



April 6, 2021

**STAFF ANALYSIS AND PROPOSED FINDINGS OF FACT REGARDING REVIEW OF
TEAM CHARTER SCHOOL RENEWAL CHARTER PETITION**

INTRODUCTION

For almost eleven years TEAM Charter has served the downtown Stockton community of learners. It is a fiscally sound charter with a student retention rate of 89%. TEAM has had no audit findings and/or recommendations since the 2011/12 school year and has an extensive list of community partners and support. TEAM has demonstrated it serves a variety of students from differing backgrounds in a comprehensive way. There are noted areas for academic improvement, however, over-all TEAM Charter has made progress towards meeting standards that provide a benefit to its pupils and closure of the Charter School is not in the best interest of pupils.

RECOMMENDATION

On the bases detailed herein and in accordance with the requirements of the Charter Schools Act of 1992, SJCOE staff recommends that the TEAM Charter be conditionally renewed by the San Joaquin County Board of Education.

PROCEDURAL STATUS

TEAM Charter School (“TEAM”) is currently authorized by the Stockton Unified School District Governing Board (“District Board”), with a term running through and including June 30, 2021. TEAM requested that the District Board renew its charter. The Stockton Unified School District (“SUSD”) staff recommended that the TEAM charter be renewed, but on or about January 12, 2021, the District Board denied TEAM’s renewal request and adopted District Board Resolution #20-33 setting forth written factual findings denying TEAM’s renewal.

On or about January 26, 2021, the San Joaquin County Office of Education (“SJCOE”) received an appeal of the District Board’s denial of the renewal of the TEAM Charter School (“TEAM”) charter petition (“Petition” or “Charter”). Academic performance criteria and potential length of a charter renewal are determined in accordance with Education Code Sections 47607 and 47607.2, based on the individual school’s “high,” “middle,” or “low” performance level or Dashboard Alternative School Status. TEAM is a middle performing charter school according to the criteria of Education Code Sections 47607 and 47607.2 and is designated as such on the California Department of Education’s (“CDE”) list of charter schools and their performance tiers, which is posted here <https://www.cde.ca.gov/sp/ch/cspformcategory.asp>. As such, if the Charter is renewed by the San Joaquin County Board of Education (“SJCOE” or “County Board”), the new Charter term would begin on July 1, 2021, and run for five years, through and including June 30, 2026. This Charter renewal is governed by the standards and criteria set forth in Education Code Sections 47605, 47607, and 47607.2.

TEAM submitted with its renewal appeal the required certification that its submission was complete. TEAM affirmed that simultaneously with its submission to the SJCOE, it provided a copy of the Petition

to SUSD. TEAM also submitted a description of the changes to the Charter necessary to reflect the County Board as the authorizer and a redline indicating those changes.

On February 17, 2021, SJCBOE held a public hearing on the TEAM Charter renewal in accordance with the requirement to do so within 60 days of receipt of the renewal Charter. Per Education Code Sections 47605, 47607 and 47607.2, the County Board has 90 days from receipt of the renewal petition to act, which may be extended by an additional 30 days by mutual agreement.

The complete renewal Charter that the SJCBOE is acting on is available for review at: <https://bit.ly/3cJDcRG>.

CRITERIA FOR RENEWAL OF A CHARTER PETITION

A petition submitted for renewal of a charter pursuant to Education Code Sections 47607 and 47607.2 shall be considered by the governing board in accordance with the following standards:

1. Standards and Criteria in Education Code Section 47605

A renewal charter shall be governed by the standards and criteria described in Education Code Section 47605. Education Code Section 47605(c) establishes that governing boards are to be aware of “the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The [County Board of Education] shall grant a [renewal] charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposed to locate,” though, as described below, the renewal process does include additional considerations and standards.

Education Code Section 47605 specifies that the SJCBOE may deny a renewal charter if it makes written factual findings to support one or more of the following findings:

- a. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- b. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- c. The petition does not contain an affirmation of each of the conditions required by statute.
- d. The petition does not contain a reasonably comprehensive description of all of the required elements.
- e. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act (EERA).

2. Determination of High, Middle, Low Performing or DASS School Status

Education Code Sections 47607 and 47607.2, require a determination of whether a charter school seeking renewal is in the high, middle, or low performance category or is a DASS school. Middle tier charter schools, including TEAM, are eligible to be considered for a five-year renewal term. In determining whether to renew the charter, the chartering authority is to consider:

- (A) Performance on the state and local indicators on the Dashboard, giving greater weight to measurements of academic performance.
- (B) Clear and convincing evidence based on verified data showing either:
 - i. The school achieved measurable increases in academic achievement, defined by at least one year of growth for each year of school, OR
 - ii. Strong post-secondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

The authorizer may deny a middle performing school on these bases only by making written factual findings that the school:

- (A) Failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school;
- (B) Closure of the school is in the best interest of pupils; AND
- (C) If applicable, that the decision provided greater weight to performance on measurements of academic performance.

Due to the COVID-19 pandemic, all statewide testing for the 2019/20 school year was cancelled and the 2020 California Dashboard based on that data was also cancelled. Thus, the data available to assess TEAM's performance on the state and local indicators, including that TEAM is a middle tier school, is from the 2018 and 2019 California Dashboard, as provided for in Education Code Sections 47607 and 47607.2.

3. A Renewal Charter Petition

The renewal charter petition shall include a reasonably comprehensive description of any new requirements of charter schools enacted into law after the charter was originally granted or last renewed (Education Code Section 47607(b)). The charter should also be updated as necessary to reflect the current program offered by the charter school.

4. Additional Criteria for Denying a Charter Renewal

A chartering authority may deny renewal of a charter school (EC Section 47607(e)) in any of the performance categories if it finds that the school is unlikely to successfully implement the program due to:

- a. Substantial fiscal factors,
- b. Substantial governance factors, or
- c. The charter school is not serving all pupils who wish to attend.

ANALYSIS OF TEAM DASHBOARD AND VERIFIED DATA

TEAM serves students grades Pre-K through 5th grade. The three schools identified by TEAM that students attending TEAM would otherwise be attending, based on location, serve students in TK through 8th grade and the SUSD serves students TK through 12th grade. School level data displayed on the California School Dashboard includes all grade levels that the school serves as applicable to the

indicator. The following chart includes the dashboard indicators that apply to TEAM Charter, the grade levels that TEAM Charter serves and are included in their dashboard and the grade levels that the indicator may include for schools/districts that serve students beyond the grade levels that TEAM serves.

Indicator	Grade levels included in TEAM data	Grade levels that data represents for schools/districts that serve students beyond 5 th grade.
English Language Arts	Grades 3-5	Grades 3-8; 11
Mathematics	Grades 3-5	Grades 3-8; 11
English Learner Progress	Grades 1-5	Grades 1-12
Chronic Absenteeism	Grades K-5	Grades K-12
Suspension	Grades K-5	Grades K-12

Due to the suspension of statewide testing and the California Dashboard for 2019/20, the following data is based on the 2018/19 Dashboard Data.

California School Dashboard Data

In 2017, the State of California instituted the California Dashboard to help parents and educators identify strengths and areas for improvement. The Dashboard reports how districts, schools (including alternative schools serving high-risk students), and student groups are performing across state and local measures. For State measures, performance is based on two factors: (1) current year results, and (2) whether results improved or declined from the prior year as compared to themselves. Performance on state measures, using comparable statewide data, is represented by one of five colors. The performance level or color is not included when there are fewer than 30 students in any year. This is represented by using a grey color dial with the words “No Performance Color.”

California Dashboard Performance Color Chart



TEAM Charter School Fall 2019 Dashboard Data and Analysis

English Language Arts

	All Students	African American	English Learners	Hispanic	Socioeconomically Disadvantaged
Status	53.7 points below standard	68.7 points below standard	52.3 points below standard	49.7 points below standard	55.6 points below standard
Change	+ 7.8 points	- 4.9 points	+ 10.7 points	+ 12.5 points	+ 6.7 points
Color	Yellow	Orange	Yellow	Yellow	Yellow

All students and the EL, Hispanic, and Socioeconomically Disadvantaged student groups show improvement in English Language Arts (“ELA”) as indicated by the positive change. The African American student group had a decline.

Data Comparison English Learners: ELA

	Current English Learners	Reclassified Fluent English Proficient	English Only
Status	73.7 points below standard	8 points above standard	60.8 points below standard
Change	Maintained	+ 12.4 points	+ 3 points

Reclassified Fluent English Proficient and English Only groups show improvement in English Language Arts as indicated by the positive change. Reclassified Fluent English Proficient students outperform current English learners and English only students and are the only group performing above standard.

Mathematics

	All Students	African American	English Learners	Hispanic	Socioeconomically Disadvantaged
Status	57.1 points below standard	72.7 points below standard	58.9 points below standard	55.1 points below standard	58.7 points below standard
Change	+ 3.9 points	Maintained	Maintained	+ 4 points	Maintained
Color	Yellow	Orange	Orange	Yellow	Orange

All students and all student groups maintained or improved in Mathematics.

Data Comparison English Learners: Mathematics

	Current English Learners	Reclassified Fluent English Proficient	English Only
Status	67.5 points below standard	34.8 points below standard	61.1 points below standard
Change	Maintained	- 11.3 points	+ 3.6 points

Current English Learners and English Only groups maintained or improved in Mathematics. Reclassified Fluent English Proficient students declined in performance but continue to outperform current English learners and English only students.

English Learner Performance Indicator (“ELPI”)

ELs who decreased at least one ELPI level	43%
ELs who maintained ELPI level 1, 2L, 2H, 3L or 3H	36.1%
ELs who maintained ELPI level 4	5.5%
ELs who progressed at least one ELPI level	16.2%

20.8% making progress toward EL proficiency

Performance Level: Very Low

English Learner progress is based on student English Language Proficiency Assessments for California (“ELPAC”) results Summative Assessment (“SA”). For the 2019 Dashboard, the CDE only had two years of ELPAC SA results from the spring 2018 and 2019 test administrations. As a result, the CDE reported ELPI status only in the 2019 Dashboard. Individual student scores are compared from 2018 to 2019 to determine if they decrease a level, improve a level, or remain in level 4. Forty-three percent of students enrolled and tested in 2018 and 2019 decreased at least one ELPI level and 20.8% are making progress toward English Language proficiency.

Chronic Absenteeism

	All Students	African American	Two or More Races	English Learners	Hispanic	Socioeconomically Disadvantaged
Status	19.2%	21.2%	28%	16%	18.3%	19.8%
Change	- 3.6%	+ 1.3%	+ 6.8 %	- 2.1%	- 5.4%	- 3.8%
Color	Yellow	Red	Red	Yellow	Yellow	Yellow

All Students, English Learners, Hispanic, and Socioeconomically Disadvantaged Chronic Absenteeism data shows improvement, with a decline in the percentage of students chronically absent in each of the student groups. The African American and Two or More Races student groups show increases in chronic absenteeism and have the highest percentage of chronic absenteeism of the identified student groups and are two-levels (red) below the All Students group (yellow).

Suspension

	All Students	African American	Two or More Races	English Learners	Hispanic	Socioeconomically Disadvantaged
Status	1.1%	1.2%	1.9%	1.4%	0.9%	1.2%
Change	- 3.3%	- 6.4%	- 1.9%	- 1.3%	- 2.8%	- 3.2%
Color	Green	Green	Green	Green	Blue	Green

All Students and all student groups show improvement on suspension rates with suspensions in all groups declining and in the two highest performance categories of green and blue.

Local Indicators

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.

Verified Data – CAASPP and NWEA MAP

CAASPP data is reported for student groups with at least 11 students, which differs from reporting on the CA School Dashboard, which requires at least 30 students in a student group, except for Homeless and Foster Youth, which requires 15 students. In reviewing and comparing CAASPP data, one must be cautious when the student group includes fewer than 30 students or 15 for Homeless and Foster Youth.

CAASPP English Language Arts 2017/18: All Students

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	128	103	122	353
# Tested	128	103	120	351
% Met or Exceeded Standard	24.22	32.04	27.5	27.63
% Nearly Met Standard	28.33	23.3	25.83	25.94
% Not Met Standard	47.66	44.66	46.67	46.44

CAASPP English Language Arts 2018/19: All Students

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	111	122	96	329
# Tested	110	122	96	329
% Met or Exceeded Standard	23.63	29.5	32.63	28.44
% Nearly Met Standard	24.55	17.21	23.16	21.41
% Not Met Standard	51.82	53.28	44.21	50.15

Cohort data shows increases in the percentage of students meeting or exceeding standard from 2017/18, 3rd grade to 2018/19, 4th grade of 5.28%. 2017/18, 4th grade to 2018/19, 5th grade shows an increase of .59%. Overall, the 3rd – 5th grade students scoring proficient increased from 27.63% in 2017/18 to 28.44% in 2018/19, representing an overall increase of .81%.

CAASPP English Language Arts 2016/17: African American

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	*	11	*	28
# Tested	*	11	*	28
% Met or Exceeded Standard	*	36.36	*	32.14
% Nearly Met Standard	*	9.09	*	10.71
% Not Met Standard	*	54.55	*	57.14

CAASPP English Language Arts 2017/18: African American

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	28	16	22	66
# Tested	28	16	20	64
% Met or Exceeded Standard	25.00	12.5	30.00	23.44
% Nearly Met Standard	21.43	31.25	30.00	26.56
% Not Met Standard	53.57	56.25	40.00	50.00

CAASPP English Language Arts 2018/19: African American

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	21	26	15	62
# Tested	21	26	14	61
% Met or Exceeded Standard	14.28	19.23	35.71	21.31
% Nearly Met Standard	28.57	7.69	14.29	16.39
% Not Met Standard	57.14	73.08	50.00	62.30

The percentage of African American students who met or exceeded standards in ELA decreased 10.83% from 2016/17 to 2018/19. However, the enrollment of African American students in the tested grades of 3-5 during that time span increased from 28 to 62 students. Because the 2016/17 enrollment is below the 30 student threshold for a significant student group, the data should be reviewed with caution. The cohort data shows that in 2016/17 (3rd grade) there were fewer than 11 African American students enrolled or tested so no data is available. In 2017/18 (4th grade) the same cohort had 16 students enrolled and tested with 12.5% meeting or exceeding standards. In 2018/19 (5th grade) the cohort had 15 students enrolled and 14 students tested with 35.71% meeting standards, representing an increase of 23.21% meeting or exceeding standards for the same group of students. Cohort data shows a decline in percentage of students meeting or exceeding standards from 25% in 2017/18, 3rd grade to 19.23% in 2018/19, 4th grade and represents a decrease of 5.77%. Cohort data shows an increase in percentage of students meeting or exceeding standards from 12.5% in 2017/18, 4th grade to 35.71% in 2018/19, 5th grade. This represents an increase of 23.21% meeting or exceeding standards. When comparing 2017/18 performance to 2018/19, overall, the percentage of students meeting or exceeding standards decreased from 23.44% to 21.31%, representing a decline of 2.13%.

CAASPP English Language Arts 2017/18: Hispanic

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	80	83	80	243
# Tested	80	83	80	243
% Met or Exceeded Standard	23.75	33.73	25.00	27.57
% Nearly Met Standard	32.5	22.89	26.35	27.16
% Not Met Standard	43.75	43.37	48.75	45.27

CAASPP English Language Arts 2018/19: Hispanic

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	76	81	74	231
# Tested	76	81	74	231
% Met or Exceeded Standard	27.63	30.87	29.73	29.44
% Nearly Met Standard	26.32	20.99	27.03	24.68
% Not Met Standard	46.05	48.15	43.24	45.89

Cohort data shows increases in the percentage of students meeting or exceeding standard from 2017/18, 3rd grade to 2018/19, 4th grade of 7.12%. 2017/18, 4th grade to 2018/19, 5th grade shows a decrease of 4.0%. Overall, the 3rd – 5th grade students scoring proficient increased from 27.57% in 2017/18 to 29.44% in 2018/19, representing an overall increase of 1.87%.

CAASPP English Language Arts 2017/18: Two or More Races

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	*	*	*	13
# Tested	*	*	*	13
% Met or Exceeded Standard	*	*	*	38.46
% Nearly Met Standard	*	*	*	7.69
% Not Met Standard	*	*	*	53.85

CAASPP English Language Arts 2018/19: Two or More Races

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	6	5	*	12
# Tested	6	5	*	12
% Met or Exceeded Standard	*	*	*	25.00
% Nearly Met Standard	*	*	*	16.67
% Not Met Standard	*	*	*	58.33

The percentage of students Two or More Races who met or exceeded standards in ELA decreased 13.46% from 38.46% in 2017/18 to 25.00% in 2018/19. Because the 2017/18 and 2018/19 enrollment is below the 30 student threshold for a significant student group, the data should be reviewed with caution. The total number of students Two or More Races enrolled in 2017/18 (13 students) and 2018/19 (12 students), is minimal. The decrease in students Two or More Races who met or exceeded standards from 2017/18 to 2018/19 represents 2 students.

CAASPP English Language Arts 2017/18: Socioeconomically Disadvantaged

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	113	95	105	313
# Tested	113	95	103	311
% Met or Exceeded Standard	36.28	31.58	27.19	27.33
% Nearly Met Standard	28.32	22.11	24.27	25.08
% Not Met Standard	47.79	46.32	48.54	47.59

CAASPP English Language Arts 2018/19: Socioeconomically Disadvantaged

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	97	102	89	288
# Tested	96	102	88	286
% Met or Exceeded Standard	25.00	29.42	30.68	28.32
% Nearly Met Standard	23.96	16.67	23.86	21.33
% Not Met Standard	51.04	53.92	45.45	50.35

Cohort data shows decreases in percentage of students meeting or exceeding standard from 2017/18, 3rd grade to 2018/19, 4th grade of 6.86%. 2017/18, 4th grade to 2018/19, 5th grade shows a decrease of 0.9%. Overall, the 3rd – 5th grade students scoring proficient increased from 27.33% in 2017/18 to 28.32% in 2018/19, representing an overall increase of 0.99%.

CAASPP English Language Arts 2017/18: English Learners

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	42	28	30	100
# Tested	42	28	30	100
% Met or Exceeded Standard	16.67	28.57	13.34	19.00
% Nearly Met Standard	35.71	21.43	16.67	26.00
% Not Met Standard	47.62	50	70.00	55.00

CAASPP English Language Arts 2018/19: English Learners

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	19	38	21	78
# Tested	18	38	21	77
% Met or Exceeded Standard	5.56	26.32	19.05	19.48
% Nearly Met Standard	22.22	15.79	14.29	16.88
% Not Met Standard	72.22	57.89	66.67	63.64

Cohort data shows an increase in percentage of students meeting or exceeding standard from 2017/18, 3rd grade to 2018/19, 4th grade of 9.65%. 2017/18, 4th grade to 2018/19, 5th grade shows a decrease of 9.52%. Overall, the 3rd – 5th grade students scoring proficient increased from 19.00% in 2017/18 to 19.48% in 2018/19, representing an overall increase of 0.48%.

CAASPP Mathematics 2017/18

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	128	103	122	353
# Tested	128	103	120	351
% Met or Exceeded Standard	23.44	29.13	26.66	22.79
% Nearly Met Standard	32.88	33.01	22.50	29.34
% Not Met Standard	43.75	37.86	60.83	47.86

CAASPP Mathematics 2018/19

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	111	122	96	329
# Tested	110	122	96	327
% Met or Exceeded Standard	21.82	24.59	13.68	20.48
% Nearly Met Standard	28.18	38.52	32.63	33.33
% Not Met Standard	50.00	36.89	53.68	46.18

Cohort data shows an increase in percentage of students meeting or exceeding standard from 2017/18, 3rd grade to 2018/19, 4th grade of 1.15%. 2017/18, 4th grade to 2018/19, 5th grade shows a decrease of 15.45%. Overall, the 3rd – 5th grade students scoring proficient decreased from 22.79% in 2017/18 to 20.48% in 2018/19, representing an overall decrease of 2.31%.

CAASPP Mathematics 2016/17: African American

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	*	11	*	28
# Tested	*	11	*	28
% Met or Exceeded Standard	*	18.18	*	21.43
% Nearly Met Standard	*	63.64	*	42.86
% Not Met Standard	*	18.18	*	35.71

CAASPP Mathematics 2017/18: African American

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	28	16	22	66
# Tested	28	16	20	64
% Met or Exceeded Standard	28.57	12.50	10.00	18.76
% Nearly Met Standard	25.00	18.75	15.00	20.31
% Not Met Standard	46.43	68.75	75.00	60.94

CAASPP Mathematics 2018/19: African American

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	21	26	15	62
# Tested	21	26	14	61
% Met or Exceeded Standard	14.29	23.08	7.14	16.39
% Nearly Met Standard	28.57	26.92	35.71	29.51
% Not Met Standard	57.14	50.00	57.14	54.10

The percentage of African American students who met or exceeded standards in Mathematics decreased 5.04% from 2016/17 to 2018/19. However, the enrollment of African American students in the tested grades of 3-5 during that time span increased from 28 to 62 students. Because the 2016/17 enrollment is below the 30 student threshold for a significant student group, the data should be reviewed with caution. The cohort data shows that in 2016/17 (3rd grade) there were fewer than 11 African American students enrolled or tested so no data is available. In 2017/18 (4th grade) the same cohort had 16 students enrolled and tested with 12.5% meeting or exceeding standards. In 2018/19 (5th grade) the cohort had 15 students enrolled and 14 students tested with 7.14% meeting standards, representing a decrease of 5.36% meeting or exceeding standards for the same group of students over the three-year time span. Cohort data shows a decline in percentage of students meeting or exceeding standards from 28.57% in 2017/18, 3rd grade to 23.08% in 2018/19, 4th grade and represents a decrease of 5.49%. Cohort data shows a decrease in percentage of students meeting or exceeding standards from 12.5% in 2017/18, 4th grade to 7.14% in 2018/19, 5th grade, representing a decrease of 5.35% of students meeting or exceeding

standards. When comparing 2017/18 performance to 2018/19, overall, the percentage of students meeting or exceeding standards decreased from 18.76% to 16.39%, representing a decline of 2.37%.

CAASPP Mathematics 2017/18: Hispanic

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	80	83	80	243
# Tested	80	83	80	243
% Met or Exceeded Standard	21.25	30.12	20	23.87
% Nearly Met Standard	36.25	36.14	21.25	31.28
% Not Met Standard	42.50	33.73	58.75	44.86

CAASPP Mathematics 2018/19: Hispanic

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	76	81	74	231
# Tested	76	81	74	231
% Met or Exceeded Standard	23.68	24.69	12.16	20.34
% Nearly Met Standard	31.58	43.21	32.43	35.93
% Not Met Standard	44.74	32.10	55.41	43.72

Cohort data shows an increase in percentage of students meeting or exceeding standards from 2017/18, 3rd grade to 2018/19, 4th grade of 3.44%. 2017/18, 4th grade to 2018/19, 5th grade shows a decrease of 17.96%. Overall, the 3rd – 5th grade students scoring proficient decreased from 23.87% in 2017/18 to 20.34% in 2018/19, representing an overall decrease of 3.53%.

CAASPP Mathematics 2017/18: Two or More Races

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	*	*	*	13
# Tested	*	*	*	13
% Met or Exceeded Standard	*	*	*	38.46
% Nearly Met Standard	*	*	*	15.38
% Not Met Standard	*	*	*	46.15

CAASPP Mathematics 2018/19: Two or More Races

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	*	*	*	12
# Tested	*	*	*	12
% Met or Exceeded Standard	*	*	*	25.00
% Nearly Met Standard	*	*	*	16.67
% Not Met Standard	*	*	*	58.33

The percentage of students Two or More Races who met or exceeded standards in Mathematics decreased 13.46% from 38.46% in 2017/18 to 25.00% in 2018/19. Because the 2017/18 and 2018/19 enrollment is below the 30 student threshold for a significant student group, the data should be reviewed with caution. The total number of students Two or More Races enrolled in 2017/18 (13 students) and 2018/19 (12 students), is minimal. The decrease in students Two or More Races who met or exceeded standards from 2017/18 to 2018/19 represents 2 students.

CAASPP Mathematics 2017/18: Socioeconomically Disadvantaged

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	113	95	105	313
# Tested	113	95	103	311
% Met or Exceeded Standard	23.89	28.42	15.53	22.51
% Nearly Met Standard	31.86	33.68	21.36	28.94
% Not Met Standard	44.25	37.89	63.11	48.55

CAASPP Mathematics 2018/19: Socioeconomically Disadvantaged

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	97	102	89	288
# Tested	96	102	88	286
% Met or Exceeded Standard	22.81	21.57	13.64	19.24
% Nearly Met Standard	29.17	40.20	29.55	33.22
% Not Met Standard	48.96	38.24	56.82	47.55

Cohort data shows a decrease in percentage of students meeting or exceeding standards from 2017/18, 3rd grade to 2018/19, 4th grade of 2.32%. 2017/18, 4th grade to 2018/19, 5th grade shows a decrease of 14.78%. Overall, the 3rd – 5th grade students scoring proficient decreased from 22.51% in 2017/18 to 19.24% in 2018/19, representing an overall decrease of 3.27%.

CAASPP Mathematics 2017/18: English Learners

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	42	28	30	100
# Tested	42	28	30	100
% Met or Exceeded Standard	19.05	21.43	6.67	16.00
% Nearly Met Standard	35.71	50.00	23.33	36.00
% Not Met Standard	45.24	28.57	70.00	48.00

CAASPP Mathematics 2018/19: English Learners

	Grade 3	Grade 4	Grade 5	Grades 3-5
# Enrolled	19	38	21	78
# Tested	18	38	21	77
% Met or Exceeded Standard	11.11	23.68	9.52	16.89
% Nearly Met Standard	16.67	36.84	23.81	28.57
% Not Met Standard	72.22	39.47	66.67	54.55

Cohort data shows an increase in percentage of students meeting or exceeding standards from 2017/18, 3rd grade to 2018/19, 4th grade of 4.63%. 2017/18, 4th grade to 2018/19, 5th grade shows a decrease of 11.91%. Overall, the 3rd – 5th grade students scoring proficient increased from 16.00% in 2017/18 to 16.89% in 2018/19, representing an overall increase of 0.89%.

TEAM serves students in grades Pre-K through 5. The three schools identified by TEAM that students attending TEAM would otherwise be attending, based on location, serve students in TK through 8th grade and the SUSD serves students TK through 12th grade. In reviewing TEAM's data and comparing it to these three schools, to the SUSD, and to the state, only data specific to the grade levels in common was included in the analysis and review.

SJCOE reviewed TEAM 2019 CAASPP data for ELA and Mathematics for grades 3, 4, and 5, which are the three grade levels served by TEAM who participate in CAASPP testing. The data was compared to the three schools TEAM identified as those that students attending TEAM would otherwise be attending

(Cleveland, Filmore, and Hazelton), to SUSD, and to the state. Data was reviewed for All Students and the Socioeconomically Disadvantaged, Hispanic, and African American student groups. The data showed similar performance results for TEAM Charter, Cleveland, Filmore, Hazelton, and SUSD in each grade level for both ELA and Math and is consistently below the state data.

NWEA MAP Growth Test Results 2018/19: Reading

Grade Level Fall 2018	Fall 2018 Mean RIT	Grade Level Fall 2019	Fall 2019 Mean RIT	Distance from Projection +/-
1	135.4	2	153.0	-3.0
2	151.6	3	169.9	+2.4
3	176.3	4	182.5	-8.7
4	180.6	5	189.3	-1.4
5	190.8	*6	196.5	-1.9

NWEA MAP Reading data shows growth each year for the cohort of students. However, the projected growth targets were only met/exceeded for the 2nd to 3rd grade year. Because TEAM does not serve students beyond 5th grade, the 5th to 6th grade data is calculated from students who matriculate to the Team Charter Academy.

NWEA MAP Growth Test Results 2018/19: Mathematic

Grade Level Fall 2018	Fall 2018 Mean RIT	Grade Level Fall 2019	Fall 2019 Mean RIT	Distance from Projection +/-
1	133.9	2	155.7	-1.0
2	155.0	3	173.1	+2.9
3	181.0	4	183.9	-10.4
4	183.2	5	195.2	+8.0
5	194.4	*6	203.0	-3.0

NWEA MAP Math data shows growth each year for the cohort of students. However, the projected growth targets were only met/exceeded for the 2nd to 3rd and 4th to 5th grade year. Because TEAM does not serve students beyond 5th grade, the 5th to 6th grade data is calculated from students who matriculate to the Team Charter Academy.

Conclusion

SJCOE staff considered the findings related to academic performance made by the District Board in denying TEAM’s renewal request. While the data cited by the District Board is accurate, SJCOE staff does not believe it presents a complete picture of TEAM’s performance. For example, TEAM’s African American student group did have a decline in the percentage of students who met or exceeded standards in CAASPP ELA from 2017 to 2019, however, the enrollment of African American students in the tested grades (3-5) during that time period increased substantially from 28 to 62 students, so the cohort of students being tested changed and thus is not susceptible to direct comparison. As explained above, because the 2016/17 enrollment is below the 30 student threshold for a significant student group, the data should be reviewed with caution. The cohort data shows that in 2016/17 (3rd grade) there were fewer than 11 African American students enrolled or tested so no data is available. In 2017/18 (4th grade) the same cohort had 16 students enrolled and tested with 12.5% meeting or exceeding standards. In 2018/19 (5th grade) the cohort had 15 students enrolled and 14 students tested with 35.71% meeting standards, representing an increase of 23.21% meeting or exceeding standards for the same group of students. Cohort data shows a decline in percentage of students meeting or exceeding standards from 25% in 2017/18, 3rd grade to 19.23% in 2018/19, 4th grade and represents a decrease of 5.77%. Cohort

data shows an increase in percentage of students meeting or exceeding standards from 12.5% in 2017/18, 4th grade to 35.71% in 2018/19, 5th grade. This represents an increase of 23.21% meeting or exceeding standards. When comparing 2017/18 performance to 2018/19, overall, the percentage of students meeting or exceeding standards decreased from 23.44% to 21.31%, representing a decline of 2.13%.

The percentage of students Two or More Races who met or exceeded standards in ELA decreased 13.46% from 38.46% in 2017/18 to 25.00% in 2018/19. Again, as noted above, because the 2017/18 and 2018/19 enrollment is below the 30 student threshold for a significant student group, the data should be reviewed with caution. The total number of students Two or More Races enrolled in 2017/18 (13 students) and 2018/19 (12 students), is minimal. The decrease in students Two or More Races who met or exceeded standards from 2017/18 to 2018/19 represents 2 students.

Socioeconomically Disadvantaged student cohort data shows a decrease in percentage of students meeting or exceeding standards from 2017/18, 3rd grade to 2018/19, 4th grade of 2.32%. 2017/18, 4th grade to 2018/19, 5th grade shows a decrease of 14.78%. Overall, the 3rd – 5th grade students scoring proficient decreased from 22.51% in 2017/18 to 19.24% in 2018/19, representing an overall decrease of 3.27%. A deeper dive into this data is necessary to understand the students in this group who overlap to other student groups to identify their needs.

English Learner progress is based on student ELPAC results Summative Assessment (SA). For the 2019 Dashboard, the CDE only had two years of ELPAC SA results from the spring 2018 and 2019 test administrations. As a result, the CDE reported ELPI status only in the 2019 Dashboard. Individual student scores are compared from 2018 to 2019 to determine if they decrease a level, improve a level or remain in level 4. Forty-three percent of students enrolled and tested in 2018 and 2019 decreased at least one ELPI level and 20.8% are making progress toward English Language proficiency. A deeper dive into this data is necessary to understand the students in this group and at what grade and level of proficiency they are being identified. The four levels of the ELPI have been divided into six levels with the expectation that students will progress one level per year. Because TEAM only serves grades K-5, understanding the EL levels of the students related to grade level is needed in order to understand why students are not progressing a minimum of one level per year.

SJCOE staff is, of course, concerned about student performance and any and all declines in performance at TEAM, including those issues noted by the District Board. SJCOE expects TEAM to develop and implement plans to halt and reverse declines and improve student performance both schoolwide and for all student groups, with a particular need to address its low ELPI outcomes, and recommends that, consistent with SJCOE's best practices and its charter oversight role, renewal of the TEAM Charter should require TEAM to comply with a condition to so do. **However, staff does not believe that the particular data points noted by the District Board establish that TEAM failed to make sufficient progress towards meeting standards to provide a benefit to students nor that closure of TEAM is in the best interest of TEAM's pupils.**

Based on the analysis of the above data and other performance information, the SJCOE has determined (giving greater weight to academic indicators) that TEAM Charter School is showing improvements schoolwide and among most of its student groups. SJCOE staff recommends that, as a condition of renewal, TEAM be required to include in its 2021/22 Local Control Accountability Plan ("LCAP") how it will continue to address the academic performance issues, the chronic absenteeism indicator, and the low performing English Learner Progress Indicator. If that requirement and the other concerns and conditions described in this Staff Analysis and Proposed Findings of Fact ("Staff

Analysis”) are addressed in a Memorandum of Understanding (“MOU”) among TEAM, its governing corporation, and SJCOE and those terms and plans are included and addressed in TEAM’s 2021/22 LCAP, considering TEAM’s Dashboard and verified data, giving greater weight to academic measures for all student groups and considering increases in academic achievement, **TEAM Charter has made progress towards meeting standards that provides a benefit to its pupils and closure of the Charter School is not in the best interest of pupils.**

BUDGET AND FINANCES

SJCOE staff’s objective is to determine if the Petition presents a strong financial plan based on reasonable assumptions and estimates, for purposes of determining if the Charter School is demonstrably unlikely to successfully implement the program set forth in the Petition.

The TEAM renewal Charter presents a financial plan (revenues, expenditures, and change in fund balance, and a related cashflow statement) for 2021/22 through 2025/26.

The Charter’s plan shows that the Charter School can meet its estimated expenditures with its estimated revenues. The Charter School is starting from a healthy position with an estimated beginning fund balance of \$6,772,947, which is 74% of its estimated 2021/22 expenditures. Further, based on the 2019/20 audit and more recent projections for 2020/21, the starting balance is likely to be higher. Most of the fund balance is cash.

As shown in the following table, in each year, revenues are estimated to exceed projected expenditures.

	21/22	22/23	23/24	24/25	25/26
Revenues	\$ 10,063,551	\$ 10,275,497	\$ 10,276,595	\$ 10,276,606	\$ 10,277,254
Expenditures	\$ 9,189,234	\$ 9,458,260	\$ 9,682,978	\$ 9,842,291	\$ 10,023,990
Change in FB	\$ 874,317	\$ 817,237	\$ 593,617	\$ 434,315	\$ 253,264
Ending FB	\$ 7,647,264	\$ 8,464,501	\$ 9,058,118	\$ 9,492,433	\$ 9,745,697

SJCOE staff reviewed the assumptions for the projections and found them to be reasonable. Staff notes that because the Charter School experienced a 12% decline in enrollment in 2020/21, the estimated ADA in 2021/22 and subsequent years may be too high. However, our analysis found that the Charter School could still meet its obligations if revenues declined commensurate with a 12% ADA reduction. The Charter School believes its enrollment will increase back to pre-pandemic levels in 2021/22. In addition, in light of the January 2021 Governor’s budget proposal and the related CCSESA 2020/21 second interim factors, the financial plan assumption that there will be no LCFF COLA in subsequent years is conservative. With the improved factors, the outlook could improve for the Charter School, particularly in the 2021/22 year.

Staff confirmed that audit reports have been timely submitted for the prior three years (2017/18, 2018/19, and 2019/20). In the previous three fiscal years, TEAM had unmodified opinions with no noted internal control deficiencies or audit findings.

REVIEW OF THE CHARTER PETITION

SJCOE staff reviewed the renewal Charter using the criteria established in California Education Code Sections 47605, 47607, and 47607.2:

1. Sound Education Program

Students Performing Below Grade Level:

Students performing below grade level are identified by teacher observation, assessment data, and other instructional achievement strategies. Targeted data points are addressed within the Multi-Tiered System of Supports (“MTSS”) framework to guide teachers on next steps for struggling students (pg. 756). TEAM utilizes an MTSS model designed to address the needs of all students in all grade levels. The structure is designed in a 3-tiered model of support. Tier I interventions include classroom strategies for behavior, instruction, and differentiation. Tier II interventions include differentiated workload, social-emotional skill building, or pull-out small group instruction. Tier III interventions are targeted to the skill deficits and can be provided in a small group setting or on an individualized basis. The specifics of the interventions are not detailed in the description of TEAM’s MTSS. Staff recommends as a condition of approval that TEAM be required to work with the SJCOE Educational Services Continuous Improvement & Support Department to review the current structure and analyze the effectiveness of its MTSS program and make modifications as necessary to better address student needs.

Special Education:

TEAM is committed to complying with the Individuals with Disabilities Education Improvement Act (“IDEIA”), Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and the Americans with Disabilities Act.

Beginning July 1, 2020, TEAM became a Local Educational Agency (“LEA”) member of the Port City Education Local Plan Area (“SELPA”). As such, TEAM is solely responsible for ensuring that all children with disabilities enrolled in the Charter School receive special education and related services in a manner that is consistent with all applicable provisions of state and federal law, regardless of the students’ home district, and shall comply with all requirements of the IDEIA and SELPA policies and requirements. TEAM is further responsible, at its sole cost, for compliance with Section 504 and the Americans with Disabilities Act, and SJCOE has no responsibility for the coordination or provision of services to Charter School students pursuant to the IDEIA, Section 504, and/or the Americans with Disabilities Act.

SJCOE staff notes that the TEAM Charter incorrectly defines persons who are eligible for services pursuant to Section 504. Pursuant to Section 504, an individual with a disability (also referred to as a student with a disability in the elementary and secondary education context) is defined as a person who: (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. TEAM must ensure that it correctly understands, applies, and fully complies with the requirements of Section 504, and if TEAM’s Charter is renewed, as part of its oversight SJCOE would require confirmation from TEAM of its understanding of the requirements of Section 504 and further training or other steps as may be necessary to ensure TEAM’s compliance therewith.

English Learners (EL):

English Learners are 24.9% of TEAM’s student population. Assessment information is used to target the specific areas of language acquisition needed to be addressed with each student and to inform what instructional strategies will be employed. Students are provided a content-based EL program during whole class instruction. During whole class instruction, teachers utilize materials within the curriculum. Per the 2019 Dashboard, only 20.8% of TEAM’s EL students are making progress toward EL proficiency, placing TEAM in the “very low” performance level. While the Charter provides information on the English Language Development (“ELD”) program, additional focus is needed in the implementation of designated and integrated ELD supports for students. Staff recommends that TEAM be required to work with the SJCOE Educational Services Language & Literacy Department to review, analyze and improve its current instructional program and services provided to English Learners, including development of a Professional Development Plan specific to meeting the needs of English Learners, to be implemented commencing in the 2021/22 fiscal year.

SJCOE staff concluded that the TEAM renewal Charter provides sufficient information to substantiate the required elements for a sound educational program provided that, as conditions of renewal, TEAM updates its LCAP by June 30, 2021, to set forth its plan to remediate academic performance issues, chronic absenteeism indicator, and the low performing ELPI, and complies with each of the other conditions and requirements noted above, including by entering into and complying with an MOU with SJCOE to meet these conditions.

2. Ability to successfully implement the program set forth in the charter petition

Staff found facts demonstrating that the Petitioners are likely to successfully implement the program if, consistent with best practices and SJCOE’s oversight role, and as a condition of renewal, TEAM Charter creates and implements plans for addressing academic achievement and correcting the various issues and concerns noted throughout this Staff Analysis through an MOU as described more fully throughout this Staff Analysis.

3. Affirmation of each of the conditions required by statute

The Charter contains all of the required affirmations. However, while the Charter affirms that it will post on its website the notice required pursuant to Education Code Section 47605(e)(4) in the form developed by CDE, that notice was not readily located on TEAM’s website. TEAM must immediately update its website to include this required notice, and this information should also be included in any TEAM parent/student handbook or similar document(s).

4. Reasonably comprehensive description of the required elements

In order for the description of each element to be considered “reasonably comprehensive,” it is not enough that the renewal Charter include a description, but rather the description should be acceptable to SJCOE and be consistent with and not contrary to SJCOE’s standards and expectations for charter schools under its oversight. Staff’s indication that the description of an element is “reasonably comprehensive” should not be interpreted to mean that SJCOE staff does not believe that additional or different terms relating to that element would need to be agreed to by TEAM through an MOU. Further, while SJCOE staff may make recommendations for remediation in an area, or specify that particular issues or terms will need to be clarified or resolved through an MOU, this does not mean that other areas may not need additional correction to be included in the MOU. Further, staff’s determination that an

element is reasonably comprehensive may be premised on noted issues being remediated through the MOU process.

SJCOE staff found the renewal Charter provides a sufficiently comprehensive description of the required elements for approval if, as a condition of approval, TEAM enters into an MOU and clarifies, updates, and corrects each of the issues noted below, because, as indicated in this Staff Analysis, additional specificity and requirements governing TEAM's operations, including its compliance with the required charter elements, will need to be included in an MOU between TEAM and SJCOE. Staff recommends each of the clarifications, corrections, and remediations noted below as a condition of renewal, whether or not stated in those specific terms.

A. Element One: Description of the Educational Program/Plan for Student Academic Achievement

The discussion and analysis of TEAM's educational program set forth above is incorporated herein. TEAM provided sufficient information in the renewal Petition to substantiate the required elements for a sound educational program if TEAM complies with the requirements and conditions described above.

SJCOE staff believes this section includes a reasonably comprehensive description provided that TEAM includes in its 2021/22 LCAP how it will continue to address academic performance, the chronic absenteeism indicator, and the low performing English Learner Progress Indicator, and resolves the other educational program conditions described above through an MOU with SJCOE.

B. Element Two: Measurable Student Outcomes

The discussion and analysis of TEAM's educational program set forth above is incorporated herein. Staff found that the measurable student outcomes included in the Petition do not align with information included in TEAM's 2019/20 LCAP. While all LEAs, including charter schools, were exempt from adoption of an LCAP for 2020/21, TEAM's 2019/20 LCAP fails to address all metrics as required for the students that the Charter School serves. The procedures for adopting and updating the LCAP are not explained. TEAM staff have been participating in the SJCOE LCAP Network meetings. As part of an MOU, the SJCOE staff recommends that Team Charter be required to include in its 2021/22 LCAP all metrics as required for the students served, how it will continue to address the academic performance, chronic absenteeism indicator, and the low performing English Learner Progress Indicator and that the LCAP meet all requirements in the template and instructions and procedures for adopting the LCAP specified in the Education Code be followed for annually updating the LCAP.

SJCOE staff believes that this element of the Charter includes a reasonably comprehensive description provided that TEAM commits in an MOU to and does update its 2021/22 and subsequent LCAPs in accordance with legal mandates and to address the concerns noted above.

C. Element Three: Method by Which Pupil Progress in Meeting Outcomes will be Measured

The discussion and analysis of TEAM's educational program set forth above is incorporated herein. TEAM has developed an assessment system that combines summative, formative, and interim assessments to inform instruction, while quantifying performance and progress. This system utilizes state assessment measures (CAASPP, ELPAC, attendance, and suspension) and TEAM's internal measurements (NWEA, local benchmarks, performance based assessments, and program based

assessments) as the Charter School's multiple measures. The assessments are planned and implemented systematically through an assessment calendar.

In light of the State Board of Education's recent adoption of a definition and list of verified data that will be necessary to consideration of future renewals for low and middle performance tier charter schools in accordance with Education Code Section 47607.2, TEAM is encouraged carefully to review that information and implement as necessary the use of additional such verified data to ensure that TEAM will be able to measure its student progress on an ongoing basis and provide the necessary evidence of academic achievement at the time of its next request for renewal.

SJCOE staff believes this section includes a reasonably comprehensive description.

D. Element Four: Governance Structure

TEAM is operated by Transformational Education, Inc., a California nonprofit public benefit corporation. (Throughout this Staff Analysis, TEAM Charter School and Transformational Education, Inc. are referred to collectively and interchangeably as "TEAM" and/or "Charter School," and any reference to one applies with full force and effect to and binds both entities.) TEAM's Board will include at least five members, and currently has six members, whom TEAM states have been selected to represent the community-at-large, the business community, government, and educators. In accordance with the requirements of Education Code Section 47605(h), the Petition includes the names and biographies, indicating the relevant qualifications, of all persons who currently serve on the Transformational Education, Inc. Board. TEAM affirms its commitment to comply with the open governance and transparency requirements of Education Code Section 47604.1, the Brown Act, the Political Reform Act of 1974 ("PRA"), Government Code Section 1090 *et seq.* ("Section 1090"), and the California Public Records Act ("CPRA"). TEAM contracts with ICON School Management for back office services and supports, including grant writing, charter development and renewal, and fiscal services.

Due to a stated clerical error, TEAM initially submitted outdated and obsolete versions of its Bylaws and Conflict of Interest Code with its Charter submission to SUSD. In response to SUSD's published concerns with the submitted documents, TEAM reported that it had updated versions of those documents, and also provided SUSD further updated Bylaws and a Conflict of Interest Code that were being taken to its January 25, 2021, Board meeting for adoption. According to the minutes of that Board meeting, TEAM adopted these revised documents. However, even the 2021 version of the Bylaws is not consistent with all applicable laws, specifically including Education Code Section 47604.1, the PRA, and Section 1090. For example, Article IV, Section 22 limits contracts with "non-trustee designated employees (e.g. officers and other key decision-making employees)," however, the limitations in that provision are not legally compliant with the requirements of the PRA or Section 1090. The prohibitions in those laws are not limited to employees designated in TEAM's Conflict of Interest Code or to officers and key decision makers. Moreover, compliance with TEAM's Conflict of Interest Code would not remediate a Section 1090 conflict. Thus, while TEAM has committed to complying with those legal mandates, its most recent revisions to these governing documents did not bring the Bylaws into full conformance with the applicable legal requirements.

TEAM must provide evidence that it has attained 501(c)(3) tax exempt status, as reported in the Charter, and must maintain that status throughout the term of its renewal.

Staff recommends that TEAM be required, through an MOU and corresponding updates to its bylaws, to commit to best practices and SJCOE oversight standards related to charter school governance. These best practices include:

- The board of directors and any other legislative bodies for purposes of the Brown Act include with their posted agendas links to the backup materials for each agenda item for which there are electronic versions of backup materials that are not excluded from public disclosure. At the latter of (1) the posting of the agenda, or (2) the time the Charter School staff provides a final copy of agenda item backup materials to all or a majority of all of the members of the legislative body, it shall post a link in the pertinent agenda item to those materials not excluded from public disclosure.
- Should the County Board choose to exercise its authority to appoint a member to the Transformational Education, Inc. Board, such member shall serve solely at the County Board or designee's discretion, shall have no limitations or requirements for service or terms, and that TEAM and its bylaws shall include no restrictions on such appointee or have any involvement in appointing or removing such representative.
- Prior to any proposed revisions to the corporate articles of incorporation and/or bylaws, the Charter School shall provide at least three weeks' prior notice to the County Superintendent or designee of the proposed revision(s). Should the County Superintendent or designee indicate that SJCOE considers the proposed revision(s) a material revision to the Charter, the Charter School may not adopt such revision(s) unless and until it first obtains approval of a material revision.
- Requirements that all board members and senior administrators undergo training on the Brown Act, the PRA, and Section 1090 at least annually and within 90 days of taking the position with the Charter School. This training shall be conducted by an individual or entity with professional knowledge and expertise in the law, regulations, and rules governing these provisions.

The Charter states that parents are engaged by meeting on a periodic basis to advise TEAM on the Charter School's operations with the purpose of increasing student achievement. TEAM has a Parent Teacher Organization, District English Language Advisory Committee, and School Site Council ("PTO/DELAC/SSC") that meets monthly to discuss events, parent concerns, and upcoming school decisions. The PTO/DELAC/SSC also works with school administrators to review the school site plan, budget, and serves in an "advisory role" to the TEAM Board. Since TEAM projects applying for federal categorical program funding through the state's consolidated application, its Site Council must be constituted in accordance with the requirements of the Education Code rather than combined with the PTO and DELAC if TEAM will adopt a School Plan for Student Achievement. Or, alternatively, TEAM will require a parent advisory committee in accordance with Education Code Section 52063 if it chooses to use its LCAP for these purposes.

SJCOE staff believes that this element of the Charter includes a reasonably comprehensive description provided that the governance issues described above are addressed through an MOU, updated bylaws, and reconfiguration of the Site Council/establishment of a parent advisory committee as necessary.

E. Element Five: *Employee Qualifications*

The Charter specifies that an “individual may fill any combination of employment position or the positions may be filled through delegating the responsibilities of that position to any number of qualified individuals.” TEAM is not and should not be authorized to delegate or contract responsibility for its educational program and implementation thereof, student management and student records, or interactions and meetings with the SJCOE/SJCBOE, to a third party contractor, and this purported statement of authority should be revised and limited accordingly through an MOU.

While the Charter sets forth the qualifications for employment, it also specifies, “Further, within the provisions of applicable law, TEAM reserves the right to recruit, interview and hire anyone at any time who has the best qualifications to fill any of its position vacancies.” Though it is not entirely clear what TEAM intended by this statement, the Charter is required to include a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the Charter School. TEAM is not authorized and cannot reserve the right to hire persons who do not meet the minimum qualifications for the position as specified in the Charter, and that limitation must be made clear through the MOU.

The Charter recognizes the requirement that teachers must hold a valid California teaching credential in accordance with Education Code Sections 47605(l) and 47605.4(a). The Charter also specifies that teachers in “core” classes must hold a Cross-cultural, Language and Academic Development (“CLAD”) certificate or a Bilingual, Cross-cultural, Language and Academic Development (“BCLAD”) authorization. However, all teachers who are assigned to provide instruction to English Learners must have appropriate English Learner authorization and that requirement is not limited only to “core” teachers.

The Charter’s identified qualifications for the Vice Principal and Director of Education (Principal) imply but do not specify that any type of credential, including a valid California teaching or pupil services credential, is required, though an administrative credential is “preferred” for both positions. TEAM confirmed that a valid clear California teaching credential is required for both positions so this qualification requirement should be explicitly specified in the MOU.

SJCOE staff believes that this element of the Charter includes a reasonably comprehensive description provided that the above-noted concerns are addressed through an MOU.

F. Element Six: *Health and Safety*

The Charter states that TEAM has developed health, safety, and risk management policies in consultation with its insurance carriers and risk management experts and commits to maintaining and annually updating by March 1 a school safety plan that includes all of the required topics. TEAM’s school safety plan should have been updated by March 1, 2021. The Charter also provides a summary of some of its health and safety procedures, though it does not specifically list every health and safety procedure or requirement that would apply to TEAM. For example, the Charter does not include a specific reference to TEAM’s obligation to provide notice at least twice a year on how to initiate access to available student mental health services, and while committing to comprehensive nondiscrimination policies and protections, the Charter does not specifically refer to either a Title IX or Uniform Complaint Procedure (“UCP”) policy. Some of the summaries of the health and safety procedures also indicate that TEAM will *in future* create or adopt a policy – e.g. that the Charter School shall develop a comprehensive discrimination and harassment policy – though these policies should already be in place.

SJCOE staff believes that this element includes a reasonably comprehensive description, but that TEAM should commit to review its health and safety policies with its insurance carriers and risk management experts, as well as legal counsel as appropriate, prior to commencement of the 2021/22 fiscal year and at least annually in order to ensure that it has all necessary policies and procedures in place and ongoing compliance, and TEAM must update all policies and handbooks to conform with updated policies and procedures.

G. Element Seven: Racial, Ethnic, English Learner, and Special Education Balance

The Charter describes actions that TEAM takes to achieve a balance of racial and ethnic students, special education students, and English learner students, including redesignated fluent English proficient pupils, that reflects the general population residing within SUSD. This includes community and regional outreach efforts, print and electronic media and recruitment, and social media campaigns. TEAM also specified to SUSD that it publishes its informational material used for marketing, enrollment, and notifications in Spanish and English, which it noted are the predominate languages in the community. The Charter also specifies that TEAM will continue to measure its success and return on investment in its recruitment strategies.

SJCOE staff believes that this element of the Charter includes a reasonably comprehensive description provided that TEAM commits at least annually to audit, continue, refine, and expand its efforts as necessary to achieve the requisite balance in its student population.

H. Element Eight: Admissions Policies and Procedures

The Charter describes its admissions policies, including the use of a “simple, non-discriminatory application” during TEAM’s open enrollment period, which will be at least 60 consecutive days. In the event there are more applicants than spaces at a particular grade level, TEAM will determine admission using a public random drawing. Pursuant to law, current students of the Charter School are entitled to remain enrolled and are exempt from the drawing process. In the event a public random drawing is required, TEAM specifies its intent to implement the following preferences in the following order:

- Siblings of students admitted to or attending the Charter School.
- Children of TEAM employees. The total number of students in this preference is not to exceed ten percent of the total enrollment of the Charter School.
- Students who reside within the Stockton Unified School District will receive a 2:1 weighting in the lottery.
- As required by SB740, students who attend Hazelton Elementary School or reside in the Hazelton Elementary School attendance area with 55% of students enrolled eligible for Free or Reduced-Price Meals (FRPM) will receive 2:1 weighting.
- All other students permitted by law.

Other than the preferences for residents of SUSD and for residents/students of Hazelton Elementary if TEAM is receiving SB740 funds, whether to permit the proposed preferences is within the discretion of the SJCBOE. (SJCOE expresses no opinion on whether the proposed preference for Hazelton Elementary complies with the requirements of the Charter School Facility Grant Program.) Additionally, TEAM has omitted to specify *how* preference will be granted to siblings of TEAM students and/or children of TEAM employees (i.e. what weighting will be provided in the public random drawing for students in those preference groups), which is a necessary clarification as neither of those preferences are exemptions from the drawing process.

SJCOE staff believes that this element of the Charter includes a reasonably comprehensive description provided that TEAM specifies in an MOU the weighting provided to siblings and employees' children and agrees to general limitations on the information that may be requested on the admissions application consistent with SJCOE's best practices and TEAM's current admissions application.

I. Element Nine: Financial Audit

The Charter describes how TEAM will select its auditor, the auditor's required qualifications and how TEAM will resolve audit exceptions and deficiencies to the SJCOE's satisfaction. SJCOE staff believes that this element of the Charter includes a reasonably comprehensive description.

J. Element Ten: Student Suspension/Expulsion Procedures

The Charter sets forth TEAM's suspension and expulsion policies, which have been modeled on the procedures applicable to non-charter California public schools. Contrary to the statement in the Charter, the suspension and expulsion procedures are a required element of the Charter and cannot be unilaterally revised by TEAM, other than as required to comport with law, or if the SJCOE grants authority to permit revisions to remain consistent with the discipline policies in Education Code Section 48900 *et seq.* applicable to non-charter schools. In discussing the special procedures applicable to suspending, expelling, or involuntarily removing students with special needs, TEAM proposes coordinating those procedures with SJCOE. However, TEAM is its own LEA for purposes of the IDEIA and must coordinate discipline of students with special needs with its SELPA rather than SJCOE.

SJCOE staff believes that this element of the Charter includes a reasonably comprehensive description with inclusion of the noted clarifications in an MOU.

K. Element Eleven: Employee Retirement System

The Charter School's eligible employees participate in the State Teachers' Retirement System, and other employees participate in federal social security. The Deputy Executive Director is responsible for ensuring compliance.

SJCOE staff believes that this element of the Charter includes a reasonably comprehensive description.

L. Element Twelve: Public School Attendance Alternatives

The Charter notes that residents of the District who choose not to attend TEAM may attend other public schools within their district of residence or other districts in accordance with SUSD's intra- and inter-district attendance policies. The Charter states that transportation is a parental responsibility unless the Charter School chooses to provide transportation in its sole discretion. However, TEAM must provide transportation when required by law, including but not necessarily limited to, pursuant to the IDEIA and/or the McKinney Vento Homeless Assistance Act.

SJCOE staff believes that this element of the Charter includes a reasonably comprehensive description, though TEAM must comply with its legal obligations to provide transportation services.

M. Element Thirteen: Description of the Rights of An Employee of the County Superintendent of Schools, Upon Leaving the Employment of the County Superintendent of Schools to be Employed by the Charter School

The Charter specifies that employees of the County Superintendent who leave their employment positions at SJCOE to work at TEAM shall have only those rights to return as granted by SJCOE and/or applicable collective bargaining agreements. Staff notes that the County Superintendent is the employer of all employees at SJCOE.

SJCOE staff believes that this element of the Charter includes a reasonably comprehensive description.

N. Element Fourteen: Dispute Resolution

The Charter sets forth a proposed dispute resolution procedure for disputes between the Charter School and SJCOE, including use of nonbinding mediation. While the proposed procedure is fairly comprehensive, it is not consistent with the SJCOE's best practices and oversight requirements, and TEAM cannot bind SJCOE to this procedure. SJCOE staff recommends that TEAM be required to agree to the SJCOE's acceptable dispute resolution procedure through the MOU. The Charter also purports to limit SJCOE's authority to respond to complaints it receives related to the Charter School's operations, and TEAM cannot so limit SJCOE's discretion and/or authority in this manner.

Additionally, the Charter describes an internal "complaint policy for airing and resolving disputes" that the Charter School's Board has "adopted and implemented." However, this internal procedure does not specify to what types of complaints it purports to apply, and it is not compliant with the mandatory complaint and investigation procedures applicable to a variety of specific types of complaints and investigations, which are subject to the UCP, Title IX, and/or other legal procedures.

SJCOE staff believes that this element of the Charter is only reasonably comprehensive if TEAM agrees to SJCOE's dispute resolution procedures through the MOU. Additionally, TEAM must commit to review and update with the advice of its legal counsel its various complaint policies and procedures, including, at minimum, adopting and implementing a UCP policy, a Title IX policy, and a general complaint policy and procedure applicable to complaints that do not come within the UCP and/or Title IX, and ensure an appropriate plan for training personnel who will be involved in implementing such policies.

O. Element Fifteen: Closure Protocol

The Charter describes the proposed closure procedures, though some additional specificity, including timelines for providing notices, is recommended. Additionally, the Charter specifies that on closure, all assets of the Charter School, including all ADA apportionments and other revenues generated by students attending the Charter School, remain the sole property of the Charter School. However, at least revenues generated by students through state and federal apportionments should be distributed to another public school or educational entity operating in San Joaquin County upon closure of TEAM.

SJCOE staff believes that this element of the Charter includes a reasonably comprehensive description, provided the above-noted concerns are addressed through the MOU.

5. Exclusive Public Employer

The Charter specifies that TEAM's governing corporation, Transformational Education, Inc. shall be deemed the exclusive public employer of the employees of TEAM Charter School for the purposes of the Educational Employment Relations Act ("EERA").

6. Additional Required Information

The Charter Schools Act requires TEAM to provide information regarding the proposed operation and potential effects of the Charter School, specifically including potential civil liability effects on the Charter School and the SJCBOE/SJCOE. TEAM has not included a provision whereby it indemnifies, defends, and holds SJCBOE/SJCOE harmless for the impacts of its operations, though such protections are fundamental to addressing TEAM's potential civil liability effects on SJCOE. Moreover, the Charter commits TEAM only to maintain general liability and auto liability insurance of at least \$1,000,000 per occurrence and \$3,000,000 in the aggregate, "naming the County as an additional insured," plus worker's compensation insurance. This description of required insurance is inadequate, as additional types of coverage, including additional specific components regarding the coverage, and substantially higher coverage levels are necessitated by the potential for liabilities created by TEAM's operations, in order to protect both SJCOE and TEAM. SJCOE staff recommends that, as a condition of renewal, TEAM be required to agree to updated insurance, indemnification, defense, and hold harmless provisions to the County Superintendent or designee's sole satisfaction, through the MOU.

The Charter states that the County agrees to forward Charter Schools in lieu of property tax payments to the Charter School on the 15th of each month. However, pursuant to the Charter Schools Act, if SJCBOE approves TEAM's renewal, SUSD will be TEAM's "sponsoring local educational agency" and will be responsible for forwarding in lieu of property tax payments to TEAM, not SJCOE. These obligations are controlled by the provisions of law, not TEAM's Charter.

The Charter lists the specific addresses of the sites at which TEAM operates in accordance with the requirements of Education Code Section 47605.

The Charter also includes a variety of additional terms purporting to bind or limit SJCOE's authority, but TEAM does not have the authority to impose such terms and such provisions are unacceptable and not agreed to by SJCOE:

- Pursuant to Education Code Section 47604.1, the Charter School and its governing entity are explicitly subject to the California Public Records Act ("CPRA," Gov. Code § 6250 *et seq.*). Additionally, Education Code Section 47604.3 specifies that a charter school is required promptly to respond to all reasonable inquiries from its chartering authority including but not limited to, inquiries about financial records. TEAM's Charter acknowledges those mandates, but then specifies, "However, a record differs meaningfully from a report that must be newly prepared. If the County requests a special report of the Charter School that is neither an existing record nor a record required by applicable law, by this charter, or by the Charter School's annual MOU, then the County agrees to pay to the Charter School the Charter School's actual costs of producing such report." As an initial matter, to be clear, if SJCBOE approves the Charter renewal, the Charter School is obligated to permit the SJCOE to review and receive copies of its records not pursuant to the CPRA, but based on SJCOE's role as the chartering authority. Moreover, the law specifically requires TEAM to respond to SJCOE's requests for information, which may include requests for reports that do not already exist and/or that are not specifically mandated by law, the Charter, or the MOU. Under no circumstances can TEAM require the SJCOE to pay the costs of TEAM's production of such reports, as that is part of TEAM's obligation pursuant to law and in its relationship with its chartering authority, and SJCOE will not and does not agree to cover those costs. Through the MOU, this unauthorized demand and proposed Charter provision should be specifically excluded and omitted.

- The Charter Schools Act specifically provides that the chartering authority may inspect or observe any part of the Charter School *at any time*. This means that SJCOE does not have to provide prior notice to TEAM of any potential observation or inspection and does not need to obtain TEAM’s permission to inspect or observe any part of the Charter School. While the Charter acknowledges this authority, TEAM then attempts to limit that authority, including by specifying that SJCOE will not conduct such inspection/observation without notice “except in the case of emergency.” Through the MOU, this unauthorized limitation on SJCOE’s legal authority and proposed Charter provision should be specifically excluded and omitted.
- As noted throughout this Staff Analysis, SJCOE staff recommends that TEAM be required to enter into an MOU as a condition of approval in order to update, correct, and clarify the terms of the Charter. As such, the MOU will necessarily be incorporated into this Charter for all purposes, and a violation of the MOU shall constitute a violation of the Charter. TEAM’s Charter states that the Charter School and SJCOE will annually negotiate a memorandum of understanding addressing the financial and service relationship between the parties, including TEAM’s potential purchase of goods and services from SJCOE, and specifies, “Breach of the MOU shall not necessarily constitute breach of this charter.” While SJCOE and TEAM may choose to enter into one or more other agreements outside of the Charter, including if SJCOE, in its sole discretion, chooses to sell goods or services to TEAM, and the specific terms of any such agreements can be negotiated by the parties. However, for purposes of clarity, the MOU referenced throughout this Staff Analysis is specifically required to be incorporated into the Charter for all purposes and must necessarily specify such, and that a violation of that MOU constitutes a violation of this Charter.
- The Charter includes the following statement: “Upon approval of this charter renewal petition by the County, the charter shall be deemed immediately granted and petitioners are authorized to continue school operations for a period of 5 school years, from July 1, 2021 – June 30, 2026.” Again, TEAM is overreaching and purporting to define and mandate SJCBOE’s actions, which TEAM is not authorized to do. SJCOE staff is recommending that SJCBOE conditionally approve the renewal Charter, as described more fully in this Staff Analysis. Should SJCBOE follow that recommendation and conditionally approve the TEAM renewal, the renewal action is not complete and TEAM is not authorized for a new term unless and until it complies with the conditions of renewal.

CONCLUSION

SJCOE staff reviewed TEAM’s renewal Charter utilizing the criteria for charter renewal set forth in Education Code Sections 47605, 47607 and 47607.2. It is SJCOE staff’s recommendation that the TEAM Charter be conditionally renewed by the San Joaquin County Board of Education.