

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

eab-csd-mar20item04

# California State Board of Education March 2020 Agenda Item #15

## Subject

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

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue

OnePurpose School (OPS) is currently a State Board of Education (SBE)-authorized charter school, with a charter term that expires on June 30, 2020.

Pursuant to California *Education Code* (*EC*) Section 47605(k)(3), which requires an SBE-authorized charter school to submit a renewal petition to the authority that originally denied the charter, OPS submitted a renewal petition to the San Francisco Unified School District (SFUSD) on October 15, 2019. On December 10, 2019, the OPS petition was denied by the SFUSD by a unanimous vote of seven to zero.

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

The OPS petitioner submitted a petition on appeal to the California Department of Education (CDE) on December 11, 2019.

## California Department of Education Recommendation

The CDE proposes to recommend that the SBE holds a public hearing to deny the request to renew OPS, a transitional kindergarten (TK) through grade five charter school, based on the CDE’s findings pursuant to *EC* Section47605 and *California Code of Regulations*, Title 5 Section 11967.5.

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

The OPS petitioners are not able to successfully implement the intended program and the OPS petition does not provide reasonably comprehensive descriptions of four of the required charter elements. If approved by the SBE, and as a condition of approval, OPS will be required to revise the petition to reflect the SBE as the authorizer and include the necessary language for the following required charter elements: Element A: Description of Educational Program, Element D: Governance Structure, Element J: Suspension and Expulsion Procedures, and Element N: Dispute Resolution Procedures.

## Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) considered the OPS petition for renewal at its February 5, 2020, meeting. The ACCS moved CDE staff recommendation to deny the OPS petition by a vote of seven to two.

The meeting notice for the February 5, 2020, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>.

## Past History

OPS was originally authorized by the SBE on January 14, 2015, for a five-year term from July 1, 2015, through June 30, 2020.

OPS intends to serve 118 pupils in TK through grade five on a Proposition 39 agreement with SFUSD, co-locating with Harte (Bret) Elementary at 948 Hollister, San Francisco, California. The petition states that OPS’s goal is to build a strong foundation for pupils to succeed in school and beyond, thereby escaping the cycle of poverty through solid academic preparation and social-emotional support that is delivered with care and respect, and that nurtures self-confidence, strength, resilience to overcome challenges, and the ability to advocate for one’s self.

## Renewal Criteria

*EC* Section 47607 requires the chartering authority to consider the following when reviewing a charter 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.

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

Although OPS has been in operation for five years, the first year that OPS enrolled grade three pupils was 2017–18, only then making OPS eligible to take the California Assessment of Student Performance and Progress (CAASPP) assessment for English language arts (ELA) and mathematics.

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

The CDE selected five schools serving similar grade spans where pupils would otherwise attend and that are comparable in that they have similar enrollment for similar significant subgroups.

The following table shows the percentage of pupils that met/exceeded standards on the 2017–18and 2018–19 CAASPP assessment for ELA and mathematics for OPS, and the CDE-chosen comparable schools that pupils would otherwise attend. The 2017–18 and 2018–19 CAASPP data show that OPS does not perform, overall, at least equal to comparable district schools.

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

| School | 2017–18 ELA | 2017–18 Math | 2018–19 ELA | 2018–19 Math |
| --- | --- | --- | --- | --- |
| OPS | 15 | 10 | 9.38 | 6.25 |
| Bryant Elementary | 32.61 | 25.27 | 30.34 | 24.47 |
| Chavez (Cesar) Elementary | 14.15 | 14.15 | 21.93 | 15.74 |
| Glen Park Elementary | 40.12 | 38.33 | 38.79 | 36.97 |
| Harte (Bret) Elementary | 11.5 | 3.49 | 7.79 | 10.39 |
| Marshall Elementary | 36.66 | 21.85 | 36.03 | 18.18 |

### California School Dashboard

The California School Dashboard measures performance for state indicators through a combination of current performance (Status) and improvement over time (Change), which both provide equal weight. A performance level (color) is assigned based on the Status and Change performance. Performance level (color) ranges from Red, Orange, Yellow, Green, and Blue, with Blue representing highest performance and Red representing lowest performance.

The 2019 California School Dashboard for OPS reflects chronic absenteeism at 44.7 percent (Red) and a suspension rate of 5.4 percent (Orange). Additionally, the 2018 California School Dashboard for OPS reports chronic absenteeism at 36.3 percent (Orange) and a suspension rate of 4.4 percent (Red). The first year that OPS enrolled grade three pupils was 2017–18, only then making OPS eligible to take the CAASPP assessment for ELA and mathematics. Given this, OPS does not have academic data on the California School Dashboard.

#### 2019 Chronic Absenteeism

| School | Performance Level (Color) | Current Status (Percent Chronically Absent) | Change (Percent Increased or Decreased) |
| --- | --- | --- | --- |
| OPS | Red | 44.7 | +8.4 |
| Bryant Elementary | Red | 22.8 | +1.5 |
| Chavez (Cesar) Elementary | Red | 29.1 | +5.9 |
| Glen Park Elementary | Red | 23.9 | +12 |
| Harte (Bret) Elementary | Red | 36.5 | +5.5 |
| Marshall Elementary | Red | 12 | +5.2 |

#### 2019 OPS Chronic Absenteeism by Demographics

| African American | Socioeconomically Disadvantaged | English Learners | Hispanic |
| --- | --- | --- | --- |
| Red | Red | Red | Red |

#### 2019 Suspension Rate

| School | Performance Level (Color) | Current Status (Percent Suspended at Least Once) | Change (Percent Increased or Decreased) |
| --- | --- | --- | --- |
| OPS | Orange | 5.4 | +1 |
| Bryant Elementary | Orange | 2.4 | +2.4 |
| Chavez (Cesar) Elementary | Green | 0.8 | Maintained -0.1 |
| Glen Park Elementary | Orange | 1.6 | +0.8 |
| Harte (Bret) Elementary | Blue | 0 | Maintained 0 |
| Marshall Elementary | Blue | 0 | -1.1 |

#### 2019 OPS Suspension Rate by Demographics

| African American | Socioeconomically Disadvantaged | English Learners | Hispanic |
| --- | --- | --- | --- |
| Red | Red | Yellow | Yellow |

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

The OPS petitioner completed CAASPP data comparison analyses for OPS and SFUSD-resident schools, including those in the Bayview area, for pupils schoolwide.

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

The petitioner states that the data show that OPS’s outcomes were stronger than Harte (Bret) Elementary in both ELA and mathematics, the school where pupils would most likely attend. The petitioner states that OPS was on par with the Bayview area’s average (Attachment 3 of Agenda Item 04 on the ACCS February 5, 2020, Meeting Notice on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>).

**CAASPP Results for OPS and OPS-Chosen Comparable Schools (Percent Meets/Exceeds Standards)**

| School | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- |
| OPS | 15 | 10 |
| Harte (Bret) Elementary | 11.5 | 3.9 |
| Carver (George Washington) Elementary | 19.76 | 20.69 |
| Malcolm X Academy | 23.91 | 30.43 |
| Bayview Average | 12 | 13 |

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

SFUSD reviewed 2017–18 and 2018–19 CAASPP data for OPS and SFUSD-chosen resident schools for all pupils schoolwide and for all numerically significant groups of pupils served in grade three and grade four.

The following table shows the percentage of pupils that met/exceeded standards on the 2017–18 and 2018–19 CAASPP assessment for ELA and mathematics for OPS schoolwide, and by the following subgroups: African-American, Hispanic/Latino, socioeconomically disadvantaged (SED), English learner (EL), and pupils with disabilities (SPED).

**CAASPP Results by Subgroup for OPS (Percent Meets/Exceeds Standards)**

NA: Not Applicable

| OPS | All | African-American | Hispanic/  Latino | SED | EL | SPED |
| --- | --- | --- | --- | --- | --- | --- |
| 2017–18 ELA (Grade 3) | 15 | 17 | NA | 17 | NA | NA |
| 2017–18 Math (Grade 3) | 10 | 8 | NA | 11 | NA | NA |
| 2018–19 ELA (Grade 3) | 15 | NA | NA | 21 | NA | NA |
| 2018–19 Math (Grade 3) | 5 | NA | NA | 0 | NA | NA |
| 2018–19 ELA (Grade 4) | 0 | NA | NA | NA | NA | NA |
| 2018–19 Math (Grade 4) | 8 | NA | NA | NA | NA | NA |

The 2017–18 and 2018–19 CAASPP data for OPS, schoolwide and by subgroup, show the following:

* OPS’s grade three schoolwide results for ELA were the same in 2017–18 and 2018–19.
* OPS’s grade three schoolwide results for mathematics decreased from 2017–18 to 2018–19.
* OPS’s results for the cohort moving from grade three in 2017–18 to grade four in 2018–19 were poorer than 2017–18’s ELA and mathematics results.
* OPS’s grade three results for SED pupils improved from 2017–18 to 2018–19 in ELA but declined in mathematics.

The following tables show the percentage of pupils, schoolwide and by subgroup, that met/exceeded standards on the 2017–18 grade three and 2018–19 grade three and grade four CAASPP assessment for ELA and mathematics for OPS, the SFUSD-chosen district schools that pupils would otherwise attend, and SFUSD.

**2017–18 ELA CAASPP Grade Three Results by Subgroup for OPS and SFUSD-Chosen District Schools (Percent Meets/Exceeds Standards)**

| School | All | African-American | Hispanic / Latino | SED | EL | SPED |
| --- | --- | --- | --- | --- | --- | --- |
| OPS | 15 | 17 | NA | 17 | NA | NA |
| Harte (Bret) Elementary | 10 | NA | NA | 15 | 9 | NA |
| Carver (George Washington) Elementary | 10 | 13 | NA | 10 | NA | NA |
| Malcolm X Academy | 13 | NA | NA | 7 | NA | NA |
| SFUSD | 52 | 21 | 28 | 36 | 22 | 22 |

**2017–18 Mathematics CAASPP Grade Three Results by Subgroup for OPS and SFUSD-Chosen District Schools (Percent Meets/Exceeds Standards)**

| School | All | African-American | Hispanic / Latino | SED | EL | SPED |
| --- | --- | --- | --- | --- | --- | --- |
| OPS | 10 | 8 | NA | 11 | NA | NA |
| Harte (Bret) Elementary | 0 | NA | NA | 0 | 0 | NA |
| Carver (George Washington) Elementary | 23 | 27 | NA | 24 | NA | NA |
| Malcolm X Academy | 19 | NA | NA | 20 | NA | NA |
| SFUSD | 57 | 15 | 35 | 44 | 36 | 29 |

**2018–19 ELA CAASPP Grade Three and Grade Four Results by Subgroup for OPS and SFUSD-Chosen District Schools (Percent Meets/Exceeds Standards)**

| School | All | African-American | Hispanic / Latino | SED | EL | SPED |
| --- | --- | --- | --- | --- | --- | --- |
| OPS (Grade 3) | 15 | NA | NA | 21 | NA | NA |
| OPS (Grade 4) | 0 | NA | NA | NA | NA | NA |
| Harte (Bret) Elementary (Grade 3) | 0 | NA | 0 | 0 | 0 | NA |
| Harte (Bret) Elementary (Grade 4) | 11 | NA | NA | 13 | NA | NA |
| Carver (George Washington) Elementary (Grade 3) | 15 | 8 | NA | 14 | NA | NA |
| Carver (George Washington) Elementary (Grade 4) | 17 | 18 | NA | 19 | NA | NA |
| Malcolm X Academy (Grade 3) | 0 | NA | NA | 0 | NA | NA |
| Malcolm X Academy (Grade 4) | 34 | NA | NA | 33 | NA | NA |
| SFUSD (Grade 3) | 52 | 21 | 29 | 37 | 29 | 20 |
| SFUSD (Grade 4) | 53 | 20 | 30 | 35 | 20 | 19 |

**2018–19 Mathematics CAASPP Grade Three and Grade Four Results by Subgroup for OPS and SFUSD-Chosen District Schools (Percent Meets/Exceeds Standards)**

| School | All | African-American | Hispanic / Latino | SED | EL | SPED |
| --- | --- | --- | --- | --- | --- | --- |
| OPS (Grade 3) | 5 | NA | NA | 0 | NA | NA |
| OPS (Grade 4) | 8 | NA | NA | NA | NA | NA |
| Harte (Bret) Elementary (Grade 3) | 6 | NA | 5 | 7 | 0 | NA |
| Harte (Bret) Elementary (Grade 4) | 19 | NA | NA | 21 | NA | NA |
| Carver (George Washington) Elementary (Grade 3) | 30 | 23 | NA | 36 | NA | NA |
| Carver (George Washington) Elementary (Grade 4) | 17 | 18 | NA | 19 | NA | NA |
| Malcolm X Academy (Grade 3) | 57 | NA | NA | 62 | NA | NA |
| Malcolm X Academy (Grade 4) | 39 | NA | NA | 40 | NA | NA |
| SFUSD (Grade 3) | 58 | 22 | 32 | 47 | 43 | 26 |
| SFUSD (Grade 4) | 51 | 11 | 25 | 38 | 25 | 21 |

The 2017–18 grade three and 2018–19 grade three and grade four CAASPP data for OPS, schoolwide and by subgroup, compared to SFUSD-chosen district schools show the following:

* OPS’s grade three ELA results in 2017–18 exceeded SFUSD-chosen district schools but lagged SFUSD.
* OPS’s grade three mathematics results in 2017–18 exceeded Harte (Bret) Elementary but lagged all other SFUSD-chosen district schools and SFUSD.
* OPS’s grade three ELA results in 2018–19 were at least equal to or better than SFUSD-chosen district schools but lagged SFUSD.
* OPS’s grade three mathematics performance in 2018–19 lagged all comparison schools and SFUSD.
* Zero percent of OPS’s grade four pupils who tested in 2018–19 met or exceeded standards in ELA, despite 15 percent of this cohort meeting or exceeding standards while in grade three in 2017–18.

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

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

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 OPS’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 school has met the requirements for the renewal of its charter:

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

The CDE reviewed the following alternative measures as criteria for charter renewal:

* Chronic absenteeism
* Suspension rate
* Developmental reading levels
* Teacher and staff development indicators and outcomes
* Culture and climate indicators and outcomes
* Family engagement indicators and outcomes
* Organizational outcomes

The CDE reviewed the alternative measures information provided by OPS pursuant to *EC* Section 52052(f). The data from the OPS alternative measures reflect marginal improvement in Suspension rates, but not in Chronic Absenteeism. The data presented by OPS for developmental reading levels; teacher and staff development indicators and outcomes; culture and climate indicators and outcomes; family engagement indicators and outcomes; and organizational outcomes relies on assessments and/or data for which the CDE lacks independent confirmation of their reliability, fairness, and alignment.

## Inability to Implement

### Current Fiscal Analysis

The OPS multi-year projected budget includes the following projected pupil enrollment (Attachment 4 of Agenda Item 04 on the ACCS February 5, 2020, Meeting Notice on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>).

* 118 TK through grade five in 2020–21
* 129 TK through grade five in 2021–22
* 141 TK through grade five in 2022–23

OPS has a good financial record under SBE authorization. OPS’s fiscal year (FY)   
2019–20 first interim report indicates that OPS is projecting a positive ending fund balance of $451,249 and reserves of 17.85 percent, which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding (MOU) between OPS and the SBE. The CDE reviewed the audited financial data from the 2018–19 audit report that reflected an unqualified status.

The CDE concludes that the OPS projected budget is viable with the inclusion of annual philanthropic donations, projected enrollment of 118, 129, and 141, and positive ending fund balances of $391,516; $291,131; and $199,549 with reserves of 14.7, 10.1, and 6.4 percent for FY 2020–21 through 2022–23, respectively.

### Declining Enrollment

The OPS petition approved on January 14, 2015, stated the following enrollment projections:

| Grade | 2015–16 | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- | --- |
| TK | 24 | 24 | 24 | 24 | 24 |
| Kindergarten | 48 | 48 | 48 | 48 | 48 |
| 1 | 48 | 48 | 48 | 48 | 48 |
| 2 | NA | 48 | 48 | 48 | 48 |
| 3 | NA | NA | 48 | 48 | 48 |
| 4 | NA | NA | NA | 48 | 48 |
| 5 | NA | NA | NA | NA | 48 |
| Total | 120 | 168 | 216 | 264 | 312 |

OPS’s enrollment has fluctuated since its inception and is significantly under-enrolled compared to the proposed plan stated in their 2015 approved petition. OPS currently serves 95 pupils in its TK through grade five educational program. In its proposed petition in 2015, OPS projected an enrollment of 312 pupils for the 2019–20 SY. The CDE has significant concerns about OPS’s outreach and recruitment strategies due to the severe under enrollment and their ability to meet projected enrollment moving forward.

## Past History Under State Board of Education Authorization

OPS has been issued seven letters of concerns from the CDE regarding academic and operational noncompliance as well as in the area of teacher credentialing. OPS has been responsive to the CDE’s concerns and subsequent requests for correction action plans; however, the CDE remains concerned about the capacity of the petitioners to successfully operate and remain in good standing if approved by the SBE for an additional five years.

* January 10, 2019: OPS was issued a letter of concern following a site visit by CDE staff, which took place on December 6, 2018. The CDE determined the following: three OPS teachers were not in possession of valid teacher credentials and EL authorizations; OPS lacked an English Learner Advisory Committee (ELAC), and school safety and emergency drills; and OPS’s pupil cumulative records and Individual Education Plan files were not properly maintained.
* December 10, 2018: OPS was issued a letter of concern for five teachers not in possession of valid teacher credentials and EL authorizations. Additionally, the CDE noted concerns regarding changes to the OPS Governing Board composition and leadership positions, and the OPS educational program.
* August 30, 2018: OPS was issued a letter noting OPS’s violation of State and Federal law pertaining to educational stability for foster youth. The SBE had been informed that a current OPS student and a foster youth had been denied enrollment to OPS, and OPS was the student and foster youth’s school of origin.
* June 1, 2018: OPS was issued a letter of concern following a site visit by CDE staff, which took place on May 17–18, 2018. The CDE determined that five OPS teachers were not in possession of valid teacher credentials and EL authorizations. Additionally, OPS was noncompliant in the following: English language development instruction; establishment of an ELAC; provision of safety procedures and drills training to staff; and consultation with stakeholders in regards to the Local Control and Accountability Plan development.
* October 4, 2017: OPS was issued a letter of concern following a site visit by CDE staff, which took place on September 27–28, 2016. The CDE determined that one OPS teacher was not in possession of a valid teacher credential. Additionally, the CDE determined noncompliance in the areas of English language development instruction, student and personnel files, Brown Act Training, Mandated Reporter Training, and Criminal Summaries Assurance.
* August 3, 2016: OPS was issued a letter of concern. OPS lost its status as a California nonprofit public benefit corporation due to an administrative oversight. OPS had failed to submit the appropriate tax forms with the Internal Revenue Service, therefore, losing its status as a nonprofit public benefit corporation.
* February 8, 2016: OPS was issued a letter of concern following a site visit by CDE staff, which took place on December 7–8, 2015. The CDE determined that two OPS teachers were not in the possession of valid teacher credentials.

OPS has been issued one letter of concern from the CDE regarding a low-ending fund balance and enrollment.

* April 19, 2016: OPS was issued a fiscal letter of concern. OPS projected a fund balance of $1,808 with 0.11 percent reserves for FY 2015–16, which did not meet the recommended 5 percent in reserves as outlined in the MOU between OPS and the SBE.

The following outlines OPS’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: 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.
* April 1, 2016: Fair financial standing, which means that a charter school has shown some signs of fiscal distress and needs to take appropriate action to address the decline in financial condition. In addition, a charter school 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.

## Charter Elements

The CDE finds that the OPS petition does not provide a reasonably comprehensive description of the following required charter elements (Attachment 3 of Agenda Item 04 on the ACCS February 5, 2020, Meeting Notice on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>):

### Element A: Description of Educational Program

The OPS petition does not, overall, present a reasonably comprehensive description of the educational program with respect to the plan for low-achieving pupils, high-achieving pupils, and ELs. The petition does not indicate how OPS will identify pupils who are not achieving at or above expected levels nor how OPS will respond to and meet the needs of low-achieving and high-achieving pupils. Additionally, the petition does not state that reclassified fluent English proficient pupils will be monitored for four years after reclassification.

### Element D: Governance Structure

The petition does not present a reasonably comprehensive description of the school’s governance structure. The petition does not address all requirements under Senate Bill 126. The CDE notes that the petition states that the OPS principal shall take on the role and responsibilities of the Chief Executive Officer (CEO) until enrollment allows adding the position of a CEO. Additionally, the OPS Bylaws state that the President, a Board Member, is also the CEO of the corporation. As the Board appoints and removes corporate officers, and fixes their compensation, this could be a potential conflict of interest (Attachment 7 of Agenda Item 04 on the ACCS February 5, 2020, Meeting Notice on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>).

### Element J: Suspension and Expulsion Procedures

The OPS petition does not present a reasonably comprehensive description of suspension and expulsion procedures. The petition does not state that a pupil shall not be involuntarily removed by OPS 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. Additionally, the petition does not state that when an appeal relating to the placement of the pupil or the manifestation determination has been requested by either the parent or OPS, 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 *United States Code* Section 1415(k)(l)(c), whichever occurs first, unless the parent and OPS agree otherwise.

### Element N: Dispute Resolution Procedures

The OPS petition does not present a reasonably comprehensive description of dispute resolution procedures. The petition does not contain the following statements:

* Recognize that, because it is not a local education agency, 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 specified in the charter, that 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.
* 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.
* 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.

The CDE notes that the petitioners reference “DCP” throughout the OPS petition without providing the meaning of DCP (Attachment 3 of Agenda Item 04 on the ACCS February 5, 2020, Meeting Notice on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>).

If approved by the SBE, as a condition for approval, the petitioners will be required to revise the petition to reflect the SBE as the authorizer and to include the necessary language to resolve the SBE’s concerns for Element A: Description of Educational Program, Element D: Governance Structure, Element J: Suspension and Expulsion Procedures, and Element N: Dispute Resolution Procedures, and either delete or provide an explanation of DCP.

## Documents Reviewed by the California Department of Education

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

* OPS Petition (Attachment 3 of the Agenda Item 04 on the February 5, 2020, Meeting Notice on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>)
* Educational and demographic data of schools where pupils would otherwise be required to attend (Attachment 2 of the Agenda Item 04 on the February 5, 2020, Meeting Notice on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>)
* OPS budget and financial projections (Attachment 4 of the Agenda Item 04 on the February 5, 2020, Meeting Notice on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>)
* Letter dated December 18, 2019, Description of Changes to the OPS Renewal Petition on Appeal to the SBE (Attachment 5 of the Agenda Item 04 on the February 5, 2020, Meeting Notice on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>)
* SFUSD December 10, 2019, letter regarding board action; October 15, 2019, meeting minutes; staff assessment and recommendation report; and petitioner’s response (Attachment 6 of the Agenda Item 04 on the February 5, 2020, Meeting Notice on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>)
* OPS articles of incorporation, bylaws, and conflict of interest code and policy (Attachment 7 of the Agenda Item 04 on the February 5, 2020, Meeting Notice on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>)
* OPS appendices and attachments (Attachment 8 of the Agenda Item 04 on the December February 5, 2020, Meeting Notice on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020520.asp>)

## San Francisco Unified School District Findings

On December 10, 2019, the SFUSD Board of Education took action and voted to deny the charter petition for OPS based on the following findings:

* The charter school has failed to meet at least one of the criteria of academic performance: OPS has not produced increases in academic achievement for all numerically significant groups of pupils served and has not produced academic performance at least equal to district schools.
* The petition does not contain reasonably comprehensive descriptions of the charter provisions in *EC* Section 47605(b)(5).
* The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

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

Currently, 37 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
* Twenty-nine 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

If approved as an SBE-authorized charter school, the CDE would receive approximately 1 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: OnePurpose School (47 Pages)
* **Attachment 2:** California State Board of Education Standard Conditions on Opening and Operation (4 Pages)