

Urban Charter Schools Collective (UCSC)  
Board Meeting Agenda  
**March 26, 2015**  
**Special Board Meeting**

---

**Board Members**

*Kou Xiong, President (Term Expires June 2016)*

*6:00 p.m. Convene*

*Miles E. Myles, Vice President (Term Expires June 2015)*

*7:00 p.m. Adjourn*

*Dennis Mah, Board Treasurer (Term Expires June 2015)*

*Therese Jaspersen, Board Secretary (Term Expires June 2017)*

*Lance Fang, Board Member (Term Expires June 2017)*

*\_\_\_\_ Vacant, SCUSD Representative (no expiration)*

*\_\_\_\_ Vacant Term Expires June 2016)*

---

**Lisbon Elementary Staff Room**

*7555 S. Land Park Drive, Sacramento 95831*

*\* Supporting materials will be distributed at the meeting.*

- 1. CALL TO ORDER** 6:00 PM
- 2. BOARD ROLL CALL** 6:01 PM
- 3. PUBLIC COMMENT** – Limit Two Minutes Per Person and Ten Minutes Per Issue Listed in the Agenda 6:02 PM
- 4. ACTION ITEM** – Approve Responses and Revisions to YPSA Charter Renewal Petition as Identified by SCUSD Preliminary Findings 6:06 PM \*
- 5. ADJOURN** 7:00 PM



## OFFICE OF THE SUPERINTENDENT

5735 47th Avenue • Sacramento, CA 95824

(916) 643-9000 • FAX (916) 399-2058

*José L. Banda, Superintendent*

*Sue Lee, Ed.D., Charter Oversight Coordinator*

### BOARD OF EDUCATION

*Darrel Woo*  
President  
Trustee Area 6

*Christina Pritchett*  
Vice President  
Trustee Area 3

*Jay Hansen*  
2<sup>nd</sup> Vice President  
Trustee Area 1

*Ellen Cochrane*  
Trustee Area 2

*Gustavo Arroyo*  
Trustee Area 4

*Diana Rodriguez*  
Trustee Area 5

*Jessie Ryan*  
Trustee Area 7

*Asami Saito*  
Student Board Member

March 20, 2015

Lee Yang  
Urban Charter Schools Collective  
7555 South Land Park  
Sacramento, CA 95831  
[YangL@scusd.edu](mailto:YangL@scusd.edu)

RE: Preliminary Review of Renewal Petition: Yav Pem Suab Academy

Dear Superintendent Yang,

On February 27, 2015, the Sacramento City Unified School District ("District") received a petition for charter renewal ("Renewal Petition") from Yav Pem Suab Academy ("Petitioners" or "Charter School"), a public charter school operated by Urban Charter Schools Collective ("Non-Profit"), a California non-profit public benefit corporation. The Renewal Petition sought renewal of its charter for a five year period, from July 1, 2015 through June 30, 2020. The Renewal Petition is currently under review by the District.

This letter serves to: (1) notify the Charter School of areas of concern identified by District staff and legal counsel as part of a preliminary review of the Renewal Petition; and (2) provide the Charter School with the opportunity to address those concerns prior to completion of the Staff Report and Findings of Fact that will be provided to the District's Board of Education for review as it considers whether to grant or deny the Renewal Petition.

In the interest of ensuring that staff and legal counsel have sufficient time to review any revisions to the Renewal Petition or additional information submitted by the Charter School, all changes and additional documentation will need to be provided to the District by no later than **Friday, March 27, 2015**.

### 1. Executive Summary

We recognize that many charter schools use petitions for renewal as an opportunity to make amendments, material and otherwise, to the petition. Staff would like to be informed if Petitioners have made any such amendments, as well as any additional updates made in response to changes in the law. (Ed. Code § 47607, subd. (a)(2).)

***Recommendation:** Provide an Executive Summary detailing any and all amendments to material terms of the original chartered petition, as well as any and all amendments made pursuant to any law enacted after the original charter was granted.*

## **2. Criteria for Renewal**

A charter school must provide documentation with its petition for renewal showing that it has satisfied at least one of the academic performance criteria specified in Education Code section 47607, subdivision (b). (Cal. Code Regs., tit. 5, § 11966.4, subd. (a)(1).) These academic performance criteria are:

- A. Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.
- B. Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
- C. Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.
- D. 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. This determination shall be based upon all of the following: a) documented and clear and convincing data; b) pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program for demographically similar pupil populations in the comparison schools; and c) information submitted by the charter school.

Petitioners state that “YPSA has achieved academic gains and has met all of the four academic performance criteria as set forth in Education Code section 47607.” (Renewal Petition, p. 6.) However, Petitioners fail to provide documentation or specifically describe how YPSA has met all four academic performance criteria. (Cal. Code Regs., tit. 5, § 11966.4, subd. (a)(1).)

***Recommendation:** Revise and update the Renewal Petition to include descriptions detailing, and documentation to support, how YPSA has met the academic performance criteria set forth in Education Code section 47607, subdivision (b)..*

## **3. Racial and Ethnic Diversity**

A petition for charter renewal must include a reasonably comprehensive description of the means by which the Charter School will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. (Ed. Code § 47605, subd. (b)(5)(G).)

One issue that arises when contemplating a Hmong focused charter school, is the

creation of a racial and ethnic balance compliant with state law. According to Table 7: “Scholar Ethnic Breakdown Compared to SCUSD (2010-2013)” (Renewal Petition, p. 18), the Charter School’s racial and ethnic diversity is not reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. As a result, a comprehensive discussion of recruitment strategies with the petition is imperative to demonstrate progress towards compliance with state law.

Beyond generic boilerplate language, Petitioners fail to provide a comprehensive discussion of the Charter School’s past, current, and future recruitment strategies aimed at fostering racial and ethnic diversity reflective of the general population residing within the territorial jurisdiction of the District.

*Recommendation: Revise and update the Renewal Petition to include a comprehensive discussion of strategies and efforts the Charter School currently implements, and intends to implement in the future, to help recruit for and achieve a racial and ethnic balance that is more reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Past recruitment strategies and efforts should also be discussed.*

#### **4. Measurable Student Outcomes**

At a minimum, a petition for charter renewal must include measurable student outcomes that describe the extent to which all students of the school will demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. When describing expected pupil outcomes, the Petition must, “...include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school.” (Ed. Code § 47605, subd. (b)(5)(B); emphasis added.) Petitioners fail to include measurable pupil outcomes that address increases in pupil achievement for each subgroup of pupils served by the Charter School.

While the Renewal Petition outlines objective means of measuring pupil and school outcomes, some of the objectives and targets are general, rather than specific. For example, the measurable pupil outcome for “science” requires Charter School students only to “develop an understanding of physical, earth, and life science through application of the inquiry process and the scientific method.” (Renewal Petition, p. 49.) Not only is the stated target generic, but the Charter School’s measure of achievement for that goal is also non-specific because it fails to provide precise metrics or targets. There is no measure of what comprises success. (i.e. 80% of students will be “proficient” in standardized testing of ELA.)

*Recommendation: Revise and update the Renewal Petition to set out specific growth and achievement targets that can be measured for the school overall, and for each numerically significant subgroup.*

#### **5. Governance and Bylaws**

##### **a. District’s Voting Representative**

Pursuant to Education Code section 47604 subdivision (b) and Corporations Code

section 5047, the District has the right to appoint a single *voting* representative to the Board of the Charter School. However, Petitioners state that “one seat [on the governing board] is reserved for a *non-voting* member appointed by the SCUSD superintendent.” (Renewal Petition, p. 58; emphasis added.)

*Recommendation: Revise and update the Renewal Petition to reserve the District’s statutory right to appoint a voting representative to the board of the Charter School.*

b. Board of Directors

Staff has concerns regarding the limited size of the Board of Directors. “The Bylaws call for between [only] three and seven directors.” (Renewal Petition, p. 59.) As currently constructed, the Board has five members, and one such member’s term expires in this calendar year. (Renewal Petition, p. 109.) The Non-profit should be cautious in contemplating such a limited Board size, as it may limit community participation, and may create issues with regard to creating a quorum to hold meetings.

*Recommendation: Revise and update the Renewal Petition to provide a detailed explanation as to why the Charter School has limited its governing board to such a low number of Directors.*

c. Removal of Board Member

Based on a reading of the Board’s Bylaws, it is unclear how many votes are required to remove a Director from the Board. According to Article VII, Section 7, (“Events Causing Vacancies on the Board”) a Director may be removed by a two-thirds vote of the Board of Directors. However, the language in Article VII, Section 10 provides for the “removal of directors” by a simple majority vote of the Board of Directors.

*Recommendation: Align language in Article VII, Section 7 of the Bylaws, with the language in Article VII, Section 10 of the Bylaws, to clarify the procedures for removal of Board Directors.*

## 6. **Employee Qualifications**

Education Code section 47605 subdivision (b)(5)(E) requires that a renewal petition include a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the charter school.

Petitioners fail to provide an adequately comprehensive description of the Principal’s qualifications. Rather, Petitioners simply indicate the qualification the Principal is not required to hold, (“An administrative credential is not required by the state to work at a charter school;” Renewal Petition, p. 62) and the tasks that the Principal is expected to perform.

*Recommendation: Revise and update the Renewal Petition to include a reasonably comprehensive description of the Principal’s qualifications.*

## 7. **Health and Safety Procedures: Bullying Policy**

Petitioners don’t appear to have a comprehensive bullying policy within their Health and Safety Procedures.

*Recommendation:* Revise and update the Renewal Petition to include a reasonably comprehensive discussion of the Charter School's bullying policies.

## **8. Admission Requirements: Lottery System**

Petitioner's proposed lottery system includes the following:

*To participate in the lottery, parents must complete a school enrollment lottery form at the school for each scholar they wish to enroll. A current utility bill will be used to verify the residence of scholars to determine ranking in the lottery process. Enrollment preferences in the case of a public random drawing shall be as follows:*

- 1. Scholars who are siblings of current YPSA scholars*
- 2. Scholars who are children of current, permanent YPSA staff and founding members*
- 3. Scholars who reside within the 95831 zip code*
- 4. Scholars who reside within the remaining areas of the Sacramento City Unified School District*
- 5. Scholars who reside outside the Sacramento City Unified School District*

(Renewal Petition, p. 70.) Education Code section 47605, subdivision (d)(2)(B) permits a charter school to provide admission preferences to students who reside within the chartering district. However, the law is unclear as to whether a charter school can provide admission preferences to students who reside in *specific neighborhoods or zip code areas*. The Petition should clarify why the charter school is giving preference to this zip code area.

*Recommendation:* Revise and update the Renewal Petition to describe the reasoning behind a lottery preference that specifically targets scholars who reside within the 95831 zip code.

Staff has concerns that the current lottery process, as presented, does not adequately account for, and protect the rights of, homeless youth. Pursuant to the federal McKinney-Vento Homeless Education Assistance Improvements Act (42 U.S.C. 11431 *et seq*), each educational agency receiving federal funds shall ensure that each homeless youth has equal access to the same "free appropriate public education" as provided to other children and youths. Under the proposed lottery system, in order for a student to be eligible for weighted preference as a student who resides within the chartering district, he or she must produce "a current utility bill". (Renewal Petition, p. 71.) However, in most cases, homeless youth will not be able to produce a current utility bill.

*Recommendation:* Revise and update the Renewal Petition to comprehensively account for the rights and protections of homeless youth in the enrollment and lottery process.

## **9. Student Discipline**

a. Discipline and Special Education

According to the terms of the *Disciplined Life and Positive School Climate* discipline procedures, an “IEP meeting should be held for all special education scholars before suspension.” (Discipline Procedures, p. 8.) District practice differs when it comes to the suspension of special education scholars. Pursuant to state and federal law, it is the District’s practice to hold an IEP meeting, for the purpose of a manifestation determination, for any suspension that exceeds 10 consecutive school days, or for any series of suspensions within a school year that exceeds 10 days. The District does not hold an IEP team meeting every time a student with a disability is suspended.

Because “YPSA intends to function as a public school of the Sacramento City Unified School District for purpose of providing special education and related services pursuant to Education Code section 47647, subdivision (b),” Petitioners should follow District protocols with respect to the suspension of students with disabilities. (Renewal Petition, p. 32.)

*Recommendation: Revise and update the Renewal Petition to comply with the District’s special education protocols.*

b. Behavior Hearing

According to the terms of the *Disciplined Life and Positive School Climate* discipline procedures, a “behavior hearing” will be held for students to determine “new school placement”. (Discipline Procedures, p. 8.) However, Petitioners fail to provide any other information detailing these behavior hearings. Without more, Staff cannot completely evaluate the Charter School’s student discipline procedures.

*Recommendation: Revise and update the Renewal Petition to include a comprehensive discussion of the Charter School’s “behavior hearing”.*

**10. Employee Retirement System**

Education Code section 47605 subdivision (b)(5)(K) requires that a renewal petition include “[t]he manner by which staff members of the charter schools will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security.” Pursuant to this requirement, Petitioners indicate that “UCSC may choose to offer the Public Employees Retirement System, Social Security, or another retirement plan to its non-teaching staff.” (Renewal Petition, p. 73.)

*Recommendation: Revise and update the Renewal Petition to include the following information: Which retirement plan has the Charter School chosen to implement over the previous five years of operation for its non teaching staff?*

**11. Dispute Resolution Process**

Petitioners indicate that “Charter revocation will follow the process described in the Charter Schools Act under Ed Code 47607 (c) through 47607 (k) and will not be part of the dispute resolution process.” (Renewal Petition, p. 75.) However, Petitioners do not explicitly state that the dispute resolution process is not a pre-requisite to the initiation of charter revocation proceedings.

Recommendation: *Revise and update the Renewal Petition to include the following language: “The dispute resolution process listed in this section shall not be a pre-requisite to the initiation of charter revocation proceedings under Education Code section 47607.”*

## **12. Contract Language**

A petition for charter renewal is not a contract between the Charter School and the District. However, Petitioners refer to the Renewal Petition as a contract. (“The terms of this contract are severable.” [Renewal Petition, p. 78.] )

Recommendation: *Revise and update the Renewal Petition to omit all language that indicates that the Renewal Petition is a contract.*

Petitioners state that they will choose whether to be directly funded or locally funded each year, “after weighing the benefits of both options”. (Renewal Petition, Page 79.)

Recommendation: *Revise and update the Renewal Petition to clarify the statement above or that the charter school is directly funded.*

Petitioners state: “UCSC and SCUSD will jointly develop the content, evaluation criteria, timelines, and process for the annual performance reports.” (Renewal Petition, Page 78.)

Recommendation: Revise and update the Renewal Petition to state that the charter school will comply with District evaluation criteria, timelines, and process of the annual performance report [programmatic audit]. The District already has criteria, timelines, and processes in place, and the District welcomes feedback and recommendations.

## **13. Budget**

“Cash flow” represents the timing as to when cash becomes available to an organization. Determining the cash flow is an essential aspect of budgeting because if an organization receives the necessary cash after their payments are due, then the financial health of the organization is not sound. Therefore, when looking at the cash flow, timing is critical. If money is not received as scheduled, or if payments are due before funds are received, these factors will have a negative impact on a budget. However, the Charter School’s overall cash flow projections show multiple months with a negative end balance. (Renewal Petition, pp. 87-89.)

Recommendation: *Revise and update the Renewal Petition provide additional information as to how the Charter School expects to meet its financial obligations given projected negative cash flow.*

## **14. Insurance**

Petitioners fail to provide a description of the Charter School’s insurance policies on which the District will be named as an additional insured.

Recommendation: *Revise and update the Renewal Petition provide a description of the*



*Charter School's insurance policies on which the District (and its governing board) will be named as an additional insured.*

## **15. Brown Act**

The purpose of the Brown Act (Gov. Code, §§ 54590, *et seq.*), is to ensure that agencies take actions “openly and that their deliberations be conducted openly” and to ensure that the public remains informed about public affairs. (Gov. Code, § 54590.) Although Petitioners state that the Charter School will conduct its meetings in compliance with the Brown Act, (Renewal Petition, p. 60; Bylaws, Art. VII, § 17), there are several provisions in the Bylaws, regarding special meetings, that expressly conflict with the provisions of the Brown Act.

In order to hold a special meeting consistent with the Brown Act, an agency must,

[D]eliver written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice.

(Gov. Code, § 54596, subd. (a).) Providing the members of the governing board, as well as the public, with notice of regular and special meetings is an essential requirement of the Brown Act.

The Renewal Petition does not ensure that all Board members receive proper notice for special meetings. While the Brown Act requires at least 24 hours notice before a special meeting, Petitioners only state that notices “should be sent with at least such notice as is required.” (Bylaws, Art. VII, § 19.) It is unclear whether “at least such notice as required” contemplates the required minimum of 24 hours notice.

The Renewal Petition does not ensure that members of the public receive proper notice for special meetings. According to the Brown Act, notice to the public shall “be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.” (Gov. Code, § 54596.) Petitioners fail to provide proper notice to the public in a manner compliant with the Brown Act.

*Recommendation:* *Revise and update the Renewal Petition to ensure compliance with the Brown Act.*

As noted above, providing the members of the governing board, as well as the public, with notice of regular and special meetings is an essential requirement of the Brown Act. Staff has concerns regarding Petitioners' assertion that “[n]otice of regular meetings is not required if conducted pursuant to these bylaws.” (Bylaws, Art. VII, § 17.)

*Recommendation:* *Revise and update the Renewal Petition to explain this language and ensure compliance with the Brown Act.*

## **16. Facilities**

A charter school's facilities must comply with either the Field Act, or the "California Building Standards Code (Part 2 (commencing with Section 101) of Title 24 of the California Code Regulations), as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located." (Ed. Code section 47610(d).) Petitioners fail to explicitly state compliance with either the Field Act or the California Building Standards Code. Instead, Petitioners simply state "the school will be housed in facilities that have received state Fire Marshal approval and have been evaluated by a qualified structural engineer who has determined the facilities present no substantial seismic safety hazard." (Renewal Petition, p. 67.)

*Recommendation: Revise and update the Renewal Petition to ensure compliance with the Field Act, the California Building Standards Code, or both.*

Pursuant to Education Code section 47605, subdivision (a)(1), a petition for charter renewal must identify the location of the Charter School facility.

*Recommendation: Revise and update the Renewal Petition to include the current location of the Charter School facility.*

I look forward to working with you to revise the petition. Please contact me if you have any questions regarding this letter.

Sincerely,

Sue Lee, Ed.D.  
Charter Oversight, Coordinator II  
Sacramento City Unified School District