



MAY 4, 2021

**STAFF ANALYSIS AND PROPOSED FINDINGS OF FACT REGARDING REVIEW OF
VENTURE ACADEMY FAMILY OF SCHOOLS CHARTER SCHOOL
RENEWAL CHARTER PETITION**

INTRODUCTION

Since 2002, Venture Academy Family of Schools (“Venture” or “VAFS”) has provided a high-quality educational option for families with students in grades TK-12 seeking innovative, non-traditional approaches to learning. Venture serves students within San Joaquin County and any contiguous county, is accredited through Western Association of Schools and Colleges, and offers 13 focus academies where students are encouraged to embrace challenge, think critically, and imagine possibilities. Venture is addressing the areas noted of needing attention through their Local Control Accountability Plan (“LCAP”) and partnership with the San Joaquin County Office of Education’s (“SJCOE”) Educational Services Department. Venture has a strong financial plan that demonstrates the charter school can meet its financial obligations and has proven it provides a benefit to its students, families, and the community.

RECOMMENDATION

On the bases detailed herein and in accordance with the requirements of the Charter Schools Act of 1992, SJCOE staff recommends that the Venture Academy Family of Schools Charter School Renewal Charter Petition be renewed by the San Joaquin County Board of Education (“SJCBOE” or “County Board”).

PROCEDURAL STATUS

On or about January 11, 2021, the SJCOE received a renewal charter petition (“Petition” or “Charter”), from Venture . Academic performance criteria and potential length of a charter renewal are determined in accordance with Education Code Sections 47607 and 47607.2, based on the individual school’s “high,” “middle,” and “low” performance level or Dashboard Alternative School Status (“DASS”). VAFS is a DASS school, and is included on the California Department of Education’s (“CDE”) list of DASS schools for purposes of charter renewal determined in accordance with Education Code Sections 47607(c) and 47607.2(a) and (b). Therefore, VAFS is requesting renewal for five years. If the Charter is renewed by the SJCBOE, the new Charter term would begin on July 1, 2021, and run through and including June 30, 2026. This Charter renewal is governed by the standards and criteria set forth in Education Code Sections 47605, 47607, and 47607.2.

The SJCBOE initially approved VAFS’s charter in 2002, pursuant to Education Code Section 47605.5 as a charter submitted directly to the SJCBOE, and has subsequently renewed the charter, with the current term running through and including June 30, 2021. VAFS is a dependent charter school of the SJCOE. VAFS maintains an agreement with the SJCOE for administrative services and all VAFS employees are employees of the County Superintendent of Schools. Because of the dependent nature of VAFS and the close operational relationship between VAFS and the SJCOE, including the County Superintendent of Schools, the SJCOE’s administration, and the SJCBOE, VAFS’s Charter does not

necessarily require the same level of detail and specificity as the SJCBOE would require of an independent charter school seeking SJCBOE approval and oversight.

On January 20, 2021, the SJCBOE held a public hearing on the VAFS Charter renewal, consistent with the requirement to do so within 60 days of receipt of the renewal charter petition. Per Education Code Sections 47605, 47607 and 47607.2, the County Board has 90 days from receipt of the renewal petition to act, which may be extended by an additional 30 days by mutual agreement. The SJCOE and VAFS agreed to an extension of time for the SJCBOE to act on this renewal request.

The complete renewal Charter that the SJCBOE is acting on is attached to the agenda and is also available for review at: <https://bit.ly/3b1ecEu>.

CRITERIA FOR RENEWAL OF A CHARTER PETITION

A petition submitted for renewal of a charter pursuant to Education Code Sections 47607 and 47607.2 shall be considered by the governing board in accordance with the following standards:

1. Standards and Criteria in Education Code Section 47605

A renewal charter shall be governed by the standards and criteria described in Education Code Section 47605. Education Code Section 47605(c) establishes that governing boards are to be aware of “the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The [County Board of Education] shall grant a [renewal] charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposed to locate,” though, as described below, the renewal process does include additional considerations and standards.

Education Code Section 47605 specifies that the SJCBOE may deny a renewal charter if it makes written factual findings to support one or more of the following findings:

- a. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school;
- b. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;
- c. The petition does not contain an affirmation of each of the conditions required by statute;
- d. The petition does not contain a reasonably comprehensive description of all of the required elements; or
- e. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act (EERA).

2. Determination of High, Middle, Low Performing or DASS School Status

Education Code Sections 47607 and 47607.2 require a determination of whether a charter school seeking renewal is in the high, middle, or low performance category or is a DASS school. Education Code Section 47607(c)(7) provides that the renewal criteria and considerations applicable to the high, middle, or low performance categories do not apply to DASS charter schools, including VAFS. Rather, in deciding whether to renew a DASS school's charter, the SJCBOE is to consider the charter school's performance on the Dashboard plus the school's "performance on alternative metrics applicable to the charter school based on the pupil population served." Moreover, the SJCBOE may deny renewal of a DASS charter school on the basis of this performance "only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of pupils."

a. Dashboard Data Availability

Due to the COVID-19 pandemic, all statewide testing for the 2019/20 school year was cancelled and the 2020 California Dashboard based on that data was also cancelled. Thus, the data available to assess VAFS's performance on the state and local indicators is from the 2018 and 2019 California Dashboard.

b. VAFS Alternative Metrics

Consistent with Education Code Section 47607(c)(7), SJCOE staff met with VAFS to determine alternative metrics applicable to VAFS based on the pupil population served by the charter school. The agreed upon alternative metrics applicable to VAFS for these purposes are:

EdPerformance, a web-based, computer-adaptive test that is used for instructional purposes and for monitoring each student's academic growth over time.

3. Renewal Charter Petition

The renewal charter petition shall include a reasonably comprehensive description of any new requirements of charter schools enacted into law after the charter was originally granted or last renewed (Education Code Section 47607(b)). The charter should also be updated as necessary to reflect the current program offered by the charter school.

4. Additional Criteria for Denying a Charter Renewal

A chartering authority may deny renewal of any charter school (Education Code Section 47607(e)) if it finds that the school is unlikely to successfully implement the program due to:

- a. Substantial fiscal factors;
- b. Substantial governance factors; or
- c. The charter school is not serving all pupils who wish to attend.

ANALYSIS OF VAFS DASHBOARD AND ALTERNATIVE METRICS

California School Dashboard Data

In 2017, the State of California instituted the California Dashboard to help parents and educators identify strengths and areas for improvement. The Dashboard reports how districts, schools (including alternative schools serving high-risk students), and student groups are performing across state and local measures. For State measures, performance is based on two factors: (1) current year results, and (2) whether results improved or declined from the prior year as compared to themselves. Performance on state measures, using comparable statewide data, is represented by one of five colors. The performance level or color is not included when there are fewer than 30 students in any year. This is represented by using a grey color dial with the words “No Performance Color.”

California Dashboard Performance Color Chart



In English Language Arts All Students and the Hispanic, White, English Learner, Socioeconomically Disadvantaged, and Students with Disabilities student groups show improvement in English Language Arts (“ELA”). The African American student group had a decline.

For Data Comparison of English Learners in ELA, current English Learners and English Only student groups showed improvement in ELA. The Reclassified Fluent English Proficient student group had a decline.

In Mathematics All Students and the Hispanic, White, English Learner, Socioeconomically Disadvantaged, and Students with Disabilities student groups showed improvement in Mathematics. The African American student group maintained their performance level.

For Data Comparison English Learners in Mathematics, English Learners and English Only student groups showed improvement in Mathematics. The Reclassified Fluent English Proficient student group had a decline.

English Learner progress is based on student English Language Proficiency Assessments for California (“ELPAC”) results Summative Assessment (“SA”). For the 2019 Dashboard, the CDE only had two years of ELPAC SA results from the spring 2018 and 2019 test administrations. As a result, the CDE reported English Language Progress Indicator (“ELPI”) status only in the 2019 Dashboard. Individual student scores are compared from 2018 to 2019 to determine if they decrease a level, improve a level, or remain in level 4. Approximately twenty-seven percent of students enrolled and tested in 2018 and 2019 decreased at least one ELPI level and 45.5% are making progress toward English Language proficiency. VAFS performance level is Medium.

In College/Career, All students and the Hispanic, White, and Socioeconomically Disadvantaged student groups show improvement in College/Career preparedness. The College/Career indicator includes both college and career measures to evaluate how well districts and schools are preparing students for success after high school.

The VAFS DASS Graduation Rate was made up of 272 graduates, with the significant student groups including Hispanic, 182 students; White, 42 students; and Socioeconomically Disadvantaged, 163 students.

Of the 272 students in the cohort, 24.6% or 67 students are prepared; 18% or 49 students are approaching prepared, and 57.4% or 156 students are not prepared.

Of the 24.6% or 67 students who are prepared in the 272 student cohort, 14.9% or 10 students met Prepared via Career Technical Education (CTE) Pathway Completion; 41.8% or 28 students met Prepared via Smarter Balanced Assessment; 46.3% or 31 students met Prepared via College Credit Courses; 7.5% or 5 students met prepared via Advanced Placement scores, 76.1% or 51 students met Prepared via a-g Completion, and 14.9% or 10 students met prepared via State Seal of Biliteracy.

The English Learner student group is the only group to show improvement in the chronic absenteeism rate with a decline of 0.2%. All Students, African American, Hispanic, White, and Socioeconomically Disadvantaged student groups data shows increases in chronic absenteeism. Students with disabilities showed no change. Socioeconomically Disadvantaged and Students with Disabilities have the same status, 2.8% chronic absenteeism rate, yet their color rating is different due to the change in the percentage of students chronically absent.

The graduation rate was maintained with 89.7% graduating. Hispanic and Socioeconomically Disadvantaged student group data shows improvement in graduation rates and the White student group data shows a decrease in graduation rate. The Hispanic and White student groups are blue while the Socioeconomically Disadvantaged and All Students groups are in the green category.

All Students and all student groups show improvement on suspension rates with suspensions in all groups maintaining or declining and in the two highest categories of green and blue.

According to the Dashboard, VAFS 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.

Alternative Metrics

According to the EdPerformance data, VAFS demonstrated growth in all grade levels in ELA, Reading, and Math for the 2017/18 school year. In 2018/19, VAFS demonstrated growth in all grade levels in ELA, Reading, and Math with the exception of fourth grade Reading and eleventh grade Math. In 2019/2020, VAFS again demonstrated growth in all grade levels in ELA, Reading, and Math with the exception of seventh grade ELA.

VAFS adopted Star Renaissance for the 2020/21 school year as its new alternative metric for assessment to monitor student performance and inform instruction. Star Renaissance is an approved assessment for DASS schools.

Conclusion

The SJCOE considered the available data related to the Fall 2019 California School Dashboard and College/Career Additional Reports as well as alternative metrics applicable to VAFS. Based on the analysis of the above data and other performance information, the SJCOE has determined that VAFS is showing improvements schoolwide and among most of its student groups and providing a benefit to its students. SJCOE staff recommends that VAFS include in its 2021/22 LCAP how it will address the low performance of English Learners and Reclassified English Learners on the California Assessment of Student Performance Progress (“CAASPP”) ELA and Mathematics assessments, and the College and Career indicator, specifically, how VAFS will address the low student completion of CTE Pathways and a-g requirements. SJCOE staff works closely with VAFS in the development of the LCAP annually and will work with VAFS as appropriate to ensure VAFS addresses these areas in its LCAP update.

Therefore, when considered together, SJCOE staff believes that VAFS’s Dashboard results and alternative metrics support renewal of the Charter and that closure of the charter school is not in the best interest of pupils.

BUDGET AND FINANCES

Our objective when reviewing the financial plan in the Petition is to determine if the Petition presents a strong financial plan based on reasonable assumptions and estimates, for purposes of determining if VAFS is demonstrably unlikely to successfully implement the program set forth in the Petition.

VAFS’s financial plan is included on pages 266-309 of the Petition. In addition to these statements, VAFS provided the SJCOE with detailed spreadsheets that roll up to financial documents in the Petition, which enabled a more granular review of the data. The SJCOE analyzed the financial assumptions used in the projections and found them to be reasonable and consistent with applicable guidance from the SJCOE, which is based on the California County Superintendents Educational Services Association’s *Common Message*.

The financial plan in the Petition shows that VAFS can meet its estimated expenditures with its estimated revenues. Specifically, the current year (2020/21) budget and the projection for the subsequent years show that VAFS is taking in just slightly more than it spends, resulting in a surplus of \$11,374 in 2020/21 and \$61,368 in 2021/22. The projection for 2022/23 shows that expenditures exceed revenues, resulting in a deficit of \$389,585. The main contributor to this deficit is an increase in costs with the assumption that there will be no Local Control Funding Formula (“LCFF”) Cost of Living Adjustment (“COLA”) to offset the increase. Specifically, the projection assumes an increase in salaries and benefits of \$200,000 due to step and column and a \$225,000 increase in pension payments due to expected rate increases.

VAFS has a fund balance that could sustain this level of deficit spending for several years beyond 2022/23, though it is more likely and advisable that VAFS will reduce its expenditures or increase revenues to eliminate the deficit. The January 2020 Governor’s budget for the state proposes funding an LCFF COLA of 3.84% in 2021/22. If this proposal is approved, absent any other changes, the deficit shown would be eliminated. If COLA was funded again in 2022/23 at the projected statutory rate of 2.98%, the outlook for 2022/23 would further improve.

In conclusion, the Petition includes a strong financial plan that demonstrates VAFS can meet its financial obligations.

REVIEW OF THE RENEWAL CHARTER PETITION

SJCOE staff reviewed the renewal Charter using the criteria established in Education Code Sections 47605 and 47607. In reviewing and analyzing the renewal Charter, the SJCOE noted a variety of issues and concerns and determined that certain changes, additions, clarifications and revisions to the Charter were necessary in order to support renewal. The SJCOE administration and legal counsel worked with VAFS on resolution of these issues and implementation of the necessary changes, additions, and revisions, and VAFS has incorporated these changes, additions, and revisions into the Charter. It is that revised and updated version of the Charter that is before the SJCBOE for renewal.

1. Sound Education Program

Students Performing Below Grade Level:

VAFS systematically identifies students for the Student Study Team (“SST”) process. In the SST, students, parents, teachers, counselors, administrators, and other professionals familiar with the student collaborate to discuss areas of concern, prescribe appropriate supports, and make recommendations for additional assessment if necessary. VAFS implements a multi-tiered system of supports for low achieving or struggling students. Teachers may supplement classroom instruction with online resources, small group or individualized additional support. High school students mentor and support younger students. The specifics of the interventions are not detailed in the description of VAFS’s Multi-Tiered System of Support (“MTSS”).

Special Education:

VAFS is an LEA within the San Joaquin County Special Education Local Plan Area (“SELPA”). The school consults with the San Joaquin County SELPA assistant superintendent, has a memorandum of understanding with the SJCOE, and adheres to the San Joaquin County SELPA local plan. In addition, VAFS contracts with outside agencies to provide services for students. VAFS complies with all applicable requirements of the Individuals with Disabilities Education Act (“IDEA”), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. VAFS served students with the following primary disabilities: autism, emotional disturbance, hard of hearing intellectual disability, other health impairment, specific learning disability, speech and language impairment, and visual impairment. The Special Education program and services continue to evolve based on an increasing number of students with disabilities and individual needs. Because of the individualized nature and flexibility of the curriculum and instruction, VAFS expects that Individualized Education Program (“IEP”) goals and objectives will be met in the resource center with additional support from the general education teacher and course of study, though VAFS is required to provide the full continuum of services and placements to all eligible students in accordance with law and the SELPA plan. Ongoing case management is provided to all students to monitor progress and fulfill reporting requirements. VAFS provides all related services for students in order for them to meet their educational goals. A variety of service delivery models are utilized depending on the needs of students, such as consultation and collaboration, pull-out learning center services in the form of one-on-one and/or small group tutoring, and push-in within the general education classroom setting.

English Learners (“EL”):

VAFS ensures that English Learners have access to the full range of educational opportunities. EL students are identified through home language surveys and assessed yearly through the ELPAC. The Language Development leader monitors the progress of EL students and provides support to classroom teachers in the implementation of strategies to support them.

SJCOE staff concluded that the VAFS renewal Charter provides sufficient information to substantiate the required elements for a sound educational program.

2. Ability to successfully implement the program set forth in the renewal charter petition

Staff found facts demonstrating that VAFS is likely to successfully implement the program.

3. Affirmation of each of the conditions required by statute

The updated Charter includes all of the required affirmations.

4. Reasonably comprehensive description of the required elements

In updating its Charter, VAFS expanded on and enhanced its descriptions of the charter elements and how they are implemented at VAFS. SJCOE staff believes that the updated Charter includes a reasonably comprehensive description of each of the elements required by the Charter Schools Act, which supports renewal.

5. Exclusive Public Employer

The Charter specifies that all VAFS employees shall be deemed employees of the SJCOE and be subject to the County Superintendent of Schools’ policies, procedures, and regulations. For purposes of clarity, SJCOE staff notes that all SJCOE employees, including VAFS employees, are employees of the County Superintendent of Schools, including for the purposes of Educational Employment Relations Act (“EERA”).

6. Additional Required Information

VAFS currently serves over 1,500 students in grades TK-12. It is located at the SJCOE’s Transworld Drive facility.

As specified in the Charter, VAFS and the SJCOE have in place a memorandum of understanding (“MOU”) whereby the SJCOE receives 10 percent of the average daily attendance revenue generated by VAFS in exchange for the SJCOE’s provision of administrative services, including personnel, payroll, and accounting services, to VAFS. The Charter and current MOU address insurance and indemnification requirements. The Charter further specifies that, as deemed necessary or appropriate by the SJCOE, VAFS shall enter into a revised MOU, including but not limited to, agreement to any updated/revised insurance and/or indemnification, defense, and hold harmless provisions to the SJCOE’s satisfaction and as necessary to comport with the SJCOE risk management team’s standards and requirements.

The SJCOE believes that VAFS provided the required information about the proposed operation and potential effects of VAFS in accordance with Education Code Section 47605(h).

CONCLUSION

SJCOE staff reviewed the renewal Charter for VAFS utilizing the criteria for charter renewal set forth in Education Code Sections 47605, 47607 and 47607.2. It is SJCOE staff's recommendation that the SJCBOE approve the Charter Renewal for Venture Academy Family of Schools.