

SAN FRANCISCO UNIFIED SCHOOL DISTRICT
San Francisco, California
Superintendent's Proposal

Superintendent's Recommendation Regarding Thomas Edison Charter Academy
Renewal Petition

161-12Sp4 - AUTHORIZATION TO GRANT
THE RENEWAL PETITION FOR THOMAS EDISON CHARTER
ACADEMY

WHEREAS: Pursuant to California Education Code section 47607, the Thomas Edison Charter Academy, submitted a Petition for Renewal of Thomas Edison Charter Academy to the San Francisco Unified School District ("District"); and

WHEREAS: Pursuant to California Education Code section 47605(b) the Board of Education of the District received the renewal petition, on January 12, 2016; and

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

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

WHEREAS: The District Superintendent and District staff ~~shall~~ have completed a review of the Petition and issue a report and recommendation to the Board of Education regarding the review of the Petition.

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

Superintendent's Proposal
161-12Sp4

Please Note:

- Referred by order of the Chair on 1/12/16 to the Curriculum and Program and Budget and Business Services Committees.
- Taken up on 2/1/16 by the Curriculum and Program Committee. Forwarded to the Board without recommendation by a vote of 2 ayes, 1 nay (Wynns).
- Taken up on 2/3/16 by the Budget and Business Services Committee. Forwarded to the Board without recommendation by 2 ayes, 1 absent (Mendoza).

1/12/16
2/23/16

THIS IS TO CERTIFY THAT THE FOREGOING
RESOLUTION WAS ADOPTED BY THE BOARD OF
EDUCATION OF THE CITY AND COUNTY OF SAN
FRANCISCO AT ITS REGULAR MEETING HELD
ON 2/23/16 BY A VOTE OF 5 AYES
2 NAYS 0 ABSTAIN 0 ABSENT.
Esther V. Case
Executive Assistant
Board of Education Date 11/15/2016



Board of Education Report

Superintendent's Proposal 161-12Sp4

Approval of the Renewal of the Charter for Thomas Edison Charter Academy

Action Proposed:

Staff recommends approval of the renewal of the charter for Thomas Edison Charter Academy, located at 3531 22nd Street, for five (5) years, beginning July 1, 2016 and ending June 30, 2021, to serve 670 students in grades TK-8.

Background

Under Education Code, if the District wishes to deny renewal, it must take the denial action within 60 days of receipt. If the Board does not take action, with written factual findings, to deny (or approve) the petition by March 12, 2016, the State will deem the petition approved as an SFUSD-authorized charter school, through June 30, 2021.

General Guidelines for the Review of California Charter School Renewal Petitions

California Code of Regulations (CCR): Title 5, Division 1, Chapter 11, Subchapter 19

A petition for renewal submitted pursuant to Education Code section 47607 shall be considered by the district governing board upon receipt of the petition with all of the requirements set forth in this subdivision:

(1) Documentation that the charter school meets at least one of the criteria specified in Education Code section 47607(b).

(b) Commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever date occurs later, a charter school shall meet at least one of the following criteria before receiving a charter renewal pursuant to paragraph (1) of subdivision (a):

(1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years both schoolwide and for all groups of pupils served by the charter school.

(2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.

(3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.

(4) (A) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the

charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

(B) The determination made pursuant to this paragraph shall be based upon all of the following:

(i) Documented and clear and convincing data.

(ii) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 for demographically similar pupil populations in the comparison schools.

(iii) Information submitted by the charter school.

The Board shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.

(2) A copy of the renewal charter petition including a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed.

When considering a petition for renewal, the district governing board shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any.

(3) The district governing board may deny a petition for renewal of a charter school only if the district governing board makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(b) or facts to support a failure to meet one of the criteria set forth in Education Code section 47607(b).

Staff Review – California Code of Regulations/Education Code Criteria

(1) The data indicate:

- **The petitioner did meet growth targets under conditions 2, 3 and 4 meeting renewal criteria 47607(b)(1).²**

²*Assembly Bill 484 (2013), which suspended API testing in the 2013-14 school year, allows charter schools to use their most recent API (SBAC in this case) calculation to satisfy legislative and/or programmatic requirements.*

(2) The CCR renewal provisions require the petitioner to include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed.

With the adoption of the Local Control Funding Formula (LCFF), the State also amended the Education Code pertaining to charter schools.

- Education Code section 47605(b)(5)(A)(ii) requires charter petitions to include annual goals, for all pupils and for each subgroup of pupils to be achieved in the state priorities that apply for the grade level served, or the nature of the program operated by the charter school, and specific annual actions to achieve those goals.
- Education Code section 47605(b)(5)(B) requires the petition to contain measurable pupil outcomes that address increases in pupil academic achievement, both schoolwide and for all groups of pupils served by the school. The outcomes must be aligned with state priorities.

The petitioner has contemplated the requirements of the LCFF and Local Control Accountability Plan (LCAP) and has included a table of state-aligned goals and actions, and a table of measurable pupil outcomes aligned to state priorities. The attached matrix review found the Petition to be "Sufficient" in addressing LCFF/LCAP requirements and other Education Code charter school educational program elements.

Review of the 16 Required Petition Elements (Ed. Code § 47605(b))

Staff review found that the Petition's Nondiscrimination Assurance language should be updated to reflect current law.

The Petitioner amended the language on February 5, 2016.

Petition seems to indicate (p.43) that children of staff living outside the district may have preference over district residents. This must be changed or clarified.

The Petitioner provided amended language on February 5, 2016, and, at the request of SFUSD Staff, amended the language further on February 16, 2016.

(3) Fiscal/Operational Considerations

TECA has received an "A" grade from SFUSD Accounting Services for its report of Unaudited Actuals for fiscal 2014-15. The grade indicates the school showed a positive ending fund balance that significantly covers required reserves.

SFUSD has reviewed TECA's First Interim Financial report for the 2015-16 fiscal year. The First Interim, which reports actual revenue and expense through September 30, 2015, and projects those revenues and expenses through the remainder of the current fiscal year, and two subsequent fiscal years, indicates the school is not likely to engage in deficit spending, and will have positive ending balances, meriting a "Positive" certification.

The SFUSD Charter Review Matrix found three areas of insufficiency (in addition to the two detailed above):

1. Dispute Resolution Process: SFUSD Board of Education members will not directly participate in dispute resolution meetings. The language should be amended to read "SFUSD Superintendent or designee".

The petitioner has amended the language.

2. Financial projections do not indicate number and type of students used to generate revenue projections.

The petitioner has updated the projections.

3. Financial projections do not include number and type of staff used to generate salary and benefit expense projections.

The petitioner has updated the projections.

The Petitioner also provided, on February 9, 2016, updates regarding the status of independent financial audit findings from fiscal years 2013-14 and 2014-15.