This document was provided, as is, to the California Department of Education (CDE) by the **T.I.M.E. Community School**. This document is posted to the CDE website to meet the legal requirements of California *Education Code* Section 33009.5.

For more information regarding the content of this material, please contact the Charter Schools Division by phone at 916-322-6029 or by e-mail at charters@cde.ca.gov.

Los Angeles County Office of Education

Serving Students ▪ Supporting Communities ▪ Leading Educators

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Superintendent

Los Angeles County Board of Education

James Cross
President

Monte E. Perez
Vice President

Douglas R. Boyd

Betty Forrester

Alex Johnson

Ellen Rosenberg

Thomas A. Saenz

January 21, 2020

Via First Class Mail & E-mail to:
gramirez@timecommunityschools.org

Dr. Gabriel Ramirez, Lead Petitioner
T.I.M.E Community Schools
616 Brigita Ave.
Valinda, CA 91744

Dear Dr. Ramirez:

Confirmation of County Board Action on the T.I.M.E Community Schools Charter Petition

This letter serves as confirmation of the action taken by the Los Angeles County Board of Education (County Board) on the petition for the T.I.M.E. Community Schools.

At its regular meeting held Tuesday, January 14, 2020, the County Board took action to deny the petition for T.I.M.E. Community Schools received on appeal from Montebello Unified School District Board of Education.

Attached are copies of the findings of fact and approved action taken by the County Board, which constitutes the final order in this matter.

Please contact the Charter School Office at (562) 922-8806 by **Friday, January 31, 2020**, if you wish to schedule a date and time to pick-up the submitted charter petition binder. Should you have any questions, please do not hesitate to call Dr. Cheli Nye.

Sincerely,

Indra Ciccarelli
Director II
Charter School Office

IC:ls
Attachments (2)

c: Stephanie Farland, Director, Charter Schools Division, CDE
Carrie Lopes, Education Administrator, Charter Schools Division, CDE
Anthony Martinez, Ph.D., Superintendent, Montebello USD
Debra Duardo, M.S.W., Ed.D., Superintendent, LACOE
Vibiana M. Andrade, General Counsel, LACOE

It was MOVED by Mr. Boyd, SECONDED by Ms. Forrester, to modify and approve the Superintendent's Recommendation to Deny the Charter for T.I.M.E. Community Schools, Grades 9-12, and for the Board to only adopt Finding 2, Indicator 2 (Budget Plan(s) Deficiencies).

Voting Yes: Mr. Boyd, Ms. Forrester, Mr. Johnson, Mr. Saenz, and Dr. Perez.
Voting No: Ms. Rosenberg

BOARD FILE

APPROVED
LOS ANGELES COUNTY
BOARD OF EDUCATION

JAN 14 2020

BY: DD: m
Ex Officio Secretary

Board Meeting – January 14, 2020

Item VII. Recommendations

A. Adopt the Superintendent's Recommendation to Deny the Charter for *T.I.M.E. Community Schools, Grades 9-12*: Appeal of a Petition to Establish a Charter Previously Denied by Montebello Unified School District Board of Education

The Superintendent recommends that the Los Angeles County Board of Education (County Board) adopt the written findings of fact stated below and take action to deny the charter petition to establish the T.I.M.E. Community Schools.

Education Code (EC) 47605(b) limits the reasons for denial to the following:

(1) The charter school presents an unsound educational program.

(2) The petitioners are demonstrably unlikely to successfully implement the program.

(3) The petition does not contain the required number of signatures.

(4) The petition does not contain an affirmation of specified assurances.

(5) The petition does not contain reasonably comprehensive descriptions of the 15 required elements of a charter.

The County Board evaluated the petition according to the criteria and procedures established in law and may deny the petition if it provides written findings addressing the reasons for denial.

The recommendation to deny the T.I.M.E. Community Schools petition is in accordance with EC section 47605(b)(2) and (5) above:

(2) The petitioners are demonstrably unlikely to successfully implement the program.

~~*(5) The petition does not contain reasonably comprehensive descriptions of the 15 required elements of a charter.*~~

The recommendation for denial is based on the written Findings of Fact contained in the complete Report on the T.I.M.E. Community Schools petition, which is attached to the Report Item dated January 14, 2020.

Board Meeting – January 14, 2020

Item V. Reports / Study Topics

A. Staff Findings on the *T.I.M.E. Community Schools, Grades 9-12*: Appeal of a Petition to Establish a Charter Previously Denied by Montebello Unified School District Board of Education

The petition for the T.I.M.E. Community Schools is presented to the Los Angeles County Board of Education (County Board) pursuant to Education Code (EC) section 47605. Upon denial by the Montebello Unified School District Board of Education, the petitioners exercised the statutory right of appeal to the County Board.

EC section 47605(b) limits the reasons for denying a charter petition to the following:

(1) The charter school presents an unsound educational program.

(2) The petitioners are demonstrably unlikely to successfully implement the program.

(3) The petition does not contain the required number of signatures.

(4) The petition does not contain an affirmation of specified assurances.

(5) The petition does not contain reasonably comprehensive descriptions of the 15 required elements of a charter.

The County Board shall evaluate the petition according to the criteria and procedures established in law and may only deny the petition if it provides written findings addressing the reasons for the denial.

Summary of Key Findings:

A summary of the key findings is presented through the table on the following page.

The complete Report on the written Findings of Fact is attached.

LACOE staff will present the report to the County Board.

T.I.M.E. Community Schools
Petition Received on Appeal

Summary of Required Charter Elements Pursuant to *Education Code* Section 47605(b)			
Findings 1-5 are Grounds for Denial Pursuant to *EC* 47605(b)			Meets Requirements*
Finding 1		Sound Educational Practice	Yes
Finding 2		Ability to Successfully Implement Intended Program	No
Finding 3		Required Number of Signatures	Yes
Finding 4		Affirmation of Specified Conditions	Yes
Finding 5: The charter petition contains a reasonably comprehensive description of all required elements.	1	Description of Educational Program	No
	2	Measureable Pupil Outcomes	No
	3	Method for Measuring Pupil Progress	No
	4	Governance Structure	Yes*
	5	Employee Qualifications	Yes*
	6	Health and Safety Procedures	Yes*
	7	Racial and Ethnic Balance	Yes*
	8	Admission Requirements	Yes*
	9	Annual Independent Financial Audits	Yes
	10	Suspension and Expulsion Procedures	No
	11	Retirement Coverage	Yes
	12	Public School Attendance Alternatives	Yes
	13	Post-employment Rights of Employees	Yes
	14	Dispute Resolution Procedures	Yes
	15	Closure Procedures	Yes
Finding 6: The charter petition meets the additional statutory requirements *EC* 47605 (c), (e) – (h), (l) and (m)	(c)	Standards, Assessments and Parent Consultation	Yes
	(e)	Employment is Voluntary	Not applicable
	(f)	Pupil Attendance is Voluntary	Not applicable
	(g)	Effect on Authorizer and Financial Projections Facilities, Administrative Services, Civil Liability and Financial Statements	Yes
	(h)	Targets Academically Low Achieving Pupils**	No
	(l)	Teacher Credentialing	Yes
	(m)	Transmission of Audit Report	Yes

**Elements marked as meeting requirements may need further explanation, adjustment, or technical changes; however, they are reasonably comprehensive and/or substantively comply with regulatory guidance and the LACOE standard of review described in Board Policy and the Superintendent's Administrative Regulations.*

***Charters created to target academically low achieving pupils are given a priority for authorization*

Los Angeles County Office of Education
Charter School Office
Date: January 14, 2020

Staff Findings on the *T.I.M.E. Community Schools, Grades 9-12*
Appeal of a Petition to Establish a Charter Previously Denied by Montebello Unified School District Board of Education

Background Information

The petition for *T.I.M.E. Community Schools* (TIME) seeks to establish a school serving students in grades 9-12 within the geographical boundaries of the Montebello Unified School District (MUSD). First year enrollment projection is 110 students in grade 9, with expansion to 600 students by the fifth year of operation.

TIME first submitted an initial petition to MUSD on September 11, 2018. It was denied by the MUSD Board of Education on October 22, 2018. An appeal was submitted to Los Angeles County Board of Education (County Board) on January 11, 2019, and subsequently denied by the County Board on March 12, 2019. TIME submitted a revised petition to MUSD on August 26, 2019, which was denied by the MUSD Board of Education on October 23, 2019. The current appeal was submitted to the County Board on November 12, 2019.

TIME seeks to implement the Teamwork, Individualism, Mastery and Extension (T.I.M.E.) Learning Model, a combination of research based strategies that promote collaboration, autonomy, project-based learning and career technical education. The instructional program is based on the "T.I.M.E." block schedule that incorporates direct instruction and individualized learning.

The petition states the school will be operated by T.I.M.E. Community Education, a California 501(c)(3) non-profit public benefit corporation.

Mission and Vision

The petition states: "T.I.M.E. Community Schools will provide a college preparatory program to students in grades nine through twelve, and will develop the academic, social and political skill sets necessary for lifelong learning, critical thinking, and positive contributions to the communities in which students live."

"The vision of TCS [TIME] is to develop students into global citizens who positively impact all facets of society, become highly contributing members of their communities, and are successful in college, career and family."

Students to be Served by the School

TIME intends to locate within the boundaries of the MUSD, which primarily serves students residing in Montebello as well as portions of Bell Gardens, Commerce, Downey, Monterey Park, Pico Rivera, Rosemead, and portions of the unincorporated communities of East Los Angeles and South San Gabriel.

The Los Angeles County Office of Education (LACOE) Review Team compiled the tables below containing the most recent demographic data for comprehensive high schools within (MUSD) and corresponding enrollment in 2018-2019.

2019 Enrollment Demographics by Student Groups for Montebello Comprehensive High Schools

School (Grades 9-12)	Enrollment (#)	SED	SWD	EL
Applied Technology Center	520	83.1%	17.1%	15.8%
Bell Gardens High	2,628	88.0%	14.2%	24.3%
Montebello High	2,397	87.1%	17.5%	22.4%
Schurr High	2,723	76.5%	14.5%	14.0%

SED=Socioeconomically Disadvantaged, SWD=Students with Disabilities, EL=English Learners
Source: CDE DataQuest 2018-19 Enrollment by Subgroup retrieved 12-27-19

2019 Enrollment Demographic for Montebello Comprehensive High Schools

School (Grades 9-12)	Enrollment (#)	Afr Am	Hisp	White	Am Ind	Asian	Filip	Pac Isl	Not Rpt	Two
Applied Technology Center	520	0.8%	93.8%	3.3%	—	0.6%	1.2%	—	0.4%	—
Bell Gardens High	2,628	0.0%	98.6%	0.5%	0.5%	—	—	—	0.3%	0.1%
Montebello High	2,397	0.3%	96.7%	1.4%	0.2%	0.4%	0.4%	0.0%	0.2%	0.3%
Schurr High	2,723	0.5%	91.1%	1.6%	0.2%	4.9%	1.0%	0.1%	0.1%	0.4%

Afr Am=African American, Am Ind=American Indian or Alaskan native, Filip=Filipino, Hisp=Hispanic or Latino, Pac Isl=Pacific Islander, Not Rpt=Not Reported, Two=Two or more races, "—"= no data
Source: CDE Data and Statistics/ Demographics Student & School/Data Files (Downloadable)/
Enrollment by School http://www.cde.ca.gov/ds/sd/sd/filesenr.asp as of 3-28-19 retrieved 4-1-19

Reason for Denial by MUSD Board of Education

The MUSD Board of Education denied the petition based on written findings of fact that comply with requirements for denial under the following sections of the *Education Code* (*EC*). A summary of these findings is listed below:

***EC* 47605(b)(1)** The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School.

- The Charter School's petition lacks a process for establishing and revising the Individual Learning Plan (ILP)
- The educational program lacks cohesiveness, using a variety of programs, and it is not comprehensive as it fails to address how students will be assessed through project based learning, has a limited selection of University of California Curriculum Integration (UCCI) courses and the curriculum does not meet expectations
- The instructional program and course descriptions fail to present clear pathways for high achieving students with only two (2) honors courses and limited Advanced Placement (AP) classes
- The charter petition allocated for a physical education teacher in year two but lacks any physical education courses
- The petition contains inconsistencies with the number of school days the students will attend school
- The charter petition depends heavily on the use of online applications such as Schoology and Illuminate, which would exacerbate the challenges faced by socio-economically disadvantaged students who may not have reliable internet connection
- The charter petition requires that low-achieving students exhaust the 3-tier intervention program before being recommended for special education assessments, which potentially violates child find under the Individuals with Disabilities Act ("IDEA") and related California law

***EC* 47605(b)(2)** The petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter.

- The charter petition fails to budget the build costs for the classroom design
- The affirmations and assurances listed in the petition fail to mention many applicable laws including the Unruh Civil Rights Act and laws governing the placement of foster and homeless youth

***EC* 47605(b)(5)** The petition does not contain reasonably comprehensive descriptions of the following required elements, in compliance with the law:

Element 1: Description of the Educational Program

Element 2: Measurable Pupil Outcomes

Element 3: Methods for Measuring Pupil Outcomes

Element 4: Governance Structure

Element 5: Employee Qualifications

Element 6: Healthy and Safety Procedures

Element 7: Racial and Ethnic Balance

Element 10: Suspension and Expulsion Procedures

Element 11: Employee Retirement System

Element 14: Dispute Resolution Procedures

Any of the above findings may be cause for denial of a charter under *EC* section 47605(b).

In addition, MUSD found the petition did not meet *EC* 47605(a)(2*)* as it failed to identify a single location for the charter school that will operate within the geographic boundaries of that school district.

Response from the Petitioner

The petitioner provided a written response to the findings of the local board and submitted it as part of the petition package. The response was considered during the LACOE review process.

Appeal to the Los Angeles County Board of Education

The County Board held a Public Hearing to determine support for the petition on December 10, 2019. The school's lead petitioner made a presentation. Three (3) stakeholders spoke in favor of the charter: two (2) TIME Board members and one (1) community member.

Four (4) MUSD stakeholders spoke in opposition to the school: one (1) MUSD district administrator; one (1) MUSD Board member; one (1) MUSD teacher; and one (1) MUSD classified employee.

LACOE Review Process

The Standard of Review is provided in Appendix 1 and is incorporated by reference.

Findings of Fact

<u>Finding 1</u>: The petition provides a sound educational program for students to be enrolled in the school. [*EC* 47605(b)(1)]

Based on the guidance established in 5 *CCR* 11967.5.1(b), the charter petition does not present *an unsound educational program for students to be enrolled in the school.*

However, the Review Team found multiple deficiencies with the described educational program as identified in Findings 2 and 5. These findings call into question whether the educational design can be implemented and will result in an educational benefit to all students who would attend the school.

<u>Finding 2</u>: The petitioners are demonstrably unlikely to successfully implement the proposed educational program. [*EC* 47605(b)(2)]

5 *CCR* 11967.5.1(c)(1-4) provides four (4) indicators to consider in determining whether charter petitioners are *"demonstrably unlikely to successfully implement the program."* Based on the review of the petition,

supporting documents and information obtained through the Capacity Interview with the school's petitioners, evidence of **two (2) of the four (4) indicators** are present.

Indicator 1: *The petitioners are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school* as follows:

1. The petition fails to address all necessary requirements of a comprehensive program for English learners (ELs) including an instructional program and specific reclassification metrics. During the Capacity Interview, the petitioner failed to answer completely the questions regarding the requirements of *designated instruction* during the instructional day for Designated English Language Development (ELD) for ELs. Further petition deficiencies are noted under Finding 5 Elements 1, 2, and 3.
2. The petition contained an insufficient description of the requirements regarding *due process and manifestation determination processes* for students with disabilities during the suspension and expulsion process. Specific petition deficiencies are noted in Element 10 of this report.
3. The school calendar in the petition violates *EC 25926*, which states "*School year" means the period of time beginning on July 1 of one calendar year and ending on June 30 of the following calendar year.* The petition states that the school year will start on June 29, 2020. During the Capacity Interview, the petitioner lacked an understanding of the implications of starting the school year prior to July 1. Further, one option the petitioner proposed was "for the first two days prior to July 1 that [the school] won't charge the state."

Indicator 2: *The petitioner has presented an unrealistic financial and operational plan for the proposed charter school.*

1. *In the area of administrative services, the charter, supporting documents, and/or the board and leadership team do not adequately describe the structure for providing administrative services, including, at a minimum, personnel transactions, accounting, and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and time line to develop and assemble such practices and expertise.*

   Fiscal Policies and Procedures: The school's Fiscal Policy Handbook contains the following deficiencies, which indicate inadequate fiscal controls:

   - Petty Cash: The handbook states, "Reconciliation must occur when funds are replenished, and/or at a minimum 'annually'." The infrequency of guaranteed reconciliation demonstrates the lack of internal controls.
   - Payroll: It is unclear if employees will be paid on a monthly or semi-monthly basis through a third party provider.
   - Disposal of Surplus Property and Donations: Does not properly identify all parties as required. (Paragraph 3, page 14)

2. In the area of financial administration, the charter or supporting documents do not adequately:

   Present a budget that in its totality appears viable and over a period of no less than two years of operations and provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.

   Table 1 illustrates a financial overview of the charter school's Net Income Projections and Ending Cash Balance for the five (5) fiscal years of the petition. The positive Ending Cash Balance for Fiscal Year (FY) 1-5 is contingent upon the school achieving its annual enrollment projections with an Average Daily Attendance (ADA) rate of 94%.

Table 1 - T.I.M.E. Budget					
TCS Budget Plan	FY1 (2020-21)	FY2 (2021-22)	FY3 (2022-23)	FY4 (2023-24)	FY5 (2024-25)
Projected Enrollment	110	260	410	560	600
Projected ADA	103.40	244.40	385.40	526.40	564
Net Income Projections	$79,307	$453,557	$841,159	$1,095,315	$1,213,820
Projected Ending Cash Balance	$26,513	$55,569	$224,849	$693,050	$1,750,483

An analysis of the deficiency of the Budget Plan is presented below.

Budget Plan(s) Deficiencies:

- It fails to include the reserves as required by State Regulations and Board Policy (BP). It is also unclear if the reserves will be monitored monthly or annually by the governing board.
- No startup funds projected by the petitioner; the petitioner has cash on hand of $190 as of October 31, 2019. Per information given at the Capacity Interview the petitioner will be applying for start-up funding from CDE's revolving loan program and/or selling of receivables.
- Expenditures for the school's special education program do not appear adequate for the expected enrollment should the school's population mirror that of MUSD.

Letter of Intent:

The petitioner has a letter of intent for funding:

- **Charter Asset Management**: The school will have a negative cash flow for seven (7) of 12 months in FY 1; therefore, to access funding for cash flow, the factoring or selling of receivables will be utilized for approximately $350,000 in FY 1, and $600,000 in FY 2. The annual rate was not provided in the letter of intent. The total factoring fee is estimated at $22,400 for FY 1 & $45,000 for FY 2.

To be fiscally solvent, the Budget Plan requires that the school: (1) secures a facility that does not exceed the budget's projected cost; (2) meets its Average Daily Attendance (ADA) projections, and (3) meets its enrollment projections.

Finding 3: The petition contains the required number of signatures. [*EC* 47605(b)(3)]

The school intends to employ seven (7) teachers in year one (1). The LACOE Charter School Office sent letters to the five (5) teachers who signed as being meaningfully interested in teaching at the school; four (4) of the teachers confirmed interest.

Finding 4: The petition contains an affirmation of all specified assurances. [*EC* 47605(b)(4); *EC* 47605(d)]

Finding 5: The petition does not contain a reasonably comprehensive description of all required elements. [*EC* 47605(b)(5)(A)-(O)]

Based on the guidance established in *Education Code*, the California Code of Regulations, the requirements set forth in the County Board Policy (BP), Superintendent's Administrative Regulations (AR) and other requirements of law, four (4) of the 15 required elements are not reasonably comprehensive, six (6) of the elements are reasonably comprehensive, and five (5) are reasonably comprehensive with specific deficiencies. The findings of the Review Team are as follows:

Element 1: Description of the Educational Program. *Not reasonably comprehensive*

1. The petition does not clearly identify *the specific educational interests, backgrounds, or challenges* of student populations that the school proposes to serve including Latino students, English learners, homeless and foster youth.

2. The petition lacks *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.*

   a. It is unclear how the Individual Learning Plan (ILP), TIME block schedule, and University of California Curriculum Integration (UCCI) courses will be integrated and how teachers will be supported in developing a comprehensive curriculum using these strategies.

   b. It does not explain how the school will use an assessment cycle to support, progress monitor, inform teaching, and evaluate educational programs to support the needs of students.

3. The petition contains an inadequate description of *the instructional approaches the charter school will utilize, including, the curriculum and teaching methods that will enable the school's pupils to master the content standards for the four (4) core curriculum areas adopted by the SBE pursuant to EC* section *60605 and to achieve the objectives specified in the charter*. The petition fails to describe specific strategies used in the TIME block schedule and how the TIME block schedule will support students with diverse learning needs.

4. The petition does not sufficiently indicate *how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.*

   a. It lacks a specific and comprehensive plan to support the varying needs of students struggling to gain proficiency with the California State Standards. The Student Study Team (SST) process and tiered interventions presented in the petition do not include specificity regarding intervention strategies, progress monitoring and timeframes.

   b. The SST process and tiered interventions presented in the petition do not align to research based practices. The petition states that a student must have gone through the SST process in order to receive Tier 2 interventions. Further, it uses the term "tier period," which is undefined and does not align with researched tiered intervention models.

   c. It lacks a specific set of criteria for either entry or exit from the tiered interventions. There is no mention of formative assessments or progress monitoring in either the SST process or the tiered interventions.

5. The description of *how the charter school will meet the needs of English learners* contained within the petition is not sufficient. This is significant as MUSD had an EL enrollment of 30% in 2018-19.

   a. The petition does not provide adequate supports for ELs. Using MUSD's EL enrollment of 30%, TIME could potentially have 33 ELs out of 110 students in Year 1. The significance of individualization, student autonomy and differentiation of core assignments proposed by the Individual Learning Plan model will require additional support not only for ELs but also foster youth and homeless students. The petition states that TIME will provide additional supports with only one (1) part time aide/tutor Year 1 for all students.

   b. It does not include a description of a *protected time* during which designated ELD will be offered to ELs nor does it include a description of services or support for Long-term English Learners (LTELs).

c. It does not meet the legal requirement for monitoring reclassified fluent English proficient (RFEP) students. The petition states, on page 54, "Reclassified students' progress will continue to be monitored for two years." RFEP students must be monitored for four (4) years.

d. It does not include metrics for the redesignation of ELs. While the petition does state the types of assessments to be administered, it lacks the scores and/or performance levels that would constitute redesignation.

e. It does not demonstrate an understanding of the difference between making adequate progress and reclassification rate of English learners. In the Measureable Pupil Outcomes, the metric used to determine progress of students meeting adequate progress is equal to that of students reclassified as fluent.

f. The description of the Individualized Educational Plan (IEP) team fails to include a participant who possesses the requisite expertise in language acquisition for students dually identified as both a student with special needs and an English learner.

6. The special education plan included in the petition does not *indicate how the charter school will meet the needs of students with disabilities* who have moderate to severe disabilities or who require an alternative curriculum.

7. The petition is inconsistent in the number of total instructional days, stating both 180 and 185 days.

Element 2: Measurable Pupil Outcomes. *Not reasonably comprehensive*

1. The Measuring Pupil Outcomes (MPOs) contained in the petition do not *vary according to such factors as grade level.* The petition does not include measurable pupil outcomes for grades that do not take the California Assessment of Student Performance and Progress (CAASPP) including grades 9 and 10.

2. The MPOs contained in the petition do not *vary according to such factors as significant subgroups.* The petition does not include a plan to close achievement gap for any student group. For example, with regards to CAASPP scores, the petition states "[s]ubsequent performance will increase by minimum of 2 percent annually within each anticipated significant subgroup (Hispanic, EL, Special education, foster and homeless.)" Without subgroup goals being disaggregated, it is unclear how the school will address any identified achievement gaps or implement actions specific to the achievement of student groups.

3. The MPOs contained in the petition are unrealistic given current student statistics for MUSD schools. The petition states that 70% of ELs will become redesignated as proficient, yet Montebello Schools redesignated only 10% in 2018.

4. The MPOs do not include required metrics for all state priorities to measure annual progress. The required state priorities and metrics missing from the petition are:

   - State Priority 2 - Implementation of State Standards: Annual measurement of the implementation of academic content and performance standards and English Language Development standards adopted by the state board for all pupils and English learners.

   - State Priority 3 - Parental involvement: Annual measurement of the efforts to seek parent input in decision making.

   - State Priority 6 - School climate: Annual measurement of other local indicators including surveys of pupils, parents and teachers on the sense of safety and school connectedness.

Element 3: Method for Measuring Pupil Progress. *Not reasonably comprehensive*

1. The methods for measuring pupil progress listed do not include *objective means of assessment consistent with the measurable pupil outcomes* for English learners.

2. The petition fails to outline an adequate *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.*

   a. It lacks specificity on how the school will assess students' progress on each Measurable Student Outcome. For example there is no progress monitoring throughout the year for most goals and the data collection for A-G completion, graduation rate, college readiness, and career readiness does not occur until a student's junior or senior year of school.

   b. The petition does not describe how the school will use assessments to support, progress monitor, and inform teaching to ensure students are making satisfactory progress.

Element 4: Governance Structure. *Reasonably comprehensive with a specific deficiency*

The organizational chart included in the petition does not reflect key positions listed in Element 5, Employee Qualifications, including the Facilities Manager and Assistant Principal.

Element 5: Employee Qualifications. *Reasonably comprehensive with specific deficiencies*

1. The petition fails to provide job descriptions for various categories of employees the school anticipates including assistant principal and teachers.

2. The job descriptions for the Executive Director and Office Manager do not sufficiently *specify the additional qualifications expected of an individual assigned to that position.* The Executive Director and Office Manager will have financial oversight duties, yet there is no mention of this in either job description.

3. The job descriptions for the Office Manager and Special Education Teacher do not sufficiently *specify the additional qualifications expected of an individual assigned to that position.* The organizational chart includes administrative responsibilities for oversight of classified staff by the Office Manager and Special Education teacher; however, the qualifications listed in the petition for these positions do not include the necessary educational and professional experiences required to satisfactorily support these administrative responsibilities.

Element 6: Health and Safety Procedures. *Reasonably comprehensive with a specific deficiency*

The petition does not state a policy or protocol for enrollment of students who are medically exempt from receiving immunizations.

Element 7: Means to Achieve a Reflective Racial and Ethnic Balance. *Reasonably comprehensive with specific deficiencies*

Recognizing the limitations on admissions to charter schools imposed by EC section *47605(d),* the petition contains *specific information* indicating *the racial and ethnic composition of the general population residing within the territorial jurisdiction of the school district* in which the charter will be located will not be attained by the charter school.

1. The petition lacks data regarding the racial and ethnic composition of the general population residing within the geographic boundaries of the school district (such as Asian and white).

2. The petition fails to provide specific benchmarks that measure whether the applicant pool is reflective of the racial and ethnic composition of the general population residing within the geographic boundaries of the school district.

The following table was compiled by the LACOE Review Team providing the most recent population data:

Demographic Composition

Demographic Categories	General Population within Geographic Boundaries of MUSD*	2018-19 MUSD Enrollment**
Hispanic or Latino	84%	95.6%
White	5.3%	1.0%
Black or African American	0.5%	0.3%
American Indian and Alaska Native	0.2%	0.2%
Asian	9.3%	1.8%
Filipino	—	0.4%
Native Hawaiian and Other Pacific Islander	0	0.1%
Some Other Race Alone	0.1%	—
Two or More Races	0.4%	0.2%
Not Reported	—	0.4%

"—"=no data available
*Source: 2010 Census retrieved 12-11-19 from http://factfinder.census.gov/ for MUSD
**Source: CDE Data and Statistics/ Demographics Student & School/Data Files (Downloadable)/Enrollment by School http://www.cde.ca.gov/ds/sd/sd/filesenr.asp retrieved 4-1-19

Element 8: Admission Requirements. *Reasonably comprehensive with specific deficiencies*

1. *The process for conducting the lottery is not clearly defined and/or observable* as the petition fails to describe how the enrollment preferences are to be administered.
2. The waitlist protocol potentially impedes enrollment for foster youth and homeless students: During the Capacity Interview the petitioner stated that if a waitlist was instituted, foster youth and homeless students would be placed at the bottom of the waitlist.

Element 9: Annual Independent Financial Audits. *Reasonably comprehensive*

Element 10: Suspension and Expulsion Procedures. *Not reasonably comprehensive*

1. The *preliminary list 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* are not discrete. For example, a violation of committing or attempting to commit a sexual assault is on all four (4) lists.

2. The petition does not *provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.*
   a. The petition does not allow for an appeal of an expulsion decision, which impedes *due process for all students.* As written and confirmed during the Capacity Interview, the decision of the Hearing Officer would be accepted by the board as the final decision with no appeal process.
   b. The petition fails to ensure *due process and manifestation determination processes* for students with disabilities during the suspension and expulsion process. Additionally, during the Capacity Interview, the petitioner failed to adequately answer questions regarding due process and manifestation determination.

3. The petition fails to *outline how detailed policies and procedures regarding suspension and expulsion will be developed.*
   a. It does not contain a description of required educational background or a process to select a neutral Hearing Officer to preside over expulsion procedures.
   b. The expulsion procedures would likely result in a conflict of interest. During the Capacity Interview, the petitioner stated that the neutral Hearing Officer would likely be a teacher from T.I.M.E. Community Schools, creating a conflict of interest and inability to remain neutral with their supervisor recommending the expulsion. Further, it is unlikely that the teacher would have no prior history with the student given the proposed enrollment numbers.
   c. It does not define reasons for "involuntary removal" and during the Capacity Interview, the petitioner was not able to give an example of the use of involuntary removal.

Element 11: STRS, PERS, and Social Security. *Reasonably comprehensive*

Element 12: Public School Attendance Alternatives. *Reasonably comprehensive*

Element 13: Post-Employment Rights of Employees. *Reasonably comprehensive*

Element 14: Dispute Resolution Procedures. *Reasonably comprehensive*

Element 15: Closure Procedures. *Reasonably comprehensive*

<u>Finding 6</u>: The petition satisfies all of the Required Assurances of *Education Code* section 47605(c), (e) through (j), (l), and (m).

Standards, Assessments and Parent Consultation. [*EC* 47605(c)] *Meets the condition*

Employment is Voluntary. [*EC* 47605(e)] *Not applicable*

Pupil Attendance is Voluntary. [*EC* 47605(f)] *Not applicable*

Effect on the Authorizer and Financial Projections. [*EC* 47605(g)] *Provides the necessary evidence*

Preference to Academically Low Performing Students. [*EC* 47605(h)] *Does not qualifies for the preference*

The petition does not *demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving…and therefore is not entitled to receive a charter authorizer preference for serving such a student population.* The petitioner anticipates many students entering the school will enter achieving below grade level; however, the petition does not provide sufficient detail regarding the intervention programs the school will use with those academically low performing students at the high school level as required by *EC* 47605(h). Specific deficiencies regarding the intervention programs are described in Findings 5.

Teacher Credentialing Requirement. [*EC* 47605(l)] *Meets the condition*

Transmission of Audit Report. [*EC* 47605(m)] *Meets the condition*

Appendix 1
Los Angeles County Office of Education Standard of Review

Review Criteria: The Los Angeles County Office of Education (LACOE) Charter School Review Team (Review Team) considered the petition according to the requirements of the *EC* and other pertinent laws, guidance established in 5 *CCR*, *County Board Policy* (*BP*) and Superintendent's *Administrative Regulations* (*AR*).[1]

LACOE has adopted the petition review criteria established in *5 CCR* 11967.5.1(a-g) except where LACOE determined that the regulations provide insufficient direction or where they are not applicable because the structure or responsibility of the County Board and LACOE differ from those of the State Board of Education (SBE) and the California Department of Education (CDE). In these instances, LACOE developed its own (local) review criteria or added criteria to those developed by CDE to reflect the needs of the County Board as the authorizer and LACOE as the monitoring and oversight agency.

Reasonably Comprehensive: In addition to the regulatory guidance that specifies the components of each required element, 5 *CCR* 11967.5.1(g) states a "reasonably comprehensive" description of the required petition elements shall include, but not be limited to, information that:

1. *Is substantive and is not, for example, a listing of topics with little elaboration.*
2. *For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.*
3. *Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.*
4. *Describes, as applicable among the different elements, how the charter school will:*
   a. *Improve pupil learning.*
   b. *Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.*
   c. *Provide parents, guardians, and pupils with expanded educational opportunities.*
   d. *Hold itself accountable for measurable, performance based pupil outcomes.*
   e. *Provide vigorous competition with other public school options available to parents, guardians, and students.*

Reasonably Comprehensive with Deficiencies: An element may be reasonably comprehensive but lack specific critical information or contain an error important enough to warrant correction. These elements are described as "reasonably comprehensive" with a specific "deficiency" or "deficiencies." Correcting the deficiency or deficiencies would not be a material revision (as defined in statute and County Board Policy) to the charter.

Technical Adjustments: Three (3) circumstances may require a "technical adjustment" to the petition:

1. Adjustments necessary to reflect the County Board as the authorizer. These adjustments are necessary because the petition was initially submitted to a local district and contains specific references to and/or language required by that district and/or the petition does not reflect the structure of the County Office.

[1] Words in italics indicate a direct reference to the language in these documents.

2. Adjustments needed to bring the petition current with changes made to law since the petition was submitted. This includes adjustments necessary to comply with the *Charter School Act* effective July 1, 2013, as the result of *Assembly Bill* (*AB*) 97 (Local Control Funding Formula).
3. Adjustments necessary to address clerical errors or inconsistencies where making the adjustment would not be a material revision (as defined in statute and *County BP*) to the charter.

Affirmations and Assurances: *The petition shall contain a clear, unequivocal affirmation of each requirement, not a general statement of intention to comply. 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(c-f, l and m).*

Reviewers: The Review Team included staff from the Pupil Accountability and Attendance Office, Business Advisory Services, Facilities and Construction, Risk Management, Curriculum and Instruction, Special Education, Student Support Services, Human Resources, the Office of General Counsel, and the Division of Accountability, Support and Monitoring, including the Charter School Office**.**

Scope of Review: Findings are based on a review of the submitted renewal petition and supporting documents, information obtained through the Capacity Interview and other communications with the petitioners and representatives of the school, and other publicly available information.

Legislative Intent: The Review Team considered whether the petition complies with *EC* 47601 of the *Charter Schools Act*, which states:

> *It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:*
>
> *(a) Improve pupil learning.*
>
> *(b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.*
>
> *(c) Encourage the use of different and innovative teaching methods.*
>
> *(d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.*
>
> *(e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.*
>
> *(f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.*
>
> *(g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.*

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January 14, 2020

James Cross, Board President
Members of the Los Angeles County Board of Education
9300 Imperial Highway
Downey, CA 90242

RE: T.I.M.E. Community Schools - Response to County Findings and Recommendation to Deny Charter Petition

Dear Board President Cross and Members of the County Board of Education:

I am writing in response to the Los Angeles County Office of Education's staff written findings and recommendation that the Los Angeles County Board of Education deny the charter establishment petition for T.I.M.E. Community Schools. We received these findings from County staff on Friday afternoon, January 10, 2020. We are disappointed with this recommendation because it does not accurately portray our ability to effectively and successfully operate a high quality charter high school.

When the TCS charter petition was denied in March 2019, we took the disappointing news in stride because we took the set back as an opportunity to revise and improve our petition according to LACOE staff feedback.

- We began our revision process by scheduling a clarification meeting with LACOE staff to have clear guidance on how to respond to, clarify, and rectify any questions or misunderstandings.
- Our revisions were based on this meeting along with all other LACOE staff feedback.
- TCS re-submitted our revised petition to Montebello Unified School District and then to LACOE.
- It is disappointing to see that the LACOE staff again - despite substantial revisions based on LACOE staff feedback on the initial petition - makes nearly identical comments in regards to concerns with TCS finances and our EL program. These topics constitute a substantial number of findings of concern - 15 in total.

LACOE staff also identifies concerns with TCS' measurable pupil outcomes. Dishearteningly, LACOE findings on pupil outcomes are rooted in deficit-based thinking, furthering historical and inequitable low expectations for significant subgroups rather than acknowledging and espousing systems that hold all students to high expectations.

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- One finding reads: "The MPOs contained in the petition are unrealistic given current student statistics for MUSD schools. The petition states that 70% of ELs will become redesignated as proficient, yet Montebello Schools redesignated only 10% in 2018."
- An overarching purpose of charter schools is to innovate in the interest of improving upon traditional public school programs and outcomes.
- To identify a measurable pupil outcome as "unrealistic" before a single student has enrolled with TCS is unfair to our school, our students, and our community.

Finally, we were surprised that LACOE staff identified new areas of concerns in our petition in sections that LACOE staff previously deemed satisfactory. This inconsistency in evaluation makes it appear nearly impossible for new charter schools to meet shifting and, apparently, unattainable criteria for approval.

We have designed our responses to LACOE staff findings to emphasize our team's capacity to successfully implement our sound education program, and our team's commitment to serve all students equitably, consistently, and according to the law. We are whole-heartedly committed to providing our students and families with a high quality, public education that enhances the present and future of the Montebello community. We strongly believe that our petition meets and exceeds petition requirements specified in statute, and look forward to an informative conversation during the January 14, 2020 LACOE Board meeting.

Below are our responses to LACOE staff findings of concerns.

<u>Finding 2:</u> LACOE states:

- During capacity interview, petitioner failed to answer completely the questions regarding the requirements of designated instruction during the instructional day for Designated English Language Development (ELD) for ELs.
    - *While it is unclear what the LACOE staff means when it states that the TCS team failed to answer questions "completely," the TCS team did answer all questions regarding ELD. The TCS team made it clear that English Learners would be offered the courses and the instructional support necessary to make adequate progress and, ultimately, achieve English fluency. Further, the TCS team went into detail regarding ELD systems and procedures. This information is found on pages 29 and 50-55 of the TCS charter petition.*
- Insufficient description of the requirements regarding due process and manifestation determination processes for students with disability during the suspension and expulsion process.
    - *Details regarding due process and manifestation determination are found on pages 63 and 123-124 of the TCS charter petition. On these pages, TCS describes the manifestation determination process, when it is evoked, and parents' appeal rights. It is unclear what additional detail is needed.*
- Petition states that the school will start on June 29, 2020.

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- *TCS understands that apportionment does not begin until July 1, 2020. The June 29, 2020 start date was identified due to the fact that July 1, 2020 falls mid week. TCS sought to begin instruction on a Monday. As explained to LACOE staff during the Capacity Interview, TCS' counsel instructed that the School has two options to address the early start date: a) not charge the state for the first two days of instruction or b) add the two days to the end of the school year calendar. TCS is open to either approach. In either scenario, TCS exceeds the 175 instructional days required by law,*

- Petty cash: The handbook states, "Reconciliation must occur when funds are replenished, and/or at a minimum 'annually'." The infrequency of guaranteed reconciliation demonstrates the lack of internal controls.
    - *On pages 11-12, the board approved TCS fiscal policies & procedures provide a thorough description of internal controls related to petty cash. For example, on page 12, the policy includes that "The Principal will conduct unscheduled, occasional counts of the petty cash fund."*
- It is unclear if employees will be paid on a monthly or semi-monthly basis through a third party provider
    - *Payroll will be semi-monthly as detailed on page 6 of the TCS board approved fiscal policies & procedures: "Employees will be paid semi-monthly on the 5th and 20th of each month."*
- Disposal of surplus property and donations
    - *This will be updated before operation to include board approval and note requirements for potential donee organizations.*
- Fails to include the reserves as required by State Regulations and Board Policy
    - *CDE **recommends** a 3% reserve. TCS' budget clearly indicates that we will meet this reserve recommendation with the goal of building reserves over time: "Starting in Y1, the school plans to exceed the CDE recommended budget reserve of 3% of total annual expenses."*
- No start up funds projected by the petitioner
    - *This finding is unusual. During TCS' first meeting with LACOE staff in early 2019, staff assured the TCS team that start up funds would not be included in the budget analysis. This is logical as start-up schools nearly always have challenges with cash flow due to the apportionment schedule. As noted during the Capacity Interview, TCS will pursue the typical start up course of selling receivables and applying for a revolving loan to meet year one cash flow demands. While TCS was awarded the PCSGP grant, these funds were not distributed due to LACOE's denial of TCS' initial charter petition. There have been no new cycles of this grant; however, TCS is working diligently to secure start up funds beyond the established methods.*
- Expenditures for the school's special education program do not appear adequate for the expected enrollment should the school's population mirror that of MUSD.

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- *The TCS special education budget is modeled after schools that are similar to TCS in size and capacity. EdTec provides services for these schools and was able to draw from this data to ensure that our projections are in line with other schools. Additionally, the TCS board will meet monthly to review academic outcomes and financial reports. TCS will reevaluate the budget and spending once the students are enrolled.*

- School will have a negative cash flow for seven of 12 months on FY 1
  - *TCS is surprised by this finding. It appears that LACOE staff is attempting to compare a start up to already established schools. The vast majority of start up schools begin their operations with a negative cash flow as is expected because they receive funds after the school year begins. This is the reason start up schools must generally sell receivables and apply for revolving loans to meet year one cash flow demands. All new schools without private funding must secure cash from other sources when the first tranche of government funding does not arrive until October. Even a school that receives the federal start up grant must sell receivables since it is a reimbursement grant. It is unreasonable to expect a start up school to have established funds prior to opening as the driver of school revenue is Average Daily Attendance ("ADA"). There is no way to collect ADA monies prior to the first day of school. The TCS budget is intentionally conservative. We are confident that we will be able to properly and successfully operate a school.*

<u>Finding 5:</u> LACOE states:

- Petition does not clearly identify the specific educational interests, backgrounds, or challenges of student populations that the school proposes to serve including Latino students, English learners, homeless and foster youth.
  - *This is not correct. The petition clearly identifies the needs of each of the groups, their challenges in and out of the classroom, and responds by citing research, best practices, and how the TIME model will serve each of these groups academically and socio-emotionally. These descriptions are found on pages 2-6, 55, and 58 of the TCS charter petition. Further, during the Capacity Interview, the TCS team continued to reinforce the overarching theme of our charter petition - the TIME model is intentionally designed to personalize each student's education experience by understanding their culture, interests, and challenges.*
- Lacks a framework for instructional design that is aligned with the needs of pupil that charter school has identified. Unclear how the ILP, TIME block schedule and UCCI courses will be integrated
  - *The TIME block schedule and UCCI courses are clearly aligned. UCCI courses are rooted in principles of project based learning; the TIME block schedule supports PBL as it provides time for quality instruction, collaborative learning, real world application of learning, and consultation with experts. As the TCS team explained during the Capacity Interview, the ILP is not required by law, it is an additional support that TCS has created to monitor student progress.The ILP is not an instructional strategy and will not interfere with the*

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integration of the UCCI courses and the TIME block period. Again, the ILP is a time that has been set aside during the TIME management course so that the teacher and/or counselor can monitor how students are progressing overall and provide additional support if needed.

- Does not explain the use of assessment cycle
    - *This is incorrect. On pages 74-76 of the charter petition, TCS includes a chart that identifies nine different assessments, the assessment schedule, and the purpose of each assessment. Further, the TCS charter petition on page 73 describes our use of the Identify, Deconstruct, Expand, Assess ("IDEA") data analysis process. IDEA is our cyclical assessment process that reinforces our commitment to continuous improvement.*
- The petition fails to describe specific strategies used in the TIME block schedule and how TIME block schedule will support students with diverse learning needs.
    - *This is incorrect. Teamwork, Individualization, Mastery, and Extension ("TIME") are the major strategies that drive the TCS instructional program. The entire petition repeatedly reinforces how the TIME model/schedule supports all students. TIME is intentionally designed to provide a customized educational experience for all students. Further, on page 45 of the TCS charter petition, the section "Benefits of TIME block schedule" provides examples of how the TIME block schedule supports students with disabilities and gifted students. This illustrates how the TIME block schedule is beneficial for students with seemingly completely different needs. On page 48 of the charter petition, TCS asserts: "TCS hopes to illustrate that whether the student is gifted, an EL that has an IEP or anywhere in between, the T.I.M.E. learning model and schedule is able to differentiate instruction, maintain rigor, and individualize the learning experience." This section, found on pages 45-49 of the TCS charter petition, details how students will learn, how they will be supported, and provides the multiple strategies that will be utilized. TCS reviewed substantial research and best practices to create the TIME block schedule to ensure that all students benefit from our program.*
- The petition does not sufficiently indicate how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.
    - *This is incorrect. On page 57 of the charter petition, TCS states: "Students performing substantially below grade level as determined by state standardized test results and internal assessments will receive extra interventions and supports. Targeted support and intervention will be designed to help students master the subject(s), content and develop learning strategies and skills."*
- It lacks a specific and comprehensive plan to support the varying needs of students struggling to gain proficiency with the California State Standards. The Student Study Team (SST) process and tiered interventions presented in the petition do not include specificity regarding intervention strategies, progress monitoring and timeframes.
    - *During the Capacity Interview, the TCS team described standards-based grading, including its benefits over traditional approaches. The TCS team explained that students*

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who do not make adequate progress will be invited to receive instruction and demonstrate mastery in unmet standards to pass courses during non-instructional weeks. Further, the SST and tiered interventions do include strategies, monitoring, and timeframes as detailed on pages 57-58 of the TCS charter petition. TCS provided this information with the caveat that application of interventions would also be dependent on the needs of individual students. TCS small school design permits this level of individualization.

- The SST process and tiered interventions presented in the petition do not align to research based practices. The petition states that a student must have gone through the SST process in order to receive Tier 2 interventions. Further, it uses the term "tier period," which is undefined and does not align with researched tiered intervention models.
    - *This is incorrect, The LACOE staff has misread the petition. On page 57 of the charter petition, TCS states, "Students will receive increasingly intensive instruction as determined by the student's SST." The SST team determines the best strategies for the students who have been referred to the SST process not whether individual students receive Tier 2 strategies. Also on page 57, the petition states, "Our RtI process is instructional from beginning to end. At no point is a child left to experience the frustration of failure while waiting until their test scores show a severe achievement discrepancy before they get help. They will receive instruction that gradually increases in intensity and individualization as they show the need for it." The TCS RTI process is based on the Oakland Unified School District approach, which is anchored in best-practices.*
- It lacks a specific set of criteria for either entry or exit from the tiered interventions. There is no mention of formative assessments or progress monitoring in either the SST process or the tiered interventions.
    - *As TCS explained during the Capacity Interview and as the TCS charter petition reinforces (see pages 57-58), there are general entry/exit criteria, timeframes, strategies, and common assessments. Nevertheless, to reinforce TCS' emphasis on individualization, interventions are customized based on student need. While TCS will certainly use common formative assessments as part of the SST process, we are cognizant of the need to use multiple measures to assess student progress. The intervention and SST processes work in tandem with and are integrated into the entire TCS instructional program, including the ILP. TCS is intentionally designed to be a small high school, allowing for a high level of personalization - the type not generally afforded to medium or large high schools. The SST process reflects this ability to individualize students' experience beyond traditional approaches.*
- The petition does not provide adequate supports for ELs. Using MUSD's EL enrollment of 30%, TIME could potentially have 33 ELs out of 110 students in Year 1. The significance of individualization, student autonomy and differentiation of core assignments proposed by the Individual Learning Plan model will require additional support not only for ELs but also foster

youth and homeless students. The petition states that TIME will provide additional supports with only one (1) part time aide/tutor Year 1 for all students.

- *LACOE staff is incorrect. MUSD EL high school district enrollment is 20%. LACOE staff used the district wide percentage, which includes elementary and middle school campuses. Generally, by high school, the percentage of English Learners is reduced due to reclassification. That is the case with MUSD. Thus, a reasonable projection is that TCS will serve 22 ELs in Year 1. Again, LACOE staff misunderstands the function of the ILP. The ILP is an additional support, allowing more staff the opportunity to meet with students and provide feedback, coaching, mentoring, and support. The counselor is the designated person who will monitor and ensure support for ELs, and foster and homeless youth. TCS' staffing of an EL teacher, a counselor, and an instructional aide is more than appropriate for an estimated 22 EL students Year 1.*

- It does not include a description of a *protected time* during which designated ELD will be offered to ELs nor does it include a description of services or support for Long-term English Learners (LTELs).
  - *This is incorrect. On page 51 of the charter petition, TCS states that EL students will be taught "for a period of not less than 120 minutes weekly." On page 53, TCS details the supports and services provided to LTELs. TCS is committed to providing the necessary supports and services to EL students to ensure their success.*
- It does not meet the legal requirement for monitoring reclassified fluent English proficient (RFEP) students. The petition states, on page 54, "Reclassified students' progress will continue to be monitored for two years." RFEP students must be monitored for four (4) years.
  - *TCS acknowledges the error and understands that reclassified students must be monitored for four years.*
- It does not include metrics for the redesignation of ELs. While the petition does state the types of assessments to be administered, it lacks the scores and/or performance levels that would constitute redesignation.
  - *This is incorrect. On page 54, the petition has a heading that states, "Reclassification Criteria." The criteria clearly states the the scores and/or performance levels for reclassification.*
- It does not demonstrate an understanding of the difference between making adequate progress and reclassification rate of English learners. In the Measurable Pupil Outcomes, the metric used to determine progress of students meeting adequate progress is equal to that of students reclassified as fluent.
  - *This is incorrect. On pages 18-19 of the charter petition, TCS states that it will review both English Learner progress toward fluency and the reclassification rate. Obviously, the latter is more comprehensive and the former is informative/formative. On page 55 of the charter petition, TCS provides a bulleted list of methods by which TCS will promote and monitor the progress of English Learners beyond the reclassification rate:*
    - *"TCS teachers of ELL students will participate in professional development activities as specified in their professional development plan and as identified in school.*

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- *TCS will ensure ELL teachers have CLAD certification.*
- *TCS will ensure progress in language acquisition.*
- *TCS will identify, assess, place and monitor all EL based on the Home Language Survey and ELPAC assessments.*
- *TCS will provide ELD as specified in this charter petition."*

- The description of the Individualized Educational Plan (IEP) team fails to include a participant who possesses the requisite expertise in language acquisition for students dually identified as both a student with special needs and an English learner.
    - *This is incorrect. On page 52 of the charter petition, TCS states, "Expert/staff with expertise in special education and/or English Learners" will be members of the IEP team as applicable.*
- The special education plan included in the petition does not indicate how the charter school will meet the needs of students with disabilities who have moderate to severe disabilities or who require an alternative curriculum.
    - *LACOE staff requires more detail than is statutorily required. TCS' assurance that it will comply with all applicable laws indicates our commitment to implementing each student's Individual Education Program ("IEP"). Nonetheless, during the Capacity Interview, the TCS team spoke at length and in detail regarding how TCS will meet the needs of students with moderate to severe disabilities. This includes working with the SELPA to identify and contract with outside service providers as needed. While TCS welcomes all students and will work diligently to ensure students succeed, TCS is aware that some students may require an alternative placement. TCS will work with the SELPA to coordinate placements outside of TCS. While the SELPA is a resource, TCS understands, as the team stated during the Capacity Interview, that it is responsible for staffing and costs associated with implementing students' IEPs.*
- The petition is inconsistent in the number of total instructional days, stating both 180 and 185 days.
    - *At the Capacity Interview, the TCS team explained that this was a clerical error and that the correct number of total instructional days is 180 which is more than what is required by law.*
- The Measuring Pupil Outcomes (MPOs) contained in the petition do not *vary according to such factors as grade level.* The petition does not include measurable pupil outcomes for grades that do not take the California Assessment of Student Performance and Progress (CAASPP) including grades 9 and 10.
    - *This is incorrect. On page 73 of the charter petition, TCS states, "Diagnostic assessments will be administered at the beginning of the year to establish a baseline on student performance. From the baseline, students, in collaboration with teachers, will set goals. Summative assessments will be administered quarterly to measure student proficiency and determine performance growth." Given that TCS will be a new school, there is no historical data from which to draw. TCS has indicated that we will use internal assessments to establish baselines and set goals for students to ensure growth.*

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- The MPOs contained in the petition do not *vary according to such factors as significant subgroups.* The petition does not include a plan to close achievement gap for any student group. For example, with regards to CAASPP scores, the petition states "[s]ubsequent performance will increase by minimum of 2 percent annually within each anticipated significant subgroup (Hispanic, EL, Special education, foster and homeless.)" Without subgroup goals being disaggregated, it is unclear how the school will address any identified achievement gaps or implement actions specific to the achievement of student groups.
    - *LACOE staff misconstrues the petition. The rationale behind not disaggregating the data among subgroups is simply that we intend to hold all students to the same high expectations. We believe that we would be providing our students a disservice if we identify each as being more or less capable as compared to other groups, especially before the school even opens. For too long, students in subgroups have had low expectations cast upon them. A driving purpose of TCS' design is to re-enfranchise, empower, and uplift these students. TCS believes that all students can achieve at high levels and will utilize our TIME program to ensure that all students do.*
- The MPOs contained in the petition are unrealistic given current student statistics for MUSD schools. The petition states that 70% of ELs will become redesignated as proficient, yet Montebello Schools redesignated only 10% in 2018.
    - *The data identified in this findings further emphasizes the need for TCS and our program. EL students within the district are not making adequate progress. The reason TCS has set these benchmarks is because high goals need to be set in order for growth to occur. Further, TCS is confident that our program will provide all students, including all subgroups, a highly individualized educational experience that meets their learning needs. TCS is committed to overcoming the insidious and unfair low expectations placed upon our historically underserved students and paving the way for other schools to do the same. It is lamentable that in our current education climate, high expectations are deemed "unrealistic" before a student even sets foot in a classroom.*
- The MPOs do not include required metrics for all state priorities to measure annual progress. The required state priorities and metrics missing from the petition are:
    - <u>State Priority 2</u> - Implementation of State Standards: Annual measurement of the implementation of academic content and performance standards and English Language Development standards adopted by the state board for all pupils and English learners.
    - <u>State Priority 3</u> - Parental involvement: Annual measurement of the efforts to seek parent input in decision making.
    - <u>State Priority 6</u> - School climate: Annual measurement of other local indicators including surveys of pupils, parents and teachers on the sense of safety and school connectedness.
        - *This is incorrect. On pages 77-78, TCS provides a comprehensive plan to measure progress on these indicators as copied below. As a start up school, TCS will collect baseline data to set more specific goals, as applicable, after year one.*
            - *<u>Conditions of Learning: State Priorities 1, 2, and 7:</u>*

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- *All teachers will be appropriately credentialed and placed, in compliance with Education Code §47605(l).*
- *All instructional materials, instruction, and resources will be aligned to state standards for all students, including English Learners.*
- *The facility will achieve a rating of "Good" on the Facilities Inspection Tool.*
- *All students will have their own, individual copies/access to all standards aligned materials.*

- *Parent Engagement: State Priority 3*
  - *TCS will conduct monthly principal coffees for parents.*
  - *TCS will establish a parent advisory council that meets monthly and reports to the Principal. The principal will include parent concerns and recommendations to the board as a standing item on the board's agenda.*
  - *TCS will administer an annual parent survey, and use the results to inform the development of the LCAP, advise the board on the allocation of resources, and resolve concerns.*
  - *TCS will conduct quarterly learning walks for all stakeholders to engage them in the development of improved services, support, and problem solving.*
  - *TCS will invite parents who are experts in a variety of fields to participate in PBL activities through mentoring and/or co-teaching with general education teacher.*
- *Local Climate Study: State Priority 6*
  - *TCS will administer the California Healthy Kids Survey annually, evaluate trends contained in the data, and report them to the governing board.*
- *Methods of Measurement:*
- *Initial and annual verification of teacher credential as reported by the CA Commission on Teacher Credentialing; CALPADS Report 3.5.*
- *All instructional materials purchased will be standards-aligned.*
- *Sign-in sheets from professional development sessions demonstrate that teachers and administrative staff attend webinars, or conferences and workshops focused on the implementation of Common Core State Standards in the applicable subjects.*
- *Sign-in sheets from professional development sessions demonstrate that teachers, supplemental instructors, and administrative staff receive ongoing professional development.*
- *Annual inspection records demonstrate that all school facilities are well maintained in good repair, in a manner that assures that the learning environment is clean, safe, and functional.*

- The methods for measuring pupil progress listed do not include *objective means of assessment consistent with the measurable pupil outcomes* for English learners.
  - *Details on methods for measuring pupil progress are located on pages 73-76 of the TCS charter petition. On page 73 of the charter petition, TCS states that "Student academic*

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progress will be measured through a variety of diagnostic, formative, benchmark, and summative assessments to measure student progress." As a start up school, TCS does not yet have historical data upon which to draw to generate more specific goals.

- The petition fails to outline an adequate *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.*
    - *This is incorrect. On pages 73-77 of the charter petition, TCS provides comprehensive details on the plan for collecting, analyzing, and reporting data. Further, on page 77 of the charter petition, TCS states that "TCS is dedicated to making data readily available to its broader community through a variety of means, including the LCAP and the School Accountability Report Card. TCS will also share information on graduation, suspension, expulsion, attendance, school wide standardized assessment, and course marks data through newsletter, focus groups, the website, and social media."*
- Lacks specificity on how school will assess students' progress on each measurable student outcome
    - *This is incorrect. Under the heading "Measuring Pupil Outcomes" on pages 73-77 of the charter petition, TCS provides a detailed plan to assess student progress. On page 74-76 of the charter petition, TCS provides a table listing nine different assessments, applicable grade levels, the assessment schedule, and the purpose of each assessment.*
- The petition does not describe how the school will use assessments to support, progress monitor, and inform teaching to ensure students are making satisfactory progress.
    - *This is incorrect. On charter petition pages 73-75, TCS outlines how often assessments will be administered as well as how results will be analyzed and used to improve instruction. On page 73 of the charter petition, TCS writes "The school principal, in collaboration with the school community, will review available data on a weekly basis. As a result of the application of IDEA to the process, TCS will ensure fidelity to continuous improvement." Further, the petition states that data will be used and reviewed during professional development to generate high leverage topics and support instruction.*
- The petition does not *provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.*
    - *This is incorrect. On page 122 of the charter petition, TCS provides, under the heading "Special Procedures for the Consideration of Suspension and Expulsion of Students With Disabilities," a comprehensive description of TCS' approach to the suspension and expulsion of students with disabilities. This description is found on pages 122-125.*
- The petition does not allow for an appeal of an expulsion decision, which impedes *due process for all students.* As written and confirmed during the Capacity Interview, the decision of the Hearing Officer would be accepted by the board as the final decision with no appeal process.
    - *The LACOE staff's analysis is incorrect. As explained at the Capacity Interview, the right to appeal the recommendation for expulsion to the Board is, in itself, an appeal right. Thus, this policy meets due process requirements.*

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- The petition fails to ensure *due process and manifestation determination processes* for students with disabilities during the suspension and expulsion process. Additionally, during the Capacity Interview, the petitioner failed to adequately answer questions regarding due process and manifestation determination.
    - *On page 63 and pages 123-124, the TCS charter petition details the manifestation determination process, what evokes it, and parents'/guardians' appeal rights. It appears that, with this finding, LACOE staff is perhaps referencing Capacity Interview questions. During the Capacity Interview, the TCS team was asked if students who have been recommended for full psycho-academic testing to determine eligibility to receive special education services have a right to a manifestation determination meeting. The TCS team correctly responded that the manifestation determination process applies. As a follow up question, LACOE staff asked at what point the manifestation determination process would apply to a student who had been suspended, but not recommended for expulsion. TCS team correctly responded that a student may be suspended for 10 total - not consecutive - days before a manifestation determination meeting is required. Beyond these two questions, which TCS answered correctly, the basis of this finding is unclear.*
- The petition fails to *outline how detailed policies and procedures regarding suspension and expulsion will be developed.*
    - *This is incorrect. On page 109 of the charter petition, TCS states that "Education Code Section 48900 et seq., which describes non-charter school's list of offenses and procedures was used to establish the list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the Education Code Section 48900 et seq. TCS is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion." Further, during the Capacity Interview, the TCS team explained that the suspension and expulsion policies were reviewed by the Board and TCS counsel.*
- It does not contain a description of required educational background or a process to select a neutral Hearing Officer to preside over expulsion procedures.
    - *LACOE staff requires more than is statutorily required. The petition explicitly states that TCS will meet the requirements of Education Code 47605(b)(5)(J)(ii)(II).*
- The expulsion procedures would likely result in a conflict of interest. During the Capacity Interview, the petitioner stated that the neutral Hearing Officer would likely be a teacher from T.I.M.E. Community Schools, creating a conflict of interest and inability to remain neutral with their supervisor recommending the expulsion. Further, it is unlikely that the teacher would have no prior history with the student given the proposed enrollment numbers.
    - *LACOE staff is using the phrase "conflict of interest" in an unorthodox manner and misconstrues the term "neutral." Neutral means "impartial." Nonetheless, this hypothetical teacher would not be assigned as a "neutral" hearing officer. If TCS cannot identify an impartial teacher, it will look for a neutral hearing officer outside of the school.*

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- It does not define reasons for "involuntary removal" and during the Capacity Interview, the petitioner was not able to give an example of the use of involuntary removal.
    - *LACOE staff requires more than is statutorily required. Reasons for involuntary removal are not statutorily defined. At the Capacity Interview, the TCS team correctly identified procedural requirements for involuntary removal while reinforcing their desire to educate all students. LACOE staff misinterprets TCS' commitment to educating all students with a lack of knowledge of possible reasons for involuntary removal. In fact, at the Capacity Interview, TCS provided an example of a school that involuntarily removed a student for excessive absences while, again, emphasizing that TCS would prefer to work with the student rather than use the involuntary removal process.*

Again, TCS is committed to partnering with all stakeholders, and we understand that these partnerships are key to providing an education that supports all students and families. Our petition has gone through multiple revisions based on these interactions in hopes to demonstrate our commitment to academic excellence, partnerships, and improvement. It is our hope that the LACOE board will take this response into consideration and vote to approve the charter petition for T.I.M.E. Community Schools.

Sincerely,

Dr. Gabriel Ramirez
Lead Petitioner
T.I.M.E. Community Schools