

**INGLEWOOD UNIFIED SCHOOL DISTRICT**

**CHILDREN OF PROMISE PREPARATORY ACADEMY  
CHARTER RENEWAL PETITION**

DISTRICT STAFF REPORT  
January 15, 2020

**I. INTRODUCTION**

Children of Promise Preparatory Academy (“COPPA” or “Charter School”) currently operates a charter school serving pupils in grades Kindergarten (K) through eight (8) under the oversight authority of the Inglewood Unified School District (“District”). The Charter School’s current term will expire on June 30, 2020. COPPA submitted a renewal petition (“Petition”) to the District’s County Administrator seeking to renew its charter for an additional five (5) year term for the period of July 1, 2020, to June 30, 2025.<sup>1</sup>

The District received the Petition on or about November 21, 2019. Pursuant to Education Code section 47605, subdivision (b), the Board of Education (“Board”) held a public hearing on December 11, 2019, to consider the level of support for the Petition from District teachers, employees, and parents. Representatives from the Charter School and other individuals submitted public comments during the hearing.

The County Administrator must approve or deny the Petition within sixty (60) days of its receipt. (Cal. Code Regs., tit. 5, § 11966.4(c) (“Regulations”).) Accordingly, the County Administrator must act on whether to grant or deny the Petition at the Board meeting on January 15, 2020. If the County Administrator grants the Petition, the Charter School will continue to operate as a legal entity under the chartering authority and oversight of the District. If the County Administrator denies the Petition, the Charter School may submit the Petition to the Los Angeles County Office of Education. (Regulations, § 11966.5(a).)

Effective July 1, 2020, the Education Code will require the County Administrator to “publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools prepared pursuant to [Education Code section 47605(c)(8)] regarding the petition at least 15 days before the public hearing at which the [County Administrator] will either grant or deny the charter.” (Ed. Code, § 47605(b), as amended by AB 1505 (2019).) In light of the fact that COPPA’s new term is proposed to begin July 1, 2020, the District has complied with this provision by publishing this Staff Report on its website under the “Public Notices” tab on December 31, 2019.

District staff, in collaboration with legal counsel, conducted a comprehensive review of the Petition. Based on its analysis, District staff found that the Charter School does not meet the academic performance criteria to receive a charter renewal; is demonstrably unlikely to successfully implement the program described in the Petition, which would risk the educational well-being of students enrolled in its program; and failed to comprehensively describe all required elements of its program in the Petition, including new charter

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<sup>1</sup> The District is currently operating under the authority of the County Administrator, appointed by the County Superintendent of Public Instruction, and has assumed all legal rights, duties, and powers of the District’s Board of Education, in accordance with Education Code section 41326.

requirements enacted into law after the Charter School's last renewal, which is critical to the District's ability to provide meaningful oversight.

Accordingly, as further detailed below, District staff recommends denial of the Petition as staff is not satisfied that renewing the charter is consistent with the requirements for academic performance and sound educational practice.

## **II. STANDARD OF REVIEW FOR RENEWAL PETITION**

Charter renewals are governed by the same standards and criteria described in Education Code section 47605 that are evaluated upon the submission of an initial charter petition. (Ed. Code, § 47607(b).) Education Code section 47605, subdivision (c), provides that the chartering authority shall be guided by 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. As such, a school district shall grant a charter for the operation of a school if it is satisfied that granting the charter is consistent with sound educational practice and with the interest of the community in which the school is proposing to operate. The academic needs of the pupils the school proposes to serve must also be considered. (Ed. Code, § 47605(c), as amended by AB 1505 (2019).)

In addition to the above, and in accordance with District Board Policy ("BP") and Administrative Regulation ("AR") 0420.4, District staff's review and analysis of the Petition was guided by the legislative intent set forth in Education Code section 47601 and by the regulations promulgated for the State Board of Education's ("SBE") evaluation of its own charter petition submissions (Regulations, § 11967.5.1). Although these Regulations are not binding on a school district's review of charter petitions, they provide helpful guidance.

The renewal petition must provide a reasonably comprehensive description of all new charter school requirements enacted into law since the charter was granted or last renewed. (Ed. Code, § 47607(b).) Additionally, the authorizer "shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any." (Regulations, § 11966.4(b).)

## **III. RECOMMENDATION**

Based upon a comprehensive review and analysis of the Petition by District staff, in collaboration with legal counsel, denial of the Petition is recommended. Findings with respect to the primary deficiencies are set forth in Section IV, below. This Staff Report contains analysis of the Petition, and the written factual findings supporting the recommendation. Denial of the Petition is recommended on the following grounds:

- **COPPA failed to satisfy the requisite academic performance standards;**
- **The Petition does not provide a reasonably comprehensive description of new charter requirements enacted after the charter was last renewed;**
- **The Charter School is demonstrably unlikely to successfully implement the program presented in the Petition; and**
- **The Petition fails to provide a reasonably comprehensive description of all required elements of a charter petition.**

Factual findings regarding the most significant deficiencies are described below. This Staff Report does not exhaustively list every concern, and focuses on those believed to most greatly impact the County Administrator's decision on whether to grant the Petition. Should

the County Administrator take action to deny the Petition, she may adopt this Staff Report as the written factual findings required to support the denial of the Petition.

**IV. FINDINGS**

Review and analysis of the Petition resulted in the following findings:

**A. COPPA Failed To Satisfy The Requisite Academic Performance Standards**

a. COPPA Fails To Meet The Eligibility Criteria For Renewal

When evaluating a renewal petition, the authorizer must consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant the charter renewal. (Ed. Code, § 47607(a)(3)(A).) To be eligible for renewal, the charter school must submit, with its renewal petition, documentation that it meets at least one of the criteria specified under Education Code section 47607, subdivision (b). (Regulations, § 11966.4(a)(1).) Education Code section (b)(4)(A) states: "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."

Renewal may only be denied if the authorizer makes written factual findings supporting one of the grounds for denial in Education Code section 47605, subdivision (b), or that the charter school failed to meet one of the criteria in Education Code section 47607, subdivision (b). (Regulations, § 11966.4(b).)

As a preliminary matter, the Petition is not eligible for renewal because, while the Charter School states that it provides "documentation confirming that the charter School meets the statutory criteria required for renewal," (Petition, p. 9), the Charter School did not in fact submit such documentation or any other records confirming its satisfaction of the criteria. The Petition merely provides summaries of its purported academic performance but does not otherwise provide supporting documentation confirming such performance.

Nonetheless, District staff conducted its analysis based upon the information provided in the Petition in addition to its independent evaluation of publicly-available academic performance data provided by the California Department of Education ("CDE").

The following chart reflects the percentage of students that met or exceeded standards on the California Assessment of Student Performance and Progress ("CAASPP") assessments for English Language Arts ("ELA") and mathematics, from 2015 through 2019, for COPPA, the District, and the District schools that the Charter School's pupils would have otherwise attended, and for numerically significant pupil subgroups:

<b>All Pupils</b>					
<b>CAASPP – Meets or Exceeds Standards</b>					
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
COPPA					
ELA	15	11	11.04	19.61	29.34

<b>All Pupils CAASPP – Meets or Exceeds Standards</b>					
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Math	1	12	6.84	11.65	28.38
<b>IUSD</b>					
ELA	26	29	29.48	30.01	30.01
Math	14	16	18.62	18.90	18.54
<b>Monroe MS</b>					
ELA	29	32	34.61	28.66	28.71
Math	15	16	17.69	13.41	15.26
<b>Worthington EL</b>					
ELA	21	23	21.62	26.5	28.12
Math	17	15	14.93	16.91	18.55
<b>Bennett/Kew EL</b>					
ELA	22	28	28.29	35.6	42.86
Math	21	24	27.28	35.26	35.72

<b>ELA by Numerically Significant Subgroup CAASPP – Meets or Exceeds Standards</b>					
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Students With Disabilities</b>					
COPPA	N/A	N/A	0	12.5	17.39
IUSD	5	6	6.43	7.83	9.35
Monroe	2	6	6.74	9.18	8.62
Worthington	14	16	9.68	16.13	6.9
Bennett/Kew	0	3	3.85	12.82	20
<b>Economically Disadvantaged</b>					
COPPA	15	11	12.09	21.43	30.94
IUSD	26	29	28.79	29.41	29.59
Monroe	29	33	35.07	28.4	28.42
Worthington	22	24	21.64	27.23	27.96
Bennett/Kew	23	27	28.07	35.52	41.26
<b>English Learners</b>					
COPPA	6	12	8.33	21.06	19.05
IUSD	9	15	18.59	14.84	5.03
Monroe	6	10	18.59	12.66	4.76
Worthington	14	21	12.69	19.05	3.45
Bennett/Kew	12	23	22.73	29.49	20
<b>African American</b>					
COPPA	14	11	8.18	14.28	24.84
IUSD	24	31	28.42	28.55	27.68
Monroe	23	32	30.26	26.34	21.67
Worthington	10	15	6.67	11.76	13.34
Bennett/Kew	19	25	30.18	34.55	34.09
<b>Hispanic</b>					
COPPA	13	9	19.51	32.69	47.17
IUSD	26	28	30.26	30.60	30.96
Monroe	32	31	37.23	30.1	31.91
Worthington	22	23	23.35	28.49	28.9

<b>ELA by Numerically Significant Subgroup CAASPP – Meets or Exceeds Standards</b>					
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Bennett/Kew	24	29	27.94	35.16	47.45

<b>Math by Numerically Significant Subgroup CAASPP – Meets or Exceeds Standards</b>					
	2015	2016	2017	2018	2019
<b>Students With Disabilities</b>					
COPPA	N/A	N/A	0	0	13.64
IUSD	2	5	6.25	6.39	5.42
Monroe	0	2	5.61	3.09	4.31
Worthington	11	13	19.36	9.68	3.45
Bennett/Kew	6	6	7.41	13.15	5
<b>Economically Disadvantaged</b>					
COPPA	1	11	6.72	12.39	30.07
IUSD	15	16	18.38	18.77	18.34
Monroe	16	17	17.94	14.15	15.2
Worthington	16	16	14.9	16.67	18.62
Bennett/Kew	22	24	26.31	35.72	33.76
<b>English Learners</b>					
COPPA	0	22	8.34	10.53	40
IUSD	8	11	14.29	11.19	4.27
Monroe	1	4	6.92	4.22	3.1
Worthington	11	14	7.94	5.66	1.67
Bennett/Kew	14	20	24.42	28.57	20
<b>African American</b>					
COPPA	0	8	5.83	8.67	20.27
IUSD	10	14	15.37	15.87	14.38
Monroe	10	12	14.57	9.76	11.89
Worthington	10	10	0	5.88	13.34
Bennett/Kew	16	22	25.92	30.9	29.54
<b>Hispanic</b>					
COPPA	0	20	7.5	21.16	48.08
IUSD	17	17	20.48	20.35	20.65
Monroe	16	16	20	15.31	16.42
Worthington	18	16	16.33	18.34	19.43
Bennett/Kew	23	25	27.41	37.01	38.98

The data reflects that, throughout the duration of COPPA’s current charter term, COPPA’s academic performance was not at least equal to the academic performance of the public schools that COPPA’s pupils would otherwise have been required to attend or of the schools of the District. COPPA’s academic performance as measured by the CAASPP assessments was inferior compared to the academic performance of the District in four (4) of the five (5) years of the current charter term, including for its numerically significant pupil subgroups, subject to limited exceptions. COPPA’s only significant increase in CAASPP scores, from 2018 to 2019, is insufficient to demonstrate a consistent increase in pupil academic achievement warranting renewal, especially in light of the lack of academic achievement for

the majority of the charter term. The Charter School does not make an adequate showing of pupil academic increases.

Despite the fact the Petition states that the Charter School's "student population is overwhelmingly students of color, the majority of whom identify as Black/African American" and suggests that Black/African American students are the target population justifying the "community need" for the Charter School (Petition, p. 17-18, 21), subject to limited exceptions, Black/African American students fared more poorly academically at COPPA than at District schools, including the nearby elementary and middle schools.

COPPA's history of academic underachievement is well documented. On or about November 13, 2017, the District informed COPPA by letter of its concerns regarding the Charter School's academic underperformance. Specifically, COPPA was informed that "very few students enrolled at COPPA met or exceeded state achievement standards on the 2017 CAASPP" and that COPPA's academic performance would be monitored in light of the District's obligation to consider academic achievement when considering charter renewal.

Approximately one (1) year later, on or about December 17, 2018, the District again informed COPPA by letter of its concerns regarding the Charter School's academic underperformance; that again "very few students enrolled at COPPA met or exceeded state achievement standards on the 2018 CAASPP"; and that COPPA's academic performance would continue to be monitored.

On March 7, 2019, the District directed COPPA by letter to submit a detailed written plan for improving the Charter School's academic performance moving forward by the close of business on April 1, 2019. The plan consisted of general descriptions of the educational program that were already being implemented and already described in its charter.

On or about March 18, 2019, the Charter School Finance Authority ("CSFA") informed COPPA that the Charter School was deemed ineligible to apply for funding for the Charter School Facility Grant Program ("CSFGP") because COPPA was not in good standing with its chartering authority and/or was out of compliance with its charter based upon its academic underperformance. (Ed. Code § 47614.5; Cal. Code Regs., tit. 4, § 10170.3(f).) Although COPPA requested the District to reconsider its determination that COPPA was not in good standing, on or about July 11, 2019, the District denied the reconsideration request on numerous grounds.

Specifically, COPPA was not in compliance with the terms of its charter with respect to academic performance. According to its Charter, COPPA established the following academic achievement outcomes: 50% of pupils will achieve proficiency in math and ELA state standardized tests in the 2014-15 school year; 53% will achieve proficiency in the 2015-16 school year; and 56% will achieve proficiency in the 2016-17 school year. (Charter, p. 95.) While the Charter does not identify different academic achievement outcomes for the 2017-18 and 2018-19 school years, COPPA's academic achievement in 2018 – with only 11.65% of pupils meeting standards in math and only 19.61% of pupils meeting standards in ELA – did not meet the 50% proficiency goal that the Charter School established in 2015. Moreover, COPPA's 2018 CAASPP scores demonstrate its pupils have not achieved proficiency rates reasonably within the realm of its past and projected academic achievement outcomes as promised in the Charter. Accordingly, the District's reliance upon COPPA's inadequate academic achievement as a basis for its lack of "good standing" certification was justified.

COPPA's academic performance has exposed the Charter School to significant legal liability. In December 2017, a lawsuit (*Ella T. v. State of California*) was filed in Los Angeles County Superior Court on behalf of students (among other organizations and individuals) who attended COPPA, among other schools, against the State of California. Although neither the District nor COPPA were parties to the lawsuit, two (2) of the plaintiff-students attended COPPA, and the lawsuit alleges COPPA is one of the lowest-performing schools in California. The lawsuit alleges minority and low-income students are being left behind with respect to literacy to such a degree that they are being denied their fundamental right to a basic education under the California Constitution.

Based upon the foregoing, District staff concludes that COPPA cannot demonstrate that its "academic performance...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." Moreover, COPPA cannot demonstrate alternative measures showing increases in pupil academic achievement. Accordingly, COPPA does not meet the eligibility criteria to be renewed for another term.

**b. COPPA Fails To Meet The Academic Standard For Renewal Under Education Code Section 47607.2(b)<sup>2</sup>**

Effective July 1, 2020, the Education Code sets forth a modified academic standard for renewal eligibility, as amended by AB 1505, which will be in effect and coincide with the commencement of COPPA's proposed renewal term.

Specifically, if a charter school does not satisfy the conditions for renewal under Education Code sections 47607(c)(2) or 47607.2(a), then the District "shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school on the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 and the performance of the charter school on the local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5." (Ed. Code, § 47607.2(b)(1).) The District must "provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal." (Ed. Code, § 47607.2(b)(2).) The District must also consider clear and convincing evidence through verified data showing either of the following: (A) The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school. (B) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers. (Ed. Code, § 47607.2(b)(3)-(5).)

The District may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the charter school is in the best interest of pupils and, if applicable, that its decision provided greater weight to performance on measurements of academic performance.

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<sup>2</sup> COPPA does not qualify for treatment under Education Code section 47607(c)(2) because it did not receive the two highest performance levels schoolwide on all the state indicators for two consecutive years. COPPA also does not qualify for treatment under Education Code section 47607.2(a) because it did not receive the two lowest performance levels schoolwide on all the state indicators for two consecutive years immediately preceding renewal, and because the majority of subgroups performing statewide below the state average had received performance levels above the state average in at least 2019.

(Ed. Code, § 47607.2(b)(6).) Any renewal that is granted pursuant to Education Code section 47607.2(b) must be for a term of five (5) years.

Even under the modified academic renewal eligibility standard as revised under AB 1505, COPPA fails to meet academic eligibility for renewal. District staff concludes that COPPA failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of COPPA is in the best interest of pupils and, its decision provided greater weight to performance on measurements of academic performance.

According to publicly-available information from the California School Dashboard, the following chart identifies the number of points below standards, based on student performance on the Smarter Balanced Summative Assessment, for pupils both COPPA schoolwide and statewide, and for African American (“AA”), Hispanic, and socio-economically disadvantaged (“SED”) pupil groups, on both English Language Arts (“ELA”) and math:

California School Dashboard 2018								
Points Below Standards								
Indicator	COPPA Schoolwide	State Schoolwide	COPPA AA	State AA	COPPA Hispanic	State Hispanic	COPPA SED	State SED
ELA	74.6	6	85.4	51.8	39.9	31.3	75	34.7
Math	99.3	36.4	110.2	91.5	58.7	65.8	94.1	67.4
California School Dashboard 2019								
Points Below Standards								
Indicator	COPPA Schoolwide	State Schoolwide	COPPA AA	State AA	COPPA Hispanic	State Hispanic	COPPA SED	State SED
ELA	50	3	57.1	48	19.1	27.1	51.4	30.5
Math	58.1	33.5	67.2	87.9	23.9	62.2	54.2	63.7

As reflected in the chart above, Dashboard measures indicate that COPPA is performing far below standards both objectively (e.g., in 2019, COPPA’s pupils scored 58.1 points below standards on math), and when compared to the state (e.g., in 2019, COPPA’s pupils scored 50 points below standards in ELA compared to the statewide average of only 3 points below standards).

While COPPA has met standards for its local indicator (the implementation of academic standards) for at least 2017, 2018, and 2019, meeting this standard cannot overcome the significant academic underachievement throughout the entirety of the current five (5) year term and lack of consistent improvement, as described above. (See Ed. Code, § 47607.2(b)(2).) Clear and convincing evidence demonstrates that the Charter School has not demonstrated consistent increases in academic achievement warranting renewal.

Based upon the foregoing, District staff concludes that COPPA failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the

school, that closure of COPPA is in the best interest of pupils and, its decision provided greater weight to performance on measurements of academic performance.

**B. COPPA Does Not Provide A Reasonably Comprehensive Description of New Charter Requirements Enacted After Its Charter Was Originally Granted Or Last Renewed (Ed. Code, § 47607(b).)**

A renewal petition must include “a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.” (Ed. Code, § 47607(b).)

The Petition does not incorporate or provide a reasonably comprehensive description of such new charter requirements. As a preliminary matter, under the Petition section entitled, “Executive Summary and Accomplishments Since Last Renewal” (Petition p. 8), the Petition does not provide a summary of new requirements of charter schools enacted into law after COPPA’s last renewal, nor does the Petition, in any other section, succinctly summarize such new laws.

Notwithstanding this deficiency, numerous areas in the Petition reflect the Charter School’s failure to incorporate new laws made applicable to charter schools. For example, the Petition states that a student may be suspended and even expelled if they “[d]isrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.” (Petition, p. 128, 134.) Assembly Bill (“AB”) 420, which was signed into law on September 27, 2014, amends Education Code section 48900(k) and limits the use of school discipline for the catch-all category known as “willful defiance.” Specifically, a K-3 student cannot be suspended, and a K-12 student cannot be recommended for expulsion, for having “disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.”

AB 1639, which was signed into law on September 29, 2016, adds Education Code section 33479, et seq., relating to the prevention of sudden cardiac arrest in school athletic activities, including charter schools, which sets forth internet posting requirements, cardiac arrest information distribution requirements, informational meeting requirements, and training requirements, among other things. Despite the fact that the Petition includes an athletics program (Petition, p. 23), the Petition is devoid of any description of this new requirement.

**C. The Charter School Is Demonstrably Unlikely to Successfully Implement the Program (Ed. Code, § 47605(c)(2).)**

Education Code section 47605 requires the Charter School to show it is demonstrably likely to successfully implement the program set forth in the Petition. (Ed. Code, § 47605(c)(2).) In determining whether the Charter School is demonstrably likely to successfully implement the program, the Board “shall consider the past performance of the school’s academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any. (Regulations, § 11966.4(b).)

Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition for the following reasons:

1. Failure to Meet Academic Performance Criteria

As set forth under Section IV.A, above, COPPA's failure to meet the requisite academic performance criteria for renewal supports the finding that COPPA is demonstrably unlikely to successfully implement its program. Neither the written plan submitted by the Charter School nor the Petition provide specific details or credible assurances to address or improve its academic performance on a consistent and reliable basis. The Petition is therefore not consistent with sound educational practice and not likely to be successfully implemented.

2. Failure to Comprehensively Describe the Required Elements

As set forth under Section IV.B and IV.D, the Petition's failure to comprehensively describe the required elements of a charter petition, in addition to reasonably describing new charter school requirements enacted into law since the charter was originally granted or last renewed, further supports the finding that the program is incomplete and does not pass pedagogical or legal muster. The program is therefore not consistent with sound educational practice and therefore not likely to be successfully implemented.

3. Failure to Comply With Law Regarding Labor Relations and Inadequate Description of Compensation

The Petition states "[c]ompensation for credentialed teachers will be set forth in the certificated employee salary schedule by the Collective Bargaining Agreement between Children of Promise Preparatory Academy and the Inglewood Teachers Association. All other non-represented employee compensation is commensurate with the individual position. Employee benefits for certificated employees will be set forth in the Collective Bargaining Agreement between Children of Promise Preparatory Academy and ITA, or in the Employee Handbook, for all other nonrepresented employees." (Petition, p. 101-102.)

As a preliminary matter, COPPA does not include a copy of the Inglewood Teachers Association ("ITA") collective bargaining agreement with the Petition, which indicates the Petition fails to provide a reasonably comprehensive description of its plan for employee compensation. Moreover, entering into an agreement with ITA constitutes a significant change to the Charter School's operation requiring COPPA to inform the District and/or obtain approval of a material revision to its charter as required by the CSA, which COPPA did not do. Furthermore, the representation that "[a]ll other non-represented employee compensation is commensurate with the individual position" is vague and fails to specifically identify how non-represented employees will be paid or what standards and criteria will be applied to determine the compensation of such employees.

Also concerning is COPPA's history of unsuccessful operations and violations of law with respect to its relations with ITA. On or about March 27, 2018, the Public Employment Relations Board ("PERB") found COPPA violated the Educational Employment Relations Act ("EERA") by refusing to provide ITA with necessary and relevant information (in part by failing to provide ITA with personal contact information of bargaining unit members who had not objected to the disclosure of such information) and by engaging in an overall course of bad faith bargaining with the ITA. (*Children of Promise Preparatory Academy* (2018) PERB Decision No. 2558.) Accordingly, PERB ordered COPPA to cease and desist from failing to provide time and complete responses to ITA's requests for information and negotiating with ITA in bad faith, among other things. PERB also ordered COPPA to provide ITA with an up-

to-date list of the home addresses and telephone numbers of bargaining unit members who have not objected to the disclosure of their home contact information, among other information.

However, COPPA failed to comply with PERB's order, resulting in an administrative determination by the PERB Office of General Counsel ("OGC") that COPPA was in violation of PERB's order. COPPA appealed the OGC's determination to PERB and PERB denied the appeal – PERB held that COPPA was in violation of its order regarding the disclosure of bargaining unit home contact information. (*Children of Promise Preparatory Academy* (2018) PERB Order No. Ad-473.)

Not only did COPPA violate various provisions of EERA with respect to its obligations to furnish relevant and necessary information and also engage in good faith bargaining, but it also failed to comply with PERB's orders regarding the same. Such conduct not only demonstrates a lack of knowledge of and/or unwillingness to comply with fundamental laws and regulations relating to labor relations, but it also reflects a history of unsuccessful operations that does not reflect a likelihood of future success.

#### 4. School Site Information

The Petition reflects two sites for the Charter School program – the "West campus" at 3130 W. 111th Pl., Inglewood, CA 90303, which serves Kindergarten; and the "East campus" at 11161 Crenshaw Blvd., Inglewood, CA 90303, which serves grades 1 through 8. (Petition, p. 106.) However, COPPA did not inform or otherwise submit any information or notification to the District regarding its plans or decision to separate or otherwise utilize two facilities or sites to operate its program. Such a plan or decision constitutes a significant change to the Charter School's operation requiring COPPA to obtain approval of a material revision to its charter as required by the CSA, which COPPA did not do. Furthermore, the operation of two sites without District knowledge or approval further demonstrates Charter School's lack of understanding of the laws applicable to charter schools and further demonstrates unlikelihood of future success.

#### **D. The Petition Fails To Set Forth Reasonably Comprehensive Descriptions of Charter Elements (Ed. Code, § 47605(c)(5).)**

Education Code section 47605, subdivisions (c)(5)(A)-(O) require a charter petition to include "reasonably comprehensive" descriptions of numerous elements of the proposed charter school. The Regulations require the "reasonably comprehensive" descriptions required by Education Code section 47605, subdivision (c)(5) to include, but not be limited to, information that:

- Is substantive and is not, for example, a listing of topics with little elaboration.
- For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.
- Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
- Describes, as applicable among the different elements, how the charter school will:
  - Improve pupil learning.
  - Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
  - Provide parents, guardians, and pupils with expanded educational opportunities.

- Hold itself accountable for measurable, performance-based pupil outcomes.
- Provide vigorous competition with other public school options available to parents, guardians, and students. (Regulations, § 11967.5.1(g).)

Staff finds that the Petition does not provide reasonably comprehensive descriptions of many of the required elements as described below.

### **Element 1 - Educational Program**

The Education Code and Regulations provide various factors for considering whether a charter petition provides a reasonably comprehensive description of the educational program of the school, including, but not limited to, a description of the following: the charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges; the charter school's mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an educated person in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners; the instructional approach of the charter school; the basic learning environment or environments; the curriculum and teaching methods that will enable the school's students to meet state standards; how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels; how the charter school will meet the needs of student with disabilities, English learners, students achieving substantially above or below grade level expectations; and, the charter school's special education plan, to include the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who may qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities. (Ed. Code, § 47605(c)(5)(A); Regulations, § 11967.5.1(f)(1).)

The Petition does not contain a sufficient description of the Charter School's educational program based on the following findings:

#### 1. Students Achieving Above and Below Grade Level

The Petition does not reflect a reasonably comprehensive plan that offers meaningful differentiated instruction between students achieving above and below grade level. For low-achieving students, the Petition vaguely states that, "[s]tudents achieving below grade level are given instructional supports focused on teaching them the specific skills they need to achieve grade level standards and benchmarks. Progress is monitored through benchmark, formative and summative assessments; student learning portfolios; and, collected work samples from each student's Main Lesson Book." Interventions that COPPA intends to utilize are, "frequent assessments for progress and to identify areas of need, interventions with instructional aides or the resource teacher, after-school tutoring, peer tutoring, small group instruction; and use of the SST process." (Petition, p. 62.) Furthermore, the Petition states that low-achieving students will be served through the Charter School's after-school program – however, the Petition does not provide any description regarding the after-school program, or the qualifications of the employees who will operate it and that reflect their ability to effectively instruct low-achieving students.

The plan for serving high-achieving students is equally generalized. The Petition states that, “[s]tudents achieving above grade level are identified with the Professional Learning Communities wherein teachers review and analyze achievement data. Identified students are provided an Individualized Learning Plan that matches their academic ability levels and caters to their academic strengths. Along with the Individualized Learning Plan, students achieving above grade level are provided additional advanced opportunities to practice their academic strengths. COPPA uses Study Island and FEV Tutoring to deliver advanced instruction to students achieving above grade level in math and ELA.” (Petition, p. 61.) The Petition does not otherwise describe what Study Island and FEV Tutoring are or any other specific mechanisms by which high-achieving students will be taught differently than low-achieving students or the general student population.

The Petition’s plan for low- and high-achieving students is general and vague and lacks specificity, which is concerning in light of the Charter School’s inadequate academic performance. The Petition does not reflect how these special student populations will be treated differently than the general population, or to what degree the curriculum will be adjusted to meet the needs of these distinct student groups.

## 2. Special Education

The Petition states that, “[a]ll charter schools must adhere to all terms and conditions of the Chanda Smith Modified Consent Decree (MCD).” (Petition, p. 74.) The reference to the Chanda Smith Modified Consent Decree, which resolved a class action lawsuit against the Los Angeles Unified School District (“LAUSD”) relating to special education services, is inapplicable here and does not apply to the District. Petitioners do not tailor the Petition to the District. The reference to the decree demonstrates that the Petition has lifted language from another charter proposal without consideration as to its applicability to the District, and demonstrates that Petitioners lack understanding of their special education obligations.

### **Elements 2/3 – Measurable Pupil Outcomes and Methods of Assessing Outcomes**

The Education Code and Regulations provide for a charter petition to identify the specific skills, knowledge and attitudes that reflect the school’s educational objectives and that can be assessed frequently and sufficiently by objective means to determine satisfactory progress and provide for the frequency of the objective means for measuring outcomes to vary by factors such as grade level, subject matter, and previous outcomes. (Ed. Code, § 47605(c)(5)(B); Regulations, § 11967.5.1(f)(2).) Pupil outcomes must include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school. (Ed. Code, § 47605(c)(5)(B).) To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of, and to modify, instruction for individual students and for groups of students during the school year. (Regulations, § 11967.5.1(f)(2)(A).)

The Education Code and Regulations also require a charter petition to identify the methods by which pupil progress in meeting pupil outcomes is to be measured. To be sufficiently described, a petition must include a variety of assessment tools appropriate to the skills, knowledge, or attitudes being assessed, include the annual assessment results from the Statewide Testing and Reporting (“STAR”) program, and outline a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to parents and guardians, and for utilizing the data continuously to monitor and improve the charter school. (Ed. Code, § 47605(c)(5)(C); Regulations, § 11967.5.1(f)(3).)

Staff finds that the Petition fails to reasonably describe the Charter School's measurable pupil outcomes and methods of measurement for the following reasons:

1. Inadequate and/or Vague Outcomes

The Petition does not establish rigorous outcomes to ensure pupil academic achievement. Despite the fact that, on average, fewer than 20% and fewer than 12% of pupils met or exceeded standards on the ELA and math CAASPP assessments, respectively, during the current five (5) year charter term, the Petition states that the schoolwide percentage of students meeting or exceeding standards will increase by only 1.5% to 2% from the prior year for each year of the proposed five (5) year term. (Petition, p. 81-82.) Such standards are not rigorous, especially considering COPPA's significant academic underachievement and therefore the Petition does not adequately describe its measurable pupil outcomes.

The Petition indicates that, to meet the goal of students feeling safe, connected, and engaged at school, "surveys will show that 80% of students at COPPA are demonstrating core values" and "annual family surveys will show parents recognize growth of maturity and character traits in their students." Such goals and measures are vague, generalized, and inadequately described.

2. Vague Actions

The Petition does not provide specific actions to ensure that the Charter School will meet its state priorities. For example, the Petition promises that "no student will drop out of middle school" and that "100% of students will graduate and matriculate to high school." (Petition, p. 85.) However, as a specific action to support that outcome, the Petition vaguely states "COPPA will provide an academically engaging learning environment for all students." Similarly, the Charter School states that "COPPA will continue to maintain a suspension rate lower than the District average." (*Id.*) Again, in support of this goal, the Petition vaguely states that "Student Success Team will monitor students at risk of behavioral issues and provide student and family interventions as needed." (*Id.*)

**Element 4 – Governance Structure**

The Education Code and Regulations provide for a charter petition to identify the governance structure including, at a minimum, evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable, the organizational and technical designs to reflect a seriousness of purposes to ensure that the school will become and remain a viable enterprise, there will be active and effective representation of interested parties, and the educational program will be successful. (Ed. Code, § 47605(c)(5)(D); Regulations, § 11967.5.1(f)(4).) The Regulations also require evidence that parental involvement is encouraged in various ways.

In accordance with BP/AR 0420.4, a petition must provide evidence the school has established a governing board or governance structure as described in its charter that is effectively engaged in policy making and fiscal and administrative oversight and compliance with specific laws applicable to charter school governance including the Brown Act, the Political Reform Act, Government Code section 1090, and the California Public Records Act; applicable sections of the Corporations Code including the Nonprofit Integrity Act. The petition is to include a copy of the articles of incorporation and bylaws, an organizational chart, and evidence that the school's governing board has adopted internal controls policies to prevent fraud, embezzlement, and conflict of interest and ensures the implementation and monitoring of those policies. Petitioner must provide resumes for each board member

together with a certification that the information is current and accurate and that the board member intends to remain in the role of board member for the full term of the seat as set forth in the bylaws.

If petitioner intends to be operated in whole or in part by a charter management organization ("CMO"), information regarding the CMO must be provided with the charter petition including but not limited to: (1) contract or other agreement between charter school and CMO; (2) names, titles, and locations of principals of CMO and any individual that will be assigned or otherwise working regularly with charter school; (3) documents demonstrating compliance/commitment to compliance with conflict of interest laws (including policies and Form 700s), the Brown Act, and California Public Records Act.

Independent operation for charter schools authorized by the District is required. It is the intent of this authorizer that all funds allocated to each charter school be used exclusively for the benefit of the charter school operating under the District's authorization. Neither the charter school board nor the administration may allocate, loan, or otherwise provide revenue allocated to the District authorized charter school to any other charter school or CMO. Neither the charter school board nor the administration may be allocated, borrow, or otherwise receive revenue that has been allocated to another charter school or from a CMO.

The Petition does not contain a sufficient description of the Charter School's governance structure based on the following findings:

1. No Documentation

The Petition does not provide a copy of COPPA's Articles of Incorporation or its Bylaws. Accordingly, the Petition does not provide information regarding the organizational and technical designs to ensure that the Charter School will remain a viable enterprise and that active and effective representation of interested parties will be maintained.

2. Board Meetings

The Petition states, "Board meeting notices are posted electronically and in print to provide the greatest possible public access to the school community as well as to the community at large. Board meeting dates and agenda are posted on the COPPA Website." (Petition, p. 98.) However, at least as of December 2019, the COPPA website does not provide any information regarding upcoming Board meetings, agendas, or minutes.

3. Parent Engagement

The Petition states that, "Parent input and perspective is built into the COPPA governance structure through limited elected and appointed seats on the Board of Directors and is further channeled through parent seats on board standing committees and the COPPA Parent's Advisory Committee (PAC)." (Petition, p. 99.) However, the Petition does not provide an adequate description regarding the PAC's role and responsibilities, nor does it provide information regarding the PAC's composition and how parents and other individuals can serve or volunteer on the PAC.

4. Representative Board

The Petition does not adequately describe if and whether its governance includes individuals who are associated with, are representatives of, or are residents of the Inglewood community. Board members resumes are not provided with the Petition.

## 5. Governance Controls

The Petition does not provide a copy of the articles of incorporation and bylaws, nor does it describe whether the Charter School has adopted internal controls policies to prevent fraud and embezzlement, or other financial controls, and to ensure the implementation and monitoring of those policies.

### **Element 5 – Employee Qualifications**

The Education Code requires the Petition to describe the qualifications to be met by individuals employed by the Charter School. (Ed. Code, § 47605(c)(5)(E).) The Regulations provide that the qualifications should at a minimum, identify general qualifications for the various categories of employees; ensure the health and safety of the school's faculty, staff, and students, and the academic success of the students; identify the key positions in each category and specify the additional qualifications expected for those positions; and specify applicable legal requirements will be met, including but not limited to credentials as necessary. (Regulations, § 11967.5(f)(5).

The Petition fails to reasonably comprehensively describe this element, as follows:

Several key positions of the Charter School do not require credentials or other minimum qualifications necessary for the operation of a charter school. For example, the Chief Executive Officer position does not require an educational degree or a credential. (Petition, p. 102.) Notably, the Principal position does not require the possession of any credential, whether administrative or teaching (Petition, p. 105), even though he/she "is responsible for evaluating the teachers." (Petition, p. 106.).

Other areas of the Petition are vague, such as when the Petition summarily states, "Children of Promise Preparatory Academy will meet all requirements for employment set forth in applicable provisions of law," without identifying the specific provisions of law that are ostensibly "applicable." (Petition, p. 101.) Such vague and generalized statements that attempt to reflect reassurances that the Charter School will comply with legal requirements do not demonstrate whether the Charter School understands the specific legal obligations to which it must abide.

### **Element 6 – Health and Safety Procedures**

The Education Code requires the Petition to identify the procedures that the Charter School will follow to ensure the health and safety of students and staff. (Ed. Code, § 47605(c)(5)(F).) The Regulations provide the procedures should, at a minimum, require that each employee of the school provide a criminal records summary as described in Education Code section 44237, include the examination of faculty and staff for tuberculosis as described in Education Code section 49406, require immunization of students as a condition of school attendance to the same extent as would apply if the students attended a non-charter public school, and provide for the screening of students' vision and hearing and the screening of students for scoliosis to the same extent as would be required if the students attended a non-charter public school. (Regulations, § 11967.5(f)(6).)

The Petition does not contain sufficient description of the Charter School's health and safety procedures based on the following findings:

1. Comprehensive Safety Plan

AB 1747 requires charter petitions to include the development of comprehensive school safety plans, procedures for conducting tactical responses to criminal incidents, and a provision indicating that the school safety plan must be reviewed and updated by March 1 of every year by the charter school. (Ed. Code, § 47605(c)(5)(F)(ii) and (iii).) The Petition does not describe these important procedures and provisions nor does it provide a copy of the safety plan.

2. Sudden Cardiac Arrest

Although the Petition includes an athletics program (Petition, p. 23), it does not provide for the adoption of policies and procedures to protect student athletes and to require sudden cardiac arrest training for coaches of athletic activities pursuant to Education Code section 33479, et seq.

**Element 8 – Admissions Requirements**

The Education Code and Regulations require the Petition to identify admission requirements that are in compliance with applicable law. (Ed. Code, § 47605(c)(5)(H); 5 Regulations, § 11967.5.1(f)(8).)

The Petition does not contain sufficient description of the Charter School’s admission requirements based on the following findings:

Despite the Charter School’s ostensible aim to serve socioeconomically disadvantaged students (Petition, p. 21), the Charter School’s admissions policies and procedures do not provide any admissions preferences for students identifying as socioeconomically disadvantaged in the public random lottery. (Petition, p. 120.) Admissions preferences are only provided to siblings of currently enrolled students, children of faculty, staff, and board members, and residents of the District, without consideration or preference to their socioeconomic status or eligibility to participate in the free/reduced price lunch program.

**Element 10 – Suspension and Expulsion Procedures**

The Education Code and Regulations require the Petition to describe the procedures by which students can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. (Ed. Code, § 47605(c)(5)(J); Regulations, § 11967.5.1(f)(10).)

1. Willful Defiance

As stated above, the Petition reflects that a student may be suspended and even expelled if they “[d]isrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.” (Petition, p. 128, 134.) AB 420 amends Education Code section 48900(k) and limits the use of school discipline for the catch-all category known as “willful defiance.” Specifically, a K-3 student cannot be suspended, and a K-12 student cannot be recommended for expulsion, for having “disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.”

## 2. Expulsion Procedures

The Petition states that, “[a] student may be expelled either by the neutral and impartial Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of a neutral and impartial Administrative Panel to be assigned by the Board of Directors as needed. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil nor a Board member of the COPPA governing board. Each entity shall be presided over by a designated neutral hearing chairperson.” (Petition, p. 138.) However, the Petition does not otherwise describe the procedures for selecting the Administrative Panel members or the chairperson and does not adequately describe how the selection will ensure the panel or chairperson will in fact be neutral.

Additionally, the Petition does not adequately describe expulsion appeal procedures. The Petition merely states that the Board of Directors shall make the final decision on an expulsion; however, neither the student nor his/her parent or guardian are provided any opportunity to appeal or otherwise challenge the Board’s expulsion decision, which may constitute a violation of the student’s due process rights. (Petition, p. 138.)

### **Miscellaneous Provisions**

Staff finds that the Petition does not provide a reasonably comprehensive description of the following miscellaneous provisions for the following reasons:

#### 1. Budget

While the Petition provides a budget and cash flow statements, the Petition does not provide a budget narrative or any other information summarizing the assumptions used to calculate the figures in the cash flow and budget. Assumptions are critical in evaluating whether the projections and stated figures in the budget are appropriate and reflect fiscal viability. Furthermore, the omission of a narrative or assumptions raise questions regarding some of the budgetary allocations in the budget. For example, the Charter School intends on paying \$700 to \$800 in “Fines and Penalties,” each school year moving forward, or nearly \$2,000 in “Bad Debt Expense” during the 2019-20 school year; however, there is no description for the reason or justification for these expenses. Accordingly, the budget and fiscal operation portions of the Petition are inadequately described.

The budget also does not appear to support the program as described in the Petition. For example, the Petition states that low-achieving students will be served through the Charter School’s after-school program. (Petition, p. 62.) The Petition also indicates that, “[w]hile COPPA offers a full-day program starting in Kindergarten, we understand that childcare is also a basic concern for families. As such, COPPA offers multiple aftercare options for our families, including no cost options based on need.” (Petition, p. 62.) The budget does not reflect consideration for the allocation of resources or expenses for the after-school program or the no cost aftercare option.

The budget indicates that the Charter School will rely significantly upon “Donations and Fundraising” to account for the Charter School’s revenue without adequate description or other information substantiating this potential and significant source of revenue. For example, the budget projects \$8,500 in donations and/or funds from “fundraising” each year of the Charter School’s proposed five (5) year term, without identifying the sources of the contributions. The budget also provides for \$20,000 in revenue for “Field Trips,” but

neither the budget nor the Petition explain the revenue source. This significant reliance upon unsupported donations overstates the Charter School's revenues.

## 2. External Documents

The Petition relies upon and makes numerous references to external documents, which are to become terms and conditions of the charter and as enforceable as any other provision identified in the Petition itself; however, COPPA does not provide copies of such documents and it is unclear whether such documents even exist. Some of the most significant documents that COPPA failed to submit with the Petition are the COPPA Parent-Student Handbook (Petition, p. 120); Employee Handbook (Petition, p. 102); School Safety Plan (Petition, p. 113); Suicide and Anti-Bullying Policies (Petition, p. 115); Parent Participation Contract (Petition, p. 147); and the collective bargaining agreement with the Inglewood Teachers Association (Petition, p. 101).

## 3. Administrative Services

The Petition fails to describe its administrative services. Specifically, under the section entitled "Administrative Services," the Petition states, "Describe the manner in which administrative services of the School are to be provided" (Petition, p. 158), which indicates an obvious omission by Petitioners in describing a critical element of the Petition.

## **V. CONCLUSION**

For the reasons stated above, the Petition, as submitted, fails to demonstrate that COPPA meets the requisite academic performance standards, fails to provide a reasonably comprehensive description of several essential charter elements, including new charter requirements enacted into law, and indicates that the Charter School is demonstrably unlikely to successfully implement the program presented in the Petition. Accordingly, it is recommended that the Petition be denied. Should the County Administrator take action to deny the Petition, such action should include adoption of this Staff Report as the written factual findings in support of the denial of the Petition.