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OFFICIAL MINUTES

**MINUTES**  
**REGULAR MEETING**  
**BOARD OF EDUCATION**  
**SAN FRANCISCO UNIFIED SCHOOL DISTRICT**  
**TUESDAY, SEPTEMBER 24, 2019 – 6:00 P.M.**

The Board of Education met in Regular Session on Tuesday September 24, 2019, at 6:06 p.m. in the Irving G. Breyer Board Meeting Room, 555 Franklin Street, First Floor, San Francisco, California. Presiding: Mr. Stevon Cook, President.

**PRESENT:** Commissioners Ms. Alison M. Collins (joined the meeting at 7:25 p.m.), Mr. Stevon Cook, Ms. Jenny Lam, Ms. Gabriela Lopez, Ms. Rachel Norton, and Mr. Mark Sanchez

**ABSENT:** Commissioner Mr. Faauuga Moliga

**ALSO PRESENT:** Dr. Vincent Matthews, Superintendent of Schools  
Mr. Myong Leigh, Deputy Superintendent, Policy and Operations  
Ms. Gentle Blythe, Deputy Superintendent, Strategic Partnerships & Communications  
Ms. Enikia Ford-Morthel, Deputy Superintendent for Instruction  
Miss Betzabe Herrera and Mr. Jett Sandoval, Student Delegates

***Approval of Board Minutes***

Commissioner Norton moved the approval of the minutes of the Regular Meeting of September 10, 2019, which was duly seconded, and adopted by 5 ayes, 2 absent (Collins, Moliga). Student Delegate advisory vote: Aye by Miss Herrera and Mr. Sandoval.

***Public Comment on Non-Agenda Items***

**School bus contract bid and issue of using new vans to transport students:** Shane Hoff, Danielle Satinovar

**Issue with June 1 Graduation Day in 2020:** Geraldine.

**Advisory Committee reports and Appointments**

A report to the Board of Education was given by the Community Advisory Council for Special Education (SPED CAC). Presenting were CAC members: Julia Martin, Lillian Lim, Naheed Misfeldt, and Christina Share.

**TUESDAY, SEPTEMBER 24, 2019**

**Advisory Committee reports and Appointments - continued**

**Appointments to Advisory Committees:**

- Appointed by Commissioner Lam to the Public Education Enrichment Fund (PEEF) CAC: Tara Kini.
- Appointed by Commissioner Sanchez to the SFUSD Charter Schools Oversight Committee: Alexandra Contreras.
- Appointed by Student Delegate Herrera to the Public Education Enrichment Fund (PEEF) CAC: Selinda Medrano and Avery Shevelev. Alternates: Emma Shen and Steven Hum.
- Appointed by Student Delegate Sandoval to the Public Education Enrichment Fund (PEEF) CAC: Vishal Krishnaiah and Irene (Ying) Tan. Alternates: Anthony Tran and Edwin Jiana.

**CONSENT CALENDAR**

The Consent Calendar, moved by Commissioner Collins, was seconded and presented as follows:

1. Items Withdrawn or Corrected by the Superintendent
2. Protocol for Public Comment on Consent Items
3. Instructional Resolutions (No Items)
4. Finance Resolutions (Items 10 - 28)
5. Facilities Resolutions (Items 29 - 45)
6. Personnel Resolutions (Items 7 - 8)
7. Certificated Personnel Actions, Resolution No.199-24F1-F12
8. Classified Personnel Actions, Resolution No. 199-24G1-G9
9. Consultant Services Contracts and Contract Services Amendments (K Items)
10. Authorization to Submit Applications, to Accept Funds, and to Budget the Amount Awarded
11. Memoranda of Understanding (MOU) - Authorization to Enter Into MOUs with Community Based Organizations 9/24/19
12. Memoranda of Understanding (MOU) - Authorization to Enter Into MOUs with Community Based Organizations 9/24/19 Item 2
13. Donation to SFUSD from Sprint One Million Project Free Hotspot Devices to Students
14. Authorization for Budget Transfers for Fiscal Year 2019-2020 Budget
15. Authorization to Enter Into Food Service Agreements with Charter Schools
16. Ratification of Master Contracts between San Francisco Unified School District (SFUSD) Transportation Department and School Pupil Activity Transportation Services Providers
17. Approval of the Adobe, Inc. General Terms of Use / K-12 (Primary and Secondary) Education Additional Terms Agreement and authorization to purchase and/or accept Adobe software licenses using content controlled Enterprise or Federated account ID's.
18. Master Service Agreement with Rosetta Stone LTD.
19. Approve Student Teacher MOU with National University
20. Individual Service Agreements with University of California Berkeley Student Teachers, Counselors or Administrator Intern - Xiaohui Huang
21. Individual Service Agreements with San Francisco State university Student Teachers, Counselors or Administrator Interns: Juanita Kimball, Colleen Holton, Zachary Wong
22. Individual Service Agreements with San Francisco State University Student Teachers, Counselors or Administrator Intern - Katherine Underwood
23. Individual Services Agreement(s) with Individual Intern(s) in State Licensed or Certified Fields

**TUESDAY, SEPTEMBER 24, 2019**

**CONSENT CALENDAR - continued**

24. Approve the IEE between SFUSD Special Education Services and Elizabeth Diane Angoff Wilcox, IEE
25. Individual Service Agreements with University of San Francisco Student Teachers, Counselors or Administrators, Interns: Alejandro Cuevas
26. Master Service Agreement with K12 Management Inc., dba Fuel Education
27. Authorization to Submit Applications, to Accept Funds and to Budget the Amount Awarded
28. Authorization to Declare Obsolete Computer Monitors, Other Computer Related Accessories, Furniture, Fixtures, Equipment Including Cafeteria Equipment, Instructional Materials and Other Miscellaneous Items as Surplus Property
29. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program, Contract #2520, Mod #1 - Levy Design Partners
30. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program, Contract #2363, Mod #5 - HKIT Architects
31. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program, Contract #2245, Mod #18 - Sensible Environmental Solutions
32. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program, Contract #2529, Mod #3 - Aim to Please Janitorial Services
33. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program, Work Order #32112 - PG&E
34. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program, Contract #2556, Mod #1 - Zolman Construction
35. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program, Contract #2280, Mod #5 - L. Mencos Group
36. Contracts, Orders for Service, Work Order and Modifications in connection with the School Building Program, Contract #2596 Class Leasing
37. Contracts, Orders for Service, Work Order and Modification in Connection with the School Building Program, Contract #2597 - E.F. Brett & Company, Inc.
38. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - #11836 Silver Creek Industries, Inc.
39. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - #12059 Plum Architects
40. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - #12059 Zolman Construction and Development
41. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - #11739 Langan/Treadwell & Rollo
42. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - #12130 Youda Builders, Inc.
43. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program, Contract #2246, Mod #6 - Vanir Construction Management
44. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program, Contract #2474, Mod #2 - Splash!Events, Inc.
45. Ratification of Facilities Contracts and Contract Amendments - Proposition A Bond Program and Facilities Design and Construction

**Corrections by the Superintendent announced:**

To 199-24K14 - Consultant line should read: **Collective Impact - dba Ella Hill Hutch Community Center.**  
To 199-24K18 - Rich Alan Foster. **The first SACS Code should be 2019, not 2020.** The second SACS code is correct.

**Vote on the Consent Calendar:**

The Consent Calendar, as corrected, was adopted by 7 ayes. Student Delegate advisory vote:  
Aye by Miss Herrera and Mr. Sandoval.

**TUESDAY, SEPTEMBER 24, 2019**

***Proposals for Action***

**Superintendent's Proposal 196-25Sp1 – New School Petition to Renew Charter**

196-25Sp1, moved and seconded on June 25, 2019, to renew New School as a K-5 Charter School, **failed** by a vote of 6 nays (Collins, Lam, Lopez, Norton, Sanchez, and Cook), and 1 absent (Moliga). Student Delegate advisory vote: Nay by Miss Herrera and Mr. Sandoval.  
Public speakers:

**Superintendent's Proposal 199-10Sp2 – Authorization for a Material Revision to the New School San Francisco Charter School Renewal Petition**

199-10Sp2 was moved and seconded on September 10, 2019.  
Superintendent's recommendation to **deny** the material revision to New School, was approved by 6 ayes, 1 absent (Moliga). Student Delegate advisory vote: Aye by Miss Herrera and Mr. Sandoval.

***Introduction of Proposals and Assignment to Committee***

Commissioner Norton moved the following items for First Reading:

- **Board Policy 6175, Migrant Education Program;**
- **Superintendent's Proposal 199-24Sp1, First Reading of Authorization to Grant or in the Alternative Deny the Renewal Petition for KIPP Bayview Academy;**
- **Superintendent's Proposal 199-24Sp2, First Reading of Authorization to Grant or in the Alternative Deny the Renewal Petition for KIPP SF Bay Academy;**
- **and 199-24A1 – In Support of the Achievement and Success of All Latinx Students in the San Francisco Unified School District as introduced by Commissioners Gabriela Lopez and Mark Sanchez.**

With the motion duly seconded, President Cook referred the Board Policy to the Rules, Policy, and Legislation Committee, and SP1 and Sp2 to the Budget and Business Services and Curriculum and Program Committees.

**TUESDAY, SEPTEMBER 24, 2019**

***Proposals for Immediate Action and Suspension of the Rules***

**199-24A1 – In Opposition to Proposition C on the November 2019 Ballot**  
- Commissioners Stevon Cook and Rachel Norton

Suspension of the Rules (motion 199-24A2) for this item to be heard at this meeting was moved by Commissioner Collins, seconded, and adopted by 6 ayes, 1 absent (Moliga). 199-24A1 was formally moved by Commissioner Norton, seconded, and adopted by 6 aye, 1 absent (Moliga). Student Delegate advisory vote: Aye by Miss Herrera and Mr. Sandoval.

***Other Informational Items***

President Cook announced that posted in the agenda, was the staff monthly report of Acceptance of Gifts for August 2019 which includes cash donations and listing of supply and equipment items donated to the District.

**Closed Session Actions**

**Closed Session of September 24, 2019**

**Vote on Student Expulsion Matters**

Approval of the Stipulated Expulsion agreement of 1 High School Student: Matter No. 2019-2020-#01 from the District for the remainder of the current semester, Fall 2019, with suspended enforcement.  
(Moved by Cook, seconded Norton. Adopted by 5 ayes, 1 nay (Lopez), and 1 absent (Moliga).

**Report from Closed Session**

In 1 matter of anticipated litigation, the Board by a vote of 6 ayes, 1 absent (Moliga) provided direction to the General Counsel.

The Board by a vote of 6 ayes, 1 absent (Moliga) approved the contract for 1 Supervisor.

**TUESDAY, SEPTEMBER 24, 2019**

***Adjournment***

There being no further business to come before the Board of Education, this meeting was adjourned at 10:12 p.m.

The next Regular Meeting of the Board of Education will take place on Tuesday, September 24, 2019 at 6:00 p.m. in the Irving G. Breyer Board Meeting Room, 555 Franklin Street.

*A recess to the Regular meeting took place at 9:10 p.m. in order for the Board to go into Closed Session. The Regular meeting resumed at 10:10 p.m.*

*These Minutes have set forth the actions taken by the San Francisco Board of Education on matters stated, but not necessarily the order in which the matters were taken up.*

*Copies of adopted Board/Superintendent Resolutions are filed in the official records of the Board of Education.*

*The full agenda for these minutes can be found on [www.boardocs.com/ca/sfusd/board.nsf](http://www.boardocs.com/ca/sfusd/board.nsf)*

**Adopted: 15 October 2019**



September 24, 2019

## Board of Education Report

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### Superintendent's Proposal 196-25SP1

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#### Approval of the Renewal of the New School San Francisco Charter

##### **Action Proposed:**

Staff recommends approval of the renewal of the Grades K-5 charter for New School San Francisco (NSSF) located at 655 DeHaro Street, for five (5) years, beginning July 1, 2020 and ending June 30, 2025, to serve 288 students in grades K-5.

##### **Background**

A petition for the establishment of NSSF as a K-12 school was presented to the SFUSD Board on September 9, 2014. The petition was denied by the SFUSD Board on October 28, 2014. NSSF appealed to the State Board of Education and, on March 12, 2015, was approved by the state board to operate as a K-5 school, through June 30, 2020.

In the public meeting of June 25, 2019, the San Francisco Board of Education received a petition from New School San Francisco, Inc. seeking renewal of its charter for NSSF for a five year period ending June 30, 2025, with an expansion to grades K-8. The petition was referred to the Curriculum and Program Committee and the Budget and Business Services Committee.

Under Education Code, if the District wishes to deny renewal, it must take the denial action within 60 days of receipt. On June 19, 2019, NSSF and SFUSD mutually agreed, in writing, to extend the review period by 30 days, to September 24, 2019.

#### **General Guidelines for the Review of California Charter School Renewal Petitions**

##### **California Code of Regulations (CCR): Title 5, Division 1, Chapter 11, Subchapter 19**

**The Board shall deny a renewal petition only if it makes a written factual finding setting forth specific facts to support one or more of the following grounds: (Education Code 47605, 47607; 5 CCR 11966.4)**

1. The charter school presents an unsound educational program for the students enrolled in the school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).

4. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b)(5).

5. The charter school has failed to meet at least one of the following criteria of academic performance:

**a. Increases in academic achievement for all numerically significant groups of students served by the charter school, as defined in Education Code 52052, shall be the most important factor. (Education Code 47607; 5 CCR 11966.4).**

b. Academic performance at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter school. In determining whether the charter school satisfies this criterion, the Board shall base its decision on:

- i. Documented clear and convincing data
- ii. Student achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program state academic achievement tests, for demographically similar student populations in comparison schools
- iii. Information submitted by the charter school.

**Staff Review – California Code of Regulations/Education Code Criteria**

**(1) The data indicate:**

**The data support a finding of NSSF performance at least equal to the SFUSD schools NSSF students would otherwise attend.**

Pursuant to the requirements of Education Code section 47607(b)(1), we have reviewed the academic performance data provided in the petition, and the information reported on the California Department of Education’s California Assessment of Student Performance and Progress (CAASPP) web site.

API testing was suspended in the 2013-14 school year and districts and charter schools were required to administer the new Smarter Balanced Assessment in Grades 3 and 11, starting in the 2014-15 school year. NSSF started in the 2015-16 school year with K-1 and did not have a 3<sup>rd</sup> Grade class until 2017-18. The results of the NSSF CAASPP for 3<sup>rd</sup> Graders in 2018 are presented below (NSSF did not have significant numbers of subgroup students – results are for 3<sup>rd</sup> graders School Wide).

	<b>ELA - % Meeting or Exceeding Standard</b>	<b>Math - % Meeting or Exceeding Standard</b>
<b>SCHOOL</b>		
<b>NSSF</b>	<b>71%</b>	<b>58.5%</b>
<b>Cobb</b>	<b>23%</b>	<b>27%</b>
<b>Chavez</b>	<b>21%</b>	<b>21%</b>
<b>Flynn</b>	<b>16%</b>	<b>18%</b>
<b>Parks</b>	<b>34%</b>	<b>41%</b>
<b>SFUSD</b>	<b>52%</b>	<b>57%</b>
<b>California</b>	<b>48%</b>	<b>49%</b>

**NSSF Schoolwide 2018 SBAC results exceeded those of the SFUSD schools NSSF students would otherwise attend, SFUSD, and California state-wide.**

NSSF 2018 3<sup>rd</sup> Grade SBAC Compared to Demographically Similar SFUSD Schools

	ELA - % Meeting or Exceeding Standard	Math - % Meeting or Exceeding Standard
<b>SCHOOL</b>		
<b>NSSF</b>	<b>71%</b>	<b>58.5%</b>
<b>Milk</b>	<b>55%</b>	<b>42%</b>
<b>McKinley</b>	<b>63%</b>	<b>62%</b>
<b>New Traditions</b>	<b>80%</b>	<b>75%</b>
<b>Sunnyside</b>	<b>72%</b>	<b>75%</b>
<b>SF Public Montessori</b>	<b>88%</b>	<b>67%</b>

**In comparison to Five Demographically Similar SFUSD schools, NSSF 2018 SBAC results in ELA exceeded Two schools, and equaled or lagged Three others. In MATH, NSSF results exceeded those of One school, and lagged those of Four others.**

**Recommendation**

Staff recommends that the Board approve the petition for **K-5 only for 288 students** based on the following Findings of Fact:

*Increases in academic achievement for all numerically significant groups of students served by the charter school, as defined in Education Code 52052, shall be the most important factor in considering charter renewal (Education Code 47607; 5 CCR 11966.4).*

- 1. The school's performance for the 2018 3<sup>rd</sup> Grade SBAC was at least equal to the SFUSD schools NSSF students would otherwise attend. The school's Schoolwide results exceeded those of the SFUSD schools NSSF students would otherwise attend, SFUSD, and California state-wide.**
- 2. The review and finding apply only to the existing K-5 educational program.**

In order to approve the Petition on the grounds set forth above, District Staff recommends that the Board adopt these Findings of Fact as its own. Alternatively, the Board may choose to deny the Petition.



September 24, 2019

## Board of Education Report

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### Superintendent's Proposal 199-10Sp2

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#### Material Revision to New School San Francisco Charter

##### Action Proposed:

Staff recommends Denial of the proposed revision to the charter of New School San Francisco (NSSF) to expand from grades K-5 to grades K-8.

##### Procedural Background

In the public meeting of June 25, 2019, the San Francisco Board of Education received a petition from New School SF, Inc. seeking renewal of its NSSF K-5 charter as a K-8 charter for the period beginning July 1, 2020 and ending June 30, 2025. On June 19, 2019, NSSF agreed, in writing, to extend the deadline for the District to take action on the renewal to September 24, 2019. The petition was referred to the Curriculum and Program Committee and the Budget and Business Services Committee. The District determined that the renewal petition was both a renewal petition for the existing K-5 grades, and a material revision to add grades six through eight.

##### GRADE SPAN

- On September 9, 2014, NSSF presented a petition for a grades K-12 charter school to the SFUSD Board of Education. The petition was denied by the SFUSD Board on October 28, 2014. NSSF appealed the denial to the State Board of Education (SBE).
- On February 10, 2015, the state Advisory Commission for Charter Schools (ACCS) recommended that the SBE hold a public hearing to approve establishment of NSSF as a "kindergarten through grade five school, for a five-year term effective July 1, 2015, through June 30, 2020, under the oversight of the SBE".
- On March 12, 2015, the SBE approved NSSF as a K-5 school for the period July 1, 2015 to June 30, 2020, enrolling grades K-1 in the first year (2015-16) of operation.

##### Material Revision

As stated above, the renewal petition NSSF presented to SFUSD on June 25, 2019 does not simply request renewal of the K-5 charter authorized by SBE, but seeks approval of a K-8 school.

A charter school is required to submit a material revision to its charter when it proposes to make substantial changes to the program that was originally described in its charter petition. Changes that are generally considered material revisions may include, but are not limited to:

- Addition or elimination of grades served;
- Increases in enrollment;

- Changes to the instructional program;
- Altering enrollment preferences or lottery procedures;
- Adopting new discipline procedures; and
- Restructuring the Charter School's governance or leadership.

The NSSF petition seeks addition of grades 6-8.

The District has authority to review the material revision under Ed. Code § 47605(k)(2). Material revisions are governed by the same standards and criteria enumerated in Section 47605 applicable to the original review of a petition for the establishment of a charter school "and shall include but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed." (Ed. Code, § 47607(a)(2).)

The Petition, as presented to SFUSD by NSSF, asks SFUSD to "renew" a materially revised charter petition when the authority that granted the charter (SBE) has neither reviewed nor approved the revision.

The Board may deny a charter school material revision if it sets forth specific facts to support one, or more, of the following findings (Education Code 47605, 47607; 5 CCR 11966.4):

1. The charter school presents an unsound educational program for the students enrolled in the school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
4. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b)(5) and/or 47607(a)(2).

### **Summary and Recommendation**

This Staff Report and Finding of Fact sets forth factual findings based upon a review by District staff of the proposed material revision set forth in the Petition. Through this review process, deficiencies and concerns have been identified in the Petition that District staff have concluded are sufficient to warrant a recommendation to deny the material revision consistent with Education Code section 47605 based on the following grounds:

1. The proposed material revision presents an unsound educational program for students to be enrolled in the Charter School.
2. The Petitioner is demonstrably unlikely to successfully implement the proposed material revision set forth in the Petition.
3. The Petition, as amended by the material revision, does not contain reasonably comprehensive descriptions of all required elements as set forth in Education Code section 47605, subdivisions (b)(5)(A-O) as required under Education Code section 47607(a)(2).

**Review of Material Revision and Findings of Fact**

The following Findings of Fact have been grouped for convenience under the aforementioned grounds for denial of a material revision. However, certain Findings of Fact may support more than one ground for denial.

**Finding 1: The Proposed Material Revision Presents an Unsound Educational Program for Students to be Enrolled in the Charter School**

**A. The Plan for English Learners (pp. 70-75) does not adequately address the needs of English Language Learners in the proposed middle school (6-8) grade span.**

*For purposes of Education Code section 47605, a charter petition is "consistent with sound educational practice" if it is likely to be of educational benefit to pupils who attend. (5 CCR § 11967.5.1.) The description of the Charter School's educational program should, at a minimum, include the instructional approach that 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 students to master the State's content standards and achieve the Charter School's stated objectives. (Ed. Code, § 47605(b)(5); 5 CCR § 11967.5.1(f)).*

1. The petition does not contain a projection of the current progress of English Language Learners in the current K-5 program and the impact their instructional needs will have on course development and access for English Learners in middle grades.
2. The petition does not contain a specific plan for Newcomers at the Middle School level or consider the impact of additional support for newcomers on Long Term English Learners and availability of courses.

**Finding 2: The Petitioner is demonstrably unlikely to successfully implement the proposed material revision set forth in the Petition.**

**A. The Renewal Petition lacks a description of new requirements of charter schools and how the Charter School has met those requirements.**

*Governing law requires a renewal or a material revision to include, among other elements, "a reasonably comprehensive description of any new requirement of charter schools enacted after the charter was originally granted or last renewed." (Ed. Code, § 47607(a)(2).) The regulations governing charter schools further clarify that a charter renewal petition or material revision must also include "a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed." (5 CCR § 11966.4(a)(2).)*

1. The Petition does not include this required information. Requirements applicable to the NSSF 6-8 proposal enacted since 2015 include, but are not limited to:

**Education Code § 44050:** Requires charter schools to maintain a section in their employee code of conduct on employee interactions with pupils; provide written copy of the section to parents/guardians at beginning of each school year; and post the section or provide a link to it on the school website. (Effective 1/1/18.)

**Education Code § 35292.6:** Charter schools maintaining any combination of classes from grades 6-12 that meets a 40% pupil poverty threshold as specified in federal law must stock 50% of school's restrooms with feminine hygiene products and may not charge for feminine hygiene products. (Effective 1/1/18.)

**Education Code § 215 et seq.:** Before beginning of 2017-2018 school year, charter schools serving students in grades 7-12 must adopt policy on pupil suicide prevention that specifically addresses needs of high-risk groups. (Effective 1/1/17.)

**Education Code §§ 8482.6, 8483, 8483.1 & 8483.5:** Requires charter schools to give first priority enrollment in ASES programs to homeless and foster youth; requires before or after school programs to inform apparent or caregiver of right of homeless or foster children to receive priority enrollment; and prohibits after school program from charging fee for students it knows are homeless or in foster care. (Effective 1/1/17.)

**Education Code §§ 234.1 & 234.5:** Requires LEAs serving students in grades 7 to 12 to provide certificated employees with information related to support of students facing bias or bullying on basis of religious affiliation or perceived religious affiliation. (Effective 1/1/17.)

**Education Code § 313.1:** Added new definitions of "long-term English learner" and "English learner at risk of becoming a long-term English learner." (Effective 1/1/16.)

**Education Code § 48850 et seq.:** Requires provision of certain services for homeless and foster students and clarifies that "local educational agency" includes all charter schools. (Effective 1/1/16.)

**Health & Safety Code § 120325 et seq.:** Amended personal belief exception and other immunization requirements. (Effective 1/1/16 & 1/1/17.)

**Education Code § 44939.5:** Prohibits charter schools from entering into agreements that would prevent mandatory reporting of egregious misconduct, or expunging or entering into an agreement authorizing expunging an employee's personnel file. Also includes requirements concerning disclosure of reports of egregious misconduct and filing of false reports. (Effective 1/1/15 and 1/1/16.)

**Recommendation**

Staff recommends that the board deny the material revision based on the following Findings of Fact:

1. The Charter School presents an unsound educational program for the students to be enrolled in the Charter School.
2. Petitioner is demonstrably unlikely to successfully implement the program set forth in the Petition.
3. The Petition does not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A-O).

In order to deny the Petition on the grounds set forth above, District Staff recommends that the Board adopt these Findings of Fact as its own. Alternatively, the Board may choose to approve the material revision.



## MEMO

TO: Mike Davis & SFUSD Commissioners  
CC: Superintendent Matthews  
FROM: Emily Kilduff & Ryan Chapman, New School SF Petitioners & Co-Founders  
DATE: September 24, 2019  
RE: Response to findings for final board hearing

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Dear Commissioners,

Thank you for the opportunity to respond to the findings which were posted the evening of Friday, September 20th, in advance of today's hearing (September 24th). It should be noted that NSSF submitted its petition 102 days ago yet was provided with findings less than two business days before the final vote. Given the limited time we have had, we are hopeful our response below address your concerns, including those that can be found in the petition.

### Concern #1:

*The Plan for English Learners (pp. 70-75) does not adequately address the needs of English Language Learners in the proposed middle school (6-8) grade span.*

1. *The petition does not contain a projection of the current progress of English Language Learners in the current K-5 program and the impact their instructional needs will have on course development and access for English Learners in middle grades.*

### NSSF Response:

Success in our K-5 program to date is the foundation for 6-8 to build from. NSSF implements two primary strategies to support the development of our current English Learners within our current program:

- NSSF utilizes both internal and state data to inform our teaching strategies and programmatic priorities. Grounding our teaching practices in the 'Critical Principles of English Language Development': These principles include *Interacting in Meaningful Ways*, *Learning About How English Works*, and *Using Foundational Skills* (p. 72 of our petition). Additionally, see our Measurable Pupils outcome report (p. 147 of our petition) to see the growth English learners have made. From 2016-17 to 2017-18, our English Learner rate of reading growth outpaced every other subgroup in the school. Two students were re-classified at the end of 2017-18, thus reducing our total number of English Learners entering the 2018-2019 to 22 students. After initial ELPAC

assessments, 2 additional students were classified as English Learners, bringing the total number of English Learners to 24 students for the 2018-2019 school year. During the fall of 2019-2020, 11 students will be provided the Initial ELPAC assessment, and 6 returning students (25% of overall EL students) will be considered for reclassification under our school reclassification policy in partnership with the ELPAC.

- NSSF develops strong partnerships with families to inform goals and supports needed both at home and at school. From the initial survey families fill out to the intake conference in the fall (p. 31 of our petition) to setting individualized goals for students (p. 44 of our petition), we know the parent is a key partner in ensuring student success.

2. *The petition does not contain a specific plan for Newcomers at the Middle School level or consider the impact of additional support for newcomers on Long Term English Learners and availability of courses.*

NSSF Response:

- We recognize that supports for a newcomer in grades 6-8 with little-to-no English proficiency will require far greater supports and resources. However, our current practices and support structures for diverse learners still apply for students with a higher level of need.
- Page 180 of our petition outlines our COST model to ensure robust supports are in place even in the immediate as a student's Individualized Learning Plan is being developed. (For COST Flowchart, see Appendix B, p. 286 of our petition)
- While designing intervention through our COST process in partnership with the NSSF Curriculum and Instruction Team, NSSF will analyze current student ELPAC data to support the design of 30 minutes of ELD-specific instruction per day for all incoming EL students. A prime time for this instruction could be Grow Time, in which teachers are providing individual or small group support to students in grades 6-8.
- Finally, access to course offerings is described in Element B, p. 84 of our petition. Additionally, p. 251 discusses how families are consulted in building the educational plan for their child. We would use previous ELPAC data or assess any newcomers to grades 6-8.

**Concern #2:**

*The Renewal Petition lacks a description of new requirements of charter schools and how the Charter School has met those requirements. The Petition does not include this required information. Requirements applicable to the NSSF 6-8 proposal enacted since 2015 include, but are not limited to:*

NSSF Response: Any changes required to comply with current law have been made within our petition.

**Education Code § 35292.6:** Charter schools maintaining any combination of classes from grades 6-12 that meets a 40% pupil poverty threshold as specified in federal law must stock 50% of school's restrooms with feminine hygiene products and may not charge for feminine hygiene products. (Effective 1/1/18.)

NSSF Response: This can be found on p. 111 of our petition.

**Education Code § 215 et seq.:** Before beginning of 2017-2018 school year, charter schools serving students in grades 7-12 must adopt policy on pupil suicide prevention that specifically addresses needs of high-risk groups. (Effective 1/1/17.)

NSSF Response: This can be found on p. 111 of our petition.

**Education Code §§ 234.1 & 234.5:** Requires LEAs serving students in grades 7 to 12 to provide certificated employees with information related to support of students facing bias or bullying on basis of religious affiliation or perceived religious affiliation. (Effective 1/1/17.)

[NSSF Response:](#) This can be found on [p. 113](#) of our petition.

**Health & Safety Code § 120325 et seq.:** Amended personal belief exception and other immunization requirements. (Effective 1/1/6 & 1/1/17.)

[NSSF Response:](#) This can be found on [p. 110](#) of our petition.

**Education Code § 313.1:** Added new definitions of "long-term English learner" and "English learner at risk of becoming a long-term English learner." (Effective 1/1/16.)

[NSSF Response:](#) [Page 70](#) of the petition addresses long-term English Learners. We can add the definition for 'at risk of becoming a long-term English learner.'

**Education Code § 44050:** Requires charter schools to maintain a section in their employee code of conduct on employee interactions with pupils; provide written copy of the section to parents/guardians at beginning of each school year; and post the section or provide a link to it on the school website. (Effective 1/1/18.)

[NSSF Response:](#) Our Employee Handbook details our code of conduct and our newly adopted Boundaries Policy details appropriate and inappropriate interactions with students. Our Boundaries Policy was written in collaboration with our insurance provider, CharterSafe. We are happy to provide copies of our Handbook or Boundaries Policy for the Board.

**Education Code §§ 8482.6, 8483, 8483.1 & 8483.5:** Requires charter schools to give first priority enrollment in ASES programs to homeless and foster youth; requires before or after school programs to inform apparent or caregiver of right of homeless or foster children to receive priority enrollment; and prohibits after school program from charging fee for students it knows are homeless or in foster care. (Effective 1/1/17.)

[NSSF Response:](#) This is a current practice with our after-school program, Exploremos. The Exploremos Family Handbook makes clear that families who cannot pay for care can still attend. We will update our handbook to make even more explicit and also include in our petition specific mention of homeless and foster youth.

**Education Code § 48850 et seq.:** Requires provision of certain services for homeless and foster students and clarifies that "local educational agency" includes all charter schools. (Effective 1/1/16.)

[NSSF Response:](#) [Element B](#) addresses academic access for homeless and foster students. We can be more explicit in our petition that we understand and follow Education Code § 48850 et seq.

**Education Code § 44939.5:** Prohibits charter schools from entering into agreements that would prevent mandatory reporting of egregious misconduct, or expunging or entering into an agreement authorizing expunging an employee's personnel file. Also includes requirements concerning disclosure of reports of egregious misconduct and filing of false reports. (Effective 1/1/15 and 1/1/16.)

[NSSF Response:](#) We will add this language to our petition.