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

## Charter Renewal Review

| School Information  |  |
|---------------------|--|
| School Name         | John Henry High School                   |
| Chartered (date)    | August 2015                              |
| Grade Levels Served | 9 <sup>th</sup> through 12 <sup>th</sup> |

### Standards for Reviewing a Charter Renewal Petition

In order to be considered for renewal, a charter school must demonstrate the following:

A. Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant subgroups;

or,

B. 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 where the charter school is located, **taking into account the composition of the pupil population that is served at the charter school.**

**Once one of those criteria are met, the Board of Education should review a petition for renewal through the following lens:**

1. Does the charter school present an unsound educational program for students?
2. Is the charter school demonstrably unlikely to successfully implement the program set forth in the renewal petition?
  - Regulations specifically state that when reviewing a charter renewal petition, chartering authorities “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.”
3. Does the renewal petition fail to contain the necessary statutory affirmations? These include that the school will not discriminate or charge tuition.
4. Does the petition for renewal contain reasonably comprehensive descriptions of all 15 required elements (i.e. educational program; governance structure; closure procedures; etc.)?
  - The Education Code also requires a petition for renewal to include “a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.”

These four factors are balanced against the charter school's "increases in academic achievement for **all groups** of pupils served by the charter school". The review of increases in academic achievement, or lack thereof, is "the most important factor," (therefore, given the greatest weight of any individual factor) in determining whether to renew a charter.

### **Staff Report and Findings**

Staff recommends denial of the renewal petition. This report presents evidence to support this recommendation based on problems within the petition, the school, and the organization. Acknowledging the academic achievement in ELA, and the precipitous drop in Math for ALL students, staff points out that for ELs and Special Education, no data are available-- itself an issue discussed within this report. The effect of persistently low enrollment makes a full evaluation of academic achievement impossible, a problem that staff endeavored to solve, as discussed in the following section.

#### **Findings include:**

- 1. The petition presents an unsound educational program; and**
- 2. The Charter school is demonstrably unlikely to implement the program set forth in the petition.**

The following Findings of Fact and specific facts in support thereof have been grouped for convenience under the aforementioned grounds for denial of the Petition. **Certain Findings of Fact support more than one ground for denial of this petition for renewal.**

#### **Background on the Composition of the Student Population**

To weigh the academic performance of the students at JHHS, and to take into account the composition of the pupil population served the District must review data for all students. The school, however, does not enroll sufficient numbers of Special Education, Initial Fluent English Learners (ELs), ELs in the U.S fewer than 12 months, ELs in the U.S. for 12 months or more, designated English Learners, English Only, or any ethnicities served by the District save one-- Hispanic and Latinx. There has been a persistent problem in recruiting a student body representative of the District—a concern called out in the staff report and possible Findings of Fact for the initial charter review in 2014.

The California Department of Education flagged the JHHS 2019 on the upcoming Dashboard for testing fewer than 95% of their English Language Learners. Failure to test a reasonable sampling of ELs is problematic as it renders inadequacies in an EL program difficult to see, quantify and correct. Further, due to insufficient enrollment and a failure to test at least 95% of their EL population, data for student achievement is not available on Dataquest so that a complete review of academic achievement could be made. Seeking to provide a full review, the District requested research files from Mr. Stephan, Chief of Staff for the Amethod Public Schools on December 5, 2019. As of December 13, 2019, the data were not supplied by the charter management organization. To be clear, the academic achievement of all students is unproven, and further, is

outweighed by systemic, serious and persistent problems throughout the organization. These are described in detail in the following sections.

**Ethnicities Served**

Over four years the percentages of ethnicities served at the charter school have been static with a population largely consisting of Hispanic and Latino students. The organization has offered multiple reassurances that outreach will improve ([Charter Petition](#), p. 95, among others), yet the organization’s practices and policies encourage homogeneity. These practices include lottery preferences for “students from the immediate prior grade of another Amethod school” ([p. 97](#)) all but ensure that changes in the student ethnic composition are rare. By way of comparison, LPS, another charter school authorized by this District, determined that the homogeneity of their student population did not allow meaningful engagement with the students the charter had targeted, and so changed enrollment lottery preferences to reach students who struggled in academics. This illustrates that change is possible if serious intent exists.

While it has been pointed out that some District schools are not integrated, a review of District high school data below provides clarity concerning that assertion.

Table 1

*Ethnicities Served at JHHS and all District High Schools*

| Name | Total | African Amer. | Amer.Ind or Alaskan | Asian  | Filipino | Hisp. or Latinx | Pacific Isl. | White   | 2 or More Races |
|------|-------|---------------|---------------------|--------|----------|-----------------|--------------|---------|-----------------|
| DHS  | 1,368 | 22.10%        | 0.30%               | 12.60% | 6.80%    | 45.50%          | 1.10%        | 9.00%   | 2.60%           |
| ECHS | 1,506 | 18.90%        | 0.30%               | 18.30% | 2.20%    | 26.70%          | 1.00%        | 29.80 % | 2.80%           |
| HHS  | 867   | 25.10%        | 0.20%               | 21.60% | 23.00%   | 22.30%          | 0.60%        | 4.40%   | 2.90%           |
| KHS  | 851   | 25.30%        | 0.10%               | 5.20%  | 1.10%    | 64.50%          | 1.30%        | 2.00%   | 0.60%           |
| PVHS | 1,120 | 15.30%        | 0.20%               | 11.40% | 8.60%    | 48.70%          | 0.60%        | 13.10 % | 2.10%           |
| MCHS | 288   | 13.20%        | 0.00%               | 17.00% | 8.00%    | 52.10%          | 0.70%        | 7.60%   | 1.40%           |
| JHHS | 320   | 2.80%         | 0.00%               | 1.30%  | 0.30%    | 95.30%          | 0.00%        | 0.30%   | 0.00%           |
| RHS  | 1,567 | 6.90%         | 0.10%               | 4.40%  | 1.80%    | 85.10%          | 0.40%        | 1.00%   | 0.30%           |

*All Data pulled from DataQuest, California Department of Education*

JHHS is the only high school in the District with the disproportionate Hispanic and Latinx percentages, while simultaneously serving far fewer English Learners. Richmond High School serves the closest percentage of Hispanic and Latinx students yet has over twice the percentages of Beginning and Early Moderate speakers (see table 4 below).

JHHS had fewer than 2% of African American, American Indian/ Alaskan Native, Asian, Filipino, Pacific Islanders, Whites, or students with two or more races. It had, by two to nine times, fewer African American, or Asian students than District schools.

**Ethnicities over time.** Data show that virtually no change has manifested in the ethnic data since the school opened, despite repeated reassurances during public meetings and within the charter document that this would be corrected. Variation from 2015 through 2019 was less than a single percentage point.

Table 2

*Ethnicity Over Time at JHHS*

| Academic Year | African Amer. | Amer. Ind./ Alaskan | Asian | Filipino | Hispanic or Latinx | Pacific Islander | White | 2 or More Races |
|---------------|---------------|---------------------|-------|----------|--------------------|------------------|-------|-----------------|
| 2018-19       | 2.80%         | 0.00%               | 1.30% | 0.30%    | 95.30%             | 0.00%            | 0.30% | 0.00%           |
| 2017-18       | 2.30%         | 0.00%               | 1.20% | 0.00%    | 94.90%             | 0.00%            | 1.20% | 0.40%           |
| 2016-17       | 2.50%         | 0.00%               | 1.50% | 0.00%    | 94.60%             | 0.00%            | 1.50% | 0.00%           |
| 2015-16       | 2.40%         | 0.00%               | 0.80% | 0.00%    | 94.40%             | 0.00%            | 2.40% | 0.00%           |

**Subgroups or Special Populations Served, 2018-19**

Next, this report reviews Special Populations served at John Henry High School and all District high schools to better understand the influences on performance, and information about the students at the school.

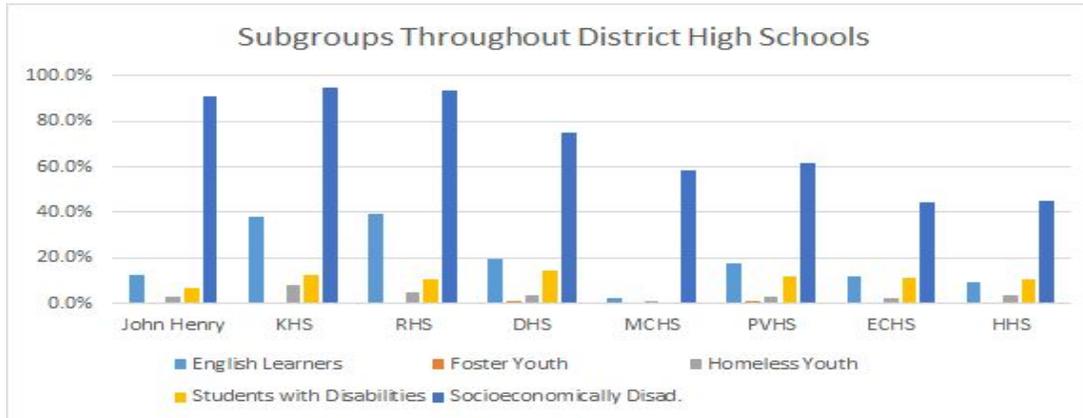
Table 3

*Subgroups at JHHS and All District High Schools*

| Subgroups                  | JHHS  | DHS   | ECHS  | HHS   | MCHS  | PVHS  | KHS   | RHS   |
|----------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| English Learners           | 12.5% | 19.7% | 12.1% | 9.0%  | 2.4%  | 17.8% | 37.8% | 39.6% |
| Foster Youth               | 0.0%  | 0.7%  | 0.2%  | 0.1%  | 0.0%  | 1.2%  | 0.6%  | 0.2%  |
| Homeless Youth             | 2.8%  | 3.8%  | 2.1%  | 3.6%  | 1.0%  | 3.0%  | 7.8%  | 4.9%  |
| Students with Disabilities | 6.9%  | 14.3% | 11.4% | 10.7% | 0.3%  | 11.7% | 12.8% | 10.3% |
| Socioeconomically Disad.   | 91.3% | 75.0% | 44.4% | 45.0% | 58.3% | 61.8% | 94.8% | 93.5% |

Chart 1

*Subgroups Throughout District High Schools and JHHS*



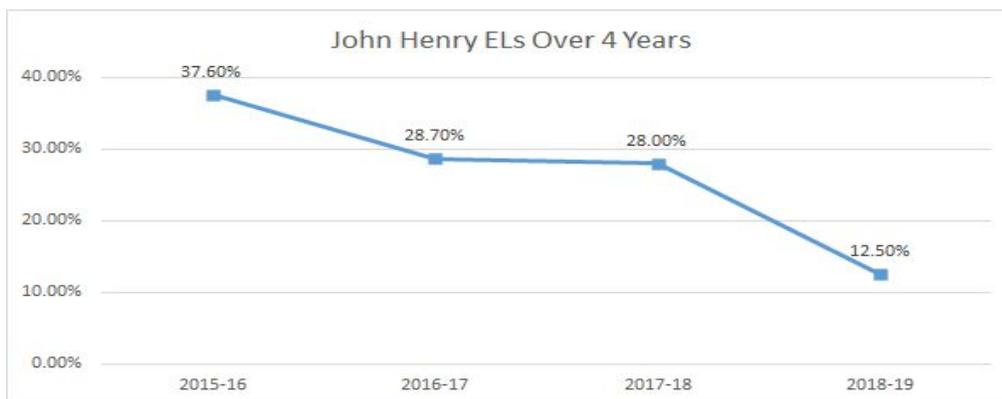
- The school served fewer ELs than Kennedy, Richmond, DeAnza, and Pinole Valley. The school was within .4% of El Cerrito High, and slightly higher than Hercules.
- Fewer Special Education students than any school with the exception of Middle College High.
- A smaller percentage of Students living in poverty than either Kennedy, or Richmond High.

**English Language Population Served**

Between 2015-16 and 2018-19, the English Learner population served by JHHS dropped sharply, from 27.60% in 2015-16 to 12.40% in 2018-19, which was a clear response to inadequate English Language Learner support offered by the school (discussed later in this report), as well as evidence of the organization’s failure to recruit English Learners. This fall in enrollment makes an actual weighing of the academic achievement of all students impossible, further aggravated as the English Learner and special education data were not provided by the organization. The decline in EL students is demonstrated in chart 2, provided next.

Chart 2

English Language Learners at John Henry High Over Four Years



Higher percentages of early ELs equates to a more significant challenge for a school or District, imposing a larger impact on services, budgets, and potentially test scores. Higher percentages of levels 3 and 4 represent students who have progressed further along the spectrum of language acquisition. As the following chart shows, John Henry High has higher percentages of more advanced language learners, and the District has higher percentages of those new to the language (Levels 1 and 2).

Table 4

*English Language Learner Levels for JHHS and All District High Schools*

| ELL Level                   | JHHS         | DHS          | ECHS         | HHS          | PVHS         | KHS          | RHS          |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Lvl 4: Well Developed       | 38.1%        | 27.2%        | 25.8%        | 37.6%        | 22.4%        | 9.3%         | 19.7%        |
| Lvl 3: Moderately Developed | 38.1%        | 27.2%        | 29.6%        | 22.6%        | 30.6%        | 15.9%        | 25.3%        |
| Lvl 2: Somewhat Developed   | 9.5%         | 17.7%        | 14.0%        | 20.4%        | 25.3%        | 15.0%        | 17.1%        |
| Lvl 1: Beginning Stage      | 14.3%        | 27.9%        | 30.6%        | 19.4%        | 21.8%        | 59.8%        | 37.9%        |
| <b>Total 1&amp;2</b>        | <b>23.8%</b> | <b>45.6%</b> | <b>44.6%</b> | <b>39.8%</b> | <b>47.1%</b> | <b>74.8%</b> | <b>55.0%</b> |

Levels 1 and 2 are combined in the bolded figures below the chart. Differences are startling, ranging from nearly twice the percentages to over three times the difference. This lack of students from the first two categories makes meaningful SBAC score comparisons impossible.

District staff are concerned as current enrollment does not come close to mirroring the makeup of this community. The small percentages of students who are early ELs, African American, and the apparent inability to correct this imbalance although it has been called out by staff since the initial petition was delivered in 2014. The issue of diversity is also important for a number of reasons described in research on racial and socioeconomic diversity in schools ([tcf.org](http://tcf.org)). A student's experience with diverse others confers cognitive and social benefits for all. For example, students in integrated schools have higher average test scores on the National Assessment of Educational Progress (NAEP), they are more likely to enroll in college, and are less likely to drop out. Finally, integrated schools are more likely to reduce the achievement gap. Studies show that integrated schools offer civic and social-emotional benefits such as a decrease in stereotypes, prejudice, increases in self-confidence, enhanced leadership skills and reduction in anxiety throughout a student's life, all manifested in benefits within their subsequent professional life.

**Finding 1: The Charter Petition Presents an Unsound Education Program**

**Inadequacies in the English Language Learner Program**

The JHHS ELD program relies upon “immersion”, “high expectations”, “Specially Designed Academic Instruction in English” (SDAIE) and “RTI” (pp. 54 and 55, [charter petition](#)). These strategies do not constitute a program. The petition says “The newly adopted English Language Development Standards will be mapped to the Amethod’s instructional program” (p.56) yet no

evidence was offered by way of example in the petition. The implementation of a systematic ELD program should have been defined and initiated when the standards were adopted in 2012-- more than seven years ago-- yet no evidence of such a program is provided in the petition.

The approach described in the petition is likely to be even more damaging to students, as approximately 75% of the staff are new to JHHS, and approximately 50% of those staff are new to the profession. New educators require extensive professional development, and a clearly articulated program for English Language Development.

The petition suggests that support for ELs will occur in a small group setting (p. 57), but it is unclear in reviewing the most recent bell schedule how a single teacher can provide adequate instruction for the 40 EL students across four grade levels, and four skill levels over the four territories of listening, speaking, reading and writing language.

Further, due to staffing changes, the ELD and “ELA support” have been offered by no fewer than five different instructors since the start of the 2018-19 school year (see the staffing/ bell schedules for [Garcia, Evans, Kusactay, Rodriguez, McCurtis](#)). This raises serious concerns that the needs of the ELD population cannot be meaningfully addressed confirmed by the declining EL population data provided earlier in this report. As demonstrated previously in this report, each of these factors contribute evidence to explain the drop in ELs at the school.

### **Inadequacies in the Special Education Program**

The petition says that “The goal of the Charter School is to employ at least one full time teacher who possesses a Special Education Credential (p. 51)” -- a statement that lacks awareness that employment of such an individual is not optional, but rather required. The petition describes the use of mainstreaming, which allows students to learn in the regular education classroom, but fails to show how specific and individual disabilities will be addressed and supported when they cannot be accommodated in the regular classroom.

In the bell schedule/ staff and credentialing list submitted by [JHHS dated 1/11/2019](#), an individual was listed as an Education Specialist, and given additional duties to provide ELA support. She remained part of the staff through 3/27/19, but is not on the most current staffing list. At present, there are no names or blocks of time for the provision of Special Education. There is, however, a coordinator listed on the CMO website that appears to handle all Special Education oversight for all six schools, raising questions about the feasibility of appropriate services and oversight.

In 2018, the District issued a formal [Notice of Violation](#) stemming from a [Whistleblower complaint](#) by the former site leader at JHHS. Among other problems, the district found the school had failed to provide special education services to 22 students ranging from deficits of between 240 minutes to 924 minutes. The Notice of Violation also discussed the organization’s failure to demonstrate that properly credentialed instructors provided special education to students at the Charter School. One remedy for this violation was to employ a credentialed Educational Specialist to provide specialized academic instruction at the school.

On December 6, 2019, the District’s Special Education Director received [notification](#) from the Disability Rights Education and Defense Fund (DREDF), asking for assistance in resolving

several issues with another charter school operated by Amethod Public Schools (AMPS). DREDF is an advocacy and policy center for people with disabilities. The letter from DREDF stated that the Amethod school leaders counseled parents to leave the AMPS charter school and enroll in the District schools so that the child's needs could be met. She relayed that ten other Spanish-speaking families from Amethod schools relayed that they were told by site leadership the District could better accommodate their child's needs. The District's Transfer Office confirmed that two parents had come to the District in the last two weeks to enroll, relaying that they had been "counseled out" of the Amethod charter network due to special education needs.

This statement of concern was forwarded to the Amethod organizational leadership. On December 10, 2019, SELPA Director Nick Berger visited JHHS to speak to the Special Education teacher. He was referred to Ms. Princess Tucker and told that she provides special education services but is not there every day. Mr. Berger called her, and was informed that she was a coordinator, and does not provide services. She relayed that the model employed is "push in", and discussed aides providing this service and well as a special education teacher, Mr. Casensis. He is said to provide services 5 days per week. She also referred to an out-of-state person who oversees them all. Staff called to speak to Mr. Casensis. He informed staff that he was directed not to speak to the District, and instead send any inquiries to Ms. Flores, Site Director.

## **Finding 2: The Charter School is Demonstrably Unlikely to Successfully Implement the Program Outlined in the Charter Petition**

### **Governance and Management**

This section will focus on two governance and organizational leadership issues: 1. Staff turnover at all levels of the organization; 2. Lack of accountability, transparency and charter board oversight. In a Staff Report, dated September 26, 2018, specifically in regard to the oversight of John Henry High School, AMPS was put on notice of ongoing concerns regarding these two issues. This staff report was issued at the conclusion of revocation proceedings (ultimately resolved short of revocation) initiated by the District against the charter school. In the time subsequent to that staff report, the Charter School has failed to adequately address these concerns.

**1. Staff and board turnover.** Throughout the last five years it is estimated that 76 staff members from all levels of the six-school organization left or were forced out. Examples of those who are no longer with the organization include Mr. Cordero, COO; Ms. Vance, Mr. Adams, and Ms. Jones each Directors of Special Education; Ms. Long, Oakland Regional Director; and Ms. McCoy and Ms. Frudakis, each Director of Talent (Human Resources). Thirteen teaching staff and two front office staff, two site Directors and two Deans either left or were fired from JHHS between 2016 and 2018, while between April 20 through November 2019, twelve teachers have left the school. This level of turnover at the organization raises concerns. In some cases, former employees were asked to sign non-disclosure agreements in exchange for payments, providing still more evidence for the next concern: transparency.

**2. Lack of accountability, charter board oversight, and transparency.** The JHHS petition proposes a change in board versus staff responsibility that erodes the central function of a governance board: accountability and oversight. The [petition](#) says: “Amethod Public Schools management team will be responsible for the majority of the policy setting decisions including the following: general policies of the school; recommend and monitor the school’s annual budget; ensure operation of the school in accordance with the charter and the law; and hiring key staff” (Petition, p.107).

Removing oversight and organizational control from a governance board contradicts best practices recommended by the California School Boards Association, and the National Association of Charter School Authorizers, as it allows an environment where very few individuals guide a complex organization responsible for the appropriate oversight of millions of taxpayer dollars. Further, during an Amethod [board meeting](#) of December 3, 2019, the board voted to reduce the number of board members from a minimum of 5 to a minimum of 3.

Finally, this meeting took place without proper Brown Act notification—no notice was posted at school sites-- as agreed upon in the Memorandum Of Understanding ([MOU](#)).

Section 18. Compliance with Law Applicable to Public Agencies. The charter school agrees to comply with applicable federal or state laws (which may be amended from time to time), including, but not limited to the following:

- The Ralph M. Brown Act (“Brown Act”) (Cal. Gov. Code 54950 et seq...

At present the Amethod organization [website](#) lists three board members, yet the renewal petition lists 6, including Mina Wilson who appears to have left the organization. Notice of board changes are required to be shared with the district per the MOU (pp 11 and 12):

12. Reporting to the District.

(c) Notification to District Regarding Governing Body Composition. The school shall annually (on or before July 1) send to the District a list of its directors and officers. The District shall be provided with immediate notice of any change in the composition of these directors or officers.

On October 18, 2019 the District sent a [Letter of Inquiry](#) to gather information on staffing at all Amethod schools, a [change in the leadership structure](#) of BJE and RCA (also a violation of the MOU, p. 19), continued failure to provide Special Education services at an Amethod school, and questions on the compliance with SB 250-- the law governing free and reduced price lunch for students. Although the District did receive correspondence from the organization, no explanation for these important questions was offered (The response may be reviewed [here](#)).

### **2019 Dashboard Data on ELA, Math, and College and Career Readiness**

The Dashboard data confirm several key points concerning the directive that academic increases at the school, and of the student subgroups at the school must be considered as the factor with the greatest weight in considering charter renewal. Dashboard data also support the assertions that the English Language Development program is inadequate. Increases or decreases listed below

are for this versus the prior year. Descriptors such as “Decreased significantly” in the tables below are provided by the CDE, and are attached to specific changes in data.

| ENGLISH LANGUAGE ARTS, 2019     |        |              |              |   |   |                                       |   |
|---------------------------------|--------|--------------|--------------|---|---|---------------------------------------|---|
| Student Group                   | Color  | Status Level | Change Level | CURRENT STATUS - Average distance from Standard | CHANGE - Difference between current status and prior status | Current year number of valid students | Current year number of valid students with disabilities |
| All Students                    | Yellow | Medium       | Maintained   | 26.2  | -0.5  | 69                                    | 0   |
| English Learners                | Orange | Low          | Declined     | -25.3   | -3.3  | 36                                    | 0   |
| Socioeconomically Disadvantaged | Yellow | Medium       | Maintained   | 25.2  | 0.9   | 64                                    | 0   |
| Students with Disabilities      | None   | N/A          | N/A          | N/A   | N/A   | 10                                    | 0   |
| African American                | None   | N/A          | N/A          | N/A   | N/A   | 2                                     | 0   |
| Asian                           | None   | N/A          | N/A          | N/A   | N/A   | 1                                     | 0   |
| Hispanic                        | Green  | Medium       | Increased    | 28.8  | 3.6   | 66                                    | 0   |

| MATH, 2019                      |        |              |                         |   |   |                                       |   |
|---------------------------------|--------|--------------|-------------------------|---|---|---------------------------------------|---|
| Student Group                   | Color  | Status Level | Change Level            | CURRENT STATUS - Average distance from Standard | CHANGE - Difference between current status and prior status | Current year number of valid students | Current year number of valid students with disabilities |
| All Students                    | Orange | Low          | Decreased Significantly | -77.3   | -44.2   | 66                                    | N/A   |
| English Learners                | Red    | Very Low     | Decreased Significantly | -123.7  | -48.3   | 33                                    | N/A   |
| Socioeconomically Disadvantaged | Orange | Low          | Decreased Significantly | -80.3   | -43.9   | 61                                    | N/A   |
| Students with Disabilities      | None   | N/A          | N/A                     | N/A   | N/A   | 9                                     | N/A   |
| African American                | None   | N/A          | N/A                     | N/A   | N/A   | 2                                     | N/A   |
| Asian                           | None   | N/A          | N/A                     | N/A   | N/A   | 1                                     | N/A   |
| Hispanic                        | Orange | Low          | Decreased Significantly | -73.2   | -37.5   | 63                                    | N/A   |

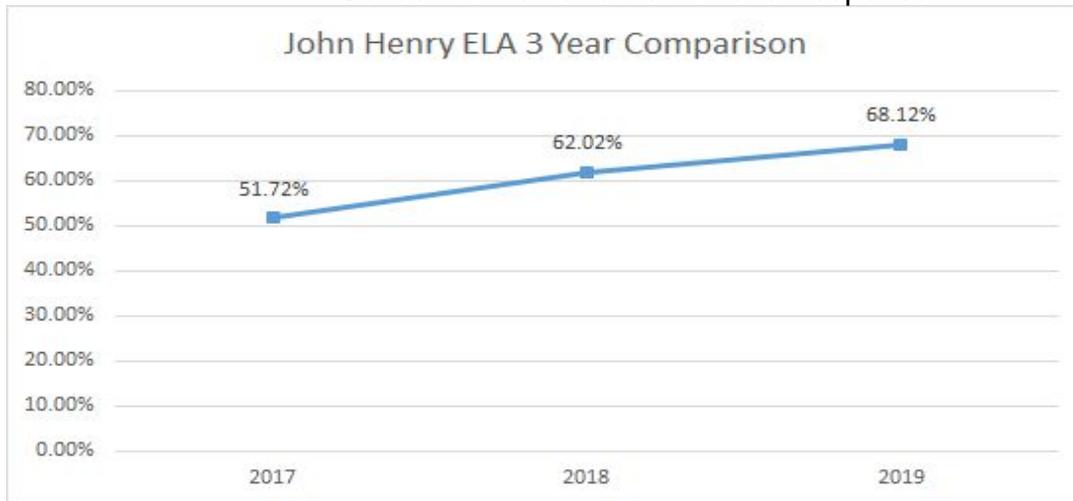
The data show increases for Hispanic and Latinx, but no data for multiple subgroups. Data for ELs shows a decline of 25.3% points. In math, EL students fared even worse, plus the school did not test 95% of students in math for ELs, Low income, or special education students.

All students showed significant declines, but ELs suffered the most. Also note that the data confirm assertions concerning the lack of diversity. Finally, despite claims concerning the College Preparedness, a look at the College and Career data for JHHS.

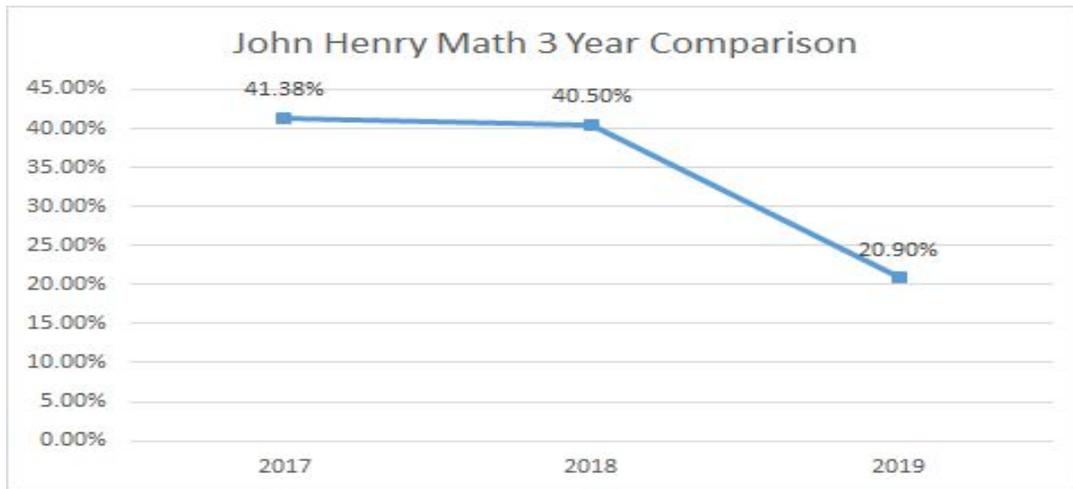
| COLLEGE AND CAREER READY        |                  |                   |                    |
|---------------------------------|------------------|-------------------|--------------------|
| Student Group                   | Percent Prepared | Change            | Number of Students |
| All Students                    | 35.40%           | declined<br>16.4% | 82                 |
| English Learners                | 12.80%           | -5.40%            | 39                 |
| Socioeconomically Disadvantaged | 32.90%           | -18.80%           | 76                 |
| Students with Disabilities      | N/A              | N/A               | 3                  |
| African American                | N/A              | N/A               | 1                  |
| Asian                           | N/A              | N/A               | 1                  |
| Hispanic                        | 35.40%           | -16.30%           | 79                 |

In College and Career Readiness, 35.40% of all students are prepared, yet even this is a decline from prior years. Once again, EL data are significantly lower than all students by a factor of approximately three times, with a difference of 22.6% between All and ELs. This too was a decline from the prior year by 5.40%. Again, there are no data for multiple other subgroups (African American, Asian, Students with Disabilities), making accurate comparisons to District schools impossible.

Reviewing data in a three-year window—all permitted due to slow growth enrollment, data are provided here.



The school showed strong results in ELA, increasing by more than 16%.



Math results, however, show a precipitous decline from 41.38 to 20.90%. Multiple changes in the math teacher position, coupled with inexperienced teaching staff may account for this drop, illustrating the impact of dramatically high staff turnover, and governance concerns stated previously.

As mentioned previously, SBAC results for all ethnicities other than Latinx and Hispanic, multiple options for English Language learner scores and Special Education results are not posted in state databases to protect the privacy of very small numbers of students in these categories.

These findings of fact do not rely on lack of increases in data for all students, yet staff points out that **decreases or a lack of data** are evident and provided for important subgroups, specifically English Learners and Special Education students.

District staff finds that the increases in academic achievement for the Charter School, as a whole, and for its limited number of student subgroups are outweighed by the aforementioned:

1. The lack of growth for English Learners,

2. The lack of transparency and accountability,
3. The failure to staff provide a legally adequate special education program,
4. Declines in academic achievement in ELA for All Students, and ELs.
5. Significant declines in academic achievement in Math for All Students, ELs, Socioeconomically Disadvantaged, and Hispanic and Latinx students.
6. Declines in College and Career Readiness for All Students, ELs, Socioeconomically Disadvantaged, and Hispanic and Latinx students.
7. The significant teacher turnover; and,
8. The finding that the Charter School is demonstrably unlikely to successfully implement its program;
9. The findings that the Charter School presents an unsound educational program.

The findings and issues raised in this report are egregious. The cumulative effect of these concerns outweigh any academic increases and, overall, result in the recommendation of non-renewal of the petition.

In order to deny the Petition on the grounds set forward above, Education Code section 47605, subd.(b), requires the Board to make “written factual findings, specific to the particular petition, setting forth specific facts to support one or more” grounds for denying the Petition. Should the Board decide to deny the Petition, District Staff recommends that the Board adopt these Findings as its own.

**Board of Education Regular Meeting**  
**West Contra Costa USD**  
**December 18, 2019 6:30PM**  
**LOVONYA DEJEAN MIDDLE SCHOOL 3400 MACDONALD AVENUE**  
**RICHMOND, CA 94805**

**A. CLOSED SESSION**

**Minutes:**

President Panas called the meeting to order at 5:05 PM. The Board recessed into Closed Session.

**A.1. CALL TO ORDER**

**A.2. DISCLOSURE OF ITEMS TO BE DISCUSSED IN CLOSED SESSION -  
(Government Code 54957.7)**

**A.3. RECESS TO CLOSED SESSION AS SCHEDULED**

**Quick Summary / Abstract:**

The Board will convene at 5:00 PM in the Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items. The Board will then adjourn to closed session and reconvene in open session to address the regular agenda at 6:30 PM.

**A.3.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Section 54956.8)**

**A.3.2. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
[Government Code Section 54956.9(d)(1)]**

**Quick Summary / Abstract:**

**A.3.3. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED  
LITIGATION/SIGNIFICANT EXPOSURE TO LITIGATION [Government  
Code Section 54956.9(d)(2) or (d)(3)]**

**Quick Summary / Abstract:**

Six cases

**A.3.4. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED  
LITIGATION/INITIATION OF LITIGATION [Government Code Section  
54956.9(d)(4)]**

**A.3.5. LIABILITY CLAIMS (Government Code Section 54956.95)**

**A.3.6. CONFERENCE WITH LABOR NEGOTIATORS**

**Quick Summary / Abstract:**

WCCUSD Negotiators: Associate Superintendent Tony Wold and Interim Assistant Superintendent Marci Williams for the following groups:

- a. Employee Organizations
  - Adult School Teachers United (ASTU)
  - UTR
  - School Supervisors Association
  - Teamsters Local 856
  - WCCAA
- b. Unrepresented Employees
  - Confidential and Management

**A.3.7. PUBLIC EMPLOYEE APPOINTMENT**

**A.3.8. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code Section 54957)**

**A.3.9. STUDENT DISCIPLINE (Education Code Section 35146)**

**Quick Summary / Abstract:**

One expulsion  
Two stipulated expulsions

**A.3.10. PUBLIC EMPLOYEE  
DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT (Government Code  
Section 54957)**

**A.3.11. REPORT OF CLOSED SESSION ACTIONS**

**B. OPENING PROCEDURES (6:30 PM)**

**Minutes:**

President Panas called the Public Session to order at 6:35 PM with the Pledge of Allegiance.

**B.1. Pledge of Allegiance**

**B.2. Welcome and Meeting Procedures**

**Minutes:**

President Panas offered welcome and instructions to the public regarding the meeting.

**B.3. Roll Call**

**Minutes:**

Staff Present: Nick Berger, SELPA Director; Denise Cifelli, Senior Administrative Secretary; Linda Delgado, Executive Director Charter School Oversight; Matthew Duffy, Superintendent; Luis Freese, Associate Superintendent Maintenance & Operations; Gracie Guerrero, Associate Superintendent Chief Academic Officer; Joshua Herrera, Maintenance Supervisor; Roxanna Molina, Translator; Carolina Popocatl, Translator; Marcus Walton, Director of Communications; Marci Williams, Interim Assistant Superintendent Human Resources; Tony Wold, Associate Superintendent Business Services

**B.4. Annual Organization Meeting**

**Speaker:**

Matthew Duffy, Superintendent

**Comments:**

Board Bylaw 9100 governs the dimensions of the annual organization meeting. At this meeting, the Board shall:

- Elect a president and a clerk from its members.
- Appoint a secretary to the Board.
- Authorize signatures.
- Develop a schedule of regular meetings for the year.
- Develop a Board calendar for the year.

In September 2015, the Board modified Bylaw 9100 in establishing a

process for the election of Board officers:

It is the intent of the Board that all Board members have an opportunity for Board leadership.

In order to fairly rotate the offices of the President and Clerk among the five members of the Board the following process is established:

1. *A newly elected Board member who is not an incumbent will serve a minimum of one year on the Board before qualifying as President.*
2. *The Board Clerk will replace the outgoing President. This member shall be one who previously has not served in office, unless all the Board's members elected at the same time have previously served in office.*
3. *The Board Clerk will be the member who has received the highest number of votes compared to other Board members elected at the same time. This process continues until all Board members elected in the same year have served as Board President.*
4. *An appointed Board member shall join the rotation only after first being elected.*
5. *Newly elected and re-elected Board members are added on to the existing order of rotation in the order of the number of votes received from the highest number of votes to the lowest.*
6. *When the only Board members who have not served as an officer are new to the Board, the Board may elect a Board Clerk who has served in office.*
7. *A Board member may decline to serve as Board Clerk. This will drop the Board member back one position in the rotation.*
8. *This format will be followed except in unusual or exceptional cases. The Board has the ultimate discretion to elect or not elect any Board member for any office.*

**Actions:**

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**Motion**

Election of President: Ms. Cuevas nominated Ms. Hernandez-Jarvis to the position of President of the Board. Mr. Panas seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Hernandez-Jarvis, Ms. Lara, and Mr. Panas voted yes, with no absences and Mr. Phillips abstaining. Motion

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**Yes** Mister Phillips.

carried 4-0-1-0. Passed with a motion by Valerie Cuevas and a second by Tom Panas.

**Motion**

Election of Clerk: Ms. Cuevas nominated Ms. Lara to serve as Clerk of the Board. Ms. Hernandez-Jarvis seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Hernandez-Jarvis, Ms. Lara, and Mr. Panas voted yes, with no absences and Mr. Phillips abstaining. Motion carried 4-0-1-0. Passed with a motion by Valerie Cuevas and a second by Stephanie Hernandez-Jarvis.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**Abstain** Mister Phillips.

**Motion**

A separate motion was taken to appoint the Superintendent as Secretary to the Board. Mr. Panas moved to appoint the Superintendent as Secretary to the Board. Ms. Cuevas seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0-0. Passed with a motion by Tom Panas and a second by Valerie Cuevas.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**Yes** Mister Phillips.

**Motion**

A separate motion was taken to authorize the President to sign documents, and the Clerk to sign in the absence of President. Ms. Lara moved to affirm the authorization of the President to sign documents, and the Clerk to sign in the absence of President. Mr. Panas seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0-0. Passed with a motion by Consuelo Lara and a second by Tom Panas.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**Yes** Mister Phillips.

**Motion**

A separate motion was taken to affirm previously adopted regular meeting dates for 2020. Mr. Panas moved to affirm the meeting dates for 2020. Ms. Cuevas seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0-0. Passed with a motion by Tom Panas

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**Yes** Mister Phillips.

and a second by Valerie Cuevas.

**Financial Impact:**

None

**Minutes:**

Superintendent Duffy presented Mr. Panas with a plaque to commemorate his term as President.

**B.5. Report/Ratification of Closed Session**

**Minutes:**

Superintendent Duffy reported unanimous action taken in Closed Session to approve the following:

- Appoint Theresa Williams as interim principal at Bayview Elementary
- Expel a student for violation of Ed. Code 48915(c)(4), (a.5) and Ed Code 48900(k).
- Approve a stipulated agreement for expulsion based on possession of a controlled substance
- Approve a stipulated agreement for expulsion based on a violation of Ed Code 48915(a), 48900(a)(1)(2), 48900(k) and 4890.4.

**B.6. Review of Number of Requests to Address the Board For Comment On Individual Agenda Items**

**Quick Summary / Abstract:**

Review of the number of requests to speak and consider deferral of non-critical items if speaker count may limit agenda completion.

**Minutes:**

President Hernandez-Jarvis assessed the number of speakers signed up in consideration of adjusting the agenda.

**B.7. Agenda Review and Adoption (Public Comment)**

**Actions:**

**Motion**

Ms. Cuevas moved approval of the agenda as amended. Mr. Panas seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0-0. Passed with a motion by Valerie Cuevas and a second by Tom Panas.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**Yes** Mister Phillips.

**Minutes:**

Mr. Phillips pulled Item C.1 for discussion. Mr. Panas pulled Item C.9 and asked that Item F.2 be moved after Item B.8.

**B.8. WCCUSD Public Comment**

**Quick Summary / Abstract:**

Members of the public are invited to speak to the Board about any matter that is not otherwise on the agenda and is related to issues affecting public education in the WCCUSD. **Approximately 30 minutes will be allocated for this item.** Individuals wishing to speak must submit a "WCCUSD Public Comment" form prior to the beginning of this item on the agenda.

Depending on the number of persons who wish to speak, from one to three minutes will be allocated to each speaker at the discretion of the President of the Board in order to accommodate as many speakers as possible. The Board cannot dialogue on any issues brought before it by the public that have not been previously agendaized, but may refer these to staff for response and/or placement on future agendas.

**Minutes:**

Don Gosney, Jorge Lopez, Mariela Cuellar, Lauren Gibson, Dilan A. Pedraza

The Board moved to Item F.2.

**C. BUSINESS ITEMS - CONSENT ITEMS (7:00 PM)**

**Actions:**

**Motion**

Mr. Panas moved approval of Consent Items C.2 – C.8, C.10 – C.13. Ms. Cuevas seconded. Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0. Passed with a motion by Tom Panas and a second by Valerie Cuevas.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**Yes** Mister Phillips.

**Quick Summary / Abstract:**

Consent Calendar Items are considered routine and will be enacted, approved and adopted by one motion, unless a request for removal, discussion or explanation is received from any Board member or member of the public in attendance. Items the Board pulls for discussion or explanation will be addressed following Section F.

**C.1. Contracts**

**Speaker:**

Dr. Tony Wold, Associate Superintendent Business Services

**Comments:**

Permission is requested of the Board of Education to approve the following contracts as detailed on the attached sheet dated December 18, 2019.

**Actions:**

**Motion**

Mr. Panas moved approval of Consent Item C.1 as amended. Ms. Cuevas seconded. Ms. Cuevas, Ms. Lara, Mr. Panas, and President Hernandez-Jarvis voted yes, Mr. Phillips voted no, with no absences and no abstentions. Motion carried 4-1-0-0. Passed with a motion by Tom Panas and a second by Valerie Cuevas.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**No** Mister Phillips.

**Financial Impact:**

|           |                            |
|-----------|----------------------------|
| \$100,000 | Central General Restricted |
| \$436,120 | Site General Restricted    |

**Minutes:**

Mr. Phillips pulled the item and questioned the contract with Sylvan

Learning. Superintendent Duffy explained the Low Performing Student Block Grant and that Sylvan tutors were not placed where graduate tutors had been previously located. Mr. Panas requested removal of the Playworks contract.

**Attachments:**

1. Contract Summary 121819
2. Contracts Back-Up 121819

**C.2. Agreements for Nonpublic School/Agency Services**

**Speaker:**

Dr. Tony Wold, Associate Superintendent Business Services

**Comments:**

Students who have been placed in non-public schools or receive special education services through nonpublic agencies have conditions requiring specialized instruction unavailable in district specialized programs. A thorough search of alternate public programs is made through SELPA prior to placement. Every effort is made to return students to a public program as rapidly as possible. All placements are reviewed regularly and progress reports are submitted by the non-public schools. Services and instruction are provided in accordance with the written Individual Education Program (IEP).

The Board previously approved forty four (44) Master Contracts between the District and the nonpublic school/agency services and estimated contract amounts at the June 26, 2019 Board meeting. Permission is requested of the Board of Education to approve the updates to the Master Contract list attached.

**Financial Impact:**

Total utilization of the \$14,665,658 general unrestricted funds originally estimated have been spent. Total contracts currently equal \$21,261,338.09.

**Attachments:**

NPA NPS Summary 121819

**C.3. Approval of Fund-Raising Activities**

**Speaker:**

Dr. Tony Wold, Associate Superintendent Business Services

**Comments:**

The planned fund-raising events for the 2019-2020 school year is summarized on the attached sheet dated December 18, 2019.

**Financial Impact:**

Additional revenue for the sites listed on the attached summary.

**Attachments:**

Fund Raising Summary 121819

**C.4. Summary of Payroll and Vendor Warrant Reports**

**Speaker:**

Dr. Tony Wold, Associate Superintendent Business Services

**Comments:**

Attached are the summaries of Payroll and Vendor Warrants issued during the month of November 2019:

|  |    |
|--|----|
| Total of payroll warrants (November 2019): | \$ |
| 13,443,215                                 |    |
| Total of vendor warrants (November 2019):  | \$ |
| 26,949,869                                 |    |

**Financial Impact:**

\$40,393,084 in payroll and vendor warrants for the month of November 2019.

**Attachments:**

Payroll & Vendor Warrant Summaries 121819

**C.5. Resolution No. 47-1920: Certificate of Signatures**

**Speaker:**

Matthew Duffy, Superintendent

**Comments:**

School districts are required to hold an annual organizational meeting in December to adopt a new Certification of Signatures Resolution. The effective period of the resolution should be the date of the organizational meeting.

**Financial Impact:**

None

**Attachments:**

Resolution 47-1920 Certificate of Signatures

**C.6. Classified Employee Ratification**

**Speaker:**

Marci Williams, Interim Assistant Superintendent Human Resources

**Comments:**

Routine personnel changes include actions to hire, promote, or terminate classified employees in accordance with appropriate laws, established policies and procedures.

**Financial Impact:**

None

**Attachments:**

Routine Personnel Changes - Classified

**C.7. Acceptance of Contracts for Placement of Student and/or Intern Teachers**

**Speaker:**

Marci Williams, Interim Assistant Superintendent, Human Resources

**Comments:**

Teachers in the district provide supervision and evaluation for student teachers seeking credentials to teach in California public school classrooms. These arrangements are made between the institution of higher education and the individual teacher.

The following higher learning institution is offering to enter into student

teaching and/or intern clinical affiliation placement agreements for the 2019-20 school year with the District: Emerson College.

Staff requests approval from the Board of Education to accept the agreements for placement of student/Intern teachers.

**Financial Impact:**

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None

**Attachments:**

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Colleges & Universities Agreement

**C.8. New Board Policy 5131.2 Bullying**

**Speaker:**

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Marci Williams, Interim Assistant Superintendent, Human Resources

**Comments:**

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It is important Board Policies are continuously updated to keep pace with new laws and regulations set forth by the State of California. The board policy in this packet, BP 5131.2 Bullying, has incorporated the new law AB 2291, mandating districts to adopt procedures for preventing acts of bullying including cyber bullying, recommendations provided by the California School Board Association (CSBA). The recommended new board policy is before the Board of Education as a second reading and for final approval.

**Financial Impact:**

---

None

**Attachments:**

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New Board Policy 5131.2 - Bullying

**C.9. Board Bylaw 9322 Agenda/Meeting Materials Revision**

**Speaker:**

---

Matthew Duffy, Superintendent

**Comments:**

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The Governance Committee has considered revision to Board Bylaw 9322 Agenda / Meeting Materials. The revision is presented for Board consideration as a second reading.

The goal of the District is for information relevant to every board action item be available and posted with the agenda. This is the normal expectation for items to be considered by the board. To be responsible to the community we serve, the board is expanding upon the California School Boards Association recommended bylaw with this update board bylaw. It is understood that there may be timing issues that require an individual item backup to be presented after the posting of the agenda to ensure timely District operations, but this would be the exception. Moreover, any items being brought forward for board consideration should include the impact to the operating budget as part of the board backup to the greatest extent possible.

**Actions:**

---

**Motion**

Mr. Panas moved approval of Consent Item C.9 as amended. Ms. Cuevas seconded. Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0-0. Passed with a motion by Tom Panas and a second by Valerie Cuevas.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**Yes** Mister Phillips.

**Financial Impact:**

---

None

**Minutes:**

---

Mr. Panas pulled the item and read the following: "The precis properly notes that the Board is expecting to see, on every item that is brought forward to the Board for consideration, the impact in the budget as part of the board back up to the greatest extent possible. However, text was not added to the updated Board Bylaw to reflect the Board's desire. I would suggest that we add the following text to the draft of revised Board Bylaw 9322 in the "Agenda Preparation" section, just before the paragraph that begins "Any Board action":

"Every item being brought forward to the Board for consideration should include the impact on the budget as part of the Board back up. The format of this disclosure should be the same as the format that the staff currently uses for construction-related items; this includes:

- The total amount to be spent by fund, including a clear statement regarding how much of the proposed spending is within the Board-approved budget and how much of the proposed spending is not within the Board-approved budget.
- A table of the account number(s) being charged, the amount(s) being spent, and the site(s) being impacted by the spending."

The Board moved to Item G.

**Attachments:**

---

BB9322 Revision 121819

**C.10. Acceptance of Contra Costa County Office of Education Annual Report for Williams Settlement Legislation**

**Speaker:**

---

Matthew Duffy, Superintendent

**Comments:**

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As a part of the compliance requirements for the Williams Settlement Legislation, The Contra Costa County Office of Education has submitted its annual report for fiscal year, 2019-2020. This reports presents the results of school site visits within the fires four weeks of school.

**Financial Impact:**

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None

**Attachments:**

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Annual Williams Settlement Report

**C.11. Approval of Professional and Special Services Contracts**

**Speaker:**

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Luis Freese, Associate Superintendent Facilities, M&O, Bond

**Comments:**

Contracts and amendments have been initiated by staff using previously procured and qualified consulting, engineering or architectural firms to assist in the completion of the referenced projects. Public contracting laws have been followed in initially qualifying and selecting these professionals.

**Financial Impact:**

Total for this action: \$332,098.00. Funding sources are General Fund Unrestricted (\$70,000.00), Fund 21 Building Fund (\$247,398.00), and Fund 25 Capital Facilities Fund (\$14,700.00).

The proposed amendments are within the Board approved budget.

The proposed expenditures are within the following budget account:

|  |                     |                            |
|--|---------------------|----------------------------|
| 01-0000-5860-667-0000-7510-400100-0-0000 | \$70,000.00         | Project Management Central |
| 21-9745-6201-123-0000-8500-400130-0-0000 | \$3,156.00          | Fairmont Elementary School |
| 21-9745-5860-362-0000-8500-400130-0-0000 | \$4,392.00          | Pinole Valley High School  |
| 21-9745-6203-615-0000-8500-400130-0-0000 | \$70,000.00         | Project Management Central |
| 21-9745-6217-615-0000-8500-400130-0-0000 | \$45,300.00         | Project Management Central |
| 21-9748-5860-615-0000-8500-400130-0-0000 | \$124,550.00        | Project Management Central |
| 25-9025-6217-615-0000-8500-400130-0-0000 | \$14,700.00         | Project Management Central |
| <b>Total</b>                             | <b>\$332,098.00</b> |                            |

**Attachments:**

- 1 Professional & Special Services Summary
- 2 Amendments & Contracts

**C.12. Acceptance of the Work and Approval of the Notice of Completion for the Fairmont Elementary School Critical Needs, Project No. 1000003141**

**Speaker:**

Luis Freese, Associate Superintendent Facilities, M&O, Bond

**Comments:**

The West Contra Costa Unified School District ("District") contracted with A&E Emaar Company to perform the Work of the following project ("Project"):

**Fairmont Elementary School Critical Needs, Project No. 100003141**

Pursuant to applicable law and Board policy, the Governing Board must accept a work of improvement for construction projects upon completion prior to filing a Notice of Completion with the County Recorder or issuance of final payment for the Project. (Civ. Code § 9204; Board Policy 7470.)

The Project was completed on or about November 30, 2019, as determined by District staff upon notification from the Contractor. District staff is ready to file the Notice of Completion and then issue final payment for the Project accordingly. Therefore, District staff recommends that the Governing Board accept the Work of the Project and approve the Notice of Completion for filing.

**Financial Impact:**

None

**Attachments:**

Notice of Completion Fairmont Critical Needs

**C.13. Acceptance of the Work and Approval of the Notice of Completion for the Pinole Valley High School Campus Replacement Project, Project No. 100001929**

**Speaker:**

Luis Freese, Associate Superintendent Facilities, M&O, Bond

**Comments:**

The West Contra Costa Unified School District ("District") contracted with Lathrop Construction Associates to perform the Work of the following project ("Project"):

**Pinole Valley High School Campus Replacement, Project No. 100001929**

Pursuant to applicable law and Board policy, the Governing Board must accept a work of improvement for construction projects upon completion prior to filing a Notice of Completion with the County Recorder or issuance of final payment for the Project. (Civ. Code § 9204; Board Policy 7470.)

The Project was completed on or about November 30, 2019, as determined by District staff upon notification from the Contractor. District staff is ready to file the Notice of Completion and then issue final payment for the Project accordingly. Therefore, District staff recommends that the Governing Board accept the Work of the Project and approve the Notice of Completion for filing.

**Financial Impact:**

None

**Attachments:**

Notice of Completion PVHS Campus Replacement

**D. COMMITTEE COMMUNICATION (7:15 PM)**

**Quick Summary / Abstract:**

(Education Code 35145.5; Government Code 54950 et seq.)

## **D.1. Superintendent's Report**

### **Minutes:**

Superintendent Duffy provided a report of activities in the District.

## **D.2. Standing Reports**

### **Comments:**

Representatives of the following committees and employee unions are invited to provide a brief update to the Board. Representatives from these groups need to sign up to speak prior to the beginning of this item on the agenda by submitting a "Request to Address the Board" form. Five minutes may be allowed for each subcommittee or group listed below:

Adult School Teachers United  
African American Site Advisory Team (AASAT)  
Bayside Council PTAs  
Board Budget/Audit Committee  
Board Facilities Committee  
Board Governance Committee  
Board Safety Committee  
Citizens' Bond Oversight Committee  
Citizens Oversight Committee for Parcel Taxes  
Community Advisory Committee for Special Education (CAC)  
District Local Control Accountability Parents and Students Committee  
Multilingual District Advisory Committee (MDAC)  
School Supervisors Association Local 21  
Teamsters Local 856  
United Teachers of Richmond  
West Contra Costa Administrators Association  
Youth Commission

### **Minutes:**

Citizens Bond Oversight Committee. Don Gosney reported on the committee's recent elections and his reelection as chairperson for another year, and the loss of their co-chair due to outside obligations. He noted that only eight of the 17 seats on the committee were filled and requested the Board and community's help to increase participation. He stated the annual report would be finalized soon and commented on the revisions to BP 9322. He announced the next meeting scheduled for January 13, 2020.

United Teachers of Richmond. Demetrio Gonzalez congratulated the new board leadership. He commented on the dedication of the teachers and the incredible work to support all students, thanking the Board for its support of teachers. He talked about the signatures being collected for the Schools and Communities First initiative and support of the upcoming bond measure.

## **D.3. In Memory of Members of the School Community**

### **Speaker:**

Matthew Duffy, Superintendent

### **Comments:**

The District would like to take time to recognize the contributions of

members of our school community who have passed away. The District requests the community to submit names to be reported as a regular part of each agenda.

Retired custodian Clyde Nelson recently passed away. Mr. Nelson worked for the district from 1973-2009 and retired as head custodian at Nystrom Elementary School. Mr. Nelson was the brother-in-law of Anitra Harper, custodian at Pinole Valley High.

Sharon Sanger, former program specialist at Cameron School, passed away. She was instrumental in the creation of Cameron. Ms. Sanger helped to create the Knolls Speech and Language Center (the former name of Cameron) in 1968. Ms. Sanger was as speech-language pathologist and program specialist for many years in the district. She retired in 2007, was a wonderful advocate for early intervention, and worked tirelessly to support students and staff at Cameron.

Retired Richmond High counselor, Edel Alejandre passed away. Mr. Alejandre dedicated over 48 years to students and families of the district and Richmond High. He began service in the district in 1970, retiring in 2018.

Maria Socorro Barnes also passed away recently. She served the district as an RSP/Learning Center teacher from 2000 to present. She worked at Lake, Hannah Ranch and Bayview Elementary schools.

Our thoughts go out to the family and friends in the loss of their loved one.

**Financial Impact:**

None

**Minutes:**

Superintendent Duffy recognized members of the community who have passed away and asked for a moment of silence.

**E. DISCUSSION ITEMS AND REPORTS**

**F. ACTION ITEMS (7:30 PM)**

**F.1. Decision Hearing for Aspire Richmond Tech Academy Charter Renewal**

**Speaker:**

Dr. Gracie Guerrero, Chief Academic Officer, Educational Services

**Comments:**

On November 20, 2019, the board held a hearing for Aspire Richmond Tech Academy Charter. Staff will present a recommendation to renew the charter petition for the Kindergarten through 5th-grade school that opened in 2015.

If renewed, the term would run from 2020 through 2025.

**Actions:**

**Motion**

Mr. Phillips moved to remove Item F.1 from the agenda. President Hernandez-Jarvis seconded.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie

Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0-0. Passed with a motion by Mister Phillips and a second by Stephanie Hernandez-Jarvis.

**Financial Impact:**

Loss of ADA for students who attend the charter school.

**Minutes:**

This item was pulled prior to the start of the meeting. The Board moved next to Item C.1.

**Attachments:**

Aspire RTA Charter Renewal Review and Staff Recommendation 121819

**F.2. Decision Hearing for John Henry High School Charter Renewal**

**Speaker:**

Dr. Gracie Guerrero, Chief Academic Officer, Educational Services

**Comments:**

On November 20, 2019, the board held a hearing for John Henry High School Charter. The original charter was submitted in 2015, and if renewed, the new petition term would be 2020 through 2025.

**Actions:**

**Motion**

Ms. Cuevas moved to end discussion on this item. Mr. Panas seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Lara, Mr. Panas, and President Hernandez-Jarvis voted yes, Mr. Phillips voted no with no absences and no abstentions. Motion carried 4-1-0-0. Passed with a motion by Valerie Cuevas and a second by Tom Panas.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**No** Mister Phillips.

**Motion**

Ms. Lara moved denial of the John Henry High School Charter Renewal. President Hernandez-Jarvis seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Lara, Mr. Panas, and President Hernandez-Jarvis voted yes, Mr. Phillips voted no with no absences and no abstentions. Motion carried 4-1-0-0. Passed with a motion by Consuelo Lara and a second by Stephanie Hernandez-Jarvis.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**No** Mister Phillips.

**Financial Impact:**

Possible positive impact if families chose to return to one of seven District high schools.

**Minutes:**

Superintendent Duffy introduced the team who presented findings on the renewal petition. Dr. Linda Delgado provided background and presented

findings on the inadequacies of the English Language Learner and Special Education Programs, governance and leadership resulting in staff's recommendation to deny the renewal petition.

Public Comment:

Christian Nickson, Emerson P., Sylvia Castro, Eimy Perez, Miguel Lopez, Francisco Cortes, Herly Saravia, Kimberly Castro, Valeria Zepeda, Angel Martinez, Erik Munoz, Joaquin Robinett, Adan Lopez, Enrique Cortes, Desinee Salazar, Francisco Cortes, Gabriela Camarena, Madelyne Lozada, Nyla Gonzalez, Jhoana Morales, Anissa Inthavong, Dulce Amezcua, Dayanna Perez, Azucena Macias, Eric Munoz, Khloe Peraza, Borie Forest, Gabriela Zaidivar, David Valdez, Joseph Anguiano, Adan Martinez, Diego Perez, Khloe Perez, Beatriz Garcia, Diana Franco, Letsa Cuellar, Martin Castillo, Sarah Fleischman, P. Kaur, Liani Dillon, Ryan Shaw, Philip Chong, Phillip Chong, Patricia Duran, Jorge Lopez, Karina Moreno, Isura Islas, Gustavo Godinez, Dulce Bernal, Ana Cervantes, Latrina Johnson, Veronica Alvarez, Yanira Torrecilla, Araceli Lopez, Araceli Ruiz, Edgar Quiroz, Don Gosney, Dulce Bernal, Eimy Perez, Natalie Garcia, Brett Robbins, Jeff Robinett, Letsa Cuellar, Martin Castillo, Mariela Cuellar, Silvia Castro, Dayanna Perez, Anselmo Ramirez, Desiree Salazar, Emerson Palencia, Alexia Garcia, Manuel A. Vasquez, Mitzi Cortes, Joanna Pace, Evelia Villa, Gabrielle Micheletti, Mitzi Perez-Caro, Bianca Forrester, Phoun Valladares

Board Comment:

Mr. Panas asked for the district's counsel Ed Sklar, to comment on the technical aspect of the findings. Mr. Sklar stated he was comfortable with legality and balance of staff recommendations.

Mr. Phillips asked staff to explain WASC accreditation. Dr. Guerrero responded advising that there were current high schools going through accreditation and briefly explained the process. Mr. Phillips questioned John Henry's dashboard and local indicators stating they met all standards and received maximum WASC accreditation, wanting to know why staff felt the programs would not be implemented. Dr. Guerrero explained how results were posted, information provided within the petition and how staff reached its determinations. Dr. Delgado went through the special population indicators from the presentation.

Ms. Lara wanted to know what areas populated John Henry and how returning students would be assigned. Dr. Guerrero explained the transfer process. Ms. Lara commented on the school's deficiencies she gleaned from the report based on leadership decisions.

President Hernandez-Jarvis asked Dr. Delgado to provide year over year SBAC scores. Scores were included in Dr. Delgado's presentation and she reiterated the results from those slides. President Hernandez-Jarvis was also interested in hearing reclassification rates. Dr. Delgado said that the rate was zero percent in 2018-19 compared to the district's rates, which varied between eight and thirty-five percent. President Hernandez-Jarvis

provided reasoning for her decision to not support the renewal.

Student Representative Luke Shalz commented on the positive things JHHS had accomplished, and then noted where he felt they fell short. He went on to provide his thoughts and support for public education.

Mr. Phillips asked Ms. Janelle Ruley, counsel for JHHS, to provide her legal opinion on staff's recommendation that the petition did not meet the minimum requirements of the law. Mr. Phillips asked attorney's Sklar and Ruley to go through each of the nine findings and state whether they were legally required to renew a petition. Mr. Sklar stated yes, Ms. Ruley no, with each explaining their positions.

President Hernandez-Jarvis called a short break at 9:12 PM. The meeting reconvened at 9:32 PM.

The Board moved to Item C.

Student Representative Luke Shalz left the meeting.

**Attachments:**

JHHS Renewal Staff Presentation

John Henry High School Findings and Staff Recommendation

**G. COMMENTS FROM THE BOARD OF EDUCATION AND FUTURE AGENDA ITEMS**

**Minutes:**

Ms. Cuevas wished everyone a restful winter recess with family and friends, coming back ready to tackle the work needed in 2020.

Mr. Panas echoed Ms. Cuevas' sentiments wishing everyone a great holiday. He provided a brief update of activities he was involved in over the past week, and expressed appreciation for the Trustee's support during his presidency.

Mr. Phillips also wished everyone a happy holiday season with family and friends.

Ms. Lara said she would be working on the bond campaign, as a private citizen, throughout the break.

President Hernandez-Jarvis expressed her gratitude for CSBA and its training, as well as the support of her colleagues. She said she looked forward to the challenges of 2020 with a board retreat. She expressed her gratitude.

**H. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING**

**Quick Summary / Abstract:**

Lovonya DeJean Middle School - January 15,  
2020

**Minutes:**

Lovonya DeJean Middle School—January 15, 2020

## I. ADJOURNMENT

### Quick Summary / Abstract:

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At 10:00 PM, any items remaining on the agenda that require immediate attention will be moved to this time. All other items will be tabled to another or the following Board meeting in order to make fair and attentive decisions. The meeting will adjourn at 10:30 PM. The meeting may be extended by a majority vote of the Board of Education.

### Minutes:

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President Hernandez-Jarvis adjourned the meeting at 10:13 PM.

### Disability Information:

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Special Accommodations: Upon written request to the District, disability-related modifications or accommodations, including auxiliary aids or services, will be provided. Please contact the Superintendent's Office at 510-231-1101 at least 48 hours in advance of meetings.

### 12/18/2019 6:40:00 PM ( Original )

Present Valerie Cuevas

Present Stephanie Hernandez-Jarvis

Present Consuelo Lara

Present Tom Panas

Present Mister Phillips

# STAFF REPORT FOR JHHS

Renewal Petition, Submitted in 2019 for 2020 through 2025

## BACKGROUND

In **2014** Amethod Public Schools (AMPS) submitted a petition to open a charter high school to serve 95 ninth and 30 tenth grade students.

**If renewed the petition must, by law, be for a five-year term.**

A comprehensive and thorough analysis of the JHHS petition and the AMPS organization are documented in the full staff report. The staff report is our formal and final recommendation in this renewal process.

Over the last four years a number of serious concerns have arisen at JHHS, these are summarized in this presentation.

## Background Continued

- I. **November 6, 2017 through February 28, 2018** the following issues, among others, emerged:
  - Improperly credentialed teachers in classrooms
  - Inadequate Special Education provision
    - **District issued a Letter of Concern on December 1, 2017, and then a Notice of Violation on February 28, 2018**
- I. **March 30 through May 8, 2018** new and recurrent issues were found:
  - Failure to provide an English Language Development program.
  - Continued high staff turnover and employment of teachers with short term credentials.
    - **District drafted a “Tolling and Monitoring Agreement” on May 2, 2018**
    - **On May 8, 2018 the District issued a letter to AMPS concerning a number of newer concerns.**
- I. **April through March 2018** information about new problems emerged including:
  - CMO leadership insisting staff NOT contact Child Protective Services in response to student claims of abuse.
  - Inadequate CMO leadership concerning a falsified email that put two female students at risk.
    - **On September 26, 2018, WCCUSD Board voted to hold a revocation hearing.**

## PRELIMINARY STANDARDS

A. Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant subgroups;

or

B. 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 where the charter school is located, taking into account the composition of the pupil population that is served at the charter school .

## STANDARDS FOR RENEWAL

**Among other criteria, the petition must:**

1. Present an **sound educational program** for students.
2. Show that the school is **demonstrably likely to successfully implement the program** set forth in the renewal petition.

Considering renewals, regulations specifically state that chartering authorities “shall consider the past performance of the school’s **academics, finances, governance and operation** in evaluating the likelihood of future success, along with future plans for improvement, if any.”

## FINDINGS

1a. THE PETITION PRESENTS AN UNSOUND EDUCATIONAL PROGRAM FOR ENGLISH LANGUAGE LEARNERS.

1b. THE PETITION PRESENTS AN UNSOUND EDUCATIONAL PROGRAM FOR SPECIAL EDUCATION STUDENTS.

II. THE ORGANIZATION IS DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM.

## FINDING 1a. ENGLISH LEARNER PROGRAMMATIC DEFICIENCIES

- I. The EL program is inadequately described in the petition.
- II. Extremely high staff turnover have led to **five** different teaching staff members this year trying to provide support for English Language Development.
- III. Continuously falling enrollment of EL student enrollment raises concerns.
- IV. Data on the EL population SBAC performance is not available on the CDE Dataquest site, as the population was too low, and in math, all students were not tested. Staff requested performance data be provided by the school and organization, and an email was provided.

## FINDING 1b. SPECIAL EDUCATION PROGRAMMATIC FAILURES

- I. Long term and consistent failure to provide an adequate Special Education program.
- I. The Disability Rights Education and Defense Fund (DREDF), notified the District that BJE and possibly other Amethod Richmond Schools have counseled at least ten families out.
- I. Performance data was not available on the CDE Dataquest site, as the population is too low, so staff requested data directly from the AMPS organization. It was not provided.
- I. The CDE flagged the organization for failing to test the appropriate, representative percentage of students.

**FINDING II. THE CHARTER SCHOOL IS DEMONSTRABLY UNLIKELY TO IMPLEMENT  
THE PROGRAM**

- I. The school is managed by the Amethod Organization. In the last 5 years, the central office has lost 15 individuals: 3 Special Education Directors, 2 Directors of Talent, the COO, CAO, Directors of Finance, Systems, and assorted others.
- II. Over five years, the organization has lost 27 site leaders including Deans and Directors. Of these **4** were from JHHS, **5** from RCA, and **5** from BJE. JHHS lost 13 teachers and two front office staff between 2016-18. Between April 20 and November 2019, twelve teachers left or were fired.
- III. JHHS petition says it will lower appointed board membership to as few as three individuals, and will shift responsibility for policy setting, monitoring the budget, hiring and legal compliance with law into the hands of CMO leadership. The purpose of a governance board is to ensure oversight.

## CONCLUSION

FINDING I. The charter petition presents an unsound education Program.

- Inadequate ELD Program
- Inadequate Special Education Provision

FINDING II. The charter school is demonstrably unlikely to implement the program.

- The Amethod organization has very high turnover throughout, from central office to school sites.
- The organization leadership lacks accountability, board oversight, and transparency.

Staff recommends a denial of the petition

# Appendices and Data Support

Data acquired from Dataquest, California Department of Education

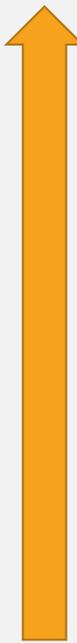
## ETHNICITIES SERVED

| Name | Total | African American | Amer.Ind or Alaskan | Asian  | Filipino | Hisp. or Latinx | Pacific Isl. | White  | 2 + Races |
|------|-------|------------------|---------------------|--------|----------|-----------------|--------------|--------|-----------|
| DHS  | 1,368 | 22.10%           | 0.30%               | 12.60% | 6.80%    | 45.50%          | 1.10%        | 9.00%  | 2.60%     |
| ECHS | 1,506 | 18.90%           | 0.30%               | 18.30% | 2.20%    | 26.70%          | 1.00%        | 29.80% | 2.80%     |
| HHS  | 867   | 25.10%           | 0.20%               | 21.60% | 23.00%   | 22.30%          | 0.60%        | 4.40%  | 2.90%     |
| KHS  | 851   | 25.30%           | 0.10%               | 5.20%  | 1.10%    | 64.50%          | 1.30%        | 2.00%  | 0.60%     |
| PVHS | 1,120 | 15.30%           | 0.20%               | 11.40% | 8.60%    | 48.70%          | 0.60%        | 13.10% | 2.10%     |
| MCHS | 288   | 13.20%           | 0.00%               | 17.00% | 8.00%    | 52.10%          | 0.70%        | 7.60%  | 1.40%     |
| JHHS | 320   | 2.80%            | 0.00%               | 1.30%  | 0.30%    | 95.30%          | 0.00%        | 0.30%  | 0.00%     |
| RHS  | 1,567 | 6.90%            | 0.10%               | 4.40%  | 1.80%    | 85.10%          | 0.40%        | 1.00%  | 0.30%     |

## SPECIAL POPULATIONS

| <b>SUBGROUPS</b>                       | <b>JHHS</b> | <b>DHS</b> | <b>ECHS</b> | <b>HHS</b> | <b>MCHS</b> | <b>PVHS</b> | <b>KHS</b> | <b>RHS</b> |
|--|-------------|------------|-------------|------------|-------------|-------------|------------|------------|
| <b>English Learners</b>                | 12.5%       | 19.7%      | 12.1%       | 9.0%       | 2.4%        | 17.8%       | 37.8%      | 39.6%      |
| <b>Foster Youth</b>                    | 0.0%        | 0.7%       | 0.2%        | 0.1%       | 0.0%        | 1.2%        | 0.6%       | 0.2%       |
| <b>Homeless Youth</b>                  | 2.8%        | 3.8%       | 2.1%        | 3.6%       | 1.0%        | 3.0%        | 7.8%       | 4.9%       |
| <b>Students with Disabilities</b>      | 6.9%        | 14.3%      | 11.4%       | 10.7%      | 0.3%        | 11.7%       | 12.8%      | 10.3%      |
| <b>Socioeconomically Disadvantaged</b> | 91.3%       | 75.0%      | 44.4%       | 45.0%      | 58.3%       | 61.8%       | 94.8%      | 93.5%      |

### ENGLISH LANGUAGE LEARNER LEVELS



| English Learner Levels           | JHHS         | DHS          | ECHS         | HHS          | PVHS         | KHS          | RHS          |
|----------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Level 4:<br>Well Developed       | 38.1%        | 27.2%        | 25.8%        | 37.6%        | 22.4%        | 9.3%         | 19.7%        |
| Level 3:<br>Moderately Developed | 38.1%        | 27.2%        | 29.6%        | 22.6%        | 30.6%        | 15.9%        | 25.3%        |
| Level 2:<br>Somewhat Developed   | 9.5%         | 17.7%        | 14.0%        | 20.4%        | 25.3%        | 15.0%        | 17.1%        |
| Level 1:<br>Beginning Stage      | 14.3%        | 27.9%        | 30.6%        | 19.4%        | 21.8%        | 59.8%        | 37.9%        |
| <b>Total 1&amp;2</b>             | <b>23.8%</b> | <b>45.6%</b> | <b>44.6%</b> | <b>39.8%</b> | <b>47.1%</b> | <b>74.8%</b> | <b>55.0%</b> |

**MATH 2019, Dashboard**

| Student Group                   | Color  | Status Level | Change Level            | CURRENT STATUS - Average distance from Standard | CHANGE - Difference between current status and prior status | Current year number of valid students | Current year number of valid students with disabilities |
|---------------------------------|--------|--------------|-------------------------|---|---|---------------------------------------|---|
| All Students                    | Orange | Low          | Decreased Significantly | -77.3   | -44.2   | 66                                    | N/A   |
| English Learners                | Red    | Very Low     | Decreased Significantly | -123.7  | -48.3   | 33                                    | N/A   |
| Socioeconomically Disadvantaged | Orange | Low          | Decreased Significantly | -80.3   | -43.9   | 61                                    | N/A   |
| Students with Disabilities      | None   | N/A          | N/A                     | N/A   | N/A   | 9                                     | N/A   |
| African American                | None   | N/A          | N/A                     | N/A   | N/A   | 2                                     | N/A   |
| Asian                           | None   | N/A          | N/A                     | N/A   | N/A   | 1                                     | N/A   |
| Hispanic                        | Orange | Low          | Decreased Significantly | -73.2   | -37.5   | 63                                    | N/A   |

| ENGLISH LANGUAGE ARTS 2019, Dashboard |        |              |              |   |   |                                       |   |
|---------------------------------------|--------|--------------|--------------|---|---|---------------------------------------|---|
| Student Group                         | Color  | Status Level | Change Level | CURRENT STATUS - Average distance from Standard | CHANGE - Difference between current status and prior status | Current year number of valid students | Current year number of valid students with disabilities |
| All Students                          | Yellow | Medium       | Maintained   | 26.2  | -0.5  | 69                                    | 0   |
| English Learners                      | Orange | Low          | Declined     | -25.3   | -3.3  | 36                                    | 0   |
| Socioeconomically Disadvantaged       | Yellow | Medium       | Maintained   | 25.2  | 0.9   | 64                                    | 0   |
| Students with Disabilities            | None   | N/A          | N/A          | N/A   | N/A   | 10                                    | 0   |
| African American                      | None   | N/A          | N/A          | N/A   | N/A   | 2                                     | 0   |
| Asian                                 | None   | N/A          | N/A          | N/A   | N/A   | 1                                     | 0   |
| Hispanic                              | Green  | Medium       | Increased    | 28.8  | 3.6   | 66                                    | 0   |

## College and Career Data, Dashboard

| CCI Level                       | All Students | Hispanic | English Learners | Socio-economic Disadvantaged |
|---------------------------------|--------------|----------|------------------|------------------------------|
| Percentage Prepared             | 35.4%        | 35.4%    | 12.8%            | 32.9%                        |
| Percentage Approaching Prepared | 35.4%        | 35.4%    | 41%              | 36.8%                        |
| Percentage Not Prepared         | 29.3%        | 29.1%    | 46.2%            | 30.3%                        |

Note: No data are available for any subgroup or ethnicity not shown as percentage served is too low (homeless, foster, SPED).

## WHY IS DIVERSITY IMPORTANT?

**STUDIES SHOW THAT  
STUDENTS WHO LEARN IN  
DIVERSE ENVIRONMENTS  
GAIN IN THE FOLLOWING  
WAYS...**

### **DIVERSITY MAKES US SMARTER**

In integrated schools have higher average test scores on the National Assessment of Educational Progress (NAEP).

In diverse learning environments the achievement gap grows smaller.

### **DIVERSITY MAKES US MORE SUCCESSFUL IN COLLEGE**

Students who experience diversity are more likely to enroll in college, and are less likely to drop out.

### **DIVERSITY BUILDS BETTER CITIZENS**

In diverse, integrated schools students suffer from fewer stereotypes, and prejudices.

They receive increases in self-confidence, enhanced leadership skills and enjoy a reduction in anxiety throughout life.

# John Henry High School

November 20th, 2019

## Charter Renewal Petition



**AMPS**  
HONOR HARD WORK

## JHHS Demographic Information

**Total Enrollment: 325**

**English Learners: 20%**

**Special Education: 7.67%**

**Free Reduced Lunch: 82%**

**Race/Ethnicity Breakdown:**

African American 3.07%

Asian: 1.23%

Hispanic 95.4%

White 0.31%



## Leading the Way to Educational Excellence

- Received a 6-year WASC accreditation (2019-2025)
- Member school of the National Honor Society
- Increased Advanced Placement participation by 3x the amount of the previous year
- Growing sports program (Boys & Girls Basketball, Cross Country, Girls Volleyball, and, Boys & Girls Soccer)
- Over 90% of graduating seniors have been accepted to a 4-year college since we were founded

## **Committed to Respond to the Needs of All Students**

- Ability to attract and retain strong teachers
- Strategic use of outside partnerships
- Innovative programs for college and career readiness
- Intentional use of a multi-tiered data analysis platform
- Frequent goal-driven coaching cycles for all teachers
- Parent engagement through meaningful collaboration

## **Instructional Program**

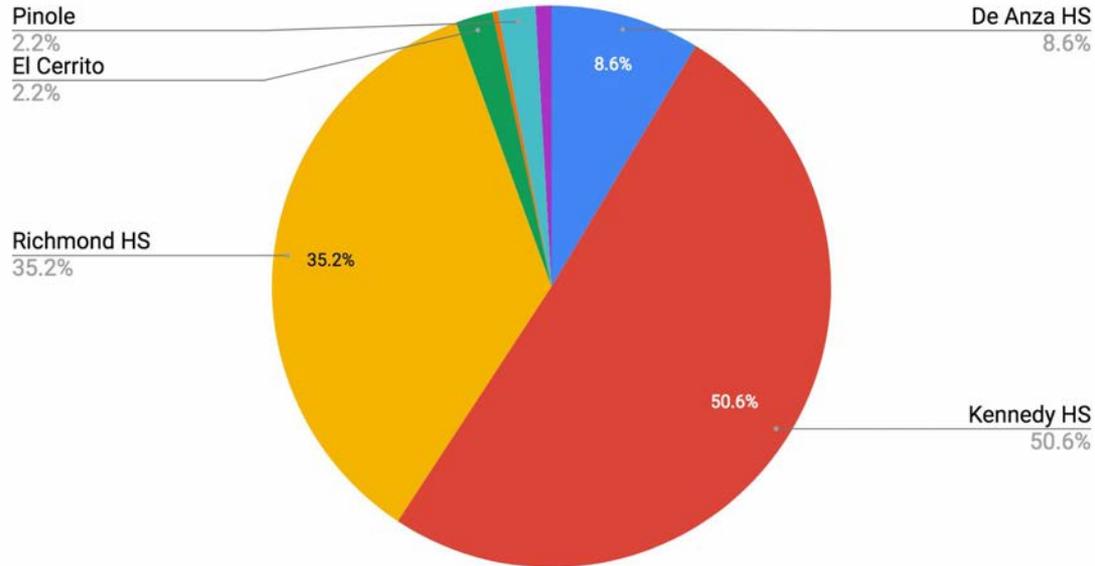
- Data-driven instruction focused on the CCSS and the UC/CSU A-G Requirements
- Partnership with Contra Costa College for college courses and dual credit
- Textbooks and curriculum align to CCSS and UC Office of the President frameworks
- Ongoing teacher observations and 1-1 coaching sessions
- Professional development plan that responds to instructional needs

## **Holistic Approach to Education**

- Extensive Multi-Tiered Behavior Support and Intervention
- Character Development and Positive Behavioral Support
- Social/Emotional Learning
- Literacy Focus
- Senior Project
- Multicultural Festival
- Case Study Seminars

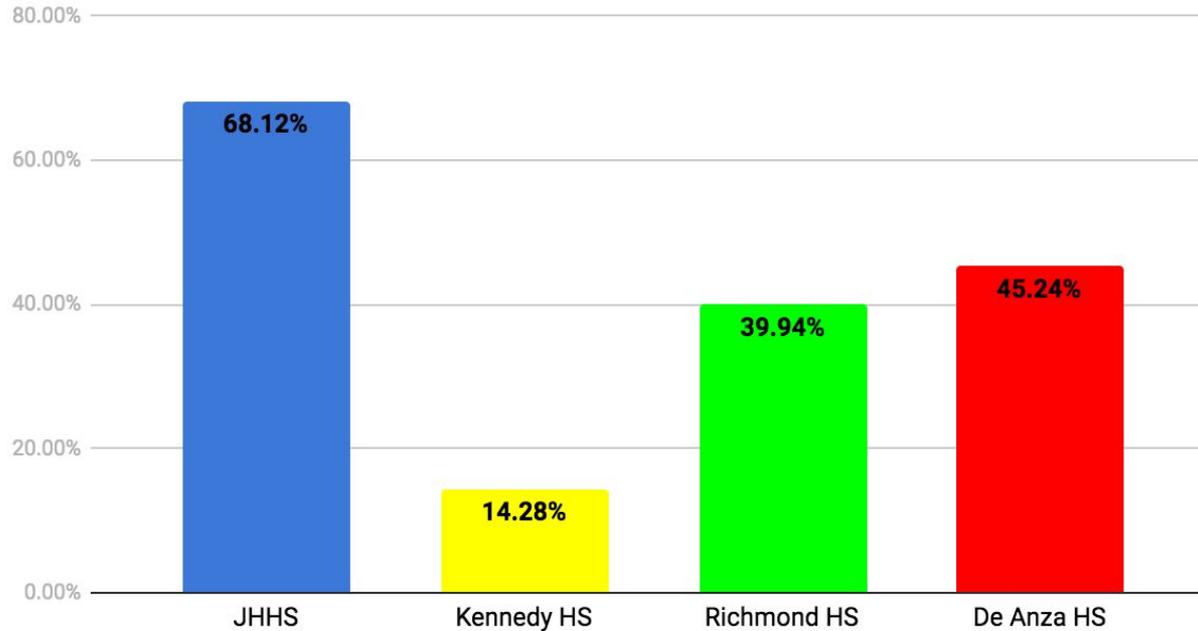


## JHHS Student Population - Represented as Schools That They Would Otherwise Attend



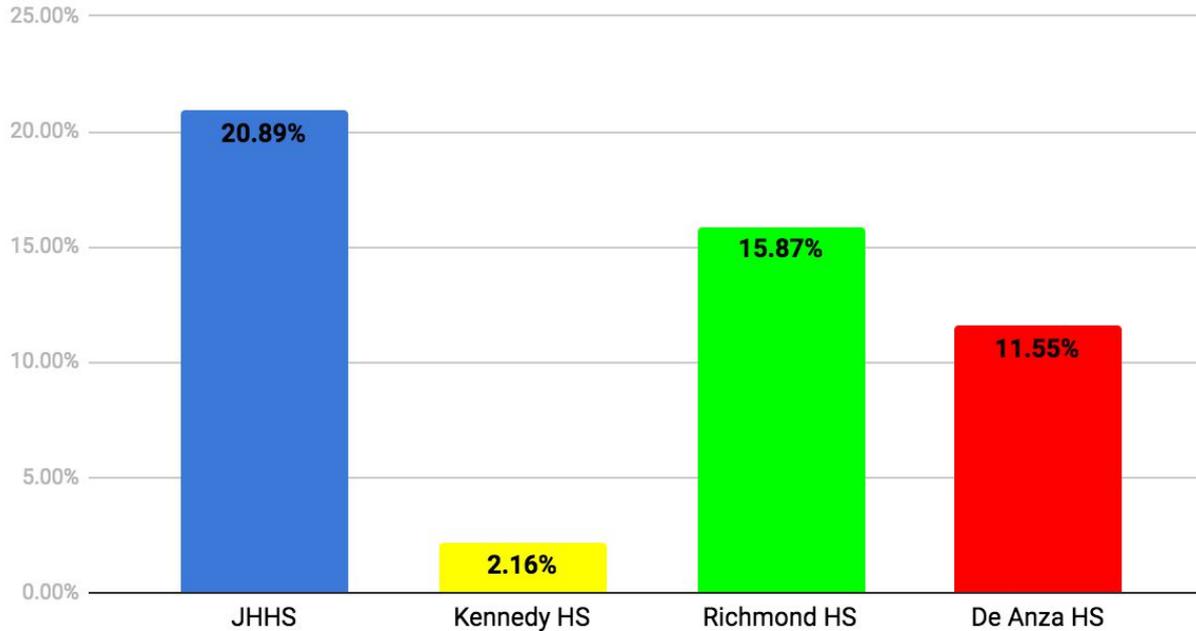
West Contra Costa Unified School District  
Findings Evidencing Denial of the John Henry High  
School Petition and Petitioner's Response

Percentage of Students Meeting and Exceeding State Standards on the ELA CAASPP Exam  
- Comparison to Public Schools that Pupils Would Otherwise Attend (2019)



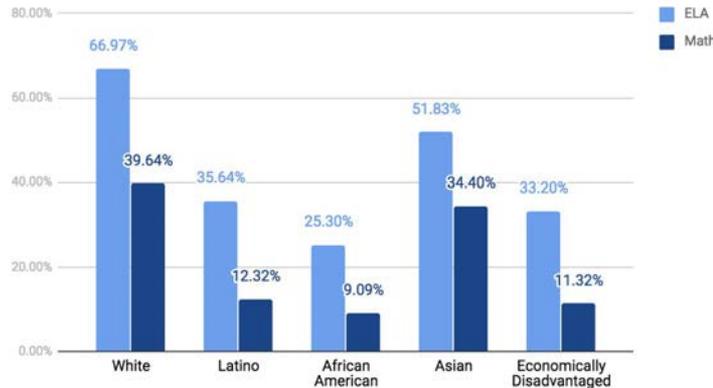
West Contra Costa Unified School District  
Findings Evidencing Denial of the John Henry High  
School Petition and Petitioner's Response

Percentage of Students Meeting and Exceeding State Standards on the Math CAASPP Exam - Comparison to Public Schools that Pupils Would Otherwise Attend (2019)

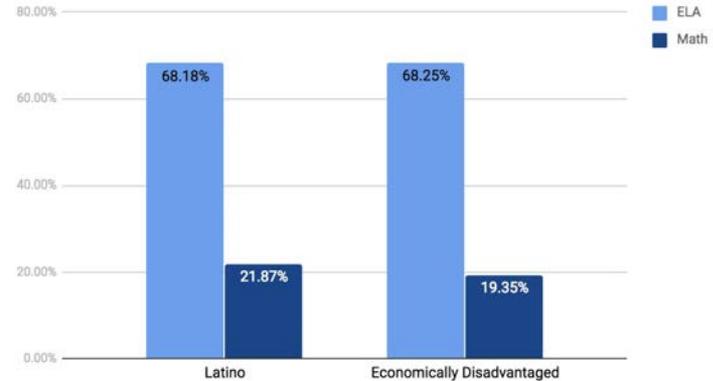


## Comparative Subgroup Performance (2019) - SBAC Statistically Significant Subgroups

WCCUSD - Subgroup Performance - 11th Grade SBAC (2019)



JHHS - Subgroup Performance - 11th Grade SBAC (2019)





Thank  
you!





Dear Trustees,

John Henry High School (JHHS) and Amethod Public Schools (AMPS) responds to the West Contra Costa Unified Schools District's (WCCUSD) staff Charter Renewal Review (Review) posted on WCCUSD agenda for the December 18<sup>th</sup>, 2019 Board of Trustees (Board) meeting. The Review recommends denial of John Henry High School's charter renewal petition. Below are some of the findings as laid out in the Review (in bold typeface) and JHHS' responses (in plain text). We also look forward to further addressing any and all concerns during the meeting on December 18<sup>th</sup>, 2019.

**Finding 1: The Charter Petition Presents an Unsound Educational Program**

**Inadequacies in the English Language Learner Program:**

This past year, 43 out of 46 (93.4%) JHHS English Language Learners completed the ELPAC. According to the CA state Dashboard, 56.3% of our ELLs are making progress towards English Language Proficiency. This progress percentage would have put us at a progress level rating of "High," but because we did not test 95% of our EL students, we were automatically given a progress level of "Low." Again, we tested 93.4% of our ELLs, missing the requirement due to a long term absence.

In comparison to the state and the district, JHHS has 56.3% of our ELLs progressing towards English Language Proficiency, whereas the State of California has 48.3% and the district has 44.5%.

JHHS' rating stands as such because of a missed a testing threshold by a measure of 1.6%, but this district is rated as "Low" due to its actual progress percentage numbers being less than 45%.

Kennedy High School, the school that 50.6% of our students would otherwise attend, has a progress percentage of 33.9%. Richmond High School, the school that 35.2% of JHHS students would otherwise attend, has shown progress at a 35.4% rate.

The Review specifically targets our ELL program for "inadequacies," going as far as to say that our "strategies do not constitute a program." We feel that it is vital for the Board and the broader community to understand that JHHS has the highest ELL progress towards proficiency percentage among all high schools in the district, including charters, at 56.3%. How inadequate or non-existent can our ELL program be, when the CA dashboard data clearly shows that we are the most successful high school in the district on this measure?

Our ELL program was reviewed by a WASC committee when they conducted a thorough, three day, onsite accreditation visit in 2019. They were impressed with our results and took notice of our high progress percentage. Based on their visit, JHHS was granted a six year WASC accreditation (2019-2025). How, then, did the staff recommendation committee conclude that our program as inadequate six months later, without interviewing a single student or teacher, or



observing a single EL classroom? In fact, WCCUSD did not conduct a site visit in preparation for this renewal. Here are some key points to take away:

- 22% of our students are English Language Learners
- We offer two ELD classes and we also have a full-immersion program
- 66% of our students are RFEP (Reclassified Fluent English Proficient)
- Teachers are being trained with best practices and appropriate accommodations to help serve our ELs based on individual need

*ELD 1 Program:* We use the Everyday English Plus (EEP) curriculum. EEP offers a multisensory approach to teaching English. This curriculum ensures students in level 1 receive daily instruction in reading and writing and daily practice in speaking and listening in a classroom setting. We are in the process of adopting a new curriculum called English 3D, which is more aligned to new ELD standards.

*ELD 2 Program:* We use the Language Live curriculum which integrates grade level instruction with foundational skills including: writing, vocabulary, fluency, grammar, comprehension, and spoken English. The curriculum provides instruction in ELA and English Language Development (ELD) simultaneously to accelerate ELL students' achievement in high school.

Our mainstream English classrooms use Springboard as the core curriculum. This program includes multiple ways for the teacher to differentiate and accommodate our ELLs at any level. Springboard uses research-based instructional strategies and practices so that ELLs at all levels develop their linguistic skills as they develop knowledge and further their academic skills.

To complement our main curriculum, we also use Achieve3000 school-wide in an effort to promote literacy growth at each students' individual pace and needs. Our ELLs receive extra scaffolding and support through this program to further their second language acquisition. This literacy program provides English immersion with 12 levels of differentiation, English with Spanish language support, and dual-language options.

Furthermore, we have paraprofessionals that help support our ELLs in the mainstream classroom and designated tutoring time after school to further assist our students in both their second language acquisition and accessing and mastering the content in their core academic classes. Additionally, we have two Deans of Instruction that oversee teacher lesson plans and support teachers with various strategies, accommodations, and modifications depending on the level and need of each ELL. We constantly assess student work in order to monitor student progress and ensure rigorous instruction, hence our high Student Progress towards Proficiency Percentage.

#### **Precipitous Decline in Math for All Students:**

Last summer, we created a task force to do a root cause analysis of the uncharacteristically low percentage of JHHS 11<sup>th</sup> graders at or exceeding the standard on the SBAC. We found that the conceptual understanding of Math was weak compared to procedural/operational understanding,



i.e. the ability to communicate reasoning was low (reading, writing, and speaking in the math content area) and students were not highly engaged in their lessons and curriculum. This trend impacted schools across the nation as the shift in common core testing negatively impacted test scores. It is also important to note, that though JHHS did see lower than expected scores last year, its students still far outpaced the students at the schools they would be required to attend should JHHS' renewal be denied. Richmond High's students met or exceeded the standard at an extremely low and concerning rate of 16%, and Kennedy High's Math scores met or exceeded the standard at a disastrous and dangerous 2% rate. JHHS students met or exceeded the standard at a 21% rate.

We are addressing the need and made a strategic decision to shift curriculum. JHHS is now using College Preparatory Math (CPM). CPM is a small group, task-based curriculum with a heavy emphasis on the conceptual - "Why does this operation work," rather than focusing on the procedural steps exclusively. CPM is also a curriculum that requires much more reading and writing than traditional math curricula, further supporting all of our students in acquiring and utilizing mathematical language, including our growing ELL population. We've found the small group, task-based lessons of CPM to be much more engaging for our students than those of previous years.

We have also hired two (2) Instructional Deans responsible for conducting frequent observations of all teachers and sharing methods for improvement during subsequent debriefs. JHHS' deans also provide weekly lesson plan feedback, and professional development, including bi-weekly data dives, designed to help our teachers better understand the highest leverage ways to improve student achievement.

Finally, it should be noted that the SBAC does not measure growth, as the same cohort of students is not tested from one year to the next. So, to insinuate that there has been a "decline" is somewhat inaccurate, rather, last year's students did not perform as well as the class prior.

**Inadequacies in the Special Education Program:**

The Review contains serious inaccuracies regarding the delivery of Special Education services at JHHS. First and foremost, the findings suggest that JHHS does not have full time Education Specialist. This is untrue. Mr. Peter Kasnestis is JHHS' full time Education Specialist. He is employed by our outside partner, Futures Education. Futures provides him with regular professional development and has given him a 1:1 coach to ensure he is delivering services to the best of his abilities and in a fully compliant manner. In typical fashion, it seems WCCUSD's Charter Oversight Coordinator continues in her "gotchas" approach rather than seeking to fully investigate and understand the Special Education services at JHHS.

Moreover, some AMPS employees may be confused as to how questions about SPED should be answered. Mr. Kasnestis is a Futures employee and receives support from that organization as well as from AMPS. Indeed, he also works with Princess Tucker, our in-house SPED



Coordinator, to ensure AMPS' students are receiving the services they need. Based on this structure, though simple in nature, you can see how questioning administrative assistants and Mr. Kasnestis himself could lead to confused responses. For additional information regarding our SPED services, see our SPED Coordinator's response to the Disability Rights Education and Defense Fund (DREDF) attached to the email containing this response.

**Finding 2: Staff and Board Turnover:**

Staff turnover is a reality in all businesses and individuals leave organizations for myriad reasons. It is inappropriate to comment on any individual employee's departure or go into detail surrounding the departure. Indeed, it is concerning that the Office of Charter Schools at WCCUSD has gone mining for this information. This is a tactic to which we have unfortunately become all too accustomed. While our HR department can confirm hire dates and exit dates of employees when asked, we are not aware of any such requests, save for one, when, on December 4, 2019, Ms. Delgado called our Regional Compliance Coordinator – Oakland Region (not at all affiliated with HR and assigned to our Oakland schools) on her mobile device and asked whether or not Ms. Tucker is currently employed. She is. It should also be noted that two years ago, AMPS attempted to open two schools in Sacramento with the support of a Federal Expansion Grant. In planning for that expansion, extra staff were brought on board. That attempt was unsuccessful.

AMPS is governed by a fully volunteer board of directors. As such, we have had periods of time during which our turnover was very low and periods of time that saw higher rates of turnover. Our board did recently amend the bylaws to reduce the number of board members needed to three (3). This was not done because we would like to operate with such a small board; this was because we needed to meet quorum in order to conduct business. Our numbers were reduced, as sadly, one of our board members passed away and another is dealing with a very ill parent. Our goal is to have no fewer than five (5) members. At our December 16<sup>th</sup> Board meeting, we added an additional Board member, and we are actively seeking additional qualified candidates willing to serve. Lastly, we are proud to note that we have historically had very engaged and qualified board members, including a former Richmond City Council Member, a former administrator for the San Pablo Economic Development Corporation, and a member of the El Cerrito NAACP.

Our board functions based on their responsibilities as fiduciaries and based on the recommendations made to them by staff. Our board considers the information presented them and the overall impact a recommendation would have on the organization before making a determination. Just as with the WCCUSD Board, our board is there to govern, not manage. AMPS is, of course, happy to report any changes in the board composition, as some unavoidable changes occurred since the time of JHHS' submission. It is also important to note that AMPS does indeed attempt to be transparent in its governance. We have begun streaming all of our meetings on our website, are prepared to comply with new laws requiring telephonic



participation from our six sites, and are not at all deaf to calls for physical meetings to be held in Richmond.

Thank you for taking the time to have a closer look at JHHS and AMPS. We look forward to working together in partnership, as JHHS is indeed a WCCUSD school.

Best,

David Stephan – Chief of Staff, Armethod Public Schools