# CHARTER SCHOOL PETITION REVIEW FORM: Thrive Public School

CALIFORNIA DEPARTMENT OF EDUCATION

## Key Information Regarding Thrive Public School

### Proposed Grade Span and Build-out Plan

#### Table 1: 2019–2024 Proposed Enrollment

TK–Transitional kindergarten

K–Kindergarten

| Grade | 2019–2020 | 2020–21 | 2021–22 | 2022–23 | 2023–24 |
| --- | --- | --- | --- | --- | --- |
| TK | 50 | 50 | 50 | 50 | 50 |
| K | 100 | 100 | 100 | 100 | 100 |
| 1 | 130 | 100 | 100 | 100 | 100 |
| 2 | 92 | 123 | 100 | 100 | 100 |
| 3 | 110 | 95 | 117 | 100 | 100 |
| 4 | 90 | 105 | 92 | 111 | 100 |
| 5 | 104 | 104 | 104 | 104 | 104 |
| 6 | 108 | 108 | 108 | 108 | 108 |
| 7 | 108 | 108 | 108 | 108 | 108 |
| 8 | 108 | 108 | 108 | 108 | 108 |
| 9 | 90 | 120 | 120 | 120 | 120 |
| 10 | 60 | 90 | 120 | 120 | 120 |
| 11 | 40 | 70 | 90 | 120 | 120 |
| 12 | 45 | 40 | 70 | 90 | 120 |
| Total | 1245 | 1321 | 1387 | 1439 | 1458 |

### Proposed Location

Thrive Public School (TPS) currently serves transitional kindergarten (TK) through grade eleven at two private and two Proposition 39 facilities at the following sites:

* 3251 Juanita Street, San Diego, CA 92105
* 4260 54th Street, San Diego, CA 92115
* 2202 Comstock Street, San Diego, CA 92111
* 6402 Linda Vista Road, San Diego, CA 92111

### Brief History

TPS is a State Board of Education (SBE)-authorized charter school serving pupils in TK through grade twelve. TPS was originally approved by the SBE on July 9, 2014, for a five-year term, which expires on June 30, 2019. On May 6, 2015, the SBE approved a material revision of the TPS charter petition to amend the build-out plan to serve TK through grade eight beginning in 2015–16. On March 10, 2016, the SBE approved a material revision of the TPS charter petition to amend the build-out plan to serve TK through grade twelve beginning in 2016–17.

On August 23, 2018, the petitioner submitted the TPS petition to San Diego Unified School District (SDUSD). On November 13, 2018, SDUSD voted to deny the TPS petition by a vote of four to zero.

### Lead Petitioner(s)

Dr. Nicole Assisi, Founder and Chief Executive Officer (CEO)

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

NA–Not Applicable

| **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]) | No |
| 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]) | No |
| 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]) | Yes |
| 1. Health and Safety Procedures (*EC* Section 47605[b][5][F]) | Yes |
| 1. Racial and Ethnic Balance (*EC* Section 47605[b][5][G]) | Yes |
| 1. Admission Requirements (*EC* Section 47605[b][5][H]) | Yes |
| 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]) | Yes |
| 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]) | No |
| Transferability of Secondary Courses (*EC* 47605 [b][5][A][iii]) | Yes |

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

## Sound Educational Practice

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

5 *California Code of Regulations* (*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 State Board of Education (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 not “consistent with sound educational practice.”**

### Comments

The TPS petition is not consistent with sound educational practice. TPS does not perform at least equal to its comparable district schools where the majority of TPS pupils would otherwise attend.

### Renewal Criteria

*EC* Section 47607 sets forth grounds for denying a renewal petition.

1. The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor determining whether to grant a charter renewal.
2. The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

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

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

The CDE selected six schools where pupils would otherwise be required to attend and are comparable in that they have similar enrollment for similar significant subgroups of Hispanic/Latino, White, socioeconomically disadvantaged (SED), English Learners (ELs), and pupils with disabilities. The six schools serve a variety of grade spans from either kindergarten (K) through grade five, K through grade eight, grade six through grade eight, or grade nine through grade twelve.

The CDE notes that TPS received a new County-District-School code following a charter petition material revision in 2016, which resulted in TPS’s California Assessment of Student Performance and Progress (CAASPP) data for 2014–15 and 2015–16 to be inaccessible from the CDE database. The CDE was, however, able to verify the 2014–15 and 2015–16 results through the CAASPP website.

The following table shows the percent of pupils that met/exceeded standards on the 2014–15, 2015–16, 2016–17, and 2017–18 CAASPP assessments for English language arts (ELA) and mathematics for TPS and the CDE-chosen comparable schools that pupils would otherwise attend as well as the 2017–18 demographic data for TPS and the CDE-chosen comparable schools.

The data shows the significant decreases in ELA and mathematics results in 2016–17 and 2017–18 and that TPS does not perform, overall, at least equal to comparable district schools.

*An asterisk (\*) denotes that the CDE-chosen comparison school was on both of the lists for district and petitioner-chosen comparison schools.*

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

| School | 2014–15 ELA | 2014–15 Math | 2015–16 ELA | 2015–16 Math | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| TPS | 48 | 34 | 44 | 27 | 36.6 | 19.59 | 30.6 | 18.72 |
| Fay Elementary\* | 28 | 18 | 34 | 24 | 33.33 | 30.82 | 33 | 28.34 |
| Carver Elementary\* | 20 | 20 | 34 | 26 | 36.67 | 30 | 41.46 | 34.53 |
| Mann Middle\* | 24 | 28 | 36 | 28 | 32.31 | 23.28 | 33.86 | 22.99 |
| Darnall Charter | 32 | 25 | 31 | 25 | 36.52 | 26.6 | 38.06 | 29.01 |
| Kearney College Connections | 82 | 42 | 87 | 49 | 86.58 | 42.69 | 81.05 | 41.05 |
| City Heights Preparatory Charter | 13 | 10 | 21 | 8 | 14.29 | 10.87 | 23.76 | 11.88 |

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

The TPS petitioner completed data comparison analyses between two sets of TPS-chosen schools: (1) SDUSD schools that TPS pupils would otherwise attend; and (2) SDUSD schools that serve similar pupil populations but only for 2017–18.

The following tables show the percent of pupils that met/exceeded standards on the 2017–18 CAASPP assessment for ELA and mathematics for all pupils schoolwide and subgroups at TPS.

*An asterisk (\*) denotes that TPS identified the schools that serve similar pupil populations and are located in the same neighborhood as TPS.*

**2016–17 ELA CAASPP Results by Subgroup for TPS and TPS-chosen Comparable Schools (Percent Meets/Exceeds Standards)**

| School | All | SED | Hispanic/Latino | ELs |
| --- | --- | --- | --- | --- |
| **TPS** | 37 | 20 | 24 | 3 |
| **Carver Elementary** | 37 | 35 | 26 | 26 |
| **Clay Elementary** | 43 | 43 | 49 | 32 |
| **Fay Elementary** | 33 | 33 | 34 | 22 |
| **Oak Park Elementary** | 53 | 51 | 39 | 35 |
| **Bell Middle** | 31 | 27 | 24 | 3 |
| **Mann Middle** | 32 | 32 | 28 | 8 |
| **Millennial Tech Middle** | 24 | 23 | 23 | 1 |
| **Euclid Elementary\*** | 34 | 34 | 30 | 20 |
| **Holly Drive Leadership Academy\*** | 27 | 26 | 29 | 12 |
| **Iftin Charter\*** | 30 | 30 | 17 | 18 |
| **City Heights Preparatory Charter\*** | 14 | 14 | 20 | 5 |
| **Clark Middle\*** | 29 | 29 | 26 | 7 |
| **Wilson Middle\*** | 29 | 29 | 27 | 5 |

**2016–17 Mathematics CAASPP Results by Subgroup for TPS and TPS-chosen Comparable Schools (Percent Meets/Exceeds Standards)**

| School | All | SED | Hispanic/Latino | ELs |
| --- | --- | --- | --- | --- |
| **TPS** | 20 | 10 | 13 | 0 |
| **Carver Elementary** | 30 | 27 | 23 | 25 |
| **Clay Elementary** | 38 | 36 | 39 | 32 |
| **Fay Elementary** | 31 | 31 | 32 | 22 |
| **Oak Park Elementary** | 52 | 50 | 39 | 6 |
| **Bell Middle** | 19 | 16 | 10 | 37 |
| **Mann Middle** | 23 | 24 | 22 | 3 |
| **Millennial Tech Middle** | 13 | 13 | 14 | 1 |
| **Euclid Elementary\*** | 33 | 33 | 26 | 24 |
| **Holly Drive Leadership Academy\*** | 18 | 14 | 17 | 12 |
| **Iftin Charter\*** | 24 | 25 | 29 | 18 |
| **City Heights Preparatory Charter\*** | 11 | 11 | 18 | 6 |
| **Clark Middle\*** | 20 | 20 | 18 | 3 |
| **Wilson Middle\*** | 15 | 15 | 13 | 2 |

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

SDUSD reviewed 2014–15, 2015–16, 2016–17, and 2017–18 CAASPP data for TPS and district-chosen comparable schools, which show that TPS has had significant decreases in its annual ELA and mathematics results over a three year period. Additionally, with some exceptions, the district-chosen comparison schools have consistently had higher CAASPP results than TPS (Attachment 3, p. 10).

The following table shows the percent of pupils that met/exceeded standards on the 2014–15, 2015–16, 2016–17, and 2017–18 CAASPP assessments for ELA and mathematics for TPS and the SDUSD-chosen comparable schools that pupils would otherwise attend.

*An asterisk (\*) denotes that SDUSD identified the schools as demographically similar to TPS based on having similar percentages in more than one category.*

**CAASPP Results for TPS and SDUSD-chosen comparable schools**

| School | 2014–15 ELA | 2014–15 Math | 2015–16 ELA | 2015–16 Math | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| TPS | 50 | 34 | 44 | 27 | 36.6 | 19.59 | 30.6 | 18.72 |
| Fay Elementary | 28 | 18 | 34 | 24 | 33.33 | 30.82 | 33 | 28.34 |
| Mann Middle | 24 | 28 | 36 | 28 | 32.31 | 23.28 | 33.86 | 22.99 |
| Clay Elementary | 41 | 32 | 50 | 39 | 43.48 | 37.85 | 47.95 | 41.89 |
| Carver Elementary | 20 | 20 | 34 | 26 | 36.67 | 30 | 41.46 | 34.53 |
| Oak Park Elementary | 45 | 41 | 50 | 43 | 53.38 | 51.70 | 54 | 51.60 |
| Rolando Park Elementary | 32 | 22 | 45 | 32 | 40.66 | 45.06 | 58.97 | 57.69 |
| Millennial Tech Middle | 15 | 10 | 19 | 11 | 24.08 | 13.37 | 26.45 | 12.67 |
| Bethune K–8\* | 48 | 49 | 60 | 50 | 56.31 | 48.83 | 59.20 | 52.58 |
| Language Academy\* | 58 | 39 | 63 | 40 | 57.78 | 40.67 | 56.69 | 48.75 |
| Darnall Charter\* | 32 | 25 | 31 | 25 | 36.52 | 26.6 | 38.06 | 29.01 |
| SD Global Vision Academy\* | 54 | 46 | 51 | 41 | 56.66 | 40.48 | 59.91 | 47.09 |
| Crown Point Elementary\* | 60 | 48 | 56 | 46 | 49.15 | 47.23 | 55.76 | 53.37 |
| Foster Elementary\* | 51 | 28 | 56 | 41 | 49.7 | 39.05 | 54.95 | 48.37 |
| Bell Middle\* | 30 | 19 | 32 | 19 | 30.98 | 18.54 | 31.6 | 26.65 |

SDUSD determined that TPS had decreases in ELA in the following subgroups when compared to SDUSD-chosen comparison schools: SED, pupils with disabilities, African American, Hispanic/Latino, and White.

SDUSD determined that TPS had decreases in mathematics in the following subgroups when compared to SDUSD-chosen comparison schools: SED, pupils with disabilities, Hispanic/Latino, and White.

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

#### SDUSD’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. In such a case, *EC* Section 52052(f), provides for the following in determining whether a charter is meeting legislative and/or programmatic requirements:

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

SDUSD reviewed the following alternative measures that TPS proposed in its renewal petition:

* 2017–18 CAASPP cohort data (Attachment 6, p. 11)
  + SDUSD determined that 42 percent of pupils in the 3+ year cohort met/exceeded standards, which was 13 percentage points higher than the 2-year cohort and 16 percentage points higher than the 1-year cohort.
* Fall 2017 Distance from Level 3 (DF3) data (Attachment 6, p. 14)
  + SDUSD determined that four of the fourteen SDUSD-chosen schools scored lower than TPS in ELA and three scored lower than TPS in mathematics.
* Other alternative measures submitted including: Northwest Evaluation Association (NWEA) Measures of Academic Progress (MAP) results for reading and mathematics, Lexile results, Conditional Growth, Core Social Emotional Competencies, and CAASPP Average Point Difference (APD) (Attachment 6, pp. 10–20)
  + SDUSD determined that there was no publicly available comparison data for these measures so district staff was unable to verify the information or provide a comparison analysis with other schools.

The CDE reviewed the alternative measures information provided by SDUSD and has determined that SDUSD’s review and analysis of the pupil achievement data pursuant to *EC* Section 52052(f) was comprehensive. Further, the CDE has determined that SDUSD considered increases in pupil academic achievement for all groups of pupils served by TPS as the most important factor in determining whether to grant TPS’s renewal request.

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

The CDE also considered *EC* Section 52052 in its review of TPS’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 numerically significant pupil subgroups shall be used.

The CDE reviewed the following alternative measures as criteria for charter renewal (Attachment 3, pp. 7–33):

* Additional CAASPP data (i.e. 3+ year, 2-year, and 1-year cohorts)
* DF3
* APD
* NWEA MAP
* MAP Rasch Unit (RIT) scores
* MAP Lexile scores
* School Climate and Satisfaction data
* Growth on Core Social Emotional Competencies
* Growth through Meaningful Project Work and Exhibition
* TPS Successes and Accomplishments of the Prior Charter Term 2014–19

In addition, TPS included a plan for continuous academic improvement. Currently, TPS is engaged in an array of efforts to improve the academic performance of pupils, emphasizing a focus on literacy, close reading protocols, aligning online learning programs, and curricula that match the rigor of the Common Core State Standards (CCSS) (Attachment 3, p. 33).

The CDE reviewed the alternative measures information provided by TPS. The data from the TPS 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 TPS 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

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

* 1,245 TK through grade twelve in 2019–2020
* 1,321 TK through grade twelve in 2020–21
* 1,387 TK through grade twelve in 2021–22
* 1,439 TK through grade twelve in 2022–23
* 1,458 TK through grade twelve in 2023–24

TPS has maintained a good financial standing under SBE authorization throughout its four years. The TPS fiscal year (FY) 2018–19 first interim report indicates that TPS is projecting a positive ending fund balance of $1,305,402 and reserves of 11.39 percent, which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding (MOU) between TPS and the SBE.

The CDE reviewed audited financial data from the 2017–18 audit report that reflected an unqualified status and unqualified audit opinion with no significant audit findings noted. An unqualified opinion means that the auditor has opined that the charter school’s financial statements are fairly presented, are free of material misstatements, and have been prepared in accordance with generally accepted accounting principles.

The CDE concluded that the TPS projected budget is viable due to the positive ending fund balances of $1,301,179; $1,306,010; and $1,341,968, with reserves of 9, 8.4, and 7.8 percent for FYs 2019–2020 through 2021–22, respectively.

## 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 …

**Signatures are not applicable for a charter renewal.**

### 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 TPS petition contains all of the required affirmations (Attachment 3, pp. 4–6).

## 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 TPS petition contains the necessary declaration (Attachment 3, p. 4).

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

#### Educational Program

TPS intends to serve 1,245 pupils in grades K through grade twelve in 2019–2020 and 1,458 pupils in grades K through grade twelve by 2023–24. TPS currently serves kindergarten through grade eleven at four sites within the SDUSD boundaries. TPS’s mission states that the schools set the standard for preparing a diverse pupil population to become community connected, college prepared, and career inspired. The TPS petition states that the school will ensure that every pupil has a joyful, personalized, and deeply engaging learning experience and that TPS prepares pupils to be educated citizens in the twenty-first century by equipping pupils with the following three skills: discernment, agency, and empathy. Additionally, the petition outlines twelve specific instructional best practices to ensure pupils develop these skills (Attachment 3, pp. 37–76):

* Small group instruction
* Balanced literacy
* Academic discourse
* College exploration and planning
* Worthy problems/projects
* Exhibition
* Field work
* Goal setting
* Public speaking/presenting
* Circle practice and conflict resolution
* Student led conferences
* Service learning

#### Plan for Low-Achieving Pupils

The TPS petition states that pupils are identified as under achieving or at-risk of low achievement if:

* The pupils’ classroom performance is considered to be one or more years below grade level based on class assignments and/or assessments
* The pupils receive a not met or nearly met score in ELA or mathematics on the CAASPP
* The pupils fail to demonstrate a minimum of one year of academic growth in reading, writing, and/or mathematics during each year
* The pupils have an existing Individualized Education Program (IEP)

The petition lists the following strategies to support academically low achieving pupils:

* Early intervention in reading during ELA in the daily schedule including Studio time and other intervention classes (i.e. English Language Development [ELD]) for pupils enrolled at the high school
* Tutoring
* Focused attention on specific strategies and supports, in consultation with the pupil, parent/guardian and Student Success Team (SST) as needed
* Individual contract with the pupil detailing clear and achievable responsibilities and benchmarks for the pupil to achieve
* Other program modifications and supports as determined by the classroom teachers

Additionally, the petition states the following classroom modification can be made that would include using different materials (i.e. visual aids, manipulatives, audio materials); using different methods (i.e. reading written material aloud to pupils, guided note-taking, visual cues/modeling); differentiated pacing and assignments; environment changes, and testing accommodations (Attachment 3, pp. 92–94).

#### Plan for High-Achieving Pupils

The TPS petition states that teachers use a variety of assessment measures, including standardized assessment data and other classroom performance data, to identify pupils who are high achieving. The petition states that TPS has adopted many strategies for effective teaching in mixed-ability classrooms such as the following (Attachment 3, pp. 91–92):

* Providing alternative and/or extension activities for pupils who have already mastered the content taught
* Allowing high achieving pupils to work at an accelerated pace
* Providing opportunities for pupils to work in flexible groups with other intellectual peers
* Creating graduated task rubrics and product criteria negotiated jointly by the pupil and teacher
* Asking open-ended questions, both in the classroom and on homework assignments, that stimulate critical thinking
* Incorporating a variety of the level of thinking described in Bloom’s taxonomy

#### Plan for English Learners

The petition states that TPS adheres to all applicable state and federal laws and regulations with respect to serving pupils who are ELs. The petition states that to identify pupils who are ELs, all parents are required to complete a Home Language Survey upon enrollment. Pupils whose primary language is not English are assessed using the English Language Proficiency Assessments for California (ELPAC), which takes place within 30 calendar days after the date of the first enrollment at TPS and every year thereafter until reclassification of ELs. The petition states that progress of redesignated fluent English proficient pupils continues to be monitored for four years. All ELs receive daily ELD instruction and are supported in ELA using their personalized learning plan in the following ways (Attachment 3, pp. 85–90):

* Small group teacher instruction where teachers work with a group of four to five pupils based on ELD levels and other data collected throughout the year
* Access to online learning programs for individual practice of skills
* Writing workshops and supplemental support through programs like StudySync
* Parent handbooks provide tips for parents in Spanish and English to help them understand the CCSS and what pupils are doing in class
* Full-time literacy/intervention specialist to push in and support pupils similar to how a special education teacher would support special education pupils

Additionally, the petition states that ELs are supported in mathematics using their personalized learning plan in the following ways (Attachment 3, pp. 88–89):

* Small group teacher instruction where teachers work with groups of four to five pupils based on ELD levels, mathematics ability and other data collected throughout the year
* Access to online learning programs for individual practice that offer pupils the ability to see, hear, manipulate, and practice mathematics with immediate feedback
* Direct support and a high use of manipulatives and realia to support learners to see mathematics with and without words and provide conceptual mathematics aligned to CCSS
* Parent handbooks provide tips for parents in Spanish and English to help them understand the CCSS and what pupils are doing in class
* Aids and specialized teachers are in class to support pupils as they work in small groups or individually

#### Plan for Special Education

The petition states that TPS complies with all applicable state and federal laws in serving pupils with disabilities, including, but not limited to the Individuals with Disabilities Education Improvement Act of 2004, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and any other civil rights enforced by the U.S. Department of Education Office for Civil Rights. The petition identifies a plan for pupils with disabilities, including identification; assessment; development, implementation, and review of IEP; strategies for instruction and services; reporting; and due process and procedural safeguards (Attachment 3, pp. 95–104).

## 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. | No |
| 1. Include the school’s API growth target, if applicable. | Not Applicable |

**The petition does not present a reasonably comprehensive description of measurable pupil outcomes.**

### Comments

The TPS petition does not present a reasonably comprehensive description of measurable pupil outcomes (MPOs). The petition does not include a description of outcomes for each subgroup of pupils. The petition lists three goals as well as annual measurable outcomes (Attachment 3, pp. 106–107). The petition states that TPS has clearly defined goals, actions, and measurable outcomes, both schoolwide and for each subgroup of pupils which align with the eight state priorities that can be found in the TPS Local Control and Accountability Plan (LCAP) approved by the TPS Board (Attachment 3, p. 105). However, the goals, actions, and measurable outcomes outlined in the TPS LCAP is not outlined in the petition in Element 2–Measurable Pupil Outcomes pursuant to *EC* Section 47605(b)(5)(B).

If approved by the SBE, as a condition for approval, the TPS petitioner will be required to revise the petition to include the necessary language for Element 2–Measurable Pupil Outcomes to align the MPOs for each of the following subgroups: Hispanic/Latino pupils, White pupils, pupils with disabilities, ELs, SED pupils, and any other applicable subgroup as identified in *EC* Section 52052.

## 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 TPS petition presents a reasonably comprehensive description of the method for measuring pupil progress. The petition states that TPS administers a variety of meaningful assessments to document and analyze pupil academic progress over time. The petition includes a table outlining the assessment/data source, topic and frequency, and purpose (Attachment 3, pp. 110–111). The TPS petition states that directors facilitate data conferences to engage teachers in conversations, reflection, and planning based on pupil achievement monthly. TPS progress reports focus on mastery of skills and are provided two to four times a year (Attachment 3, pp. 109–116).

**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 presents a reasonably comprehensive description of the TPS governance structure. TPS is a directly-funded independent charter school, operated by Thrive Public Schools, a California non-profit public benefit corporation, pursuant to California law. TPS is governed by the corporate Board of Directors for TPS, who maintain active and effective governance in accordance with its adopted corporate bylaws that shall be consistent with the terms of this charter. The petition includes an organization chart and lists the duties of the Board. The petition states that the School Advisory Council (SAC) helps ensure that parents and teachers are involved in shared leadership at TPS and is comprised of elected parent and teacher representatives; however it fails to discuss the role the SAC will have regarding LCAP requirements (Attachment 3, p. 120).

Additionally, parents are encouraged to volunteer through the Thrive Family Action Network and various ad hoc committees that make recommendations to the School Directors, Chief Academic Officer, CEO, and Board of Directors (Attachment 3, pp. 117–121). Thrive serves a significant number of ELs and has established an English Language Advisory Committee (ELAC) comprised of parents and staff across all grades served pursuant to *EC* Section 52063(b)(1) (Attachment 3, p. 85).

The SBE expects all SBE-authorized charter schools to follow the recently released Attorney General Opinion, dated December 28, 2018, and any subsequent legislation regarding governance and transparency.

## 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. | Yes |
| 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 present a reasonably comprehensive description of employee qualifications.**

### Comments

The TPS petition presents a reasonably comprehensive description of employee qualifications (Attachment 3, pp. 122–135).

## 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 TPS petition presents a reasonably comprehensive description of health and safety procedures. The petition states that TPS has adopted and implemented a comprehensive set of health, safety, and risk management policies. The petition states that employees and contractors of TPS 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. Employees and volunteers who have frequent or prolonged contact with pupils will be assessed and examined (if necessary) 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 and staff will be required to provide records documenting immunizations and all rising seventh grade pupils must be immunized with a pertussis vaccine booster. Pupils shall be screened for vision, hearing, and scoliosis (Attachment 3, pp. 136–139).

## 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 present a reasonably comprehensive description of means for achieving racial and ethnic balance.**

### Comments

The TPS petition presents a reasonably comprehensive description of the means for achieving racial and ethnic balance. The petition states that TPS pupils closely reflect the current racial and ethnic demographics of SDUSD’s enrollment demographics. Additionally, TPS continually reviews and expands its outreach efforts in order to achieve its goal of enrolling a pupil population that reflects the racial and ethnic balance of the community (Attachment 3, pp. 140–142).

## 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 present a reasonably comprehensive description of admission requirements.**

### Comments

The TPS petition presents a reasonably comprehensive description of admission requirements. The petition states that TPS is fully committed to serving all pupils who wish to attend, regardless of socioeconomic status, race/ethnicity, academic achievement, special education needs, or other risk factors. The petition states that in accordance with the applicable law and federal guidelines, admission preferences shall be given to pupils in the following order (Attachment 3, pp. 143–146):

1. Siblings of pupils admitted to or attending TPS
2. Residents of SDUSD
3. All other applicants

The SBE has the discretion to approve the proposed preferences in the TPS 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 TPS petition presents a reasonably comprehensive description of annual independent financial audits.

## 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 TPS petition presents 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 TPS. The petition lists discretionary and non-discretionary offenses and procedures for suspension and expulsion (Attachment 3, pp. 151–160). Additionally, the petition states that TPS is committed to the annual review and modification of the list of offenses and policies and procedures surrounding suspensions and expulsions (Attachment 3, pp. 149–150). The petition states that no pupil shall be involuntarily removed by TPS 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. 151). Additionally, the petition states that a pupil may be expelled by the neutral and impartial Thrive 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 neither a teacher of the pupil nor a member of the TPS Board (Attachment 3, p. 162).

Addressing evaluation criteria C and E, the TPS 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 TPS, 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 (U.S.C.) Section 1415(k), until the expiration of the 45-day time period provided for in an interim alternative educational setting, unless the parent and TPS agree otherwise (Attachment 3, p. 168); however, the automatic placement in an interim alternative educational setting is contrary to the provisions of 20 U.S.C. Section 1415(k).

If approved by the SBE, as a condition for approval, the RCS petitioner will be required to revise the petition in order to reflect the SBE as authorizer and include the necessary language for Element 10–Suspension and Expulsion Procedures that a pupil may not be placed in an interim alternative educational placement until determined by a hearing officer.

## 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 TPS petition does present a reasonably comprehensive description of CalSTRS and social security coverage. The petition states that TPS participates in CalSTRS for all eligible staff and that all other employees participate in social security. Additionally, the petition states that if TPS is found to be ineligible for CalSTRS, or chooses not to participate, then TPS plans to participate in a 403(b)/401(k) for all eligible employees. The petitions states that the chief operating officer is responsible for ensuring appropriate arrangements for coverage is made (Attachment 3, p. 170).

## 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 TPS petition presents a reasonably comprehensive description of public school alternatives (Attachment 3, p. 171).

## 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 TPS petition presents a reasonably comprehensive description of post-employment rights of employees (Attachment 3, p. 172).

## 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. | Yes |
| 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. | Yes |

**The petition does present a reasonably comprehensive description of dispute resolution procedures.**

### Comments

The TPS petition presents a reasonably comprehensive description of dispute resolution procedures (Attachment 3, pp. 173–174).

## 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 TPS petition presents a reasonably comprehensive description of closure procedures. The petition states that the closure of TPS will be documented by official action of the Board of Directors and will identify an entity and person or persons responsible for closure-related activities. Additionally, the petition states that the CEO shall be the closure entity, unless the Board selects a different individual for that role. TPS will complete and file any annual reports required pursuant to *EC* Section 47604.33. The petition states that all assets of TPS remain the sole property of TPS, and, upon the dissolution of the non-profit benefit corporation, shall be distributed in accordance with the Articles of Incorporation. TPS shall remain solely responsible for all liabilities arising from the operation of TPS (Attachment 3, pp. 175–176).

**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 TPS petition provides evidence addressing the requirements regarding standards. The petition states that TPS shall meet all statewide standards and conduct the pupil assessments required, pursuant to *EC* sections 60605 and 60851, and any other statewide standards authorized in statute, or pupil assessments applicable to pupils in non-charter public schools (Attachment 3, p. 4). The petition states that the SAC helps ensure that parents and teachers are involved in shared leadership at TPS and is comprised of elected parent and teacher representatives. Additionally, parents are encouraged to volunteer through the Thrive Family Action Network and various ad hoc committees that make recommendations to the School Directors, Chief Academic Officer, CEO, and Board of Directors (Attachment 3, pp. 120–121).

## 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 TPS petition provides the required information and financial projections (Attachment 3, pp. 177–181).

## 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 TPS petition meets this requirement (Attachment 3, pp. 5 and 122).

## 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 TPS petition addresses this requirement (Attachment 3, pp. 147 and 177).

## 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 not address this requirement.**

### Comments

The TPS petition does not address this requirement. The petition does not include a description of outcomes for each subgroup of pupils. The petition lists three goals as well as annual measurable outcomes (Attachment 3, pp. 106–107). The petition states that TPS has clearly defined schoolwide goals, actions, and measurable outcomes, both schoolwide and for each subgroup of pupils which align with the eight state priorities that can be found in the TPS LCAP approved by the TPS Board (Attachment 3, p. 105). However, the goals, actions, and measurable outcomes outlined in the TPS LCAP is not outlined in the petition in Element 2–Measurable Pupil Outcomes pursuant to *EC* Section 47605(b)(5)(B). Additionally, the CDE notes that the TPS LCAP did not include a description of outcomes for each subgroup of pupils (Attachment 8, pp. 182–279).

## 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.

**The petition does address this requirement.**

### Comments

The TPS petition addresses this requirement. The petition states that TPS provides all pupils and parents/guardians with a course catalog or its equivalent notifying them about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements (Attachment 3, pp. 75–77).