California Department of Education

Charter Schools Division

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**ADVISORY COMMISSION ON CHARTER SCHOOLS**

AN ADVISORY BODY TO THE STATE BOARD OF EDUCATION

# April 2021 AgendaItem #03

## Subject

Petition for the Renewal of a Charter School Under the Oversight of the Local Educational Agency Designated by the State Board of Education Pursuant to California *Education Code* Section 47605.9(b): Consideration of Audeo Charter II, which was denied by the Carlsbad Unified School District.

## Type of Action

Action, Information

## Summary of the Issue

Audeo Charter II (ACII) is seeking a renewal of its charter from the State Board of Education (SBE).

On December 9, 2020, Carlsbad Unified School District (CUSD) denied the ACII petition by a vote of four to one.

The petitioner submitted the ACII petition on appeal to the SBE on January 8, 2021.

## Proposed Recommendation

The California Department of Education (CDE) proposes to recommend that the SBE hold a public hearing to approve the request to renew ACII, which is both a Dashboard Alternative Status School (DASS) program and nonclassroom-based kindergarten (K) through grade twelve charter school, based on the CDE’s findings pursuant to California *Education Code* (*EC*)Section 47605 and *California Code of Regulations*, Title 5 Section 11967.5.

The CDE finds that the petitioner is able to successfully implement the intended program, and that the ACII petition is consistent with sound educational practice and meets the renewal criteria. Although the CDE finds that the ACII petition contains, overall, reasonably comprehensive descriptions of most of the required elements, the CDE has identified areas where the ACII petition could be strengthened and made more specific. The CDE notes these areas in this item as well as in its analysis of the ACII petition (Attachment 1).

## Brief **History**

ACII, a nonclassroom-based charter school, offers an independent study program that currently serves 260 pupils in K through grade twelve. ACII maintains an administrative office at 10170 Huennekens Street, San Diego, California as well as two resource centers located at 3821 Plaza Drive, Oceanside, California and 6965 El Camino Real, Carlsbad California. The petition states that ACII plans to enroll 320 pupils by school year (SY) 2025–26 (Attachment 3, p. 42).

ACII’s mission is to implement personalized educational programs to facilitate student achievement. These educational programs will demonstrate that standards-based educational reform can provide a prototype for changing the way teachers teach and pupils learn in the future (Attachment 3, p. 36).

ACII serves a unique student population. Pupils choose to enroll at ACII because they have not been successful in the traditional school system. Approximately 62 percent of ACII pupils in grades six through twelve are credit deficient upon enrollment; 52 percent are socioeconomically disadvantaged; and 61 percent represent a minority student population. Additionally, approximately 20 percent of ACII pupils have been identified as requiring special education services (Attachment 3, p. 11).

ACII offers a unique intervention model that serves many students who are at least one to two years behind in English language arts (ELA) and Mathematics (math). After enrolling at ACII, once a pupil has made the necessary academic progress, they are redirected back to their district of residence. Since 2016, ACII has redirected more than 330 unduplicated pupils back to CUSD to re-enter the traditional educational program (Attachment 3, p. 9). As such, it is important to note that the school’s model presupposes that students will transfer once they have made adequate academic progress. This model therefore reinforces year-over-year student mobility, which has significant implications for the analysis of student progress between years.

## Renewal Criteria

### Dashboard Alternative School Status

Pursuant to *EC* Section 52052(d), the DASS program replaces the previously administered Alternative Schools Accountability Model, and holds alternative schools and alternative schools of choice accountable for modified methods of measurement for accountability indicators, when appropriate.

ACII serves high-risk pupils and therefore qualifies for DASS. The charter school is listed on the CDE DASS school list at <https://www.cde.ca.gov/ta/ac/activeschools.asp> as an active DASS school.

As an active DASS school, ACII is eligible for alternative methods for calculating state and local indicators of academic performance and is therefore to be considered for renewal in accordance with *EC* Section 47607(c)(7). A DASS school renewal considers the charter school’s performance on the state and local indicators and the charter school’s performance on alternative metrics applicable to the charter school based on the pupil population served. A DASS charter school renewal petition may only be denied if written findings are made, including a finding that closure of the charter school is in the best interests of pupils.

#### Alternative Metrics

##### CDE’s Review of Alternative Metric Data

The CDE has determined that ACII has met the applicable academic renewal criteria pursuant to *EC* Section 47607(c)(7). The CDE reviewed following data that the petitioner included as criteria for charter renewal:

* California Assessment of Student Performance and Progress (CAASPP) for ELA and math
* California School Dashboard data for ACII for ELA, math, suspension rates, chronic absenteeism rates, English Learner Progress Indicator (ELPI), and graduation rates for DASS schools
* Northwest Education Association (NWEA) Measurable Academic Progress (MAP) Data
* California Longitudinal Pupil Achievement Data System (CALPADS) End of Year (EOY) Data

As described above, ACII serves a unique student population. As a DASS school, ACII does not maintain consistent student cohorts from year to year. The petition specifically describes the re-directive nature of ACII and cites the number of students it redirects back to CUSD each year (Attachment 3, pp. 9–10). The CDE notes that the following reflects point-in-time data for different student cohorts rather than the growth of one cohort over time.

###### CAASPP Data

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17, 2017–18 and 2018–19 CAASPPs for ELA and math for all pupils schoolwide at ACII (Attachment 3, pp. 18–20). Year-to-year comparison has been deliberately omitted given the school model and student mobility.

Percentage of pupils that met or exceeded standards on 2016–17, 2017–18, and
2018–19 for ELA and math

| 2016–17ELA | 2016–17Math | 2017–18 ELA | 2017–18 Math | 2018–19ELA | 2018–19Math |
| --- | --- | --- | --- | --- | --- |
| 61 | 23 | 45 | 24 | 58 | 16 |

ACII addressed the need for intensive intervention in both math and ELA in the petition, stating that the school coordinator meets weekly with the counselors to discuss student outcomes and possible interventions that need to take place or be instituted to assist the teachers or the pupils. The instructional team utilizes the personalized education planning process to monitor student progress and identify services to support student achievement (Attachment 3, p. 48).

###### California School Dashboard Data

The 2019 California School Dashboard reflects ACII’s performance under California’s Accountability System as follows: ELA, 2 points below standard (Yellow); math, 82.6 points below standard (Orange); suspension rate, 0 percent suspended at least once (Blue); and chronic absenteeism rate, 32 percent chronically absent (Red).

Suspension Rates

| Entity | 2018 Suspension Rate | 2019 Suspension Rate |
| --- | --- | --- |
| ACII | Blue, 0 percent suspended | Blue, 0 percent suspended |



Full text is available in the [Descriptive Image Alternative Text](#_Page_4:_2018–19) section.

ACII’s suspension rate was the same (Blue, 0 percent) in 2018 and 2019.

Chronic Absenteeism Rates

| Entity | 2018 Chronic Absenteeism | 2019 Chronic Absenteeism |
| --- | --- | --- |
| ACII | Orange, 27.6 percent chronically absent | Red, 32 percent chronically absent |



Full text is available in the [Descriptive Image Alternative Text](#_Page_5:_2018–19) section.

To address absenteeism and student and family needs, the ACII petition states that the charter school has the ability to go well beyond traditional methods to support pupils and families, such as conducting home visits, performing and tracking appropriate interventions, and referring pupils and families to specific community resources and partnerships (Attachment 3, p. 47).

English Learner Progress Indicator

The 2019 California School Dashboard was the first year the ELPI was reported. The ELPI is calculated based on a student’s performance on the English Language Proficiency Assessments for California. Schools received Status results only on the 2019 California School Dashboard.

The data for the 2019 ELPI show that 71 percent of ACII English learner pupils are making progress towards English language proficiency.

Graduation Rates

| Entity | 2018 Graduation Rate | 2019 Graduation Rate |
| --- | --- | --- |
| ACII | Red, 65.4 percent graduated | Green, 71.6 percent graduated |



Full text is available in the [Descriptive Image Alternative Text](#_Page_6:_2018–19) section.

The following table shows the California School Dashboard graduation rates for ACII.

Graduation Rates by Student Group for ACII (Percent Graduated)

| Year | All Pupils | Hispanic | White | Socio-economically Disadvantaged |
| --- | --- | --- | --- | --- |
| 2017 | 54 | 45 | 75 | 45 |
| 2018 | 65 | 63 | 63 | 54 |
| 2019 | 72 | 65 | 75 | 66 |

###### NWEA MAP Data

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17, 2017–18, and 2018–19 NWEA MAP Growth for ACII for reading, language usage, and math schoolwide.

NWEA MAP Growth for ACII (Percent Meets or Exceeds Standards)

| Year | Reading | Language | Math |
| --- | --- | --- | --- |
| 2016–17 | 78 | 64 | 65 |
| 2017–18 | 87 | 72 | 61 |
| 2018–19 | 77 | 82 | 71 |

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17, 2017–18, and 2018–19 NWEA MAP Growth for ACII by student group for reading.

NWEA MAP Growth for ACII for Reading (Percent Meets or Exceeds Standards)

| Year | Hispanic | White  | Students with Disabilities | English Learners | Socio-economically Disadvantaged |
| --- | --- | --- | --- | --- | --- |
| 2016–17 | 80 | 75 | 56 | 64 | 74 |
| 2017–18 | 85 | 89 | 92 | 85 | 61 |
| 2018–19 | 93 | 50 | 79 | 75 | 84 |

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17, 2017–18, and 2018–19 NWEA MAP Growth for ACII by student group for language usage.

NWEA MAP Growth for ACII for Language Usage (Percent Meets or Exceeds Standards)

| Year | Hispanic | White  | Student with Disabilities | English Learners | Socio-economically Disadvantaged |
| --- | --- | --- | --- | --- | --- |
| 2016–17 | 70 | 38 | 56 | 46 | 66 |
| 2017–18 | 78 | 57 | 70 | 80 | 70 |
| 2018–19 | 81 | 80 | 80 | 88 | 86 |

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17, 2017–18, and 2018–19 NWEA MAP Growth for ACII by student group for math.

NWEA MAP Growth for ACII for Math (Percent Meets or Exceeds Standards)

| Year | Hispanic | White  | Student with Disabilities | English Learners | Socio-economically Disadvantaged |
| --- | --- | --- | --- | --- | --- |
| 2016–17 | 63 | 67 | 77 | 40 | 61 |
| 2017–18 | 58 | 82 | 53 | 55 | 60 |
| 2018–19 | 64 | 77 | 63 | 70 | 64 |

###### CALPADS

The table below shows the 2020end of year data forACII High School Completers along with the grade twelve California Basic Educational Data System (CBEDS) enrollment and total grade twelve students served each year at ACII.

ACII High School Completers

| Student Groups | 2016–17 | 2017–18  | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Completers | 88 | 93 | 76 | 62 |
| CBEDS EnrollmentGrade 12  | 137 | 147 | 64 | 39 |
| Total Served Grade 12 | 187 | 210 | 115 | 112 |

The ACII petition states that many students come to ACII one or more semesters behind in credits and not on track to graduate. Despite these deficiencies, over the past four years, ACII has graduated over 300 students who received a diploma, passed the General Education Development or High School Equivalency Test, or passed the California High School Proficiency Exam (Attachment 3, p. 25).

In summary, the CDE finds that the academic program offered by ACII benefits at-risk students and prepares students who enter ACII credit deficient to graduate or return to their schools of residence. Given the nature of the program, the academic results align with what the CDE would expect to see from a successful program with differing annual cohorts of students.

##### ACII’s Review of Alternative Metric Data

The petitioner completed CAASPP data comparison analyses for ACII and CUSD-comparable schools for pupils schoolwide (Attachment 3, pp. 18–20).

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17 through 2018–19 CAASPPs for ELA and math for all pupils schoolwide at ACII.

###### CAASPP Results for ACII (Percent Meets or Exceeds Standards)

| 2016–17ELA | 2016–17Math | 2017–18 ELA | 2017–18 Math | 2018–19ELA | 2018–19Math |
| --- | --- | --- | --- | --- | --- |
| 61 | 23 | 45 | 24 | 58 | 16 |

The following table shows the percentage of pupils that met or exceeded standards on the 2018–19 CAASPP for ELA and math for ACII, CUSD, and the State of California.

###### CAASPP Results for ACII, CUSD, and California (Percent Meets or Exceeds Standards)

| Entity | 2018–19 ELA | 2018–19 Math |
| --- | --- | --- |
| ACII | 58 | 16 |
| CUSD | 76 | 68 |
| California  | 51 | 40 |

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17 through 2018–19 CAASPPs for ELA and math for ACII and for comparable schools that pupils would otherwise attend.

###### CAASPP Results for ACII-Chosen Comparable Schools (Percent Meets or Exceeds Standards)

| School | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math | 2018–19ELA | 2018–19Math |
| --- | --- | --- | --- | --- | --- | --- |
| ACII | 61 | 23 | 45 | 24 | 58 | 16 |
| Carlsbad Village Academy | 21 | 7 | 23 | 5 | 31 | 0 |
| Ocean Shores High | 16 | 0 | 8 | 1 | 10 | 0 |
| Twin Oaks High | 22 | 1 | 9 | 0 | 16 | 0 |
| SIATech | 20 | 2 | 20 | 2 | 19 | 0 |
| CUSD | 75 | 65 | 53 | 43 | 54 | 43 |

##### CUSD’s Review of Alternative Metric Data

The CUSD reviewed the following data for ACII (Attachment 3, pp. 18–21):

* CAASPP data
* California School Dashboard data for ELA, math, chronic absenteeism rates, suspension rates, ELPI, and graduation rates for DASS schools
* NWEA MAP Data
* CALPADS EOY Data

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17 through 2018–19 CAASPPs for ELA and math for all pupils schoolwide at ACII.

###### CAASPP Results for ACII (Percent Meets or Exceeds Standards)

| 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math | 2018–19ELA | 2018–19Math |
| --- | --- | --- | --- | --- | --- |
| 61 | 23 | 45 | 24 | 58 | 16 |

The following table shows the percentage of pupils that met or exceeded standards on the 2018–19 CAASPP for ELA and math for ACII, CUSD, and the State of California.

###### CAASPP Results for ACII, CUSD, and California (Percent Meets or Exceeds Standards)

| Entity | 2018–19 ELA | 2018–19 Math |
| --- | --- | --- |
| ACII | 58 | 16 |
| CUSD | 76 | 68 |
| California  | 51 | 40 |

## Ability to Implement

### Fiscal Analysis

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

* 280 K through grade twelve in 2021–22
* 289 K through grade twelve in 2022–23
* 299 K through grade twelve in 2023–24
* 310 K through grade twelve in 2024–25
* 320 K through grade twelve in 2025–26

ACII has a good financial record under SBE authorization. ACII’s fiscal year 2020–21 first interim report dated December 15, 2020, indicates that ACII is projecting a positive ending fund balance of $1,959,433 and reserves of 51 percent, which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding between ACII and the SBE.

The CDE reviewed audited financial data from the 2018–19 audit report that reflected an unqualified status with an ending fund balance of $1,863,336 and a reserve designated for economic uncertainty of 51 percent.

The projected financial plan for ACII is fiscally sustainable. The CDE concludes that the ACII’s multi-year financial plan does provide for projected operating surpluses, increasing positive fund balances, and adequate reserves.

## Carlsbad Unified School District Findings

On December 9, 2020, CUSD took action and denied the renewal charter petition for ACII based on the following findings:

* The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
* The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
* The petition does not contain an affirmation of each of the conditions described in *EC* Section 47605(e).
* The petition does not contain reasonably comprehensive descriptions of the 15 required elements.
* The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school (Attachment 5, pp. 5–15).

## Charter Elements

The CDE finds that the ACII petition does, overall, provide a reasonably comprehensive description of the required charter elements (Attachment 1, p. 5). However, the CDE notes that the following charter elements could be strengthened and made more specific:

### Element A—Description of Educational Program

The ACII petition is not specific regarding Least Restrictive Environment (LRE) language:

* LRE language, specifically *Code of Federal Regulations*, Title 34(34 *CFR*) Section 300.114, LRE requirements. More specifically 34*CFR* Section 300.114(2), which states that each [public agency](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.law.cornell.edu_definitions_index.php-3Fwidth-3D840-26height-3D800-26iframe-3Dtrue-26def-5Fid-3De0aca252d5dfb28bf343529a57e1b329-26term-5Foccur-3D999-26term-5Fsrc-3DTitle-3A34-3ASubtitle-3AB-3AChapter-3AIII-3APart-3A300-3ASubpart-3AB-3ASubjgrp-3A40-3A300.114&d=DwMFaQ&c=SIStQSL0VMIUJoLS-Q8giiFlA-AKdP7tpJHyQh8DeXk&r=3V_XB-JLkXWbwN8nORqs8P_rmxBjWkeQisTxywX_SCM&m=pfojlmsHpeu10-4BxCQ0b8Sojrlc8mwPvQmMT6D19gM&s=MT83EC-VpNm9lINu3WcAXVIIoUvfytgxcYHBCIcDR-g&e=) must ensure the following:
	+ (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
	+ (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of [supplementary aids and services](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.law.cornell.edu_definitions_index.php-3Fwidth-3D840-26height-3D800-26iframe-3Dtrue-26def-5Fid-3D4589011f0121bd663b01ff1efa2754de-26term-5Foccur-3D999-26term-5Fsrc-3DTitle-3A34-3ASubtitle-3AB-3AChapter-3AIII-3APart-3A300-3ASubpart-3AB-3ASubjgrp-3A40-3A300.114&d=DwMFaQ&c=SIStQSL0VMIUJoLS-Q8giiFlA-AKdP7tpJHyQh8DeXk&r=3V_XB-JLkXWbwN8nORqs8P_rmxBjWkeQisTxywX_SCM&m=pfojlmsHpeu10-4BxCQ0b8Sojrlc8mwPvQmMT6D19gM&s=ua0eIy72bm-c_Z8F5oJa9w0O19ubT5MSr17VOA1uDEg&e=) cannot be achieved satisfactorily.

### Element J—Suspension and Expulsion Procedure

**The ACII petition does not specifically address Senate Bill 419 that** amended *EC* Section 48900(k) by extending the permanent prohibition against suspending pupils enrolled in K through grade three for disruption or willful defiance to include pupils in grades four and five. This prohibition has also been expanded to include pupils in grades six through eight until July 1, 2025 (Attachment 3, p. 318).

## Conclusion

In summary, the CDE proposes to recommend that the SBE approve the request to renew the ACII petition.

A detailed analysis of the CDE’s review of the entire ACII petition is provided in Attachment 1.

## Documents Reviewed by the California Department of Education

In considering the ACII petition, CDE staff reviewed the following*:*

* ACII petition (Attachment 3)
* Educational and demographic data of schools where pupils would otherwise be required to attend (Attachment 2)
* ACII budget and financial projections (Attachment 4)
* CUSD meeting minutes for December 9, 2020, Resolution No. 12-2021 Denying Renewal of the Charter Petition, and petitioner’s response (Attachment 5)
* ACII articles of incorporation, bylaws, and conflict of interest policy (Attachment 6)

**Attachments**

* **Attachment 1:** California Department of Education Charter School Petition Review Form: Audeo Charter II (55 Pages)
* **Attachment 2:** Audeo Charter II Data Tables (8 Pages)
* **Attachment 3:** Audeo Charter II Petition (144 Pages)
* **Attachment 4:** Audeo Charter II Budget and Financial Projections (30 Pages)
* **Attachment 5:** Carlsbad Unified School District Meeting Minutes for December 9, 2020, Resolution No. 12-2021 Denying Renewal of the Charter Petition, and Petitioner’s Response (34 Pages)
* **Attachment 6:** Audeo Charter II Articles of Incorporation, Bylaws, and Conflict of Interest Policy (27 Pages)
* **Attachment 7:** Audeo Charter II Complete Appeal Submission (750 Pages)
* **Attachment 8**: Carlsbad Unified School District Complete Appeal Submission (717 Pages)

## Descriptive Image Alternative Text

### Page 4: 2018–19 Suspension Rates for ACII

California School Dashboard dial for ACII. 2018 Suspension Rate indicating Blue, with no pupils suspended at least one, and Equity Report data indicating five student groups in Blue; and 2019 Suspension Rate indicating Blue, with no student suspended at least once (maintained from 2018), and Equity Report data indicating seven student groups in Blue.

### Page 5: 2018–19 Chronic Absenteeism Rates for ACII

California School Dashboard dial for ACII. 2018 Chronic Absenteeism Rate indicating Orange, with 27.6 percent of pupils chronically absent, and Equity Report data indicating two student groups in Orange; and 2019 Chronic Absenteeism Rate indicating Red, with 32 percent of pupils chronically absent, a 4.4 percent increase (over 2018), and Equity Report data indicating one student group in Red and one student group in Orange.

### Page 6: 2018–19 Graduation Rates for ACII

California School Dashboard dial for ACII. 2018 Graduation Rate indicating Red, with 65.4 percent of student graduated, an 11 percent increase (over 2017), and Equity Report data indicating three student groups in Red; and 2019 Graduation Rate indicating Green, with 71.6 percent of pupils graduated, an 11.7 percent increase (over 2018), and Equity Report data indicating two student groups in Red and one student group in Green.