

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of Education March 2019 Agenda Item #06

## Subject

College Preparatory Middle School-La Mesa Spring Valley: Consider a Material Revision of the Charter to Change Admission Preferences

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue(s)

College Preparatory Middle School-La Mesa Spring Valley (CPMS-LMSV), a State Board of Education (SBE)-authorized charter school, is seeking a material revision of its charter to revise admission preferences to maintain eligibility under the Charter School Facility Grant Program (CSFGP).

On December 3, 2018, the California Department of Education (CDE) received a submission for a material revision to revise Element 8–Admission Requirements to comply with the California School Finance Authority funding requirement under the CSFGP or Senate Bill (SB) 740. In order for CPMS-LMSV to gain eligibility under the terms of the grant, revised proposed admission preferences need to be approved by the SBE at a public hearing.

## Recommendation

The CDE recommends that the SBE hold a public hearing to approve the request for the material revision of the CPMS-LMSV petition to amend Element 8–Admission Requirements for a five-year term, of July 1, 2018, through June 30, 2023, under the oversight of the SBE, based on the CDE’s findings pursuant to *Education Code* (*EC*) sections 47605(b)(1), 47605(b)(2), 47605(b)(3), 47605(b)(4) 47605(b)(5), 47605(b)(6) and *California Code of Regulations*, Title 5, Section 11967.5.1.

The CDE finds that the CPMS-LMSV petition is consistent with sound educational practice and the petitioners are demonstrably likely to successfully implement the intended program.

If approved by the SBE, the CPMS-LMSV petitioner will be required to revise the petition to include the necessary language in Element 10–Suspension and Expulsion Procedures.

## Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) considered the CPMS-LMSV request for a material revision at its February 5, 2019, meeting. The ACCS moved CDE staff recommendation to approve the CPMS-LMSV request for material revision. The motion passed unanimously.

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

## Brief History of Key Issues

CPMS-LMSV was approved by the SBE on March 15, 2018, as a grade five through grade eight school for a five-year term effective July 1, 2018, through June 30, 2023. Currently, CPMS-LMSV serves 240 pupils and is located at 5150 Jackson Drive, La Mesa, CA. However, CPMS-LMSV is in the process of building a two story private facility located at 10269 Madrid Way in Spring Valley. CPMS-LMSV plans to occupy the facility on April 29, 2019.

Pursuant to *EC* Section 47614.5(c)(2) the California School Finance Authority must determine, upon receipt of an application, eligibility, based on the geographic location of the charter school site, pupil eligibility for free or reduced-price meals, and a preference in admissions, as appropriate. A charter school site is eligible for funding if the school site meets either of the following conditions:

* The charter school site is physically located in the attendance area of a public elementary school in which 55 percent or more of the pupil enrollment is eligible for free or reduced-price meals and the charter school site gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter school site is located.
* Fifty-five percent or more of the pupil enrollment at the charter school site is eligible for free or reduced-priced meals.

Currently CPMS-LMSV does not meet the 55 percent free or reduced-priced meals threshold at the charter school site for the SB 740 grant; therefore, CPMS-LMSV is requesting a material revision to amend Element 8–Admission Requirements by including a preference for pupils who are currently enrolled in or who reside in the elementary school attendance area of the public elementary school in which CPMS-LMSV is located.

## Educational Program

The mission of CPMS-LMSV is to provide a safe, nurturing educational community for the middle school learner, based on mutual respect, and high expectations for academics and behavior, with the appropriate supports in place to ensure all learner success. The CPMS-LMSV petition states goals that will allow pupils to demonstrate the capabilities indicative of being college and career ready, and that learning best occurs by creating an educational community that is focused on the fundamental belief that all can learn (Attachment 3, pp. 9–11). The petition states that the framework for instructional design at CPMS-LMSV is underpinned by the following school goals that focus on a standards-based curriculum, accountability, and high expectations (Attachment 3, p. 20):

* Our school mission drives our program.
* We have high academic and behavioral expectations for every pupil.
* We attract and grow competent and experienced school leadership and staff.
* We offer an academically rigorous program with intentional pupil supports to promote success.
* We provide a research-proven, standards aligned curriculum, and frequent assessments.

## Charter Elements

The CDE finds that the petition does provide a reasonably comprehensive description of the 15 required elements.

### Admissions Requirements

The CPMS-LMSV petition presents a reasonably comprehensive description of admission requirements. The CPMS-LMSV petition states that CPMS-LMSV will have open admission for any pupil who seeks to enroll in CPMS-LMSV’s academic program. The petition states that pupils currently attending CPMS-LMSV are exempt from the lottery and that after all applicants with exemptions have been offered seats, all general applicants will be entered into a lottery drawing based on the following lottery preferences (Attachment 3, p. 110):

1. Siblings of a currently attending CPMS-LMSV pupil.
2. Pupils who are currently enrolled in or who reside in the elementary school attendance area of the Public elementary school(s) in which CPMS is located (for purposes of the CSFGP).
3. Pupils who reside in the District.
4. Children or wards of CPMS-LMSV employees, limited to 10 percent of the charter school’s total enrollment.

The CDE notes that with the amendments to *EC* Section 47605(d)(2)(B) outlined in Assembly Bill 1360 and signed into law on October 13, 2017, the SBE has the discretion to approve the proposed preferences stated in the CPMS-LMSV petition at a public hearing.

## Ability to Successfully Implement the Intended Program

The CDE finds that the CPMS-LMSV petitioner is demonstrably likely to implement the intended program as the petitioner has presented a realistic financial and operational plan for the proposed charter school.

### Fiscal Analysis

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

* 400 grade five through eight in 2019–2020
* 500 grade five through eight in 2020–21
* 500 grade five through eight in 2021–22
* 500 grade five through eight in 2022–23

CPMS-LMSV has maintained good financial standing under SBE authorization since its inception in March 2018. The CPMS-LMSV’s fiscal year (FY) 2018–19 first interim report indicates that CPMS-LMSV is projecting a positive ending fund balance of $320,880 and reserves of 14.5 percent (including SB 740 funding of $135,531), which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding between CPMS-LMSV and the SBE.

The CDE concluded that the CPMS-LMSV projected budget is viable due to the positive ending fund balances of $502,345; $931,081; and $1,384,986, with reserves of 12.8, 19.8, and 28.6 percent for FYs 2019–2020 through 2021–22, respectively.

## CDE Staff Review

In considering the CPMS-LMSV petition, CDE staff reviewed the following:

* CPMS-LMSV Petition (Attachment 3 of Agenda Item 03 on the February 5, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb19item02a3.pdf>).
* Educational and demographic data of schools where pupils would otherwise be required to attend (Attachment 2 of Agenda Item 03 on the February 5, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb19item02a2.xlsx>).
* CPMS-LMSV Budget, Financial Projections, and Narrative (Attachment 4 of Agenda Item 03 on the February 5, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb19item02a4.pdf>).
* Letter Dated November 30, 2018, Regarding College Preparatory Middle School-La Mesa Spring Valley Material Revision (Attachment 5 of Agenda Item 03 on the February 5, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb19item02a5.pdf>).
* Memorandum of Understanding Dated June 2017, Between the California State Board of Education and College Preparatory Middle School-La Mesa Spring Valley (Attachment 6 of Agenda Item 03 on the February 5, 2019, Meeting Notice on the SBE ACCS web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-feb19item02a6.pdf>).

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

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

* One statewide benefit charter, operating a total of seven sites
* Seven districtwide charters, operating a total of 18 sites
* 34 charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

## Fiscal Analysis (as appropriate)

If approved as an SBE-authorized charter school, the CDE would receive approximately one percent of the revenue of the charter school for the CDE’s oversight activities. However, no additional resources are allocated to the CDE for oversight.

## Attachments

* **Attachment 1:** California Department of Education Charter School Petition Review Form: College Preparatory Middle School-La Mesa Spring Valley (39 Pages)
* **Attachment 2:** College Preparatory Middle School-La Mesa Spring Valley Data Tables (7 Pages)
* **Attachment 3:** California State Board of Education Standard Conditions on Opening and Operation (4 Pages)