

California Department of Education

Charter Schools Division

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# California State Board of Education January 2025 Agenda Item #15

## Subject

Petition for the Renewal of a Charter School Authorized by the California State Board of Education: Consideration of High Tech High Statewide Benefit Charter.

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue

On January 12, 2017, the California State Board of Education (SBE) granted High Tech High Statewide Benefit Charter (Charter School) a renewal for a five-year term beginning July 1, 2017, and ending June 30, 2022. Subsequently, pursuant to California *Education Code* (*EC*) Section 47607.4, the term ending date was extended to June 30, 2025.

The Charter School is comprised of nine schools located on three campuses throughout San Diego County, with an elementary school, middle school, and high school on each campus as summarized in the below table.

Table. High Tech High Statewide Benefit Charter Campuses, School Names, and Districts

| **Campus** | **School Names** | **District(s)** |
| --- | --- | --- |
| North County | High Tech Elementary North County  High Tech Middle North County  High Tech High North County | San Marcos Unified |
| Mesa | High Tech Elementary Mesa  High Tech Middle Mesa  High Tech High Mesa | San Diego Unified |
| Chula Vista | High Tech Elementary Chula Vista  High Tech Middle Chula Vista  High Tech High Chula Vista | Chula Vista Elementary and Sweetwater Union High |

The SBE originally approved the Charter School under *EC* Section 47605.8 as a statewide benefit charter on January 12, 2006, and most recently approved the renewal of the Charter School on January 12, 2017. The Charter School is the only remaining charter school approved by the SBE as a statewide benefit charter.

Effective January 1, 2020, *EC* Section 47605.8 was repealed, and *EC* Section 47605.9 was enacted, wherein subdivision (c) states the following:

A charter school operating under a charter approved by the state board pursuant to Section 47605.8, as that section read on January 1, 2019, may continue to operate under the authority of that chartering authority only until the date on which the charter is up for renewal. The charter school shall submit a petition for renewal to the state board.

If renewed, *EC* Section 47605.9(c) further provides the following:

If the state board grants renewal pursuant to Section 47607, the state board shall designate, in consultation with the petitioner, the governing board of the school district or county board of education in which the charter school is located as the chartering authority. A charter school assigned to a county board of education under this subdivision shall qualify as a charter school pursuant to Section 47605.6. Subsequent renewals shall be subject to the same requirements as other charter schools authorized by the same chartering authorities, including review by the state board in accordance with Section 47607 and paragraph (2) of subdivision (k) of Section 47605.

The Charter School seeks the SBE’s approval of its renewal petition and, in accordance with *EC* Section 47605.9(c), requests the SBE designate the San Diego County Board of Education (San Diego County) as the chartering authority, therefore qualifying the Charter School a countywide charter pursuant to *EC* Section 47605.6.

## California Department of Education Recommendation

The California Department of Education (CDE) recommends that the SBE approve the Charter School’s renewal petition for a term of five years, beginning July 1, 2025, and ending June 30, 2030.

The CDE’s recommendation for renewal is based on a review of the Charter School’s performance on the California School Dashboard (Dashboard), measurable increases in academic achievement equivalent to one year’s progress for each year in school, and strong postsecondary outcomes.

The CDE recommends the following technical amendments as a condition of approving the Charter School renewal petition:

1. The Charter School revises its charter to change its name from “High Tech High Statewide Benefit Charter” to “High Tech High Countywide Charter School;” and
2. The Charter School revises its charter to state that a Home Language Survey will be completed upon a student’s initial enrollment at a California public school.

The CDE also recommends the SBE designate San Diego County as the Charter School’s chartering authority, effective July 1, 2025.

## Advisory Commission on Charter Schools Recommendation

At its December 10, 2024, meeting, the Advisory Commission on Charter Schools (ACCS) approved the CDE’s recommendation and moved that the SBE approve the petition for renewal. The motion passed unanimously.

The notice for the December 10, 2024, ACCS meeting is located on the December 2024 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice121024.asp>https://www.cde.ca.gov/be/cc/cs/accsnotice121024.asphttps://www.cde.ca.gov/be/cc/cs/accsnotice121024.asp. All attachments, including the CDE Charter School Petition Review Form of the Charter School (Attachment 1), are available at this link.

## Standard of Review

The Charter School is currently authorized by the SBE as a statewide benefit charter. Pursuant to *EC* Section 47605.9(c), the SBE reviews the Charter School’s renewal petition in accordance with *EC* sections 47605 and 47607 and shall consider the performance of the Charter School on the state and local indicators.

*EC* Section 47605(c) provides that the chartering authority must determine if a charter school’s petition “is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate,” which includes review by the CDE of the 15 required elements specified under *EC* Section 47605(c)(5)(A)–(O) and as summarized in Attachment 1 on page 4.

## Academic Criteria for Renewal

*EC* sections 47607 and 47607.2 set forth three performance categories of charter renewal. A charter school’s placement in these categories is determined by its performance on the Dashboard.

**High Performing Category**

Charter schools meeting criteria defined in *EC* Section 47607(c)(2) are identified by the CDE in the high performing category and their renewals shall be granted unless the requirements of *EC* Section 47607(e) are met. Charter schools identified in the high performing category are eligible for renewal terms of five to seven years.

**Low Performing Category**

Charter schools meeting criteria defined in *EC* Section 47607.2(a) are identified by the CDE in the low performing category and their renewals shall be denied unless the requirements of *EC* Section 47607.2(a)(4) are met. If their renewals are granted, charter schools identified in the low performing category are limited to a renewal term of two years.

**Middle Performing Category**

Charter schools that do not meet the criteria of *EC* sections 47607(c)(2) or 46707.2(a) are identified by the CDE in the middle performance category. For these charter schools, pursuant to *EC* Section 47607.2(b):

1. …[T]he chartering authority shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school on the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 and the performance of the charter school on the local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.
2. The chartering authority shall provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.
3. In addition to the state and local indicators, the chartering authority shall consider clear and convincing evidence showing either of the following:
   1. The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school.
   2. Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.
4. Subparagraphs (A) and (B) of paragraph (3) shall be demonstrated by verified data….”

If their charter renewals are granted, charter schools identified in the middle performing category are eligible for a renewal term of five years.

### Schoolwide Performance on California School Dashboard

The following table displays the Charter School’s renewal categories based on each school’s performance on the Dashboard.

Table. Renewal Categories for Schools

| **Name of School** | **Renewal Category** |
| --- | --- |
| High Tech Elementary North County | Middle Performing |
| High Tech Middle North County | Middle Performing |
| High Tech High North County | Middle Performing |
| High Tech Elementary Mesa | Middle Performing |
| High Tech Middle Mesa | High Performing |
| High Tech High Mesa | Middle Performing |
| High Tech Elementary Chula Vista | Middle Performing |
| High Tech Middle Chula Vista | Middle Performing |
| High Tech High Chula Vista | Middle Performing |

The majority of the schools, eight out of nine, were identified by the CDE to be in the middle performing category. Accordingly, the CDE recommends a five-year renewal term for the Charter School, beginning July 1, 2025, and ending June 30, 2030.

#### Measurements of Academic Performance

The following table displays the Charter School’s and statewide average distance from standard on English Language Arts (ELA) and Mathematics (Math) as reported on the 2023 Dashboard.

Table. 2023 Dashboard for English Language Arts and Mathematics

| **Subject** | **Charter School** | **Statewide** |
| --- | --- | --- |
| ELA | -2.0 | -13.6 |
| Math | -48.5 | -49.1 |

Based on the 2023 Dashboard, the following table displays the Charter School’s and statewide outcomes for the English Learner Progress Indicator (ELPI) and the College/Career Indicator (CCI). The ELPI reports the percentage of English Learner (EL) students making progress on the English Language Proficiency Assessments for California (ELPAC). The CCI reports the percentage of high school graduates considered prepared for college or a career.

Table. 2023 Dashboard for English Learner Progress Indicator and College/Career Indicator

| **Criteria** | **Charter School** | **Statewide** |
| --- | --- | --- |
| ELPI | 59.0% | 48.7% |
| CCI | 50.1% | 43.9% |

#### Measurements of Academic Engagement

The following table displays the Charter School’s and statewide outcomes for academic engagement based on the 2023 Dashboard. The Chronic Absenteeism figure represents the percentage of students in kindergarten through grade eight who were absent for 10 percent or more instructional days they were enrolled. The Graduation Rate represents the percentage of students who graduate high school within a specified timeframe.

Table. 2023 Dashboard for Chronic Absenteeism and Graduation

| **Criteria** | **Charter School** | **Statewide** |
| --- | --- | --- |
| Chronic Absenteeism | 21.4% | 24.3% |
| Graduation Rate | 98.0% | 86.4% |

#### Measurements of Conditions and Climate

The following table displays the Charter School’s and statewide suspension rates, which represent the percentage of students who were suspended for a total of one full day or more during the school year based on the 2023 Dashboard.

Table. 2023 Dashboard for Suspension

| **Criteria** | **Charter School** | **Statewide** |
| --- | --- | --- |
| Suspension Rate | 2.1% | 3.5% |

As summarized above, the Charter School outperformed statewide averages on all seven state indicators based on the 2023 Dashboard.

### Increases in Academic Achievement Demonstrated by Verified Data

The Charter School reported administering the Measures of Academic Progress (MAP) assessment developed by the Northwest Evaluation Association (NWEA), an SBE-approved source of verified data, to over 95 percent of its students since Fall 2021. NWEA recommends its conditional growth index (CGI) as a measure for determining whether students made one year’s progress, where a CGI of -0.2 to 0.2 represents one year’s progress. Over the course of the 2023–24 school year, the Charter School’s average CGI result was -0.1, falling within the one year’s progress range recommended by NWEA.

### Postsecondary Outcomes Demonstrated by Verified Data

The Charter School’s petition includes College-Going Rate data gathered from CDE DataQuest, which is an SBE-approved source of verified data. The Charter School’s College-Going Rate exceeds countywide and statewide outcomes both schoolwide and for socio-economically disadvantaged students. The Charter School’s student groups’ College-Going Rates are above statewide levels.

## Fiscal Analysis

The CDE reviewed the Charter School’s three-year budget and finds the Charter School’s financial plan to be reasonable.

The Charter School enrolls students from transitional kindergarten to twelfth grade.

The Charter School’s actual enrollment for 2023–24 and projected enrollment for the next three years 2025–26, 2026–27, and 2027–28 show stability and are reasonable projections in all nine schools.

Table. Actual Enrollment and Projected Enrollment

| **School** | **Actual Enrollment for 2023–24** | **Projected Enrollment for 2025–26 to 2027–28** |
| --- | --- | --- |
| High Tech Elementary North County | 445 | 444 |
| High Tech Middle North County | 332 | 336 |
| High Tech High North County | 401 | 400 |
| High Tech Elementary Mesa | 444 | 448 |
| High Tech Middle Mesa | 338 | 336 |
| High Tech High Mesa | 431 | 430 |
| High Tech Elementary Chula Vista | 446 | 444 |
| High Tech Middle Chula Vista | 335 | 336 |
| High Tech High Chula Vista | 642 | 658 |
| **Total** | **3,814** | **3,832** |

The Charter School’s fiscal year (FY) 2024–25 preliminary budget report shows all nine schools are projecting positive ending fund balances and reserve percentages above the recommended 5 percent outlined in the Memorandum of Understanding (MOU) with SBE.

Table. Ending Fund Balance and Reserve Percentage

| **School** | **Ending Fund Balance FY 2024–25** | **Reserve Percentage** |
| --- | --- | --- |
| High Tech Elementary North County | $2,287,370 | 36.86% |
| High Tech Middle North County | $3,324,483 | 75.39% |
| High Tech High North County | $3,457,187 | 59.67% |
| High Tech Elementary Mesa | $1,091,112 | 18.34% |
| High Tech Middle Mesa | $1,267,028 | 30.25% |
| High Tech High Mesa | $1,921,676 | 31.60% |
| High Tech Elementary Chula Vista | $2,554,019 | 40.52% |
| High Tech Middle Chula Vista | $2,239,913 | 52.52% |
| High Tech High Chula Vista | $4,684,676 | 50.41% |

The Charter School maintains its reserve amounts to ensure cashflow for non-district facility leasing expenses, buffering against increasing costs for health care and pension expenses, and anticipation of the potential for state funding deferrals and emergencies.

Additionally, the CDE reviewed audited financial data from the Charter School’s 2022–23 independent financial audit report, which reflected an unqualified status with positive ending fund balances for each school and reserves designated for economic uncertainty above the recommended 5 percent.

The Charter School’s projected financial plan appears fiscally sustainable. The CDE concludes that the Charter School’s multi-year budget provides for projected operating surpluses, increasing positive fund balances, and adequate reserves.

## Charter Elements

The CDE finds the Charter School’s renewal petition provides a reasonably comprehensive description of the elements required by *EC* Section 47605(c). A review of each element is provided in Attachment 1.

## Technical Amendments

1. The Charter School’s renewal petition refers to the High Tech High Statewide Benefit Charter. The CDE recommends a technical amendment to change the name and all references to the “High Tech High Countywide Charter School.”
2. In the plan for ELs, the Charter School’s renewal petition on page 27 states that Home Language Surveys will be administered upon a student’s enrollment to the Charter School. Home Language Surveys are required to be given upon a student’s first enrollment in any California public school. The CDE recommends a technical amendment for the Charter School’s renewal petition to state that a Home Language Survey will be administered to a student enrolling in the Charter School if it is the student’s initial enrollment in a California public school.

Table. Current Renewal Petition and Revised Renewal Petition

| **Current Renewal Petition Language  on Page 27** | **Revised Renewal Petition Language for Page 27** |
| --- | --- |
| HTH will administer a home language survey upon a student’s initial enrollment into HTH schools. Students who indicate that their primary language is other than English will be given the Initial English Language Proficiency Assessments for California (“ELPAC”) to determine their English language proficiency status. | HTH administers a home language survey upon a student’s initial enrollment into HTH schools if that enrollment is their first enrollment in a California public school district pursuant to *EC* Section 52164.1. HTH performs a review of incoming student cumulative files in order to determine if a home language survey is necessary. If enrollment to a HTH school is the student’s first enrollment in a California public school, and the enrollment forms indicate that their primary language is other than English, that student shall be given the Initial English Language Proficiency Assessments for California (“ELPAC”) to determine their English language proficiency status. |

## Designation of Chartering Authority

If the SBE grants renewal of the charter, the SBE shall designate, in consultation with the petitioner, the governing board of the school district or county board of education in which the charter school is located as the chartering authority, pursuant to *EC* Section 47605.9(c).

Upon submission of its renewal petition, the Charter School requested transfer from an SBE-authorized statewide charter to a countywide charter authorized by San Diego County, which the Charter School states is consistent with the letter and intent of *EC* Section 47605.9(c) (Renewal Document 1, pp. 5–6). As required by *EC* Section 47605.9(c), SBE staff consulted with the Charter School at which meeting the Charter School reaffirmed their preference for San Diego County as its authorizer.

Former *EC* Section 47605.8, which established statewide benefit charter schools and under which the Charter School was approved, required the Charter School to establish that it would provide instructional services of a statewide benefit that could not be provided by a charter school operating in only one school district or only one county. *EC* Section 47605.6 similarly requires that for a charter to be approved as a countywide charter school, it must establish that the educational services to be provided will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. If San Diego County is designated as the chartering authority, the Charter School will qualify as a countywide charter pursuant to *EC* Section 47605.6. As a statewide benefit charter, the Charter School is situated in four districts. In conducting its analysis, the CDE considered the following configurations for the restructuring of the Charter School:

Table. High Tech High Statewide Benefit Restructuring Configurations

| **Configuration 1 – Countywide Charter (*EC* Section 47605.6)** | **Configuration 2 – Four District-Level Charters (*EC* Section 47605)** |
| --- | --- |
| All nine schools are combined into a kindergarten (K) through grade twelve countywide charter; San Diego County would be designated as the chartering authority. | The nine schools are combined into four separate district-level charter schools as follows:  1. All three North County campus schools would be combined into a single K-12 charter school under the chartering authority of San Marcos Unified.  2. All three Mesa campus schools would be combined into a single K-12 charter school under the chartering authority of San Diego Unified.  3. High Tech Elementary Chula Vista would become a K-5 charter school under the chartering authority of Chula Vista Elementary.  4. High Tech Middle Chula Vista and High Tech High Chula Vista would be combined into a grade six through twelve charter school under the chartering authority of Sweetwater Union High. |

Significantly, pursuant to *EC* Section 47605.9(d), a former SBE-authorized charter school which is renewed and has a new chartering authority designated by the SBE, is to be regarded by the CDE as a continuing charter school for all purposes. The Charter School will therefore be treated as a continuing charter school for purposes including, but not limited to, principal apportionment and academic performance, whether the Charter School becomes four separate schools or one countywide school, in accordance with *EC* Section 47654.

In reviewing potential impacts on the Charter School’s governance and operations, the CDE notes that the Charter School may benefit from the efficiency of remaining a single charter school with a single charter authority. As a statewide benefit charter, the Charter School currently operates under the oversight of a single chartering authority, i.e., the SBE. If San Diego County is designated as the chartering authority, the Charter School will report to one chartering authority and generate one budget, allowing for greater efficiency and program cohesion across the nine individual schools. As the Charter School currently operates as a single charter school with a single chartering authority, operating under San Diego County as a countywide benefit charter most closely mirrors the status quo under which the Charter School currently operates.

Conversely, designating the districts as chartering authority and reconfiguring the Charter School as four separate schools would require the Charter School to operate under four chartering authorities and produce four budgets. Under the oversight of the four respective districts, the Charter School would be required to revise its renewal petition into four separate charter petitions, each tailored to the specific school and chartering authority. Additionally, the Charter School would be required to complete the oversight requirements of four separate chartering authorities, each with its own site visits and monitoring reports.

In regard to facilities, the Charter School’s Chula Vista campus is comprised of an elementary, middle, and high school housed at the same site. Because the campus is located in the shared territory of the Chula Vista Elementary and the Sweetwater Union High School Districts, designating the respective districts as the chartering authorities results in a single campus with oversight split between two authorizers. These two authorizers may have different MOUs with different requirements or procedures related to a charter school’s facilities, which may result in a lack of coherence and increased burden in the areas of school facilities and campus safety.

In the areas of governance, operations, and facilities, the Charter School will likely benefit from greater efficiency and program cohesion if assigned to San Diego County and allowed to operate as a countywide charter. Designating the respective districts as the chartering authorities will result in additional administrative burden on the Charter School.

Any analysis of fiscal impact is limited to assumptions based on current fiscal conditions and cannot account for future changes in funding, enrollment, unduplicated pupil count, average daily attendance, and other factors that cannot be fully predicted. The CDE conducted a fiscal analysis, limited to ongoing, formula-based programs administered by the School Fiscal Services Division, and found a negligible difference (approximately 0.4 percent of total annual funding) in fiscal impact upon the Charter School, if renewed, between the alternate options of delegation, and negligible impact from the shift from being a statewide benefit charter school to either a countywide benefit charter school or multiple locally authorized charter schools.

## Past History Under California State Board of Education Authorization

Since its establishment in January 2006, the Charter School has operated under the authorization of the SBE, with oversight responsibilities delegated to the CDE Charter Schools Division, and has been in good standing with its chartering authority.

On August 18, 2020, the CDE issued the Charter School a Letter of Concern as a result of a low projected fund balance for the Charter School’s newest school, High Tech Elementary Mesa. As detailed in the fiscal analysis above, the fiscal concern has been resolved. The CDE has no outstanding concerns regarding the Charter School.

Over the course of its current term, the CDE has found the Charter School to be in compliance with its charter and the MOU between the SBE and the Charter School.

## Conclusion

In summary, the CDE recommends that the SBE approve the Charter School’s charter renewal, for a term of five years beginning July 1, 2025, and ending June 30, 2030, with the above-proposed technical amendments.

The Charter School meets the requirements for charter renewal under *EC* Section 47607.2. The Charter School exceeds statewide outcomes on all Dashboard state indicators, and verified data demonstrate increases in academic achievement and strong postsecondary outcomes. The CDE has found no evidence of fiscal or governance factors that would hinder the Charter School’s ability to successfully implement the program set forth in the charter renewal. The CDE has also found no evidence that the Charter School is not serving all pupils who wish to attend.

Additionally, the CDE recommends the SBE designate San Diego County as the Charter School’s chartering authority, effective July 1, 2025, as it most closely mirrors the status quo under which the Charter School currently operates.

A comprehensive review of the Charter School’s charter renewal can be found in Attachment 1.

## Renewal Documents

The following documents were reviewed by CDE staff as a part of its analysis of the charter renewal:

* Renewal Document (RD) 1: High Tech HighStatewide Benefit Charter Petition for Renewal, which is available as Item 01 Attachment 2 on the December 2024 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec24item01a2.pdf>
* RD 2: High Tech High Statewide Benefit Charter Budget and Financial Projections, which is available as Item 01 Attachment 3 on the December 2024 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec24item01a3.pdf>
* RD 3: High Tech High Statewide Benefit Charter Articles of Incorporation, Bylaws, and Conflict of Interest Policy, which is available as Item 01 Attachment 4 on the December 2024 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec24item01a4.pdf>
* RD 4: High Tech High Statewide Benefit Charter Appendices and Supporting Documents, which is available as Item 01 Attachment 5 on the December 2024 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec24item01a5.pdf>

## Attachment

* **Attachment 1:** California Department of Education Charter School Petition Review Form: High Tech High Statewide Benefit Charter (35 Pages)