



July 1, 2014

Dear State Board of Education,

We respectfully request that the State Board of Education (SBE) affirm the local actions by the San Diego County Office of Education (SDCOE) and San Diego Unified School District (SDUSD) to deny the charter petition to establish Thrive Public School (TPS). With the current emphasis on local control and local accountability it should be given great weight that both SDUSD and SDCOE thoroughly reviewed the TPS petition, held local public hearings, and adopted legally sufficient findings in support of their respective denial actions. The review by the California Department of Education's Advisory Commission on Charter Schools (CDE) clearly identifies significant deficiencies in the charter petition with respect to the English Learner (EL) program. The State's mandate for local educational agencies to specify and focus on how the needs of ELs will be met supports the SBE's denial of the TPS petition, as do the following deficiencies.

1. English Learner Program Lacks a Reasonably Comprehensive Description

SDUSD agrees with the State that the TPS charter petition does not include a reasonably comprehensive description of the school's EL program. This element is particularly relevant because the EL student demographic data identified by the CDE/ACCS at "surrounding schools" ranged from 24.4% up to 61.2%. TPS has estimated its first year EL population to be 38%. With such a large projected EL population, it is understandable that the CDE staff confirms in multiple sections of its analysis that the TPS charter petition lacks specific information about how this subgroup will be served.

The CDE analysis, page 10, in the Description of Educational Program section states:

"The TPS petition does not indicate how the school will meet the needs of English learner (EL) students. The petition does not indicate any targeted English Language Development (ELD) instruction for students who require instruction beyond the proposed full inclusion model (emphasis added)."

Title 5, section 11967.5.1(g) of the California Code of Regulations (CCR) states that a reasonably comprehensive description...shall include information that is substantive and not a listing of topics with little elaboration, and that describes how the charter school will improve pupil learning. The CDE analysis on page 11, in the Plan for English Language Learners section states:

"[W]hile the petitioners outline many instructional strategies...be used with ELs, the petition lacks a clear description of an ELD program. The petition...does not include a description of specific program placement for students who score within levels 1 through 3 on the California English Language Development Test (CELDT). Additionally, the petition does not include a description of how and when EL students will receive ELD instruction aligned to ELD standards or how reclassified ELs are monitored for a minimum of two years after being reclassified (emphasis added)."

The CDE staff analysis confirms that the petition is not substantive with respect to the EL program and does not comply with the requirements of this section of the CCR.

Page 34 of the CDE staff analysis concludes by stating:

“The CDE agrees with SDCOE that the plan for EL learners is unclear on how and when EL students will receive ELD instruction aligned to ELD standards...Overall, it is unclear how ELs will be served at the school in the full inclusion model.”

CDE staff recommends a technical amendment to the TPS charter “to make the petition clear on how and when EL students will receive ELD instruction aligned to ELD standards,” and “to make clear how reclassified ELs are monitored for a minimum of two years after being reclassified.” The need to make this level of amendment to the charter petition calls into question whether EL students’ needs will be met.

2. Questionable Signatures

June 2013: TPS submitted a charter petition to SDUSD. Due to an abundance of signatures from individuals outside San Diego County, TPS withdrew its petition.

July 2013: TPS submitted a revised charter petition o SDUSD.

August 2013: TPS informed SDUSD that there was only one charter petition to open only one TPS charter school.

September 2013: SDUSD learned that TPS submitted a nearly identical charter petition to the La Mesa-Spring Valley School District to open Thrive Charter School #2. TPS withdrew their petitions from both SDUSD and La Mesa-Spring Valley School districts.

November 2013: TPS submitted a third petition to SDUSD. The teacher signatures attached to both the SDUSD and La Mesa-Spring Valley charter petitions contained numerous repetitions, and some teachers had different addresses listed in these petitions, calling into question the validity of the teacher signatures.

Education Code section 47605(a)(3) requires that the “proposed charter shall be attached to the petition (emphasis added).” SDUSD contacted eight of the ten teachers who signed the November 2013 charter petition. Four teachers stated that no charter was attached, and two teachers stated that some pages (about 10 pages) were attached. The TPS charter petition is 126 pages without the appendices. It is apparent that the proposed charter was not attached to the petition, and that TPS did not comply with this Ed Code section.

Education Code section 47605(a)(3) states that a signature on the petition means that the parent is meaningfully interested “in having his or her child or ward attend the charter school,... (emphasis added)” A simple counting of the number of signatures included on the petition is not a reasonable interpretation of this requirement and does not uphold the spirit of the law. The statute specifically calls out attendance at the school. If the school is only going to offer two grades in its initial year, kindergarten and sixth, then signatures from parents of any other grade levels should not be counted

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as satisfying the signature requirement. Of all of the parent signatures collected, only 44 represented students who would be entering kindergarten or sixth grade in the 2014-15 school year, which is insufficient based on TPS' projected enrollment of 168 in the first year.

TPS submitted parent signatures on two different forms in the November 2013 petition. Neither form clarified which school (SDUSD or La Mesa-Spring Valley) the parents were supporting and which school they were meaningfully interested in having their student attend. Because of the multiple petition submissions to SDUSD and La Mesa-Spring Valley, SDUSD was unable to confirm which charter the parents were supporting. Based on location and grade levels served changes to the November 2013 petition, the signatures gathered as part of the July 2013 charter petition cannot be automatically viewed as supporting the November 2013 charter petition. Neither form confirmed that the proposed charter was attached to the petition, as required by statute.

California Code of Regulations section 11967.5 states that "Where the criteria call for judgments to be made, the judgments will be made in such a manner as to be reasonable, rational, and fair to the petitioners and other parties potentially affected by the chartering of the school by the State Board of Education." Approving TPS will affect SDUSD and potentially SDCOE. One option to create a reasonable, rational, and fair judgment is for the SBE to deny the current charter petition based on the deficiencies, and encourage TPS to submit a statewide benefit charter for consideration. TPS petitioners have made it clear that they intend to operate multiple schools. Giving them the opportunity to submit a statewide benefit charter will allow the SBE to retain the monitoring and oversight of TPS.

Sincerely,



Cindy Marten
Superintendent
San Diego Unified School District