Yes |

**The petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation.**

### Comments

The NSSF petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation (Attachment 3, pp. 6–7, 95–99, and 103–105).

## Effect on Authorizer and Financial Projections

*EC* Section 47605(g)

5 *CCR* Section 11967.5.1(c)(3)(A–C)

### Evaluation Criteria

…[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:

| Criteria | Criteria Met |
| --- | --- |
| * The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate.
 | Yes |
| * The manner in which administrative services of the school are to be provided.
 | Yes |
| * Potential civil liability effects, if any, upon the school and the SBE.
 | Yes |
| The petitioners have provided financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.  | Yes |

**The petition does provide the required information and financial projections.**

### Comments

The NSSF petition does provide the required information and financial projections (Attachment 3, pp. 139–143 and Attachment 4).

## Teacher Credentialing

*EC* Section 47605(l)

5 *CCR* Section 11967.5.1(f)(5)

### Evaluation Criteria

Teachers in charter schools shall be required to hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold …It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses.

**The petition does meet this requirement.**

### Comments

The NSSF petition does meet this requirement (Attachment 3, pp. 6 and 106).

## Transmission of Audit Report

*EC* Section 47605(m)

5 *CCR* Section 11967.5.1(f)(9)

### Evaluation Criteria

A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year … to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited …, and the CDE by December 15 of each year.

**The petition does address this requirement.**

### Comments

The NSSF petition does address this requirement (Attachment 3, p. 17).

## Goals to Address the Eight State Priorities

*EC* Section 47605(b)(5)(A)(ii)

### Evaluation Criteria

A charter school shall provide a description of annual goals for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

**The petition does address this requirement.**

### Comments

The NSSF petition does address this requirement. The petition contains a table that outlines the goals, actions, measureable outcomes, and methods of measurement that align with the eight state priorities for pupils schoolwide and for pupil subgroups (Attachment 3, pp. 84–94).

## Transferability of Secondary Courses

*EC* Section 47605(b)(5)(A)(iii)

### Evaluation Criteria

If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements.

**This requirement is not applicable.**

### Comments

NSSF does not serve secondary pupils.