

**SAN DIEGO COUNTY BOARD OF EDUCATION
RESOLUTION #2014-07**

**DENYING THE CHARTER SCHOOL PETITION
TO ESTABLISH THRIVE PUBLIC SCHOOL**

WHEREAS, the Charter Schools Act of 1992, set forth at Education Code section ("Section") 47600 et seq., (the "Act") provides for the establishment and operation of publicly-funded charter schools in the State of California; and

WHEREAS, pursuant to Section 47605 of the Act, a school district governing board may approve a petition for the operation of a charter school that will operate at one or more sites within the geographical boundaries of the school district; and

WHEREAS, pursuant to Section 47605(j) of the Act, if a charter petition is denied by a school district governing board, the petition may be submitted on appeal to the county board of education, which board shall review the petition pursuant to the criteria and standards set forth in Section 47605(b) and take action to either grant or deny a petition; and

WHEREAS, on or about November 13, 2013, lead petitioner ("Petitioner") for the proposed Thrive Public School ("Charter School") submitted a charter petition ("Petition") to the San Diego Unified School District ("District") for the establishment of a new charter school; and

WHEREAS, pursuant to Education Code section 47605(b), the District governing board denied the Petition on January 7, 2014, and made findings of fact in support of that denial; and

WHEREAS, on or about January 27, 2014, the Petitioner submitted the Petition to the San Diego County Board of Education ("Board") on appeal from the District's denial; and

WHEREAS, administrative staff of the San Diego County Office of Education ("SDCOE") reviewed and analyzed the Petition and supporting documentation to determine, with the assistance of legal counsel, whether the Charter Petition satisfies the legal criteria and standards set forth in Section 47605(b); and

WHEREAS, the Board held a duly noticed public hearing on February 12, 2014, at which time the Board considered the level of support for the petition, and received information from the Petitioners and the San Diego Unified School District; and

WHEREAS, the Board held a public meeting on March 27, 2014, to receive comments and analysis from San Diego County Office of Education staff, and to further consider the Petition and to grant or deny the Petition;

**NOW, THEREFORE, THE SAN DIEGO COUNTY BOARD OF EDUCATION
HEREBY FINDS AS FOLLOWS:**

Section 1. The recitals above are true and correct.

Section 2. The comments and discussion of the Board members and administrative staff at the meetings of February 12, 2014, and March 27, 2014, regarding the Petition are hereby incorporated by reference and serve to support the Board's action.

Section 3. The "Findings in Support of the Staff Recommendation to Deny the Petition to Establish Thrive Public School," attached hereto as Exhibit "A" and incorporated by this reference, are expressly adopted by the Board as its own findings to support the Board's action.

Section 4. The Board generally concurs with the decision and findings of the District's governing board, but makes the following independent findings based on review and analysis of SDCOE staff and legal counsel: (a) the Petition presents an unsound educational program for the pupils to be enrolled in the charter school; and (b) the Petition fails to contain reasonably comprehensive descriptions of certain aspects of its programs and operations as required by the California Education Code.

NOW, THEREFORE, BE IT RESOLVED BY THE SAN DIEGO COUNTY BOARD OF EDUCATION that the Charter Petition is hereby DENIED based on the findings set forth in this Resolution.

PASSED AND ADOPTED by the San Diego County Board of Education this 27th day of March, 2014, by the following vote:

AYES: Jones, Neylon, Robinson

NOES: Anderson, Hartley


ABSTAIN: None

ABSENT: None

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

I, Randolph E. Ward, Secretary of the Governing Board, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by said Board at a regularly called and conducted meeting held on said date.

Dated: 3/28/14



Randolph E. Ward, Ed. D.
San Diego County Superintendent of Schools

EXHIBIT "A"

TO RESOLUTION #2014-07

OF THE SAN DIEGO COUNTY BOARD OF EDUCATION DENYING THE CHARTER SCHOOL
PETITION TO ESTABLISH THRIVE PUBLIC SCHOOL

STAFF RECOMMENDATION REGARDING THE PETITION TO ESTABLISH THRIVE PUBLIC
SCHOOL, ON APPEAL FROM SAN DIEGO UNIFIED SCHOOL DISTRICT

March 27, 2014

Staff recommends that the Governing Board:

- I. Deny the petition to establish the Thrive Public 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 Charter School, and
 - B. The petition does not contain reasonably comprehensive descriptions of several required elements.

FINDINGS

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

A. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school, in that:

1. *The petition to establish the Thrive Public School ("Thrive" or "Charter School") fails to clearly identify how the mission and vision of the school aligns with the needs of the target student population.*
 - The mission, vision and description of the population to be served do not mention any specifics about the needs of the population, particularly English learners, Students with Disabilities or socioeconomically disadvantaged students. There is no connection between how the mission and vision align to meet the specific needs of their target population.
 - The petition clearly identifies the research behind the five "teaching methodologies" (1- project based learning, 2-blended learning, 3- exploratory learning, 4-family-facilitated learning, 5-social emotional learning) proposed to be used. The petition does not explain how these teaching methodologies will work together to specifically meet the needs of the schools' target students.

2. *The petition does not provide a clear picture of what a student who attends the school will experience in terms of structure, materials, schedule, assessment and outcomes.*
 - The petition identifies published instructional programs for each subject area (Lucy Calkins Reading/Writing Project, Foss Science, etc.) and includes copied pages from those programs in the appendix. However, there is no indication of how these specific programs fit into schools' instructional design (Project Based Learning/Blended Learning/Exploratory Learning/Family-Facilitated Learning and Social Emotional Learning).
 - Two curricular areas are not aligned to Common Core. The writing types and genres are not those identified by Common Core, and the mathematics curriculum is not in alignment with common core middle school curriculum.
 - When referring to "Project Based Learning," the petition states, "instead of treating each subject as an isolated silo, we recognize that in the real world, math, science, English Language Arts, history, technology and the arts all intersect." However, the tables of instructional minutes contradict the above statement, by showing "Project Based Learning" as blocks of instructional time, separate from exploratory learning, math, and English Language Arts.
 - Measureable Student Outcomes
 - The petition lists four overarching outcomes and eight additional student outcomes, plus four additional non-student outcomes. The four major student outcomes include performance measures (API, AYP, assessment participation rate).

- One of the performance expectations (“All subgroups will make at least 80% of the school’s overall growth target”) does not match current state methodology and is no longer the comparable improvement metric within API. The outcome should state that all subgroups will meet their specific improvement targets.
- Most of the outcomes described by Thrive specify schoolwide performance goals that students will achieve over time (e.g., reach 840 API within five-year term of the charter; progress on level on the CELDT; maintain 95% ADA) but some do not list specific performance expectations. For example, “students will demonstrate mastery of grade-level standards” does not specify how mastery will be measured and what the performance expectation is in terms of number or percentage of students and/or progress or growth.
- The student outcomes goals listed on pages 85-86 of the petition do not fully align with the measurable outcomes listed in the assessment matrix shown on page 90 of the petition; therefore, it is difficult to determine whether there are specific assessments aligned to each outcome.
 - Assessment tools shown in the matrix are very general (e.g., California State Test, pre- and post-diagnostics, in-class assessments); while the narrative on pages 35-37 and 84-85 of the petition better identify some specific assessments and how assessment results will be used to guide and modify instruction. Due to the inconsistencies between various tables and the narrative, it is difficult to assess which tools will actually be utilized by the charter school.
- The narrative, on page 85 of the petition, states that “Thrive will pursue for all students the academic and social outcomes summarized in the following table, including focus content areas, methods and frequency for measuring academic progress, and specific benchmarks for student performance.” It is unclear which table is being referred to; there does not appear to be a table that includes all of this information, particularly the frequency for measuring academic progress and specific benchmarks for student performance.
- There does not appear to be an acknowledgement that the exit outcomes and performance goals may need to be modified over time.

3. *The petition does not provide a clear picture of what students not achieving at or above expected levels will experience in terms of structure, materials, schedule, assessment and outcomes.*

- A goal of Thrive is to “ensure that as each student masters the new Common Core standards across each discipline, we also develop each student’s confidence and passion for learning.” The petition does not include information on the approaches and strategies to be used to ensure that students “master” the Common Core standards. It also does not identify what evidence will be collected to determine whether students have mastered the content.
 - The petition does not clearly state what it means for a student to be “at risk” of mastering a standard.
- According to the petition, students “at risk” of not mastering content will receive assessments, differentiated instruction, scaffolding, alternative assignments, and tutoring. If these “strategies” fail, then the student will be referred to the Study Success Team (SST). There is no mention of Tier II or Tier III supports prior to sending the child to SST. Under the heading “Special Education Strategies for Instruction and Services,” the petition outlines the three Tiers of an RTI program.

However, Response to Intervention is a general education support and should not be identified exclusively in the special education portion of the petition.

- The strategies of RTI mentioned under Special Education are vague (i.e. small group and individualized instruction) and are not qualitatively or quantitatively different from Tier 1 instruction.

4. *The petition does not clearly describe the plan for assessing and measuring student progress.*

- The petition names and lists assessment tools that might measure the identified student outcomes, but does not describe minimal performance levels beyond “demonstrate mastery” or “achieve proficiency.”
- Multiple progress measures are listed in the petition on a matrix, but it does not clearly indicate how these measures are or will be aligned to the common core standards and other content standards, nor does it indicate the validity and reliability of the measures and their appropriateness to the standards and skills they seek to measure.
- There are assessments identified in the narrative that are not clearly connected to the assessment tools listed in the associated matrix. For example, the narrative identifies DRA2 and MAP assessments and Pearson GRADE and GMADE, but these are not called out specifically within the assessment matrix.
- No specific tools are listed for students with disabilities other than meeting IEP goals, and the petition does not indicate how these students will be included in other assessments and expected to meet state standards.

5. *The petition does not clearly describe a plan for how the school will meet the needs of English Language Learners by helping them gain English proficiency and also make progress in all academic subjects.*

- While the petition identifies six key strategies for teachers of English learners, it does not describe any targeted English Language Development (ELD) support to be used specifically for English Learners.

B. The petition does not contain reasonably comprehensive descriptions of the elements described below:

1. *The petition fails to adequately describe the educational program to be provided at the Charter School. The findings listed under Section A above are hereby incorporated by reference to support this conclusion.*

2. *The petition does not specify the location of a Charter School facility that the petitioner proposes to operate.*

- The petition discusses facility requirements in a generalized sense, which appear reasonable based on projected student enrollment, but fails to provide any specific planned or potential sites. Without sufficient detail, we cannot assess compliance with facility standards.

3. *The petition fails to adequately describe the retirement system that will be offered to employees.*
 - The petition states an intention to participate in STRS for eligible staff, but there is no reference to a retirement plan for non-STRS eligible employees, which leaves it unclear whether or not they plan to participate in PERS.
 - The petition states that they may choose not to participate in STRS, in which case a 403(b)/401(k) plan will be offered, but does not describe the circumstances under which the board would choose not to participate in STRS.
4. *The petition fails to adequately describe the closure procedures that will be used.*
 - The petition does not address the disposition of all net assets. It describes how both restricted assets and donated materials will be addressed, but does not include a description of how unrestricted net assets will be disposed.

C. The petition contains a number of other deficiencies not specifically listed in the findings above. These findings are not intended to be exhaustive, and should not be interpreted to suggest or imply approval of any aspect of the petition not specifically addressed.