

**NATIONAL SCHOOL DISTRICT  
STAFF REPORT, PROPOSED FINDINGS OF FACT & RECOMMENDATION  
CONCERNING INTEGRITY CHARTER SCHOOL RENEWAL PETITION**

**Date Posted: June 8, 2021**

The following provides a summary of the National School District's ("District") staff report, proposed findings of fact, and recommendation concerning the Integrity Charter School ("ICS") renewal petition ("Renewal Petition").

**Introduction and Procedural Background**

ICS has operated as an independent, classroom-based charter school under the authorization of the District since 2003. ICS utilizes a single track, year-round model to provide educational services to its students, and currently serves a population of approximately 391 students in kindergarten through eighth grade. According to the most recent data available on the California School Dashboard ("Dashboard"), ICS's student population consists of 90% socio-economically disadvantaged students, 54.3% English Learners, and 13.2% homeless youth. ICS's current charter term expires on June 30, 2021, and it is seeking a five-year renewal term.

On May 21, 2021, the District received a copy of the Charter School's Renewal Petition, along with a signed certification from Susie Fahey, Lead Petitioner and Executive Director of the Charter School, deeming the Renewal Petition to be complete.

On May 26, 2021, the District's Board of Trustees ("Board") held a public hearing to determine the level of support for the Petition by teachers, other District employees, and parents/guardians.

On June 23, 2021, the District's Board will hold a public hearing on the admissions preferences included in the Renewal Petition and will take action to either grant or deny the Renewal Petition.

As discussed in further detail below, District staff, in consultation with legal counsel, have conducted a comprehensive review of the Renewal Petition and the performance of ICS utilizing the new charter renewal criteria under Assembly Bill 1505. Based on that review, District staff finds that ICS qualifies for renewal for a five-year term, beginning 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 are addressed in detail below and include District staff's corresponding findings of fact.

**1. ICS'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**

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

- ICS'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 ICS's performance on measurements of academic performance.
- Clear and convincing evidence, as demonstrated by verified data, which shows that that ICS 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).<sup>1</sup>

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

The District's Board may deny renewal of a charter school in the middle-performing tier only upon making the following specific written findings:

1. The charter school has failed to make sufficient progress toward meeting standards that provide a benefit to the school's students; and

---

<sup>1</sup> Consideration of item (2) does not apply to ICS because it does not serve a high school student population.

2. Closure of the charter school is in the students’ best interests; and
3. The decision provided greater weight to performance on “measurements of academic performance”—the test-based indicators in English-Language Arts and mathematics, the English Learner Progress Indicator, and the Career and College Indicator (if applicable).

**b. Findings of Fact**

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

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

The District has considered ICS’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 ICS meets the minimum requirements to qualify for renewal as a middle-performing charter school. Overall, ICS students have performed at or above the state average on most indicators on a schoolwide basis and among student subgroups.

On the Dashboard, data shows that ICS received the following performance levels on a schoolwide basis:<sup>2</sup>

- Chronic Absenteeism: Green (5.9% chronically absent with a decline of 3.2%)
- Suspension Rate: Yellow (0.8% suspended at least once with an increase of 0.6%)
- English-Language Arts: Yellow (9.2 points below standard, with an increase of 8.1 points)
- Mathematics: Green (4.2 points below standard, with an increase of 17.4 points)

For English-Language Arts, all of ICS’s student subgroups demonstrated improvement in this area on the California Assessment of Student Performance and Progress (“CAASPP”) during the charter term, including students in the socioeconomically disadvantaged subgroup (improving from 25.3 points below the standard in 2017 to only 11.6 points below the standard in 2019), English Learners (improving from 31.4 points below the standard in 2017 to only 18.4 points below the standard in 2019), and Hispanic/Latino students (improving from 24.4 points below the standard in 2017 to only 12.1 points below the standard in 2019).

For mathematics, all of ICS’s student subgroups also demonstrated improvement in this area during the charter term, including students in the socioeconomically disadvantaged subgroup

---

<sup>2</sup> Due to the COVID-19 pandemic and closure of schools during the 2019-2020 school year, the most recent Dashboard data available is for the 2018-2019 school year.

(improving from 31.5 points below the standard in 2017 to only 7.1 points below the standard in 2019), English Learners (improving from 38.1 points below the standard in 2017 to only 12.9 points below the standard in 2019), and Hispanic/Latino students (improving from 32.8 points below the standard in 2017 to only 7.4 points below the standard in 2019).

According to the English Learner Progress indicator, 55.2% of English Learners are making progress toward English Language Proficiency. With 163 students identified as English Learners who are enrolled in the charter school, this progress is notable, but it is a significant decrease from the 2016-2017 school year, in which 74.2% of English Learners were making progress toward English language proficiency. However, these figures must be viewed with caution given that they represent baseline data due to the recent transition from the California English Language Development Test (“CELDT”) to the English Language Proficiency Assessments for California (“ELPAC”) and the need for two years of test results to show a status of change. Nevertheless, District staff expects and encourages ICS to review and update its instructional strategies and interventions to address the needs of English Learners to improve English proficiency.

According to the Dashboard, ICS met all standards on the local indicators, including teachers, instructional materials and facilities; implementation of academic standards; parent and family engagement; local climate survey; and access to a broad course of study.

Based on an analysis of the above data and other information, the District has determined, giving greater weight to academic indicators, that ICS is showing improvements schoolwide and among its subgroup populations. The District encourages ICS to continue to develop and refine its strategies and interventions to address the needs of all students in English-Language Arts and mathematics.

**Finding of Fact No. 2: There is clear and convincing evidence, as demonstrated by verified data, which shows that ICS 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 ICS has achieved measurable increases in academic achievement, defined by at least one year’s progress for each year in school, based on verified data.

ICS provided verified data, including data from CAASPP. The CAASPP results show an increase in academic performance on a schoolwide basis for each reported school year, as shown in the chart below.

	2016-17	2017-18	2018-19
<b>ELA</b>	40.19%	44.28%	45.07%
<b>Mathematics</b>	37.73%	39.52%	48.58%

ICS also provided 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.

For ELA, the data appears to show that the percent of students reading at or above grade level decreased for grades three, four, five, and six, stayed about the same for grade seven, and increased for grades two and eight. Further, the data appears to show that the STAR Reading Average Percentile Rank decreased for grades three, four, five, and six, stayed the same for grade eight, and increased for grade two. The number of grade levels showing decreasing academic performance in reading is concerning, but the District recognizes that COVID-19 and distance learning likely impacted student performance on these measures.

For mathematics, the data appears to show that the percent of students at or above grade level decreased for grades two, five, and six, but increased for grades three, four, seven, and eight. More notably, the data appears to show that the STAR Math Average Percentile Rank increased for all grade levels two through eight.

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

The District also encourages ICS to continue to engage in data analysis and other trainings and opportunities to monitor and track improvement in student academic achievement and performance in these areas.

**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 reasonable 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 ICS'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 included reasonably comprehensive descriptions of the required legal elements. District staff identified some items that lacked detail and a few instances of outdated information in the supplemental documentation included with the Renewal Petition. However, District staff believes that any outstanding issues can be adequately addressed or corrected as part of the District's ongoing charter oversight and monitoring process if ICS's charter is renewed for an additional term.

Below, District staff presents its findings of fact addressing the general categories of review. If the Board renews ICS's charter, District staff intends to ensure that any items of correction or modification will be effectively addressed and implemented, along with all existing and new legal requirements applicable to charter schools, as part of its charter oversight and monitoring of ICS's operations.

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

ICS's Renewal Petition demonstrates that its program is consistent with sound educational practice. The District's review team notes that ICS's Renewal Petition outlines the ways in which it addresses the needs of its students and specific student groups enrolled within the charter school. On page 10 of the Renewal Petition, the charter school states that "[b]y providing a small school environment and through partnerships with the home and community, Integrity Charter School enables students to be successful leaders of their family, school, and community," and that "Integrity Charter School believes that by providing a small school setting that focuses on character education, social emotional learning, and rigorous academics, we are meeting the high needs of our English Learners, Socioeconomically Disadvantaged, Homeless and Foster, and Students with Disabilities." The Renewal Petition also includes an explanation of the charter school's plan to serve each of its unique student subgroups.

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

ICS has been operating as a charter school under the District's authorization since 2003. ICS's governance and leadership teams have background and experience in key areas needed for successful charter school operations, including curriculum, instruction, student and family engagement, finance, and business. Based on a fiscal analysis conducted by District staff, ICS shows sound fiscal health and is financially viable. ICS conducts most of its administrative and back-office tasks in-house but does occasionally contract with a qualified third-party vendor for some services. Overall, ICS's educational program and operations demonstrate that it is likely to continue to be successful.

**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.

**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 the renewal of ICS's charter. However, the review team has identified certain items that require additional detail and/or correction in the Renewal Petition and supporting documentation. These items are addressed in further detail below and will be incorporated by reference into the proposed Board resolution for further follow-up and resolution as part of the charter oversight process. Should the District's Board approve the Renewal Petition, District staff plans to ensure that these issues are meaningfully and effectively implemented.

- a. Educational Program – ICS’s proposed teacher-student ratio is unclear from the Renewal Petition. The Renewal Petition also does not include a detailed description of how technology will be integrated in the program and how students will receive, and teaching staff will be trained on use of, technology.
- b. Governance - The bylaws include a provision addressing transactions with financially-interested directors that does not comport with the requirements of Education Code section 47604.1. The Conflict of Interest policy also needs to be amended to align with the bylaws, specifically with respect to the prohibition against financially-interested directors serving on the Board, and the Board’s approval of a contract or transaction with a designated employee/common director who has a disqualifying interest.
- c. Personnel – The Renewal Petition discusses recruitment of personnel, but it is unclear how personnel will be selected and/or evaluated.
- d. Health and Safety Procedures – The Renewal Petition has some minor technical deficiencies that were not addressed, including an assurance that ICS will provide annual training on responsibilities of mandated reporters under the Child Abuse and Neglect Reporting Act in accordance with Education Code section 44961.
- e. Admissions and Lottery Procedures – The Renewal Petition does not describe the method the charter school will use to communicate to all interested parties the rules to be followed during the lottery process.
- f. Facilities – The Renewal Petition does not include a detailed description of the charter school’s facilities. The Renewal Petition states the addresses of ICS’s two facilities, but it does not identify the use of each facility, the size, whether ICS owns or rents the property, etc.

**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 Integrity Charter School, the nonprofit corporation operating ICS, shall serve as the exclusive public school employer of the employees of ICS 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 ICS.**

Overall, the Renewal Petition adequately addresses the operational and other potential effects of ICS, 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.

The District notes, however, that certain components of the Parent-Student Handbook will need to be revised to ensure conformity with the law. Specifically, the Handbook specifies that school uniforms are available for purchase. To the extent that students are required to wear ICS uniforms (e.g., with an ICS logo), such clothing must be provided free of charge to students consistent with the Education Code's prohibition against pupil fees. (See Educ. Code section 49010(b)(3).)

### **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 staff has determined that ICS meets the minimum criteria to qualify for renewal for a five-year term beginning on July 1, 2021 and ending on June 30, 2026. This recommendation includes a proposed Board resolution to approve the Renewal Petition that incorporates the items of clarification/correction noted above, which the District would address as part of the charter oversight process.

151-21/6112692.1