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**TODAY'S FRESH START CHARTER SCHOOL**  
**4514 CRENSHAW BLVD.**  
**LOS ANGELES, CALIFORNIA 90043**

**TODAY'S FRESH START CHARTER SCHOOL-INGLEWOOD**  
**APPEAL OF CHARTER RENEWAL DENIAL**  
**TO THE STATE BOARD OF EDUCATION**

**TAB 4**  
**District Board of Trustees' Findings Evidencing Denial of TFS-**  
**Inglewood's Charter Renewal Petition, Adopted on 10/9/2019**

INGLEWOOD UNIFIED SCHOOL DISTRICT  
Inglewood, California

October 9, 2019

STAFF REPORT

**TODAY'S FRESH START  
CHARTER PETITION RENEWAL**

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I. EXECUTIVE SUMMARY

**Today's Fresh Start ("TFS" or "Charter School")** currently operates a charter school serving pupils in grades kindergarten through eight (8) under the oversight authority of the Inglewood Unified School District ("District"). The **Charter School's** current term will expire on June 30, 2020.

On September 11, 2019, the State Administrator of the District formally received a renewal **petition ("Petition") at a regular meeting of the Board of Education ("Board")** submitted by Petitioner Dr. Jeanette Parker seeking to renew the TFS charter for a five (5) year term for the period of July 1, 2020, to June 30, 2025.<sup>1/</sup> Pursuant to Education Code section 47605(b), the Board held a public hearing on October 9, 2019, to consider the level of support for the Petition from District teachers, employees, and parents.

The County Administrator must approve or deny the Petition within sixty (60) days of its receipt. (Cal. Code Regs., tit. 5, § 11966.4(c) ("**5 C.C.R.**").) If the County Administrator grants the Petition, the Charter School will continue to operate as a legal entity under the chartering authority and oversight of the District. If the County Administrator denies the Petition, the Charter School may request a renewal from the Los Angeles County Office of Education. (5 C.C.R. § 11966.5(a).) District staff, in collaboration with legal counsel, conducted a comprehensive review of the Petition.

In accordance with law, increases in pupil academic achievement for all groups of pupils served by Charter School was considered as the most important factor in its analysis of the Petition. Based on its analysis, District staff found that the Charter School does not meet the statutory eligibility criteria to receive a charter renewal. Specifically, TFS failed to provide the District with its 2019 CAASPP assessment results, despite repeated requests by the District, to permit the District to evaluate and determine whether TFS meets the academic eligibility requirement for renewal. (Ed. Code, § 47607(b)(4).)

In addition to **considering pupil academic performance, the authorizer "shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any."** (5 C.C.R.

<sup>1/</sup> The District operated under the authority of a State Administrator appointed by the California Superintendent of Public Instruction until amendment to Education Code transferred the rights and obligations of the State Superintendent of Public Instruction to the County Superintendent of Public Instruction through AB 1840. The District is currently operating under the authority of the County Administrator, appointed by the County Superintendent of Public Instruction, and has assumed all legal rights, duties, and powers of **the District's Board of Education, in accordance with Education Code section 41326.**

§ 11966.4(b).) **Petitioners' troubled history, including the prior revocation of TFS in 2017 by the Los Angeles County Office of Education ("LACOE"),** and the failure to comply with law in a variety of ways during its current term, demonstrates a lack of adherence to the requirements of law and legal aspects of operating a charter school, particularly with respect to self-dealing transactions in violation of conflict of interest laws, violations of the Brown Act, and failure to comply with geographic limitation requirements under the Charter Schools Act. The same governing board currently operating TFS in the District also operates a charter under the oversight authority of Compton Unified School District, and demonstrated failure to comply with the law with respect to both operations. The record also does not demonstrate a willingness to work with the authorizer, or to be responsive to and compliant with requests for information. The issues that were raised by LACOE which led to the revocation of TFS were not fully resolved, and are relevant as significant concerns today.

**In fact, the District's** May 2016 resolution (No. 21/2015-2016), which was adopted by the State Administrator to deny **TFS's** request to operate an additional site at 2255 W. Adams Blvd., also **summarized TFS's troubled history and prior revocation, and documented findings to support the denial of the request, including the fact that the operation of an additional school site outside District boundaries violates the CSA's geographic restriction requirements, and the Adams location, which is owned by the Parkers, violates state legal prohibitions against conflicts of interest, including Government Code section 1090 and the Political Reform Act. The very same issues that supported the District's findings to deny TFS's material revision to add the additional site nearly five (5) years ago continue to persist today.**

This history does not reflect a commitment to compliance nor **assure the school's future** success. Adding to this problem is the fact that the Charter School did not provide any projections, budgets or financial documentation for the proposed next term of the charter as required by Education Code section 47605(g). They provided no plan for future improvement as to these financial issues and legal deficiencies. As a result the District concludes the Charter School is demonstrably unlikely to successfully implement their program.

The Charter School also failed to comprehensively describe all required elements of its program in the Petition, including in the areas of governance, health and safety, admissions, and suspension and expulsion procedures and mandates parents sign a contract committing to at least 40 volunteer hours in direct contravention of Education Code section 49011. District staff further found that the Charter School did not provide a reasonably comprehensive description of new charter requirements enacted since its charter was originally granted or last renewed, as required by Education Code section 47607(a)(2), particularly in the area of charter school compliance with public integrity laws (SB 126) and the development of comprehensive school safety plans (SB 1747).

As mentioned, Petitioners did not provide any budget notes or future plan to address the conflicts of interest identified in the final budget they provided with the Petition. (Ed. Code, § 47605(g).) There is no comprehensive plan to correct these deficiencies going forward.

For these reasons, and as detailed below, District staff also finds the Petition presents an unsound educational program for pupils to be enrolled in the Charter School.

Accordingly, as further detailed below, District staff recommends denial of the Petition.

## II. STANDARD OF REVIEW FOR RENEWAL PETITION

Charter renewals are governed by the same standards and criteria set forth in Education Code section 47605 that are evaluated upon the submission of an initial charter petition. (Ed. Code, § 47607(a)(2).) Education Code section 47605(b), provides that the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. As such, a school district shall grant a charter for the operation of a school if it is satisfied that granting the charter is consistent with sound educational practice. Review and analysis of a charter petition may be guided by the regulations promulgated for the State Board of Education's ("SBE") evaluation of charter petitions set forth at Title 5, Division 1, Chapter 11, and Subchapter 19 of the California Code of Regulations ("Regulations").

When evaluating a renewal petition, the authorizer must consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant the charter renewal. (Ed. Code, § 47607(a)(3)(A).) To be eligible for renewal, Education Code section 47607(b) requires the charter school to submit, with its renewal petition, documentation to enable the District to make the following determination:

- (1) [Superseded by Education Code section 52052(f)]<sup>2/</sup>
- (2) [Superseded by Education Code section 52052(f)]
- (3) [Superseded by Education Code section 52052(f)]
- (4) (A) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.
- (5) Qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.

Additionally, the renewal petition must provide a reasonably comprehensive description of the statutory elements of a charter as well as all new charter school requirements enacted into law since the charter was granted or last renewed. (Ed. Code, § 47607(a)(2).)

In addition considering **pupil academic performance**, the authorizer **"shall consider the past performance of the school's academics, finances, and operation** in evaluating the likelihood of future success, along with future plans **for improvement if any."** (5 C.C.R. § 11966.4(b).) Renewal may only be denied if the authorizer makes written factual findings supporting one

<sup>2/</sup> **The Academic Performance Index ("API") is no longer relevant to charter school renewals because the data is outdated. Instead, "alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups shall be used" for purposes of paragraphs (1) to (3) of Education Code section 47607(b).** (Ed. Code, § 52052(f).)

of the grounds for denial in Education Code section 47605(b),<sup>3/</sup> or that the charter school failed to meet one of the criteria in Education Code section 47607(b). (*Ibid.*)

### III. RECOMMENDATION

Based upon a comprehensive review and analysis of the Petition by District staff, in collaboration with legal counsel, denial of the Petition is recommended because staff is not satisfied that granting the Petition is consistent with sound educational practice. Findings with respect to the primary deficiencies are set forth in Section IV, below. This Staff Report contains analysis of the Petition, and the written factual findings supporting the recommendation. Denial of the Petition is recommended on the following grounds:

- The Charter School fails to meet the academic renewal eligibility criteria in Education Code section 47607, subdivision (b);
- The Charter School is demonstrably unlikely to successfully implement the program presented in the Petition;
- The Petition fails to provide a reasonably comprehensive description of all required elements of a charter petition; and
- The Charter School presents an unsound educational program for the pupils to be enrolled in the charter school.

Factual findings regarding the most significant deficiencies are described below. This Staff Report does not exhaustively list every concern, and focuses on those believed to most greatly impact the County **Administrator's** decision on whether to grant the Petition. Should the County Administrator take action to deny the Petition, she may adopt this Staff Report as the written factual findings required to support the denial of the Petition.

### IV. FINDINGS

Review and analysis of the Petition resulted in the following findings:

#### A. TFS Fails To Meet Eligibility For Renewal (Ed. Code, § 47607(b).)

To qualify for renewal, a charter school must provide information with its charter petition to **allow the authorizer to evaluate whether "the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school."** (Ed. Code, § 47607(b)(4)(A).) This determination is to be based upon: (i) documented and clear and convincing data; (ii) pupil achievement data from assessments, including, but not

<sup>3/</sup> Education Code section 47605(b) provides that a charter petition may be denied where: (1) The charter school presents an unsound educational program for pupils to be enrolled in the charter school. (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. (3) [Does not apply to charter renewals]. (4) The petition does not contain an affirmation of each of the conditions described in [Education Code section 47605(d)]. (5) The petition does not contain reasonably comprehensive description of all [required charter elements]. (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of [the Educational Employment Relations Act].

limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 [of the Education Code] for demographically similar pupil populations in the comparison schools; and (iii) information submitted by the charter school. (Ed. Code, § 47607(b)(4)(B).) A charter school seeking renewal **must submit "[d]ocumentation that the charter school meets at least one of the criteria specified in Education Code section 47607(b)." (5 C.C.R. § 11966.4(a)(1).)**

In order for the District to evaluate and determine whether TFS meets the academic eligibility requirement for renewal, TFS was required to provide California Assessment of **Student Performance and Progress ("CAASPP")** data for each school year of its current term and to demonstrate increases for all pupil subgroups served by the Charter School.

While TFS provided academic performance data for its initial years of its current term, the Charter School did not provide data for 2019. The District requested that such information be provided but the Charter School declined.

**TFS has been provided ample notice of the District's need for such information. For example, in November 2017 and again in December 2018, the District notified TFS that very few of its students met or exceeded state achievement standards on the 2017 and 2018 CAASPP assessments, respectively. (See attached Ex. A and Ex. B.) In both notices, TFS was expressly informed that, given the importance of academic performance in the District's determinations regarding renewal, the District will continue to analyze the results of TFS's CAASPP scores.**

In an effort to provide TFS with another opportunity to submit such information, on October 2, 2019, the District requested the Charter School's agreement for the County **Administrator's determination on its renewal petition to be extended to November 6, 2019, in order to receive and to analyze the Charter School's 2019 CAASPP results, among other things. On October 3, 2019, TFS declined the District's request and did not otherwise provide the District with its 2019 CAASPP data. Not only did this deprive the District of the information to which it was entitled to evaluate renewal eligibility under Education Code section 47607(b) but also constituted a violation of Education Code section 47604.3, which requires a charter school to respond to its authorizing agency's requests for information. As a result, the Charter School has failed to demonstrate increases in academic performance as required for renewal.**

- B. TFS Does Not Provide A Reasonably Comprehensive Description Of New Charter Requirements Enacted After Its Charter Was Originally Granted Or Last Renewed (Ed. Code, § 47607(a)(2).)

In addition to ensuring a comprehensive description of all statutory elements of a charter petition, a **renewal petition must include "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).)**

**On or about December 26, 2018, the Office of the Attorney General ("OAG") published an opinion regarding a charter school's obligation to comply with California's various public integrity laws. (OAG Opinion No. 11-201.) On or about March 5, 2019, SB 126, which adds section 47604.1 to the Education Code, was signed into law, which requires charter schools to comply with the California Public Records Act, Government Code section 1090, the Political Reform Act, and the Brown Act.**

TFS is obligated to ensure that its petition is fully updated to reflect the changes in law since its last authorization. Several areas of the Petition have not been brought into compliance with law. While the Petition indicates that it will comply with the Brown Act, the California Public Records Act, and the Political Reform Act, the Petition neither indicates nor ensures that the Charter School will comply with Government Code section 1090. This is particularly concerning in light of the past violations of Section 1090, as described below. Not only is the Petition deficient in this way, even where there is the statement to comply with the Brown Act and conflict of interest laws, the TFS Bylaws are contrary to the requirements of the Brown Act, and the Conflict of Interest Policy is contrary to the requirements of the Political Reform Act and Government Code section 1090.

Additionally, AB 1747 requires charter petitions to include the development of comprehensive school safety plans, procedures for conducting tactical responses to criminal incidents, and a provision indicating that the school safety plan must be reviewed and updated by March 1 of every year by the charter school. (Ed. Code, § 47605(b)(5)(F)(ii) and (iii).) The Petition does not include or describe the requisite comprehensive school safety plan necessary to ensure student safety.

In addition, AB 1505 goes into effect before the proposed new term of the charter. This amends the Charter Schools Act to, among other things, requires the Charter School to serve a special education population that reflects the numbers and types of disabilities served by the District. The Charter School has not incorporated this change and obligation into the Petition which is troubling in light of the special education concerns identified below.

C. The Charter School Is Demonstrably Unlikely To Successfully Implement The Program (Ed. Code, § 47605(b)(2).)

Education Code section 47605 requires the Charter School to show it is demonstrably likely to successfully implement the program set forth in the Petition. (Ed. Code, § 47605(b)(2).) In determining whether the Charter School is demonstrably likely to successfully implement the program, the Board "shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any." (5 C.C.R. § 11966.4(b).) The Regulations further require consideration of whether petitioners have a past and/or successful history of involvement in charter schools or other education agencies (public or private), such as whether petitioners have been associated with a charter school of which the charter has been revoked. (5 C.C.R. § 11967.5.1(c)(1).)

Petitioners are demonstrably unlikely to successfully implement their program for the following reasons:

1. Prior History and Operations Demonstrates Unlikelihood of Future Success

TFS has a troubled history, including but not limited to engaging in transactions in violation of conflict of interest laws, violating laws applicable to charter schools including the Brown Act, and failing to comply with the geographic limitations requirements of the Charter Schools Act.

In 2007, the Los Angeles County Office of Education ("LACOE") – which at that time was TFS's oversight agency – revoked the TFS charter based upon evidence of such violations. TFS has since sought and obtained authorization of its charter school from other authorizing

agencies, including the District. However, TFS continues to operate in violation of these laws, as further detailed below.

The following history of the revocation of TFS's charter, and subsequent litigation, is provided to review the Charter School's past history in conformity with the Regulations.

**a. TFS's Revocation**

TFS was initially authorized by LACOE in 2003, renewed in 2005, and then revoked in 2007. **TFS appealed LACOE's revocation to the State Board of Education ("SBE") and the SBE upheld the revocation.** Through a petition for a writ of mandate filed by TFS, the revocation was stayed by the Superior Court enabling the charter school to continue operating pending the ongoing litigation. The Superior Court issued a writ in October 2008 setting aside **LACOE's decision to revoke the charter. LACOE appealed the court's ruling. In 2010, during the pendency of the continuing appeal, TFS submitted a renewal petition to LACOE which LACOE denied. On appeal, SBE then renewed the TFS petition. In 2011, the Court of Appeal overturned the 2008 Superior Court ruling.**

In 2013, the California Supreme Court upheld the charter revocation. Throughout the **duration of the litigation, TFS continued to operate under LACOE's and then the SBE's authorization.** Finally, in 2015, following subsequent new litigation over the status of TFS's renewal petition, the Superior Court in Sacramento ruled that, as a result of the California **Supreme Court's decision upholding the 2007 revocation, the petition submitted by TFS to the SBE could not be considered a "renewal," but must be viewed** as a new petition for the authorization of a countywide charter school. TFS submitted a countywide charter petition to LACOE, which was denied on grounds that they did not operate a countywide school; Education Code section 47605.6(k) precluded an appeal to the SBE. Ultimately, TFS was directed by CDE to invoke closure procedures.

**b. TFS's Continued Operations**

In 2009, TFS submitted a petition to the District to locate a charter school on West Imperial Highway, which was approved and then renewed in 2012. In 2015, TFS submitted a renewal and material revision of its charter to the District which sought renewal of the charter for the period from July 1, 2015, through June 30, 2020. The petition included a second site at 2255 W. Adams Boulevard, Los Angeles, which is within the boundaries of LAUSD, not those of the District.

In May 2016, **the State Administrator, while denying TFS's request to operate the Adams location, adopted a resolution acknowledging the automatic renewal of the TFS charter through June 30, 2020.**<sup>4</sup> The Resolution (No. 21/2015-2016) also summarized **TFS's troubled history and prior revocation, and documented the District's findings to support the denial of TFS's request to operate the Adams location, including the fact that the operation of an additional school site outside District boundaries violates the CSA's geographic restriction requirements, and the Adams location, which is owned by the Parkers, violates state legal prohibitions against conflicts of interest, including Government Code section 1090 and the Political Reform Act. (Attached Ex. C.)** As detailed below, these issues and violations of law persist.

<sup>4</sup> TFS filed another legal challenge on the denial of its request to operate the Adams location, and the Court of Appeal ruled in favor of the District.

TFS also submitted new charter school petitions to the local jurisdictions in which the sites of its revoked charter school were located – Compton Unified School District and the Los Angeles Unified School District (“LAUSD”). In 2015, while LAUSD denied TFS’s petition, Compton Unified granted TFS’s petition.

c. Related Party Transactions

LACOE’s revocation of TFS was based, in part, upon TFS’s history of self-dealing transactions. These transactions represent hundreds of thousands, if not millions, of dollars in public funds benefitting Dr. Parker and her husband, Clark Parker. Evidence supporting TFS’s revocation demonstrated the following:

Golden Day Schools: TFS leased space for its school from a nonprofit corporation, Golden Day Schools. Golden Day Schools’ principals, officers and/or directors are Jeanette and Clark Parker. LACOE’s evidence showed that TFS was renting space from a corporation controlled by the Parkers and that the Parkers have a direct financial interest in the lease transaction. TFS never adequately addressed the self-dealing issue.

Pacific National University: LACOE found that TFS contracted with Pacific National University (“PNU”) to evaluate the High Priority Schools Grant Program TFS obtained from the State. Under the grant, TFS was required to obtain an independent agency to evaluate the program and make recommendations for improvement. TFS received a start-up grant allocation of \$50,000. TFS contracted with PNU in the amount of \$45,000. Although Clark Parker denied Jeanette Parker received any financial gain, LACOE found on the PNU website that Jeanette Parker was the University’s Chancellor, Founder, Board President and faculty member. Further, the address on PNU’s website was the same address as TFS’s letterhead.

Despite its revocation on the basis of self-dealing, among other things, TFS continues to engage in related party transactions. For example, as set forth in TFS’s Independent Auditor’s Report for 2017, the independent auditor’s report reflects several related party transactions:

Lease Agreement: The Charter School leases some of its facilities from Los Angeles Schools Services Inc., a California non-profit corporation. The property is owned by a related party of the charter school (the Parkers) who leases the property to the California non-profit corporation. The rent in the amount of \$810,201 for year ended June 30, 2017 was paid to the California non-profit corporation. There is additional rent of \$799,000 annually through 2021.

Construction Management Services Agreement: On September 20, 2013, the Charter School entered into a Construction Management Services Agreement with California Construction Management, Inc. (“CCMI”), a related party (Dr. Parker’s husband) for the construction of its Inglewood Charter School building located at 3405 W. Imperial Blvd., Inglewood, California. This agreement is for a period of six hundred and seventy (670) days, which is the estimated project completion or longer due to contractor delays. The total contract value is \$575,000. During the June 25, 2015 Board of Director’s meeting, this contract was extended until October 30, 2015 or longer contingent on contractor delays. The terms of the construction management

contract extension will be the same as the existing contract. Also, during the fiscal year 2016-2017, TFS contracted CCMI for the renovation and improvements of the classrooms of its Vernon site. Total payments made to CCMI for this contract was \$158,682.

Board members, including charter school board members, are subject to several statutory and common law conflict of interest provisions: (1) Government Code section 1090 prohibits a governing board member or public employee from being financially interested in any contract made by the member/employee in his or her official capacity ("**Section 1090**"); (2) **the Political Reform Act of 1974 (Gov. Code, § 87100 et seq., "PRA")** prohibits public officials from using their official positions to influence governmental decisions in which they have a financial interest; and (3) the common law conflict of interest doctrine requires public employees and officers to avoid placing personal interests above or in conflict with their duty to the public.

**In addition to the Attorney General's Opinion that these laws apply equally to charter school board members and employees, SB 126 was recently signed into law confirming the application of Government Code section 1090 and the Fair Political Practices Act, among other public integrity statutes, specifically to charter schools.**

**The term "financially interested" has been liberally interpreted and includes both direct and indirect financial interests in a contract. (*Thomson v. Call* (1985) 38 Cal.3d 633, 645.) "It includes any monetary or proprietary benefit, or gain of any sort or the contingent possibility of monetary or proprietary benefits." (*People v. Honig* (1996) 48 Cal.App.4th 289, 332.) "Put in ordinary, but nonetheless precise terms, an official has a financial interest in a contract if he might profit from it." (*Id.* at 333.) "[F]inancial interests may be indirect as well as direct, and may involve financial losses, or the possibility of financial losses, as well as the prospect of pecuniary gain." (86 Ops.Cal.Atty.Gen. 138, 140 (2003).)**

**Lead Petitioner Jeanette Parker's position as Superintendent** of the charter schools and salaried employee of TFS creates a conflict of interest under Section 1090 with regard to the lease agreement discussed above relative to any participation in the making of the agreement(s). Section 1090 also precludes her husband, Clark Parker, from entering into an agreement with TFS because of a financial interest regardless of whether he or his wife recused themselves from participation in the contract.

**According to the TFS board's minutes** of a regular meeting held as recently as May 31, 2018, **the board "discussed the approval of rental lease renewals" of several properties**, including 2255 W. Adams Blvd, which the Parkers own and lease to TFS for use as a school facility. The meeting was attended by Jeanette Parker (in her role as Superintendent) and Clark Parker (in his role as "Construction Project Manager"). The board approved the lease renewals. Even as recently as May 31, 2019, the TFS board approved the submission of a grant application for public funding under the Charter School Facility Grant Program pursuant to SB 740 for the 2019-20 school year, despite Dr. Parkers interest in the transaction.

While the May 31, 2018 and May 31, 2019 **minutes reflect that the Parkers "recused"** themselves, under both the PRA and Section 1090, any involvement in preliminary discussions, negotiations, compromises, or reasoning related to a contract (Section 1090) or decision (PRA) is prohibited. (*Millbrae Assn. for Residential Survival v. City of Millbrae* (1968) 262 Cal.App.2d 222, 237.) The minutes cited reflect that the interested parties remained present for the discussion and did not refrain from any involvement in the preliminary discussions, negotiations, compromises, or reasoning related to a contract.

Additionally, the prohibition against self-dealing found in Section 1090 is not satisfied by the **interested official's recusal from discussions, meetings, and votes pertaining to the contract.** (*Fraser-Yamor Agency, Inc. v. County of Del Norte* (1977) 68 Cal. App. 3d 201, 211-212.) Instead, no matter how carefully or completely a board member attempts to avoid participating in or influencing the execution of a contract, he or she is conclusively **presumed to have "made" the contract for purposes** of Section 1090, and the contract is void. (*Thomson v. Call* (1985) 38 Cal. 3d 633, 649.)

While Section 1090 prohibits the making of a contract, the PRA prohibits public officials or employees from using their official positions to influence any governmental decisions in which they have a financial interest. The proscription is broad – it not only prohibits participation in the vote on such matters but precludes making, participating in making, or influencing or attempting to influence a decision where there is a conflict of interest. (Gov. Code, § 87100.) **This prohibition extends to providing "information, an opinion, or a recommendation for the purpose of affecting the decision."** (FPPC Regs., § 18704.)

It is not enough under either the PRA or Section 1090 that Dr. Parker and/or Clark Parker refrained from voting on the above agreements; it must be apparent that they had no input whatsoever and did nothing to influence any others in the making of the contract. This is not apparent under the circumstances presented.

Finally, the common law conflict of interest doctrine requires public employees and officers to avoid placing personal interests above or in conflict with their duty to the public. Here, **even with "recusal" from deliberation or voting,** the appearance of impropriety remains.

The TFS Conflict of Interest Policy does not account for the requirements of law set forth above nor does it reflect the requirements of SB 126 demonstrating that Petitioners are not prepared to operate in compliance with law.

#### d. The Brown Act

Another ground for **LACOE's** revocation of TFS was **the Charter School's** violation of the Brown Act, including when, in 2007, the TFS Governing Board passed a resolution to seek a material revision to its charter with LACOE without holding a board meeting.

**Despite TFS's purported promise to comply with the Brown Act pursuant to SB 126,** it is evident from the Petition that TFS either does not intend or is not prepared to comply with the Brown Act. For example, the TFS Bylaws submitted with the Petition provide for special meetings to be called without notice to the public and without any notice to those board members that have "waived" notice. (Bylaws, Section 3.07(d).) The Brown Act requires 72-hours' notice for regular meetings and 24-hours' **notice for special** meeting (Gov. Code, §§ 54954.1, 54956.) The Brown Act also requires agendas to be posted with descriptions of each item to be presented, considered, acted upon at the meeting. (Gov. Code, § 54954.2.) It is contrary to the law to hold governing board meetings without compliance with the Brown Act.

Section 3.01(c) of the Bylaws, as amended in 2003, also state that regular meetings of the Board of Directors shall be held with notice only twice per year. Not only is holding board meetings only twice per year to oversee the operation of a public charter school inadequate (particularly when most if not all public school districts and charter schools hold regular monthly meetings), but such a minimal requirement encourages the board to hold special meetings, where notice is waived as described above. Such provisions violate the purpose

of the Brown Act, which is to provide the public with access to the dealings of the operations of a public school.

The Bylaws further provide for action to be taken by the Board without a meeting upon consent in writing. (Bylaws, Section 3.08.) This fundamentally conflicts with the Brown Act as it is the public's right to access. As the courts have stated, the purpose of the Brown Act is to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation by public bodies. (*Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 555.) To these ends, the Brown Act imposes an "open meeting" requirement on local legislative bodies. (Gov. Code, § 54953 (a); *Boyle v. City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1116.) Any TFS board action taken outside a meeting that is duly noticed violates the Brown Act and serves to invalidate most actions taken.

The Bylaws also provide for telephonic meetings in contravention of the Brown Act. Additionally, the Bylaws fail to describe the procedures for teleconferencing as required by Government Code sections 54952.2 and 54953 and instead only require that members participating in the meeting "can hear one another." (Bylaws, Section 3.07(g).) The Brown Act expressly requires, among other things, that a majority of the members be within the jurisdiction of the board, that agendas list each location, that the agendas be posted at each site, and that each site be fully accessible to the public.

**TFS has violated the Brown Act. For example, the TFS board's December 6, 2018 meeting minutes reflect that board members Malcolm and Freis "attended" the meeting by telephone. However, in violation of the Brown Act, the December 6, 2018 agenda does not identify the location of each of the teleconferencing board members, or provide any information regarding teleconferencing that would allow members of the public to participate. (Gov. Code, § 54953(b)(3) ["Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public."].) As a result, members of the public were not provided an opportunity to address the board. (Gov. Code, § 54953(b)(3).)**

#### e. Geographic Limitations Requirement

As summarized above, in 2015, the Charter School sought to open a site outside of the **District's boundaries** (at 2255 W. Adams Boulevard) in violation of Education Code sections 47605 and 47605.1. When the District informed TFS that the Charter School was not authorized to open the second site outside its boundaries, and the State Administrator adopted the Resolution with findings regarding same (Ex. C), TFS sued the District. The Court of Appeal concluded that TFS did not have the right to open the second site.

Subsequently, TFS obtained a charter from Compton Unified School District – apparently operating under the same governing board operating TFS **under the District's authorization** – and is running school sites within the boundaries of LAUSD in violation of law.

**According to TFS's website**, TFS operates at four (4) locations: 4514 Crenshaw Boulevard, Los Angeles CA 90043; 4476 Crenshaw Boulevard, Los Angeles, CA 90043; 4513 Compton Boulevard, Compton, CA 90221; and 3405 W. Imperial Highway, Inglewood, CA 90303. Historically, TFS has also operated at a fifth location at 2255 West Adams Boulevard, Los Angeles, CA 90018. **TFS's operation at the two (2) Crenshaw Boulevard locations are in violation of the Charter Schools Act ("CSA")** as both sites are located outside of Compton Unified's geographic boundaries, and within the boundaries of LAUSD. TFS continues to operate out of the West Adams site though it is unclear the purpose of the site which the charter school is paying the Parkers to lease.

Education Code section 47605(a)(1) plainly states:

A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition.

(Ed. Code, § 47605(a)(1); see also Ed. Code, § 47605.1(a), ["a charter school that is granted a charter...shall locate in accordance with the geographic and site limitations of this part"], § 47605(g) ["The description of the facilities to be used by the charter school shall specify where the school intends to locate."]; see also *Anderson Union High School Dist. v. Shasta Secondary Home School* (2016) 4 Cal.App.5th 262, 276 [recently reinforcing CSA's requirement that charter schools must be located and operate entirely within the geographic boundaries of the authorizing district].)

**While a charter school may operate at a single site outside the authorizing school district's boundaries, it must first demonstrate that it (1) was unable to locate in-district; and (2) unsuccessfully sought to locate a single facility for its school program. (Ed. Code, § 47605(a)(5).) Here, TFS currently operates in-district facilities and therefore TFS is able to and, in fact, has located in-district. For this reason alone, TFS does not qualify for the exception to operate facilities outside the boundaries of Compton Unified and, accordingly, TFS is in violation of the CSA's geographic location provisions.**

## 2. Governance Concerns

Since the time TFS was authorized by the District, TFS petitioned for a charter with Compton Unified School District, which was granted. However, despite authorization by different districts, the charters are operated by a single board. There is no distinction in the Bylaws and no other controls reflected in the Petition to ensure that the board is meeting its obligations to the District-authorized charter.

For example, the November 9, 2017 minutes of the meeting of the TFS governing board reflect that that the board operates both the Compton and Inglewood charters/locations, despite the fact that the Petition does not provide for such a structure or describe how such a structure would operate. This commingling of interests of separate charter schools was not authorized by the District and creates serious concerns. In fact, the District was not made aware of the change to the governance structure as TFS never brought forward a revision to the charter nor have they addressed it in the renewal petition. As discussed, the TFS board has taken actions in violation of law by, among other things, operating school sites outside the boundaries of the authorizing districts and approving contracts in violation of conflict of interest laws. Regardless of whether done in the name of a Compton authorized charter, the fact that the same board operates the Inglewood charter only raises more issues both as to oversight and liability exposure.

Furthermore, the composition of the board members remains largely intact through at least May 2019, according to meeting minutes, despite the fact that the Bylaws state that board members shall hold office for two (2) year terms. Notably, the **2018 Independent Auditor's Report** states that the terms of board members Errol Malcom, Carol Freis, Pauline Miller, and Wariboko Asembo will expire on December 7, 2018; however, the May 2019 meeting minutes indicate that these individuals are still members of the board, and the meeting minutes that TFS has made available on its website do not otherwise indicate when and/or how these members were re-elected. There is no indication of their connection to either school.

### 3. Special Education

In advance of the renewal process, the District conducted a site visit at the Inglewood school site to meet with staff, view the school, and observe instruction. During this meeting, one topic covered with the Charter School was its special education program and student population. The administrator responsible for special education explained that TFS has a **"full inclusion model" providing push-in services.**

When asked what their process was for an incoming student with more involved needs, for example a student with an IEP for a special day class setting, the administrator responded: **"We meet with them and refer them back to their home district. Parents don't like special day classes."**

**The administrator's** response reflects a clear and alarming violation of special education laws and amounts to discrimination. When a question was raised about this statement, the administrator then stated that the Charter School refers them to the El Dorado SELPA. When asked where they are placed through the SELPA, administrator responded they had previously had one student placed but could not identify the placement. When further questioned regarding the special education population, the Charter School stated they had primarily students with speech/language/hearing disabilities. The District requested the disaggregated data by severe, moderate, and low-incident disabilities – while TFS provided some **data, the data reflects and confirms TFS's lack of understanding of** its obligations under the IDEA and the prohibitions against discriminating against pupils with severe/moderate disabilities.

The **Charter School's stated policy to refer students that require more than "push-in" services is a clear violation of the law.** Students that require, for example, special day classes in order to benefit from their public education are not properly served with push-in services. The stated protocol **also violates the TFS charter, which states that the** "Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Charter School." (Petition, p. 89.)

**Whether "the parents" want a special day class is not a relevant consideration in ensuring the Charter School is able to comply and complying with the IDEA.** As a local educational agency of a SELPA, the charter is independently required to provide the full continuum of program options, and implement any individualized education programs of students transferring in pursuant to Education Code 56325. The statement represents a fundamental **misunderstanding of the Charter School's obligation to comply with the IDEA because this along with other statements made regarding "referring" students back to school districts are contrary to the obligations under the IDEA.**

Charter schools are required to admit all students who wish to attend. It may not request a **pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.** It must then implement the Student's IEP and follow the process required by the IDEA and California law before making any changes to it. No changes can be made without an IEP meeting, or without due consideration of parent input **in the process of considering changes. When a parent wishes for changes to their child's IEP, they must be offered an IEP meeting and not required to accept what could be a substantial reduction in service in order to enroll in a charter school that offers only one**

special education program. The Charter School's **extremely limited special** education program evidences exclusion of students with disabilities who require more or different services but wish to attend the charter school. Parents of students who do not agree that a resource program is adequate would not be allowed to enroll after being counseled out in this manner.

The data provided by the Charter School is also problematic. There are 13 eligibility categories yet Charter School serves students in only a few of these categories. There are no students with intellectual disabilities. The Charter School also duplicates the same eligibility category more than once, speech only is SLI for example. The students that appear to be eligible under more than one category also do not match. For example, a school would not have SLD and SLI usually, nor OHI and SLI.

Importantly, AB 1505 which governs the new term of the proposed charter, requires the Charter School to match their authorizer in terms of numbers and types of students with disabilities. Charter School does not compare nor appear to be able to ensure a compliant program open to all students with disabilities. The consequences of the policy also calls into question the ability to compare academic performance data as the Charter School is not serving a comparable special education population. This, too, demonstrates the Charter School's **failure to meet the academic eligibility renewal requirement as described above.**

4. Failure to Comply with Obligation to Inform District When Students Leave

In accordance with Education Code section 47605(d)(3), if a pupil is expelled or leaves a charter school without graduating or completing the school year for any reason, a charter school **must notify the school district of the pupil's last known address within thirty (30) days** and, upon request, also provide a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information.

TFS has failed to comply with this obligation. The District has received students who have left TFS, dissatisfied with the program. However, TFS has not provided the requisite notice and related documentation to the District, which interferes with District oversight.

5. Failure to **Comply With Authorizer's Requests for Information**

**Pursuant to Education Code section 47604.3, "[a] charter school shall promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from its chartering authority...and shall consult with the chartering authority, the county office of education, or the Superintendent of Public Instruction regarding any inquiries."**

Here, despite the fact that the District has requested **Charter School's 2019 CAASPP data** multiple times **in order to evaluate the Charter School's educational program and to determine its eligibility for renewal pursuant to Education Code section 47607**, the Charter School repeatedly declined to provide the District with such information. The Charter School's **failure to promptly comply with its obligations under Education Code section 47604.3** demonstrates an unwillingness to comply with fundamental obligations under the **Charter Schools Act and, in light of the Charter School's history of unsuccessful operations and violations of law, further renders its operations demonstrably unlikely to succeed in the future.**

In sum, Petitioners are unlikely to implement their program because their record demonstrates a lack of adherence to requirements of law and legal aspects of operating a charter school. **Petitioners' record does not demonstrate a willingness to work with the authorizer, or to be responsive to and compliant with requests for information.** Furthermore, the issues that were raised by LACOE which led to the revocation of TFS and the findings of the District that led to denial of the material revision have not been resolved and remain as significant concerns today. **Petitioners' record of organizational management reflects a problematic history in the area of legal compliance as publicly-funded charter school operators. This history does not assure the school's future success.**

D. The Petition Fails To Set Forth Reasonably Comprehensive Descriptions of Charter Elements (Ed. Code, § 47605(b)(5).)

Education Code section 47605, subdivisions (b)(5)(A)-(O) and (b)(6) require a charter **petition to include "reasonably comprehensive" descriptions of numerous elements of the proposed charter school. The Regulations require the "reasonably comprehensive" descriptions required by Education Code section 47605(b)(5) to include, but not be limited to, information that:**

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

(5 C.C.R. § 11967.5.1(g).) In addition, a charter renewal petition must provide a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law since the charter was granted or last renewed. (Ed. Code, § 47607(a)(2).)

It is noted that the Petition does not contain comprehensive descriptions in many categories and instead simply makes a statement of compliance without description of how they will meet the requirements.

1. Element A – Special Education

**As explained in more detail above, the Charter School's plan for special education is not legally compliant.** As a local educational agency of a SELPA, the charter is independently required to provide the full continuum of program options, and implement any individualized education programs of students transferring in pursuant to Education Code 56325. The

statements and data provided by the Charter School represent a fundamental **misunderstanding of the Charter School's obligation to comply with the IDEA and anti-discrimination laws.**

2. Element D – Governance Structure

The Education Code and Regulations provide for a charter petition to identify the **governance structure including, at a minimum, evidence of the charter school's** incorporation as a non-profit public benefit corporation, if applicable, the organizational and technical designs to reflect a seriousness of purposes to ensure that the school will become and remain a viable enterprise, there will be active and effective representation of interested parties, and the educational program will be successful. (Ed. Code, § 47605(b)(5)(D); 5 C.C.R. § 11967.5.1(f)(4).) The Regulations also require evidence that parental involvement is encouraged in various ways.

The Petition does not contain a sufficient **description of the Charter School's governance structure** based on the following findings:

a. Governing Board Members

**The Petition does not identify or provide any information regarding the members of TFS's** Governing Board or its composition. The omission of such critical and fundamental **information interferes with the District's ability** to oversee the Charter School, especially with respect to conflict of interest issues, with which the Charter School has demonstrated poor compliance. Because the terms of the current board members have expired, there is no current information regarding the makeup of the governing board.

b. Governance Structure

The Petition does not identify, describe or provide for a structure under which a single board operates two separate charter schools authorized by separate school districts. In fact, Education Code section 47612 provides that each charter school is its own school district. It is incumbent upon the Petitioners to demonstrate a governance structure that is dedicated to the charter school authorized by the District. There is no authority to serve as the board to multiple charters schools – school districts – and the failure to ensure a board dedicated exclusively to the interests of the charter school authorized by the District does not comport with law.

c. Government Code section 1090

The Petition is silent on **TFS's** compliance with Government Code section 1090, which is a critical part of any public school accountability and transparency plan to ensure that public funds are protected from self-dealing in contract transactions. This is particularly concerning not only because Education Code section 47604.1 was recently added by SB 126 to require charter schools to comply with Government Code section 1090, but also because **of the Charter School's history of self-dealing** transactions as described above.

**TFS's conflict of interest policy contravenes SB 126's protections against self-dealing.** For example, the policy states "a person who has a financial interest may have a conflict of interest only if the appropriate board or committee decides that a conflict of interest exists." In turn, the policy states that, "after disclosure of the financial interest and all material facts, and after any discussion with the potentially interested person, a determination must be made about whether an actual conflict of interest exists. The disinterested board of

committee members shall determine on a case by case basis whether the disclosed interest constitutes an actual conflict of interest." **These provisions do not comport with the conflict of interest law as described in more detail above.**

3. Element F – Health and Safety Procedures

The Education Code requires the Petition to identify the procedures that the Charter School will follow to ensure the health and safety of students and staff. (Ed. Code, § 47605(b)(5)(F).) The Regulations provide the procedures should, at a minimum, require that each employee of the school provide a criminal records summary as described in Education Code section 44237, include the examination of faculty and staff for tuberculosis as described in Education Code section 49406, require immunization of students as a condition of school attendance to the same extent as would apply if the students attended a non-charter public school, and provide **for the screening of students' vision and hearing and the screening of students for scoliosis to the same extent as would be required if the students attended a non-charter public school.** (5 C.C.R. § 11967.5(f)(6).)

**The Petition does not contain sufficient description of the Charter School's health and safety procedures based on the following findings:**

Assembly Bill 1747 requires charter petitions to include the development of comprehensive school safety plans, procedures for conducting tactical responses to criminal incidents, and a provision indicating that the school safety plan must be reviewed and updated by March 1 of every year by the charter school. (Ed. Code, § 47605(b)(5)(F)(ii) and (iii).) The Petition does not include or describe the requisite comprehensive school safety plan.

4. Element H – Admissions Requirements

The Education Code and Regulations require the Petition to identify admission requirements that are in compliance with applicable law. (Ed. Code, § 47605(b)(5)(H); 5 C.C.R. § 11967.5.1(f)(8).)

**The Petition does not contain sufficient description of the Charter School's admission requirements based on the following findings:**

**The Petition states "[o]nce a student has been enrolled in the School, a parent and/or guardian will be encouraged to sign a Parent Compact, which...[e]ncourage parents to contribute a minimum of 40 hours per school year in a volunteer capacity."** (Petition, p. 122.) **Although the Petition refers to "encouraging" parents, the 40 hour requirement is stated as a mandate on its website under "Admissions" and on TFS's website and in the Parent Handbook:**

Parent Participation: Your participation is needed, appreciated and required!  
**By enrolling your child into Today's Fresh Start Charter School, a school of choice, all parents are expected to participate in your child's school success. The parent/guardian is the first teacher and parent participation is "a must."**  
(Parent Handbook, p. 24.)

This expectation to volunteer amounts to a parent participation requirement, constitutes an impermissible form of tuition, and violates the free public school guarantee as provided by law. Specifically, Education Code section 49011 prohibits all public schools, including charter schools, from providing privileges relating to educational activities in exchange for **services from a pupil's parents or guardians, removing privileges relating to educational**

activities, or otherwise discriminating against a pupil if the pupil's parents or guardians do not provide services to the school. (Ed. Code, § 49011(b); CDE Fiscal Management Advisory 17-01, July 28, 2017.)

5. Element J – Suspension and Expulsion Procedures

The Education Code and Regulations require the Petition to describe the procedures by which students can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. (Ed. Code, § 47605(b)(5)(J); 5 C.C.R. § 11967.5.1(f)(10).)

The Petition does not contain a sufficient description of the procedures by which students can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason based on the following findings:

AB 420 (2014) expresses a public policy that no student should be recommended for expulsion for willful defiance, and that no student in grades kindergarten through 3 should be suspended for **willful defiance. However, in the Petition, a pupil who "otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties" remains a grounds for suspension and expulsion.** (Petition, p. 128-131.) This disciplinary policy is contrary to the State requirements that students not be recommended for or expelled based upon willful defiance.

6. Element N – Dispute Resolution Procedures

The Petition requires the District to participate in the dispute resolution procedures as a condition of revocation of the charter. This is inconsistent with law as the statutory process for revocation is governed by Education Code section 47607 and the supporting regulations.

7. Ed. Code section 47605(g) – Failure to Provide Operations Information

Education Code section 47605, subdivision (g), requires the charter school to provide the district information "regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district."

This requires a petitioner to provide information regarding the operations of the charter school such as board policies regarding harassment, bullying, or discrimination policies. No policies were provided. No information regarding administrative services, in particular with regard to financial advice, was provided.

8. Ed. Code section 47605(g) – Failure to Provide Adequate Budget Narrative Documents

**Education Code section 47605, subdivision (g), states that "petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation."** The regulations further provide:

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

1. Include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.
2. Include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location.
3. Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels.
4. Present a budget that in its totality appears viable and over a period of no less than two years of operations 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.
5. Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location. (5 C.C.R. 11967.5.1(c)(3)(B).)

Petitioner did provide budget with projections but did not provide any budget narrative to clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels nor did it provide any explanation regarding how it would bring its current violations (including related party transactions and geographic limitations) into conformity with law.

E. The Charter School Presents An Unsound Educational Program Pursuant To Education Code Section 47605(b)(1).

For the reasons provided above, District staff finds the Petition presents an unsound educational program for pupils to be enrolled in the Charter School. TFS has repeatedly demonstrated a lack of adherence to the requirements of law and legal aspects of operating a charter school. Including, among other things, failure to enroll moderate/severe special education students reflects a failure to serve this significant pupil subgroup. **The Charter School's failure to provide the requisite CAASPP data reflects a failure to demonstrate academic achievement. Furthermore, TFS's lack of a comprehensive school safety plan presents a safety issue for the pupils enrolled in the Charter School. TFS's outdated suspension and expulsion procedures also demonstrates a failure to conform the Charter School's educational practice to current standards for discipline management.**

V. CONCLUSION

District staff considered increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in its analysis. For the reasons stated above, the Petition, as submitted, fails to demonstrate that TFS met the eligibility criteria for renewal, fails to provide a reasonably comprehensive description of several essential charter elements, including new charter requirements enacted into law, and

indicates that the Charter School is demonstrably unlikely to successfully implement the program presented in the Petition, all of which demonstrate that the Charter School presents an educational program that is unsound. The Charter School's problematic history is significant and does not demonstrate the ability to be successful going forward. Accordingly, it is recommended that the Petition be denied. Should the County Administrator take action to deny the Petition, such action should include adoption of this Staff Report as the written factual findings in support of the denial of the Petition.

# **EXHIBIT "A"**



## INGLEWOOD UNIFIED SCHOOL DISTRICT

401 S. Inglewood, Avenue, Inglewood, California 90301 phone: 310/419-2700

November 13, 2017

Tanya Goff  
Today's Fresh Start Charter School  
3405 West Imperial Highway  
Inglewood, CA 90303

### STATE ADMINISTRATOR

Thelma Meléndez  
de Santa Ana, Ph.D.

Re: Inglewood Unified School District  
Today's Fresh Start Charter School

### BOARD OF EDUCATION

Dr. Carliss R. McGhee  
*President, Seat #2*

Mrs. Margaret Turner-Evans  
*Vice President, Seat #4*

Dr. Dionne Young Faulk  
*Member, Seat #1*

Ms. Melody Ngaue-Tu'uholoaki  
*Member, Seat #3*

Dr. D'Artagnan Scorza  
*Member Seat #5*

Dear Ms. Goff:

This correspondence is regarding the Inglewood Unified School District's ("District") review of the 2017 California Assessment of Student Performance and Progress ("CAASPP") results for students attending Today's Fresh Start Charter School ("TFSCS"). As detailed below, the District's analysis indicates very few students enrolled at TFSCS met or exceeded state achievement standards on the 2017 CAASPP. The District is concerned about this severe underperformance of your students and the implications for the renewal of TFSCS's charter in the future.

As you are aware, the District serves as the authorizing agency for TFSCS and is responsible for determinations regarding renewal of TFSCS's charter. Education Code section 47607 states, in relevant part:

The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school **as the most important factor** in determining whether to grant a charter renewal.

(Ed. Code § 47607(a)(3)(A), *emphasis added*.)

### ADMINISTRATION

Dr. Carmen Beck  
*Chief Academic Officer*

Ms. Nora Roque  
*Executive Director  
Human Resources Services*

Mr. Eugenio D. Villa  
*Chief Business Official*

The 2017 CAASPP score report for TFSCS shows 41.29% of TFSCS students scored in the "standard not met" range for English Language Arts ("ELA"). The CAASPP score report notes "standard not met" means a student needs substantial improvement to demonstrate the knowledge or skills needed for likely success in future coursework. Only 23.86% of your students met the achievement standard. Similarly, in math, 45.25% of all students at TFSCS did not meet the achievement standard and only 14.45% of students met the standard. In particular, students enrolled in fifth grade and sixth grade at TFSCS scored especially low in math, with only 3.77% of fifth grade students and 5.56% of sixth grade students meeting the achievement standard.

Given the importance of academic performance in the District's determinations regarding charter renewal, the District has serious concerns about the severe underperformance of TFSCS students on the 2017 CAASPP and the impact these scores may have on the District's future renewal of the TFSCS charter. The District is committed to the academic success of all students attending school within its boundaries and takes seriously its role as an authorizing agency in

#### Mission Statement

*The mission of the Inglewood Unified School District is to ensure that all our students are taught rigorous standards based curriculum supported by highly qualified staff in an exemplary educational system characterized by high student achievement, social development, safe schools, and effective partnerships with all segments of the community.*

ensuring students are demonstrating academic growth and meeting state academic standards. Please be advised the District will continue to analyze the results of TFSCS's CAASPP scores and utilize this data in making determinations regarding TFSCS's charter renewal.

Please do not hesitate to contact me with any questions.

Sincerely,



Dr. Jacqueline Landrum Sanderlin  
Executive Director, School and Community Relations  
Inglewood Unified School District

Mission Statement

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# **EXHIBIT “B”**



## INGLEWOOD UNIFIED SCHOOL DISTRICT

401 S. Inglewood, Avenue, Inglewood, California 90301 phone: 310/419-2700

December 17, 2018

Dr. Jeanette Parker  
Superintendent  
Today's Fresh Start Charter School  
3405 West Imperial Highway  
Inglewood, CA 90303-2219

### STATE ADMINISTRATOR

Thelma Meléndez  
de Santa Ana, Ph.D.

Re: 2018 CAASPP Scores  
Today's Fresh Start Charter School

### BOARD OF EDUCATION

Margaret Turner-Evans, M.A.  
*President, Seat #4*

D'Artagnan Scorza, Ph.D.  
*Vice President Seat #5*

Dionne Young Faulk, J.D.  
*Member, Seat #1*

Carliss R. McGhee, Ph.D.  
*Member, Seat #2*

Melody Ngaue-Tu'uholoaki  
*Member, Seat #3*

### ADMINISTRATION

Carmen Beck, Ph.D.  
*Chief Academic Officer*

Nora Roque  
*Executive Director*  
*Human Resources Services*

Eugenio D. Villa  
*Chief Business Official*

Dear Dr. Parker:

This correspondence is regarding the Inglewood Unified School District's ("District") review of the 2018 California Assessment of Student Performance and Progress ("CAASPP") results for students attending Today's Fresh Start Charter School ("TFSCS"). As detailed below, the District's analysis indicates very few students enrolled at TFSCS met or exceeded state achievement standards on the 2018 CAASPP. The District is concerned about this severe underperformance of your students and the implications for the renewal of TFSCS's charter in the future.

As you are aware, the District serves as the authorizing agency for TFSCS and is responsible for determinations regarding renewal of TFSCS's charter. Education Code section 47607 states, in relevant part:

The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school **as the most important factor** in determining whether to grant a charter renewal.

(Ed. Code § 47607(a)(3)(A), *emphasis added*.)

The 2018 CAASPP score report for TFSCS shows that 29.66% of TFSCS students scored in the "standard not met" range for English Language Arts ("ELA"). The CAASPP score report notes "standard not met" means a student needs substantial improvement to demonstrate the knowledge or skills needed for likely success in future coursework. Similarly, in math, 37.72% of all students at TFSCS did not meet the achievement standard. In particular, students enrolled in fourth and sixth grades scored especially low in ELA, with 47.95% of fourth graders and 40% of sixth graders not meeting the standard. In math, fourth, sixth, and seventh graders at TFSCS scored poorly, with 41.1% of fourth graders, 45.83% of seventh graders, and half of the sixth graders not meeting the standard. These scores fall below the average achievement of students statewide.

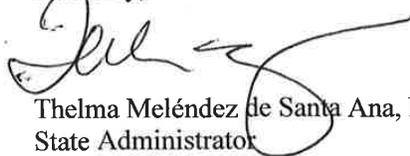
#### Mission Statement

The mission of the Inglewood Unified School District is to ensure that all our students are taught rigorous standards based curriculum supported by highly qualified staff in an exemplary educational system characterized by high student achievement, social development, safe schools, and effective partnerships with all segments of the community.

Given the importance of academic performance in the District's determinations regarding charter renewal, the District has serious concerns about the severe underperformance of TFSCS students on the 2018 CAASPP and the impact these scores may have on the District's future renewal of the TFSCS charter. The District is committed to the academic success of all students attending school within its boundaries and takes seriously its role as an authorizing agency in ensuring students are demonstrating academic growth and meeting state academic standards. Please be advised the District will continue to analyze the results of TFSCS's CAASPP scores and utilize this data in making determinations regarding TFSCS's charter renewal.

Please do not hesitate to contact me with any questions.

Sincerely,



Thelma Meléndez de Santa Ana, Ph.D.  
State Administrator  
Inglewood Unified School District

Mission Statement

*The mission of the Inglewood Unified School District is to ensure that all our students are taught rigorous standards based curriculum supported by highly qualified staff in an exemplary educational system characterized by high student achievement, social development, safe schools, and effective partnerships with all segments of the community.*

# **EXHIBIT “C”**

**RESOLUTION NO. 21/2015-2016  
DENYING THE PROPOSED MATERIAL REVISION  
CONTAINED IN TODAY'S FRESH START  
RENEWAL CHARTER PETITION  
BY THE STATE ADMINISTRATOR OF THE  
INGLEWOOD UNIFIED SCHOOL DISTRICT**

**WHEREAS**, material revisions to a Charter School's Charter Petition require the approval of the authority that granted the charter and approval must be based on the standards and criteria of Education Code Section 47605 [see, Education Code Section 47607]; and

**WHEREAS**, Today's Fresh Start Charter School ("TFS") submitted its initial charter petition to the Inglewood Unified School District ("IUSD" or "District") in 2009, which was approved on July 1, 2009, for the operation of grade levels K-6; and

**WHEREAS**, IUSD approved a request for renewal from TFS on March 26, 2012, which permitted TFS to continue operation of the school for a term of July 1, 2012 to June 30, 2017; and

**WHEREAS**, in or about November 2015, TFS delivered to the IUSD a petition for renewal ("Renewal") seeking renewal of the charter term from July 1, 2015 to June 30, 2020; and

**WHEREAS**, the Renewal contained a proposed material revision ("Revision") to the previous charter petition; and

**WHEREAS**, the Revision relates to the following material change to the previous charter petition:

A proposed additional school site outside the boundaries of the Inglewood Unified School District located at 2255 W. Adams Blvd., Los Angeles, CA. (p. 93 of Renewal)

**WHEREAS**, TFS was granted a separate county-wide charter in 2003 by the Los Angeles County Office of Education ("LACOE") and operated the site located at 2255 W. Adams, Los Angeles, CA under the provisions of the county-wide charter; and

**WHEREAS**, in 2007, LACOE investigated TFS and determined that it had violations for the following: (1) observance of the legal rights of students, parents, and employees; (2) student attendance procedures; (3) professional development; and (4) compliance with California Department of Education testing procedures; and

**WHEREAS**, even after receiving a notice of violations from LACOE, TFS failed to meet 47 of the 53 items in the Corrective Action Plan and the TFS county-wide charter was revoked by LACOE, which was followed by TFS filing a petition for writ of mandate; and

WHEREAS, TFS's writ was initially granted by the Los Angeles Superior Court, thereby overturning the revocation. At that point, LACOE appealed to the California Court of Appeal. However, before a ruling was made by the Court of Appeal, TFS sought renewal of its charter term from LACOE and when the renewal request was denied, appealed that denial to the State Board of Education ("SBE"), which granted renewal of the petition on August 24, 2010 (the term ended on June 30, 2015). Thereafter, in 2011, the Court of Appeal reversed the lower court's finding and reinstated the revocation. In 2013 the California Supreme Court upheld LACOE's [year] revocation of TFS's county-wide charter. [*Today's Fresh Start, Inc. v. Los Angeles County Office of Educ.* (2013) 57 Cal.4th 197, 208]; and

WHEREAS, On June 30, 2015, TFS submitted a new charter petition to Los Angeles Unified School District ("LAUSD") for the operation of the 2255 W. Adams Blvd., Los Angeles facility as a charter school; and

WHEREAS, on July 31, 2015, the Sacramento Superior Court, in Case No. 34-2015-80002066, determined that the effect of the 2013 Supreme Court Decision was enforcement of LACOE's revocation of the TFS county-wide charter, thereby obviating the charter that the SBE had approved on appeal of TFS's renewal request, thereby leaving TFS with no charter that was permitted to operate at the 2255 W. Adams Blvd. site; and

WHEREAS, on September 1, 2015, LAUSD denied the TFS charter petition on a number of grounds, including the finding that Dr. Jeanette Parker (lead petitioner here), as Superintendent and TFS Board Member, engaged in significant and persistent conflicts of interest and self-dealing transactions including, among other things, the fact that she and her husband own 2255 W. Adams Blvd., which they have leased to TFS for use as a school facility, and which they are proposing to continue leasing to TFS for the operation of the additional school site which TFS is seeking to have approved as an additional school site pursuant to the Revision under consideration by IUSD [Los Angeles Unified School District Board of Education Report, p.1, attached as Exhibit "A"]; and

WHEREAS, it appears that at all times during the course of TFS's litigation against LACOE, including after the Supreme Court's decision upholding the revocation of the LACOE-authorized charter, TFS continued operation of two facilities authorized through the LACOE charter, one of which is located at 2255 W. Adams Blvd., Los Angeles, CA, despite the fact that there was no approved charter authorizing the operation of the Adams school site following the Supreme Court's decision; and

WHEREAS, the Renewal attempts to backdate the charter term to July 1, 2015 through June 30, 2020 in order to justify TFS's continued operation of 2255 W. Adams Blvd; and

WHEREAS, the proposed location at 2255 W. Adams Blvd. is currently the subject of a Los Angeles Department of Building and Safety Code violation specifically related to unapproved occupancy or use for charter school purposes, [Order to Comply, attached as Exhibit "B"]; and

WHEREAS, Dr. Vincent C. Mathews, the appointed State Administrator ("State Administrator") of the Inglewood Unified School District, County of Los Angeles, State of

California, in his role as the State Administrator of the District, received the Renewal, which contains the proposed Revision, at a public meeting on March 9, 2016; and

**WHEREAS**, California Code of Regulations, Title 5, Section 11966.4(c) states that "If within 60 days of its receipt of a petition for renewal, a district governing board has not made a written factual finding as mandated by Education Code Section 47605(b), the absence of written factual findings shall be deemed an approval of the petition for renewal"; and

**WHEREAS**, in considering the Revision, the State Administrator has been cognizant of Education Code Section 47605(a)(1)(B)(4) which provides (emphasis added):

After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. **The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting.** If the additional locations are approved, they shall be a material revision to the charter school's charter.

And

**WHEREAS**, in considering the Revision, the State Administrator has been cognizant of Education Code Section 47607 which provides (emphasis added):

(a)1) A charter may be granted pursuant to Sections 47605, 47605.5, and 47606 for a period not to exceed five years. A charter granted by a school district governing board, a county board of education, or the state board may be granted one or more subsequent renewals by that entity. Each renewal shall be for a period of five years. **A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter.** The authority that granted the charter may inspect or observe any part of the charter school at any time.

(2) **Renewals and material revisions of charters are governed by the standards and criteria in Section 47605, 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.**

And

**WHEREAS**, in considering the Revision, the State Administrator has been cognizant of Education Code Section 47605.1(a) which provides in pertinent part (emphasis added):

(1) . . . A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school **may propose to operate at multiple sites within the school district if each location is identified in the charter school petition.** . . .

\* \* \*

(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, **if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval**, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, **and either of the following circumstances exists:**

(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.

And

**WHEREAS**, in considering the Revision, the State Administrator has been cognizant of Education Code Section 47605.1 further clarifying, repeating, and emphasizing the above-described limitations on operating a charter school outside the boundaries of the authorizing school district; and

**WHEREAS**, in considering the Revision, the State Administrator has been cognizant of recent trial court decisions specifying that a school district that authorizes a charter school to operate at a site outside of its own boundaries must make findings that the charter school meets the above-quoted requirements of Education Code Section 47605(a)(5); and

**WHEREAS**, the legislative history of Section 11966.4 does not contain any discussion or other information suggesting that the automatic renewal provision was intended to bypass the mandatory requirements dictating approval of material revisions or the requirement that additional sites could be added only *after* approval of the charter and only through the material revision process; and

**WHEREAS**, the State Administrator of the District held a public hearing on the Revision, pursuant to Education Code Sections 47605 and 47607, at which time the State Administrator considered the level of support for this Revision by teachers employed by the District, other employees of the District, and parents; and

**WHEREAS**, at the public hearing, the lead petitioner spoke in favor of the Revision and a retired State Senator spoke in favor of the School; and

**WHEREAS**, at the public hearing, lead petitioner Jeanette Grattan Parker, Ph.D., acting Superintendent of TFS, admitted that she and her husband own the property that would serve as the proposed additional site location for the TFS; and

**WHEREAS**, according to TFS's financial statements contained in the Renewal, TFS owes Drs. Clark and Jeanette Parker \$1,000,000.00, which will mature on May 12, 2015, and bears interest at a rate of 7% per annum (Financial Statements, p. 13); and

**WHEREAS**, in considering the Revision, the State Administrator has been cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

**WHEREAS**, charter schools, as part of the California public school system and subject to the laws governing public agencies generally, are subject to the provisions of the Ralph M. Brown Act [Government Code Sections 54950, *et seq.*], the requirements of conflict of interest laws, including, but not limited to, Government Code Sections 1090 *et seq.* and 87100 *et seq.* (the Political Reform Act of 1974), and the California Public Records Act [Government Code Sections 6250, *et seq.*]; and

**WHEREAS**, charter schools are subject to the requirements of federal law, including, but not limited to, the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g, and the Individuals with Disabilities Education Act, 20 U.S.C. Sections 1400, *et seq.*; and

**WHEREAS**, the District staff, working collaboratively with District legal counsel, have reviewed and analyzed all of the information received with respect to the Renewal and Revision, including information related to the history of TFS within Los Angeles county, and made a recommendation to the State Administrator that the above stated Revision be denied based on that review; and

**WHEREAS**, the State Administrator has fully considered the Renewal submitted by TFS, the Revision proposed therein, and the recommendation provided by District staff. The State Administrator did not adopt the findings pertaining to the Renewal and as a result the Charter was automatically renewed, but the automatic renewal did not implement the Revision, which is being considered separately and acted upon in this Resolution; and

**WHEREAS**, the State Administrator determines that the findings set forth herein are legally sufficient to support the State Administrator's denial of the above-described Revision.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the State Administrator finds the above listed recitals to be true and correct and incorporates them herein by this reference.

**BE IT FURTHER RESOLVED AND ORDERED** that the State Administrator of the Inglewood Unified School District, having fully considered and evaluated the material Revision proposed by TFS, hereby finds that it is not consistent with sound educational practice, based upon grounds and factual findings including, but not limited to, the following, and hereby denies the Revision pursuant to Education Code Section 47605:

The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter. [Education Code Section 47605(b)(2)]

**BE IT FURTHER RESOLVED AND ORDERED** that the State Administrator of the Inglewood Unified School District hereby determines the foregoing findings are supported by facts specific to the TFS charter and its requested Revision, including but not limited to the following:

**I. THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE REVISION.** [Education Code Section 47605(b)(2)]

**A. OPERATION OF AN ADDITIONAL SCHOOL SITE OUTSIDE IUSD BOUNDARIES VIOLATES THE LAW**

1. There is no legal authority for approval of the Adams site by the State Administrator

Education Code Section 47605.1 specifically states that charter schools must comply with the geographic boundaries set forth in Sections 47600, *et al.* In this case, because TFS seeks to operate an additional location pursuant to its charter authorized by the IUSD, it must locate all facilities "within the geographic boundaries of that school district." [Education Code Section 47605(a)(1)]

Furthermore, Education Code Section 47605.1(d) specifically provides:

A charter school is only permitted to operate a site outside of the boundaries of the District if it is unable to locate within the geographic boundaries of the chartering school district but within the county if the school district where the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist:

(1) The school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate.

(2) The site is needed for temporary use during a construction or expansion project.

(Emphasis added.)

TFS has operated a school site within IUSD boundaries for the past six years under the Charter granted by the District. There is no provision in the aforementioned Education Code section for TFS to operate an additional site outside of the boundaries of the authorizing district. None of the requirements of 47605(a)(5) apply in this situation. Accordingly, the District finds that there is no legal authority for the Adams site to be approved by the State Administrator because TFS currently has an operating site within IUSD's boundaries. Furthermore, an automatic renewal of a Charter cannot result in the approval of an illegally located site. Accordingly, the provisions of Education Code Sections 47605(a)(5) and 47605.1(d) apply to the consideration of the material Revision and it is determined that the State Administrator is simply not able to approve the Revision or permit TFS to operate an additional site outside of IUSD boundaries pursuant to the Charter authorized by IUSD.

2. Concerns Regarding Facility:

The location identified at 2255 W. Adams Blvd. is currently the subject of an Order to Comply issued by the Los Angeles Department of Building and Safety for an unapproved occupancy or use related to a charter school. This violation was issued in January 21, 2014, and has not been resolved. [Order to Comply, Exhibit "C"]

Additionally, the District is concerned that the location identified at 2255 W. Adams Blvd. may present a hazard to the students TFS intends to educate. In particular, according to TFS's charter petition submitted to LAUSD, which was denied in 2015, and in the Petition submitted to the District, TFS proposes to enroll between 137-160 students in that building (not including faculty), but the building is only rated at a maximum capacity of 106 children. [See, Facility Detail from Department of Social Services, attached as Exhibit "C"; Los Angeles Unified School District Board of Education Report, p.1, attached as Exhibit "A"]

3. Conflict of Interest Issues:

Additionally, the rental of the 2255 Adams Blvd. property by the Parkers to TFS given Dr. Jeanette Parker's employment and decision-making relationship with TFS, including her apparent involvement in TFS's decisions to rent and utilize the property, violates California's legal prohibitions against conflicts of interest, specifically including Government Code Section 1090 and the Political Reform Act of 1974. As noted above, Dr. Jeanette Parker (lead petitioner) publicly acknowledged that she and her husband own the 2255 Adams Blvd. location and they have in the past and intend to continue leasing the facility to TFS for a fee and it is apparent that Dr. Parker has participated in her position with TFS in the decisions by which TFS has and continues to lease and utilize that property.

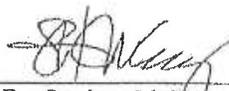
**BE IT FURTHER RESOLVED AND ORDERED** that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings is invalid, the remaining findings and/or factual determinations and the denial of the aforementioned proposed Revision shall remain in full force and effect. In this regard, the State Administrator specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

The foregoing resolution was considered, passed, and adopted by the State Administrator at a public meeting of May 11, 2016.



Dr. Vincent Matthews, State Administrator  
Inglewood Unified School District

**I HEREBY CERTIFY** that the foregoing Resolution Denying the Charter Petition for TFS was duly and regularly considered and adopted by the State Administrator of the Inglewood Unified School District on May 11, 2016.



Dr. Stephen McCray, Executive Director,  
School and Community Relations  
Inglewood Unified School District

# **EXHIBIT A**



## Los Angeles Unified School District

333 South Beaudry Ave,  
Los Angeles, CA 90017  
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### Board of Education Report

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#### Denial of the Charter Petition for Today's Fresh Start Adams Hyde Park [Public Hearing]

##### Action Proposed:

Staff recommends denial of the charter petition for Today's Fresh Start Adams Hyde Park (TFS-Adams Hyde Park), proposed to be located on two sites in Board District 1 with the Adams site in Local District Central (LDC) and the Hyde Park site located in Local District West (LDW). Staff recommends the adoption of the attached *Findings of Fact In Support of Denial of the Charter Petition for Today's Fresh Start Adams Hyde Park*.

##### Background:

On July 6, 2015, TFS-Adams Hyde Park submitted a charter school petition application to the Charter Schools Division (CSD) seeking approval for a TK-6 elementary school charter on two sites serving a combined total of 217 students in year 1 and up to 281 students by the fifth year of the charter term. (The Adams site plans to open with 137 students in TK-6 in year one and grow to 160 students by year five and the Hyde Park site intends to open with 80 students in grades TK-4 and grow to 121 students in grades TK-6 by the fifth year of the charter term). The Adams site is located at 2255-57 West Adams Boulevard in the 90018 ZIP Code and the Hyde Park Campus location is 6422 Crenshaw Boulevard in the 90043 ZIP Code both of which are served by Board District 1 and Local Districts Central and West, respectively. Today's Fresh Start has indicated in the petition that it does not intend to apply for facilities under California Education Code § 47614 (Proposition 39).

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As described further below, TFS' previous charter was revoked by the Los Angeles County Office of Education for several significant findings, and the revocation was upheld by the California Supreme Court. TFS has not complied with the State Board of Education applicable closure procedures for said charter and is seeking to continue operations under new charter petitions including with Compton Unified School District.

Upon submission, the District comprehensively reviews each petition application to determine whether petitioners have met the requirements set forth in California Education Code sections 47605. The 60-day statutory timeline for Board action on this petition runs through September 4, 2015. The school waived the 30 day public hearing; therefore the public hearing included in the Board action on the petition satisfies the statutory public hearing requirement.

##### Statutory Framework

Education Code section 47605(b) sets forth grounds for denying a charter petition. Section 47605(b) states that "[t]he governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter

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school.

- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision [47605](a).
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) [of section 47605].
- (5) The petition does not contain reasonably comprehensive descriptions of all of the [sixteen elements set forth in section 47605 (b)(5)].”

#### **Grounds for Denial**

Staff of the Charter Schools Division and the Office of the General Counsel reviewed the charter petition application for Today's Fresh Start Adams Hyde Park. Based on the results of the District review process, staff assesses that petitioners have not met the criteria for approval.

Based on the District's comprehensive review, and as fully discussed in the attached *Findings of Fact In Support of Denial of the Charter Petition for Today's Fresh Start Adams Hyde Park*, staff has determined, in accordance with Education Code sections 47605(b), the following:

- Petitioners are demonstrably unlikely to successfully implement the educational program set forth in the petition. (Ed. Code section 47605(b)(2); and
- The petition does not contain reasonably comprehensive descriptions of all of the sixteen elements set forth in section 47605 (b)(5).

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In alignment with the State Board of Education's criteria for its review of charter school petitions (5 CCR § 11967.5.1(c)), staff considers the following set of factors in determining whether petitioners are demonstrably unlikely to successfully implement the educational program:

- The petitioners have a past history of involvement in charter schools or other education agencies (public or private) which the charter authorizing agency regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.
- The petitioners are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school.
- The petitioners have presented an unrealistic financial and operational plan for the proposed charter school.
- The petitioners personally lack the necessary background critical to the charter school's success, and the petitioners do not have plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

#### **The TFS-Adams Hyde Park Petitioners Are Demonstrably Unlikely to Successfully Implement the Educational**

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Program Set Forth in the Petition:

The TFS-Adams Hyde Park petitioners are demonstrably unlikely to successfully implement the program set forth in their petition. First and foremost, the petitioners have operated a charter school that has been revoked. Today's Fresh Start Charter School (TFS), which operated on multiple sites including the two locations proposed in this petition, was revoked by LACOE in December 2007 based on the following:

- Violations of the Brown Act
- Engagement in self-dealing transactions
- Violations in state testing requirements, resulting in the CDE requiring LACOE to proctor the state test for Today's Fresh Start the following year
- Failure to remedy 50 of 54 violations in accordance with the LACOE Corrective Action Plan which included, among other things, issues regarding safety, due process rights of students, parents, and employees, and conflicts of interest
- Failure to address students' outcomes identified in the charter and failed to report progress to its authorizer on stated academic goals
- Repeated failures to respond to reasonable requests from LACOE, its authorizer, as required by statute
- Failure to maintain valid Certificates of Occupancy for two of its five sites
- Failure to train staff to correct attendance-related procedures such as having substitutes sign off on student attendance for classes not taught and showing as present students who were actually out ill

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TFS appealed the revocation to the State Board of Education (SBE) and the SBE upheld the revocation. Through a petition for a writ of mandate filed by TFS, the revocation was stayed by the superior court; however, the charter school continued operating pending the ongoing litigation. The superior court issued a writ in October 2008 setting aside LACOE's decision to revoke the charter. LACOE appealed the ruling. In 2010, during the pendency of the continuing litigation, SBE renewed the TFS petition. In 2011, the court of appeal overturned the 2008 ruling. TFS appealed, and in 2013, the California Supreme Court ultimately upheld the charter revocation. Throughout the duration of the litigation, TFS continued to operate under LACOE's and then the SBE's authorization. Finally, in 2015, following subsequent new litigation over the status of TFS's renewal petition, the superior court in Sacramento ruled that, as a result of the California Supreme Court's decision upholding the 2007 revocation, the petition submitted by TFS to the SBE could not be considered a "renewal," but must be viewed as a new petition for the authorization of a countywide charter school. TFS submitted a countywide charter petition to LACOE, which was denied; Education Code section 47605.6(k) precluded an appeal to the SBE. TFS was directed by CDE to invoke closure procedures. TFS then submitted new charter school petitions, including this petition, to the local jurisdictions in which the sites of its revoked charter school were located (Compton Unified School District and LAUSD).

In addition to this past history of leadership involvement in a revoked charter school, review of the TFS-Adams Hyde Park petition documents and other public records, as well as oversight documents related to the revoked school obtained from the SBE and LACOE, has revealed ongoing and recent concerns with violations of law

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and conflicts of interest issues concerning leasing transactions, facility contracts, and other matters.

For example, due diligence conducted by CSD staff, which included review of Today's Fresh Start Adams Hyde Park Governing Board member résumés and questionnaires as well as other public records, revealed that, in January 2014, the TFS organization received an order to comply for unapproved occupancy of the Adams location for charter school use after years of operating on the site without the appropriate occupancy approval. TFS reportedly appealed the order; available documentation does not indicate the status of this appeal. In addition, in November 2014, the Today's Fresh Start Governing Board approved a resolution purportedly making City of Los Angeles zoning ordinances inapplicable to its school properties. Regarding prior concerns about conflicts of interest, Board minutes for meetings as recent as May and June 2015 show that the TFS Superintendent continues to serve as a member of the Governing Board as well. Further information and detail is provided in the attached Findings of Fact.

The record of academic performance of the revoked Today's Fresh Start Charter School also presents concerns. Although the school's five sites collectively achieved a 2013 schoolwide API of 833, and met 2013 API growth targets, TFS has failed to reclassify any English Learners in the past two years despite the fact that this subgroup comprises 30% of its population.

Moreover, review of the TFS website also found documents that describe school policies and practices which contradict the District's Discipline Foundation Policy, such as disenrollment due to attendance issues and involuntary transfer to the student's district of residence as a behavior consequence.

Petition application documents further demonstrate that petitioners are unlikely to successfully implement the proposed program. For example, the petition:

- Includes a budget that is not fiscally viable and represents an unrealistic financial plan
- Fails to describe a Governing Board that includes educational expertise

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*See the attached Findings of Fact In Support of Denial of the Charter Petition for Today's Fresh Start Adams Hyde Park, for additional information.*

The TFS-Adams Hyde Park Petition Does Not Contain Reasonably Comprehensive Descriptions of the Required Elements

The petition does not contain reasonably comprehensive descriptions of the elements. See the *Findings of Fact In Support of Denial of the Charter Petition for Today's Fresh Start Adams Hyde Park* for additional details. For example, Element 1 of the petition contains insufficient criteria for English Learner reclassification, and insufficiently addresses the needs of Long Term English Learners (LTELs). Description of the instructional program does not consistently reflect current Common Core State Standard instructional practices. The petition fails to include descriptions of important aspects of governance in Element 4, such as procedures for Governing Board decision making and the process and criteria for selection of Board members. Element 10 and the admissions forms submitted with the petition contain several policies and practices that raise serious concerns regarding access and equity, and also contradict the District's Discipline Foundation Policy and the School Climate Bill of Rights. A "Parent Acknowledgement" component of the enrollment packet explicitly states that, in regard to a student's disruptive behavior, "another school environment may prove to have more success for your child."

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In addition, the petition fails to include well-defined, rigorous, and measurable schoolwide and subgroup academic achievement goals that meet the requirements of the Charter Schools Act, including SB 1290. For example, in Elements 2/3, the petition provides only a generic schoolwide and subgroup goal of "increasing the percentage of students scoring proficient and advanced" on CAASPP, Study Island, and NWEA. The petition fails to provide specific quantitative academic performance targets designed to increase annual subgroup academic performance in core subjects.

The Board of Education's public hearing on the petition for Today's Fresh Start Adams Hyde Park is on September 1, 2015 due to the petitioners waiving of a thirty-day public hearing.

The petition is available for perusal in the office of the Charter Schools Division and online at the District's Board of Education website at <http://laschoolboard.org/charterpetitions>.

**Expected Outcomes:**

Adoption of the Findings of Fact to Deny the charter petition will prevent the establishment of Today's Fresh Start Adams Hyde Park as an LAUSD authorized charter school.

**Board Options and Consequences:**

"Yes" - The adoption of the recommendation of denial and the attached *Findings of Fact In Support of Denial of the Charter Petition for Today's Fresh Start Adams Hyde Park* would prevent the establishment of Today's Fresh Start Adams Hyde Park as a charter school, unless petitioners appeal the denial and the charter is granted by the Los Angeles County Board of Education or the California State Board of Education.

"No" - Should the Board not adopt staff recommendation of denial of the charter petition and the attached *Findings of Fact In Support of Denial of the Charter Petition for Today's Fresh Start Adams Hyde Park*, the charter petition for Today's Fresh Start Adams Hyde Park would be approved for a charter term beginning September 1, 2015 and ending June 30, 2020. Any such approval of the charter petition shall be conditioned upon provision by TFS, of evidence that they have completed all SBE closure procedures including submission of a 2014-15 financial audit and within 30 days of Board approval, submission of a revised charter petition that meets all LAUSD requirements, including but not limited to a reasonably comprehensive description of all sixteen required elements and inclusion of all current District Required Language, and a signed Special Education MOU that specifies the LAUSD SELPA option in which the school will participate.

**Policy Implications:**

No policy implications at this time.

**Budget Impact:**

The Local Control Funding Formula (LCFF) and various other income sources of the District are reduced when current District students enroll at a charter school, and corresponding reduction in expenditures may not occur in such cases. If the Board adopts staff recommendation of denial of the petition, the action will not have a budget impact. If the Board does not adopt the staff denial recommendation and the petition is approved, the impact on the budget will be commensurate with the terms of the specific Special Education Local Planning Area (SELPA) MOU (Option 1, 2 or 3) executed by the charter school and the District.

**Issues and Analysis:**

Issues are outlined above and in more detail in the attached *Findings of Fact In Support of Denial of the Charter Petition for Today's Fresh Start Adams Hyde Park*.

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**Attachments:**

Findings of Fact In Support of Denial of the Charter Petition for Today's Fresh Start Adams Hyde Park

**Informatives:**

Not applicable

**TODAY'S FRESH START ADAMS HYDE PARK  
Findings of Fact for Denial of New Petition  
By the Los Angeles Unified School District**

BOARD OF EDUCATION REPORT 027-15/16  
September 1, 2015

The charter review process requires the authorizer to evaluate whether the charter petition meets the criteria for approval. Education Code Section 47605 (b) states the required petition elements and conditions for denial. Education Code Section 47605 outlines additional petition criteria.

**I. INTRODUCTION.**

On July 6, 2015, Today's Fresh Start Adams Hyde Park (hereinafter "TFS-Adams Hyde Park," "TFS" or "Charter School") submitted a charter petition ("Petition") to the Charter Schools Division ("CSD") of the Los Angeles Unified School District (hereinafter "District" or "LAUSD"). The Charter School seeks authorization to serve 217 students in grade TK-6 in year 1, with expansion to 281 students in year 5. The Charter School proposes to operate in Board District 1 with two sites: the Adams site in Local District Central and the Hyde Park site in Local District West.

California Education Code section 47605(b) provides that a school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. Section 47605(b) provides that the governing board shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision (a) of Education Code 47605.
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) of Education Code 47605.
- (5) The petition does not contain a reasonably comprehensive description of all required elements.

TFS was authorized as a countywide benefit charter school by the Los Angeles County Board of Education in 2003, renewed in 2005, and then revoked in 2007. The county board presented very serious findings in support of the revocation which was eventually upheld by both the 2<sup>nd</sup> District Court of Appeals and the California Supreme Court. Based on the California Supreme Court ruling and subsequent court ruling from the Sacramento Superior Court, TFS submitted charter petitions in local authorizing school districts, including LAUSD. In making the recommendation to deny the new charter petition for TFS-Adams Hyde Park, the LAUSD Charter Schools Division (CSD) staff reviewed the current state of the organization, the petition submitted for review and accompanying documents, and documents obtained from Los Angeles County Office of Education (LACOE) and the California Department of Education (CDE).

In reviewing the past history of a charter operator, it is appropriate to look to the history of the school itself as well as the record of performance of the petitioners and board members that will operate the charter school. As detailed fully below, the review of various documents demonstrates that the petitioners are unlikely to implement the program because their record of performance demonstrates a lack of adherence to requirements of law and legal aspects of operating a charter school. The petitioners' record of organizational management and performance reflect a problematic history in the area of legal compliance both as charter school operators and operators of a state-funded preschool. This history does not assure the school's success in the areas of curriculum, instruction, assessment, governance or business management. The petitioners' record of performance does not demonstrate willingness to work with the authorizer, or to be responsive to and compliant with requests for information, submission of reports and necessary documents, or in the general operation of the school. Moreover, a review of recent documentation also shows that issues that were raised by LACOE which led to the revocation of TFS were not fully resolved, and are relevant as significant concerns today. For example, some of these issues deal with a pending notice of compliance from the Los Angeles City Department of Building and Safety, TFS board composition and governance, and conflicts of interest. CSD's review of the petition also reveals that the charter petition does not contain reasonably comprehensive descriptions of all the required elements required in a charter petition.

## **II. FINDINGS OF FACT FOR DENIAL**

### **A. The petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition for TFS-Adams Hyde Park. (Ed. Code § 47605(b)(2).)**

The State Board of Education, in reviewing charter petitions, considers the following set of factors in determining whether petitioners are demonstrably unlikely to successfully implement the educational program:

- The petitioners have a past history of involvement in charter schools or other education agencies (public or private) which the charter authorizing agency regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.
- The petitioners are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school.

- The petitioners have presented an unrealistic financial and operational plan for the proposed charter school.
- The petitioners personally lack the necessary background critical to the charter school's success, and the petitioners do not have plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

(5 CCR § 11967.5.1(c))<sup>1</sup>

Based on a review of documents obtained through California Public Records Act requests from the Los Angeles County Office of Education (LACOE) and the California Department of Education (CDE) and other publically available information, the Charter Schools Division makes the following findings that petitioners are demonstrably unlikely to successfully implement the program:

***1. Petitioners Have a Past History of Unsuccessfully Operating a Charter School and a State-Funded Preschool***

***a. Petitioners Previous Charter Under LACOE Authorization Was Revoked***

Petitioners operated Today's Fresh Start Charter School which was authorized by LACOE in 2003, renewed in 2005, and revoked in 2007.

TFS appealed the Los Angeles County Board of Education's (LACBOE) revocation to the State Board of Education (SBE) and the SBE upheld the revocation. Through a petition for a writ of mandate filed by TFS, the revocation was stayed by the Superior Court enabling the charter school to continue operating pending the ongoing litigation. The Superior Court issued a writ in October 2008 setting aside LACOE's decision to revoke the charter. LACOE appealed the court's ruling. In 2010, during the pendency of the continuing appeal, TFS submitted a renewal petition to LACOE which LACOE denied. On appeal, SBE then renewed the TFS petition. In 2011, the Court of Appeal overturned the 2008 Superior Court ruling. TFS appealed, and in 2013, the California Supreme Court ultimately upheld the charter revocation. Throughout the duration of the litigation, TFS continued to operate under LACOE's and then the SBE's authorization. Finally, in 2015, following subsequent new litigation over the status of TFS's renewal petition, the Superior Court in Sacramento ruled that, as a result of the California Supreme Court's decision upholding the 2007 revocation, the petition submitted by TFS to the SBE could not be considered a "renewal," but must be viewed as a new petition for the authorization of a countywide charter school. TFS submitted a countywide charter petition to LACOE, which was denied on grounds that they did not operate a countywide

<sup>1</sup> State Board of Education Regulations (CCR, Title 5, Section 11967.5.1 – Criteria for the Review and Approval of Charter School Petitions by the State Board of Education) have been adopted in LAUSD's Charter Authorizing Policies and Procedures as factors for determining whether petitioners are demonstrably unlikely to successfully implement the program. (See <http://achieve.lausd.net/cms/lib08/CA01000043/Centricity/Domain/106/Administrative%20Procedures%20-Charter%20Schools-Revised%2009-10-13.pdf>).

school; Education Code section 47605.6(k) precluded an appeal to the SBE. TFS was directed by CDE to invoke closure procedures. TFS then submitted new charter school petitions, including this petition, to the local jurisdictions in which the sites of its revoked charter school were located (Compton Unified School District and LAUSD).

LACOE revoked Today's Fresh Start Charter School on several violations pursuant to Education Code section 47607(c), including but not limited to the following material grounds:<sup>2</sup>

**1) Brown Act Violations:**

In 2007, TFS' Board passed a resolution to seek a material revision to its charter with LACOE without holding a board meeting in violation of the Brown Act. In response to LACOE's inquiry regarding the board action, TFS indicated that the Brown Act did not apply because the action without a meeting was authorized by the California Corporations Code. LACOE continued to request documentation from TFS that it was adhering to the Brown Act and the provisions in its charter that it would comply with the Brown Act. Throughout, TFS continued to deny any violation of the Brown Act and maintained that its action was permissible.

**2) Self-dealing Transactions:**

a) Lease Transactions: LACOE provided the following evidence in its revocation documents: TFS leased space for its school from a nonprofit corporation, Golden Day Schools. Golden Day Schools' principals, officers and/or directors are Jeanette and Clark Parker. The evidence showed that TFS was renting space from a corporation controlled by the Parkers and that the Parkers have a direct financial interest in the lease transaction. Revocation documents show that TFS never adequately addressed the self-dealing issue.

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b) TFS and Pacific National University: LACOE found that TFS contracted with Pacific National University (PNU) to evaluate the High Priority Schools Grant Program TFS obtained from the State. Under the grant, TFS was required to obtain an independent agency to evaluate the program and make recommendations for improvement. TFS received a start-up grant allocation of \$50,000. TFS contracted with PNU in the amount of \$45,000. Although Dr. Clark Parker denied Jeanette Parker received any financial gain, LACOE found on the PNU website that Jeanette Parker was the University's Chancellor, Founder, Board President and faculty member. Further, the address on PNU's website was the same address as TFS' letterhead.

**3) STAR Testing Irregularities:**

On or about May 2007, LACOE followed up on an allegation from a TFS staff of testing irregularities in the administration of STAR tests. LACOE issued corrective action plans to TFS which included adherence to state laws, notification to LACOE of testing dates and use of outside monitors for

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<sup>2</sup> The revocation documents obtained through a Public Records Act request from LACOE are voluminous. Included in Exhibit 1 are the most relevant documents which reflect the violations which led to the revocation of TFS by LACOE and LACOE's letter to the CDE. (See Exhibit 1, LACOE Revocation Packet).

administration of testing. The State's Educational Testing Service (ETS) also conducted an investigation and in August 2007, the investigation demonstrated that an adult testing irregularity did occur at TFS during the administration of the 2007 STAR program.

**4) Failure to remedy violations in accordance with the LACOE Corrective Action Plan which included, among other things, issues regarding safety, due process rights of students, parents, and employees, and conflicts of interest:**

In a letter dated July 31, 2007, LACOE provided TFS with a chart of corrective actions required to be taken by TFS including due dates. LACOE had provided TFS with details of violations in its report of finding and actions required to cure them in the corrective action plan (CAP), followed by correspondences geared towards making workable arrangements to resolve the violations. TFS failed to meet the recommendations and timelines set in the CAP. TFS' responses challenged LACOE's right to issue the CAP and demand compliance; provided inadequate data and responses to correct the violations; and, initiated a lawsuit against LACOE for breach of charter and sought an injunction to preclude LACOE from conducting its investigation. LACOE's November 29, 2007 report on Follow Up to the Response of TFS detailed inadequacies in TFS' responses and materials submitted.

**5) Repeated failures to respond to reasonable requests from LACOE, its authorizer, as required by statute:**

On or about June 2007, LACOE informed TFS of its intent to conduct an investigation of TFS operations, listing areas of focus. Following LACOE's investigation and the subsequent CAP provided to TFS on July 30, 2007, TFS declined to meet and confer with LACOE. Although TFS issued a "Post-CAP TFSCS Correspondence – Redacted" document, the response did not address all of the issues and contested LACOE's authority to investigate or require compliance.

**6) Failure to train staff to correct attendance-related procedures such as having substitutes sign off on student attendance for classes not taught and showing as present students who were actually out ill:**

As required by the CAP, TFS provided training to teaching staff present at a Summer 2007 Teacher Training Institute on attendance procedures. TFS failed to provide continuous training to its clerical staff who were the subject of the attendance accounting problem and did not provide any evidence of compliance as of the date of revocation proceedings.

**b. LACOE and CDE Documents Show that Petitioners' Operations Had Ongoing Substantial Issues Post-LACOE's Revocation in 2007**

As noted above, TFS continued to operate after LACOE's board revoked the school pending the five-year litigation. LACOE's grounds for revocation involving conflicts of interest, violations of law, school safety concerns, and testing irregularities, constituted significant findings and on its own are sufficient to determine that petitioners are

demonstrably unlikely to successfully implement the program. In order to provide a comprehensive analysis and recommendation, CSD staff also reviewed oversight documents after LACOE's December 2007 revocation to determine if there are ongoing significant concerns. A review of oversight documents from LACOE and CDE reveals the following critical findings which add to the determination that petitioners are demonstrably unlikely to successfully implement the program:

**1) Violations of Conflict of Interest Laws/Self-Dealing Transactions:**

a) Dr. Jeanette Parker as Superintendent and TFS Board Member

Although lead petitioner Dr. Jeanette Parker represents to the CSD that she is not a member of the TFS governing board, a review of recent board minutes indicate that Jeanette Parker serves as a TFS board member. No other documentation has been provided or appears in TFS' board minute archives showing that the TFS board accepted any resignation by Jeanette Parker from the board. The Board Bylaws reflect that "resignation of a board member is only effective on giving written notice to the President, the Secretary, or the Board of Directors of the Corporation..." (See Exhibit 12, Bylaws, Section 3.10.) Board minutes from May 12, 2015, indicate that Jeanette Parker was re-elected as a member of the TFS Board and indicated that she recused herself from voting on her re-election. Further, board minutes from June 10, 2015, show Jeanette Parker as a board member. (See Exhibit 2, May 12, 2015 and June 10, 2015, TFS Board Minutes). Furthermore, a review of IRS Form 990 from years 2010-2013 lists Jeanette Parker as an officer with reportable compensation from TFS and individual trustee or director. (Exhibit 3, IRS Form 990s, relevant pages, 2010-2013).

Jeanette Parker's position as a salaried employee/Superintendent of TFS and her membership on the governing board presents a conflict of interest issue.<sup>3</sup>

Board members, including charter school board members,<sup>4</sup> are subject to several statutory and common law conflict of interest provisions: (1) Government Code section 1090 prohibits a governing board member from being financially interested in any contract made by the member in his or her official capacity ("section 1090"); (2) the Political Reform Act of 1974 (Gov. Code, § 87100 et seq., "PRA") prohibits public officials from using their official positions to influence governmental decisions in which they have a financial interest; and (3) the common law conflict of interest doctrine

<sup>3</sup> Dr. Jeanette Parker's role as Superintendent, regardless of her status as a board member, creates a conflict of interest under Government Code section 1090 with regard to the lease transactions discussed in section (c) below relative to *any* participation in the making of the contracts. Under both the PRA and Section 1090, any involvement in preliminary discussions, negotiations, compromises, or reasoning related to a contract (1090) or decision (PRA) is prohibited. (*Millbrae Assn. for Residential Survival v. City of Millbrae* (1968) 262 Cal.App.2d 222, 237.) Recusal from the vote is not enough, an official with a conflict cannot be involved with the decision in any way.

<sup>4</sup> In *Wilson v. State Board of Education* (1999) 75 Cal. App. 4th 1125, 1141, the Court of Appeal held that charter board members, including those sitting on non-profit public benefit corporation boards, are "officers of public schools to the same extent as members of other boards of education of public school districts." Additionally, because the conflict of interest laws do not apply exclusively to public school districts but instead apply to all public entities, they do not fall within the waiver set forth in Education Code section 47610.

requires public employees and officers to avoid placing personal interests above or in conflict with their duty to the public. These conflict of interest statutes also apply to public employees such as school superintendents.

Section 1090 *et seq.* prohibits governing board members from being financially interested in any contract made by them in their official capacity, or by the board of which they are members. The term "financially interested" has been liberally interpreted and includes both direct and indirect financial interests in a contract. (*Thomson v. Call* (1985) 38 Cal.3d 633, 645.) "It includes any monetary or proprietary benefit, or gain of any sort or the contingent possibility of monetary or proprietary benefits." (*People v. Honig* (1996) 48 Cal.App.4th 289, 332.) "Put in ordinary, but nonetheless precise terms, an official has a financial interest in a contract if he might profit from it." (*Id.*, at p. 333.) "[F]inancial interests may be indirect as well as direct, and may involve financial losses, or the possibility of financial losses, as well as the prospect of pecuniary gain." (86 Ops.Cal.Atty.Gen. 138, 140 (2003).)

The prohibition against self-dealing found in Section 1090 of the Government Code is not satisfied by the interested official's recusal from discussions, meetings, and votes pertaining to the contract. (*Fraser-Yamor Agency, Inc. v. County of Del Norte* (1977) 68 Cal. App. 3d 201, 211-212.) Instead, no matter how carefully or completely a board member attempts to avoid participating in or influencing the execution of a contract, he or she is conclusively presumed to have "made" the contract for purposes of Section 1090, and the contract is void. (*Thomson v. Call* (1985) 38 Cal. 3d 633, 649.) Dr. Jeanette Parker's employment contract as the Superintendent of TFS inherently constitutes a financial interest which cannot be cured by recusal.

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While Section 1090 prohibits the making of a contract, the PRA prohibits public officials or employees from using their official positions to influence governmental decisions in which they have a financial interest. The proscription is broad – it not only prohibits participation in the vote on such matters but precludes making, participating in making, or influencing or attempting to influence a decision where there is a conflict of interest. (Govt. Code, section 87100.) This prohibition extends to providing "information, an opinion, or a recommendation for the purpose of affecting the decision." (FPPC Regs., section 18704.)

Under the PRA, it is not enough that Dr. Jeanette Parker should refrain from voting on her contract, it must be apparent that she had no input whatsoever and did nothing to influence any others in the making of the contract. This is not apparent under the circumstances presented.

Finally, the common law conflict of interest doctrine requires public employees and officers to avoid placing personal interests above or in conflict

with their duty to the public. Here, even with "recusal" from deliberation or voting the appearance of impropriety remains.

b) TFS Contracts with Clark Parker

TFS has entered into several agreements with Dr. Clark Parker while he was a member of the board. For example, on November 8, 2012, the TFS board approved a consulting contract with Dr. Clark Parker for July 1, 2012 through June 30, 2015, for management and supervision of a new construction project at 3405 W. Imperial Highway, Inglewood, CA, which is the site of the TFS Charter School authorized by Inglewood School District. Dr. Clark Parker was approved by the board to serve as Project Manager of the new school construction. According to the board minutes, Drs. Clark and Jeanette Parker recused themselves from participating and voting on the item. (Exhibit 4, November 8, 2012 board minutes).

As noted in the above analysis pertaining to Dr. Jeanette Parker's board membership and concurrent position as Superintendent of TFS, recusal from participation does not cure the conflict of interest pursuant to California Government Code section 1090. Section 1090 precludes Dr. Clark Parker from entering into a consulting contract with the TFS board because of a financial interest regardless of whether he or his wife recused themselves from participation in the contract. Under Section 1090 as well as the PRA, recusal from participation in the deliberation or vote is not enough to avoid the conflict of interest violation. Making, participating in making, or influencing or attempting to influence a decision where there is a conflict of interest. (Govt. Code, section 87100.)

c) Lease Agreements with Golden Day Schools

On August 24, 2012, the TFS board approved a rental agreement between Golden Day Schools and TFS beginning July 1, 2011. This agreement was entered into even after LACOE had based one of the grounds for revocation based on this self-dealing transaction. On November 8, 2012, the TFS board approved an amended rental agreement between Golden Day Schools and TFS for July 1, 2011 through June 30, 2013. This time, Drs. Clark and Jeanette Parker disclosed their ownership of the facilities in the lease and recused themselves from participating and voting on the item. The board was presented with a fair market rental appraisal by a real estate appraiser. (Exhibit 5, August 24, 2012 and November 8, 2012 board minutes). Information that the TFS board concluded that the appraisal presented a "fair market value" is not reflected in the minutes. Further, the minutes do not demonstrate that Drs. Clark and Jeanette Parker left the meeting or did not participate in the appraisal process or any other aspect of the preliminary discussions, negotiations, compromises, or reasoning related to the lease agreements.

TFS' website lists the following charter school locations:

4514 Crenshaw Blvd.  
Los Angeles CA 90043  
Phone: (323) 293-9826

6422 Crenshaw Blvd.  
Los Angeles CA 90043  
Phone: (323) 751-7076

2255 W. Adams Blvd.  
Los Angeles CA 90018  
Phone: (323) 732-6636

3405 Imperial Hwy.  
Inglewood CA 90305  
Phone: (310) 680-7599

2301 E. Rosecrans Ave.  
Compton CA 90221  
(310) 631-1502

A public records search for real property for TFS' charter sites reveals that Clark and Jeanette Parker/Parker Trust are the owners of 4514 Crenshaw Blvd, 6422 Crenshaw Blvd., and 2255 W. Adams Blvd. (Exhibit 6, Public Records: Real Property Search Results, LexisNexis). The lease agreement which includes 4514 Crenshaw Boulevard, 6422 Crenshaw Boulevard, and 2255 W. Adams Boulevard, show the landlord as Golden Day Schools and the tenant as Today's Fresh Start. Dr. Clark Parker signed as landlord on behalf of Golden Day. (Exhibit 7, Real Estate Lease Agreement, July 1, 2013.) As owners of the properties that are leased to TFS, the Parkers have a financial interest in the lease between Golden Day and TFS. Based on the records search request, the Parkers/Parker Trust owns the sites in which the schools are located.<sup>5</sup> Based upon this information, their roles precluded them from contracting with TFS. Under Section 1090, recusal does not cure the violation. Under PRA, it is not enough to refrain from participation in the deliberations/vote, there may be no participation in preliminary discussions, negotiations, compromises, or reasoning or any form of influence or attempt to influence a decision where there is a conflict of interest. (Govt. Code, section 87100.)

**2) Operational and School Safety Concerns:**

**Certificate of Occupancy Issues:**

Certificate of Occupancy for the various TFS sites have been at issue even during the period of LACOE's authorization. The issues remain unresolved. On April 11, 2014, Drs. Clark Parker, Jeanette Parker TRS Parker Trust, were issued an Order to Comply

<sup>5</sup> Even if remote interest exceptions under Government Code 1091 were to be applied to any of the transactions, Dr. Clark Parker's signature on the lease does not satisfy the remote interest because he did not disqualify himself from the participation in the making of the contract since the lease was signed by Dr. Clark Parker. (Exhibit 7).

and Notice of Fee for the 2255 West Adams Boulevard address. This is the address of the proposed TFS-Adams school site. The violations were as follows:

- (1) Unapproved occupancy or use of the first floor of the two story building for charter school uses. The Parkers were ordered to discontinue the occupancy or use of the first floor for charter school uses and directed that permits and approvals are required to clarify the use of the area.
- (2) Unapproved occupancy or use of the one story building as a charter elementary school. The Parkers were ordered to discontinue the unapproved occupancy or use of the one story "day care nursery school" as a charter elementary school or obtain the required permits and approvals.

On November 5, 2014, TFS held a special board meeting and approved a resolution to "render the City of Los Angeles zoning ordinance inapplicable to the use of the following properties as a California Charter School for classroom purposes." (Exhibit 8, November 5, 2014, board minutes). The TFS board cited California Government Code sections 53090-53097.5 which according to the board minutes, "empowers a school district to exercise its authority to exempt its charter schools from having to comply with the zoning ordinances of the city in which the charter school is located and where the school district has taken such exemption action. Today's Fresh Start is a school district and its own Local Educational Agency." (*Id.*)

California Government Code section 53096 allows the governing board of a local agency, by vote of four-fifths of its members, to render a city or county zoning ordinance inapplicable to a proposed use of property if the local agency at a noticed public hearing determines by resolution that there is no feasible alternative to its proposal. Section 53097.3 then provides that "no school district may render a city or county ordinance inapplicable to a charter school facility pursuant to this article, unless the facility is physically located within the geographical jurisdiction of that school district." Section 53097.3 makes it clear that a school district is the only entity which may (although not required) assert the applicability of the zoning exemption to a charter school located within the school district. TFS is without authority to unilaterally exempt themselves from zoning ordinances pursuant to these statutes.

The Order to Comply is still outstanding. CSD staff was informed on August 17, 2015, by the Los Angeles Department of Building and Safety (LADBS) that the order to comply is still in effect but enforcement actions have been held until such time as the Zoning Authority makes a determination regarding an appeal filed.

**3) Due Process Issues:**

A review of documents from CDE and LACOE as well as documents submitted to the CSD for the Adams Hyde Park petition raise the following concerns:

a) Parent/Guardian Volunteer Requirements

TFS' Student Matriculation Application includes a Parent/Guardian Authorization Compact which contains a check box for parents/guardians to agree to volunteer at least four times during the next academic year. (Exhibit

9, Student Matriculation Application, p. 8). As recent as January 6, 2015, the CDE directed TFS to take down the parent volunteer requirements from their website. (Exhibit 10, Email to Jeanette Parker from CDE).

Assembly Bill (AB) 1575, which specifically applies to charter schools, clarifies that a student enrolled in a California public school "shall not be required to pay a pupil fee for participation in an educational activity." (Ed. Code § 49011(a).) It defines "educational activity" as an activity that constitutes an "integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities." (§ 49010(a).) Section 49011 further prohibits providing privileges relating to educational activities in exchange for services from a pupil's parents or guardians, removing privileges relating to educational activities, or otherwise discriminating against a pupil if the pupil's parents or guardians do not provide services to the school. (Ed. Code, § 49011, subd. (b); see also, CDE Fiscal Management Advisory 12-02, April 24, 2013.<sup>6</sup>) In view of this clarifying statute, taken together with the other relevant California laws, it is clear that charter public schools are prohibited from requiring a parent to perform volunteer service as a condition of his/her child's admission, continued enrollment, and/or participation in the school's educational activities, or otherwise discriminating against a student because his/her parent cannot, did not, or will not provide voluntary service to the school. (CCSA *Frequently Asked Questions* <<http://www.calcharters.org/understanding/faqs>> [as of December 3, 2014].)

b) Involuntary Transfer Policies

TFS' Comprehensive Policies for Students on Discipline and Truancy have numerous references to involuntary transfer policies which impinge upon a student's due process rights. For example, the policies include a "Notice of Involuntary Transfer for Chronic Truancy to School District of Residence." The Notice provides that if the student is a "habitual truant" then the student would be transferred to his or her school district of residence. (Exhibit 11, TFS' Comprehensive Policies for Students on Discipline and Truancy, p. 21).<sup>7</sup> The Notice cites Education Code section 48260.5, et seq., which are statutory provisions for compulsory education. However, TFS' policy on involuntary transfers is not aligned with the Charter Schools Act or constitutional

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<sup>6</sup> The Advisory can be found at <http://www.cde.ca.gov/re/lr/fm/fma1202.asp>

<sup>7</sup> The Notice cites Education Code section 48260.5, et seq., which are statutory provisions for compulsory education. Although this provision of the Education Code is generally not applicable to charter schools, charter schools may agree to abide to the terms of specific provisions. Here, TFS has agreed by its charter petition to be bound by section 48260.5 but has misapplied the statute. The Education Code provides that the school district upon initial classification of a student as a truant shall notify the parent or guardian of alternative educational programs *in the district*. (§48260.5, emphasis added). Applying this statute to the charter school's practice, it requires TFS to identify alternative educational programs within its charter school organization—not the school district in which it is located. This statute requires TFS to continue to serve the student and does not support the Involuntary Transfer of students to any school district.

provisions for due process afforded to public school students. Public school students have a fundamental right to education and may not be denied access by a charter school without due process. "Involuntary Transfer" is an expulsion because it requires the student to disenroll from the school against the students' will. Students are entitled both under the Constitution and the TFS charter to due process prior to expulsion. Notably, TFS' charter does not have truancy as a grounds for suspension or expulsion rendering these policies inconsistent with the terms of the charter petition.

Students also have an interest in avoiding unfair or mistaken exclusion from the educational process. Through TFS' involuntary transfer policies, it is not ensuring that students are provided alternative education by merely referring them to their school of residence. TFS has an obligation if they were to assert applicability of the compulsory education provisions to identify alternative educational programs within its own LEA. Furthermore, the Charter Schools Act does require charter schools to provide a reasonably comprehensive description of "procedures by which students can be suspended or expelled." (§ 47605(b)(5)(J)). It is therefore evident that the Charter Schools Act intends and requires that a charter school student may only be exited through suspension or expulsion procedures outlined in its charter. TFS' charter does not have truancy as a grounds for suspension or expulsion. Truancy is not a ground for suspension or expulsion under the charter petition.

c) Failure to Disclose Previous Student School History and Health History

The Student Matriculation Application contains a Failure to Disclose Previous Student School History and Health History section which states that "failure to disclose any and all relevant information regarding your son/daughter's health history or previous school history (e.g., suspensions/expulsions, truancy excessive absences and/or tardies, Individual Education Plan (IEP), disruptive behavior or health problems) may be a result of your child's discontinuance of enrollment." (Exhibit 9, TFS Student Matriculation Application, p.8.) The section requires the parent/guardian to initial and sign.

The Charter Schools Act requires charter schools to admit all pupils who wish to attend the school without regard to school or health history. (§47605(d)(2)(A).) Requiring parents to agree and sign this section contravenes Education Code section 47605(d)(2)(A) which requires a charter school to admit all pupils who wish to attend the school. "Discontinuing enrollment" for any reason other than related to lottery is contrary to state laws. Additionally, Federal law and regulation prohibit any public school, including charter schools, from denying admission to any student on the basis of a disability, or the nature of or extent of a disability. More specifically, a student with disabilities must be afforded the opportunity to participate in a charter school (Code of Federal Regulations [CFR] Section 104.4(b)(1)(i); Section 504, Vocational Rehabilitation Act; Title II, Americans with Disabilities Act of 1990; California Government Code Section 11135; California Education Code (EC) Section 220). Further, EC Section

47605(d)(1) states a charter school "shall not discriminate against any pupil on the basis of...disability." "A charter school shall admit all pupils who wish to attend [charter] school" (EC Section 47605(d)(2)(A)) except as provided by those provisions related to a public random drawing. Despite the existence or lack of a program for a student with disabilities at a charter school, enrollment may not be denied (CFR Section 104.4(b)(3); EC Section 47646(a)). Application to TFS requiring parents or guardians to sign this section are prerequisites to admission which are in violation of the assurance that a charter school shall admit all pupils who wish to attend the school and that students will not be discriminated against based upon disability.<sup>8</sup>

**4) Governance Issues:**

a) **Board Member Composition:** Questions regarding the composition of the TFS governing board persists. TFS' bylaws state that the board will have 3-5 directors. (Exhibit 12, TFS Bylaws). Documentation submitted to the CSD as part of the petition review process and provisions in the charter indicate that the TFS directors shall not be less than three or more than seven. LACOE raised the question of board composition through their oversight and revocation documents. (See Exhibit 13, May 15, 2008 LACOE report). The bylaws submitted to CSD as part of the new petition packet still do not accurately reflect its board composition and governance.

b) **Brown Act:**

The Bylaws do not reflect meetings consistent with the Brown Act. For example, the Bylaws provide for regular meetings to be held "without notice." (Bylaws, Section 3.07(c).) Special meetings may be called without notice to the public and without any notice to those board members that have "waived" notice. (Id. at Section 3.07(d). The Brown Act requires 72 hour notice for regular meetings and 24 hour notice for special meetings. (Gov. Code §§ 54954.1, 54956.) The Brown Act also requires agenda's to be posted with descriptions of each item to be presented, considered, acted upon at the meeting. (§ 54954.2.) It is contrary to the law to hold governing board meetings without compliance with the Brown Act.

The Bylaws further provide for action to be taken by the Board without a meeting upon consent in writing. (Bylaws, Section 3.08.) This fundamentally conflicts with the Brown Act as it is the public's right to access. As the courts have stated, the purpose of the Brown Act is to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation by public bodies. (*Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 555.) To these ends, the Brown Act imposes an "open meeting" requirement on local legislative bodies. (§ 54953 (a); *Boyle v. City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1116.) Any TFS board action taken outside a meeting that is duly noticed violates the Brown Act and served to invalidate most actions taken.

<sup>8</sup> See CDE Advisory re Enrollment Of Students With Disabilities In Charter Schools at <http://www.cde.ca.gov/sp/se/lr/spedinchrtrs.asp>

The Bylaws also provide for telephonic meetings in contravention of the Brown Act. Additionally, the Bylaws fail to describe the procedures for teleconferencing as required by Government Code sections 54952.2 and 54953 and instead only require that members participating in the meeting can hear one another. (Bylaws, Section 3.07(g).) The Brown Act expressly requires, among other things, that a majority of the members be within the jurisdiction of the board, that agendas list each location, that the agendas be posted at each site, and that each site be fully accessible to the public.

The Brown Act also provides "As used in this chapter, 'meeting' means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body." (Gov. Code § 54952.2(a)) The TFS' members of the legislative body are the "Directors" identified in Section 3.01 of the Bylaws. Review of board minutes from October 2, 2014, show that TFS held a meeting with an "alternate board member." (Exhibit 14, October 2, 2014, TFS Board Minutes). The alternate board member seconded motions to approve the submission of the charter renewal petition and budget of the school. However, nothing in the Brown Act or the Bylaws allow for an "alternate" to participate in the legislative process. The Brown Act requires a majority of the members of the legislative body to create a quorum and a majority of such members to take action. (Gov. Code § 54952.2.) (See Bylaws, Exhibit 12).

**c) Failure to Respond and Delayed Responses to Authorizer's Reasonable Requests:**

Documents from LACOE and CDE were replete with communications to TFS on recurring issues and repeated requests to respond. The most recent example of TFS' continued practice of failing to respond to the authorizer's reasonable requests and failure to follow procedures is in the implementation of its closure procedures for its revoked charter petition. As noted above, TFS' petition to LACOE on April 6, 2010, was not approved and the SBE has no statutory jurisdiction to hear an appeal on the LACOE denial. Accordingly, on June 2, 2015, CDE issued a letter to Superintendent Jeanette Parker of TFS that the closure procedures have been invoked since the charter term expired on June 30, 2015. Dr. Jeanette Parker was directed to follow the closure procedures in the MOU between TFS and the SBE. On June 22, 2015, CDE issued a second letter to TFS indicating that it was notifying TFS that it must adhere to closure procedures by ceasing operations of the countywide benefit charter and provide CDE's Charter Schools Division with the name and contact information for the person to whom inquiries may be made regarding closure. (Exhibit 15, CDE letters to TFS, June 2, 2015 and June 22, 2015).

TFS was directed to: Notify surrounding school districts and county office of education of the closure by July 15, 2015; provide CDE with a list of pupils in

each grade level and classes they have completed and identify each pupil's district of residence; terminate all present leases, service agreements, and contracts necessary to close out the school; and arrange for a required final audit to be performed addressing the disposition of all assets and liabilities and the transfer of pupil records. On June 29, 2015, TFS' legal counsel replied to the CDE Charter Schools Division indicating that TFS has "no intent to actually close the School. We are hopeful that local authorizations will allow the school and its sites to remain open." (Exhibit 16, Letter to CDE Charter Division from Lisa Corr, of Young Minney & Corr, June 29, 2015). To date, the CSD does not have evidence that TFS has initiated the closure procedures pursuant to CDE's direction. The TFS-Adams Hyde Park school is one of the schools CDE has requested TFS close through the charter's closure requirements as well as the requirements of the closure regulations (See Ed. Code, § 47605, subdiv. (b)(5)(P); see also, California Department of Education Charter School Closure Procedures -- Laws, Regulations, & Policies, <http://www.cde.ca.gov/sp/cs/lr/csclosurerules.asp>.)

**c. Petitioners Operated a State-Funded Preschool, Golden Day Schools, and the CDE Discontinued State Funding Based on Noncompliance.**

Petitioners operated Golden Day Schools, a childcare and development program with CDE from 2001 to 2011.<sup>9</sup> On April 5, 2011, CDE's Child Development Division issued a *Notice of Proposed Action: No Offer of Continued Funding to Golden Day Schools*. The Notice indicated that CDE representatives conducted reviews of Golden Day offices and facilities to determine the school's compliance with applicable laws, regulations and contractual provisions. CDE's review identified:

- "[S]uch serious, chronic, and systematic program violations and issues of noncompliance have persisted without reasonable justification despite (i) repeated notices which warned Golden Day of its infractions and instructed Golden Day to correct its operating practices in order to comply with program requirements; and (ii) years of technical assistance."
- "[T]he recurring issues of noncompliance can be generally categorized by the following characteristics: evidence of inadequate or falsified records; failure to comply with requirements ensuring legitimate reporting of child days of attendance; inappropriate cost allocation between subsidized and non-subsidized child care funding and child development and charter school activities; overcharging for related-party transactions; and charging for idle facilities owned personally by Golden Day's President and/or his family."

<sup>9</sup> According to CDE documents, Golden Day Schools was operated by Clark Parker. Although Clark Parker is not named as a petitioner in the documents submitted to the CSD, a review of the documents from LACOE and CDE indicate that Dr. Parker is an integral part of TFS' operations. For example, from a review of several board minutes, Dr. Parker was a TFS board member until 2014. A board resolution from February 7, 2011 indicates that Dr. Parker's term was renewed for three years (See Exhibit 19, February 7, 2011 board minutes). Dr. Clark Parker was also a signatory to the MOU with CDE/SBE executed on November 16, 2010. (Exhibit 20, November 16, 2010 board minutes, signature page only). This was during the period that CDE conducted its investigation of the childcare program.

- “Golden Day denies and disputes clear, documented evidence of noncompliance and offers unique and distorted legal theories to justify its noncompliance...evidence indicates that Golden Day is either incapable or unwilling to implement the corrective actions they have agreed to. The CCC further noted that Golden Day’s chronic noncompliant practices were flagrant and egregious, and accrued to the financial benefit of Golden Day and its owners.”

(Exhibit 18, CDE’s Child Development Division *Notice of Proposed Action: No Offer of Continued Funding to Golden Day Schools*, April 5, 2011, exhibits excluded).

As a result of the review, the CDE Case Conference Committee (CCC) determined that Golden Day should receive no offer of continued child development funding for FY 2011-2012. The CCC also noted that “Golden Day’s chronic noncompliant practices were flagrant and egregious, and accrued to the financial benefit of Golden Day and its owners.” (*Id.*)<sup>10</sup>

According to a search of CDE’s California School Directory on August 15, 2015, Golden Day Schools’ status is closed. A web search of Golden Day Schools seems to indicate that the school may instead be operating as a private preschool or daycare center. (Exhibit 22, CDE California School Directory and website childcare center printouts).

Regardless of Golden Day’s operational status, the above findings by the CDE/CCC present very serious concerns regarding the petitioners’ operations of a state funded preschool program which was upheld by the Court of Appeal. In reviewing the past history of a charter operator, it is appropriate to look to the history of the school itself as well as the record of performance of the petitioners and board members that will operate the charter school. Review of the operations/operators of Golden Day Schools demonstrates that the petitioners are unlikely to implement the program because their record of performance demonstrates a lack of adherence to requirements of law and a solid background in the educational, financial, organizational, and legal aspects of operating a charter school. The petitioners’ record of organizational management and performance reflect a problematic history in the area of legal compliance both as charter school operators and Golden Day School operators. This history does not assure the school’s success in the areas of curriculum, instruction, assessment, governance or business management. The petitioners’ record of performance does not demonstrate willingness to work with the authorizer, or to be responsive to and compliant with requests for information, submission of reports and necessary documents, or in the general operation of the school.

***2. The petitioners have presented an unrealistic financial and operational plan for the proposed charter school.***

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<sup>10</sup> Golden Day appealed CDE/CCC’s finding to the Administrative Review Panel (ARP). On September 30, 2011, the ARP found no basis to reverse the CCC’s recommendation and thus upheld the CDE’s recommendation. Golden Day then filed a petition for a writ of administrative mandamus in the Superior Court alleging that CDE failed to provide it with a fair hearing and committed prejudicial abuse of discretion. On a separate writ, Golden Day also argued that the ARP decision had to be set aside on several grounds including that one of the members of the ARP had a pecuniary bias. The Superior Court granted Golden Day’s petition on the sole ground that the ARP member was disqualified from serving on the panel based on pecuniary bias. CDE appealed this finding to the Court of Appeal. On March 13, 2013, the Court of Appeal reversed the Superior Court’s ruling and remanded with directions to vacate its judgment and enter a new judgment denying Golden Day’s petition for a writ of administrative mandamus in its entirety. ( Exhibit 21, *Golden Day Schools v. California Department of Education*, Cal. Ct. of Appeal. Case No. BS133991, March 13, 2013, unpub. decision).

The budget and cash flow submitted by Petitioners is not viable. Based on the CSD's fiscal team's recent inquiry to the State, the soonest the petition could go before the SBE for CDS numbering would be on the January 13-14, 2016 SBE meeting (in the event that the LAUSD Board does not adopt staff recommendation and the Findings of Fact and approves the charter). The numbering of the charter is required by the State in order for funding allocations to be issued. As a result, the soonest TFS could receive any state funds would be in February 2016. Due to the very tight deadlines, a more reasonable expectation for the first allocation would be June 2016.

The budget and cash flows submitted by Petitioners are based on assumptions that state revenue will be received in October 2015 in the amount of \$526,624, and in January 2016 in the amount of \$256,195. However, according to the California Department of Education, the soonest allocation of revenues to TFS would be February 2016 and more than likely June 2016. CSD was not provided with information that TFS would receive state allocation sooner than these timelines.

As a result of the state's payment schedule, the 2015/2016 cash flow provided by the school goes negative in July 2015. The projections are based on the most likely payment schedule from the state.

*Projected Month Ending Cash Balances for 2015/2016*

	<i>2015</i>	<i>2016</i>	<i>2016</i>
<i>July</i>	<i>(\$ 49,094)</i>	<i>January</i>	<i>(\$1,067,273)</i>
<i>August</i>	<i>(\$ 211,573)</i>	<i>February</i>	<i>(\$1,264,038)</i>
<i>September</i>	<i>(\$ 395,338)</i>	<i>March</i>	<i>(\$1,432,678)</i>
<i>October</i>	<i>(\$ 515,978)</i>	<i>April</i>	<i>(\$1,629,443)</i>
<i>November</i>	<i>(\$ 669,743)</i>	<i>May</i>	<i>(\$1,826,208)</i>
<i>December</i>	<i>(\$ 883,508)</i>	<i>June</i>	<i>(\$1,981,452)</i>

Petitioner's 2015/2016 cash flow in the submitted 2015/2016 budget does show a \$300,000 loan. However, the CSD does not have documentation to verify that the loan has been approved and that the money is available to the school. Even if the loan is available, the cash flow for the school will still be in the negative in October 2015 and remains negative through June 2016.

**3. The Closed TFS Charter's Previous Academic Performance:**

Again, based on the California Supreme Court's ruling upholding the revocation of Today's Fresh Start Charter School and subsequent Superior Court litigation directing that there is no renewal action to be processed by the SBE, the petitions submitted to the local authorizing district are new petitions. Nonetheless, a review of the record of academic performance of the revoked Today's Fresh Start Charter School presents concerns. Although the school's five sites collectively achieved a 2013 schoolwide API of 833, and met 2013 API growth targets, TFS has failed to reclassify any English Learners in the past two years despite the fact that this subgroup comprises 30% of its population.

**B. The Petition does not contain a reasonably comprehensive description of all required elements. (Ed. Code § 47605(b)(5).)**

***Educational Program (Element 1): The petition does not contain a reasonably comprehensive description of the Charter School's educational program.***

1. Descriptions within the petition do not demonstrate that the petitioners are prepared to implement Common Core State Standards in practice.
  - For example, while the petition mentions Common Core State Standards instructional strategy descriptions, the description of a student's "typical day" does not mirror standard common core practices. (See for example, p. 44 of Petition). Furthermore, the petition lacks specific instructional methods and strategies that the school will use to deliver the curriculum. For example, it lacks a reasonably comprehensive description of how students engage in their learning and how tasks develop student reasoning and development of critical thinking skills.
  - The petition references Professional Development but does not describe and specify the professional development or how it will align to CCSS.
  - The petition is not based on current research to align to best practices.
  - For English Learners, the petition states that they will use textbook components aligned with CCSS "among other materials appropriate for English Learners." The section of the petition is vague and demonstrates a lack of understanding of English Learner curriculum and implementation.

Such statements coupled with the vague descriptions of English Language Arts and Math (see for example p. 21 of Petition), call into question the organization's readiness to implement the CCSS at the level of rigor required and contradicts the notion that CCSS is the core of the instructional program.

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2. The petition does not demonstrate that the school has a system to appropriately recruit teachers who are qualified to deliver the educational program, including any innovative components of the program.
  3. Regarding support for English Learners (see Petition beginning on p. 40), the petition does not demonstrate that the school has an English Learner Master Plan, does not sufficiently include specific instructional strategies utilized for English Learners and Long Term English Learners, and does not demonstrate that an appropriate assessment is in place for the basic skills component of the reclassification criteria.

***Measurable Pupil Outcomes and Method by Which Pupil Progress Toward Outcomes will be Measured (Elements 2/3): The petition does not contain a reasonably comprehensive description of measurable pupil outcomes and methods to assess pupil progress toward outcomes.***

The petition does not adequately address the eight State Priorities and its quantitative accountability measures for Priorities 2 and 4 as the petition fails to include quantitative well-

defined, rigorous, and measurable schoolwide and subgroup academic achievement goals that meet the requirements of the Charter Schools Act, including SB 1290.

The lack of these rigorous quantitative goals further calls into question how the governing board can sufficiently hold the school leadership accountable to the key indicator of student achievement. The accountability becomes increasingly more crucial as many of the school's proposed goals for the 8 State Priorities are vague such as statements that the schools will "propose to pursue" and "as a school we tried to meet the goal and by virtue of trying we have met the priority," without conveying a full commitment and accountability to meeting the goal. A school cannot be accountable to proposals that are not expressed as goals. Absent a clear commitment to a defined goal, accountability—the cornerstone of the Charter Schools Act—is lost and there is no "measurable" goal within the meaning of section 47605(b)(5)(A) and (B). Furthermore, the petition does not indicate the specific action steps component, for each of the identified annual goals for the 8 State Priorities again demonstrating lack of appropriate checks and balances for accountability in the organization.

***Governance (Element 4): The petition does not contain a reasonably comprehensive description of the charter school's governance structure.***

- The governing board includes a structure which inherently leads to a conflict of interest situation in that the Superintendent also serves as a board member. (Although Dr. Jeanette Parker is not listed as a board member in the information submitted to the CSD as part of the petition packet, as noted in the discussion above and a review of documents as recent as May/June 2015, Dr. Parker appears to remain on the board. (See section above discussing Dr. Jeanette Parker's role as board member and Superintendent of TFS). The Superintendent is also an owner of school properties raising Conflict of Interest and reports to and is evaluated by the board.
- The petition does not describe important aspects of governance such as the criteria and process for selecting governing board members, decision making and abstention, and how the board implements teleconference meetings.
- The number of directors indicated in the corporate board Bylaws, submitted with the petition, is inconsistent with content in the petition. While the Bylaws states that "[t]he Board of Directors shall have not less than three (3) Directors nor more than five (5) Directors" the petition states that "[t]he authorized number of Directors shall be not less than three (3) Directors or more than seven (7) Directors."
- The petition fails to describe the selection and operating procedures for committees identified in the petition for committees (LCAP, WASC, ELOC and DLOC) and does not identify the number of representatives for each committee, or delineate the responsibilities of each committee. Further,
- Bylaws allow the corporate board to operate in a manner inconsistent with the requirements of the Brown Act. For instance, the Bylaws allow the board to hold regular meetings without notice (Article III §3.07(c)) and to take action without the presence of a quorum which is contrary to the requirements of the Brown Act (Article III §3.07(f)).

Furthermore, the corporate Bylaws allow the board to take action without a meeting if all members consent to such action (Article III §3.08).

**Health and Safety Procedures (Element 6):** *The petition does not contain a reasonably comprehensive description of the charter school's health and safety procedures*

The petition does not describe the school's policies and procedures to support and promote the health and wellness of its students.

**Admission Procedures (Element 8):** *The petition does not present a reasonably comprehensive description of admission requirements.*

- The petition fails to include a reasonably comprehensive description of the manner in which the Charter School will implement a public random drawing process in the event that applications for enrollment exceed school capacity. For instance, the petition does not describe the method by which parents and students be advised of acceptance after the drawing, or the procedures that the school will follow to notify students who have been promoted from the waiting list following a lottery, or the procedures and timelines under which parents/guardians must respond in order to secure admission, and the method the Charter School will use for documenting the fair execution of lottery and waitlist procedures.
- The petition fails to sufficiently describe how admission preference in the Charter School's lottery will be given to the student categories listed in the petition, and does not list the preferences to conform to Ed. Code § 47605(d)(2)(B). Further, while the petition state that the "[p]ublic random drawing rules, deadlines, dates and times will be communicated in the application form", the Application Form submitted with petition does not communicate these drawing rules, deadlines, dates and times.

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**Suspension and Expulsion Procedures (Element 10)**

**The petition does not present a reasonably comprehensive description of student suspension and expulsion procedures.**

The petition does not sufficiently distinguish between discretionary and mandatory grounds for suspension and expulsion. The grounds overlap which could lead to inconsistent application of discipline and protection of due process rights of students. Additionally, some mandatory expulsions under Education Code section 48915(c) such as brandishing a knife at another person and unlawfully selling a controlled substance listed in Health and Safety Code Section 11053 et. seq., are not listed as mandatory expellable offenses in the petition. Although charter schools are waived from the Education Code's disciplinary provisions, lack of grounds for these types of serious offenses raise concerns regarding how the school will ensure safety and the comprehensive of the disciplinary provisions in the charter.

The petition and supplemental documents indicate that a student can be suspended or disenrolled due to disruptive behavior. This is inconsistent with the LAUSD's 2013 School Discipline Policy and School Climate Bill of Rights. This is also in violation of AB 420 effective January 2015

which eliminates from the Education Code school district/school authority (including charter schools) to suspend from school a pupil enrolled in K-3, and the authority to recommend for expulsion a pupil enrolled in K-12, for disrupting school activities or otherwise willfully defying the valid authority of those school personnel engaged in the performance of their duties.

The petition does not sufficiently describe the expulsion appeal's process to ensure a consistent impartial process is in place and does not describe how the school provides post-expulsion support to ensure the student's continued access to education.

Exhibits related to the  
Findings of Fact for  
Today's Fresh Start Adams  
Hyde Park (BR 027 – 15/16)  
can be viewed at:

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[http://laschoolboard.org/sites/default/files/  
BR027Exhibits.pdf](http://laschoolboard.org/sites/default/files/BR027Exhibits.pdf)

# **EXHIBIT B**

Los Angeles Department of Building and Safety

Code Enforcement Information: 2255 W ADAMS BLVD

Date Received: 1/21/2014  
Description: BUILDING OR PROPERTY CONVERTED TO ANOTHER USE  
Inspector: TODD ROBERTSON  
Phone: (213)252-3964  
Status: UNDER INVESTIGATION

Order Information

Order Number	Order Type	Effective Date	Issued By	Phone
3455888	ORDER TO COMPLY	4/11/2014	TODD ROBERTSON	(213)252-3964

Code Violation Information

Violation	Date in Compliance
Unapproved occupancy or use of the first floor of the two story building for charter school uses.	
Unapproved occupancy or use of the one story building as charter elementary school.	



# **EXHIBIT C**



**Facility Detail** [\(http://www.cdss.ca.gov/\)](http://www.cdss.ca.gov/)

**GOLDEN DAY PRE-SCHOOL (ADAMS)** Stay Updated Status: Licensed  
Lic. Date: 5/23/1994

**Address:**  
 2255 W. ADAMS BLVD.  
 LOS ANGELES, CA 90018  
 Licensee Name: GOLDEN DAY SCHOOLS

**Phone:** (323) 732-6636  
**Facility Number:** 191870711  
**Facility Capacity:** 106  
**Facility Type:** DAY CARE CENTER

**State Licensing Office Contact Information**

**Address:** 6167 BRISTOL PARKWAY #400  
 CULVER CITY, CA 90230  
**Phone:** (310) 337-4333

[Back] ([javascript:void\(0\);](#)) [New Search (</CareFacilitySearch/>)] [Email Facility Info (</CareFacilitySearch/home/FacilityInquiry/191870711>)]

All Visits (#tabs-1)

Citations (#tabs-2)

Inspections (#tabs-3)

Complaints (#tabs-4)

Other Visits (#tabs-5)

View Location (#tabs-6)

Reports (#tabs-7)

# of Visits: 7  
 All Visit Dates: 05/22/2015,  
 (</CareFacilitySearch/Search/DisplayWebReport/191870711?iRptNum=0&reporttype=INSPECTION>) 04/06/2015,  
 03/19/2015, 02/12/2015, 05/22/2013, 04/04/2012,  
 03/21/2012

All visits include Inspection Visits, other visits and may include complaint visits.

[Back] ([javascript:void\(0\);](#)) [New Search ([/CareFacilitySearch/](#))] [Email Facility Info ([/CareFacilitySearch/home/FacilityInquiry/191870711](#))]

#### Facility Detail FAQ

- ⦿ I have questions about this facility. Where can I get the answers?
- ⦿ Where can I find out more about how facilities are regulated in California?
- ⦿ Why does it show "No date on file" for a license date?
- ⦿ What does "Pending" status mean?
- ⦿ What does a "Revocation Action Pending" mean?
- ⦿ What does "License Suspended" mean under License Status?
- ⦿ What does "Probation" mean?
- ⦿ What is a Type A Citation?
- ⦿ What is a Type B Citation?
- ⦿ What is the Facility Evaluation Report
- ⦿ Why can't I see reports prior to April 16, 2015?
- ⦿ How soon after a visit will a report appear on this site?
- ⦿ Can I send this information to an email?
- ⦿ Can I sign up for an email subscription about a facility I am interested in?
- ⦿ Can I sign up for more than one email subscription?
- ⦿ How do I unsubscribe from the mailing list for the facility(s) I have chosen?
- ⦿ How often is the data updated?

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#### Disclaimer

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Questions about the facility, contact the State Licensing Office on the left.

Questions about this website contact:

- Email: [cclwebmaster@dss.ca.gov](mailto:cclwebmaster@dss.ca.gov) (<mailto:cclwebmaster@dss.ca.gov>)

This CCLD Facility Search website has been compiled to provide the public with important information regarding facilities licensed by the Community Care Licensing Division of the California Department of Social Services. Every effort has been made to ensure that the data provided is accurate and up-to-date. However, in our quickly changing environment, the information may become stale and inaccurate at any point in time. Therefore, this information should serve as an initial point of inquiry regarding the status of licensed facilities. Additional information about a particular facility is available from the appropriate licensing office.

The Department makes no claims, promises, or guarantees about the accuracy,

**TODAY'S FRESH START CHARTER SCHOOL**  
**4514 CRENSHAW BLVD.**  
**LOS ANGELES, CALIFORNIA 90043**

**TODAY'S FRESH START CHARTER SCHOOL-INGLEWOOD**  
**APPEAL OF CHARTER RENEWAL DENIAL**  
**TO THE STATE BOARD OF EDUCATION**

**TAB 5**  
**TFS-Inglewood's Comprehensive Response to the District's Findings**

**TODAY'S FRESH START CHARTER SCHOOL**  
**4514 CRENSHAW BLVD.**  
**LOS ANGELES, CALIFORNIA 90043**

**RESPONSE TO INGLEWOOD UNIFIED SCHOOL DISTRICT  
STAFF REPORT AND FINDINGS TO DENY CHARTER RENEWAL PETITION FOR  
TODAY'S FRESH START CHARTER SCHOOL-INGLEWOOD**

*This response tracks the format of the "Inglewood Unified School District - Staff Report - Today's Fresh Start Charter Petition Renewal" dated October 9, 2019 (the "Staff Report").*

Today's Fresh Start Charter School-Inglewood ("TFS-Inglewood") opened in 2009, and since its inception, the school has significantly outperformed Inglewood Unified School District ("District") schools and served as a sanctuary for traditionally underserved students. TFS-Inglewood is one of the few African American-founded and -operated public charter schools in California serving a predominantly African American and Latino population who are among the most socioeconomically disadvantaged pupils in the region and state. It is deeply troubling that the Interim State Administrator accepted the unsupported findings of the Staff Report and chose to deny the renewal of this award-winning, irrefutably successful school. TFS-Inglewood is a rigorous, WASC-accredited program that has received awards including, but not limited to, the "Exceptional Charter School" recognition from the National Association of Special Education Teachers and a Top Public School award by Innovate Public Schools. The Staff Report on its face fails to meet state standards because it fails to consider TFS-Inglewood's increases in pupil academic achievement, the most important factor when reviewing a renewal petition, and makes demonstrably false and misleading assertions about a school that has successfully served the community for more than a decade.

The District utterly ignored TFS-Inglewood's constitutional due process rights in this process. Renewal is not the same as a new petition. The courts ruled earlier this year that for renewals like this one, petitioners have a "fundamental vested right" to continue operating the school.<sup>1</sup> That means the District must now afford TFS-Inglewood with a heightened fair and full due process that presumes the charter will be renewed. The burden is greater for the District if it decides to deny in the renewal context. Due process, at a minimum, requires notice and an opportunity to be heard at a meaningful time and in a meaningful manner by an impartial decisionmaker.<sup>2</sup> But under the heightened standard now imposed by law, the District's denial must be based on actual, substantial, and reviewable evidence in the record. TFS-Inglewood and its families were not afforded these rights; and no such evidence was produced by the District.

Whether by intent or neglect, it's a shocking abuse of due process that District staff **utterly failed** to provide the 70 page Staff Report to us in advance of the action, especially since the District had not previously raised any of the "concerns" it relied upon.<sup>3</sup> We discovered the Staff Report on the District's website posted mere hours before the hearing. It seems whoever prepared this Staff Report intended to deprive TFS-Inglewood of due process, and to restrict the

<sup>1</sup> *Oxford Preparatory Academy v. Chino Valley Unified School Dist.* (2019) 37 Cal.App.5th 413.

<sup>2</sup> *Today's Fresh Start, Inc. v. Los Angeles County Office of Education, et al.* (2013) 57 Cal.4th 197, 212.

<sup>3</sup> In fact, the District to date has not provided the staff report or findings to TFS-Inglewood.

school and our families to as little time as possible to rebut a Staff Report riddled with glaring factual and legal errors.

Perhaps the most egregious error is the District's written factual findings do not consider increases in pupil academic achievement at TFS-Inglewood. Charter law and procedure mandate this as the *most important factor* when a district considers a charter renewal. The TFS-Inglewood renewal petition features an exhaustive 25 pages of data demonstrating increases in California Assessment of Student Performance and Progress ("CAASPP") scores schoolwide and for numerically significant subgroups during the charter term. The Staff Report's "analysis" of increases in pupil academic achievement is really no analysis at all. The District ignores this data that satisfies and exceeds the charter renewal criteria, and claims it cannot complete this analysis because we did not provide 2019 CAASPP data. The District's position is disingenuous and wrong. This data was still embargoed when we submitted the renewal petition in August and when the District's counsel requested the data less than a week before the Staff Report was issued.

The District also failed to hold a public hearing within thirty days of receipt of the renewal petition as required by statute, significantly limiting TFS-Inglewood's opportunity to be meaningfully heard. Here, the District's tactics to conceal any concern it might have to hasten a charter denial infringe on our vested right to continue operating TFS-Inglewood, violate our due process rights, and constitute a cruel and heartless attack on the hundreds of families who have enrolled their children with TFS-Inglewood.

Importantly, the District previously renewed the charter, and has overseen the school for 10 years. Because the District cannot truthfully make relevant negative findings that could support denial, the Staff Report instead impermissibly relies on *different* agencies' "findings" from more than twelve years ago concerning *different* charter schools. Regardless, the District's "findings" are irrelevant to the successful TFS-Inglewood program. In order to lawfully deny a charter renewal, the District is required to make its own findings, based upon specific facts it has examined in the record. Here, the District adopts another public agency's conclusions regarding a 2007 revocation of a different charter school. Moreover, the outright false statements and half-truths in the Staff Report about "conflicts of interest" have been disproved and dispelled in years past. All of these issues were vetted by the District before approving our charter petition in 2009. Had the District asked, we would have been happy to go over all of this with the District. But to raise these defamatory, false allegations as a basis to close a thriving school, just hours before the hearing, is a glaring violation of our due process rights.

The Staff Report also applied new legislation that is not yet the law. For example, AB 1505 will affect renewals beginning in July 2020—not now—and Government Code section 1090 conflict rules will apply to officials and transactions beginning January 2020—not now. This is a violation of due process and misapplication of the law. The District cannot hold us to requirements that did not exist when we submitted our renewal petition, or even when the District took action. The Staff Report also features blatant errors about the content of the renewal petition, such as claiming the petition does not reference the comprehensive school safety plan requirement when the charter references this requirement in *multiple* places. These errors undermine the credibility of the entire report.

We have enjoyed a collaborative and collegial relationship with the District focused on our children for the past decade. The District did not operate in such an outrageous and clandestine manner in prior renewals. The Staff Report's substantive deficiencies and the manner it was "issued" to TFS-Inglewood should trouble any public official tasked with educating children. A successful charter school that has been a mainstay in the community for over a decade must not be closed based on a Staff Report that raises minor and resolved issues and ignores TFS-Inglewood's academic success.

Our families and community deserve better than this. By not renewing TFS-Inglewood's charter, the District has chosen to shut down a great school. If this charter is not renewed, our students will attend schools that perform considerably worse academically. This is an unjust result that only serves to harm hundreds of families who are taxed with life's daily challenges and just want the best possible education for their children.

**District Finding #1:** *The District improperly found that TFS-Inglewood fails to meet eligibility for renewal because it "failed to demonstrate increases in academic performance." Not only is this false, but the Staff Report contains zero analysis of the school's academic achievement, and the District completely overlooked the new applicable criteria under Education Code section 52052(f).*

***PETITIONER'S RESPONSE:***

In order to deny a charter renewal for failing to meet the statutory renewal criteria, the District is required to make written factual findings "specific to the particular petition setting forth specific facts" that support each finding. (5 C.C.R. § 11966.4.) The key, repeating problem here is complete lack of specific facts that could support a denial. The District's written factual findings in the Staff Report are insufficient because the District failed to apply the relevant legal standard and failed to even consider the increases in student academic achievement at TFS-Inglewood.

The law expressly encourages the renewal of a charter as long as the school meets at least one of the minimum academic achievement renewal criteria. The old criteria can be found under Education Code section 47607(b), but the only old one that's usable today is in Section 47607(b)(3):

**Criterion 1:** "The entity that granted the charter determines that the academic performance of the charter school is *at least equal* to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school."

✓ **CRITERION MET**

As shown on pages 44-52 of the renewal charter, TFS-Inglewood's academic performance is *better* than the academic performance of the District based on 2018 CAASPP scores. The Staff Report references this criterion but provides *zero* analysis. District's staff and counsel also failed to analyze this criterion during its presentation at the District Board meeting.

Instead and incredulously, the Staff Report states that TFS-Inglewood does not qualify for renewal simply because the school did not submit the unofficial, embargoed 2019 CAASPP data. ***This is not a valid basis for denial.*** We submitted the renewal charter to the District on August 9, 2019. The 2019 CAASPP scores were not finalized and publicly available until October 9, 2019—the same date as the District denial action. Only preliminary data was available at the time, which is sometimes inaccurate and subject to change. This data was still embargoed. This is why schools and districts do not advertise or share preliminary data.

Nonetheless, TFS-Inglewood continues to outperform the District even when considering the recently released 2019 CAASPP scores:

- ✓ 36.49% of TFS-Inglewood students Met or Exceeded Standards in ELA/Literacy, compared to only 30.01% of District students.
- ✓ 31.58% of TFS-Inglewood students Met or Exceeded Standards in Math, compared to only 18.54% of District students.

As a result of the California Legislature adopting a new multi-measure accountability system, the Legislature provided a new renewal criterion in Education Code section 52052(f):

**Criterion 2:** “For purposes of paragraphs (1) to (3), inclusive, of subdivision (b) of Section 47607, ***alternative measures that show increases in pupil academic achievement*** for all groups of pupils schoolwide and among numerically significant pupil subgroups ***shall be used.***”

✓ **CRITERION MET**

Education Code section 47607(a)(3) says that “[t]he authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as ***the most important factor*** in determining whether to grant a charter renewal.”<sup>4</sup> As courts have held, the language that academic achievement shall be “the most important factor” means a school district cannot merely conclude that other considerations outweigh acknowledged increases in student academic achievement; there must be discussion of *why* and *how* those factors relate to one another. This is especially important given the law that a charter school has a fundamental vested right to continue operating after its initial charter is approved. A school district may deny a renewal charter “only after holding a hearing, considering the evidence, and making specific factual findings.”<sup>5</sup>

Here, the Staff Report does not even acknowledge that the new criterion under Education Code section 52052(f) exists, so there is ***zero*** analysis. Not only did the Staff Report fail to consider academic achievement as the most important factor, it failed to consider it at all. Because of this alone, the entire Staff Report and findings are insufficient as a matter of law and the District’s denial is in error.

<sup>4</sup> See *American Indian Model Schools (AIMS) v. Oakland Unified School District* (2014) 227 Cal.App.4th 258; *Topanga Assn for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514-17.

<sup>5</sup> See *Oxford Preparatory Academy v. Chino Valley Unified School Dist.* (2019) 37 Cal.App.5th 413.

TFS-Inglewood in fact met not just one but **both** of the relevant renewal criteria. The TFS-Inglewood renewal charter includes a plethora of data points showing increases in pupil academic achievement schoolwide and for numerically significant student subgroups. The school provided a comprehensive 25 pages of data demonstrating increases in CAASPP scores during the charter term (Charter, pgs. 18-43), the major highlights of which are:

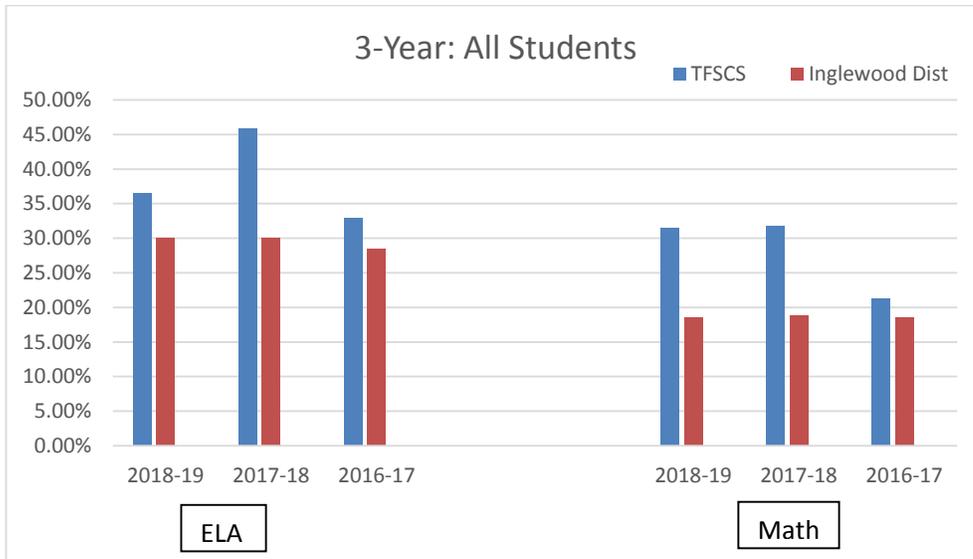
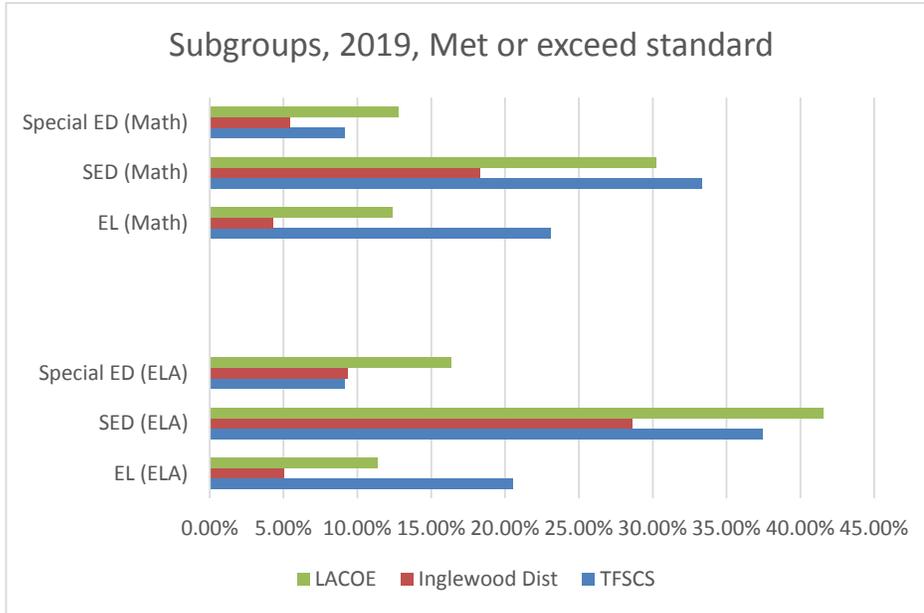
- ✓ The percentage of students schoolwide who Met or Exceeded Standards on the CAASPP **increased** between 2016-2018 in both ELA/Literacy and Math.
- ✓ All of the school's numerically significant students subgroups (*i.e.*, socioeconomically disadvantaged, Hispanic or Latino, African American, students with disabilities, and English learners) **increased** the percentage of students who Met or Exceeded Standards on the CAASPP between 2016-2018 in both ELA/Literacy and Math.

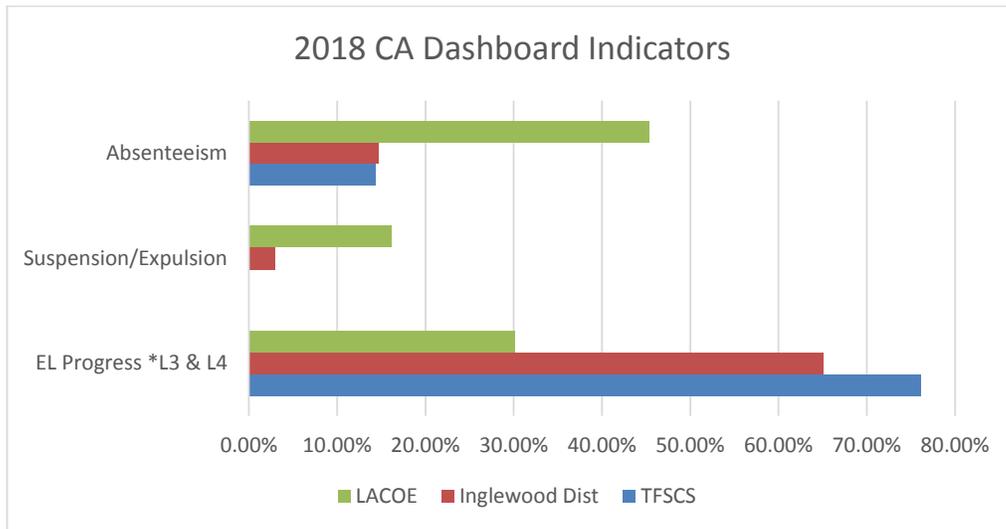
At the District Board meeting where the renewal charter was denied, the District's counsel spoke briefly about TFS-Inglewood's 2019 CAASPP data with four powerpoint slides featuring a few graphs and no written analysis. These slides are not included in the Staff Report. The embargoed 2019 CAASPP data was just released the day of the Board meeting, so the District presumably prepared these comments and slides within an hour or two before the Board meeting. The District gave us **no opportunity** whatsoever to respond to the District counsel's comments and slides. The slides, like the Staff Report, were never sent to us and they were not on the District website when we accessed the Staff Report mere hours before the Board meeting. Then, almost magically, we found the slides on the District website *after* the District denied our renewal charter. This is a blatant and unacceptable violation of our due process rights. Regardless, these slides do not feature any written analysis of TFS-Inglewood's increases in pupil academic achievement or the increases TFS-Inglewood has achieved over comparable District schools.

If the District actually considered TFS-Inglewood's increases in academic achievement as required, they would have discovered the 2019 CAASPP scores indicate TFS-Inglewood has continued to experience increases in academic achievement over the current charter term:

- ✓ The percentage of students schoolwide who Met or Exceeded Standards on the CAASPP **increased** between 2016-2019 in both ELA/Literacy and Math.
- ✓ All of the school's numerically significant students subgroups (*i.e.*, socioeconomically disadvantaged, Hispanic or Latino, African American, students with disabilities, and English learners) **increased** the percentage of students who Met or Exceeded Standards on the CAASPP between 2016-2019 in Math.
- ✓ The percentage of African American students and socioeconomically disadvantaged students who Met or Exceeded Standards on the CAASPP **increased** between 2016-2019 in ELA/Literacy.

The 2019 CAASPP data visualized clearly shows TFS-Ingewood continues to outperform District schools on average:





TFS-Ingleswood’s inability to share embargoed data does not excuse the District from its legal obligation to consider increases in academic achievement as the most important factor in our renewal. Our renewal charter includes years of CAASPP data demonstrating TFS-Ingleswood satisfied *both* of the relevant charter renewal criteria and qualifies for renewal. Not only has TFS-Ingleswood experienced increases in student academic achievement schoolwide and among its numerically significant student groups, our students have also consistently outperformed District schools. The law is clear—the District cannot simply ignore good test scores and say that other considerations undermine academic achievement. Yet, that’s exactly what the District did here. The result is potentially closing a proven educational program that has effectively served the community.

**District Finding #2:** *The District inaccurately claims that TFS-Ingleswood did not provide a reasonably comprehensive description of new charter requirements enacted after its charter was originally granted or last renewed.*

***PETITIONER’S RESPONSE:***

We’d like to first note that this alone is not one of the six permissible grounds for denial of a renewal charter under Education Code section 47605(b)(1)-(6).

But regardless, this conclusion is contradicted by the charter itself. The renewal charter affirms that TFS-Ingleswood will comply with all federal, state, and local laws. (Charter, pg. 5.) This includes Education Code section 47604.1, as added by SB 126 (2019), which is referenced in multiple places in the renewal charter (see, e.g., pgs. 7, 109). AB 1747 (2019) is also expressly referenced in the renewal charter, and TFS-Ingleswood affirms that it will develop a school safety plan in compliance with the new requirements (pgs. 118-120).

It’s troubling that the Staff Report includes a discussion of AB 1505 (2019) at all. AB 1505 wasn’t enacted when we submitted the renewal charter on August 9, 2019, and it’s still not in effect even today. We will of course comply with any applicable provisions of AB 1505 once it becomes effective next year. But we didn’t include any description of its requirements in the

renewal charter because it hadn't been enacted yet. It's a violation of due process to hold us to a standard that didn't exist when we submitted our request for renewal.

**District Finding #3:** *The District improperly found the petitioners are demonstrably unlikely to successfully implement the program described in the renewal charter.*

***PETITIONER'S RESPONSE:***

There is no credible basis for the District's finding that TFS-Inglewood is unlikely to succeed in implementing the charter. But in any event, the District has not provided any specific facts, specific to this charter petition (i.e., the legal requirement applicable here) that would support such a finding. Our renewal charter does not merely propose a hypothetical educational program that would be implemented at a not-yet-existing school. Rather, if granted, the renewal will allow the continuation of an already-proven educational program in a community we have already successfully served for *ten years*. The Staff Report cannot and does not "demonstrate" otherwise.

TFS-Inglewood is unquestionably successful, offering a WASC-accredited and award-winning program to a vulnerable student population residing in historically underserved neighborhoods in South Los Angeles. Our recognitions include, among many others, receiving the "Exceptional Charter School" recognition from the National Association of Special Education Teachers and a "Top Public School" award by Innovate Public Schools. Students have been recognized for their successes by the National Honors Society and won academic competitions such as the Los Angeles County Office of Education's "It's My Write" essay competition.

And our educational program undeniably works, as evidenced by our CAASPP scores and other data. TFS-Inglewood continues to experience increases in student academic achievement schoolwide and among its numerically significant student subgroups, and continues to outperform the District and comparable District schools. This is why hundreds of families in our community have continued to entrust their children's education with us.

- ***PRIOR HISTORY.*** As part of finding #3, the District raises stale issues about the history of Today's Fresh Start and its founders without explaining why and how those issues outweigh the school's increases in student academic achievement, or providing any facts to support allegations that were previously disproved to this very same District's satisfaction in 2009, 2012, and 2015.

This section of the Staff Report is very frustrating and focuses on old, baseless accusations about Today's Fresh Start, the nonprofit public benefit corporation that operates TFS-Inglewood, and our school's founders. The finding focuses on a previously constituted Today's Fresh Start school then authorized by Los Angeles County Board of Education ("County Board") as a countywide charter. That school is irrelevant to TFS-Inglewood's renewal charter. The County Board revoked that charter *12 years ago*, and any issues related to that incident have been resolved and rendered moot for years by the County Board, judicial opinions, the State Board of Education, and this District itself.

The District approved the initial charter petition for TFS-Inglewood in 2009, which has since been renewed by the District *twice*. The District surely vetted the issues involved the

revocation before electing to approve TFS-Inglewood. Further, the State Board of Education approved the renewal of the “revoked” Today’s Fresh Start charter school within a few years of the County Board’s revocation. If the 2007 revocation was an impediment to charter approval, neither the District nor the State Board of Education would have subsequently approved Today’s Fresh Start charters.

Lastly, the Staff Report mischaracterizes the status and outcome of the 2007 revocation. The revocation was the subject of litigation, and the Superior Court initially set aside the revocation in 2008. While this decision was overturned, the California Supreme Court remanded the matter back to the Superior Court for further action and ultimately the action was dismissed. Thus, the revocation remains set aside and inoperative. The County Board and Today’s Fresh Start amicably resolved this matter when they executed a mutual dismissal and release agreement over 10 years ago. Regardless, this incident occurring over twelve years ago has no bearing on TFS-Inglewood. If the District was genuinely concerned about the now-closed school, that would have been raised as a factor during the thorough review process for our previous renewals. It was not.

Similarly, the District’s denial of our request for a material revision to operate an additional site in 2016 is not evidence that we’re demonstrably unlikely to implement the already existing and successful educational program. That’s a separate and very different issue concerning the addition of a school site and had nothing to do with the quality of the TFS-Inglewood program.

There is currently no statutory requirement that a charter school comply with Government Code section 1090 (“Section 1090”) conflict of interest regime, although new legislation makes that law effective in 2020. Yet, the Staff Report baselessly claims TFS-Inglewood violates this law. In fact, several bills have come and gone over the past few years that would have imposed the Section 1090 conflict regime, but none became law until this year. Some California charters do agree to follow Section 1090, and some do not. Unless compliance is expressly required by a statute or agreed to, charter schools are, as a legal default, exempt from the laws governing schools districts. (Ed. Code, § 47610.) A school district cannot legally deny a charter for failure to comply with a law that does not apply to the school. Nonetheless, we recognize that with the passage of SB 126 (2019), TFS-Inglewood will be subject to Section 1090 as of January 1, 2020 and we will fully comply.

- ***STAFF REPORT FOCUSES ON OLD TRANSACTIONS INSTEAD OF CURRENT ACADEMIC SUCCESS.*** As part of finding #3, the District raises stale and resolved “conflicts” issues without explaining why and how those issues outweigh the school’s increases in student academic achievement.

All Today’s Fresh Start contracts including leases are appropriate, at or below market, do not violate any applicable conflict of interest rules, and are above board. In any event, TFS-Inglewood does not have any leases for properties with anyone. It has never had any leases during its 10 years of existence with any of the parties listed in the Staff Report. Not only is the Staff Report and findings demonstrably false in this regard, it’s another red herring and distraction that does not justify denying a successful school.

The Staff Report brings up concerns regarding old contracts that have been resolved for more than a decade. First, this section of the Staff Report is troubling from a due process perspective. The Staff Report claims a few contracts raise “conflicts” concerns, but the District was aware of all of these contracts when it approved TFS-Inglewood’s charter and renewals. If the District staff was genuinely concerned about these transactions, we would have happily walked them through these issues. Raising false and defamatory allegations about these contracts at the last minute to justify a denial of our renewal is a blatant violation of due process.

Moreover, the District is tasked with making its own findings to justify a denial, based upon actual specific facts. Here, the Staff Report relies entirely upon conclusions, not facts, of another public agency made over twelve years ago about contracts that existed before TFS-Inglewood was established. The District makes those conclusions as if they were the District’s own “findings” here in this context. The District cannot rely on outdated conclusions of a different agency and charter to support a denial of renewal of an academically successful program.

In addition to these due process violations, the Staff Report features scurrilous allegations about the motives of Today’s Fresh Start Superintendent Jeanette Parker and her husband. Today’s Fresh Start has always put the interests of children first. The Parkers have operated schools serving the Los Angeles community since the 1960s, starting with charitably-funded independent schools that provided free educational services to socioeconomically disadvantaged students. In any event, TFS-Inglewood operates solely at the facility it owns with the financial support of the State Allocation Board.

The Staff Report speculates Today’s Fresh Start has entered into contracts that violate the Political Reform Act (“PRA”) or Section 1090. The reality is Today’s Fresh Start has complied with applicable conflicts laws. There have been no actions or findings from the state agencies that enforce Section 1090 or PRA stating otherwise. And this District actually examined this issue previously and found that TFS-Inglewood and Dr. Parker correctly complied with the PRA with regard to the leases. (Exhibit A, pg. 1.)

The Staff Report first references Today’s Fresh Start lease with the nonprofit Golden Day Schools. The Fair Political Practices Commission (“FPPC”), the state agency tasked with enforcing the PRA, reviewed this lease and confirmed there was no PRA violation. Under the PRA, public officials cannot make, participate in making, or in any way influence a governmental decision in which he/she knows or has reason to know he/she has a financial interest. The Parkers did not vote or otherwise participate in Today’s Fresh Start’s Board decision to approve this lease. The FPPC reviewed the Golden Day Schools lease and *closed the matter* without taking any action against Today’s Fresh Start officials. The FPPC found “Dr. Jeanette Parker and Dr. Clark Parker recused themselves from the [Today’s Fresh Start] Board decisions regarding the lease agreement” in compliance with the PRA. (Exhibit A, pg. 1.) And in any event, TFS-Inglewood is not associated with that lease—it has nothing to do with this charter school.

The Staff Report also references a lease with Los Angeles School Services, a California nonprofit public benefit corporation, and contract with California Construction Management, Inc. (“CCMI”), and implies some improper goings-on. The Parkers never made, influenced, or otherwise participated as decision makers on behalf of Today’s Fresh Start in these transactions.

But perhaps more importantly in this renewal context, the Staff Report presents no facts whatsoever to the contrary—just unsupported (and incorrect) conclusions. The Staff Report acknowledges the Parkers recused themselves from the Board decision to approve the lease with Los Angeles School Services, just like they did with the Golden Day Schools lease, as required by the PRA. Because this is all old news, we assume the District's counsel previously reviewed the CCMI contract and concluded it did not violate any conflicts of interest law. And in any event, TFS-Inglewood is not associated with that lease—it has nothing to do with this charter school.

The Staff Report also claims a contract with Pacific National University infringed on High Priority Schools Grant Program requirements. This is false. The state has never made any findings or taken any action against Today's Fresh Start for its participation in this grant. In fact, Today's Fresh start never participated in a grant with Pacific National University. We are disturbed the District would go to such great lengths to criticize TFS-Inglewood, yet fail to consider the increases in academic achievement at TFS-Inglewood.

The Staff Report also inappropriately applies Section 1090 to Today's Fresh Start. Section 1090 does not apply to charter school officials and transactions until January 1, 2020 per SB 126. This means Section 1090 can only apply to transactions that are entered into beginning next year. Although this may be significant for future contracting, it's irrelevant for propositions in the Staff Report. Regardless, Today's Fresh Start is committed to complying with Section 1090 when it becomes applicable to charter schools next year. The Staff Report cannot base a denial of a charter school on pure speculation about conflicts of interest for contracts that predate TFS-Inglewood.

- **COMPLIANCE WITH BROWN ACT.** As part of finding #3, the District primarily relies on an action taken over twelve years ago to inaccurately claim TFS-Inglewood does not comply with the Brown Act.

The alleged Brown Act violation cited in the Staff Report from 12 years ago is irrelevant to our operations today. We understand our obligations under the Brown Act, and the renewal charter affirms in multiple places that we will continue to comply. (Charter, pgs. 7, 109.) We continue to hold meetings in compliance with the Brown Act. The Staff Report suggests our bylaws “conflict” with the Brown Act. Our bylaws have not changed since 2003. They are the same bylaws that were approved by the District as part of our initial petition in 2009, our renewal in 2012, and our renewal in 2015. To the extent there are inconsistencies, the Brown Act requirements control. If the District had serious concerns about our bylaws, we would have been happy to evaluate them and propose amendments. We were never given that opportunity. Instead, the Staff Report lists nit-picky inconsistencies between our bylaws and the Brown Act, despite the multiple affirmations in the renewal charter that TFS-Inglewood will fully comply with the Brown Act.

Many of the “inconsistent” provisions are standard for nonprofit bylaws and mirror language in the Nonprofit Public Benefit Corporation Law. We understand our obligations under the Brown Act and will continue to comply once our charter is renewed. In fact, we plan to hold another Brown Act training for our board members and management personnel at an upcoming board meeting.

- **TODAY'S FRESH START SCHOOLS OPERATE SCHOOL LOCATIONS IN COMPLIANCE WITH CHARTER SCHOOLS ACT.** As part of finding #3, the Staff Report makes false and irrelevant allegations about the operations of a different charter school operated by Today's Fresh Start.

In an effort to provide our students with an improved learning environment, TFS-Inglewood underwent a substantial process of new construction and renovating its school site with the assistance of State funds through the Charter School Facilities Program. The project cost was approximately \$19 million. Instead of referencing this hallmark of our successful program or any other TFS-Inglewood academic achievements in the Staff Report, the District makes inaccurate claims about a *different* charter school's locations to criticize TFS-Inglewood.

The Staff Report speculates without any legal or factual support that Today's Fresh Start Charter School-Compton ("TFS-Compton"), the first charter school ever authorized by Compton Unified School District ("CUSD"), violates the Charter Schools Act because of its school locations. This is plainly wrong. The TFS-Compton charter is in good standing.

TFS-Compton's two school locations comply with the Charter Schools Act. TFS-Compton has one school location within CUSD and one location outside of CUSD's boundaries. The Charter Schools Act allows a charter school to locate a single school site outside of the authorizer's boundaries if the school demonstrates that the school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate and satisfies certain notification requirements. (Ed. Code, §§ 47605(a)(5) and 47605.1(d).) TFS-Compton met those requirements. When the CUSD Board approved the TFS-Compton charter in July 2015, it adopted written findings concluding correctly that its out-of-district location "is permitted by Education Code sections 47605, subdivision (a)(5) and 47605.1, subdivision (d)(1)." The CUSD Board, staff, and legal counsel reached the same conclusion when it approved a renewal petition with two school locations in December 2017.

There is no case law or statutory authority even remotely suggesting that TFS-Compton cannot operate its location within CUSD's boundaries. In fact, there is no limit whatsoever under the Charter Schools Act for how many locations a charter school can establish within its authorizer district's boundaries. The Charter Schools Act states "A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition." (Ed. Code, § 47605(a).) The TFS-Compton charter is in good standing, and Compton Unified does not contest that TFS-Compton lawfully operates at the two sites.

The Staff Report proposes to close a successful school based on a speculative legal argument about school sites of a different charter school. This is an unjust result that must be avoided to protect our students.

- **GOVERNANCE.** As part of finding #3, the District inexplicably raises concerns that a single nonprofit operates two charter schools, and about the composition of the governing board.

This section of the Staff Report is a red herring. TFS-Inglewood has been operated by the same nonprofit since the charter was originally approved ten years ago by the District. That

structure has not changed. It's commonplace in California for a single nonprofit to operate multiple charter schools, and there is nothing illegal or improper about it. In fact, the District has approved other charters for schools operating in multi-school networks over the years without any concern. TFS-Inglewood operates under a completely separate, independent budget from the Compton charter, and there is no co-mingling of any funds. No specific facts to the contrary have been alleged otherwise.

The District is fully aware that TFS-Compton opened in 2015, and the District never even hinted at any objection until now. The Staff Report paints a parade of horrors about obligations to each school, oversight issues, and liability exposure. Our obligations to properly manage TFS-Inglewood, and the District's oversight and protections from liability, are provided by statute and the charter itself. The District's argument seems to be based on its incorrect presumption that a single governing board cannot adequately operate multiple schools, yet the District Board of Education currently operates 18 separate schools according to the District's website. LACOE is well aware of charter schools it currently oversees that are similarly structured.

The charter schools are governed by a single board pursuant to the procedures described in each respective charter, the corporate bylaws, board policies, and applicable laws. The Staff Report erroneously claims Board members have "termed out". Under Section 3.03 of the bylaws, members of the governing board hold office for two years "and until a successor Director has been elected and qualified." Since the governing board has not elected successors to fill the seats of the four members listed in the Staff Report, they are still members of the board until successors are elected.

- ***SPECIAL EDUCATION.*** As part of finding #3, the District manufactures never-before-stated concerns about a single false statement made by an unnamed staff member during a recent site visit, TFS-Inglewood not enrolling "enough" special education students, and a recently enacted bill that doesn't go into effect until July 1, 2020.

This section of the Staff Report is troubling, especially in light of the heightened due process standard owed to TFS-Inglewood as a continuing, successful charter operator seeking renewal. At TFS-Inglewood, we take our obligations to serve students with disabilities very seriously. We do not discriminate based on disability type or severity. Any accusations to the contrary are false and not based on facts. Instead, the Staff Report relies solely on a quote taken out of context by an unknown staff person, suggesting TFS-Inglewood "counsels" students out. That is not the case and there is no evidence of this ever happening at our school. Our IEP teams work diligently with families to find the best solution for students with disabilities, regardless of type or severity. A single misguided statement made during a site visit, even if true—and we dispute that—is not a valid basis for denial of our renewal charter.

In fact, TFS-Inglewood's award-winning special education program has often produced better results than the District for students with disabilities. TFS-Inglewood just received the highest distinction available to charter schools by the National Association of Special Education Teachers for our special education program. In 2018, 14.29% of TFS-Inglewood students with disabilities Met or Exceeded Standards in ELA/Literacy, compared to only 7.83% of District students. In Math, 11.43% of TFS-Inglewood students with disabilities Met or Exceeded Standards in 2018, compared to only 6.39% of District students. And the 2019 CAASPP results

show that TFS-Inglewood continues to outperform the District in Math and is on par in ELA/Literacy.

The Staff Report oddly criticizes TFS-Inglewood for not having students with certain types of disabilities. We are a school of choice like all charter schools in California, and we do not discriminate on the basis of disability. (Charter, pgs. 6, 81, 120, 122.) We cannot control the nature of a student's disability and whether their family chooses to enroll in our school. TFS-Inglewood admits all students who want to attend, regardless of disability, type, or severity, and we do not "counsel" anyone out of attending. We can, however, control the quality of our special education program, which has received awards and is an attractive part of our school for families in our community.

- ***STUDENTS WHO LEAVE TFS-INGLEWOOD.*** As part of finding #3, the District claims that TFS-Inglewood does not notify the District when a student leaves the school.

We are unaware of any instances where the school has failed to provide notice when a student residing within the District leaves TFS-Inglewood. Apparently the District is also unaware. The Staff Report does not provide any evidence whatsoever to support its claim. If this was a valid concern, the District certainly would have asserted it sometime over the past ten years, but the District has never raised this issue. But perhaps the most significant observation here is that the District sent TFS-Inglewood a letter on October 29 (weeks *after* the denial), asking for information about any such instances. (Exhibit B, pg. 1.) The District's post-denial request demonstrates that the "finding" was unequivocally mere speculation entirely divorced from any facts—because there are no supportive facts.

- ***REQUEST FOR INFORMATION.*** As part of finding #3, the District raises one instance where TFS-Inglewood did not provide unofficial, embargoed assessment data to the District.

This is another red herring. TFS-Inglewood has always promptly responded to reasonable District requests for information, including financial records, for the past ten years. The District has never complained about our responsiveness, and provides no evidence or even suggestion to the contrary.

Now, with our renewal charter on the line, this has apparently become a big issue for the District as it relates to the *unofficial and embargoed* 2019 CAASPP data. On October 3, 2019 around 4:30pm, the District's legal counsel demanded that TFS-Inglewood confirm it will provide the 2019 CAASPP data to the District by noon the following day. TFS-Inglewood did not provide the data because it was preliminary and still embargoed. This is a catch-22 and is not a valid basis for closing down a successful, proven charter school that's been effectively serving young children for a decade.

The CDE directs schools not to share embargoed data, and the District's counsel is well aware of this directive. The District's counsel asking for embargoed data and then criticizing TFS-Inglewood for protecting confidential information is an act of bad faith. Again, the TFS-Inglewood renewal features four years of CAASPP data that shows TFS-Inglewood pupils had increases in academic achievement. This bad faith is compounded by the Staff Report failing to

consider this data at all. Beyond just failing to meet the legal standards of review for a renewal charter, the Staff Report is *failing* vulnerable families in our community.

**District Finding #4:** *Despite approving substantially similar versions of the renewal charter in 2012 and 2015, the District improperly found that TFS-Inglewood's renewal charter does not contain a reasonably comprehensive description of all fifteen elements.*

**PETITIONER'S RESPONSE:**

The District's finding that the TFS-Inglewood renewal charter is not "reasonably comprehensive" is unsupported by the charter itself. The State Board of Education ("SBE") promulgated regulations with criteria for evaluating renewal charters under California Code of Regulations, title 5, section 11967.5.1. The evaluation criteria define what it means for a charter to be "reasonably comprehensive," and our 150+ page charter goes above and beyond what is required by law.

- **ELEMENT A.** Without evidence, the District baselessly claims that the description of our special education program is inadequate.

The District's argument is nonsensical. The Staff Report appears to say that the description of our special education program in the renewal charter is inadequate because (1) an unknown staff member allegedly made one misleading statement during a 10 minute site visit and (2) our school doesn't have enough students with every type of disability. None of this is related to the content of our renewal charter. This is surely because the TFS-Inglewood renewal charter does, in fact, contain a reasonably comprehensive description of how we appropriately serve students with disabilities. (Charter, pgs. 80-86.)

- **ELEMENT D.** The District incorrectly suggests our renewal charter does not have an adequate description of the school's governance structure.

The law doesn't require that a renewal petition list the names of board members, and we have not previously done so. We would have been happy to include that information had the District asked. It's publicly available on our website. The District is fully aware of who is on our board—the Staff Report lists the names of four board members on page 12—so this contrived "concern" is vexing. As explained above, members of the board hold office for two years *and* until a successor Director has been elected and qualified. None of our current board members' terms have expired.

Our governance structure has not changed in the ten years we've been authorized by the District. Our single-entity, multi-school structure is common in California and preferred by many authorizers all over the State. Please note, a charter school is only considered a "school district" for specific provisions the Education Code and California Constitution related to public school finance. (Ed. Code, § 47612(c).) TFS-Inglewood is clearly not a school district for all purposes.

We recognize that with the passage of SB 126 (2019), TFS-Inglewood will be subject to Section 1090 as of January 1, 2020 and we will fully comply. The law doesn't require that a renewal charter list and include a specific assurance to comply with every single law that applies

to it, otherwise all charters would be hundreds of pages of dry references to statutes and regulations. Our renewal charter affirms that TFS-Inglewood will comply with all applicable federal, state, and local laws, including those added by SB 126 (2019).

The conflict of interest policy submitted with the renewal charter was primarily prepared for the Internal Revenue Service in order for Today's Fresh Start to qualify for exemption from federal income tax under Section 501(c)(3). It doesn't "contravene" or replace any other applicable conflict of interest rules. In the event another applicable rule has stricter requirements, for example under the Political Reform Act, then TFS-Inglewood of course complies with the more stringent requirements.

- **ELEMENT F.** The District erroneously claims that our renewal charter does not sufficiently describe its obligation to annually update the comprehensive school safety plan.

Our renewal charter does, in fact, explicitly reference AB 1747 (2019), and TFS-Inglewood affirms that it will develop a school safety plan in compliance with the new requirements. (Charter, pgs. 118-120.) The existence of this "finding" suggests the individual(s) who drafted the Staff Report hastily read through our renewal charter with the intention of recommending denial without regard for the charter's contents or due process.

- **ELEMENT H.** The District claims our renewal charter is deficient because three sentences taken out of context from the Parent-Student Family Handbook imply that parental volunteering is required.

TFS-Inglewood does not require parents to volunteer, and parental involvement is not required for admission to, or continued enrollment, at the school. Our renewal charter affirms this in multiple places. (Charter, pgs. 110, 112.) This is yet another example of the District taking something out of context and incorrectly concluding it is a basis for denial.

The three sentences quoted in the Staff Report are from a section of the Parent-Student Family Handbook about what it takes for students to be successful in education. Whether it's helping with homework, getting their student to school safely and on time each day, or making sure their student is adequately nourished, we believe the District would agree that some degree of parental support is critical to the success of a young student. This is about parents providing care for their child, not providing services to the school. TFS-Inglewood does not require parents to volunteer, does not charge tuition or pupil fees in any form whatsoever, and does not penalize prospective or current students if their parents do not volunteer.

- **ELEMENT J.** The District claims our renewal charter does not sufficiently describe the suspension and expulsion procedures because it doesn't reference laws that don't apply to charter schools.

AB 420 (2014) amended Education Code section 48900, which does not apply to charter schools. (Ed. Code, § 47610.) If the District was concerned about our list of offenses for which a student may be suspended or expelled, we would have been happy to discuss it. The District never reached out on this or any other issue referenced in the Staff Report.

After TFS-Inglewood submitted our renewal charter, SB 419 (2019) was signed into law and will become effective on July 1, 2020. The new law does apply to charter schools so TFS-Inglewood will of course comply. But ignored by the District is the fact that TFS-Inglewood has never expelled or suspended a student.

- **ELEMENT N.** The District raises questions about the dispute resolution procedure outlined in the charter that features common language fostering collaboration between TFS-Inglewood and the District.

We understand that the process of revocation of a charter is set forth in Education Code section 47607 and California Code of Regulations, title 5, section 11965 *et seq.* Nothing in our renewal charter is intended to circumvent that process. In fact, Element N specifically states:

“The following policy is intended as a starting point for a discussion of dispute resolution procedures. The Charter School is willing to consider changes to the process outlined below.”

While we disagree that our dispute resolution procedures are inconsistent with the law, we would have been happy to consider a simple technical amendment to fix any issues.

- **OPERATIONS INFORMATION:** The District erroneously claims that our renewal charter is deficient because it does not include governing board policies regarding harassment, bullying, and discrimination and does not provide information regarding the school's administrative services.

We'd like to first note that this alone is not one of the six grounds for denial of a renewal charter under Education Code section 47605(b)(1)-(6).

The law doesn't require that a renewal charter attach every governing board policy of the school. Rather, a charter must include a reasonably comprehensive description of 15 elements, which should include information regarding, among other topics, the proposed operation of the school. The renewal charter does this and more. The school's policy against harassment, bullying and discrimination can be found throughout the renewal charter (see, e.g., Charter, pgs. 6, 81, 120, 122, 129-130, 133-134.) This policy is also clearly outlined in the Parent-Student Family Handbook, which the District reviewed as part of the renewal process.

The law doesn't require that a renewal charter identify a financial services provider, and in prior years we have not done so. As the District knows, TFS-Inglewood has worked with Miller Accountancy and Only By the Numbers for back office services for 10 years. We would have been more than willing to add this information to the renewal charter but the District never gave us the opportunity.

- **BUDGET NARRATIVE.** The District claims that our renewal charter didn't include an adequate budget narrative.

We'd like to first note that this alone is not one of the six grounds for denial of a renewal charter under Education Code section 47605(b)(1)-(6). Nonetheless, TFS-Inglewood did in fact submit adequate financial documentation with the renewal charter (see Charter Appendices K, L).

The regulations cited in the Staff Report do not support the District's conclusions. The law doesn't require that petitioners include a comprehensive budget narrative along with all of the other financial projections and information. Rather, as quoted in the Staff Report, the SBE's regulations require that petitioners include "budget notes that clearly describe assumptions on revenue estimates..." The budget and financial projections included with the renewal charter have multiple pages of notes and assumptions that explain the school's projected revenue. And of course, TFS-Inglewood has operated for 10 years, and District staff have reviewed financial documentation at least quarterly and annually reviewed the budget without concern each of those years to a much greater degree than for a renewal petition. If the District had questions, we would have been happy to sit down and discuss our budget with them.

The documentation we provided is legally compliant, but we would have been more than willing to provide additional information. The District never gave us the chance. The fact is that we know what it takes to operate a successful charter school from a financial perspective—we've been doing it for eighteen (18) years and all audits have always been clear and without any exceptions.

**District Finding #5:** *The District provides no justification for finding that the TFS-Inglewood renewal charter presents an unsound educational program.*

***PETITIONER'S RESPONSE:***

Under the SBE's charter evaluation criteria, a charter "shall be 'consistent with sound educational practice' if, in the [District's] judgment, it is likely to be of educational benefit to pupils who attend." (5 C.C.R. § 11967.5.1(a).) An "unsound educational program" is narrowly defined by the SBE as one that is likely to cause physical, educational, or psychological harm, or is of no educational benefit, to the pupils who attend the charter school (among other factors not applicable here). (5 C.C.R. § 11967.5.1(b).)

In this section of the Staff Report, the District simply regurgitates false conclusions from other sections of the Staff Report, none of which are related to TFS-Inglewood's educational program. The facts are clear and uncontroverted. We provide a WASC-accredited, rigorous educational program focused on teaching every child how to reach their highest potential academically, socially, and emotionally. We pride ourselves on this personalized approach featuring smaller class sizes and expansive tutoring opportunities. There is no doubt that TFS-Inglewood is educationally beneficial to our students. We have consistently produced better outcomes than the other public schools in our neighborhoods as well as the District as a whole. By not renewing our charter, the District is causing serious and irreversible harm to students in our community by forcing a proven, successful educational program to close its doors after ten years of serving the underserved. ***This is not the best outcome for students.*** Therefore, we urge the Los Angeles County Board of Education to approve our charter renewal to protect hundreds of students from significant harm and to maintain a high-quality educational program for our community.

# **EXHIBIT "A"**

July 2, 2018

Rahul E. Reddy  
Procopio, Cory, Hargreaves & Savitch, LLP  
[Rahul.Reddy@procopio.com](mailto:Rahul.Reddy@procopio.com)

Re: Case Closure Letter, FPPC No. 16/19912

Dear Mr. Reddy:

The Fair Political Practices Commission (the "Commission") enforces the provisions of the Political Reform Act ("Act").<sup>1</sup> As you are aware, the Enforcement Division opened an investigation into whether your clients, Dr. Clark Parker and Dr. Jeanette Parker, as board members of Today's Fresh Start Charter School (TFS), violated conflicts of interests provisions of the Act regarding a lease agreement between TFS and Golden Day Schools. The Enforcement Division has decided to close this case without further action.

Government Code section 87100 states: "No public official at any level of state or local government shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

The Enforcement Division completed its investigation of the facts in this case. Specifically, the Enforcement Division found insufficient evidence to establish that your clients violated conflicts of interests provisions of the Act because Dr. Clark Parker and Dr. Jeanette Parker recused themselves from the TFS Board decisions regarding the lease agreement, and there is insufficient evidence to establish that Dr. Clark Parker and Dr. Jeanette Parker used their official positions to attempt to influence the decisions of the TFS Board regarding the lease agreement. Therefore, we are closing this matter.

If you have any questions, please contact Angela Brereton at [abrereton@fppc.ca.gov](mailto:abrereton@fppc.ca.gov) or 916-322-5771.

Sincerely,



Angela J. Brereton  
Senior Commission Counsel  
Enforcement Division

<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014.

# **EXHIBIT “B”**



## INGLEWOOD UNIFIED SCHOOL DISTRICT

401 S. Inglewood, Avenue, Inglewood, California 90301 phone 310/419-2700

October 22, 2019

Designee of the Los Angeles  
County Superintendent  
of Schools (LACOE)

Dr. Erika Torres  
Deputy Superintendent

BOARD OF EDUCATION

D'Artagnan Scorza, Ph.D.  
*President, Seat #5*

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ADMINISTRATION

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*Chief Academic Officer*

Christine M.I. Dacanay  
*Interim-Chief Business  
Official*

Nora Roque  
*Executive Director  
Human Resources Services*

Today's Fresh Start Charter School  
Jeanette Grattan Parker, Ph.D.  
Superintendent  
4514 Crenshaw Blvd.  
Los Angeles, CA 90043  
[drjeanetteparker@todaysfreshstart.org](mailto:drjeanetteparker@todaysfreshstart.org)

Re: Compliance with Education Code section 47605(d)(3)

Dear Dr. Parker:

As you know, under Assembly Bill ("AB") 1610, charter schools are required to provide notification to the school districts of residence of pupils who leave the charter school. Specifically, pursuant to Education Code section 47605(d)(3), if a pupil is expelled or leaves a charter school without graduating or completing the school year for any reason, the charter school must notify the school district of the pupil's last known address within thirty (30) days and, upon request, also provide a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information.

To effectuate the Legislature's intent to ensure that former charter school students do not become truant for significant periods of time before local school district authorities became aware that they are no longer enrolled, the Inglewood Unified School District ("District"), as the appropriate oversight agency, seeks to ensure that Today's Fresh Start Charter School ("Charter School") is in compliance with Education Code section 47605(d)(3).

Accordingly, pursuant to Education Code section 47604.3, the District requests: (1) any and all documents demonstrating the Charter School's compliance with Education Code section 47605(d)(3), including but not limited to notification forms or letters; (2) a list of names of all pupils whose last known address lies within District boundaries and who, during the 2018-19 and 2019-20 school years, were expelled or who left the Charter School without graduating or completing the school year for any reason, including copies of their cumulative records, report cards, transcript of grades, and health information.

Please provide the above-requested documents to my attention no later than November 5, 2019. Please contact me if you have any questions or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "Katrina Taylor".

Katrina Taylor  
Pupil Services Director

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TRANSCRIPT OF TAPE-RECORDED  
MEETING ITEM OF THE  
INGLEWOOD USD BOARD OF TRUSTEES  
OCTOBER 9, 2019  
TODAY'S FRESH START

1 DR. TORRES: Next on the agenda we have a public  
2 hearing regarding the charter petition renewal for  
3 Today's Fresh Start.

4 On September 11, 2019, at a regular meeting of  
5 the Board of Education, the state administrator of the  
6 district formally received a renewal petition from  
7 Today's Fresh Start Charter School.

8 We will now hold a public hearing pursuant to  
9 Education Code Section 47605. This public hearing will  
10 serve to gauge the public response to the charter  
11 school proposal and to consider the level of support  
12 from district teachers, other district employees, and  
13 parents.

14 The public hearing will proceed as follows.  
15 First, a representative of the charter school will be  
16 given 10 minutes for a presentation regarding the  
17 provisions of the petition. Following the  
18 presentation, public comment will be heard for a  
19 period of 10 minutes, pursuant to [inaudible] 9323.

20 Each individual speaker who wishes to be heard  
21 will be given one minute to speak. The public hearing  
22 is open at 6:24 p.m. Petitioners may begin their  
23 presentation.

24 DR. YOUNG: Good evening. I'm Dr. Young. I'm a  
25 former school board member of [inaudible] five

1 [inaudible]. I am the former board member [inaudible]

2 in the last six years, and this is my 47th year  
3 involved in the school district. I have 72 more years  
4 and I'll retire at 140.

5 I'm here to share with you tonight on Today's  
6 Fresh Start. I was on the board in 2007 when Today's  
7 Fresh Start one of the first schools to be approved in  
8 the charter school, with 250 plus students.

9 Less than 10 percent of those students were from  
10 Inglewood Unified School District. And today you have  
11 about 500 students, and less than 10 percent are from  
12 the Inglewood Unified School District population.

13 The renewal of the existing charter school  
14 petition requires that the authorizing school board  
15 afford the charter school due process of the law  
16 renewing that charter. The Inglewood Unified School  
17 District staff recommendations has ignored this basic  
18 due process requirement.

19 At the minimum, the due process is defined to be  
20 an adequate time to respond to any concern the  
21 district may have. The Inglewood Unified School  
22 District staff has had in their possession the Today's  
23 Fresh Start charter renewal petition for 61 days as of  
24 August the 9th.

25 And they now recommend that the state

1 administrator deny Today's Fresh Start invested [ph]  
2 right to have a charter petition renewed and continue.

3 The Inglewood Unified School District staff has  
4 not offered TFS one minute to discuss or to  
5 communicate with the Inglewood Unified School District  
6 charter school staff regarding the errors filled with  
7 denials recommendation report.

8 The Inglewood Unified School District staff is  
9 recommending denial of Today's Fresh Start renewal  
10 charter petition without even discussing their  
11 erroneous contention, and just plain incorrect  
12 conclusion with the Today's Fresh Start, and allowing  
13 the Today's Fresh Start to respond before they make  
14 their final recommendation to the state administrator.

15 Not at least one minute that they have heard done  
16 [ph] in putting forth the report that is filled with  
17 lots of innuendos, errors, and unsubstantial [sic]  
18 facts, and unsupported conclusion, and the flawed  
19 recommendations.

20 And you'll see in the report that Today's Fresh  
21 Start has been improving and doing a great job. And  
22 you'll see the comparison with Inglewood Unified  
23 School District, K8 schools. You see all of the  
24 information there.

25 And you'll see in the Inglewood Unified School

1 District has a 75 page denial recommendation report of  
2 the state administrator without first discussing the  
3 content of that report with the charter school for  
4 their accuracy.

5 For example, the state denial report state that  
6 no current or no projected financial was submitted to  
7 the -- on Today's Fresh Start charter petition. This  
8 statement is incorrect.

9 TFS submitted current and five years of projected  
10 financial on a flash drive, with 175 pages [inaudible]  
11 charter petition, that no Inglewood Unified School  
12 District staff person, nor did any Inglewood Unified  
13 School District consultant, nor legal counsel from the  
14 Inglewood School District inquire of TFS regarding  
15 this [inaudible] false statement.

16 The Inglewood Unified School District staff  
17 denied the recommendation report, but never discussed  
18 with the Today's Fresh Start school.

19 No one from the Inglewood Unified School District  
20 has ever called or inquired of Today's Fresh Start for  
21 clarity for any error contained in the report. The  
22 Today's Fresh Start charter school was submitted that  
23 report on August the 9th.

24 On September the 10th they did inform a state  
25 administrator, Dr. Menendez, requesting in writing

1 that -- that the Today's Fresh Start agreed to one day  
2 extension to hold a hearing, to make a decision on  
3 Today's Fresh Start renewal request.

4 Today's Fresh Start agreed to the one day  
5 extension requested by executing a copy of the letter  
6 that the state administrator asked of Today's Fresh  
7 Start to execute and return to her.

8 On September the 2nd, 2019, four Inglewood  
9 Unified School District members visited Today's Fresh  
10 Start for a site visit.

11 On that day, at no time during that visit, did  
12 anyone of the four individuals discuss nor any comment  
13 regarding that non-recipient of the required renewal  
14 charter petition document [inaudible].

15 As of this day, today, no one from Inglewood  
16 Unified School District have ever mailed or emailed  
17 the staff concerning their recommendation to Today's  
18 Fresh Start.

19 We learned that Inglewood Unified School District  
20 staff did not [inaudible] recommendation from the TFS  
21 legal counsel on yesterday, August 8, 2019. I'm sorry,  
22 yesterday, October the 8th, 2019. Dr. Parker?

23 MS. PARKER: Okay. Thank you. Good afternoon --

24 ALL: Boo.

25 BOARD MEMBER: Shame on you. Shame on you.

1 BOARD MEMBER: Quiet, quiet, quiet. We're not

2 going to have it.

3 MS. PARKER: Dr. Torres, and the honorable board  
4 members I'm Jeanette Parker. I'm the lead petitioner,  
5 founder, and superintendent of Today's Fresh Start.

6 As of today repeat, as of today Inglewood has  
7 never mailed or emailed any of the indications that  
8 were made in the staff report. There are a number of  
9 things that most -- the staff report is divided into  
10 two areas.

11 One, there are things recited which have nothing  
12 to do with Inglewood, they are very old resolved  
13 issues from more than 10 years ago, have nothing to do  
14 with Inglewood.

15 Number two, the other part of the staff report is  
16 addressing things that are outright untrue. For  
17 example, I passed out to you when I asked Ms.  
18 Montenegro, this -- these are the budgets which were  
19 submitted on August 9, 2019.

20 The budget is through 2025. The staff report  
21 indicated that this was never submitted. It was  
22 submitted both in hard copy in the charter, and also  
23 on flash drive, when all the elements for the charter  
24 were submitted, and all of the attachments.

25 The staff report among its numerous erroneous

1 blatant statements of untruth, said there was nothing  
2 about governance. It's on page 157 and page 108 in the  
3 charter.

4 And I'm thinking quite honestly, I believe they  
5 lost the charter. I believe, I'm just going on belief,  
6 but I believe somebody picked up somebody's old  
7 charter. Because the last time the charter was lost.

8 I think they've lost the charter because  
9 everything that's in here is nothing like us at all.  
10 Then there's a reference to health and safety, M,  
11 element M, it's on pages 118 and 119.

12 And I have the charter here. I do have it here.  
13 You -- we gave you a copy. I don't [inaudible] but we  
14 submitted it. But I don't know what happened to it.

15 Also on admissions, element H, it's on page 122,  
16 suspension and expulsion, page 125. There was a  
17 mention of erroneous statement, I'm trying to be  
18 polite, the erroneous statement that we require  
19 volunteer hours from the parents.

20 We do not require, we encourage. We want the  
21 parents to be with their children. Then we have other  
22 -- other fake information, the academic scores. I -- I  
23 submitted to you just now a constant increase of  
24 academic scores.

25 And I gave them to you right now and we gave them

1 to you on August 9th in the charter and on the flash  
2 drive. We submitted the flash drive for convenience,  
3 so that you could have electronically easily  
4 available.

5 So I'm really asking [inaudible] there's --  
6 there's so many erroneous statements in here. There's  
7 no way that [bell rings] I can address policies, so --

8 DR. TORRES: Thank you for your presentation. We  
9 will now hear public comment. Ms. Montenegro?

10 MS. MONTENEGRO: Yes. I'm trying to decide which  
11 ones. I just have -- need clarity on three speakers.  
12 [inaudible] Brown, Krishan Day [ph], and Herman  
13 Douglas. Are you speaking in favor or against the  
14 charter? I'm trying to separate the two --

15 MR. DAY: [inaudible] Day is against the charter.

16 MS. MONTENEGRO: Against, okay.

17 MR. BROWN: [inaudible] Brown is against the  
18 charter.

19 MS. MONTENEGRO: And Herman? Do we have Herman  
20 Douglas in the audience? Okay. So I'm going to call  
21 out the names for those that are speaking in favor of  
22 the charter.

23 Dr. Raul Roman? If I don't have that correctly,  
24 please let me know, and we'll call your name  
25 [inaudible] --

1 MR. ROMAN: That's fine. Thank you. Good evening,  
2 everyone. Board members, superintendent, Dr. Torres,  
3 cabinet members.

4 MS. MONTENEGRO: [inaudible] three minutes for  
5 us. Thank you.

6 BOARD MEMBER: Okay.

7 MR. ROMAN: Parents, students, and the Inglewood  
8 community --

9 BOARD MEMBER: Could you hold one second?

10 MR. ROMAN: Absolutely.

11 BOARD MEMBER: Thank you. Go ahead.

12 MR. ROMAN: Thank you. Once again, good evening,  
13 board members, superintendent, Dr. Torres, cabinet  
14 members, parents, students, and the Inglewood  
15 community.

16 My name is Dr. Roman, and I am the site  
17 administrator at Today's Fresh Start Charter School.  
18 We are -- we are present this evening to respectfully  
19 request the approval of our charter's renewal.

20 Our progress and success as a school, including  
21 the commitment of our staff, students, parents, and  
22 the community, are contingent on your decision.  
23 Today's Fresh Start Charter School has accomplished  
24 many milestones, including our WASC six-year  
25 accreditation.

1  
2 recognizes [inaudible] Today's Fresh Start Charter  
3 School, for its accomplishments, and for its  
4 outstanding curriculum, and instructional programs.

5 I respectfully ask that you consider the approval  
6 of our charter, and provide our students the  
7 opportunity to excel and receive a quality education.  
8 Thank you very much for your time and attention.

9 [applause]

10 MS. MONTENEGRO: [inaudible]

11 MR. ANTONIO: Good evening to the esteemed board.  
12 My name is [inaudible] Antonio, and I'm an  
13 administrator with Today's Fresh Start Charter School  
14 system.

15 And I have a very brief comment that I believe is  
16 very poignant [ph] to why as a school system we should  
17 allow the charter to remain in operation.

18 Based on [inaudible] reports done by [inaudible]  
19 public schools, in conjunction with the USC Price  
20 School of Public Policy, and the USC Rossier School of  
21 Education, these are their facts.

22 There are one million low income black and Latino  
23 students in Los Angeles County. Unfortunately only 15  
24 percent of these individuals receive a top quality  
25 education from a top public school.

1 I am happy to say that Today's Fresh Start  
2 Charter School Inglewood is one of them. Out of 2,068  
3 schools, only 31 of them for African American, and a  
4 little over 200 of them for Latino students, are  
5 serving well the children of our county.

6 We are one of them. Because Today's Fresh Start  
7 believes in raising the bar and closing the  
8 achievement gap for every child we service. Thank you  
9 so much. [applause]

10 MS. MONTENEGRO: [inaudible]

11 BOARD MEMBER: The honorable [inaudible], Dr.  
12 Torres, and the honorable members of Inglewood Unified  
13 School District board, good evening. I, [inaudible],  
14 have been working at Today's Fresh Start Charter  
15 School for 15 years, a member of the leadership team,  
16 and designated LEA testing coordinator.

17 My job is to secure, coordinate, and consolidate  
18 all testing data for both local and statewide, and  
19 share it to all our stakeholders. Based on collected  
20 data, Today's Fresh Start Charter has shown  
21 significant increase in test score every year.

22 During the last California state tests, we call  
23 CST, Today's Fresh Start Charter School reached 840  
24 academic performance index, or API.

25 Now with a new format of state tests, of state

1 assessment, the [inaudible], and a smarter balanced  
2 assessment consortium, or SBAC, our school  
3 consistently show growth every year in all categories,  
4 compared to neighboring school, and to Inglewood  
5 Unified School District.

6 We are college bound school, and we believe that  
7 every scholar in our school will go to college. We are  
8 raising the bar and closing the achievement gap. Thank  
9 you. [applause]

10 MS. MONTENEGRO: Mr. Flores? So the next person  
11 I'm going to call after Mr. Torres is Chernalie Dunbar  
12 [ph]. So if you want to come up close to the  
13 microphone.

14 MR. TORRES: Good evening, respected board  
15 members, superintendent. My name's Mr. Flores. I'm a  
16 teacher for Today's Fresh Start. I've been working  
17 with the organization for seven years.

18 And I just want to personally speak about the  
19 commitment of the staff, how hard we work, how we give  
20 everything we have for our students.

21 The motto, raise the bar, close the achievement  
22 gap, it's not just a motto to us, it's a mantra, it's  
23 something we believe in, it's something we strive for.

24 Hundreds of students come to our doors. And we do  
25 everything possible to help them, to make them

1 successful, become productive members of society, and  
2 go to college.

3 And it will be a disservice to close down the  
4 school for the families and the students. Thank you.  
5 [applause]

6 MS. MONTENEGRO: [inaudible]

7 MR. DUNBAR: Good evening, everyone. I am here  
8 today on behalf of Today's Fresh Start Charter School.  
9 I am a parent. My children are here today. I have two  
10 six-year-olds, Zochanel [ph] and Zocargel [ph], and I  
11 also I have an eight-year-old, Winter.

12 Winter been in the school for the last two and a  
13 half, going on three years. And her sisters joined her  
14 last year. I have to say, with God's grace and mercy,  
15 that we are able to do everything because of him.

16 Success is earned. It's not given. So we will not  
17 take it for granted. I'm a good parent. I'm a full  
18 time home parent that takes care of my mom. So I'm  
19 very busy.

20 And also I am thankful that Today's Fresh Start  
21 has many, many different -- I mean, if I go to name  
22 everything, I'll be out of time. All I'm saying is  
23 this. I'm not only there to support the kids, and  
24 teachers, and faculty members.

25 And if everybody could just get [inaudible], get

1 [inaudible] so that we can just come together, be

2 united, parents, teachers, board members,

3 commissioners. It don't matter. What matters is

4 children needs us.

5 They are the future. They are what we wanted to

6 do when we was a kid. Okay, we didn't make it, fine.

7 Bless the Lord, but at the end of the day God gives us

8 different [inaudible] as far as charters, as far as

9 community, as far as programs.

10 Let's use it. Let's utilize. Let's share the

11 love. Let's [inaudible]. Let's participate, cooperate.

12 Let's come together. Let's resolve stuff. Stop

13 pointing fingers. Stop looking at who's doing what,

14 who's not doing enough.

15 I am just here to say Today's Fresh Start Charter

16 School is here to stay. I'm standing [inaudible] for

17 Today's Fresh Start school [inaudible] the kids needs

18 us, and [applause] [inaudible] [inaudible shouting;

19 distorted audio] kids are the future, and they're the

20 best, they need us, we will not [inaudible] not by a

21 negative Nancy, and we will thank God that all of you

22 guys are [inaudible] and his mercy, for the kids

23 [inaudible] and we thank God that they're able to do

24 it [inaudible] thank you. [applause]

25 MS. MONTENEGRO: Do we have Maria Jones in the

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MS. JONES: Hello, good evening [inaudible]. My name's Maria Jones. I'm a parent of three students attending Today's Fresh Start. And all I want to say is thank you to the staff.

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My -- I have a 12-year-old, 11-year-old, and a 9-year-old that's been attending Today's Fresh Start for about approximately nine years. For the 12-year-old in [inaudible] two other kids been attending for about four or five years.

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And I have two students in IEP that are receiving program. And I just want to say thank you to all the staff and teachers for taking the time, help my kids succeed, help them build them in the areas that they need helped on.

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In the past few years I have seen my kids improve in many different areas, from not trusting staff members from experiences they went through at other schools, to opening their arms, and just by the the school opening their arms to me and my kids, allowing us to express ourselves in the help that we have received tremendously from every one of the staff, the teachers, counselors.

24

25

And I just want to thank them for giving the opportunity [inaudible] my kids for helping them

1 succeed, helping them grow in the areas that they need

2 helped on, and for treating us more like a family

3 instead of just as student and a parent.

4 We grew to love them as our own family members  
5 because of all the love that they've given us and for  
6 all the support that they have given us. And if it  
7 wasn't for the staff, my kids will not have been as  
8 successful as they -- as they are right now.

9 And they have improved tremendously. And I just  
10 want to thank everyone for giving me the time to speak  
11 in behalf of Today's Fresh Start. Thank you.

12 [applause]

13 MS. MONTENEGRO: Ana Vasquez? Okay. Ms. Ana  
14 Vasquez, are you going to come up? [inaudible]  
15 Gonzalez?

16 MR. GONZALEZ: I would like to start by  
17 introducing myself. I'm [inaudible] Gonzalez. I've  
18 been attending Today's Fresh Start starting this  
19 school year. This school year -- well this [inaudible]  
20 that I've been there, it's been awesome because, like,  
21 all the teachers, they look like they enjoy learning,  
22 like making kids learn.

23 Like and starting off by Mr. Flores, he, like,  
24 takes his time by helping kids -- helping kids with  
25 the math problems they need help on. If they don't

1 understand it, he would take his time, explain. If  
2 more than one person doesn't understand it, he would  
3 redo it on the board.

4 Also I want to, like, talk about the staff at  
5 school, the yard aides. They -- they -- they -- they  
6 all like to be around kids. Like they don't like if  
7 they're not that type of person out of school, they're  
8 a full different person in school around kids.

9 They will, like, have a full conversation with  
10 you. They -- they're not just [inaudible] like  
11 disrespect you in any type of way. They are, like very  
12 caring towards others.

13 Also Today's Fresh Start has what I need for my  
14 career. I would like to be a mechanical engineer. And  
15 as [inaudible] there, I see that I will reach the goal  
16 to be a mechanical engineer thanks to them.

17 It is, like, I will be recommended -- I will  
18 recommend it to others just because of how I feel of  
19 the school. Like they're not like -- disrespect no  
20 one.

21 They stop anything that will be, like,  
22 considered, like, bullying or any violence, like they  
23 will stop it right away. That's what I have to say  
24 about Today's Fresh Start. [applause]

25 MS. MONTENEGRO: Mr. Daniel Red [ph].

1 MR. RED: Good evening, board members. Good

2 evening, everyone. I am a Dillard University graduate.

3 I studied applied mathematics at Dillard University

4 and I wanted to teach math.

5 Since leaving Dillard, I've successfully worked  
6 for Inglewood High School, where for three consecutive  
7 years the students who I worked with, they scored the  
8 highest in mathematics in Inglewood High School's  
9 record. I worked with Dr. [inaudible]. Since then I've  
10 transitioned to Today's Fresh Start Charter School.

11 At Today's Fresh Start Charter School, kids are  
12 stepping into literacy -- they're stepping into  
13 literacy and understanding. They're leaving a lot of  
14 rote memory.

15 And I think the school should stay open and  
16 remain open for as long as they could possibly remain  
17 open. Because when you step into understanding, it  
18 gives you a base.

19 It gives you a base to move forward. And at  
20 Today's Fresh Start Charter School, these kids are  
21 moving forward.

22 They're moving forward because they're mastering  
23 grammar, they're mastering math, they have an  
24 understanding. And we want to continue to build  
25 forward and move forward with getting them

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understanding.  
I work with a lot of great people at Today's Fresh Start Charter School. And it's been a first for me.

But I am enjoying it. Every day doesn't feel like work. It feels successful and addicting.

And so moving forward with a staff who presents that element makes you want to pass what you have learned on to the next generation.

In addition to that, I appreciate this opportunity to speak in front of you, and I am humbled by this opportunity.

And I hope that you guys do your best to keep Today's Fresh Start open so that we can move forward with success.

We are also raising the bar and closing the achievement gap. Thank you. [applause]

MS. MONTENEGRO: Mr. [inaudible]. Mr. [inaudible]. Or Ms. [inaudible]. Okay. Uh-huh. Can you pronounce your name, please?

MALE: [inaudible]

MS. MONTENEGRO: Okay. Thank you.

MALE: My name is [inaudible]. I want to start off by saying thank you for [inaudible] all of you. I want to start off by saying, Today's Fresh Start is a

1 good school. And I would like to [inaudible] Today's

2 Fresh Start.

3 I -- I like -- I like the school because they  
4 take their time to teach you. They have organized  
5 schedules. They have a good staff. And [inaudible]. I  
6 have a good experience going to Today's Fresh Start.

7 And I hope they keep our school open. And the  
8 school Today's Fresh Start helps you with -- with math  
9 and science. So I achieve my dream to be a medical  
10 doctor. Thank you. [applause]

11 MS. MONTENEGRO: [inaudible] in opposition of the  
12 charter, Ms. [inaudible], please?

13 BOARD MEMBER: Good evening, again. Before I  
14 begin, I just wanted to say, congratulations  
15 [inaudible]. It's been five years, I believe. You  
16 deserve it. Thank you for everything that you have  
17 done. [applause]

18 BOARD MEMBER: [inaudible] for the betterment of  
19 this district. So thank you. And then Christine, I  
20 really enjoyed working with you, and we want to  
21 continue that relationship with you. So thank you.

22 You've been doing an amazing job filling  
23 [inaudible] shoes. Okay. What I want to say first is  
24 that Inglewood Teachers Association. We teach this  
25 neighborhood. We believe in all schools, even charter

2           There's some charter schools that we support 100  
3 percent. But the purpose of a charter school is to  
4 create innovative programs, something extraordinary.

5           That was your original purpose of charter  
6 schools. If this were happening at Fresh Start, we  
7 would not be here asking that you -- I am saying no to  
8 their renewal of their charter school.

9           To the parents of Fresh Start, Inglewood Unified  
10 School District, we hope that you're aware of this, is  
11 making many great changes. And we would like you to be  
12 a part of it.

13           We have aerospace -- we're working with the  
14 aerospace corporation. We have a film and television  
15 program working with Disney, Sony. We have Mandarin.

16           We're working on forensic science, law academy,  
17 international travel, model United Nations, speech and  
18 debate, sports medicine, sports media, TV and radio  
19 shows. The list goes on. Engineering.

20           We just finished a music program with the  
21 musicians' union, where students work with  
22 professional musicians and create a music piece. One  
23 of the professional musicians worked on La La Land,  
24 and they worked with Disney.

25           We just wrapped that up. So I just do want you

1 know -- to know that there are a lot of great things

2 happening in Inglewood. There's a school right around  
3 the corner from you. It's called Bennett-Kew.

4 And amazing things are happening there. I suggest  
5 that you take the opportunity to see what's going on  
6 over there.

7 Now I do want to say this, because I was really  
8 surprised, very disappointed, but maybe not so  
9 surprised to see John Young come up here and introduce  
10 Fresh Start, somebody who sat right there at the board  
11 meeting, a board member in Inglewood.

12 And we watched you day after day, board meeting,  
13 chase after charter schools, run over there and pass  
14 out your business cards as if it were Tic-Tacs to the  
15 charter school people who would come in.

16 You sold us out. And you continue to do it. You  
17 sold this district out and you continue to do it.

18 Now I just want you to know that in spite of you,  
19 we will rise. In spite of everything you did to tear  
20 down this district, chasing after charter schools,  
21 taking away money from students in this district.

22 And then sitting at the Morningside auditorium  
23 banging on the thing [bell rings], saying yes to  
24 teachers' pay cut. In spite of you, we will rise. Do  
25 what you want to do. But you have betrayed this

[applause]

MS. MONTENEGRO: Fernando Omejo [ph], please.

MR. OMEJO: I didn't know my clock started. Good afternoon good evening, everyone. Once again, I'm Fernando Omejo representing myself as an individual and Calpro, and of course [inaudible] which we represent.

It's very hard to say yes and no. Just like [inaudible] has said, we are all here for education, we're all here for student achievement and learning. My my role here at this district is not necessarily in the classroom, but out the classroom.

So I'm here to really just talk a lot about or a little bit about the -- the progress that we have slightly talked about.

And once again I would like to promote the presentation of our facilities. So for those -- from Fresh Start, please stay and stick along to see the progress that we are talking about.

And being involved in a lot of these programs projects here at the school district we have advanced very far. We have new classrooms to promote. And that will all be presented.

I wanted to direct attention to myself, and I'm

1 doing this simply because I too was a student. I am a  
2 product of Inglewood Unified School District. And I  
3 can't prove my elementary status from Centinela, but I  
4 am here, from La Tijera.

5 Here's my picture here. And -- and it's  
6 embarrassing to show, but I'll show you [inaudible].  
7 And I am a product -- I already -- I'm repeating  
8 myself, but I'm also a graduate of Inglewood High  
9 School. Here I am looking dapper.

10 Graduating from 1999 to present day, I have  
11 learned a lot. And in 2002 I have decided to work for  
12 the Inglewood Unified School District.

13 Primarily in the beginning, as shameful as it  
14 sounds, I needed an income. Being part of Inglewood  
15 High School's immediate staff, working as a lifeguard,  
16 I've been able to work with students, and have a  
17 different perspective since then.

18 I want to ask those parents from Today's Fresh  
19 Start to give a fresh start to Inglewood today, to  
20 come over and see the improvements and involvement,  
21 not only with the education, but our facilities.

22 It's something to really be proud about. And  
23 there's just eight seconds to talk about it. And it's  
24 not enough time.

25 But definitely have an open house, come see Lily

1 and Grant [ph] to schedule some kind of [bell rings]

2 walkthrough with a choice like Bennett-Kew or

3 somewhere near another school. And there's two high

4 schools to choose from [inaudible] [applause]

5 MS. MONTENEGRO: Is Willie Brown here?

6 MR. BROWN: Yes. Hi there. Hello, board, how are  
7 you? Good evening. I'm Willie Brown. I publish  
8 Inglewood Today newspaper. And for over 25 years we've  
9 been publishing positive stories about the assets in  
10 the city of Inglewood.

11 And a few weeks ago I had an opportunity with  
12 some others to visit the Fresh Start school sort of an  
13 inspection, a viewing of the school, see what they  
14 were doing, and what they bringing to our community.

15 Now I'm here to tell you that I was very  
16 impressed with what they're doing, and have been  
17 doing, and are doing.

18 And I just wanted to say that they are another  
19 positive story that we will be talking about. Because  
20 I believe that they are truly another positive asset  
21 for our community. Thank you. [applause]

22 DR. MURPHY: Good evening, everyone. My name is  
23 Dr. Murphy. I'm the principal of Bennett-Kew  
24 Leadership Academy of Excellence. Yes. Truly the home  
25 of the real college bound [inaudible].

1 Last year was my first year as principal at

2 Bennett-Kew school. My second month there I met a  
3 mother and father of four children who were scholars  
4 from Today's Fresh Start. The parents of these four  
5 fine children shared with me that their children's  
6 start was not truly fresh.

7 They indicated the school's environment was very  
8 chaotic and there were many behavioral issues that  
9 were swept under the rug.

10 There were no positive behaviors supports in  
11 place, and their son was in fact injured in class, and  
12 there was no contact made to them as parents from  
13 administration.

14 They also shared that the school's curricular  
15 resources were low, and even students' desks and  
16 chairs were limited. I ensured them as the new  
17 principal at Bennett-Kew, that Bennett-Kew was the  
18 school for their children.

19 Fast forward one school year later at the  
20 Inglewood Taste of Soul, August, 2019, this fine  
21 family came to the Inglewood Unified School District's  
22 booth and shared their testimony of how if they knew  
23 then what they knew now regarding Bennett-Kew and the  
24 Inglewood Unified School District, their children  
25 would have never been enrolled in Today's Fresh Start.

1 And their children would have been products of  
2 the Inglewood Unified School District from the start  
3 of their academic journey. They were pleased with our  
4 staff and learning environment, which has helped all  
5 of their children soar to great heights.

6 Another parents actually enrolled her child in  
7 Today's Fresh Start, as she shared with me, she  
8 believed it was to be the best school out of the two.

9 Fast forward one month later; she immediately re-  
10 enrolled her child in Bennett-Kew, as she testified  
11 that her son was not given the academic supports he  
12 needed to be successful in school. Her words were --  
13 her words were, I'm sorry, the grass looked very  
14 green, but it was artificial grass.

15 As I see that Today's Fresh Start is up for  
16 renewal, I encourage this evening that the renewal is  
17 not granted. At Bennett-Kew we educate every child,  
18 the whole child, every single day, in a safe place,  
19 which is the best place.

20 We are and have been raising the bar and closing  
21 the achievement gap. Thank you. [applause]

22 MS. MONTENEGRO: Krishan [ph] Day?

23 MR. DAY: Hello, everybody. My name is Krishan  
24 Day. I'm alumni of Morningside High School, class of  
25 2012. I went on to Chico State where I majored in poli

1 sci, came back to my community.

2 I've been back inside the city of Inglewood for  
3 the past, I want to say four years. I helped organize  
4 with Uplift Inglewood to help get rent control passed  
5 here in the city as well as statewide.

6 I've also been for the past 11 years, or 10 years  
7 giving back to my community, from future distributions  
8 [ph], to 100 Seeds of Change. And I actually helped  
9 create one of the first gardens at Morningside High  
10 School, as well as Warren Lane.

11 I'm here today asking the school board to deny  
12 the charter petition renewal for Today's Fresh Start  
13 school for the term of July 1, 2020 through June 30,  
14 2025. Today's Fresh Start schools have a history of  
15 misconduct with students and their staff.

16 The state Department of Education reported that  
17 they identified serious chronic and systematic program  
18 violations. A teacher came out with a report that  
19 students had to take tests that were that were deemed  
20 unsatisfactory, which led to test scores being an  
21 issue.

22 This is clearly not fair to the students and  
23 staff. We shouldn't reward this type of behavior and  
24 misconduct because it's impacting our students.

25 Another teacher stated that classrooms are under

1 constant video surveillance. There's a lack of such  
2 access to technology and textbooks. This is  
3 unacceptable.

4 We are the city of champions. And our youth  
5 deserves the best we have to offer. Thank you for your  
6 time. [applause]

7 MS. MONTENEGRO: [inaudible]

8 MR. BROWN: Hello, everyone. My name is Zaira  
9 [ph] Brown. I'm an alumni from Morningside High  
10 School, class of 2014. I went on to Chico State to  
11 major in sociology. And I'm also back in my community.

12 I'm asking the board today to deny the charter  
13 petition renewal for Today's Fresh Start Charter  
14 School.

15 Clark and Jeanette Parker, the founders of  
16 Today's Fresh Start schools, have funneled over  
17 \$800,000 in funds in order to make rent payments for a  
18 building that they already owned.

19 They have used their charter to contract services  
20 to their personal nonprofits and companies, and pay  
21 Clark Park- -- Clark Parker generous consultant fees,  
22 all with taxpayer money.

23 The Parkers have cast themselves as selfless  
24 philanthropists while their campus is underfunded and  
25 underserviced.

1 I'll have to ask myself and my community why

2 would you want to continually enable that type of  
3 business with our education, with our youth, and with  
4 our future. Thank you. [applause]

5 MS. MONTENEGRO: And that concludes our speakers  
6 for the charter petition [inaudible] Today's Fresh  
7 Start.

8 DR. TORRES: Thank you, Ms. Montenegro. And now  
9 it's time for questions from the designated Los  
10 Angeles County Superintendent of Schools and the Board  
11 of Education.

12 I would like to ask Dr. Parker to please go to  
13 the podium as we [inaudible]. Thank you, Dr. Parker.  
14 So during our site visit, we requested that --

15 DR. PARKER: Would you repeat that, please? I  
16 didn't hear you.

17 DR. TORRES: During our site visit, we requested  
18 that 2018-19 data for Today's Fresh Start. School  
19 districts have had access to this data for quite some  
20 time. And so my question for you is, if you can please  
21 let us know why you refused to share this data with  
22 us?

23 DR. PARKER: We could not share it with you  
24 because the test scores for the entire state of  
25 California are embargoed. And they have not been

1 released by the public. We would be disobeying the law

2 to have given you the test scores.

3 And so that is the reason why. However, we do  
4 have [inaudible] all of the test scores for a long  
5 number of years, which clearly demonstrate that our  
6 scores have been increasing every year.

7 And just to be clear, that we are one of the top  
8 -- a top school in Los Angeles County. And we also  
9 received a -- an award for special education.

10 So our test scores, which is the most -- the most  
11 important criteria for renewal, do exceed the  
12 Inglewood Unified School District, and many other  
13 schools surrounding. Is that fair? Did I answer your  
14 question?

15 DR. TORRES: You did. And what I wanted to just  
16 mention, and to remind you as your authorizing  
17 district you -- you did mention to us that the data is  
18 embargoed. But I reminded that we need data in order  
19 to make a determination.

20 And you refused to provide that to us. So I'm  
21 going to hand it over to our board president, Dr.  
22 Scorza, and he would like to share a memorandum that  
23 you received in May of 2019.

24 DR. SCORZA: So thank you, Ms. Parker, for coming  
25 tonight. I just want to state unequivocally that I am

1 for Inglewood Unified. [inaudible] my kids go to

2 school here in Inglewood Unified, as does our nieces  
3 and nephews, and [inaudible] kids as well.

4 So I just want to be as -- as abundantly about  
5 that as possible. So I think you stated -- and you  
6 stated in your response letter that the data was  
7 embargoed.

8 I just want to read to you briefly an excerpt  
9 from a memo provided by the California Department of  
10 Education and by the state superintendent of public  
11 instruction, dated May 28, 2019, which details to all  
12 county and district superintendents, as well as  
13 charter school administrators, that the early results  
14 will give -- this is regarding your school results --  
15 the early results will give local educational agencies  
16 timely information about student learning to support  
17 instructional planning for the coming year. Student  
18 achievement and [inaudible] results, may also inform  
19 the development of local controlled accountability  
20 plans and educational programs.

21 Assessment results from the ORS and Toms [ph] are  
22 not embargoed. Districts are encouraged to use the  
23 results for local planning, including public meetings  
24 with your local governing board.

25 So if you like, we can provide a copy of this for

1 you. But this letter was dated prior to you submitting  
2 the charter.

3 So we want to make sure that you know that your  
4 results were not embargoed. And frankly, when we did  
5 an analysis of your results, we found that from 2018  
6 to 2019 your performance went down in nearly every  
7 grade level in both ELA and math.

8 So when we took a look at your results, because  
9 we were finally able to gain access to them, we found,  
10 and at least we assumed, that the primary reason they  
11 were not provided was because performance was actually  
12 on the decline. Can you speak to that, please?

13 DR. PARKER: Yes. I'd be very glad to speak to  
14 that. If you look at the test scores that we gave you,  
15 you will see, and according to legalities, our test  
16 scores must either equal or exceed Inglewood.

17 And they do that. So that is the case. So if  
18 there are 2019, we gave you 2018. So I -- I don't know  
19 what what year you are speaking of.

20 And you can clarify it if you would like, please.  
21 But our clear understanding is that the 2019 scores  
22 have not been released to the public. And we were not  
23 allowed to release them.

24 DR. SCORZA: Well, thank you. And this is from  
25 2018 to 2019. And I would beg to differ that our

1 scores have actually increased and improved over the  
2 past three years. And you can see that by [inaudible]  
3 results as well. So --

4 DR. PARKER: We have looked at -- we gave you the  
5 new policy.

6 DR. SCORZA: That's fine. So with that being said  
7 I just want you to know that while you did not provide  
8 the data to us, we want to be abundantly clear that  
9 your results were not embargoed.

10 And to Dr. Torres' point, as your authorizing  
11 agency, you were required to provide those to us. And  
12 if -- and according to your letter, educational  
13 achievement is the number one reason charter schools  
14 should be opened, what we see now is a decline in  
15 achievement in your schools. So just want to be  
16 abundantly clear.

17 DR. PARKER: Well, there's a difference in saying  
18 there is a decline, and a difference in saying that we  
19 are not achieving at or above Inglewood, which is the  
20 actual true picture, that we are achieving at and  
21 above.

22 DR. SCORZA: Well, let's just say for second  
23 grade ELA, your scores went down from 46 to 17 percent  
24 of students that were meeting or exceeding the  
25 standard by grade. And ours exceeded that number. So

1 just to be really clear if that's the case, if your  
2 standard is that, then you need to exceed [inaudible]

3 DR. PARKER: Our standard is that we are an  
4 elementary school. And we are from TK through 8. So  
5 all our grades are put together. So --

6 DR. SCORZA: Okay. Thank you.

7 DR. PARKER: So they're all conglomerate [sic]  
8 together.

9 DR. SCORZA: Thank you.

10 DR. TORRES: Thank you. And then one final  
11 question from me, and then I'm going to open it up to  
12 our board of education.

13 So during our visit it was very apparent the  
14 staff at Today's Fresh Start do not fully understand  
15 the responsibilities to serve the full spectrum of  
16 students with special needs.

17 And I would like for you to please explain the  
18 data reflecting the decrease in achievement for  
19 students with special needs.

20 DR. PARKER: We were given an award -- we were  
21 awarded a special education school of excellence  
22 award. And we are very --

23 DR. TORRES: So my question again will be -- let  
24 me repeat my question.

25 DR. PARKER: Sure. Of course.

1 DR. TORRES: Because I'd like to -- I'd like for  
2 you to respond to my question. Please explain the data  
3 reflecting the decrease in achievement for students  
4 with special needs. That is the question.

5 DR. PARKER: Well, I think you need to keep in  
6 mind that every year we enroll children who come from  
7 other districts, including Inglewood, and other  
8 districts, who come in at very far below the standard.  
9 So we must bring all those children up. And that's  
10 what we do.

11 DR. TORRES: Thank you. And I'm going to ask our  
12 board of education if you have any questions for Dr.  
13 Parker. We'll begin with Dr. Scorza.

14 DR. SCORZA: Thank you so much, Dr. Torres. Will  
15 there be any -- are there any questions from the  
16 board?

17 BOARD MEMBER: Yes. Hi. Hi, Dr. Parker. How are  
18 you?

19 DR. PARKER: I'm well, thank you.

20 BOARD MEMBER: Good, good. I do have a question  
21 for you. My understanding is that your board of  
22 education is they're communicating and having their  
23 board meetings via teleconferencing. Are these  
24 meetings being noticed to the public at all?

25 DR. PARKER: All our board members -- all our

1 board minutes are published. Are you -- the

2 teleconferencing --

3 BOARD MEMBER: I was talking about the --

4 DR. PARKER: -- for all -- all schools beings in

5 -- in January.

6 BOARD MEMBER: I'm asking about your --

7 specifically your board meetings.

8 DR. PARKER: Yes.

9 BOARD MEMBER: How are your -- are you -- are  
10 they meeting in person or via teleconference?

11 DR. PARKER: They meet in person.

12 BOARD MEMBER: They meet in person.

13 DR. PARKER: Yes.

14 BOARD MEMBER: That's the first we have --

15 DR. PARKER: I'm sorry?

16 BOARD MEMBER: And you reported out that they've  
17 been meeting in person?

18 DR. PARKER: Well, if you look at the board  
19 minutes, we record how just what is the scenario.

20 BOARD MEMBER: So --

21 DR. PARKER: If someone is absent, then they have  
22 to know. We have to document that.

23 We have to document that they are absent, and the  
24 reason, and where they are. And we have to have the  
25 address.

1 So someone is ill and can't get there, then, you  
2 know, that could be a reason as to why. And they must  
3 notify us far in advance so that we have an  
4 opportunity to document the address where they are so  
5 they can post it.

6 BOARD MEMBER: Okay. And how are you providing  
7 public notice of your board meetings?

8 DR. PARKER: We provide it at the schools and on  
9 our website.

10 BOARD MEMBER: Okay. And what kind of notice, how  
11 long is it being displayed?

12 DR. PARKER: Say that again?

13 BOARD MEMBER: How long is your notice being  
14 displayed for the public notice?

15 DR. PARKER: On the website?

16 BOARD MEMBER: When you publish -- when you  
17 publish [inaudible] --

18 DR. PARKER: If it's a regular board meeting,  
19 it's 72 hours in advance.

20 BOARD MEMBER: Okay.

21 DR. PARKER: Mm-hmm.

22 BOARD MEMBER: So you have not had any  
23 teleconference -- you have not had any [inaudible]  
24 teleconference?

25 DR. PARKER: Well, the teleconferencing is not a

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BOARD MEMBER: Okay. Thank you.

DR. PARKER: Maybe we -- maybe you have to define what you mean by teleconference.

DR. SCORZA: Are your board members meeting virtually? Or are they all meeting in person at every meeting?

DR. PARKER: They all meet in person unless someone is absent or, you know, cannot attend for some very extraordinary reason.

DR. SCORZA: And in which case they're provided an option to teleconference, is that correct?

DR. PARKER: They are given an opportunity to call in.

DR. SCORZA: Right. And when you do so, are the locations at which they are teleconferencing publicly noticed so that --

DR. PARKER: Yes.

DR. SCORZA: -- members of your community are able to attend?

DR. PARKER: Yes.

DR. SCORZA: Both at that location where the person is teleconferencing from, as well as at your board meeting?

DR. PARKER: Yes.

1 BOARD MEMBER: I have a question about your

2 parent volunteers. I'm reading in your petition that  
3 they're expected to in their 40 hours [inaudible]

4 DR. PARKER: Would you talk a little maybe a  
5 little closer so I can hear you.

6 BOARD MEMBER: Your parents are expected or  
7 required to render 40 hours of volunteer time per  
8 student as a -- a requirement for admission. So what  
9 do you have those parents doing for 40 hours?

10 DR. PARKER: We do not require any parent to  
11 volunteer for 40 hours. So that's another one of the  
12 blatant contortions that was reported in the staff  
13 report.

14 BOARD MEMBER: I'm looking at your petition that  
15 says, admissions requirements. And it's under  
16 admissions requirements about your parents rendering  
17 40 hours of service.

18 DR. PARKER: We do not require any parent to  
19 volunteer any time. We encourage them to come and  
20 volunteer. But it is not a requirement.

21 BOARD MEMBER: You encourage the parents. And if  
22 the parents don't volunteer, then what? What happens  
23 to the student?

24 DR. PARKER: There is nothing we can do about it.  
25 They just don't volunteer. Only parents volunteer who

1 want to volunteer.

2 There is no requirement. There is no condition as  
3 far as -- I know there was a law passed quite a bit a  
4 while ago that some schools -- but we've never  
5 required any parent to in condition of enrollment, to  
6 have to volunteer.

7 DR. SCORZA: So Ms. Parker, just to reiterate  
8 what's actually in your petition, and in your parent  
9 handbook listed on your website. It says, parent  
10 participation. So parents, this might be a change in  
11 your policy, but you'll get to hear it directly from  
12 us today.

13 Your participation is needed, appreciated, and  
14 required. By enrolling your child in Today's Fresh  
15 Start Charter School, a school of choice, all parents  
16 are expected to participate in your child's school  
17 success.

18 The parent/guardian is the first teacher and  
19 parent participation is a, quote-unquote, "must."  
20 Parent handbook, page 24.

21 DR. PARKER: We do not require any parent to  
22 volunteer. That's all I can say.

23 BOARD MEMBER: I have a question of Dr. Parker.  
24 Thank you. Is the location on Imperial the only  
25 location included in this charter request that you

1 presented to us?

2 DR. PARKER: Yes.

3 BOARD MEMBER: So the --

4 DR. PARKER: The location here in Inglewood.

5 BOARD MEMBER: So your other locations are not  
6 part of your charter request, renewal request that you  
7 have presented to us today?

8 DR. PARKER: No. It's only one location.

9 BOARD MEMBER: Only one location, so --

10 DR. PARKER: The one that is here.

11 BOARD MEMBER: So your operations on Crenshaw, on  
12 the -- which charter?

13 DR. PARKER: It's under the Compton Unified  
14 School District.

15 BOARD MEMBER: Compton Unified has approved the  
16 ones on Crenshaw.

17 DR. PARKER: That is correct.

18 BOARD MEMBER: Thank you.

19 DR. SCORZA: And those are located within the  
20 boundaries of LAUSD, correct?

21 DR. PARKER: That is correct.

22 DR. SCORZA: How are they, given the recent court  
23 ruling, how are they allowed to legally operate being  
24 authorized by another district, but then being in the  
25 competing district's boundaries?

1 DR. PARKER: The Ed Code allows that a district  
2 may have one site outside their district.

3 And the one site outside of the Compton Unified  
4 School District, that is on the rise by them, to  
5 Today's Fresh Start, is on Crenshaw Boulevard.

6 The other site is within Compton Unified  
7 District, in Compton. So the law allows for that. So  
8 it is legal.

9 DR. SCORZA: And are the -- we see that you have  
10 two sites, 4514 Crenshaw and 4476 Crenshaw. Are those  
11 two separate sites or one combined site?

12 DR. PARKER: No. It's one complex.

13 DR. SCORZA: Okay. Thank you. And that has no  
14 connection with Inglewood Unified.

15 BOARD MEMBER: Does that also comply with your  
16 board? It just appeared that your board members have  
17 served on the board for several years.

18 And I'm just curious as to how your board members  
19 are reelected, and how many terms can your board  
20 members serve, and what's the procedure for reelecting  
21 a board member, and how does the board separate its  
22 interests from Inglewood approved charters and  
23 Compton's approved charters?

24 DR. PARKER: Well, you asked multiple questions  
25 in one complex.

1 BOARD MEMBER: Okay --

2 DR. PARKER: So start off at the top, if you  
3 will, please.

4 BOARD MEMBER: How many -- how many years or how  
5 many terms can a board member serve?

6 DR. PARKER: Well, [inaudible] to any [inaudible]  
7 to public schools, that they can be reelected or -- I  
8 don't know if that would be the proper term for us --  
9 but they can be reinstated onto the board. So --

10 BOARD MEMBER: Is there term limits?

11 DR. PARKER: Only to the extent that if they  
12 cannot serve anymore.

13 BOARD MEMBER: So a board member can serve -- is  
14 it four consecutive years, and then another four  
15 consecutive years if they're reelected? Or is it  
16 infinite, they can serve for 30 years?

17 DR. PARKER: Well, we don't have elections. You -  
18 - you -- you're a -- a public entity that does  
19 elections.

20 BOARD MEMBER: No. Private entities elect too.  
21 They are elected by their peers. There is an electoral  
22 procedure. And I'm just trying to understand how are  
23 your board members --

24 DR. PARKER: Well, we have everything in the  
25 charter and in our articles of corporation, which

1 clearly explain -- explains the process. It is all in  
2 the charter and operative.

3 And we have been chartered by you as a partner  
4 for many years, something like 10 by now. And if  
5 there's a procedure that you think, you know, you have  
6 an idea that you would like to have altered, then, you  
7 know, we can alter that.

8 BOARD MEMBER: Okay. I'm going to alter this.  
9 Does your board members serve for both school  
10 districts?

11 DR. PARKER: They do, just as --

12 BOARD MEMBER: Inglewood and Compton?

13 DR. PARKER: That is correct. That's just like LA  
14 Unified, your district, you have multiple school sites  
15 on your district.

16 BOARD MEMBER: No, we --

17 DR. PARKER: And so we have one board. We have  
18 one board.

19 BOARD MEMBER: But you have schools in other  
20 districts.

21 DR. PARKER: Well, we have one board.

22 BOARD MEMBER: Okay. And another thing, do you  
23 guys ever -- I see that while I was looking for Willie  
24 Brown, and seeing him at a board meeting since Hector  
25 was a pup, but that's all good. I'm just wondering, do

1 you guys advertise in his paper?

2 DR. PARKER: We have just begun to do so.

3 BOARD MEMBER: Okay.

4 DR. PARKER: But he has visited the school. And  
5 it was his initiating desire to do so. But he is not  
6 paid to appear on our behalf.

7 BOARD MEMBER: Oh, I wouldn't even suggest that.

8 DR. SCORZA: So Dr. Parker, again, thank you so  
9 much for being patient and, you know, weathering her  
10 questions.

11 You know, I worked really hard on AB420, which  
12 you may have heard some of the young men speaking  
13 earlier, expressly prohibits suspension or expulsion  
14 on the basis of willful defiance.

15 I'm really proud to say that a coalition of  
16 organizations throughout LA County worked really hard  
17 on SB419, which was passed by Senator Nancy Skinner,  
18 which extended the ability or at least prevents a  
19 school from suspending kids on the basis of willful  
20 defiance up to 8th grade, K through 8.

21 In reviewing your petition, we're not able to  
22 understand what basis for expulsion or suspension you  
23 utilize for your students. Can you please articulate  
24 whether or not your petition complies with AB420 and  
25 SB419?

1 DR. PARKER: We do everything possible not to  
2 expel children and not to suspend them. We work with  
3 the parent, and we work with the child, because we  
4 have a belief that expelling children, where you going  
5 to put.

6 And we believe that it's teaching them to go to  
7 prison and to learn how to be exiled. So we have  
8 people, contrary to what may have been said, we have  
9 people on staff who work as behavior coaches, and  
10 counselors, and other professions, to help children  
11 who have difficulties.

12 I might be so polite to remind you that more than  
13 25 million children in the United States are from  
14 homes where there are no fathers in the homes. We have  
15 learned that there are some of those children have  
16 behavior difficulties, but they're not IEP.

17 So what we do is work with them so that they may  
18 learn how to collaborate in an environment that will  
19 help them to grow and to be nurtured.

20 DR. SCORZA: So Dr. Parker, we would have loved  
21 to review your suspension and expulsion data, but we  
22 didn't have access to it. So can you tell us what your  
23 suspension and expulsion rates were?

24 DR. PARKER: We don't expel. We don't expel and  
25 we don't suspend. We work with the parents. We sit

1 with them. We meet with them. We talk to the children.

2 We talk to the parents.

3 We do it constantly. We have been -- we started  
4 conflict resolution so that our children would not be  
5 put out, or rather that we can work with them.

6 DR. SCORZA: I'll tell you, one of the -- one of  
7 the complaints we've heard from community members  
8 about the challenges that they face when attending  
9 Today's Fresh Start, that their children are counseled  
10 out.

11 So they're not suspended or expelled, but they're  
12 counseled out, and no longer able to attend. So I just  
13 want to be just abundantly clear about that.

14 The other question I have for you is related to  
15 your special needs population or your special  
16 education population. What's your current special ed  
17 population rate relative to your overall student  
18 [inaudible] --

19 DR. PARKER: I gave you a sheet in there.

20 DR. SCORZA: Yes.

21 DR. PARKER: There's a sheet in there which  
22 documents how many children that we have in special  
23 ed.

24 DR. TORRES: Could you walk us through that data,  
25 please?

1 DR. PARKER: Sure. I'd be glad to do that. It's

2 in a red folder.

3 DR. SCORZA: Yeah. So we just received this  
4 shortly. I haven't had a chance to review this yet.  
5 Which page?

6 DR. PARKER: Well, you feeling what I feel, don't  
7 you, that no one as yet, as of this very moment, ever  
8 sent me this staff report. So just think, how would  
9 you feel, that we never ever --

10 DR. TORRES: So Dr. Parker, the question is, can  
11 you please review the data with us. Thank you.

12 DR. PARKER: Yes. But I want to respond, he said  
13 he hadn't had time, that I haven't had time to respond  
14 to a [inaudible] that is reported in 10 minutes.

15 So, yes, so in the red folder you'll find stapled  
16 to the back award from the national -- we are members  
17 of the El Dorado [inaudible].

18 And in the back of the folder it has an award of  
19 excellence from the National Association of Special  
20 Education Teachers, that was awarded to us.

21 And within that area back there, it has the  
22 documentation of the children who are enrolled. So  
23 there is a red --

24 [talking over each other]

25 DR. PARKER: Right. Where they're stapled --

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DR. TORRES: Yes.

DR. PARKER: So we have 51 children who are special ed. And I don't know if Ms. Mariana [ph] is here. But she's in charge of the special ed division.

DR. SCORZA: So -- so thank you for the counts, Dr. Parker. And what's the achievement like for this population?

DR. PARKER: Um [inaudible] she has another chart right back there.

DR. SCORZA: It just shows the total population. It doesn't show --

DR. PARKER: No. Right in the back --

DR. SCORZA: -- achievement gap for that population. I think -- I think, yeah. I think the difference is that we actually requested the data quite some time ago.

So which I'm trying to -- we're trying -- we're trying to do our due diligence, right?

You asked us to review this petition. I think we're trying to do our due diligence. So can you tell us the achievement gap?

DR. PARKER: I don't have it with me. We can acquire it. We can get it. But I don't have it with me.

1 DR. SCORZA: Okay. Thank you.

2 DR. PARKER: So I'd just like to say, I kind of  
3 have to be bold because I'm speaking on behalf of the  
4 -- of the schools, that I think someone needs to look  
5 at the fact that there has been practically no  
6 oversight, which is the district's responsibility.

7 And in addition, for it to be that no one would  
8 send us the such a degrading staff report, except a  
9 few hours ago. That is --

10 DR. SCORZA: I'm sorry, Dr. Parker, we --

11 DR. PARKER: That's not good.

12 DR. SCORZA: We have another question for you,  
13 before [inaudible] next portion.

14 DR. PARKER: Yes, sir.

15 BOARD MEMBER: Just one last question, Dr.  
16 Parker.

17 DR. PARKER: Yes, ma'am.

18 BOARD MEMBER: One of the things that had been  
19 [inaudible] the issue was availability of  
20 instructional materials and [inaudible]. Have you done  
21 a -- did you include in your petition your latest  
22 report in terms of sufficiency of textbooks and  
23 instructional materials?

24 DR. PARKER: Well, for every child there is a  
25 laptop, starting with TK through 8th grade. Every

1 child has a laptop. All the children have textbooks.

2 McGraw Hill is the publisher that we use.

3 But we also use -- there are other, you know, we  
4 have other people who work on this. What's the name of  
5 the program that we have used? Is Dr. [inaudible]  
6 here?

7 BOARD MEMBER: I'm here.

8 DR. PARKER: What is the name of the other --  
9 Illuminate?

10 BOARD MEMBER: Illuminate is our testing service.

11 DR. PARKER: And Study Island?

12 BOARD MEMBER: Study Island is [inaudible]

13 DR. PARKER: And [inaudible].

14 BOARD MEMBER: [inaudible]

15 BOARD MEMBER: Now are al of these online  
16 programs that you are referring to?

17 DR. PARKER: No. McGraw Hill is not online. And  
18 Swat [ph] is not online. And --

19 BOARD MEMBER: So to answer the -- I don't want  
20 to prolong this discussion -- the question I asked  
21 was, in terms of sufficiency, does your report reflect  
22 that you have sufficient instructional materials to  
23 support the needs of your students enrolled in the  
24 charter school on Imperial Highway?

25 DR. PARKER: We have more than sufficient

1 materials. We have books that are hardback. Yes, it

2 does reflect that. Yes, ma'am.

3 BOARD MEMBER: Thank you.

4 DR. TORRES: Any other questions from the board?

5 Thank you, Dr. Parker.

6 DR. PARKER: You're welcome.

7 DR. TORRES: So now we're moving on to Item  
8 11.d.1. I would like to ask Sue Ann Evans to come up  
9 and provide us with a staff report regarding the  
10 charter petition renewal for Today's Fresh Start. I am  
11 hereby closing the public hearing.

12 MS. EVANS: So I want to -- I guess this is my  
13 first [inaudible], but this is the Today's Fresh Start  
14 charter petition with the attachments that it came  
15 with.

16 There was no mistake about the charter that we  
17 reviewed. I think there may be some misunderstanding  
18 between deficiency and a wholesale failure to include  
19 certain information. So I will walk through  
20 [inaudible]. Thank you though.

21 I should say good evening. Good evening, Dr.  
22 Torres, and board, and staff. So it is true that  
23 Today's Fresh Start has been a charter in the district  
24 since 2009. It's been quite a while. It's a K8  
25 charter.

1 And the lead petitioner, Dr. Parker, who you have  
2 spoken to she submitted a petition to renew the  
3 charter for another five year term. And that happened,  
4 just to clarify timing on things; it was dropped off  
5 at the district offices on August 9th.

6 The then state administrator received it formally  
7 at the September 11 meeting. And it was scheduled  
8 through agreement, signed agreement with the lead  
9 petitioner, to have it both the public hearing and the  
10 decision tonight, October 9th, which is 61 days, as  
11 you heard before.

12 And there is a 60 day timeline for charters. So  
13 this I notice isn't your first rodeo, but I'm going to  
14 review some of these legal requirements.

15 Under state law, the charter renewals are  
16 evaluated by the same criteria that govern new  
17 charters.

18 So we're looking at is it a sound educational  
19 program, are they demonstrably likely to successfully  
20 implement that program, do they have the assurances,  
21 do they have a reasonably comprehensive description of  
22 all of the required elements of a charter.

23 Now because it's a renewal, there are additional  
24 things to consider. Under 47607 of the Ed Code, the  
25 most important factor, and you heard Dr. Parker speak

1 to this, is the pupil academic achievement for all  
2 groups, all subgroups served by the charter school.  
3 That is the most important factor in considering  
4 whether to renew the charter.

5 Now when we look at the information, and this is  
6 clar- -- just to clarify what's been presented and  
7 what you have in front of you -- through the petition  
8 Today's Fresh Start provided four years.

9 However four years includes one year from their  
10 prior term. It -- what we are evaluating for purposes  
11 of renewal is the current term and the academic  
12 performance of the current term. And there are two  
13 questions to ask.

14 One, have there been increases year after year in  
15 performance. And two, is there have been increases,  
16 how does the school compare to the schools where  
17 students would otherwise attend, as well as the  
18 district where the charter school is located.

19 What we heard during the public hearing  
20 presentation was that 10 percent or less than 10  
21 percent of the Today's Fresh Start students are  
22 actually Inglewood students. So that information was  
23 not provided with the charter.

24 But I -- it is telling because the comparison  
25 that they made in those first three years of their

1 charter term was exclusively with Inglewood schools.  
2 So that isn't what was is requested or required under  
3 the statute.

4 Now where we made the recommended finding that  
5 there was failure to meet the academic eligibility,  
6 was the fact that they were unwilling, to put it  
7 lightly, to provide the 2019 scores. That's the 2018-  
8 19 scores.

9 That data reflects the fourth year of their  
10 charter. It is consistently required on renewals in  
11 this term, meaning this term -- and this is not just  
12 this district, which we have required for most  
13 recently [inaudible] but districts across the state.  
14 It's part of the analysis.

15 So the idea that you can sort of pick and choose  
16 which years you're going to look at, or only take the  
17 first three and have the last two years of the charter  
18 not even evaluated, for one that's not meeting our  
19 obligations under the statute.

20 But two, the California Department of Education  
21 would be all over us, to put it plainly. Whenever we  
22 renew a charter, we have to show to the state the  
23 criteria and how we got there, particularly on the  
24 academic performance piece.

25 And so the idea that we would not ask for it, not

1 review it, rely on something other than the -- the  
2 maximum amount of data for the term, is not what the  
3 law requires, it's not what is contemplated.

4 I also want to point out that we have written --  
5 you know, oh, there's no oversight, that's not  
6 accurate.

7 In November of 2017, the district wrote to the  
8 charter school saying we're concerned about your  
9 academic performance, you have a very low number of  
10 proficient or meeting standards students.

11 Again we wrote in November of 2018, saying we're  
12 concerned -- we continue to be concerned with your low  
13 meets performance numbers. We also said this  
14 information is going to be critical for your renewal.

15 So the idea that they were surprised by the  
16 request for 2019 data is not accurate. And I would say  
17 we went out -- you know, I heard a lot about, well  
18 this -- we were blindsided, and nobody told us  
19 anything about what was going on.

20 Well, that's not true. We went to the school site  
21 and said, we have concerns about your related party  
22 transactions; can you tell us about that?

23 And they had their financial advisor on the  
24 phone. And they, both Dr. Parker and the financial  
25 advisor said, oh, we can't -- you'll have to talk to

1 our lawyer.

2 The next thing we asked for was the student data.  
3 And the 2019 data, they said it was embargoed.

4 And we reiterated that this is typical, and  
5 required, and what we required with other charters we  
6 oversee, and that it -- it was, you know, we would  
7 commit to keeping that strictly for the use of  
8 evaluating their performance for renewal, and not post  
9 it on all the websites, right?

10 But and then the third piece was to ask for  
11 information about their special education program. You  
12 have heard a little bit, there was a dialogue during  
13 that meeting that was concerning.

14 It reflected that, well, we offer push-in  
15 services. Okay, well what about a student that comes  
16 to you, for example, with an IEP for a special day  
17 class?

18 Oh, we refer them back to their home district,  
19 because parents don't like special day classes. Well,  
20 aside from that fact-based scenario, the thinking  
21 behind how you work with and -- and serve special  
22 needs students, this was frankly missing entirely.

23 So we asked for data, more data, specific to the  
24 numbers of students that were severe, moderate, low to  
25 evaluate. What -- what is this population that they're

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Because that communication did not reflect that. And the data that they provided -- well let me back up. So we asked for those -- those three areas of concern, we were very worried about, we wanted more information.

We said, you know, why don't we agree to have the public hearing on October 9th. Let's get 30 more -- let's agree to a 30-day extension, or not quite 30 days, put us to the November 6th meeting for a determination.

And then we can have a dialogue, and review the data that we requested, and better understand where you're coming from. And by the way, we can get that 2019 data and evaluate it.

And they -- they didn't agree. The -- the statement was made that, well I can't guarantee a board meeting, and I can't guarantee that the board will agree. Well, as a petitioner, Dr. Parker is the lead petitioner, she has the authority to make that agreement. It is not a board action.

She's the petitioner. That's why a petitioner is designated so that they can engage and interact with the district as they go through this process. And then we just -- we never heard back. They went silent.

1 So as we're waiting to hear back, thinking we're  
2 going to get an extension so we can have through some  
3 of this that silence. And then we posted through the  
4 report.

5 Now there is back to process a lot of complaint  
6 about the fact that that was not hand delivered to  
7 Today's Fresh Start. And you've heard due process  
8 talked about here. A couple of things.

9 This is not a revocation process. We're not  
10 suggesting you stop them mid-term. That's not what's  
11 happening. This is a renewal.

12 And the renewal process and whatever process is  
13 due within the meaning of due process, is laid out in  
14 the statute. And the statute says nothing about making  
15 sure that the charter school is aware of deficiencies  
16 that you're concerned about.

17 Even so, we posted when we knew that there was  
18 going to be the meeting going forward and this  
19 determination being made, and in compliance with the  
20 Brown Act. Because we don't have to post anything like  
21 a document that's the staff report until then it's  
22 delivered to the full board.

23 And so as soon as -- in fact before that was  
24 done, it was posted to the website. You know, I will -  
25 - we got a letter response that I'm sure you've seen

1 from Today's Fresh Start. You heard it here today. One  
2 of the things they talk about is this violation. But  
3 there is no legal citation, there is no authority  
4 cited, it's just this isn't fair.

5 But I'm going to push back on that and say, if  
6 you wanted more time, and you wanted to collaborate  
7 and work with the district and have the kind of  
8 conversations that you're suggesting in your response  
9 letter, then the way to have done that would be to  
10 grant the extension and provide the information that  
11 the authorizer is not only entitled to, but has  
12 requested.

13 So I'm going to push on that point as well.  
14 Because oversight is not easy. It does take a lot of  
15 resources. And in order to make it work, we have to  
16 have cooperation from our charter schools.

17 And under the law, and it's 47604.32, we are  
18 entitled to response to reasonable inquires for  
19 information. What do we need to do a renewal? What do  
20 we need to evaluate this -- this charter school, and  
21 its past conduct, and -- and future potential success?

22 But to get the response, no, is is its own  
23 violation of law. One of the points that is different  
24 on renewal is the fact that the regulations that have  
25 been adopted by the state board of education actually

1 speak to -- you -- you don't just look at the four

2 corners of the petition that's been provided.

3 You do look back at the past and see what has --  
4 what kind of conduct has gone on? Does it -- have they  
5 -- you look at academics, you look at financials, you  
6 look at operational performance.

7 Now there's definitely reference in this report  
8 revocation in 2007. This is -- this recommendation is  
9 in no way based on the fact that it was revoked, that  
10 their charter with LACO was revoked in 2007.

11 Instead what we're saying is, look at these  
12 deficiencies that led to revocation, self-dealing,  
13 failure to comply with the Brown Act, violations of  
14 governance. And where is the evidence that they are  
15 going to change course and comply.

16 Now in 2016 the-then state administrator actually  
17 called out these self-dealing issues, and found that  
18 the facility that this charter school was trying to  
19 operate in LAUSD's boundaries under your charter.

20 Not only did they find out it was a violation of  
21 law, but also that that facility reflected self-  
22 dealing with the Parkers owning that facility and  
23 receiving rent.

24 So it's not something that the district has never  
25 identified and raised to the charter school. And when

1 we look at their audits, we see that it continues. Now

2 I also heard tonight that it has nothing to -- that so  
3 many of these things have nothing to do with  
4 Inglewood; it's all Compton.

5 But I think some of the questions we heard  
6 reflect the concern that's identified in the staff  
7 report, when you have a single board that is operating  
8 not two schools, two separate school districts. 47612  
9 of the Education Code says each charter school is its  
10 own school district.

11 And they have their rights and benefits that need  
12 to be protected, and ensure that fidelity is given to  
13 each individual school district. You don't serve any  
14 other school districts, you serve Inglewood. It's the  
15 same for this board, the expectation that they serve  
16 the Inglewood charter.

17 And when you have two boards -- or one board  
18 making decisions, that at the same time serving two  
19 schools, how do you draw that line that you asked  
20 earlier about -- well that -- they made that decision  
21 as the Compton board.

22 And so those sites are operating as the Compton  
23 board. But they didn't have their Inglewood hat on at  
24 the time they made those decisions. Well, even if  
25 that's true, the concern remains that the -- that that

1 board is making decisions contrary to law.

2 Now this notion that it's okay to have one site  
3 outside of your district boundaries, that's not  
4 accurate. You are not allowed to operate one site  
5 outside of your district boundaries. There's a limited  
6 situation when you may do that, and it is only if  
7 there's a finding is made that you cannot locate  
8 within the district boundary.

9 Now I looked through their minutes and things,  
10 there is no suggestion of anything like that. And that  
11 was a site they already had, that the Parkers already  
12 had and operated under their then revoked charter.

13 So it's not as though they went to Compton,  
14 looked around, tried to find a site, and couldn't find  
15 it. and so then, oh, well I guess we'll have to be  
16 over here in LAUSD. That's not what happened.

17 So all of these things are -- some go far back to  
18 show notice of what is appropriate and legal, and what  
19 is not.

20 And some of it goes back to this term of this  
21 charter, to see they are willing and able to -- to  
22 meet the requirements of law and operate in a  
23 compliant manner.

24 And we're not seeing that not only through the  
25 conduct, but also in the terms of the charter that

1 they presented. So when you say, well we did say we  
2 would comply with SB126. Well, SB126 went into effect  
3 last March.

4 It has been on the books and it was very high  
5 profile, as you now know, because the governor was  
6 concerned, as well as the legislature, with charter  
7 schools not operating in a transparent and conflict of  
8 interest free manner.

9 So when we look at the charter petition, they  
10 have the obligation under the law to update it and  
11 ensure that they've got the most recent law. Because  
12 this is a charter that's supposed to go forward in  
13 five years, right?

14 So you've got to incorporate what's new at the  
15 time you're submitting your petition. They reference  
16 that section, but they do not commit to one of the  
17 most critical pieces, which is Government Code 1090.

18 And as public officials, you know it's a  
19 difficult statute to comply with, because it requires  
20 that you not participate, that you have no contact,  
21 that you have no financial interest in any dealings of  
22 the school district.

23 And that is applicable to charter schools. Now  
24 importantly that statute went into effect in 2019. But  
25 earlier the attorney general did point out that all of

1 those statutes were already applicable to charter

2 schools.

3 Now I have gone off my talking points a bit here.  
4 And I do want you to to ask questions. But I think one  
5 of our key issues here is academic performance.  
6 Because it is the threshold consideration, as well as  
7 the most important factor.

8 So despite what you've heard tonight, 2019  
9 results are public. They were made public today. And  
10 we have a slide showing Today's Fresh Start's English  
11 language arts.

12 And you can see that in all grades except let's  
13 see -- the percentage of -- I'm going to read it  
14 because I want to get it right -- meeting or exceeding  
15 standards dropped from 45.86 percent in 2018, to 36.46  
16 percent in 2019.

17 Third graders declined by 5 percent. Fifth  
18 graders declined by 19 percent. Sixth graders by 5  
19 percent. Seventh graders by 29 percent. And eighth  
20 graders by 22 percent.

21 In mathematics, the percentage of pupils meeting  
22 or exceeding the standards dropped slightly from 1918  
23 to 19 -- [sic] -- '18 to '19 -- 2019. But they are  
24 more pronounced. Those declines are pronounced in  
25 certain grade levels.

1 So third graders declined by 1 percent, whereas  
2 fifth graders declined by 22 percent. And only 12  
3 percent of fifth graders met standards. The eighth  
4 graders declined by 17 percent.

5 Now we also have to look at the subgroups. That  
6 means our students with disabilities,  
7 socioeconomically disadvantaged students, English  
8 learners, African American, and Hispanic students.

9 And each of these subgroups declined. We had  
10 students with disabilities declined 5.1 percent. I  
11 know you -- you asked about a decline. We didn't  
12 receive a response.

13 Socioeconomically disadvantaged students dropped  
14 by 8.1 ELL declined by 14.69 percent. African American  
15 by -- declined by 3.83. And Hispanic declined by  
16 14.74. That's for the English language arts.

17 And I'm sorry; I didn't keep up with my slides.  
18 Math scores, these are the subgroup for English, and  
19 subgroup for mathematics. Students with disabilities  
20 declined 2.43. English learners, 6.50. And Hispanic  
21 students declined 3.18.

22 So I'm going to start -- stop soon, basically  
23 where I started, that the academic performance is the  
24 most important factor. This cannot be and never should  
25 be ignored. This is what the law requires for charter

1 schools.

2 We did not make up these requirements. They're  
3 not some board policy that you all decided on. It is  
4 the law.

5 And when you agree to be a charter school and  
6 operate free from most of the education code, this is  
7 then I would say in this case the consequence.

8 You have -- accountability becomes that much more  
9 important. And the statute states that there are -- if  
10 there are not increases for all students including  
11 subgroup [inaudible], then they're not eligible for  
12 renewal.

13 And I'm not going to hammer on the history. I  
14 think I've covered quite a bit of that. But we use  
15 that history to say you haven't performed, you haven't  
16 demonstrated the ability to comply with the law,  
17 therefore you're not demonstra- -- you're  
18 demonstratively unlikely to successfully [inaudible]  
19 the program.

20 When you take some of the points that were raised  
21 on student discipline, the charter specifically  
22 provides for whether they are providing or going  
23 through suspensions, expulsions, when their documents  
24 show that willful defiance is a grounds for suspension  
25 and expulsion that is out of compliance with law.

1 When their bylaws say we don't have to give

2 notice for meetings, that's inconsistent with law.

3 Those are bylaws that were submitted with the

4 petition.

5 I would say their special education breakdown  
6 that -- that Dr. Parker went over with you also  
7 reflects that they are not serving all students. There  
8 are 13 categories of special education.

9 And then to have so few categories actually  
10 included in their student numbers is troubling. I  
11 would say that when you take this all together, the  
12 student issues together with the performance issues  
13 that we talked about this also amounts to an unsound  
14 educational program.

15 So the recommendation to the county administrator  
16 is to deny the charter on the grounds that they're not  
17 eligible for renewal, that they have not provided a  
18 reasonably comprehensive description of several  
19 essential charter elements, that they're demonstrably  
20 unlikely to successfully implement the program, and  
21 again that they present an educational program that is  
22 unsound.

23 And if the county administrator, Dr. Torres, does  
24 decide to deny the charter petition, the staff report  
25 that you've been provided can serve as the written

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DR. TORRES: Thank you so much for your comprehensive report. We're now going to move forward with asking you some questions. And I have the first question, then I'll ask for the board to ask any questions of you.

So in your opinion, why do you believe that Today's Fresh Start refused to provide the 2019 data as we requested?

MS. EVANS: You know, I thought about that quite a bit and why they wouldn't want to kind of work through with the extra time.

And, you know, the only thing I'm left with is that they knew that their scores were -- were not where they needed to be, and had hoped to kind of process this renewal without consideration of the 2019 data.

DR. TORRES: Thank you. Board members [inaudible] do you have any questions, board members? Thank you so much for your comments.

MS. EVANS: Thank you.

DR. TORRES: Appreciate it. So now it's time for the district to make a decision on whether to grant the Today's Fresh Start charter renewal petition.

And I really understand that the charter school

1 has been in Ing- -- Inglewood for some time. And that  
2 during this time you have families that you're serving  
3 and students who support the program.

4 However, the information presented in the staff  
5 report, the information that I received during my  
6 visit, the unwillingness of the charter school to  
7 provide the information that we requested, is of  
8 concern to me.

9 The Charter Schools Act was enacted to provide  
10 opportunities for teachers, parents, and students, to  
11 improve student learning, especially among those  
12 pupils who are low achieving.

13 As our legal counsel explained, academic  
14 performance must be considered as the most important  
15 factor in evaluating a charter renewal. Unfortunately  
16 the charter school refused to provide the information  
17 that we requested.

18 I was also really concerned by the information  
19 that we received during our site visit.

20 Based upon available data and the comments of the  
21 charter school administrators, it's apparent that the  
22 charter school is not serving the full spectrum of  
23 students.

24 They have in fact turned students away. And they  
25 do not unfortunately understand the rights and

1 While those that support the charter school are  
2 likely unaware, there are ongoing violations of law by  
3 this charter school, laws designed to protect our  
4 students, public funds, and to ensure transparency of  
5 the charter school operations.  
6

7 These issues have been repeatedly raised to the  
8 charter school, yet they remained unaddressed. The  
9 renewal petition does not reflect any intention to  
10 change.

11 Instead the renewal documents reflect the  
12 intention to continue this course of conduct. These  
13 reasons, together with the findings in the staff  
14 report, leave me with no choice but to deny the legal  
15 petition.

16 I know that this is a difficult decision and that  
17 this decision will disappoint many families and  
18 students of the charter school. However I have taken  
19 all of the information and have reviewed the petition  
20 thoroughly.

21 And I cannot support a charter school that does  
22 not put students first and ensure compliance with the  
23 law.

24 Accordingly, I hereby deny the renewal petition  
25 for the Today's Fresh Start Charter School, and adopt

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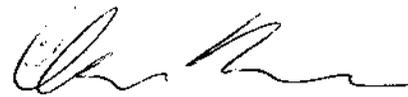
the district staff report of the -- as the district's  
written findings to support the denial of the  
petition.

I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability the above 74 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.

October 17, 2019

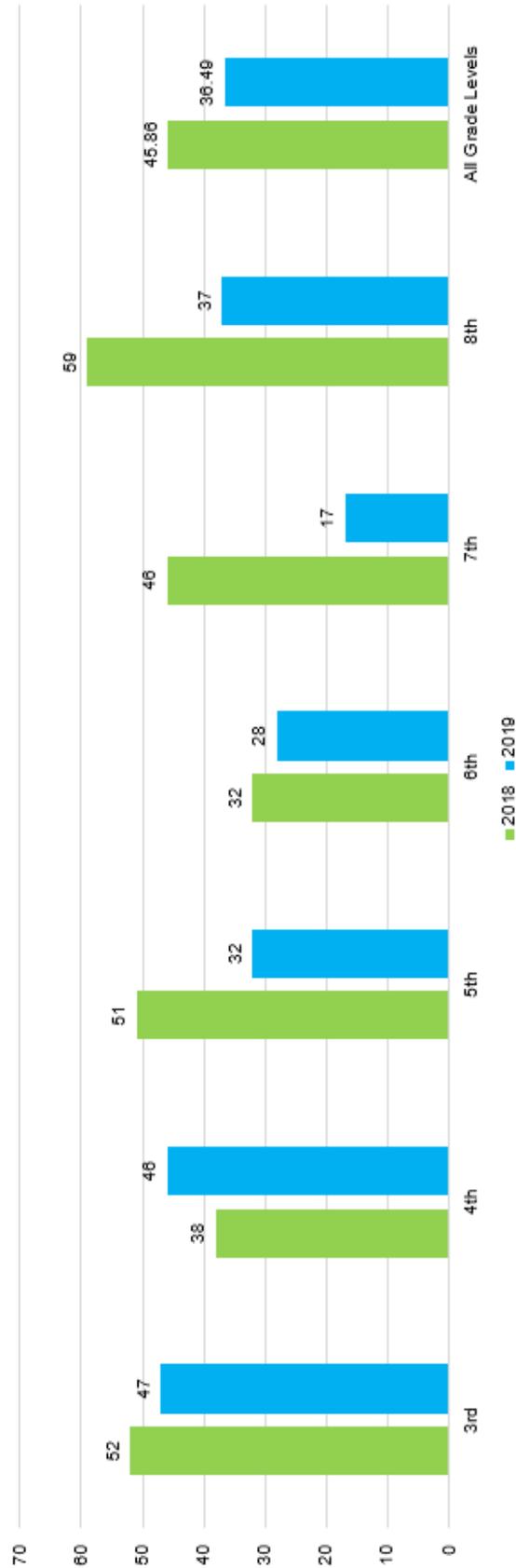
Chris Naaden

x 

Inglewood USD Board of Trustees item re: Today's Fresh Start, 10-9-19)

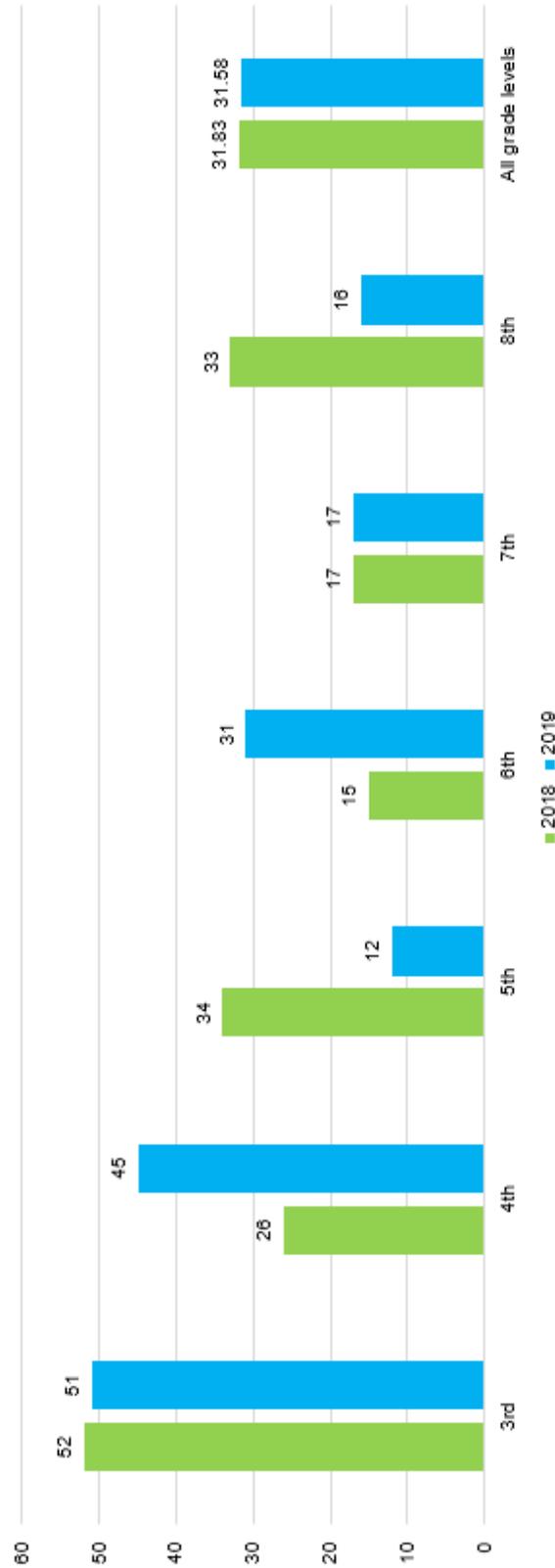
# TFS Performance Data: English Language Arts

ELA - % Met/Exceeded Standard by Grade

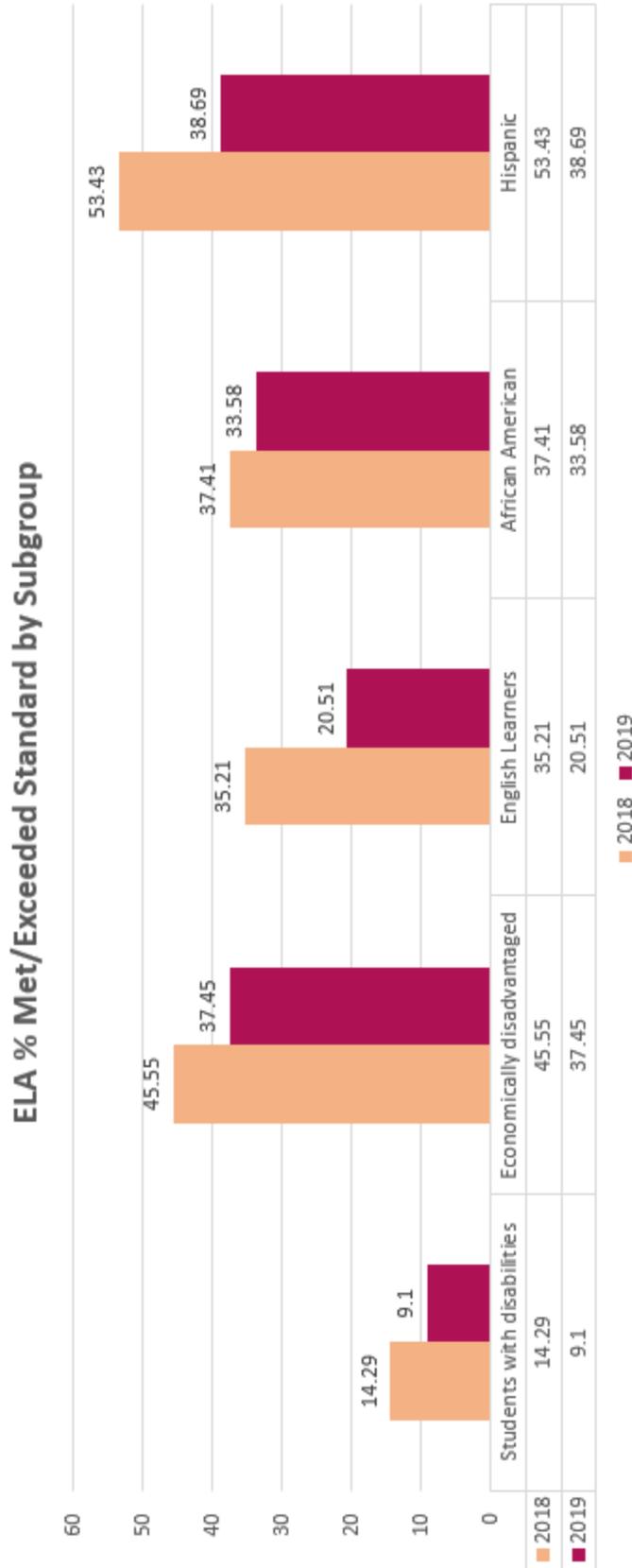


# TFS Performance Data: Mathematics

Math- % Met/Exceeded Standard by Grade



# TFS Subgroup Performance Data: English Language Arts



# TFS Subgroup Performance Data: Mathematics

