

**STOCKTON UNIFIED SCHOOL DISTRICT
STAFF REPORT, PROPOSED FINDINGS OF FACT & RECOMMENDATION
CONCERNING TEAM CHARTER SCHOOL RENEWAL PETITION**

Date Posted: December 28, 2020

The following provides a summary of the Stockton Unified School District’s (“District”) staff report, proposed findings of fact, and recommendation concerning the TEAM Charter School renewal petition (“Renewal Petition”).

Introduction and Procedural Background

TEAM Charter School has operated as an independent, classroom-based charter school under the authorization of the District since 2011. TEAM Charter School utilizes a single track, year-round model to provide educational services to its students, and currently serves a population of approximately 765 students in transitional kindergarten through fifth grade. According to the most recent data available on the California School Dashboard (“Dashboard”), TEAM Charter School’s student population consists of 89% socio-economically disadvantaged students, 24.9% English Learners, and 1% foster youth. TEAM Charter School’s current charter term expires on June 30, 2020, and it is seeking a five-year renewal term.

On October 2, 2020, the District received a copy of the Charter School’s Renewal Petition, along with a signed certification from Deborah Vallejo, Lead Petitioner and Executive Director of the Charter School, deeming the Renewal Petition to be complete.

On November 10, 2020, the District’s Board of Trustees (“Board”) held a public hearing to determine the level of support for the Petition by teachers, other District employees, and parents/guardians.

On November 29, 2020, TEAM Charter School agreed to a 30-day extension of the timeline for the Board to consider and act on the Renewal Petition

On January 12, 2021, the District’s Board will hold a public hearing on the admissions preferences included in the Renewal Petition, as well as a public hearing during which the Board will take action to either grant or deny the Renewal Petition.

As discussed in further detail below, District staff, in consultation with legal counsel, have conducted a comprehensive review of the Renewal Petition and the performance of TEAM Charter School utilizing the new charter renewal criteria under Assembly Bill 1505. Based on that review, District staff finds that TEAM Charter School is eligible for renewal for a five-year term, beginning July 1, 2021 and ending on June 30, 2026.

Charter Renewal Criteria and Findings of Fact

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 Dashboard, and (2) evaluate whether the renewal petition meets the standards and criteria set forth in Education Code section 47605. An analysis of these two components of the charter renewal process are addressed in detail below and include District staff's corresponding findings of fact.

1. TEAM Charter School's Eligibility for Renewal Under New Accountability Criteria / Findings of Fact

Education Code section 47607 provides that a "chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2." These provisions detail 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.

The California Department of Education provides access on its website to a list of California public charter schools and their respective performance tier to which they have been assigned based on the criteria set forth in Education Code sections 47607 and 47607.2. This list is available at <https://www.cde.ca.gov/sp/ch/ab1505.asp>.

a. Eligibility for Charter Renewal as a "Middle-Performing" Charter School

TEAM Charter School qualifies as a middle-performing charter school. Placement in this tier requires the District to evaluate the following:

- TEAM Charter School's performance on the state and local indicators on the Dashboard, both on a schoolwide basis and for all student subgroups served by the charter school. The District must give greater weight to TEAM Charter School's performance on measurements of academic performance.
- Clear and convincing evidence, as demonstrated by verified data, which shows that that TEAM Charter School has either (1) achieved measurable increases in student academic achievement, as defined by at least one year's progress for each year in school, or (2) strong post-secondary outcomes (e.g., college enrollment, persistence, and completion rates equal to similar peers).

By satisfying the above criteria, the District's Board must grant a renewal term of five years.

The District's Board may deny renewal of a charter school in the middle-performing tier only upon making the following specific written findings:

1. The charter school has failed to make sufficient progress toward meeting standards that provide a benefit to the school's students; and
2. Closure of the charter 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 (if applicable).

b. Findings of Fact

The following include District staff's findings of fact concerning TEAM Charter School's designation as a middle-performing charter school:

Finding of Fact No. 1: TEAM Charter School's performance on state and local indicators demonstrate overall that it is showing improvements schoolwide and among subgroup populations.

The District has considered TEAM Charter School's performance on a schoolwide basis and among all subgroups served by the charter school as identified on the Dashboard, giving greater weight to the charter school's performance on measurements of academic performance.

District staff has determined that TEAM Charter School meets the minimum requirements to qualify for renewal as a middle-performing charter school. Overall, TEAM Charter School students have performed at or above the state average on most indicators on a schoolwide basis and among student subgroups.

On the Dashboard, data shows that TEAM Charter School received the following performance levels on a schoolwide basis:

- Chronic Absenteeism: Yellow (19.2% chronically absent with a decline of 3.6%)
- Suspension Rate: Green (1.1% suspended at least once with a decline of 3.3%)
- English-Language Arts: Yellow (53.7 points below standard, with an increase of 7.8 points)
- Mathematics: Yellow (57.1 points below standard, with an increase of 3.9 points)

For English-Language Arts, several of TEAM Charter School's student subgroups demonstrated improvement in this area on the California Assessment of Student Performance and Progress ("CAASPP") during the charter term, including students in the socioeconomically disadvantaged subgroup (17% of students met or exceeded the standard in 2016, which grew to 28.32% in 2019), English Learners (8% of students met or exceeded the standard in 2016, which grew to 19.48% in 2019), students with disabilities (overall growth was shown but some data was not reported due to the small testing pool), Hispanic/Latino students (19% of students met or exceeded the standard, which grew to 29.44% in 2019), and White students (8% met or exceeded the standard in 2016, which grew to 36.36% in 2018); no data for this subgroup was reported in

2019. Although students in the Black/African American subgroup demonstrated increases from 2016 to 2017 (11% to 32.14%, respectively), the percentage of students who met or exceeded the standard decreased to 21.31% in 2019. Similarly, for students in the two or more races subgroup, the percentage of students who met or exceeded the standard decreased from 2018 to 2019 (38.46% to 25%, respectively); data was not reported for 2016 and 2017 due to the small testing pool.

For mathematics, several of TEAM Charter School's student subgroups also maintained their performance or demonstrated improvement in this area during the charter term. Specifically, there were relative increases in the percentage of students in the socioeconomically disadvantaged subgroup who met or exceeded standards from 2016 to 2018 (17% to 22.79%, respectively). However, this percentage slightly decreased in 2019 to 20.49% (though such progress is identified on the Dashboard as "maintained"). The percentage of English Learners who met or exceeded standards increased from 2016 to 2019 (from 8% to 16.89%), though the Dashboard indicates that such performance was maintained given the modest increase from 2018 (16%) to 2019 (16.89%). For students with disabilities, data was only provided for 2019 due to the small testing pools for the other years. Students in the Hispanic/Latino subgroup demonstrated increases overall (17% in 2016, which grew to 20.34% in 2019). White students who met or exceeded the standard increased overall (17% in 2016, which grew to 27.27% in 2018). No data for this subgroup was reported for 2019. Students in the two or more races subgroup, however, demonstrated a decrease in performance for the reported years of 2018 and 2019 (38.46% met or exceeded the standard 2018, but the percentage decreased to 25% in 2019).

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 appears low. However, these figures must be viewed with caution given that they represent baseline data due to the recent transition from the California English Language Development Test ("CELDT") to the English Language Proficiency Assessments for California ("ELPAC") and the need for two years of test results to show a status of change. Nevertheless, District staff expects and encourages TEAM Charter School to review and update its instructional strategies and interventions to address the needs of English Learners to improve English proficiency.

According to the Dashboard, TEAM met all standards on the local indicators, including teachers, instructional materials and facilities; implementation of academic standards; parent and family engagement; local climate survey; and access to a broad course of study.

Based on an analysis of the above data and other information, the District has determined (giving greater weight to academic indicators) that TEAM Charter School is showing improvements schoolwide and among most of its subgroup populations. The District continues to encourage TEAM Charter School to continue to develop and refine its strategies and interventions to address the needs of all students in English-Language Arts and mathematics, as well as English Learners with respect to increasing English proficiency.

Finding of Fact No. 2: There is clear and convincing evidence, as demonstrated by verified data, which shows that TEAM Charter School has achieved measurable increases in student academic achievement as defined by at least one year’s progress for each year in school.

District staff has determined that TEAM Charter school has achieved measurable increases in academic achievement, defined by at least one year’s progress for each year in school, based on verified data.

TEAM Charter School provided local assessment data, including data from the Northwest Evaluation Association (“NWEA”) Measures of Academic Progress (“MAP”). Growth test results from Fall 2018 to Fall 2019 reflected at least one year of growth in English-Language Arts and mathematics in each grade level among students in first through fifth grades. There are instances in which students are not meeting the projections established by the NWEA MAP assessment; however, the data analysis provides that students in grades 1 through 5 maintained a positive growth position through each year, as reflected in the local assessment data.

The District notes that student data demonstrates that continued academic growth is needed in both English-Language Arts and mathematics, and ongoing interventions within a Multi-Tiered System of Supports (“MTSS”) are needed to increase mathematical content proficiency for all students. The Renewal Petition addresses these identified data needs and states that staff utilizes its “Professional Learning Community time to analyze and seek opportunities [] to constantly improve [its] practices so that students can achieve success.” (Renewal Petition, p. 14.) The Renewal Petition also indicates that it has “established a rigorous professional training around ELD, led by a program specialist committed to the support of [its] EL population. In addition, [TEAM Charter School is] addressing the needs of African American students by integrated early interventions such as reading, mathematics, and social-emotional learning to promote student growth and success.” (Renewal Petition, p. 15.) The District encourages TEAM Charter School to continue to engage in data analysis and other trainings and opportunities to improve student achievement and performance in these areas.

2. Charter Petition Renewal Criteria Under Education Code Section 47605 / Findings of Fact

Education Code section 47607 provides that charter renewals are governed by the standards and criteria set forth in Education Code section 47605 and must include, but not be limited to, a reasonable comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

a. Grounds for Denial

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.*)

b. Findings of Fact

The District conducted a comprehensive review of TEAM Charter School's Renewal Petition, which included a detailed analysis of its educational program, measurable student outcomes and methods for measuring student progress, fiscal and governance structures, student admissions and discipline, labor and personnel issues, facilities and operations, and legal issues. Overall, as detailed below, the Renewal Petition included reasonably comprehensive descriptions of the required legal elements. District staff identified some items that lacked detail and a few instances of outdated information in the supplemental documentation included with the Renewal Petition. However, District staff believes that any outstanding issues can be adequately addressed or corrected as part of the District's ongoing charter oversight and monitoring process if TEAM Charter School's charter is renewed for an additional term.

Below, District staff presents its findings of fact addressing the general categories of review. If the Board renews TEAM Charter School's charter, District staff intends to ensure that any items of correction or modification will be effectively addressed and implemented, along with all existing and new legal requirements applicable to charter schools, as part of its charter oversight and monitoring of TEAM Charter School's operations.

Finding of Fact No. 3: The Renewal Petition presents a sound educational program for the students enrolled in the charter school.

TEAM Charter School’s Renewal Petition demonstrates that its program is consistent with sound educational practice. The District’s review team notes that TEAM Charter School’s Renewal Petition outlines the ways in which it addresses the needs of its students and specific student groups enrolled within the charter school. On page 32 of the Renewal Petition, the charter school states that “the educational program emphasizes academic rigor targeted towards individual student needs and instructional scaffolds are designed in order to maintain cognitive demanding curricula and high levels of learning.” Staff notes, however, that it is unclear from the Renewal Petition the curriculum utilized for universal access for English Learners and students with disabilities. It is staff’s expectation that TEAM Charter School will articulate in greater detail how it addresses these areas. This will be noted in the proposed board resolution that will accompany the board agenda item for action on the Renewal Petition as an area to be addressed as part of the District’s oversight and monitoring of TEAM Charter School if its charter is renewed.

Finding of Fact No. 4: The Petitioners are demonstrably likely to successfully implement the program.

TEAM Charter School has been operating as a charter school under the District’s authorization since 2011. TEAM Charter School’s governance and leadership teams have background and experience in key areas needed for successful charter school operations, including curriculum, instruction, student and family engagement, finance, and business. Based on a fiscal analysis conducted by District staff, TEAM Charter School shows sound fiscal health and is financially viable. TEAM Charter School has experienced clean audits with no findings and/or recommendations since the 2011-2012 school year. TEAM Charter School also contracts with an outside vendor for key services including grant writing, charter development, budget development and reconciliation, quarterly and end of year reports, general accounting and finance, payroll and human resources support as needed, and compliance reporting. Overall, TEAM Charter School’s educational program and operations demonstrate that it is likely to continue to be successful.

Finding of Fact No. 5: The Renewal Petition contains an affirmation of each of the required conditions.

The Renewal Petition includes all required affirmations and assurances.

Finding of Fact No. 6: The Renewal Petition provides reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605.

Based on an analysis of the Renewal Petition by the District’s review team, the Renewal Petition generally provides reasonably comprehensive descriptions of the required elements set forth in

Education Code section 47605 to support eligibility for the renewal of TEAM Charter School's charter. However, the review team has identified certain items that require additional detail and/or correction in the Renewal Petition and supporting documentation. These items are addressed in further detail below and will be incorporated by reference into the proposed Board resolution for further follow-up and resolution. The findings are also intended to supersede the language in the corresponding provisions in the Renewal Petition to the extent they are inconsistent. Should the District's Board approve the Renewal Petition, District staff plans to engage in detailed oversight and monitoring of TEAM Charter School to ensure that these issues are meaningfully and effectively implemented.

- a. Educational Program – As addressed in Finding of Fact No. 3, it is unclear from the Renewal Petition the curriculum utilized for universal access for English Learners and students with disabilities. In addition, TEAM Charter School should review its instructional strategies and interventions to address the needs of English Learners to improve English proficiency. It is staff's expectation that, if approved for renewal, TEAM Charter School will provide a written plan detailing how it will meaningfully address these concerns. The District also expects that TEAM Charter School will focus its efforts on continued academic growth among its student populations in both English-Language Arts and mathematics.
- b. Governance – 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 need to be amended to align with the requirements in Education Code section 47604.1 and Government Code sections 1090, et seq.
- c. Health and Safety Procedures – The Renewal Petition has some minor technical deficiencies that were not addressed, including assurances that TEAM Charter School has or will develop an asbestos management plan and the requirement 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.
- d. Balance of Students from Different Subgroup Populations – TEAM Charter School should ensure that 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.

Finding of Fact No. 7: The Renewal Petition includes a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school.

The Renewal Petition confirms that Transformational Education, Inc., the nonprofit corporation operating TEAM Charter School, shall serve as the exclusive public school employer of the employees of TEAM Charter School for purposes of the Educational Employment Relations Act.

Finding of Fact No. 8: The Renewal Petition satisfies other key areas related to the operations and other potential effects of the TEAM Charter School.

Overall, the Renewal Petition adequately addresses the operational and other potential effects of TEAM Charter School, including the acknowledgement that the District shall not be responsible for the debts and obligations of the charter school, or for claims arising out of the performance of acts, errors, or omissions by the charter school, if the District meets its oversight obligations.

Staff notes that the Renewal Petition mentions the general process the 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 staff therefore recommends that such language be stricken. This item will be clarified in the proposed board resolution that will accompany the board agenda item.

District Staff Recommendation

Based on District staff’s analysis of the above-described criteria for renewal and the corresponding Findings of Fact Nos. 1-8, the District staff has determined that TEAM Charter School meets the minimum criteria to be eligible for Renewal Petition for a five-year term beginning on July 1, 2021 and ending on June 30, 2026. This recommendation includes a proposed Board resolution to approve the Renewal Petition that incorporates the items of clarification/correction noted above, which would supplement and be incorporated by reference into the Renewal Petition.

However, recognizing that it is the will of the Board of Trustees to decide whether to approve or deny a charter petition, the District is also posting an alternative draft Board resolution to deny the Renewal Petition.