

**RESOLUTION OF THE BOARD OF TRUSTEES
OF THE STOCKTON UNIFIED SCHOOL DISTRICT
Resolution No.**

**Resolution to Deny the Renewal Petition for
TEAM Charter School**

WHEREAS, the approval of charter schools is governed by the Charter Schools Act of 1992, as subsequently amended, codified in Education Code section 47600 *et seq.*, and the implementing regulations of Title 5 of the California Code of Regulations (5 C.C.R. § 11960 *et seq.*);

WHEREAS, on October 2, 2020, the Stockton Unified School District (“District”) received the petition (“Renewal Petition”) for TEAM Charter School (“Charter School”).

WHEREAS, a public hearing on the Renewal Petition was held on November 10, 2020, at which time the District’s Board of Trustees (“Board”) considered the level of support for the Renewal Petition by teachers employed by the District, other employees of the District, and parents/guardians;

WHEREAS, the Charter School agreed to a 30-day extension of the timeline for the Board to consider and act on the Renewal Petition;

WHEREAS, the Board published District staff’s recommendation, including its proposed findings of fact, along with a draft approval resolution and a draft denial resolution, regarding the Renewal Petition on December 28, 2020;

WHEREAS, the Governing Board has convened on January 12, 2021 to consider whether to grant or deny the Renewal Petition;

WHEREAS, renewals of charters are governed by the standards and criteria set forth in Education Code sections 47605 and 47607;

WHEREAS, the consideration of a renewal petition requires the District to (1) determine whether the charter school meets applicable eligibility requirements using the new accountability criteria under Assembly Bill 1505 and reflected in the California School Dashboard, and (2) evaluate whether the renewal petition meets the standards and criteria set forth in Education Code section 47605;

WHEREAS, Education Code section 47607 describes a three-tiered system that categorizes a charter school as a high-performing, middle-performing, or low-performing charter school. The designation of a charter school in a particular tier determines the level of review that the chartering authority must conduct to evaluate whether the charter school is eligible for renewal of its charter;

WHEREAS, for charter schools designated as middle-performing, the District must evaluate the following: (1) the charter school's performance on the state and local indicators on the California School Dashboard, both on a schoolwide basis and for all student subgroups served by the charter school, giving greater weight to the charter school's performance on measurements of academic performance, and (2) clear and convincing evidence, as demonstrated by verified data, which shows that the charter school has either (a) achieved measurable increases in student academic achievement, as defined by at least one year's progress for each year in school, or (b) strong post-secondary outcomes (e.g., college enrollment, persistence, and completion rates equal to similar peers). If a charter school satisfies such criteria, the Board may grant a renewal term of five years;

WHEREAS, the governing board of a school district shall not deny a petition 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 to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required by subdivision (a) of Education Code section 47605. (*The signature requirement is not applicable to a renewal petition.*)
4. The petition does not contain an affirmation of each of the required conditions.
5. The petition does not contain reasonably comprehensive descriptions of all required elements.
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. (*This finding is not applicable to a renewal petition.*)
8. The school district is not positioned to absorb the fiscal impact of the proposed charter school. (*This finding is not applicable to a renewal petition.*)

WHEREAS, the governing board of a school district may deny renewal of a charter school in the middle-performing tier only upon making the following specific written findings:

1. The school has failed to make sufficient progress toward meeting standards that provide a benefit to the school's students; and

2. Closure of the school is in the students' best interests; and
3. The decision provided greater weight to performance on "measurements of academic performance"—the test-based indicators in English-Language Arts and mathematics, the English Learner Progress Indicator, and the Career and College Indicator.

WHEREAS, the Charter School is designated as a "middle-performing" charter school by the California Department of Education;

WHEREAS, the District's Board has reviewed, evaluated, and considered the academic performance data provided by the Charter School as part of its Renewal Petition;

WHEREAS, in considering the academic performance of the Charter School's students, although District staff has determined that the Charter School has met the applicable criteria to be eligible for renewal, the District's Board has determined that (1) the Charter School has not made sufficient progress toward meeting standards that provide a benefit to its students, particularly with respect to English Learners, African American students, and students in the two or more races subgroup, (2) closure of the Charter School is in the students' best interests, and (3) the District's Board gave greater weight to the Charter School's performance on measurements of academic performance, all of which are more fully set forth in Exhibit A to this Resolution, which is incorporated herein by reference;

WHEREAS, the District's Board had identified certain deficiencies and concerns with the Renewal Petition that support a denial, which are further detailed in Exhibit A to this Resolution.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Stockton Unified School District does resolve, determine, and order the following:

1. The foregoing recitals are hereby adopted as true and correct.
2. The Board has considered the Renewal Petition of the Charter School, including its academics, finances, operations, and other components, in addition to the criteria for renewal set out in the Education Code.
3. The Board finds the admissions preferences described in the Renewal Petition to comport with the law.
4. The Board hereby denies the Renewal Petition based on the findings of fact set forth in Exhibit A to this Resolution which are incorporated herein by reference.
5. The Interim Superintendent or his designee is authorized and directed to take such action as may be reasonably necessary to effectuate the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Board of Trustees on January 12, 2021 at a duly noticed meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, _____, Clerk of the Board Trustees of the Stockton Unified School District, County of San Joaquin, State of California, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted by the Board at a meeting thereof held on January 12, 2021 by a vote of _____ to _____.

IN WITNESS THEREOF, I have hereto set my hand this 12th day of January, 2021.

Clerk of the Board of Education

EXHIBIT A

Findings of Fact

1. **The Charter School has failed to make sufficient progress toward meeting standards that provide a benefit to the Charter School’s students.** As detailed in the staff report, although certain student subgroup populations demonstrated improvements in English-Language Arts (“ELA”) on the California Assessment of Student Performance and Progress (“CAASPP”) during the charter term, the number of African American students who met or exceeded standards in ELA dropped from 32.14% in 2017 to 21.31% in 2019, representing a 10.83% decrease. In addition, for students in the two or more races subgroup, the percentage of students who met or exceeded standards decreased from 2018 to 2019 by 13.46% (38.46% to 25%, respectively).

On the mathematics portion of the CAASPP, there was a decrease in the number of socioeconomically-disadvantaged students who met or exceeded standards from 2018 to 2019 of 22.79% to 20.49%, respectively. Likewise, students in the two or more races subgroup demonstrated a decrease in performance for the reported years of 2018 and 2019 by 13.46% (38.46% to 25%, respectively).

According to the English Language Progress Indicator, 20.8% of English Learners are making progress toward English language proficiency. With 72 students identified as English Learners who are enrolled in the charter school, this progress is low and falls below the state average of 48.3% of students making progress toward English language proficiency.

2. **Closure of the school is in the best interests of the students.** Given the decreases in student academic performance in ELA and mathematics among the above-noted subgroup populations, as well as on the English Learner Progress Indicator, the District’s Board finds that there is a lack of meaningful academic progress among critical student subgroup populations enrolled in the Charter School. For that reason, the District’s Board believes that closure of the Charter School is in the best interests of students. In making this finding, the Board has provided greater weight to the academic performance indicators, including ELA, mathematics, and English Learner progress as set forth above.
3. **The Charter School presents an unsound educational program for the students enrolled in the Charter School.** Findings of Fact Nos. 1 and 2, above, are hereby incorporated by reference as though fully set forth herein. In addition, the District’s Board finds that the Renewal Petition fails to meaningfully describe the curriculum utilized for universal access for English Learners and students with disabilities or how the Charter School will implement effective instructional strategies and interventions to address the needs of English Learners to improve English proficiency.
4. **The Charter School’s governance documents contain inconsistent information and do not fully align with applicable conflict of interest rules.** The conflict of interest code included with the Renewal Petition is from 2014 and appears to be outdated. It also

includes attachments that no longer apply, including a job description/category and administrative services agreement with Creative Child Care that is now expired. Further, the bylaws include provisions addressing interested persons and contracts with trustees that conflict with the requirements of Education Code section 47604.1 and Government Code sections 1090, *et seq.* addressing the prohibition on financial conflicts of interest.

5. **The Renewal Petition does not include a reasonably comprehensive description of the Charter School’s health and safety procedures.** The Renewal Petition fails to include assurances that TEAM Charter School has or will develop an asbestos management plan. It also does not address its obligation to provide notification to students and parents/guardians no less than twice during the school year on how to initiate access to available student mental health services.
6. **The description of how the Charter School will achieve a balance of students from different subgroup populations is not reasonably comprehensive.** Specifically, the Renewal Petition does not affirm that the informational materials used for marketing its charter school program are provided in multiple languages to reflect the appropriate demographics of students it seeks to attract.
7. **The description of the Charter School’s operations and other potential effects on the District are deficient.** The Renewal Petition addresses the general process TEAM Charter School would follow for any proposed material amendments to its charter, stating that the District will be required to “consider the revision for approval within 60 days of submission or within a time mutually agreed to.” This statement, including the noted 60-day timeline, does not align to District policies and practices in light of the recent changes to the law and, therefore, the District finds this language to be unacceptable to the extent it imposes a procedural obligation on the District to consider a material amendment to TEAM Charter School’s charter within the specified timeframe.

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