

**STAFF ANALYSIS AND PROPOSED FINDINGS OF FACT REGARDING REVIEW OF
VOICES COLLEGE-BOUND LANGUAGE ACADEMY AT MT. PLEASANT CHARTER SCHOOL DISTRICT
APPEAL RENEWAL PETITION**

September 18, 2019

Voices College-Bound Language Academy at Mt. Pleasant Charter School (Voices Mt. Pleasant, Voices or VMP) is seeking approval to renew a Santa Clara County independent, district appeal charter school serving students in grades TK-8. Voices Mt. Pleasant was initially approved on February 18, 2015, for a five year term, opened in July of 2015, and has requested renewal for a term of five years from July 2020 through June 2025. Voices Mt. Pleasant, located within the Mt. Pleasant Elementary School District (MPESD) boundaries, currently serves 310 students in grades TK-5th.

PROCEDURAL STATUS

The Charter School’s Office of the Santa Clara County Office of Education (County Office of Education or SCCOE) received a renewal charter Petition (Petition or Charter), from Voices College-Bound Language Academy at Mt. Pleasant on July 23, 2019. Education Code 47607(a)(1), requires that “each renewal shall be for a period of five years.” If the charter is renewed by the County Board, the new term of the Charter would begin on July 1, 2020, and run through and including June 30, 2025. Renewals and material revisions of district appeal charters are governed by the standards and criteria set forth in Education Code Section 47605 and 47607 and California Code of Regulations, Title 5, Section 11966.5.

On August 7, 2019, Santa Clara County Board of Education (SCCBOE) held a public hearing on the VMP renewal Petition. On September 5, 2019, SCCOE Staff conducted a site visit and held renewal interviews with VMP parents, students, staff, board members and Voices charter management organization (CMO) leadership.

Per California Code of Regulations, Title 5, Section 11966.5, if the County Board does not approve or deny the renewal petition within 60 days of receipt of the petition, the charter petitioner may appeal the renewal to the State Board of Education. The parties may mutually extend this timeline by an additional 30 days.

SCCOE and Voices Mount Pleasant developed a Memorandum of Understanding (MOU), which was signed by the Petitioner on September 12, 2019, which governs the respective fiscal, operational, and administrative responsibilities, legal relationships, and other matters not otherwise addressed or resolved by the terms of the Charter, pending any further direction or recommendations by the SCCBOE.

The complete renewal Petition that the SCCBOE is acting on is attached to the agenda and is also available for review at: <https://www.sccoe.org/supoffice/charter-schools-office/Pending/Voices%20College-Bound%20Language%20Academies%20at%20Mount%20Pleasant%20%20renewal%20petition.pdf>

CRITERIA FOR RENEWAL OF A CHARTER PETITION

A petition submitted for renewal per Education Code Section 47607 shall be considered by the governing board upon receipt with all of the following requirements (California Code of Regulations, Title 5, Section 11966.5):

(1) A Determination of Pupil Academic Performance

Education Code Section 47607(b), establishes minimum required academic performance criteria for the renewal of charter schools that have been in operation for four years:

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 demographically comparable schools 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.*(C) *A chartering authority shall submit to the Superintendent copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.*
(D) *A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.*

State Level Data Availability

With the recent changes in assessment results, school rankings, and API growth calculations, the API is no longer used or available for charter school renewals. Education Code Section 52052(f) now specifies in pertinent part:

For purposes of paragraphs (1) to (3), inclusive, of subdivision (b) of Section 47607, alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups shall be used.

(2) A Renewal Charter Petition

The renewal 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(a)(2))

(3) Increases in pupil academic achievement for all groups of pupils served by the charter school

Additionally, the authority that granted a charter is required to consider **increases** in pupil academic achievement for all numerically significant pupil subgroups as the most important factor in deciding whether to renew the Charter. (Education Code Section 47607(a)(3))

(4) 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.

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

Standards for Denial of a Charter Petition Renewal

Education Code § 47605 (b) makes clear 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 establishment of charter schools should be encouraged. The [County Board of Education] shall grant [renew] a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice,” though, as described above, the renewal process does include additional considerations and standards.

California Code of Regulations, Title 5, Section 11966.5(c)(2) specifies that the County Board of Education may deny a renewal petition only if it makes written factual findings to support one or more of the following findings:

1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain an affirmation of each of the conditions required by statute.
4. The petition does not contain a reasonably comprehensive description of all of the required elements.
5. 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).
6. Failure to meet one of the criteria set forth in Education Code Section 47607(b) (as applied pursuant to Education Code Section 52052(f)).

Determination Criteria for Renewal of Voices College-Bound Language Academy at Mt. Pleasant

As explained above, while charter schools are to be encouraged and the SCCBOE is to approve the renewal if it is satisfied that doing so is consistent with sound educational practice, the SCCBOE is also required to consider **increases** in pupil academic achievement for all of VMP’s numerically significant pupil subgroups as “the most important factor” in deciding whether to renew its Charter. Moreover, SCCBOE cannot approve the renewal unless it makes one of the findings specified in Education Code Sections 47607(b) and 52052(f) related to VMP’s minimum academic performance during the current term of its Charter. Additionally, the SCCBOE is required to consider VMP’s past academic, fiscal, and operational performance, and any future plans for improvement, in deciding whether to renew the Charter.

While VMP asserts in its Charter that it meets the minimum required academic performance standards and that its academic performance clearly supports renewal, the limited academic performance data available for VMP’s initial Charter term creates complicated issues in assessing its academic performance against these standards. VMP submitted the data and explanations that it asserts establish that VMP meets the criteria for charter renewal on pages 8 through 29 of the renewal Charter, as well as the California Assessment of Student Performance and Progress (“CAASPP”) data in Appendix A to the renewal Charter. Staff has not reproduced all of that information in this Staff Analysis and Proposed Findings of Fact, but incorporates all of that information and data herein by this reference.

Although VMP has been in existence for over four years, given the grades served by VMP, it only started assessing the SBAC in 2017-2018, and then it was for only third grade, which was a single class of students. For 2018-2019, VMP’s third and fourth graders (again only a single class for 4th grade level, but two classes now for 3rd grade) participated in CAASPP assessments. Thus, VMP has only two points of data. In order to show a trend and to be statistically valid, at least three points of data should be utilized. The small number of students involved in VMP’s SBAC testing further limits the usefulness of this data. Additionally, VMP chose to submit its renewal request so early in the final year of its initial charter term that CAASPP results for 2018-2019 are still embargoed. Therefore, while VMP was able to share some information on its own 2018-2019 results, SCCBOE is unable to consider that year’s results for any other schools or districts for purposes of comparison.

VMP did submit some additional formative assessment data reflecting student performance and progress across time (TK-5), and by subgroups in the areas of English Language Arts (ELA) and Math and local benchmark assessment results that indicate academic growth by some grades and groups of VMP students. However, the import and probative value of this data is limited because it is not norm-referenced, peer-reviewed, or created by an external third party. Rather, VMP’s current formative and benchmark assessments are more diagnostic in nature and are specific to Voices. It is difficult for SCCOE staff to validate VMP’s data to show growth since VMP has not used norm-referenced, peer-reviewed measures from kindergarten through all grades served.

VMP also provided data from Mount Pleasant Elementary School District (“MPESD”) schools that VMP referred to as “demographically similar” based on race/ethnicity and English learner status. Additionally, VMP provided data for nine schools in MPESD and Alum Rock Union School District (ARUSD) (collectively the “alternative district schools”). VMP explained that at least 10 VMP students would otherwise attend each of these nine alternative district schools. VMP did not, however, specify or provide evidence that the reported data from the alternative district schools took account of the composition of the pupil population served by VMP. At the same time VMP pointed out that the only publically available comparison data for MPESD and its schools and/or the alternative district schools is for 2017-18. Thus, the comparison is limited to third graders in a single year, and VMP had less than 25 third grade students who participated in the SBAC assessments during that year, so the comparison group is extremely limited.

Below is some of the most significant data provided by VMP and/or available for consideration of VMP’s academic performance.

School Academics

Academic Performance

Table 1: ALL STUDENTS (percentage at or above standard on CAASPP)

2017-2018 SBAC ELA: gr. 3-8)				2017-2018 SBAC (Math: gr. 3-8)			
Grade	VMP	MPESD	ARUSD	Grade	VMP	MPESD	ARUSD
3	43	23	36	3	59	27	39
4	NA	27	36	4	NA	27	33
5	NA	27	40	5	NA	20	26
6	NA	42	34	6	NA	22	21
7	NA	49	32	7	NA	29	32
8	NA	47	45	8	NA	25	31
All	43	36	38	All	59	25	31

Table 2: ALL STUDENTS (percentage at or above standard on CAASPP)

3 year Trend SBAC (ELA: gr. 3-8)			
	15-16	16-17	17-18
VMP	NA	NA	43
MPESD	42	38	36
ARUSD	27	38	39

3 year Trend SBAC (Math: gr. 3-8)			
	15-16	16-17	17-18
VMP	NA	NA	59
MPESD	29	28	25
ARUSD	28	31	30

Table 3: VMP SBAC (Three Year Trend) (percentage at or above standard on CAASPP)

ELA			
Grade	15-16	16-17	17-18
3	NA	NA	43
4	NA	NA	NA
5	NA	NA	NA
All	NA	NA	43

Math			
Grade	15-16	16-17	17-18
3	NA	NA	59
4	NA	NA	NA
5	NA	NA	NA
All	NA	NA	59

Table 4: VMP SBAC (Three Year Trend, Subgroups) (percentage at or above standard on CAASPP)

SPED	ELA		
	15-16	16-17	17-18
All	NA	NA	*

SPED	Math		
	15-16	16-17	17-18
All	NA	NA	*

Hispanic	ELA		
	15-16	16-17	17-18
All	NA	NA	44

Hispanic	Math		
	15-16	16-17	17-18
All	NA	NA	60

SES	ELA		
	15-16	16-17	17-18
All	NA	NA	38

SES	Math		
	15-16	16-17	17-18
All	NA	NA	58

*sample size too small to report without violating privacy of students

No data available for 15-16 and 16-17 as 17-18 was first year VMP tested in 3rd grade.

Table 5: VMP 2019 SBAC Results (percentage at or above standard on CAASPP)

Student Group	ELA		Student Group	MATH	
	2018	2019		2018	2019
ALL	43	42	ALL	59	55
SES	38	35	SES	58	56
Hispanic	44	39	Hispanic	60	54
EL	26	24	EL	38	42
SPED	*	*	SPED	*	*

*sample size too small to report without violating privacy of students

Data not available as still embargoed by State. ALL information was shared by school in Petition.

Table 6: VMP 2018 and 2019 SBAC Results by Cohort

	ELA	
	3 rd grade (2017-18)	4 th grade (2018-19)
All	43	35

	Math	
	3 rd grade (2017-18)	4 th grade (2018-19)
All	59	37

Table 7: VMP 2018 and 2019 SBAC results totals by grade levels

	ELA	
	(2017-18)	(2018-19)
3 rd	43	46
4 th	NA	35
All	43	42

	Math	
	(2017-18)	(2018-19)
3 rd	59	67
4 th	NA	37
All	59	55

Table 8: Voices ELPAC Results

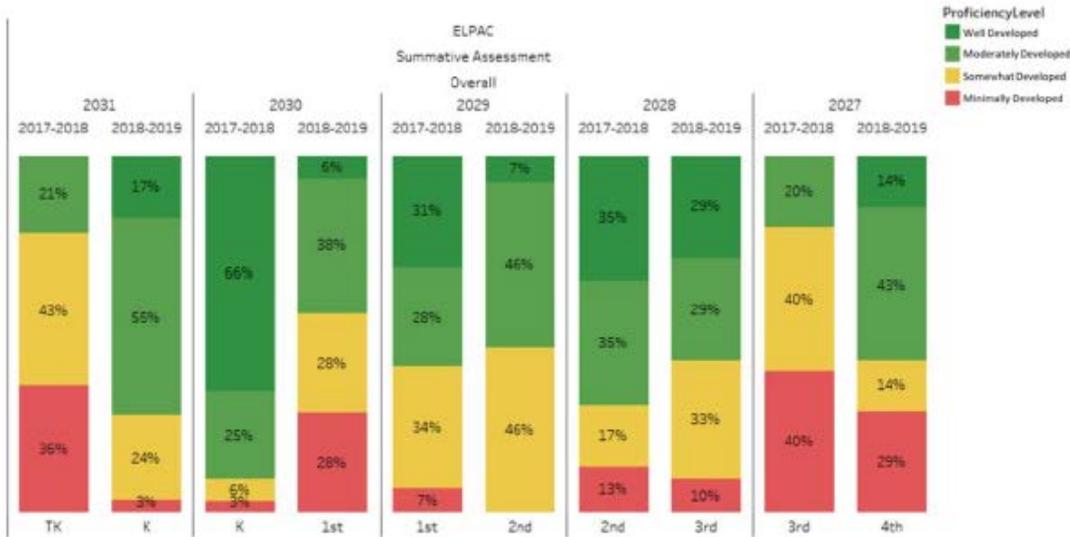


Table 9: Voices NWEA MAP Results (students performing at 50th percentile and above)

	ELA	
	(2017-18)	(2018-19)
3 rd (Fall)	65	39
3 rd (Spring)	45	52
4 th (Spring)	N/A	40

	Math	
	(2017-18)	(2018-19)
3 rd (Fall)	46	32
3 rd (Spring)	57	52
4 th (Spring)	N/A	28

The Tables above reflect the CAASPP information verified by SCCOE staff, in consult with SCCOE’s manager of Assessment and Accountability, (<https://caaspp.cde.ca.gov/sb2018>) in determining Voices Mount Pleasant’s student performance and progress relative to the districts with the largest student population enrolled at VMP. Table 1 reflects the 2017-2018 SBAC (Smarter Balanced Assessment Consortium) results

in English Language Arts (ELA) and Math. VMP's overall performance is above those of students attending MPESD and ARUSD.

Table 2 reflects student progress across the last three years of SBAC assessment for MPESD and ARUSD districts and Voices Mount Pleasant students, even though VMP only has one year of data, as 2017-18 was the first year that VMP students were able to take the SBAC in 3rd grade. Results reflect a rate of progress for Voices Mount Pleasant students that are above their peers in the neighboring district in ELA, but significantly above in Math.

Table 3 reflects grade level, year over year, progress for Voices Mount Pleasant students. However, as 2017-18 was the first year which VMP participated in the SBAC, no trend data is available for VMP through state testing reports. Table 4 reflects the subgroup data, however, again, as 2017-18 was the first year VMP participated in the SBAC, no trend data is available.

Table 5 reflects the 2017-18 v 2018-19 SBAC data. While the 2018-19 SBAC data is still embargoed, VMP shared its data for 2018-19 SBAC in several different graphs included in the Petition (ELA on p. 12, math on p. 15, and subgroup data on p. 24). Staff gathered this shared information and compiled it into the SBAC comparison table. There is a slight decrease in both ELA and Math from 2017-18 to 2018-19 for all students and all subgroups, except an increase in Math for English Learners.

Table 6 reflects the change in 2017-18 to 2018-19 for the cohort of students from 3rd grade to 4th grade. While this cohort only indicates one class of approximately 22 students, there is a significant decline in mathematics performance and a slight decline in ELA. VMP indicated that they are aware of the decline and have a plan to address the needs of these students through additional support and instruction for the teacher and students. This plan includes reassignment of staff, additional coaching and support for teacher, and additional math and ELA intervention supports for students.

Table 7 reflects the 2017-18 to 2018-19 SBAC data by grade level. There are increases in both ELA and Math for 3rd grade to 3rd grade.

Table 8 reflects the 2017-18 to 2018-19 English Language Proficiency Assessment for California (ELPAC) scores. There are increases in English language proficiency for all cohorts except Kindergarten to First grade.

Table 9 reflects the 2017-18 to 2018-19 benchmark and summative North West Evaluation Association (NWEA) Measures of Academic Progress (MAP) results for VMP. This data shows that students improved from fall benchmark to spring summative in 3rd grade, but declined from 3rd grade summative to 4th grade summative.

In the Petition, VMP shared its internal reading data (pp. 9-11) for native language speakers reading in their primary and second language. Scores in primary language reading increased for all, however, scores for native Spanish speakers reading in English went down slightly from 35% to 32%.

Upon review of the California Dashboard, in ELA and Math for all students, Voices Mount Pleasant did not have a performance color as there is only one year of academic data. ELA was 30.1 points below standard and 17 points above standard in Math. Status for the numerous subgroups in ELA was: English Learners (30.3 points below standard), Socioeconomically Disadvantaged (37.4 points below standard), and Hispanic (23.4 points below standard). In the area of Math, Voices Mount Pleasant status for the numerous subgroups was: English Learners (12.7 points above standard), Socioeconomically Disadvantaged (8.9 points above standard), and Hispanic (26.1 points above standard). No scores were given for African American, Foster Youth, or Students with Disabilities as the sample size was less than 11 students and data was not provided to protect privacy.

The comparison data for MPESD and the alternative district schools indicates that Voices Mount Pleasant students performed at or above the schools or districts they otherwise would have attended in the limited category of information provided by VMP as this additional 2018-19 data is still embargoed. However, the import and probative value of that data is not clear. There is only a single point of data for a very small group of students and without evidence confirming that it is appropriate comparative data based on the composition of the pupil population and no subgroup breakdown for the alternative district schools. It is not possible to use VMP's local assessment data as a comparison measure against MPESD and/or the alternative District schools.

It is also relevant to the analysis of academic performance and increases that VMP is replicating the successful Voices model, namely by importing and implementing many instructional practices from Voices' flagship school. This may be of particular interest in light of the limited normed assessment data available and its ability definitively to establish the extent of increases in pupil academic achievement, or lack thereof, by VMP pupils. VMP also receives significant support from its governing entity, Voices College-Bound Language Academies (VCBLA or CMO), which is a charter management organization experienced in operating an academically successful charter school.

VMP has also acknowledged to SCCOE staff areas in which its pupils suffered declines, most particularly based on the cohort results for the current fifth grade students. VMP has provided explanations for at least some of those results, and is working with VCBLA to implement plans specifically aimed at addressing past areas of weakness, in particular providing supports to its current fifth grade cohort.

Given the limited comparison school data provided by VMP and available through CAASPP assessment results due to the embargoed nature of the results, SCCOE staff does not believe that there is the requisite "clear and convincing data" for SCCBOE to determine that VMP's academic performance is at least equal to the performance of the MPESD schools and schools VMP's students would otherwise have been required to attend, taking account of the composition of the pupil population. Taken together, however, VMP's alternative measures may be adequate to show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups to meet the minimum performance requirements of Education Code Section 47607(b)(1)-(3). As discussed in more detail below, VMP's past fiscal and operational performance have been solid and support renewal.

Finances

VMP exhibits a healthy financial position. The Charter currently has 18% in cash reserves. VMP, the CMO and the Board of Directors have shown strong fiscal oversight. VMP's Independent Auditor's Report and Consolidated Annual Financial Report for the Year Ended June 30, 2018, reports an Unmodified Opinion on the financial statements as a whole, as well as on State and Federal compliance with various laws and regulations. In addition, there were no identified deficiencies or material weaknesses noted regarding internal controls over financial statements and internal control over compliance for fiscal year 2017-18. All fiscal reports as required by law and the SCCOE have been received on a timely basis.

The FY 2018 P2 reported an ADA of 243.96. VMP's Average Daily Attendance (ADA) continues an upward trend with an estimated increase of 50 students for this current year. VMP projects a healthy financial outlook and ADA increase for the projected fiscal years 2020-21 through 2024-25.

REVIEW OF THE CHARTER PETITION

Staff reviewed the renewal Petition using the criteria established in California Education Code 47605(b) and County Board Policy 0420.4 (c) and found:

1. Sound Education Program

The Voices Mt. Pleasant renewal Petition presented a research based dual Spanish language immersion program which is the model across the Voices network. Students in Transitional Kindergarten/Kindergarten are presented curriculum in an 80/20 setting – Spanish (L1) 80% and English (L2) 20%. Each year that percentage shifts until at 3rd grade instruction is 50/50. The Petition also provides language arts, math and other content area plans in anticipation of middle school beginning in the 2020-2021 school year (p. 54) Students and staff were consistent in the L1/L2 percentage of usage. Parents reflected on how VMP's students' skills in both languages have demonstrated significant growth at home and have fostered pride in their students' abilities. Parents shared that their students are able to communicate with family members at a deeper level and are able to use their language skills at community events as well. This year, Voices will be implementing an English Language Arts curriculum from EL Education Language Arts Curriculum to address the needs in English Language Arts and Development. For Spanish Language Arts, Voices teachers utilize network and teacher produced curriculum focusing on balanced literacy. For mathematics, Voices focuses on balanced instructional approaches in Common Core State Standards (CCSS) utilizing network and teacher generated curriculum with a focus on data driven results. In addition to observing academic as well as socio-emotional growth, parents felt empowered by the school and their board to be informed and active in the school and greater community.

During the visit, VMP was in its third day of school for the 2019-20 school year. Students were still acclimating to being back in school, but appeared to be excited to be back.

Students Performing Below Grade Level:

The Petition describes VMP's Response to Intervention Program which includes a multi-tiered system of support for educational, and behavioral interventions in place for struggling students based on students' needs. Embedded within the Dual Immersion program for instruction are strategies providing individual and small group support within the instructional day to provide more focused instruction for struggling students. Each classroom has more than one adult support provider, thus allowing for increased individual support.

Special Education: VMP has 9.9% of its students identified as eligible for special education services. Most of these students are eligible under the mild-moderate range, with at least four students within the moderate/severe and/or low-incidence range. The range of disabilities include: emotional disturbance, speech language, deaf/hard of hearing, visually impaired, autistic, specific learning disability, and other health impaired. The students are fully integrated into the general education environment and are supported by two full-time credentialed special education specialists, with services provided within small group push-in or pull-out programs. VMP is part of the Sonoma Special Education Local Planning Area (SELPA) and special education staff are provided professional development and support from the SELPA, and its CMO administration. Individualized Education Program (IEP) plans are followed and attended in accordance with law. VMP parents of students with special needs provided testimony about how VMP has been instrumental in finding the unique support that their children need in particular with low incidence disabilities.

English Learners (EL):

The Petition describes a compliant English Learner plan as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications, re-classification criteria, monitoring and evaluating program effectiveness and

standardized testing requirements. It also describes a theoretically acceptable process in structuring a dual immersion program, including how second language development is integrated in the program and how students receive designated language development. It is clear that the tenets of language distribution at all grade levels are present across all classrooms and different school environments. There are specifically designated times in the afternoon where English Language Learners are regrouped and discrete intervention and support are provided according to needs.

As discussed at length above and below in this Staff Analysis and Findings of Fact, however, the available data and information on pupil academic performance to date at VMP is limited and mixed, and it is necessary in order to substantiate a sound educational program for VMP to create and implement additional plans and means of addressing academic issues and decline, including through revisions to the Local Control Accountability Plan (LCAP) and inclusion of plans in an addendum to the MOU, all as described in greater detail throughout this Staff Analysis and Findings of Fact.

Staff concluded that Voices Mount Pleasant does provide sufficient information in the Petition to substantiate the required elements for a sound educational program only if academic performance issues are remediated through amendment to the LCAP and provisions in an addendum to the MOU.

2. Ability to successfully implement the program set forth in the Petition

Staff found facts that demonstrate that the Petitioners are likely to successfully implement the program if VMP creates and implements plans for addressing academic declines through an addendum to the MOU as described more fully throughout this Staff Analysis and Findings of Fact.

3. Affirmation of each of the conditions required by statute

Staff found that the Petition contains most of the required affirmations. Effective July 1, 2019, the Charter Schools Act was revised to add additional affirmation requirements. While VMP did not add those requirements specifically to its list of affirmations, it did include most of the required affirmations in the admissions element of the Charter, and one newly added affirmation that was omitted from VMP's Charter is included in the MOU.

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 Petition include a description, but rather the description should be acceptable to SCCOE and be consistent with and not contrary to SCCOE's standards and expectations for charter schools under its oversight. SCCOE Staff notes that Staff's indication that it believes the description of an element is "reasonably comprehensive" should not be interpreted to mean that Staff does not believe that additional or different terms relative to that element would need to be agreed to by the Petitioner through the Memorandum of Understanding process. Further, while Staff may make recommendations for remediation in an area, this does not mean that other areas may not need additional correction to be included in the MOU or in an addendum to the MOU.

Staff found that the Petition provides a sufficiently comprehensive description of the required elements for approval, though, as indicated in the Charter and in the conditions on approval, additional specificity and requirements governing Voices Mount Pleasant's operations, including its compliance with the required charter elements, will need to be included in an addendum to the MOU among Voices Mount Pleasant, its governing entity/CMO, Voices College-Bound Language Academies, and the SCCOE.

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

As stated above, VMP has an 80/20 dual language Spanish immersion program. The Petition describes and details the research and theory behind what constitutes a sound dual immersion program. VMP's professional development plan addresses inclusion strategies, academic development in both languages, and individual coaching protocols for teachers and staff. During school site visits and observation periods, SCCOE staff has observed incremental growth and schoolwide improvements across VMP throughout the four years of its current term.

The Charter Schools Department Staff believes that this section of the Petition includes a reasonably comprehensive description only if means of remediating academic performance declines are provided for in the addendum to the MOU and implemented. Additionally, implementation of all the elements in the Petition, needs additional support and practice, plans for which should be included in the addendum to the MOU.

B. Element Two: Measurable Student Outcomes

VMP included an LCAP that addresses the requirements while providing both quantitative and qualitative indicators for determining performance and progress. VMP provided additional formative assessment data reflecting student performance and progress across time (TK-5), and by subgroups in the areas of ELA and Math. VMP did provide local benchmark assessment results indicating academic growth, however, SCCOE staff cannot validate this data as it is not norm-referenced or created by an external third party. While no additional indicators were provided in the Petition to address the decline in academic performance or the correlation of how students are performing in both languages, this topic was discussed during the renewal visit and staff recognizes that VMP is aware and has already made changes at the site and network level to address each student's academic needs. Staff recommends that additional information be provided to address these concerns through the addendum to the MOU.

SCCOE recommends that VMP be required in an addendum to its MOU to revise its LCAP to include how it will address the declines in academic performance. Staff also notes that the law regulating charter school adoption of an LCAP has been revised and VMP is now required to comply with all requirements for adoption and revision of an LCAP, including the holding of at least one public hearing to solicit public input on the LCAP in accordance with Education Code Section 47606.5. During the renewal visit, staff required VMP to provide a clear explanation for the academic decline and how it will be addressed, specifically for the now 5th grade students in order to make up the decline in 4th and continue to progress now in 5th. SCCOE has requested from VMP and recommends that VMP be required to provide this explanation and plan for remediation in writing.

The Charter Schools Department Staff believes that this section includes a reasonably comprehensive description only if additional written information to address the causes of and plans to remediate academic declines is provided to SCCOE and committed to in the addendum to the MOU and VMP amends its LCAP to include how it will address its academic declines.

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

VMP listed sufficient methods (formative and interim assessments) and parent/staff and student survey for school/culture assessments. The current benchmark assessments are diagnostic in nature and are specific to Voices. The grades three, four and five students at VMP will generate pre/post formative data using Measurements of Academic Progress (MAP) as well as annual data for each new grade level tested, allowing for a more standardized and reliable process of determining student performance and progress. Along with VMP's own internal measures, VMP should implement or provide evidence of additional norm-referenced or peer-reviewed assessments commencing in kindergarten and continuing through all grades served, which should be specified in the addendum to the MOU.

The Charter Schools Department Staff believes that this section includes a reasonably comprehensive description only if VMP commits in the addendum to the MOU and implements or provides evidence of the additional assessments.

D. Element Four: Governance Structure

In accordance with Education Code Section 47604, all Voices campuses will be operated by VCBLA, a California non-profit public benefit corporation with 501(c)(3) status. Voices is governed by a Board of Directors ("the Board") pursuant to its corporate bylaws as adopted and subsequently amended from time-to-time, which shall be consistent with the Charter. Board meetings are held quarterly in accordance with the Brown Act. SCCOE staff does not believe that quarterly meetings are adequate for the Board to carry out all of its functions in operating VMP or to comply with the legal requirements for developing and adopting its LCAP, and recommends that the addendum to the MOU requires the Board to meet at least six times per year. The Board, in addition to the Finance Committee, has incorporated an Audit Committee into its governance structure.

VCBLA has updated its Charter to comport with SB 126, however, as noted above, it will also need to adjust its board meeting schedule to provide adequate meetings to comport with LCAP review requirements. This information was shared with two of Voices' Board members as well as with Voices' Chief Executive Officer, Frances Teso. These updates should be required as part of the addendum to the MOU.

Interviews with the parents, as part of the annual visit, confirm their active participation and their willingness to lend their voice at the site, CMO and Board levels regarding the uniqueness of their school. They shared that they feel they have access to meetings and greatly appreciate how accessible and informational the Board president has been. Parents feel that their input is valued and are proud of the positive changes they have instigated. They are also impressed with and grateful for how responsible school leadership is to their suggestions and concerns. The LCAP provided specific mention of when stakeholders were engaged in the review of the annual update and development of the LCAP. In addition, Voices created a one page document highlighting the goals and actions contained in the LCAP. This is available to families in both Spanish and English and posted on the school's website.

VMP has established an English Language Advisory Committee (ELAC) and the Voices Parent Advisory Committee (VPAC), both of which meet several times throughout the year. In addition, there are a variety of means that allow more informal opportunities for parents to interact and engage with VMP staff, e.g., tutoring, homework center, parenting classes, parent

workshops, plaza comunitaria, etc. The Charter specifies that VCBLA shall comply with the Brown Act, Government Code 1090, the Political Reform Act, and the Public Records Act.

This element of the Charter also describes the role of the VMP principal, who is the leader of the school. It states that any of the identified duties, other than personnel matters, may be delegated or contracted with the Voices Board's approval to a business administrator, other appropriate employee, or third party provider. VMP 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 SCCBOE/SCCOE, to a third party contractor, and this purported statement of authority should be revised and limited accordingly through the addendum to the MOU.

SCCOE staff also notes that the VCBLA bylaws include provisions that are inconsistent with the MOU and recommends that VCBLA be required to revise its bylaws to be consistent with the MOU and the addendum to the MOU and provide a copy of the revised bylaws to SCCOE within 45 days of execution of the addendum to the MOU.

The Charter Schools Department Staff believes that this section includes a reasonably comprehensive description only if the Board meeting schedule and the limitations on contracting out VMP's obligations are clarified in the MOU or an addendum thereto, and the VCBLA bylaws are revised to be consistent with the MOU and addendum.

E. Element Five: Employee Qualifications

Voices recruits professional, effective and qualified personnel for all administrative, instructional, instructional support, and non-instructional support capacities who believe in the instructional philosophy outlined in its vision statement. In accordance with Education Code 47605(b)(5)(e), Voices shall be nonsectarian in its employment practices and all other operations. Voices shall not discriminate against any individual (employee or student) on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the aforementioned characteristics).

VMP continues to work diligently with SCCOE Human Resources to make sure that the teaching staff are enrolled in Teacher Credentialing Programs, and fulfilling all the legal requirements for them to perform as teachers in a dual immersion setting. VCBLA CMO has an experienced teacher as its network program specialist who is supporting the special education staff at the site and across the network to monitor all special education needs. All VMP staff meet the current credentialing requirements.

The charter continues to reference "flexibility" in credentialing for non-core, non-college prep classes. SCCOE staff notes that it is anticipated that AB 1505 will require that all charter school teachers, including those at VMP, will be required to hold certification qualifications by July 1, 2020.

The Charter Schools Department Staff believes that this section includes a reasonably comprehensive description.

F. Element Six: Health and Safety

VMP provided a detailed description of all Health and Safety Policies, and addresses fingerprinting and background checks for all employees. All staff are expected to comply with Ed. Code 47605(b)(5)(f) and legal requirements and VMP is committed to providing a safe, compliant working environment. VMP has committed to adopting and updating by March 1 of each year a legally compliant school safety plan.

The Charter Schools Department Staff believes that this section includes a reasonably comprehensive description.

G. Element Seven: Racial and Ethnic Balance

2018-19	Hispanic or Latino	Asian	Filipino	White	African American	Two or More Races
VMP	94.6%	0.4%	0.4%	2.3%	1.1%	1.1%
MPESD	75.2%	13.7%	0.9%	3%	1.8%	2.5%

VMP’s student demographics do not currently reflect those of MPESD. While VMP has not, at this time, achieved the target balance, this element of the Charter does reflect the Board’s desire to provide opportunities for the targeted demographic population to have access to choice programs. VMP’s Petition includes an outreach plan, but is not specific to any ethnicity.

Staff has also analyzed the enrollment trends for dual immersion programs across Santa Clara County. The enrollment of Hispanic or Latino students in Spanish dual immersion programs is almost 20% higher and the enrollment of Asian students in Mandarin dual immersion programs is at least 10% higher than the ethnic enrollment in non-language immersion programs.

The Charter Schools Department Staff believes that this section includes a reasonably comprehensive description, but that VMP will have to continue and expand its efforts as necessary to achieve the requisite balance, including as this requirement may be revised by AB 1505.

H. Element Eight: Admissions Policies and Procedures

VMP has articulated student admission policies and procedures. The school is nonsectarian, tuition free, and does not discriminate against any pupil on the basis of protected characteristics.

Admission to the school is not determined by place of residence of pupil, or parent, except in the case of public random drawing. VMP has updated its admissions lottery procedures consistent with the updates to Education Code section 47605(b)(5)(H) and (d) of the Charter Schools Act.

In the event of a public random drawing, VMP specifies its intent to implement the following preferences in the following order:

1. Students who qualify for free or reduced price meals
2. Students who reside in the District
3. Students who are currently enrolled in and students who reside in the attendance area of, the elementary school where the Voices

Mount Pleasant school site is located (for purposes of the SB 740 Charter School Facility Grant Program)

Students exempt from the lottery are:

- Students currently enrolled at the Charter School
- Siblings of students already enrolled or admitted into the Charter School
- Children of teachers or staff, not to exceed 10% of the total Charter School enrollment

Whether to permit an admission preference – other than for students who already attend the charter school, district residents, and preference as required by the Charter School Facility Grant Program (Ed Code § 47614.5) – is in the discretion by the SCCBOE. The “exemptions” from the public random drawing process, as specified by VMP, are inconsistent with the admissions and drawing requirements of the Charter Schools Act. Therefore, SCCOE staff recommends that the SCCBOE not approve the “exemptions” as written by VMP. The SCCBOE could choose to approve VMP’s desire to provide preference in admission to siblings and teachers’ children, but such students are not “exempt” from the drawing process. SCCOE staff recommends that SCCBOE deny the exemptions and preferences proposed by VMP and instead approve the following alternative list of admission preferences:

Students who currently attend the charter school are exempt from the public random drawing and are automatically granted admission for the following school year. Admission preferences in the case of a public random drawing shall be given to the following students in the order listed below, with one additional weight included in the lottery for each preference for which a particular student qualifies, as described in the charter²⁰:

- Siblings of students already enrolled or admitted into the Charter School.
- Children of teachers or staff, not to exceed 10% of the total Charter School enrollment. (Once enrollment reaches this percentage of teachers’ children, the extra weight provided to students in this category will be removed and students who do not qualify for any other preference categories will be moved to the general drawing for students who are not eligible for preference, as described in the Charter.)
- Students who qualify for free or reduced price meals.
- Students who reside in the District,
- Students who are currently enrolled in and students who reside in the attendance area of, the elementary school where the Voices Mount Pleasant school site is located (for purposes of the SB 740 Charter School Facility Grant Program).²¹

²⁰ Purposely blank.

²¹ This preference will not be utilized if the Charter School is not located in private facilities, and will only be utilized if the Charter School’s student population demographics and location meet SB 740 eligibility requirements.

The SCCBOE also has the authority to deny approval of any or all of the preferences for siblings, children of teachers, and students who qualify for free or reduced price meals, should it so choose.

The Charter Schools Department Staff believes that this section does include a reasonably comprehensive description only with the specified adjustments to the admission preferences.

I. Element Nine: Financial Audit

VMP has provided yearly Financial Audits conducted by a state approved CPA firm on a timely basis. There have been no findings in VMP's audits. All required elements have been present. In addition, the Formal Audit closely coincides with VMP's unaudited actuals. VMP states in the Petition that the audit will be conducted in accordance with Education Code Sections 47605(b)(5)(i) and 47605(m), generally accepted accounting principles, and with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controller's K-12 Audit Guide. The Petition states VMP's financial audit process, which includes how the independent auditor will be selected and retained, the qualifications the independent auditor needs to possess, the timing of the audit, how any deficiencies will be resolved, and how this will be communicated to the necessary outside parties.

VMP has a Finance Committee that meets monthly and Audit Committee that meets on a regular basis. The Audit Committee and the Finance Committee do not have overlapping membership. These Committees review the financials and makes recommendations to the Board for approval or denial. All mandated financial reports are Board Approved.

The Charter proposes that disputes regarding the resolution of audit exceptions and deficiencies be processed through the dispute resolution process in the Charter. The law specifies, however, that VMP is required to resolve exceptions and deficiencies *to the SCCBOE's satisfaction*, so staff recommends that SCCBOE not agree to use the dispute resolution procedures for such issues. Rather, the addendum to the MOU should set forth a process by which these issues are resolved to SCCBOE's satisfaction.

The Charter Schools Department Staff believes that this section includes a reasonably comprehensive description only if the means of resolving audit exceptions and deficiencies to the SCCBOE's satisfaction are clarified in the addendum.

J. Element Ten: Student Suspension/Expulsion Procedures

VMP's Charter sets forth its comprehensive suspension and expulsion policies and procedures which have been updated to reflect current law. Notably, VMP has already eliminated disruption and willful defiance as causes for suspension, in advance of the change to the law prohibiting such suspensions in grades K-8. These policies and procedures, as clarified through the terms of the MOU, are consistent with SCCOE's usual practices and are consistent with the changes to this portion of the Charter Schools Act.

The Charter Schools Department Staff believes that this section as updated by the MOU does include a reasonably comprehensive description.

K. Element Eleven: Employee Retirement System

VMP provides State Teacher Retirement System (STRS) for its certificated faculty. VMP follows the plan's requirements and make contributions as prescribed by STRS on a timely basis.

The Petition states, “Voices MP participates in the Federal Social Security system for non-credentialed employees and other Voices sponsored retirement plans as applicable . . .” The VMP audit expands on the retirement plans and states that VMP provides a 401(k) for non-certificated employees with up to a 3% match of contribution by employees. The qualifications for participation in the 401(k), other than being non-certificated, are not clearly defined. There is no mention of a vesting period. The in-house position(s) responsible for overseeing the retirement plan is defined.

The Charter Schools Department Staff believes that this section includes a reasonably comprehensive description.

L. Element Twelve: Public School Attendance Alternatives

The Charter specifies that no student may be required to attend VMP. Students who reside within Santa Clara County who choose not to attend VMP may attend other district schools or pursue an intra- or inter-district transfer in accordance with existing district enrollment and transfer policies. Parents and guardians of each student enrolled in VMP will be informed on admissions forms that the students have no right to admission to a particular school of any local education agency as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

The Charter Schools Department Staff believes that this section includes a reasonably comprehensive description.

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

Upon appeal to the County Board of Education, VMP should have updated this element of the Charter to address the rights of employees of the County Superintendent of Schools who choose to leave the employment of the County Superintendent to work at the Charter School, and any rights of return to the County Superintendent’s employment after employment at the Charter School. VMP did not update this element of the Charter at that time or in the updated renewal Petition, so all references in the Charter continue to be to employment by a public school district and rights of district employees.

Therefore, this entire element must be updated to reflect the County Board as the authorizer and the County Superintendent of Schools as the employer of all employees at SCCOE, which update has been accomplished through the terms of the MOU. Overall the discussion in this element, as updated through the MOU, is complete, and provides that such employees have no automatic rights of return and only such rights as the County Superintendent may choose to provide, and that employment at Voices Mount Pleasant does not provide any rights of employment at any other entity, including in the case of closure of VMP.

The Charter Schools Department Staff believes that this section as updated through the MOU does include a reasonably comprehensive description.

N. Element Fourteen: Dispute Resolution

VMP has adopted the SCCOE dispute resolution process as part of its Petition. However, the Charter’s discussion of the handling of internal disputes is inconsistent with SCCOE practice

and purports to limit SCCOE's authority, but these concerns have been resolved through the updates in the MOU.

The Charter Schools Department Staff believes that this section as updated through the MOU includes a reasonably comprehensive description.

O. Element Fifteen: Closure Protocol

Voices Mount Pleasant outlines an adequate process to be used if the charter school closes, which is supplemented through the terms of the MOU. Once documented as official action by the VCBLA Board, there is a process addressing notification of all entities, and to ensure smooth transition of students/records to suitable alternative programs. VMP will provide a final audit, and plans for disposition of assets and liabilities and transfer of public records. On closure the school shall remain solely responsible for all liabilities arising from the operation of the school. As a non-profit public benefit corporation, should the corporation be dissolved the VCBLA Board will follow the California Corporations Code for the dissolution and file all necessary filings with appropriate state and federal agencies.

The Charter Schools Department Staff believes that this section as updated through the MOU includes a reasonably comprehensive description.

Required Supplemental Information

Staff reviewed VMP's Petition, which includes the Budget Narrative and Budget (Fiscal Years (FY) 2019-20 through 2022-23 as requested). Staff has reviewed additional information from documents and interviews to provide clarification on financial position. This included meeting with the VMP Staff, and Board and reviewing Financial Audits, monthly financial statements, mandatory financial reports, annual visits, and the Fiscal Crisis Management Assessment Team (FCMAT) Local Control Funding Formula (LCFF) Calculator.

VMP implemented a new financial system in FY 2018-19. Although challenging, VMP continued to meet all financial deadlines. It is anticipated that the new financial system will increase productivity and will allow for greater transparency between the charters, the CMO and the Board.

Average Daily Attendance (ADA)

The FY 2018 P2 reported an ADA of 243.96. VMP's ADA continues an upward trend with an estimated increase of 50 students for this current year. The growth is mainly due to grade expansion.

Revenues

VMP's revenues have increased in accordance with their enrollment and increased grade levels. The LCFF funding is appropriately calculated and the projected revenue appears to be reasonably stated.

Expenses

VMP has been very conservative with the expenses. The finances are closely monitored by the school principal, CMO, and the Board of Directors. With a reserve of 18%, the school is positioned for unexpected financial uncertainties.

The review of VMP's Adopted Budget, LCAP, LCFF Calculator, and Budget Overview for Parents financially align. VMP has continuously provided accurate and timely financial reports that have exhibited prudent expenditures. Staff has confidence in the fiscal management of VMP.

Cash Flow

VMP's cash flow closely aligns with all financial documents including bank statements and reconciliation reports. In the event there is an unforeseen financial crisis, VMP's reserves and their line-of-credit should adequately suffice during an emergency.

Potential Civil Liability Effects on the School and County Office

VMP is in compliance with its current MOU. There is no reason to believe that VMP will not continue to abide by SCCOE's requirements and proposed MOU. There are currently no pending litigation or other liability concerns with VMP.

5. Exclusive Public Employer

As required by the Charter Schools Act, the Charter specifies that the Voices CMO shall be deemed the exclusive public employer of the employees of the Charter School for the purposes of Educational Employment Relations Act ("EERA").

6. Requirements for Grade-Levels Served, Facility Location, and Students Served

VMP currently serves TK-5 and will grow to serve grades TK-8 during the renewal term. It will be located in MPESD and sets forth specific requirements for its facility needs. VMP is located at 14327 Story Road with space provided for VMP's continued growth.

Staff found that the Petitioners are able to meet the requirements for grade levels served, facility location and students served.

7. Any Other Criteria Set Forth in the Statute

The Legislature and Governor have announced that agreement has been reached, and as of the writing of this analysis the education community is awaiting the final enactment of broad changes to the Charter Schools Act, which are anticipated to go into effect prior to or contemporaneously with the commencement of the renewal term sought by VMP. As such, VMP will need to comply with the changes to the law. Staff recommends that VMP be required to include in the addendum to the MOU information, clarifications, and updates as necessary to make the renewal charter consistent with the requirements of the law as revised.

CONCLUSION

Staff reviewed the renewal Petition for Voices College-Bound Language Academy at Mount Pleasant utilizing the criteria for charter approval set forth in Education Code Sections 47605 and 47607 and California Code of Regulations, Title 5 Section 11966.5.

It is the recommendation of the Charter Staff to conditionally approve the Renewal Petition subject to the conditions specified in the Staff Analysis and Proposed Findings of Fact, specifically including but not limited to the requirement that the SCCOE, Voices Mount Pleasant, and its governing entity, VCBLA, enter into an

addendum to the MOU to address the issues noted herein, and adopt the Board Resolution Conditionally Approving the Charter Renewal for Voices College-Bound Language Academy at Mount Pleasant and, Alternatively, Making Written Factual Findings Supporting Denial and Denying the Charter Renewal if the Conditions Are Not Met. The renewal period will be for the period of July 1, 2020 through June 30, 2025.