

**VISTA UNIFIED SCHOOL DISTRICT
STAFF REPORT, PROPOSED FINDINGS OF FACT & RECOMMENDATION
CONCERNING GUAJOME LEARNING CENTERS**

Date Posted: February 17, 2021

The following provides a summary of the Vista Unified School District's ("District") staff report, proposed findings of fact, and recommendation concerning the Guajome Learning Centers Renewal Petition ("Renewal Petition").

Introduction and Procedural Background

Guajome Learning Centers ("GLC" or "Charter School") has operated as an independent, nonclassroom-based charter school under the authorization of the District since 2011. GLC's objective is to enable its students to become self-motivated, competent, and lifelong learners. According to the most recent data available on the California School Dashboard ("Dashboard"), during the 2019-2020 school year, GLC's served a total of 78 students, and its student population consisted of the following:

- 67.9% Socioeconomically-Disadvantaged Students
- 2.6% English Learners
- 1.3 Students with Disabilities
- 0% Foster Youth

GLC generally serves between 70 and 100 students in kindergarten through twelfth grade. Approximately sixty to seventy percent (60%-70%) of the student population is enrolled in ninth through twelfth grade, and the remainder is enrolled in kindergarten through eighth grade. GLC does not intend to significantly expand or reduce the number of students it would serve each school year during the proposed five-year charter renewal term.

GLC utilizes a curriculum and instructional model that combines state-adopted curriculum standards, advanced technology, community partnerships, and vocational opportunities, along with classes and enrichment opportunities, to allow students to apply subject matter content within their courses of study and to facilitate skill-building in general. (See Renewal Petition, p. 12.)

GLC's current charter term expires on June 30, 2021, and it is seeking a five-year renewal term.

On December 9, 2020, the District received a copy of GLC's Renewal Petition, along with a signed certification from Kevin Humphrey, the Lead Petitioner and Superintendent of GLC, deeming the Renewal Petition to be complete.

On February 11, 2021, the District’s Board of Trustees (“Board) held a public hearing to determine the level of support for the Renewal Petition by teachers, other District employees, and parents/guardians.

On March 4, 2021, the District’s Board will hold a public hearing on the admissions preferences included in the Renewal Petition, as well as a public hearing during which the Board will take action to either grant or deny the Renewal Petition.

As discussed in further detail below, District staff, in consultation with legal counsel, has conducted a comprehensive review of the Renewal Petition and the academic performance of GLC’s students utilizing the new charter renewal criteria under Assembly Bill 1505. Based on that review, District staff has determined that GLC meets the minimum criteria for renewal. Therefore, consistent with the findings that are set forth below, District staff recommends that the Board approve the Renewal Petition for a five-year term, beginning on July 1, 2021 and ending on June 30, 2026.

Charter Renewal Criteria and Findings of Fact

The consideration of a renewal petition requires the District to (1) determine whether the charter school meets applicable eligibility requirements using the new accountability criteria under Assembly Bill 1505 and reflected in the Dashboard, and (2) evaluate whether the renewal petition meets the standards and criteria set forth in Education Code section 47605. An analysis of these two components of the charter renewal process is provided in detail below and includes District staff’s corresponding findings of fact.

1. GLC’s Eligibility for Renewal Under New Accountability Criteria / Findings of Fact

Education Code section 47607 provides that a “chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2.” These provisions detail a three-tiered system that categorizes a charter school as a high-performing, middle-performing, or low-performing charter school. The designation of a charter school in a particular tier determines the level of review that the chartering authority must conduct to evaluate whether the charter school is eligible for renewal of its charter.

The California Department of Education provides access on its website to a list of California public charter schools and their respective performance tier to which they have been assigned based on the criteria set forth in Education Code sections 47607 and 47607.2. This list is available at <https://www.cde.ca.gov/sp/ch/ab1505.asp>.

a. Eligibility for Charter Renewal as a “Middle-Performing” Charter School

GLC qualifies as a middle-performing charter school. Placement in this tier requires the District to evaluate the following:

- GLC’s performance on the state and local indicators on the Dashboard, both on a schoolwide basis and for all student subgroups served by the charter school. The District must give greater weight to GLC’s performance on measurements of academic performance.
- Clear and convincing evidence, as demonstrated by verified data, which shows that GLC has either (1) achieved measurable increases in student academic achievement, as defined by at least one year’s progress for each year in school, or (2) strong post-secondary outcomes (e.g., college enrollment, persistence, and completion rates equal to similar peers).

By satisfying the above criteria, the District’s Board may grant a renewal term of five years.

b. Findings of Fact

The following include District staff’s findings of fact concerning GLC’s designation as a middle-performing charter school.

Finding of Fact No. 1: GLC’s performance on state and local indicators demonstrate overall that it is showing some improvements schoolwide and among subgroup populations.

The District’s review team has considered GLC’s performance on a schoolwide basis and among all subgroups served by the charter school as identified on the Dashboard, giving greater weight to the charter school’s performance on measurements of academic performance.

District staff has determined that GLC meets the minimum requirements to qualify for renewal as a middle-performing charter school, which is the designation it received from the California Department of Education. Overall, GLC was not assigned performance colors for most of the statewide indicators due to the small size of its student population. However, GLC received the highest performance rating of “blue” on the chronic absenteeism and suspension rate indicators, which was maintained from the prior year.

On the 2019 Dashboard,¹ data shows that GLC received the following performance levels on a schoolwide basis:

Statewide Indicators:

- Chronic Absenteeism: Blue (0% chronically absent, maintained 0%)
- Suspension Rate: Blue (0% suspended at least once, maintained 0%)
- Graduation Rate: No Performance Color (94.4% graduated, with an increase of 3.1%)
- College/Career: No Performance Color (11.8% prepared, with a decline of 10%)

¹ The state suspended reporting on the state and local indicators for the 2020 Dashboard due to the COVID-19 pandemic. Therefore, the most recent information from the 2019 Dashboard is included above.

- English-Language Arts: No Performance Color (12.6 points below standard, with a decline of 5.2 points)
- Mathematics: No Performance Color (116 points below standard, with a decline of 24.1 points)
- English Learner Progress: No Performance Color (due to lack of data/fewer than 10 students for each reported year)

Local Indicators:

- Basics – Teachers, Instructional Materials, Facilities: Standard Met
- Implementation of Academic Standards: Standard Met
- Parent and Family Engagement: Standard Met
- Local Climate Survey: Standard Met
- Access to a Broad Course of Study: Standard Met

As noted above, because of GLC’s small student population, there is very limited information available on the California School Dashboard to evaluate GLC’s performance on both state and local indicators. Due to the lack of reporting of scores for student subgroups, the District is limited to evaluating GLC’s performance on the California Assessment of Student Performance and Progress (“CAASPP”) for English-Language Arts (“ELA”) and mathematics on a schoolwide basis and for the following reported subgroups: socioeconomically-disadvantaged, Hispanic/Latino, and White students.

The following provides a breakdown of GLC’s student performance in ELA:

ELA – Schoolwide

| Reported School Year | Percentage of Students Who Met/Exceeded Standard |
|----------------------|--|
| 2015-2016 | 63% |
| 2016-2017 | 48.7% |
| 2017-2018 | 53.5% |
| 2018-2019 | 50.0% |

ELA – Socioeconomically Disadvantaged

| Reported School Year | Percentage of Students Who Met/Exceeded Standard |
|----------------------|--|
| 2015-2016 | 66% |
| 2016-2017 | 35.3% |
| 2017-2018 | 48.4% |
| 2018-2019 | 50.0% |

ELA – Hispanic/Latino

| Reported School Year | Percentage of Students Who Met/Exceeded Standard |
|----------------------|--|
| 2015-2016 | 63.0% |
| 2016-2017 | 51.8% |
| 2017-2018 | 48.0% |
| 2018-2019 | 52.2% |

ELA – White

| Reported School Year | Percentage of Students Who Met/Exceeded Standard |
|----------------------|--|
| 2015-2016 | 63% |
| 2016-2017 | Fewer than 10 students |
| 2017-2018 | 72.7% |
| 2018-2019 | 41.7% |

As reflected above, GLC showed declines in student performance on the CAASPP in ELA both schoolwide and among the reported student subgroups from the 2015-2016 to 2016-2017 school years. However, except for the Hispanic/Latino subgroup, the percentage of students who met or exceeded standards increased during the 2017-2018 school year. Thereafter, GLC again experienced modest declines from the 2017-2018 to 2018-2019 school years on a schoolwide basis, but overall percentages improved among the socioeconomically-disadvantaged and Hispanic/Latino subgroups. As compared to the statewide average for the 2018-2019 school year, GLC’s performance schoolwide of 50.0% was just shy of the reported statewide performance of 51.1% for students who met or exceeded standards in ELA.

The following provides a breakdown of GLC’s student performance in mathematics:

Mathematics – Schoolwide

| Reported School Year | Percentage of Students Who Met/Exceeded Standard |
|----------------------|--|
| 2015-2016 | 32% |
| 2016-2017 | 15.4% |
| 2017-2018 | 18.6% |
| 2018-2019 | 12.5% |

Mathematics – Socioeconomically Disadvantaged

| Reported School Year | Percentage of Students Who Met/Exceeded Standard |
|----------------------|--|
| 2015-2016 | 27% |
| 2016-2017 | 11.8% |
| 2017-2018 | 6.5% |
| 2018-2019 | 12.5% |

Mathematics – Hispanic/Latino

| Reported School Year | Percentage of Students Who Met/Exceeded Standard |
|----------------------|--|
| 2015-2016 | 28.0% |
| 2016-2017 | 13.8% |
| 2017-2018 | 4.0% |
| 2018-2019 | 13.0% |

Mathematics – White

| Reported School Year | Percentage of Students Who Met/Exceeded Standard |
|----------------------|--|
| 2015-2016 | 36.0% |
| 2016-2017 | Fewer than 10 students |
| 2017-2018 | 45.5% |
| 2018-2019 | 16.7% |

As detailed in the charts above, GLC showed declines in student performance on the CAASPP in mathematics both schoolwide and among the reported student subgroups from the 2015-2016 to 2016-2017 school years. Although there were slight improvements in the percentage of students meeting or exceeding standards schoolwide from the 2016-2017 to 2017-2018 school years, GLC experienced another decline in performance schoolwide from the 2017-2018 to 2018-2019 school years. Notably, there were gains in student performance among the socioeconomically-disadvantaged and Hispanic/Latino subgroups during the 2018-2019 test administration. However, performance both schoolwide and among GLC’s reported subgroups fell significantly below the statewide average of 39.73% for the 2018-2019 school year.

In its Renewal Petition, GLC provided academic performance data and a narrative acknowledging the variability in its student performance in ELA and mathematics over the charter term. GLC stated that it has implemented several interventions to improve student performance and to address critical areas of academic need. These interventions include

increased learning lab time for students to receive additional assistance, the introduction of Renaissance STAR testing to identify struggling students early in the school year, and increased appointments, where needed, with the student's assigned homeroom teacher. During the 2020-2021 school year, GLC also added the Accelerated Reader program, Freckle Reading, and Freckle Math programs to address learning/achievement gaps. Further, GLC provided additional professional development for its teaching staff to better equip them to utilize these programs to address student learning objectives.

Although GLC has experienced both increases and declines in student performance on the CAASPP in both ELA and mathematics, the District is encouraged by the interventions that GLC has put in place and believes that GLC is committed to addressing the academic needs of its student population. The District will, however, continue to closely monitor GLC's student academic achievement and performance, as well as the implementation of its interventions and strategies, to evaluate whether students are making progress in these core subject areas.

Finding of Fact No. 2: There is clear and convincing evidence, as demonstrated by verified data, which appears to show that GLC has achieved measurable increases in student academic achievement as defined by at least one year's progress for each year in school.

District staff has determined that GLC appears to have achieved measurable increases in academic achievement, defined by at least one year's progress for each year in school, based on verified data. GLC presented internal assessment data utilizing the Renaissance STAR Assessments. The Renaissance STAR has been identified by the California Department of Education as an academic progress indicator that is on the approved verified data list.

GLC began administering the Renaissance STAR to students in the 2019-2020 school year. GLC tracked student progress among those who were enrolled from the fall of 2019 through at least the fall of 2020. Based on this student cohort, GLC found that students demonstrated positive progress overall with an 88.73 point average scaled score gain and a corresponding 2.75% gain in ELA. In addition, the student cohort for math reflected a 27 point average scaled score gain and a corresponding 2.65% gain.

When comparing GLC students overall who were tested in ELA, students on average showed a -3.51 point scaled score decrease and a 13.32% gain. With respect to math, students had a 3.64 point scaled score gain and a 15.38% increase.

The student assessment information and other data that GLC provided with its Renewal Petition appears to demonstrate that GLC students are making academic progress and have experienced approximately one year of growth in ELA and mathematics. Nevertheless, the District's review team concludes that continued academic growth and progress is necessary, both schoolwide and among subgroup populations, to increase student achievement and proficiency in these areas. GLC likewise acknowledges this need for improvement and has articulated various measures in its Renewal Petition that it is taking to address these issues.

2. Charter Petition Renewal Criteria Under Education Code Section 47605 / Findings of Fact

Education Code section 47607 provides that charter renewals are governed by the standards and criteria set forth in Education Code section 47605 and must include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

a. Grounds for Denial

The governing board of a school district shall not deny a petition unless it makes written factual findings specific to the particular petition, setting forth specific facts to support one or more of the following findings:

1. The charter school presents an unsound educational program for the students 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 the number of signatures required by subdivision (a) of Education Code section 47605. (*The signature requirement is **not** applicable to a renewal petition.*)
4. The petition does not contain an affirmation of each of the required conditions.
5. The petition does not contain reasonably comprehensive descriptions of all required elements.
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. (*This finding is **not** applicable to a renewal petition.*)
8. The school district is not positioned to absorb the fiscal impact of the proposed charter school. (*This finding is **not** applicable to a renewal petition.*)

b. Findings of Fact

The District conducted a comprehensive review of GLC's Renewal Petition, which included a detailed analysis of its educational program, measurable student outcomes and methods for measuring student progress, fiscal and governance structures, student admissions and discipline, labor and personnel issues, facilities and operations, and legal issues. Overall, as

detailed below, the Renewal Petition generally included reasonably comprehensive descriptions of the required legal elements. However, the District's review team identified various items that were lacking in detail. These items are addressed in further detail below.

The Findings of Fact below are intended to clarify GLC's obligations during the renewal term, if the District's Board approves its Renewal Petition. Additionally, if the Board renews GLC's charter for an additional term, District staff intends to ensure these items are effectively clarified, addressed, and/or implemented, along with all existing and new legal requirements applicable to charter schools, as part of its comprehensive charter oversight and monitoring of GLC's program and operations.

Below, District staff presents its findings of fact addressing the general categories of review. It is important to note that, based on staff's determination that GLC generally provided reasonably comprehensive descriptions of the required charter elements, as well as additional information on its operations, facilities, and other legal matters, the details included in the following set of findings are intended to be illustrative, not exhaustive, of the charter school's compliance with the petition requirements, except where noted.

Finding of Fact No. 3: The Renewal Petition presents a sound educational program for the students enrolled in the charter school.

The Renewal Petition generally demonstrates that GLC's program is consistent with sound educational practice. For the reasons described in Findings of Fact Nos. 1 and 2, District staff has found that GLC generally appears to provide a sound educational program for the students enrolled in the charter school.

Elementary students enrolled in GLC receive instruction utilizing Common Core State Standards-based materials adopted by GLC's Board of Directors. According to the Renewal Petition and accompanying documents included in the Appendix, GLC students receive and participate in individualized instruction, enrichment opportunities, and seminar learning environments. GLC uses data to determine which students need intervention in core subjects, including those students who are identified as English Learners and students with special needs.

At the secondary level, students may participate in online core courses and both online and offline elective courses. These courses follow the GLC Board's adopted curriculum, including the CCSS/California state curriculum frameworks and content standards. Students enrolled in this grade level span have the opportunity for credit recovery and/or accelerated learning. In addition, students have access to various pathways to complete high school graduation requirements with standards-based and/or remedial curriculum. In addition to evaluating proficiency in core academic standards, students are assessed in lifelong learning skills and citizenship and social/interpersonal skills. There are also structures and supports for English Learners and students with special needs.

The District's review team has identified areas of improvement related to GLC's educational program and academic achievement and progress, including, but not limited to, the issues

detailed in Findings of Fact Nos. 1 and 2. However, the District recognizes that GLC targets and serves a distinct student population and, due to its small size, there can be greater variability in student performance. The District also recognizes the challenges in reporting academic achievement and progress among GLC's student subgroups because of the small testing pools.

The District appreciates GLC's commitment to increasing interventions, strategies, and other opportunities to improve student achievement, engagement, and progress. It is the District's expectation that GLC will continue to actively monitor student academic achievement and performance and institute effective, research-based interventions to target critical areas of educational need and increase academic growth, particularly for low-performing students enrolled in the charter school. Again, the District intends to actively monitor GLC's performance in this area as part of its ongoing charter oversight process.

Finding of Fact No. 4: The Petitioners are demonstrably likely to successfully implement the program.

GLC has been operating as a charter school under the District's authorization since 2011. Based on the review team's analysis of the Renewal Petition, District staff's communications with GLC administration, and the District's annual oversight process, the District finds that GLC's governance and leadership teams have sufficient background, knowledge, and experience in critical areas needed to successfully operate the charter school and implement the educational program.

The District's review team also conducted a fiscal analysis of GLC, including the financial information it submitted as part of its Renewal Petition. Based on its review, GLC appears to be financially viable. However, the District was limited in its ability to fully evaluate GLC financials because GLC did not provide cash flow documentation or a Local Control Funding Formula ("LCFF") calculator. With respect to cash flow, the District was unable to confirm the monthly timing of revenue receipts or expenditures. In addition, the District was only able to extrapolate the salaries and benefits of GLC employees, assuming a twelve-month payment cycle.

Due to the absence of the LCFF calculator, the District was unable to verify GLC's LCFF revenues. According to the LCFF calculator that GLC previously provided to the District, the review team was able to determine that GLC's LCFF revenues were reasonable. However, again, this determination was not based on the current calculator.

The District confirmed that GLC's expenses detailed in its Learning Continuity Plan for 2020-2021 are in alignment with the Cares Act Learning Loss. The District, though, could not verify the total amount of Cares Act funding that GLC received on its First Interim Schedule.

Finally, GLC appears to be deficit spending each year according to its First Interim projection. GLC has sufficient reserves to cover its structural deficit in the upcoming years, but the District encourages GLC to develop a focused plan to address such deficit to avoid spending down its reserves.

District staff expects that GLC will correct and/or clarify the above-noted issues without delay and provide the District with updated financial information that addresses these items.

Overall, despite these deficiencies and the limited information available for the District to review, District staff believes that GLC appears likely to successfully implement its charter school program if it addresses, at a minimum, the financial-related items noted above, which will be subject to the District's follow-up monitoring and oversight.

Finding of Fact No. 5: The Renewal Petition contains an affirmation of each of the required conditions.

The Renewal Petition includes all required affirmations and assurances of the required conditions.

Finding of Fact No. 6: The Renewal Petition provides reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605.

Based on an analysis of the Renewal Petition by the District's review team, the Renewal Petition generally provides reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605 to support eligibility for GLC's renewal of its charter. However, the review team has identified several items that are lacking in detail. These items are listed below and will be incorporated by reference into the proposed Board resolution for further follow-up and correction. Should the District's Board approve the Renewal Petition, District staff plans to engage in detailed oversight and monitoring of GLC to ensure that these issues are meaningfully and effectively implemented.

The District's review team notes the following non-exhaustive summary of deficiencies or areas lacking in detail, which are classified by element in the Renewal Petition:

a. Educational Program

- The Renewal Petition does not include sufficient detail regarding the manner in which GLC satisfies the requirements for offering independent study to its students enrolled in kindergarten through twelfth grade. Although the Student Handbook includes a copy of GLC's Master Agreement for Independent Study and provides a short description regarding independent study for students in the kindergarten through fifth, and sixth through twelfth, grade spans, GLC should have provided a more in-depth, comprehensive description of this instructional model in its Renewal Petition, especially considering that GLC's entire educational program model is centered around this method of instruction.

b. Methods for Measuring Student Progress

- Although there are multiple data points available and GLC provides progress reports and conferences, and engages in communications with parents/guardians, there is no plan for collecting/analyzing, utilizing/reporting data to school staff to ensure that data drives the improvement of the educational program.

c. Governance Structure

- The governance section of the Renewal Petition is reasonably comprehensive; however, there is no discussion regarding annual board member trainings concerning the Brown Act and conflict of interest rules.
- The District’s review team also identified a critical inconsistency that will need to be revised in GLC’s bylaws. Specifically, in Article IV, Section 3, the bylaws state: “By law, no more than 49 percent of the Board can be interested (vested) persons. To ensure a majority representation of non-interested (not employed or compensated by Guajome Learning Centers) members, it was agreed that Directors from the community, parent, and student members must be non-interested persons.” However, in Article IV, Section 19, the language directly contradicts Section 3 by allowing up to 49% of the board to be interested persons. By definition, an “interested person” in the bylaws includes employees, *independent contractors*, or *otherwise*. This language will need to be modified to remove the internal inconsistency and ensure alignment with the requirements of Education Code section 47604.1.

d. Health and Safety Procedures

- The Renewal Petition does not contain an assurance that GLC will notify students and parents/guardians no less than twice during the school year on how to initiate access to available pupil mental health services on campus or in the community, or both, in the manner consistent with the requirements of Education Code section 49428.
- The Renewal Petition does not contain an affirmation that GLC will comply with the requirements of Education Code section 221.61 addressing the rights of a student and the public, as well as the responsibilities of the charter school, under Title IX. In addition, the District was unable to locate a Title IX policy for GLC or confirm whether it has designated a Title IX coordinator.
- In the Renewal Petition, GLC recites its legal obligations to fulfill certain health and safety mandates, but GLC did not include a description or

evidence in the Renewal Petition regarding how it has actually met such requirements. This includes the following:

- Adoption of a policy to prevent acts of bullying, including cyberbullying.
- That GLC provides comprehensive sexual health education and HIV prevention education for students in grades 7-12 that is consistent with the requirements of Education Code sections 51930 *et seq.*
- That GLC's Board of Directors has identified appropriate methods of informing parents/guardians of students in grades 6-12 of human trafficking prevention resources.

Finding of Fact No. 7: The Renewal Petition includes a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school.

The Renewal Petition confirms that Guajome Learning Centers, the nonprofit corporation operating GLC, shall serve as the exclusive public school employer of the employees of GLC for purposes of the Educational Employment Relations Act.

Finding of Fact No. 8: The Renewal Petition satisfies other key areas related to the operations and other potential effects of GLC.

Overall, the Renewal Petition adequately addresses the operational and other potential effects of GLC, including the acknowledgement that the District shall not be responsible for the debts and obligations of the charter school, or for claims arising out of the performance of acts, errors, or omissions by the charter school, if the District meets its oversight obligations.

District Staff Recommendation

Based on District staff's analysis of the above-described criteria for renewal and the corresponding Findings of Fact Nos. 1-8, the District recommends that the Board of Trustees take action to approve the Renewal Petition of GLC for a five-year term beginning on July 1, 2021 and ending on June 30, 2026. The proposed Board resolution on the Renewal Petition will reference the staff findings described above, including the need for corrective actions that District staff will monitor as part of its charter oversight function.