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MINUTES
REGULAR MEETING
BOARD OF EDUCATION
SAN FRANCISCO UNIFIED SCHOOL DISTRICT
TUESDAY, JUNE 12, 2018 – 6:00 P.M.

The Board of Education met in Regular Session on Tuesday, June 12, 2018, at 6:02 p.m. in the Irving G. Breyer Board Meeting Room, 555 Franklin Street, First Floor, San Francisco, California. Presiding: Ms. Hydra Mendoza-McDonnell, President

PRESENT: Commissioners Mr. Stevon Cook, Mr. Matt Haney, Ms. Hydra Mendoza-McDonnell, Dr. Emily M. Murase, Mr. Mark Sanchez, and Mr. Shamann Walton

ABSENT: Commissioner Rachel Norton

ALSO PRESENT: Dr. Vincent Matthews, Superintendent of Schools
Mr. Myong Leigh, Deputy Superintendent, Policy and Operations
Mr. Brad Stam, Deputy Superintendent, Instruction
Miss Kyither Min and Mr. Chanun Ong, Student Delegates

Approval of Board Minutes

The Regular Board Minutes of May 22, 2018 were moved by Commissioner Cook, seconded, and adopted by 6 ayes, 1 absent (Norton). Student Delegate advisory vote: Aye by Miss Min and Mr. Ong

Consent Calendar

The Consent Calendar was moved by Commissioner Walton, seconded, and presented as follows:
C. CONSENT CALENDAR - BOARD MEMBERS MAY REMOVE OR SEVER ITEMS PRIOR TO VOTE

1. Items Withdrawn or Corrected by the Superintendent
2. Protocol for Public Comment on Consent Items
3. Instructional Resolutions - (Item 7)
4. Finance Resolutions - (Items 11 - 30)
5. Facilities Resolutions (Items 31 - 47)
6. Personnel Resolutions - (Items 8 - 10)
7. Approval for Student Travel, Burton High School
8. Consultant Services Contracts and Contract Amendments
9. Certificated Personnel Actions, Resolution No. 186-12F1-F13
10. Classified Personnel Actions, Resolution No.186-12G1-G7
11. Authorization to Submit Applications, to Accept Funds, and to Budget the Amount Awarded
12. Memoranda of Understanding (MOU) - Authorization to Enter Into MOUs with Community Based Organizations - 6/12/18-FY 2018-2019
13. Memoranda of Understanding (MOU) - Authorization to Enter Into MOUs with Community Based Organizations

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14. Memoranda of Understanding (MOU) - Authorization to Enter Into MOUs with Community Based Organizations
15. Memoranda of Understanding (MOU) - Authorization to Enter Into MOUs with Community Based Organizations - 6/12/18 FY 2017- 2018
16. MOU - Marin County Office of Education and SFUSD
17. Approval and Encumber Funds to pay all claims costs incurred Between the District and Cannon Cochran Management Services Inc. (CCMSI)
18. Agreement between San Francisco Unified School District (SFUSD) Department of Technology (DoT) and Edupoint Education Systems, LLC.
19. Approval and Encumber Funds to pay excess liability coverage Between the District and Schools Excess Liability Fund (SELF).
20. Approval and Encumber Funds to pay all claims costs incurred Between the District and Athens Administrators.
21. Approval and Encumber Funds to pay Excess Property Liability, Terrorism, Crime and Cyber Liability Insurance Between the District and Arthur J. Gallagher Insurance Brokers of CA, Inc.
22. Approval and Encumber Funds to pay for the cost of annual insurance premiums and fees Between the District and Symetra Financial
23. Award of purchase for the printing of 2018-2019 Science Core Curriculum materials Between the District and Kendall Hunt Publishing
24. Award of Contract for the purchase of Grocery and Frozen Foods between the District and Sysco
25. Award of Contract for the purchase of Janitorial Paper Products and Supplies between the District and Waxie Sanitary Supply
26. Award of purchase for Science Core Curriculum 2018-2019 kit materials & printing job Between the District and Kendall Hunt Publishing
27. Master Contract between San Francisco Unified School District (SFUSD) Department of Technology (DoT) and DreamBox Learning, Inc.
28. First Amendment to the Contract Between the District and ARC Document Solutions, LLC
29. Proposition 39 Facilities Use Agreements (FUA) - Authorization to Enter into Facilities Use Agreements with Charter Schools - FY 2018 -2019
30. Authorization for Budget Transfers for Fiscal Year 2017-2018 Budget
31. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - Contract #2250, Mod #10 - Zolman Construction and Development Inc.
32. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - Grant Agreement - City and County of San Francisco and SFUSD
33. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - #12004 All Trusty Builders
34. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - #11939 Stronger Building Services
35. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - Contract #2306, Mod #2 - WRNS Studio
36. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - Contract #2272, Mod #2 - Sandis Engineers
37. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - Contract #1698, Mod #39 - Summit Building Services
38. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - Contract #1518, Mod #58 - Sensible Environmental Solutions
39. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - Contract #1985, Mod #10 - Consolidated Cleaning Services
40. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - #11947 Treaty Construction
41. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - #11739 Zolman Construction and Development

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42. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - Contract #2462 - Geosphere Consultants, Inc.
43. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - Modular Building Master Lease Agreement #2411, Mod 2 Mobile Modular Corporation
44. Contracts, Orders for Service, Work Order and Modifications in Connection with the School Building Program - Contract #1478, Mod #20 - Cornerstone Earth Group
45. Ratification of Facilities Contracts and Contract Amendments - Proposition A Bond Program and Facilities Design and Construction
46. Representation of Disabled Veteran, Minority and Women Owned Business Enterprises in the Facilities Design & Construction Department
47. Representation of Disabled Veteran, Minority and Women-Owned Business Enterprises (DVBE, MBE, WBE) Proposition A Bond Program

There were no corrections or withdrawn items from the Consent Calendar. The Consent Calendar was adopted by 5 ayes; 1 absent at roll call (Cook); and 1 absent (Norton) with the exception of items 186-12K54, 57, 60, 69 & 73 which received 4 ayes, 1 nay (Mendoza-McDonnell), 1 absent at roll call (Cook), and 1 absent (Norton). Student Delegate advisory vote: Aye by Miss Min and Mr. Ong on all Consent Calendar items.

Proposals for Action

184-24Sp1 – Authorization to Deny the Petition for Mary L. Booker Leadership Academy

184-24Sp1 was moved and seconded on 4/24/18. Authorization to Deny this petition was adopted by 6 ayes, 1 absent (Norton). Student Delegate advisory vote: Aye by Miss Min and Mr. Ong.

Public speakers: Geraldine Anderson, Conzuelo Ibarra, Adilene Ramirez, Cynthia Segura, Rev. Amos Brown, Lita Blanc, Alison Collins, Mike Hutchinson, Alida Fisher, Nancy Hernandez, Shari R. Taylor, Veronica Martinez, Maria Marquez, Tiyana Coleman, Kimora Amoc Pearsak, Steve Zeltzer, Diane Gray, Tionda Batiste, Brianna (student).

Board Policy 3110, Transfer of Funds

Board Policy 3110, moved and seconded at a prior meeting, was adopted by 6 ayes, 1 absent (Norton). Student Delegate advisory vote: Aye by Miss Min and Mr. Ong.

Public Comment on General Matters

In Support of Teacher Arias at Moscone ES: Marco Ponce, Rosalba Molino, Luz Palacios, Blanca Trujillo, Lyn Tise Jones; *In Support of Keeping KIPP Charter out of MEC:* Tracy Brown; *Evaluation Committee/PAR:* Margaret Reyes, Lisa Lee; *No Charter School at Malcolm X:* Nancy Hernandez; *Against Charter Schools:* Alison Collins, Steve Zeltzer; Mike Hutchinson; *Incident at Rooftop School:* Geoffre Morris; *Safety in the schools:* Melani Diaz Gomez.

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Special Order of Business

186-12SO1 – Award of Contract for the Purchase of Strategically Sourced – Prepared Meal & Delivery Services between the District and Revolution Foods

186-12SO1 was moved by Commissioner Walton, duly seconded, and adopted by 6 ayes, 1 absent (Norton).

Public speakers: Bevan Dufty, Henry Tobias, Shuri Smith, Andrea Phillips, Mark Phillips III, Montell Galin, Lakesha Howard, Gayle Hart, Ken Archer, Vanessa Jackson, Kimberly Crain, Vanessa White, Mavis Williams, Shareka Thomas, Aisha Jackson, Stephanie Leiva

186-12SO2 - San Francisco Unified School District and San Francisco County Office of Education Balanced Scorecards/Single Plans for Student Achievement

186-12SO2 was moved by Commissioner Walton, seconded, and adopted by 5 ayes, 1 absent at roll call (Haney), and 1 absent (Norton).

186-12SO3 – Public Hearing and Adoption of the Annual Budget and Annual Service Plan for Special Education

President Mendoza-McDonald called the public hearing to 186-12SO3. 186-12SO3 was moved by Commissioner Murase, seconded, and adopted by 6 ayes, 1 absent (Norton).

Public speaker: Alida Fisher.

Introduction of Proposals and Assignment to Committee

Formally moved by Commissioner Murase and duly seconded were the following proposals:

186-12Sp1 – Annual Update of the FY 2018-19 LCAP for the San Francisco County Office of Education and the SFUSD

186-12Sp2 – Fiscal Year 2018-19 Recommended Budget

186-12Sp3 – Material Revision to the Five Keys and Five Keys Independence High School Charters to Add Santa Clara County Sites

186-12Sp1 and 186-12Sp3 were referred by order of the Chair to a Committee of the Whole meeting. 186-12Sp3 was referred back for action at the June 26th Regular Meeting.

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Proposals for Immediate Action and Suspension of the Rules

186-12AA1 – In Support of California Senate Bill 221, Authored by Senator Scott Wiener, Prohibiting the Sale of Firearms and Ammunition at the State-Owned Cow Palace in Daly City –

Commissioners Shamann Walton, Hydra Mendoza-McDonnell, and Emily M. Murase, Ph.D

Suspension of the Rules to 186-12A1 was moved by Commissioner Cook, duly seconded, and adopted by 6 ayes, 1 absent (Norton).

186-12A1 was formally moved by Commissioner Sanchez, seconded, and adopted by 6 ayes, 1 absent (Norton).

186-12A2 – In Support of Cannabis Free Schools

– Commissioner Emily M. Murase and Student Delegates Kyither Geeta Min and Chanun Ong

Suspension of the Rules to 186-12A2 was moved by Commissioner Cook, duly seconded, and adopted by 6 ayes, 1 absent (Norton).

186-12A2 was formally moved by Commissioner Sanchez, seconded, and adopted by 6 ayes, 1 absent (Norton).

Other Informational Items

Procedures for Skelly Hearings/Notices and Proposition A/Appendix F

Public speaker to these items: Margearet Reyes

Memorial Adjournment

President Mendoza-McDonnell adjourned the meeting in memory Leola M. Havard and Barbara Brown.

Closed Session

Closed Session Actions of June 12, 2018

- | |
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| <p>➤ Interim Chief of Fund Development with a Salary set at Grade 6, Step 1 for a 1 year term. Moved Mendoza-McDonnell, seconded Walton. Adopted by 6 ayes, 1 absent (Norton)</p> |
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➤ Stipulated expulsion agreement where the parties agreed to waive the hearing of 1 Middle School Student Case #2018 - 16 from the District for the remainder of the spring 2018 semester and the fall 2018 semester. Moved Mendoza-McDonnell, seconded Cook. Adopted by 6 ayes, 1 absent (Norton)

➤ Stipulated expulsion agreement where the parties agreed to waive the hearing of 1 High School Student Case #2018 - 17 from the District for the remainder of the spring 2018 semester and the fall 2018 semester. Moved Mendoza-McDonnell, seconded Cook. Adopted by 6 ayes, 1 absent (Norton)

➤ Stipulated expulsion agreement where the parties agreed to waive the hearing of 1 Middle School Student Case #2018 - 18 and suspend the enforcement of the student's expulsion. Should the student fail to comply with the terms and conditions of the Stipulated Agreement, student will be expelled from the District for the remainder of the spring 2018 semester and the fall 2018 semester. Moved Mendoza-McDonnell, seconded Cook. Adopted by 6 ayes, 1 absent (Norton)

➤ Approval of the expulsion of 1 High School Student Case #2018 - 19 from the District for the remainder of the spring 2018 semester and the fall 2018 semester. Moved Mendoza-McDonnell, seconded Cook. Adopted by 6 ayes, 1 absent (Norton)

➤ Approval of the expulsion of 1 High School Student Case #2018 - 20 from the District for the remainder of the spring 2018 semester and the fall 2018 semester. Moved Mendoza-McDonnell, seconded Cook. Adopted by 6 ayes, 1 absent (Norton)

➤ Approval of the expulsion of 1 High School Student Case #2018 - 21 from the District for the remainder of the spring 2018 semester and the fall 2018 semester. Moved Mendoza-McDonnell, seconded Cook. Adopted by 6 ayes, 1 absent (Norton)

Read Out of the 6-12-18 Closed Session

The Board by a vote of 6 ayes, 1 absent (Norton) approved the contracts for 2 Directors.

The Board by a vote of 6 ayes, 1 absent (Norton) approved the contracts for 3 Supervisors.

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CLOSED SESSION ACTIONS – OF JUNE 12, 2018 – continued

The Board by a vote of 6 ayes, 1 absent (Norton) approved the contracts for 4 Program Administrators.

The Board by a vote of 6 ayes, 1 absent (Norton) approved the contracts for Principals.

The Board by a vote of 6 ayes, 1 absent (Norton) approved the contracts for 6 Assistant Principals

The Board by a vote of 6 ayes, 1 absent (Norton) approved the Settlement Agreement and Release of 1 paraprofessional.

In the matter of *School Nutrition Services Grievance #1617-201* , the Board by a vote of 6 ayes, 1 absent (Norton) ratifies an agreement to resolve the grievance and pay up to the stipulated amount.

In the matter of *SFUSD v. V.S.*, OAH Case No. 2018050562 the Board by a vote of 6 ayes, 1 absent (Norton) gives the authority of the District to pay up to the stipulated amount.

In the matter of *SFUSD v. O.G.*, OAH Case No. 2018041165, the Board by a vote of 6 ayes, 1 absent (Norton) gives the authority of the District to pay up to the stipulated amount.

On 2 matters of anticipated litigation the Board gave direction to General Counsel.

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Adjournment

There being no further business to come before the Board of Education, this meeting was adjourned at 1:49 a.m.

The next Regular Meeting of the Board of Education will take place on Tuesday, June 12, 2018 at 6:00 p.m. in the Irving G. Breyer Board Meeting Room, 555 Franklin Street.

Please Note:

There was a recess of the Regular session at 12:12 p.m. for the Board to go into Closed Session. The Regular meeting resumed at 1:45 a.m.

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

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

The full agenda for these minutes can be found on www.boardocs.com/ca/sfusd/board.nsf

Adopted: 26 June 2018

Second Reading

SAN FRANCISCO UNIFIED SCHOOL DISTRICT

San Francisco, California

Superintendent's Proposal

**Superintendent's Recommendation Regarding Mary L Booker Leadership Academy
Charter School Petition**

**184-24Sp1 - AUTHORIZATION TO DENY THE PETITION FOR
MARY L. BOOKER LEADERSHIP ACADEMY**

WHEREAS: Pursuant to California Education Code section 47605, the Mary L. Booker Leadership Academy, Inc. submitted a Petition for approval to the San Francisco Unified School District ("District"); and

WHEREAS: Pursuant to California Education Code section 47605 the Board of Education of the District is in receipt of the petition, effective April 24, 2018; and

WHEREAS: District will comply with all timelines for review and action on the Petition as required by law; and

WHEREAS: The Board of Education will consider the level of public support for the Charter School and review the Petition and all information received with respect to the Petition, including supporting documentation; and

WHEREAS: The District Superintendent and District staff have completed a review of the Petition and issued a report and recommendation to the Board of Education regarding the review of the Petition; and

WHEREAS: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; and

WHEREAS: The District Superintendent and District staff review of the Petition found:

- **The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. (Cal Educ. Code Sec. 47605(b)(2)), and**
- **The petition does not contain reasonably comprehensive descriptions of all the charter provisions outlined in the Education Code (Cal Educ. Code Sec. 47605(b)(5)).**

THEREFORE BE IT RESOLVED: That the Board of Education shall deny the Petition, subject to the requirements set forth by law.

➤ **Please Note:**

- Referred by order of the Chair on 4/24/18 to the Curriculum and Program and Budget and Business Services Committees.
- Taken up by the Curriculum & Program Committee on 5/21/18. Forwarded to the Board with a negative recommendation by general consent of the Committee.
- Taken up by the Budget & Business Services Committee on 5/30/18. Forwarded to the Board with a negative recommendation by general consent of the Committee.

4/24/18

6/12/18



Board of Education Report

June 12, 2018

Superintendent's Proposal 184-24Sp2

Denial of the Charter Petition for Mary L Booker Leadership Academy

Action Proposed:

Staff recommends denial of the charter for the Mary L Booker Leadership Academy.

I. BACKGROUND

In the public meeting of April 24, 2018, the San Francisco Board of Education received a petition from Mary L Booker Leadership Academy, Inc. (MLBLA) seeking authorization to operate a grades 6-12 public charter school. The petition was referred to the Curriculum and Program and Budget and Business Services Committees. The Petition was heard in the May 21, 2018 public meeting of the Curriculum and Program Committee, and in the May 30, 2018 public meeting of the Budget and Business Services Committee.

Proposed Grade Span and Build-out Plan

The petition outlines a 6-12 school starting with 2019-20 enrollment of 120 students in grades 6-8, growing to 420 students in 6-12 by 2023-24.

2019–24 Proposed Enrollment

NA=grade levels not served

Grade	2019–20	2020–21	2021–22	2022–23	2023–24
6	60	60	60	60	60
7	30	60	60	60	60
8	30	30	60	60	60
9	NA	60	60	60	60
10	NA	NA	60	60	60
11	NA	NA	NA	60	60
12	NA	NA	NA	NA	60
Total	120	210	300	360	420

Proposed Location

The Petitioner wishes to locate in "Southeast San Francisco". At full capacity, the Petitioner projects the need for a 29,400 to 42,000 square foot facility containing 22 classrooms measuring 750-960 square feet each.

The Petition includes the following language; "*While Mary L Booker Leadership Academy will seek to locate a private facility, it is the intention of the Charter School to exercise the right under Prop 39 to secure a facility*". The Petitioner will likely submit a Proposition 39 Facilities Request to SFUSD on November 1, 2018, seeking space for 120 students, in grades 6-8 in the 2019-20 school year.

II. STANDARD FOR REVIEW OF CHARTER PETITION

Education Code section 47605, subdivision (b), sets forth the following guidelines for governing boards to consider in reviewing charter petitions:

- The chartering authority shall be guided by the intent of the Legislature that charter schools are, and should become, an integral part of the California educational system.
- A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice.
- The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:
 1. The charter school presents an unsound educational program for the students enrolled in the school.
 2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
 3. The petition does not contain the number of signatures required (petition must be signed by a number of parents/guardians equivalent to at least 50% of the school's expected first-year enrollment, or a number of teachers equivalent to at least 50% of the number of teachers expected to be employed in the first year).
 4. The petition does not contain the legally required affirmations concerning lawful operation.
 5. The petition does not contain reasonably comprehensive descriptions of all the charter provisions outlined in the Education Code.
 6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

III. SFUSD STAFF PETITION REVIEW

The Petition was thoroughly reviewed by a team of District staff members who each reviewed the Petition, or sections thereof, as relevant to their area of expertise. The following individuals comprised the staff review team ("Staff Team"):

- Brent Stephens, Ed.D, Chief Academic Officer
- Kevin Truitt, Chief, Student, Family and Community Support
- Michael Davis, Director, Policy & Planning and Charter Schools
- Daniel Menezes, Chief of Human Resources
- Reeta Madhavan, Chief Financial Officer
- Enikia Ford-Morthel, Assistant Superintendent, Cohort III
- Mary Richards, Executive Director, Counseling and Post-Secondary Success
- Fernando Nunez, Director, Multilingual Pathways Department
- Donn Harris, Executive Director for Creativity and the Arts

III. RECOMMENDATION

Based upon a comprehensive review and analysis of the Petition by the Staff Team, DENIAL of the Petition is recommended.

The recommendation of denial is based on the following conclusions:

- **The petition does not contain reasonably comprehensive descriptions of all the charter provisions outlined in the Education Code.**
- **The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.**

Factual findings regarding the most significant areas of concern with the Petition are described below. This Report *does not exhaustively list every concern, error, omission or deficiency in the Petition*, and focuses on those believed to most greatly impact the Board's decision on whether to grant or deny the Petition. If the Board acts to deny the Petition, it will adopt this Report as the written factual findings required to support its denial of the Petition.

IV. FINDINGS IN SUPPORT OF DENIAL

Staff review of the Petition resulted in the following findings:

A. The Petition Fails to Set Forth Reasonably Comprehensive Descriptions of All Required Charter Elements (Ed. Code, § 47605, subd. (b)(5).)

Education Code section 47605, subdivision (b)(5)(A)-(O), requires a charter petition to include "reasonably comprehensive" descriptions of fifteen elements of the proposed charter school.

The Regulations require the “reasonably comprehensive” descriptions required by Education Code section 47605(b)(5) to include, but not be limited to, information that:

- Is substantive and is not, for example, a listing of topics with little elaboration.
- For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.
- Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
- Describes, as applicable among the different elements, how the charter school will:
 - Improve pupil learning.
 - Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
 - Provide parents, guardians, and pupils with expanded educational opportunities.
 - Hold itself accountable for measurable, performance-based pupil outcomes.
 - Provide vigorous competition with other public school options available to parents, guardians, and students. (5 C.C.R. § 11967.5.1(g).)

The Petition fails to provide reasonably comprehensive descriptions of the following Elements as described below.

Element 1 – Educational Program

Education Code section 47605 (“Statute”) and Regulations require a charter petition to contain a reasonably comprehensive description of the educational program of the school, including, but not limited to, a description of the following: the charter school’s target student population, including, at a minimum, grade levels; approximate numbers of pupils, and specific educational interests, backgrounds, or challenges; the charter school’s mission statement with which all elements and programs of the school are in alignment and which conveys the Petitioners’ definition of an educated person in the 21st century; belief of how learning best occurs; goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners; the instructional approach of the charter school; the basic learning environment or environments; the curriculum and teaching methods that will enable the school’s students to meet state standards; how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels; how the charter school will meet the needs of student with disabilities, English learners, students achieving substantially above or below grade level expectations; and the Charter School’s special education plan, to include the means by which the Charter School will comply with the provisions of Education Code section 47641; the process to be used to identify students who may qualify for special education programs and services; how the school will provide or access special education programs and services; the school’s understanding of its responsibilities under law for special education pupils; and how the school intends to meet those responsibilities. (Ed. Code, § 47605(b)(5)(A); Regulations, § 11967.5.1(f)(1).)

The Petition does not contain a sufficient description of the Charter School’s educational program based on the following findings:

1. Likely Inability to Implement Core Components of Educational Program

In pages 30-38 of their petition, the petitioners outline the core programming, values and practices that they assert they will implement in their new charter school. As an outline of the key features of a high quality school, these assertions represent thinking that conforms to current theories about sound educational practice. However, none of these elements is adequately defined, particularly for English Learners and students with disabilities; the petition

inadequately describes the training that would produce the teaching skills required to implement its instructional model; the petition lacks any analysis of the challenges the petitioners will face in implementing these core practices, such as teacher recruitment, training, and retention; the petitioners appear not to have adequate technical backing and support, and both Innovate and the petition writers appear to lack this subject matter expertise. These concerns are detailed in the sections below, and represent one important aspect of the SFUSD staff concerns about this petition.

a. In the petition, the elements of a high quality instructional program are not adequately defined, particularly for English Learners and students with disabilities

The petition describes that students' learning needs will be met through a variety of structures, including core classes, a Learning Studio, Personalized Learning Plans, and a Dream Team. The petition commits MLBLA to providing regular small group differentiated instruction during core instruction, but provides no evidence that it has curriculum to support this differentiation. (In Appendix H, MLBLA provides boilerplate curriculum maps from two organizations, Open Up Resources and Expeditionary Learning, neither of which make reference to the learning needs of English Learners or students with other individual learning needs, and neither of which provide evidence that the petitioner has thought deeply about how curriculum must play a role in supporting teachers to differentiate.)

The petition also asserts that individual needs, like English Language Development and IEP services, will take place during the Learning Studio time, but provides no evidence that the MLBLA leadership team understands the key practices associated with language development or acceleration. There is no ELD curriculum described in the petition, and the practices associated with ELD are not described. With respect to students with IEPs, or who are simply who are below grade level, there is no reference to reading intervention curriculum or strategies. Instead, the petition describes only "best practices" without any corresponding MLBLA definition of these practices.

The petition also asserts that some of its core programming, like "Life and Career Skills" and "Information, Media, and Technology" will take place in the form of interdisciplinary learning (in which content and learning outcomes from several subject areas is combined in the form of standards-based projects). With the exception of one Board member's tenure with the Buck Institute, the petitioners do not describe any partnership, resources, or expertise related to this aspirational approach to instruction. SFUSD staff do not feel that the employment of one Board member is sufficient technical expertise to implement such a demanding and time-intensive pedagogical approach.

Further, the MLBLA Response to Intervention model, described on page 58, is overly broad. For each Tier of intervention, it describes only general common practices, like Student Study Team meetings, without reflecting on why these practices either succeed or fail, or on the type of staff expertise required to implement strategies at each level of intervention. SFUSD does not feel convinced that this cursory description reflects an adequate level of understanding about school-wide systems for identifying, providing, and monitoring interventions.

b. The petition inadequately describes the training that would produce the teaching skills required to implement its instructional model

As described in the section above, MLBLA describes an instructional model that features differentiation in the core classes, interdisciplinary learning, a Learning Studio for additional differentiation, and individual learning plans. The implementation of these various strategies requires a high level of teacher expertise, but the MLBLA petition provides only summary descriptions of the training the school would provide to its staff, such as professional development, collaborative planning, and coaching. (p.77)

As SFUSD staff reviewed the petition, we looked for evidence of how the school would sequence learning for staff (do the school leaders contemplate a progression of topics over the year, or prioritize topics?); how the leadership team would measure the impact of its training efforts (what measures would the MLBLA team use to measure its own effectiveness as staff developers?); and how the team would account for the particular needs of new teachers, who may be joining the MLBLA staff will little or no teaching experience and whose needs can significantly reduce the overall effectiveness of the school's program. We could find no evidence that the MLBLA team has contemplated these important questions related to professional development.

SFUSD staff is also concerned that so many of the strategies in the MLBLA petition rely on skills and techniques that are associated with highly accomplished teachers. The school describes a three week period of professional development prior to the start of the year, and ongoing professional development during the year, but research suggests that accomplished teaching on the level described in the petition takes years to develop. SFUSD reviewers are unconvinced that the school's model can be implemented without having recruited highly skilled, experienced educators - and this is a doubtful proposition given the current teacher shortage in the state of California and in San Francisco.

c. The petition lacks any analysis of the challenges the petitioners will face in implementing these core practices, such as teacher recruitment, training, and retention.

We iterate from the section above that the petitioner will face real challenges in recruiting and retaining staff given the current, well-documented teacher shortage in the state of California and in San Francisco. While this is not is not the fault of the petitioner, it is the view of SFUSD's staff reviewers that an effective charter petition will account for these challenges in ways that are strategic and could likely lead to success. The MLBLA petition does not address this challenge.

With respect to the teacher recruitment, we sought to learn from the MLBLA petition how the school will recruit teachers, and particularly teachers who come with the skills they describe as necessary to the implementation of their instructional model. As we reviewed the petition, we sought information strategies for recruitment, including salary and other employee incentives, recruiting within professional networks and affiliations, recruiting through connections to a charter organization with a track record of recruiting and developing teachers, or connections to local professional organizations. We could find none of these.

With respect to retention, we also sought to understand how - or whether - the petition addressed common problems of teacher attrition. Recent research suggests that a combination of leadership opportunities, rich professional development, meaningful professional networks, connections to the local community, and compensation can lead to greater rates of retention. In our review, we saw that none of these strategies was described.

d. The petitioners appear not to have adequate technical backing and support, and both Innovate and the petition writers appear to lack this subject matter expertise.

As SFUSD staff reviewed the petition, we sought descriptions of professional affiliations or networks that would support the petitioners to launch a new school, create master schedules, perform HR functions, create curriculum and assessments, provide staff and leadership development, and comply with a range of state and federal legal requirements. We did see that MBLA plans to import curriculum from a variety of sources (such as Khan Academy, Open Up Resources, and Valor Collegiate in Tennessee), but without the level of technical and professional support that leads to high quality implementation of a standards-based curriculum. We saw many instances of superficial engagement in topics that are extremely important to student success (like the RTI model described on page 58, in which free online resources like Khan Academy are described as key strategies for supporting low-performing students, including students with IEPs; or the use of “best practices” as a substitute for a more thorough description of ELD instructional practices on page 59). Without evidence of a connection to organizations with deeper level of content expertise, and without evidence of a financial commitment to contract for these services, we are left with real doubts about the ability of MLBLA to implement the ideas expressed in the petition.

Finally, based on our review, we question that the current leadership team, including its Board and volunteer members, possesses the requisite skills to open and lead a school. Mr. Davis, the school’s potential founding principal, has not led a school before, and the same is true of the Board. We see two advisors listed on page 24, both volunteers, but without any indication of the level of participation that these volunteers would be able to sustain.

Element 6 – Health and Safety

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

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

1. The Petition contains none of the actual referenced policies and states that the school will develop both a Health and Safety Manual with the school’s Board and staff prior to the official opening.

2. Mandated Reporter Training

- a. The proposed charter (page 122) states: "All employees, including non-certificated and certificated staff, shall be mandated child abuse reporters and will follow all applicable reporting laws, the same policies and procedures used by the District." This provision ties the charter to the District policies and procedures. It provides no indication that the Charter School has read the policies or has an understanding of the requirements of mandating reporting.

Element 10 - Student Suspension and Expulsion Procedures

The Statute and Regulations require the Petition to describe the procedures by which students can be suspended or expelled. (Ed. Code, § 47605(b)(5)(J); 5 C.C.R. § 11967.5(f)(10).)

1. The Petition does not contain a sufficient description of the procedures by which students can be suspended or expelled, based on the following findings:

The District acknowledges that the Petitioner modeled its suspension and expulsion procedures off of selected provisions of the California Education Code applicable to non-charter entities, but determines that there are provisions in the Petition that do not sufficiently describe the charter school's discipline procedures.

Cal. Educ. Code section 48915(c) describes five types of behavior that mandate both a suspension and a recommendation for expulsion. Because the Petitioner offers the restorative justice model as its only alternative to suspension or expulsion, the District is concerned that the Petitioner would consider keeping students together in the same school environment for all of the offenses described in Cal. Educ. Code section 48915(c), with the exception of possession of a firearm, explosive or dangerous object. The District is particularly concerned about the Petitioner deciding it would not require a suspension and recommendation for expulsion for committing sexual assault or sexual battery. The District does not agree that a restorative model of resolution is appropriate between an alleged victim and accused person when the unwanted behavior is of a non-consensual sexual nature. The exclusion of this particular infraction as a non-discretionary offense is inconsistent with the type of supportive climate the Petitioner asserts it would like to establish, particularly when the Petition even acknowledges the challenges of this particular infraction by including provisions to safeguard the alleged victim in the hearing process.

The District identified an inconsistency in the Petition with respect to the definition of a firearm, which would be a mandatory suspension and expulsion at the charter school. Using the federal felony criminal definition of "firearm," the Petitioner exempts the possession of antique firearms from mandatory discipline. The District's concern arises out of the Petitioner's exercise of discretion to determine that the possession of an antique firearm is safe and permissible on a school campus, as opposed to a modern firearm. The Petitioner relies on the federal criminal standard for safety in the general public, which is separate and apart from the standard for safety that the District believes is necessary to keep students and staff safe pursuant to Cal. Educ. Code section 47605(b)(5)(F).

With respect to students who are expelled and our collective interest in maintaining safe school environments at all schools, the charter school should include a commitment to respond to a request from the District or other receiving Districts for information regarding a recommendation for expulsion or the expulsion of an applicant for non-charter school enrollment. The charter school shall respond to the request with all deliberate speed but shall respond no later than five working days from the date of the receipt of the request.

The Petition does not describe any restrictions around the number of days it may suspend. There is a possibility that the charter school puts students in the position of losing multiple weeks of classroom minutes. This is compounded by a hearing schedule that does not clearly articulate the timing for a hearing. For example, beginning on page 145, there are three possible timelines described: a hearing provided within 30 days after the student is found to have committed an expellable offense; within five school days of the provision of written notice of the charges; or at least 10 days advance notice of the hearing. The latter two timeframes appear inconsistent with each other.

The Petition fails to provide for a neutral hearing officer and impartial Administrative Panel. The Petition describes the individuals exempt from the Administrative Panel as "either a teacher of the pupil nor a Board member." Even if the Petitioner intended to exempt the teacher of the pupil and Board members, this language could be interpreted to allow other teachers, administrators or certificated staff from the charter school to serve on the Administrative Panel. Because these individuals are more likely than not staff at the charter school, the District finds that the Administrative Panel, as defined by the Petition, would not be an impartial panel required under the law. With a small school size, and the very limited reasons the Petitioner articulated it would expel students, the District does not believe that staff at the charter school would not already have had exposure to the facts of the case prior to the hearing because of their employment at the charter school.

The Petition states that the overarching culture around student behavior, expectations and conduct will be based in a culture of Restorative Practices/Justice, and indicates that the staff will be trained and that students and parents will abide. The District did not find a clear plan on how the charter school will establish or build capacity and buy-in from all stakeholders around this system and there was no description of how staff would determine the success of the intervention, and whether the process was implemented with fidelity. The Petition lacks clear procedural guidelines as to when Restorative Practices for offenses progresses to more formal discipline, leaving the District to conclude that there are two options for resolving discipline infractions: 1) restorative practices, in school suspension and peer support; or 2) suspension and/or expulsion. Of additional concern are statements that foster the idea that charter schools can circumvent, override or expedite discipline requirements and procedures - for all students including those with identified special needs - to justify "involuntary disenrollment." Further, the Petition does not describe what alternative educational setting would be made available to place students with IEPs or 504 plans who have violated student behavior or conduct expectations.

Element 15 – Closure Procedures

The Statute and Regulations require the Petition to describe the procedures to be used if the Charter School closes. The procedures shall ensure a final audit of the Charter School to determine the disposition of all assets and liabilities of the Charter School, including plans for disposing of any net assets and for the maintenance and transfer of pupil

records. Procedures means, at a minimum: (1) Designation of a responsible entity for closure-related activities; (2) notifications of closure to stakeholders; (3) transfer and maintenance of pupil and personnel records to the proper authorities; (4) completion of an independent audit within six months of closure; (5) disposal of net assets remaining after all liabilities have been paid; (6) filing of any required annual reports; and (7) assuring adequate funding for closure activities. (See Ed. Code, § 47605(b)(5)(O); 5 C.C.R. § 11962.)

1. Responsible Entity for Closure

a. The Petition does not designate an entity or individual who is responsible for closure-related activities. Title 5 of the California Code of Regulation at section 11962 makes clear that charter petitions must “[d]esignat[e] . . . a responsible entity to conduct closure-related activities.” The Petition (page 158) states that closure will be documented by official action of the Board of Directors and that the action will also identify an entity and persons responsible for closure-related activities. The Petitioners cannot defer delegation of closure-related activities to another time, especially to the time of closure. The Charter Schools Act and its implementing regulations recognize that, to create a charter school, Petitioners must have a plan in the event of school closure to ensure the Charter School’s students will efficiently transition into another placement.

B. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. Ed. Code § 47605(b)(2) and 5 C.C.R. § 11967.5.1(c).

In determining whether Petitioners are demonstrably unlikely to succeed in implementing The proposed educational program, the Regulations require consideration of:

- Whether the petitioners have a past unsuccessful history of involvement in charter schools or other education agencies (public or private).
- The petitioners are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school.
- The petitioners have presented an unrealistic financial and operational plan for the proposed charter school.
- The petitioners personally lack the necessary background in the following areas critical to the charter school’s success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

The District took the following into consideration when determining that the Petitioners are "demonstrably unlikely to successfully implement the program".

In addition to the Failure to Set Forth Reasonably Comprehensive Descriptions of All Required Charter Elements (Ed. Code, § 47605, subd. (b)(5).), as detailed above, the Staff Review also finds:

1. Lack of School Governance Experience

- a. Under EMPLOYEE QUALIFICATIONS FOR KEY POSITIONS (page 117), the Petition states; "The Head of School's responsibilities include managing all areas of the Charter School including academic achievement, personnel management as well as operational and financial oversight". Under "Qualifications/Experience" for the Head of School the Petition includes "Have demonstrated leadership in curriculum design and implementation". The experience of the Founding Leader, as described on page 12, does not provide the background meeting the experience and qualifications cited on page 117 of the Petition.
- b. It appears the Founding Leader was "incubated" by, and has some affiliation with, Innovate Education. However, Innovate is not an established operator of charter schools. Further, the background and experience, as provided in the Petition, for the members of the Board of Directors and Design Team, does indicate that two individuals have some school site administrative experience, but does not indicate the extent of that experience.

2. Level of Community Support

- a. The Petition contains signatures of at least seven verifiably certificated teachers. For 120 students in grades 6-8, the school would need six teachers. The petition meets the minimum requirement to contain 50% of the teachers expected to be employed. The Petition states; "*In addition, we have additional signatures from parents and community members that can be found in **Appendix B.***" Appendix B actually contains a typed list of parents and community members. The Petition meets the signature requirement, but does not indicate support from "meaningfully interested" parents.

CONCLUSION

For the reasons stated above, the Petition, as submitted, suggests that the Petitioners are demonstrably unlikely to successfully implement the program, and fails to provide reasonably comprehensive descriptions of all of the charter provisions outlined in Education Code. Accordingly, denial of the Petition is recommended. If the Board acts to deny the Petition, it should adopt this Report as the written factual findings required to support its denial of the Petition.



Board of Commissioners
San Francisco Unified School District
555 Franklin Street
San Francisco, CA 94102

To the Board of Commissioners of the San Francisco Unified School District:

The team at Mary L. Booker Leadership Academy (“Booker Academy”) has had the opportunity to review San Francisco Unified School District’s (the “District”) find findings report that was posted the evening of June 8, 2018. While we acknowledge the time the district spent in reviewing the petition, we strongly disagree with the finding for denial. As outlined below, the districts report lacks the following:

The districts findings are often based in opinions and not facts. The critique of the petition does not identify critical areas that are not included in the petition, rather it focuses on practices and curriculum elements that the district would like to see.

The findings from the final review often do not coincide with the initial report for both the curriculum and budget hearings.

We are even more concerned with the lack of due process that Booker Academy has experienced. While not formally acknowledge in the final report, the district was unable to identify one area in which the Booker Academy petition was lacking in regard to budget. This does not coincide with the swift negative recommendation that was given at the May 30th Budget and Business Service Committee. Furthermore, the districts final review states concern over the petitioners ability to “successfully implement the program”. The concerns, as stated in the final review, have not been brought to the attention of the petitioner in the formal board meetings or discussion with district staff.

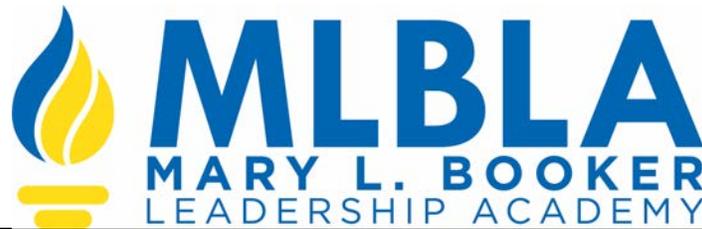
To reiterate again, Booker Academy strongly disagrees with the recommendation for denial and the previous negative recommendations. It is our goal at Booker Academy to strive for excellence. Despite the challenges, we will continue this pursuit towards opening Mary L. Booker Leadership Academy in the fall of 2019.

We look forward to continued dialogue,
Terrence Davis

School Founder
Mary L. Booker Leadership Academy



District Comment	Booker Academy Response
<p>In pages 30-38 of their petition, the petitioners outline the core programming, values and practices that they assert they will implement in their new charter school. As an outline of the key features of a high quality school, these assertions represent thinking that conforms to current theories about sound educational practice. However, none of these elements is adequately defined, particularly for English Learners and students with disabilities; the petition inadequately describes the training that would produce the teaching skills required to implement its instructional model; the petition lacks any analysis of the challenges the petitioners will face in implementing these core practices, such as teacher recruitment, training, and retention; the petitioners appear not to have adequate technical backing and support, and both Innovate and the petition writers appear to lack this subject matter expertise. These concerns are detailed in the sections below, and represent one important aspect of the SFUSD staff concerns about this petition.</p>	<p>Before discussing the individual critiques, it is important to acknowledge that the districts critique is based on inaccurate information. Page 30 of the petition is the middle of “What it means to be an educated person in the 21st century”. This confusion may have led to the districts inability to identify key elements of our petition. Starting on page 34, our petition discusses our Educational Philosophy and Core Principals.</p> <p>Page 34 discusses an overview of our instructional pillars. This is designed to give a general overview of the school model. Each of the pillars is discussed in more detail our school model section later in the petition. From there, page 37 discusses four key elements. Each element is followed with a philosophy and 3-7 key practices. English Learners and students with disabilities are clearly discussed under the Flexible and Targeted Instruction.</p> <p>The critique above does give a specific element of the petition that it is referring to. Starting on page 77, the petition discusses our professional development and instructional coaching. The petition highlights the professional learning community, strong PD and collaborative instructional planning.</p> <p>As is stated in the districts findings report, the does not state that a petitioner is required to discuss challenges with</p>



	<p>implementation. At no point in the charter petition process has the district expressed concern over areas like teacher recruitment. This is another opportunity that Booker Academy and the district could have discussed prior to the final report.</p>
<p>The petition describes that students' learning needs will be met through a variety of structures, including core classes, a Learning Studio, Personalized Learning Plans, and a Dream Team. <u>The petition commits MLBLA to providing regular small group differentiated instruction during core instruction, but provides no evidence that it has curriculum to support this differentiation.</u> (In Appendix H, MLBLA provides boilerplate curriculum maps from two organizations, Open Up Resources and Expeditionary Learning, neither of which make reference to the learning needs of English Learners or students with other individual learning needs, and neither of which provide evidence that the petitioner has thought deeply about how curriculum must play a role in supporting teachers to differentiate.) The petition also asserts that individual needs, like English Language Development and IEP services, will take place during the Learning Studio time, but provides no evidence that the MLBLA leadership team understands the key practices associated with language development or acceleration. There is no ELD curriculum described in the petition, and the practices associated with ELD are not described. With respect to students with IEPs, or who are simply who are below grade level, there is no reference to reading</p>	<p>The districts assessment of Booker Academy's ability to provide small group instruction is based on an inaccurate understanding of our school model.</p> <p>To clarify, while small group instruction will occur at times during Core Instruction, our Learning Studio is dedicated to targeted instruction. The purpose of dedicating daily time to focus on individual student's needs is to ensure all of our students are prepared to succeed. Our Core Time then focuses on integrating students using projects that allow students to utilize their critical thinking skills. It is Booker Academy's belief that all students have the capacity to learn and succeed with the right supports.</p> <p>In regards to our curriculum, the districts assessment that the curriculum maps provided in the appendix are "boilerplate" continues to raise the concern that the critique of this petition are based more in opinion than fact. With the statement above, the district acknowledges that Booker Academy has the appropriate elements of a charter petition. To be clear, the curriculum maps provided in the appendix were written by the Booker Team, using curriculum sources as reference.</p>



<p>intervention curriculum or strategies. Instead, the petition describes only “best practices” without any corresponding MLBLA definition of these practices. The petition also asserts that some of its core programming, like “Life and Career Skills” and “Information, Media, and Technology” will take place in the form of interdisciplinary learning (in which content and learning outcomes from several subject areas is combined in the form of standards-based projects). With the exception of one Board member’s tenure with the Buck Institute, the petitioners do not describe any partnership, resources, or expertise related to this aspirational approach to instruction. SFUSD staff do not feel that the employment of one Board member is sufficient technical expertise to implement such a demanding and time-intensive pedagogical approach. Further, the MLBLA Response to Intervention model, described on page 58, is overly broad. For each Tier of intervention, is describes only general common practices, like Student Study Team meetings, without reflecting on why these practices either succeed or fail, or on the type of staff expertise required to implement strategies at each level of intervention. SFUSD does not feel convinced that this cursory description reflects an adequate level of understanding about school-wide systems for identifying, providing, and monitoring interventions.</p>	<p>Open up Resource and Expeditionary Learning are acclaimed curriculum sources. Attached are reports that detail the positive remarks each sources has received.</p> <p>While supporting English Learners are mentioned throughout the petition, pages 59-64 detail our approach. Page 59 outlines our commitment to meeting aligning our goals with the overarching ESL standards for K-12 students. Page 63 outlines our 3 key structures to supporting English Learners: personalization, increased time and integrated curriculum.</p> <p>Also mentioned throughout the petition is our intention to use the SIOP model. Appendix “L” “Supports for Diverse Learners” details the eight components that we believe will make a successful school for all students.</p> <p>In addition, we state the eleven ELD standards that we will prioritize within our core curriculum.</p> <p>Students at Booker Academy will receive targeted instruction that is at their ability level from their core teacher. Rather than waiting for a student to struggle, we believe that our supports for each student starts the day they walk through our doors. The petition describes Achieve 3000 and Lexia, two well known reading intervention multiple times throughout the petition.</p> <p>The critique references the “Best Practice” section for students with diverse learning needs. Adjacent to this table is the “MLBLA</p>
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	<p>Approach” which clearly defines our definition of each practice.</p> <p>While the district acknowledges one board member who has extensive experience, three fifths or the Booker Academy board is made up of educators. Furthermore, the school leader, Terrence Davis, has extensive experience with Project Based Learning (PBL) after working at High Tech High, one of the first schools in the country to implement PBL. As was stated in the initial commentary, questions about the School Founder or Boards experience could have been answered at some point during the petition process. Questions regarding the expertise of the Booker Academy team were not brought up before the final review.</p> <p>Further, the MLBLA Response to Intervention model, described on page 58, is overly broad. For each Tier of intervention, is describes only general common practices, like Student Study Team meetings, without reflecting on why these practices either succeed or fail, or on the type of staff expertise required to implement strategies at each level of intervention. SFUSD does not feel convinced that this cursory description reflects an adequate level of understanding about school-wide systems for identifying, providing, and monitoring interventions.</p>
<p>As described in the section above, MLBLA describes an instructional model that features differentiation in the core classes, interdisciplinary learning, a Learning Studio for additional differentiation, and individual</p>	<p>the MLBLA petition provides only summary descriptions of the training the school would provide to its staff, such as professional development, collaborative planning, and coaching. (p.77) As SFUSD staff reviewed the</p>



learning plans. The implementation of these various strategies requires a high level of teacher expertise, but the MLBLA petition provides only summary descriptions of the training the school would provide to its staff, such as professional development, collaborative planning, and coaching. (p.77) As SFUSD staff reviewed the petition, we looked for evidence of how the school would sequence learning for staff (do the school leaders contemplate a progression of topics over the year, or prioritize topics?); how the leadership team would measure the impact of its training efforts (what measures would the MLBLA team use to measure its own effectiveness as staff developers?); and how the team would account for the particular needs of new teachers, who may be joining the MLBLA staff will little or no teaching experience and whose needs can significantly reduce the overall effectiveness of the school's program. SFUSD staff is also concerned that so many of the strategies in the MLBLA petition rely on skills and techniques that are associated with highly accomplished teachers. The school describes a three week period of professional development prior to the start of the year, and ongoing professional development during the year, but research suggests that accomplished teaching on the level described in the petition takes years to develop. SFUSD reviewers are unconvinced that the school's model can be implemented without having recruited highly skilled, experienced educators - and this is a doubtful proposition given the current teacher shortage in the state of California and in San Francisco.

petition, we looked for evidence of how the school would sequence learning for staff (do the school leaders contemplate a progression of topics over the year, or prioritize topics?); how the leadership team would measure the impact of its training efforts (what measures would the MLBLA team use to measure its own effectiveness as staff developers?); and how the team would account for the particular needs of new teachers, who may be joining the MLBLA staff will little or no teaching experience and whose needs can significantly reduce the overall effectiveness of the school's program. We could find no evidence that the MLBLA team has contemplated these important questions related to professional development.

To clarify, the professional development section ranges from pages 77-81. As the district states, our petition outlines how we will support teachers with strong professional development, collaborative instructional planning, and instructional coaching, observation and feedback. Each of these elements are clearly outlined and defined. Our professional development section, for example, outlines nine effective practices that we believe will lead to strong professional development. In addition, the petition states that we will utilize Valor Collegiate's staff circles curriculum to ensure that all of our teachers feel supported.

In addition, Appendix M provides a template of our professional development calendar for the year. This document addresses the districts concerns about how Booker Academy will sequence our professional development.



	<p>Booker Academy and the SFUSD staff who reviewed this section of the petition have a fundamental difference of opinion as it relates to what is possible for students and teachers. First, while the district outlines the real-world challenges of recruiting teachers during the current shortage (addressed below), Booker Academy believes that all of our students deserve access to a rigorous, engaging curriculum. Booker Academy's founder has worked at schools that followed a similar professional development curriculum and seen success in both new and veteran teachers. Booker Academy believes that all teachers can be successful with the right environment.</p>
<p>We iterate from the section above that the petitioner will face real challenges in recruiting and retaining staff given the current, well-documented teacher shortage in the state of California and in San Francisco. While this is not is not the fault of the petitioner, it is the view of SFUSD's staff reviewers that an effective charter petition will account for these challenges in ways that are strategic and could likely lead to success. The MLBLA petition does not address this challenge. With respect to the teacher recruitment, we sought to learn from the MLBLA petition how the school will recruit teachers, and particularly teachers who come with the skills they describe as necessary to the implementation of their instructional model. As we reviewed the petition, we sought information strategies for recruitment, including salary and other</p>	<p>As has been stated, Educational Code 47605 makes no statements related to charter petitioners discussing the current challenges that a charter school may face. Furthermore, SFUSD does not state on their matrix or any other public space that their expectation is for petitioners to address current issues. It was the expectation of the petitioner that a concern like the one being presented would be asked during one of the board meetings our when the petitioner offered to meet with the district. This topic did not come up in either setting.</p> <p>The philosophy at Booker Academy is to recruit and change the best teachers for our students, with an emphasis on establishing an diverse staff. The Petitioner and board members have worked at schools who have a strong record of recruiting and retaining</p>



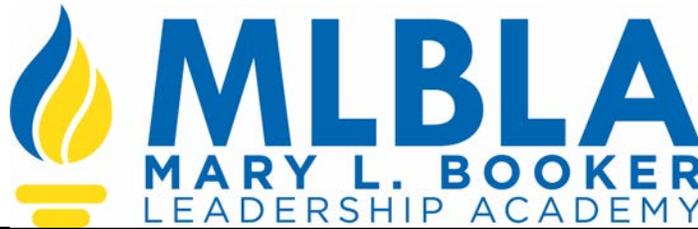
<p>employee incentives, recruiting within professional networks and affiliations, recruiting through connections to a charter organization with a track record of recruiting and developing teachers, or connections to local professional organizations. We could find none of these. With respect to retention, we also sought to understand how - or whether - the petition addressed common problems of teacher attrition. Recent research suggests that a combination of leadership opportunities, rich professional development, meaningful professional networks, connections to the local community, and compensation can lead to greater rates of retention. In our review, we saw that none of these strategies was described.</p>	<p>teachers. In addition, our supportive professional development, described above, will enhance our ability to retain teachers.</p> <p>As has been stated by the district, Booker Academy has surpassed the number of teacher signatures needed to open a school, one indication that teachers will be excited to work at Booker Academy.</p> <p>So far, the petitioner has worked with multiple organizations to start to develop potential teachers. An example is Branch Alliance for Educator Diversity, an organization dedicated to developing teachers of color. In addition, several members of the Booker Academy Design team are either current teachers or pursuing their teaching credential.</p> <p>Again, Booker Academy believes that this concern could have been addressed during board hearings or meeting with district officials.</p>
<p>As SFUSD staff reviewed the petition, we sought descriptions of professional affiliations or networks that would support the petitioners to launch a new school, create master schedules, perform HR functions, create curriculum and assessments, provide staff and leadership development, and comply with a range of state and federal legal requirements. We did see that MBLA plans to import curriculum from a variety of sources (such as Khan Academy, Open Up Resources, and Valor Collegiate in Tennessee), but without the level of technical and professional support that leads to high quality implementation of a standards-based</p>	<p>As stated above, critiques that are focused on professional affiliations or networks are not a requirement in the law or in the matrix provided by SFUSD. Again, the district had ample opportunities to ask questions about connections to networks and would have then been able to provide an impartial review of the petition.</p> <p>Page 23 list professional affiliations with six professional organizations that have focused on supporting education. Innovate Public Schools, New Schools Venture Fund and Silicon Schools Fund have launched successful schools. EdTec is an organization</p>



<p>curriculum. We saw many instances of superficial engagement in topics that are extremely important to student success (like the RTI model described on page 58, in which free online resources like Khan Academy are described as key strategies for supporting low-performing students, including students with IEPs; or the use of “best practices” as a substitute for a more thorough description of ELD instructional practices on page 59). Without evidence of a connection to organizations with deeper level of content expertise, and without evidence of a financial commitment to contract for these services, we are left with real doubts about the ability of MLBLA to implement the ideas expressed in the petition. Finally, based on our review, we question that the current leadership team, including its Board and volunteer members, possesses the requisite skills to open and lead a school. Mr. Davis, the school’s potential founding principal, has not led a school before, and the same is true of the Board. We see two advisors listed on page 24, both volunteers, but without any indication of the level of participation that these volunteers would be able to sustain.</p>	<p>founded to support charter schools with all of the businesses needs a charter school would require. California Charter School Association has been an integral part of supporting charter schools throughout the state of California.</p> <p>Booker Academy disagrees with the districts assessment of the level of detail provided in areas such as the RTI model or best practices. The district does not recognize the additional resources cited in the appendix that address each of their concerns.</p> <p>Terrence Davis, the school’s founder, has had extensive experience working in leadership roles at high performing schools. Most recently, Mr. Davis worked at Leadership Public School in Hayward as a principal-in-residence. This position allowed Mr. Davis was another opportunity for Mr. Davis to develop the leadership skills necessary to open a successful school.</p> <p>Booker Academy’s board has three educators, one who has successfully run a school. Three fifths of the board members have attended each of the hearings leading up to the June 12th vote. The District has not brought up a concern about the ability level of the board and school founder prior to the review.</p>
<p>The Petition contains none of the actual referenced policies and states that the school will develop both a Health and Safety Manual with the school’s Board and staff prior to the official opening.</p>	<p>As has been stated in the petition, Booker Academy plans to develop an Emergency Preparedness Handbook 60 days prior to the launch of the school.</p>



<p>The proposed charter (page 122) states: “All employees, including non-certificated and certificated staff, shall be mandated child abuse reporters and will follow all applicable reporting laws, the same policies and procedures used by the District.” This provision ties the charter to the District policies and procedures. It provides no indication that the Charter School has read the policies or has an understanding of the requirements of mandating reporting.</p>	<p>As the district states, Booker Academy addresses the expectation that all employees are mandated reporters.</p>
<p>The District acknowledges that the Petitioner modeled its suspension and expulsion procedures off of selected provisions of the California Education Code applicable to non-charter entities, but determines that there are provisions in the Petition that do not sufficiently describe the charter school’s discipline procedures. Cal. Educ. Code section 48915(c) describes five types of behavior that mandate both a suspension and a recommendation for expulsion. Because the Petitioner offers the restorative justice model as its only alternative to suspension or expulsion, the District is concerned that the Petitioner would consider keeping students together in the same school environment for all of the offenses described in Cal. Educ. Code section 48915(c), with the exception of possession of a firearm, explosive or dangerous object. The District is particularly concerned about the Petitioner deciding it would not require a suspension and recommendation for expulsion for committing sexual assault or sexual battery. The District does not agree that a restorative model of resolution is appropriate between an alleged victim and accused person when</p>	<p>As stated in the initial response, Booker Academy is concerned about how much the expectations for the suspension and expulsion section have changed. In the initial feedback, both in the District’s written response and during the curriculum meeting, the concern was that Booker Academy may not use enough Restorative Practices. This is now contradicted by the most updated version of the districts feedback that has concerns that Booker Academy will use Restorative Practices too often. This continues the concern on the behalf of Booker Academy that the process of reviewing the petition was not done in an impartial manner.</p> <p>The District assessment of this section of the petition is inaccurate. First, sexual assault or sexual battery are suspensionable and expellable offenses at Booker Academy. By pulling out information out of context, the district has created an unfair representation of Booker Academy’s discipline policy.</p> <p>The district is referring to special procedures conducted in the case of a sexual assault or</p>



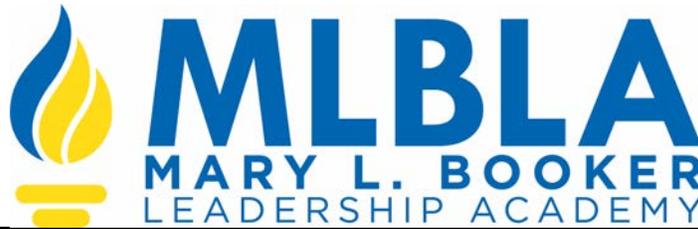
<p>the unwanted behavior is of a non-consensual sexual nature. The exclusion of this particular infraction as a non-discretionary offense is inconsistent with the type of supportive climate the Petitioner asserts it would like to establish, particularly when the Petition even acknowledges the challenges of this particular infraction by including provisions to safeguard the alleged victim in the hearing process.</p>	<p>battery. The purpose of this section is not to create a restorative justice model but rather to create protection so that all parties involved are safe and supportive.</p>
<p>The District identified an inconsistency in the Petition with respect to the definition of a firearm, which would be a mandatory suspension and expulsion at the charter school. Using the federal felony criminal definition of "firearm," the Petitioner exempts the possession of antique firearms from mandatory discipline. The District's concern arises out of the Petitioner's exercise of discretion to determine that the possession of an antique firearm is safe and permissible on a school campus, as opposed to a modern firearm. The Petitioner relies on the federal criminal standard for safety in the general public, which is separate and apart from the standard for safety that the District believes is necessary to keep students and staff safe pursuant to Cal. Educ. Code section 47605(b)(5)(F).</p>	<p>As has been stated, the District's critique is again incorrect and taken out of context. First, the District's critique that the petitioner is exercising their own discretion is inaccurate. As the district has stated, the reference to antique firearms comes from federal law. Booker Academy has followed the law throughout the petition.</p> <p>In addition, it is concerning that the district makes reference to not relying on federal law. This is even more concerning when the district's student/family handbook relies on the same federal law that the district is currently critiquing.</p> <p>SFUSD's student/family handbook references the same federal law (18 USC 921) as the what the district has chosen to critique. This inconsistency leads to confusion in regards to what the expectations are for charter petitioners.</p>
<p>With respect to students who are expelled and our collective interest in maintaining safe school environments at all schools, the</p>	<p>Booker Academy is open to a discussion that would move towards a clear dialogue</p>



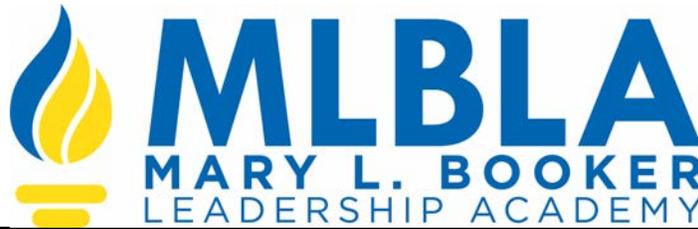
<p>charter school should include a commitment to respond to a request from the District or other receiving Districts for information regarding a recommendation for expulsion or the expulsion of an applicant for non-charter school enrollment. The charter school shall respond to the request with all deliberate speed but shall respond no later than five working days from the date of the receipt of the request.</p>	<p>between the authorizer and Booker Academy.</p>
<p>The Petition does not describe any restrictions around the number of days it may suspend. There is a possibility that the charter school puts students in the position of losing multiple weeks of classroom minutes. This is compounded by a hearing schedule that does not clearly articulate the timing for a hearing. For example, beginning on page 145, there are three possible timelines described: a hearing provided within 30 days after the student is found to have committed an expellable offense; within five school days of the provision of written notice of the charges; or at least 10 days advance notice of the hearing. The latter two timeframes appear inconsistent with each other.</p> <p>The Petition fails to provide for a neutral hearing officer and impartial Administrative Panel. The Petition describes the individuals exempt from the Administrative Panel as "either a teacher of the pupil nor a Board member." Even if the Petitioner intended to exempt the teacher of the pupil and Board members, this language could be interpreted to allow other teachers, administrators or certificated staff from the charter school to serve on the Administrative Panel. Because</p>	<p>As the district states, Booker Academy outlines the process in which a hearing would be scheduled for a student. After the Head of School or designee determines the pupil has created an offense the school will have a total of 30 days to hold a hearing. Within those thirty days, written notice must be sent out 10 days prior to the hearing. Booker Academy describes what should be expected in the written notice on page 145.</p> <p>On page 145, Booker Academy describes the role of the neutral and impartial administrative panel. If a student is expelled, the school can use either the Booker Academy Board of Directors or an administrative panel. In the scenario that the District described, Booker Academy would use the Board of Directors to present a neutral and impartial hearing.</p>



<p>these individuals are more likely than not staff at the charter school, the District finds that the Administrative Panel, as defined by the Petition, would not be an impartial panel required under the law. With a small school size, and the very limited reasons the Petitioner articulated it would expel students, the District does not believe that staff at the charter school would not already have had exposure to the facts of the case prior to the hearing because of their employment at the charter school.</p>	
<p>The Petition states that the overarching culture around student behavior, expectations and conduct will be based in a culture of Restorative Practices/Justice, and indicates that the staff will be trained and that students and parents will abide. The District did not find a clear plan on how the charter school will establish or build capacity and buy-in from all stakeholders around this system and there was no description of how staff would determine the success of the intervention, and whether the process was implemented with fidelity.</p> <p>The Petition lacks clear procedural guidelines as to when Restorative Practices for offenses progresses to more formal discipline, leaving the District to conclude that there are two options for resolving discipline infractions: 1) restorative practices, in school suspension and peer support; or 2) suspension and/or expulsion. Of additional concern are statements that foster the idea that charter schools can circumvent, override or expedite discipline requirements and procedures - for all students including those with identified</p>	<p>As the District states, the intention of Booker Academy is to use a Restorative Justice approach to discipline. Restorative justice is described throughout the petition. In the "School Culture" section, the petition describes how teachers will be trained on restorative justice (along with social-emotional learning, culturally responsive teaching and trauma informed practices). In addition, this section highlights our Leadership Class, in which students will have time to check-in with their teacher and peers, reflect on their successes and areas of growth and set goals that they will soon achieve.</p> <p>The petition describes how both students and staff will all participate in restorative circles on a weekly basis. Appendix "N" gives an example of some of the restorative justice work that all faculty members will join.</p> <p>In addition, the petition outlines our Dream Team, a time in which parents, teacher, students and supportive adults come together to discuss each student's progress. We will use a similar circle structure during</p>



<p>special needs - to justify "involuntary disenrollment." Further, the Petition does not describe what alternative educational setting would be made available to place students with IEPs or 504 plans who have violated student behavior or conduct expectations.</p>	<p>these meetings.</p> <p>Throughout the petition, Booker Academy highlights the importance of creating a positive school environment and being proactive in regard to discipline. Page 134 describes both proactive and restorative practices that will be used before a student is suspended.</p> <p>Page 150 states that students with an IEP or 504 will be provided services in an interim alternative setting.</p>
<p>a. The Petition does not designate an entity or individual who is responsible for closure-related activities. Title 5 of the California Code of Regulation at section 11962 makes clear that charter petitions must "[d]esignat[e] . . . a responsible entity to conduct closure-related activities." The Petition (page 158) states that closure will be documented by official action of the Board of Directors and that the action will also identify an entity and persons responsible for closure-related activities. The Petitioners cannot defer delegation of closure-related activities to another time, especially to the time of closure. The Charter Schools Act and its implementing regulations recognize that, to create a charter school, Petitioners must have a plan in the event of school closure to ensure the Charter School's students will efficiently transition into another placement.</p>	<p>Page 158 states that the Board of Directors are responsible for the closure of the school as stated by the district. The petition goes on to explain how Booker Academy will contact parents, assisting students and parents to find additional locations, provide the district with a list of pupils per grade level.</p>
<p>Under EMPLOYEE QUALIFICATIONS FOR KEY POSITIONS (page 117), the Petition states; "The Head of School's responsibilities include managing all areas of the Charter School</p>	<p>Booker Academy's school founder, Terrence Davis, has had experience with supporting and implementing curriculum. Mr. Davis has experience with instructional coaching,</p>



<p>including academic achievement, personnel management as well as operational and financial oversight". Under "Qualifications/Experience" for the Head of School the Petition includes "Have demonstrated leadership in curriculum design and implementation". The experience of the Founding Leader, as described on page 12, does not provide the background meeting the experience and qualifications cited on page 117 of the Petition.</p>	<p>implementing curriculum and providing professional development for teachers.</p> <p>Booker Academy again reiterates that questions about the school founders experience, as it relates to curriculum implementation, were not discussed in the two previous hearings, nor any of the meetings that Booker Academy has had with the district. Booker Academy could have provided answers for this concern prior to the final review.</p>
<p>It appears the Founding Leader was "incubated" by, and has some affiliation with, Innovate Education. However, Innovate is not an established operator of charter schools. Further, the background and experience, as provided in the Petition, for the members of the Board of Directors and Design Team, does indicate that two individuals have some school site administrative experience, but does not indicate the extent of that experience.</p>	<p>At no point within the petition does Booker Academy mention Innovate Public Schools as a charter school operator. The term "incubate" is not used throughout the petition, although it has been brought up in other context such as news articles. Booker Academy again expresses concern that the review of the petition was not done in an impartial fashion.</p> <p>As stated above, Booker Academy is more than willing to provide any additional information for the district in regards to the people who have supported the school.</p>
<p>The Petition contains signatures of at least seven verifiably certificated teachers. For 120 students in grades 6-8, the school would need six teachers. The petition meets the minimum requirement to contain 50% of the teachers expected to be employed. The Petition states; "In addition, we have additional signatures from parents and community members that can be found in Appendix B." Appendix B actually contains a typed list of parents and community members. The Petition meets the signature</p>	<p>As the district has acknowledged, Booker Academy has exceeded the requirement for teacher signatures.</p>



requirement, but does not indicate support from “meaningfully interested” parents.	