

EXHIBIT “A”

TO RESOLUTION NO. _____

OF THE SAN DIEGO COUNTY BOARD OF EDUCATION DENYING THE CHARTER SCHOOL
PETITION TO ESTABLISH COLLEGE PREPARATORY MIDDLE SCHOOL

STAFF RECOMMENDATION REGARDING THE PETITION TO ESTABLISH COLLEGE
PREPARATORY MIDDLE SCHOOL ON APPEAL FROM LA MESA-SPRING VALLEY
SCHOOL DISTRICT

April 13, 2016

Staff recommends that the Governing Board:

- I. Deny the petition to establish the College Preparatory Middle School.
- II. Adopt findings in support of its decision, as detailed in the following documentation that:
 - A. The charter school presents an unsound educational program for the pupils to be enrolled in the school, and
 - B. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, and
 - C. The petition does not contain reasonably comprehensive descriptions of all the 16 required elements of the petition.

FINDINGS

IN SUPPORT OF THE STAFF RECOMMENDATION TO DENY THE PETITION TO ESTABLISH COLLEGE PREPARATORY MIDDLE SCHOOL [Education Code Section 47605(b) & (j)]

A. The charter school, as described in the Petition, presents an unsound educational program for the pupils to be enrolled in the charter school. [EC 47605(b)(1)]

The Review Team found multiple deficiencies in the described education program as identified below. These include the failure to describe a comprehensive program in mathematics, history-social science, visual and performing arts, English language Development (ELD)/English Learners (ELs), and physical and health education.

Math

- The petition failed to adequately describe the mathematics program provided; it merely lists the mathematics domains at each grade 5-8 (page 10) under the title *Scope and Sequence*. The domains are broad categories of standards, which are not intended to be taught in sequential order.
- The petition failed to articulate how the development of literacy skills is occurring in mathematics. On pages 6-7 under Overview it states “Achievement of strong literacy skills will be the highest priority at CPMS. It is the firm belief of CPMS staff that students’ literacy skills are the key to their success across all content areas. Literacy is the foundation upon which all the educational goals of College Preparatory Middle School will be achieved.” There are no objectives or goals that support this statement, nor are there any instructional strategies presented that address the unique literacy demands of mathematics.
- The petition failed to describe the expected learning outcomes for math. The learning outcomes described on pages 11-12 are so broad that the desired outcomes cannot be ascertained.
- The petition does not identify instructional strategies or methodologies that cite how mathematical objectives will be met.
- The petition failed to address how a student’s mathematical understanding and skills will be assessed.

- While the curriculum and instructional programs highlight the importance of literacy development within the core subjects, there is little information about the instructional program for the core disciplines, especially mathematics. The scope and sequence of coursework is limited to a general list of topics; therefore, there is not enough information to affirm that the curriculum (which may include course goals, assessments, materials and teaching methods) is aligned to California Content standards for all core content areas, including English Language Arts (ELA).

History-Social Science

- The petition failed to demonstrate that the course descriptions would follow the scope and sequence of courses as described in the California History-Social Science Framework.

Visual and Performing Arts

- California Education Code requires that all four arts disciplines (dance, music, theater and visual arts) are taught to all students in grades 1-6 and offered to all students in grades 7-8. Page 11 lists the Scope and Sequence of the Coursework offered in this area, but there are no Learning Outcomes identified.
- Page 9 states “Curriculum standards and Art 21 will be utilized to develop a spiraling curriculum for grades 5-8. CPMS will partner with the local arts community to bring artists to the campus to create art with students, which will be integrated with the unit of study”. It could not be determined whether the artists providing instruction will be using the California Visual and Performing Arts Framework or Standards.

ELD-ELs

- The instructional Framework & Curriculum sections on pages 7-8 show no evidence of the California ELD Standards. Additionally, “universal access” is the only identified curriculum for ELs.
- No evidence of Reclassification criteria is presented in the petition.
- The Scope and Sequence of Coursework shows no evidence of English Language Development (ELD) (pages 10-12).
- The petition failed to identify how the Parental Involvement Plan will encompass the EL Parents (page 23).

Physical and Health Education

- The petition failed to demonstrate whether or not health and physical education programs were sound, as no course descriptions for Exercise and Nutritional Sciences 5-8 were provided.

B. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. [EC 47605 (b)(2)]

California Code of Regulations, Title 5 (Title 5), section 11967.5.1(c)(1-4) provides four (4) criteria the State Board of Education takes into consideration in determining whether charter petitioners are “demonstrably unlikely to successfully to successfully implement the program.” The County Board may also take these criteria into consideration. Based on the information provided in the charter, the Review Team determined that the petition failed to meet all criteria. Specifically:

Criteria 3: The petitioners have presented an unrealistic financial and operational plan for the proposed charter school:

- The petition should include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years. No cash flow projection was provided in the petition.
- For the purposed first year operation and multi-year projected budget (Attachment C), the petition failed to provide major planning assumptions necessary to determine the reasonableness of the operational budget. Specific elements missing included:
 - Projected ADA – used to determine revenues from state and local sources, including the local control funding formula (LCFF), special education funding, in-lieu of tax revenues and lottery. While the projection provided pupil enrollment, the ratio of ADA to enrollment is not provided.
 - The components used to calculate the LCFF state aid, including the identification of unduplicated pupils to be served with supplemental/concentration grant funding were not provided in the petition.
 - The petition failed to provide support for the projected 258% increase in Rental/Lease expense.
 - The projected enrollment growth for 2017-18 through 2019-20 is not commensurate with prior year enrollment trends as indicated in the table below:

College Preparatory Middle School (Mtn Empire)											
	Actual 2010-11	Actual 2011-12	Actual 2012-13	Actual 2013-14	Actual 2014-15	Actual 2015-16*	Proposed 2016-17	Proposed 2017-18	Proposed 2018-19	Proposed 2019-20	Proposed 2020-21
Grade 5	1	0	38	57	50						
Grade 6	26	56	53	59	60						
Grade 7	56	53	60	57	60						
Grade 8	0	56	51	59	60						
Total Enrollment	83	165	202	232	230	234	240	300	400	500	500
Percent change from prior year		98.80%	22.42%	14.85%	-0.86%	1.74%	2.56%	25.00%	33.33%	25.00%	0.00%
P2 ADA	82.13	164.03	200.53	225.94	222.69	230.41					
ADA as % of Enrollment	98.95%	99.41%	99.27%	97.39%	96.82%	98.47%					

- The charter petition and supporting documents failed to adequately describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter. Aside from the address, 5150 Jackson Dr., La Mesa, CA, the petition provides no information related to its initial site (page 1). The only qualitative description of the site is addressed in the cover letter of the petition which states “Despite the obvious limitations of operating in a mostly windowless church basement, the school has a current waitlist.” This does not engender confidence in the adequacy of the existing site.
- Along with the facility descriptions, the other factor that helps define facilities adequacy is enrollment. The projected school enrollment is relevant as it relates to facilities size and function. Current enrollment is 240 students. The petition projects an increase of 300 students (page 1) while remaining in the existing facilities that petitioners describe as small, so it would not appear that the current location is adequate for the proposed instructional program.
- The cover letter states that proposed new facilities, located at 10269 Madrid Way, Spring Valley, CA, are planned to be completed by Fall 2017. This address is currently a vacant lot and no plans, description, size or function of the proposed facilities was present, so there are no assurances that the facility will be adequate.
- In the event a specific facility has not been secured, the petitioners should provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school; no such evidence was provided.

C. The petition does not contain reasonably comprehensive descriptions of each of the required charter elements. [EC 47605 (b)(5)]

Based on the guidance established in Title 5, and other requirements of law, the Review Team determined that the following required elements are not reasonably comprehensive:

Element 1: Description of Educational Program.

- The petition failed to include a framework for an instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population. The petition fails to describe a comprehensive program in ELA, and mathematics, and across content areas. It fails to describe how learning best occurs and it fails to describe its pervasive instructional design or a description of the instructional approaches and strategies.
- The petition failed to clearly describe how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations. The petition failed to clearly describe the process to be used to identify students who qualify for special education programs and services, including referrals and assessments. The charter indicates they will conduct “screening for students with behavioral and academic difficulties before referral” (page 17); however, the screening should be conducted as a universal screening for all students in a Return To Instruction (RTI) Model. Screening only for students with behavior and academic difficulties puts the charter school in jeopardy of compliance issues by not completing an assessment plan.

Element 2: Measurable Pupil Outcomes

- The petition does not adequately specify skills, knowledge, and attitudes that reflect the school’s educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed to determine whether pupils are making satisfactory progress.
- General statements about overall exit outcomes for academic and non-academic skills lack in specificity and depth.
- Only “All” students and English Learner subgroups are specifically addressed; the petition does not mention socio-economically disadvantaged or foster youth students.
- The petition fails to address academic achievement outcomes for students of different ethnic/racial backgrounds.
- The petition fails to identify targets for EL growth, proficiency or reclassification.

Element 3: Method for Measuring Pupil Progress

- The petition does not utilize a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed,

including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.

- The petition lacks specificity as it relates to overall assessments. Aside from state-mandated assessment, the petition failed to address specific assessments (diagnostic or interim). Ongoing formative assessments are identified but no specifics of what that entails are provided.
- The petition provided general statements regarding the benchmarks that would be administered and analyzed but provided no specific valid and reliable tools to be used.

Element 4: Governance Structure

- The petition fails to describe what role the parents have in the governance of the school. The petition describes the LCAP Parent Group and the Parent Teacher Student Association as the means of achieving “site based planning and oversight... as well as planned activities for meaningful parent involvement” (page 23). However, the petition fails to describe any opportunity for parent participation in the governance of the school, as required by Education Code Section 47605(b)(5)(D). There is no description of how parents can question or express concerns about school governance through communication with either the executive co-directors or directly with the governing board. Although the petition states that the charter school will comply with the Brown Act, which would ensure an opportunity for public/parent comment at board meetings, the petition does not state when or how often those meetings would occur (pages 22-23).
- The petition provides that the charter school will be governed by its corporate Board of Directors (page 22). As part of the charter petition appeal, petitioners submitted the Articles of Incorporation of College Preparatory Middle School (dated November 16, 2009) and Bylaws of College Preparatory Middle School November 2009 (adopted December 11, 2009), which are incorporated herein by reference. Although the petition states that the Board of Directors will comply with the provisions of the Ralph M. Brown Act “as they pertain to charter schools” (page 23), the corporate Bylaws describe procedures that would violate the Brown Act (Government Code Section 54950 et seq.). For example, the Bylaws do not provide for posting of agendas or public access to and participation in meetings. Instead, the Bylaws provide for holding meetings “without call or notice at such times and places as may from time to time be fixed by the Board” and “at the principal office of the corporation or at any other place within or without the State of California” (Bylaws, page 4). Other provisions of the Bylaws that violate the Brown Act include “Consent to Meetings,” which allows meeting notices to be waived (Bylaws, page 5), and “Action without Meeting,” which allows action by the Board of Directors “without a meeting if all members of the Board shall individually or collectively consent in writing

to such action” (Bylaws, page 5). The petition fails to adequately describe how it will comply with the provisions of the Brown Act, given these contradictory procedures governing the meetings of the Board of Directors. It also reflects a lack of understanding of, or compliance with, its legal obligations as a public agency and publicly-funded school.

- The petition does not describe how the charter school and its officials would comply with conflict of interest laws, including the Political Reform Act and implementing regulations (Government Code Section 81000 et seq; Title 2, California Code of Regulations, Section 18110 et seq.), which the Fair Political Practices Commission has determined apply to charter schools. Rather, the petition simply states that it has a conflict of interest code, without providing a copy or a description of what it entails. In addition, the Bylaws include a section on “Self-Dealing Transactions” that describes a procedure that would violate the Political Reform Act (Bylaws, pages 8-9) and possibly other conflict of interest laws that apply to public agencies.

Element 5. Employee Qualifications

- The petition failed to identify general qualifications for various categories of employees (pages 24-25). There are no specific descriptions, and only a minimal statement of qualifications for co-directors and a general statement that the school will comply with credentialing requirements. The petition failed to provide descriptions or listing of teaching staff positions.

Element 6. Health and Safety

- The petition failed to identify the procedures that the school will follow to ensure the health and safety of pupils and staff, as required by Education Code section 47605(b)(5)(f) (pages 25-26). The petition states that health/safety related policies will be adopted; it did not provide evidence that they had been adopted or when they might be adopted.

Element 9: Annual Independent Audit

- The petition failed to identify the manner in which the annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles as required by Education Code section 47605(b)(5)(l) (pages 29-30). The petition failed to describe the procedure to select and retain the independent auditor, the qualifications of the independent auditor, the manner in which the audit will be conducted and the scope and timing of the audit.