

**STAFF ANALYSIS AND PROPOSED FINDINGS OF FACT REGARDING REVIEW OF
DOWNTOWN COLLEGE PREP ALUM ROCK CHARTER SCHOOL DISTRICT APPEAL RENEWAL PETITION**

December 1, 2020

Downtown College Prep Alum Rock Charter School (DCP Alum Rock or DCP) seeks approval to renew its Santa Clara County independent, direct funded, district appeal charter school serving students in grades 6-12. DCP Alum Rock was initially approved on November 18, 2009, for a five-year term and opened in August of 2011. DCP Alum Rock was materially changed in 2010 to delay its opening for one year and was renewed in 2016. DCP Alum Rock has requested renewal for a term of five years from July 2021 through June 2026. DCP Alum Rock, located within the Alum Rock Union School District (ARUSD) and East Side Union High School District (ESUHSD) boundaries, currently serves approximately 700 students.

PROCEDURAL STATUS

The Charter School’s Department of the Santa Clara County Office of Education (County Office of Education or SCCOE) received a renewal charter Petition (Petition or Charter), from Downtown College Prep Alum Rock on September 25, 2020. Academic performance criteria and the potential length of a charter renewal are determined in accordance with Education Codes 47607 and 47607.2, based on “high,” “middle,” or “low” performance categories for charter schools. Per the California Department of Education’s (“CDE”) list of Charter School Performance Categories determined in accordance with Education Code Sections 47607(c) and 47607.2(a) and (b). DCP Alum Rock is in the middle performing category. Therefore, any renewal of DCP’s charter would be for a five-year renewal term (see further analysis below). If the charter is renewed by the Santa Clara County Board of Education (County Board or SCCBOE), the new Charter term would begin on July 1, 2021, and run through and including June 30, 2026. Renewals and material revisions of district appeal charters are governed by the standards and criteria set forth in Education Code Section 47605, 47607 and 47607.2.

On October 21, 2020, SCCBOE held a public hearing on the DCP Renewal Petition in accordance with the requirement to do so within 60 days of receipt of the renewal charter petition. On November 2, 3, and 4, 2020, SCCOE Staff conducted a renewal site visit and held renewal interviews with DCP parents, students, staff, board members, and representatives of the Across the Bridge Foundation as the charter management organization leadership or network (ABF or CMO or Network).

Per Education Code Sections 47605, 47607, and 47607.2, the County Board has 90 days from receipt of the renewal application to act, which may be extended by an additional 30 days by mutual agreement.

SCCOE, DCP, and ABF developed a Memorandum of Understanding (MOU), which was signed by the Petitioner on November 30, 2020, which governs the respective fiscal, operational, and administrative responsibilities, legal relationships, and other matters not otherwise addressed or resolved by the terms of the Charter, pending any further direction or recommendations by the SCCBOE, including SCCBOE’s adoption of the findings and recommendations set forth herein.

The complete renewal Petition that the SCCBOE is acting on is attached to the agenda and is also available for review at: <https://www.sccoe.org/supoffice/charter-schools-office/Pending/DCP%20Renewal%20Petition.pdf>

CRITERIA FOR RENEWAL OF A CHARTER PETITION

A petition submitted for renewal 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 County Board of Education may deny a renewal petition only if it makes written factual findings to support one or more of the following findings:

1. The charter school presents an unsound educational program for the pupils 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 an affirmation of each of the conditions required by statute
4. The petition does not contain a reasonably comprehensive description of all of the required elements
5. 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, or Low Performing 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 based on academic performance results:

- a. *High Performing: The renewal term may be 5-7 years, based on chartering authority's discretion if either of the following criteria has been met in the two years preceding renewal:*
 - (A) *The schoolwide student group is in the two highest performance bands for all indicators on the California Dashboard for the preceding two years prior to renewal, OR*
 - (B) *The schoolwide student group and a majority of the school's student groups perform the same or higher than the State average in all academic indicators on the California Dashboard for the preceding two years prior to renewal.*

- b. *Low Performing: A school will not be renewed if either of the following criteria has been met in the two years preceding renewal:*
- (A) *The schoolwide student group is in the two lowest performance bands for all indicators on the California Dashboard for the preceding two years prior to renewal, OR*
 - (B) *The schoolwide student group and a majority of the school's student groups perform at the same level or lower than the State average in all academic indicators on the California Dashboard for the preceding two years prior to renewal.*

However, the chartering authority may make an exception and renew a low performing school for two years if it makes both of the following written factual findings:

- (A) *The charter school is taking meaningful steps to address the underlying cause or causes of low performance and those steps are or will be reflected in a written plan adopted by the charter school's governing board, AND*
 - (B) *There is clear and convincing evidence that the charter school has either achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school, or the charter school has demonstrated strong postsecondary outcomes.*
- c. *Middle Performing: Any school not deemed high or low performing is eligible to be considered for a 5-year renewal term. In determining whether to renew the charter, the chartering authority is to consider:*

- (A) *Performance on the state and local indicators on the Dashboard, giving greater weight to measurements of academic performance*
- (B) *Clear and convincing evidence based on verified data showing either:*
 - (i) *The school achieved measurable increases in academic achievement, defined by at least one year of growth for each year of school, OR*
 - (ii) *Strong post-secondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers*

The chartering authority may deny a middle performing school on these bases only by making written factual findings that the school:

- (A) *Failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school;*
- (B) *Closure of the school is in the best interest of pupils; AND*
- (C) *If applicable, that the decision provided greater weight to performance on measurements of academic performance.*

State Level Data Availability

In accordance with the recent standards established by AB 1505 in Education Code 47607 and 47607.2, the CDE created a list of all charter schools and ranked their academic performance indicators from the California Dashboard, specifying whether each school is in the high, middle, or low performance level, or is a Dashboard Alternative School Status program. This list was intended to relieve the burden on chartering authorities and provide a starting place for the renewal process. Due to the COVID-19 pandemic, all statewide testing for the 2019-20 school year was cancelled and the California Dashboard based on

that data has also been cancelled. Thus, the data used to create the list is from the 2018 and 2019 California Dashboard, as provided for in Education Code Sections 47607 and 47607.2.

(3) A Renewal Charter Petition

The renewal 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 a charter school (EC Section 47607(e)), in any of the three performance categories 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.*

Determination Criteria for Renewal of DCP Alum Rock

In its Charter, DCP states it meets the required performance standards and its performance supports Charter renewal. To assess its performance against the criteria for middle-performing charter schools, DCP submitted its data from the California Assessment of Student Performance and Progress (“CAASPP”) and comparison data for the local districts and local district schools which DCP students would otherwise have attended. DCP states the data submitted on pages 91 through 109 of the renewal Charter establishes that DCP meets the criteria for charter renewal. Staff has not reproduced all of the information provided by DCP in this Staff Analysis and Proposed Findings of Fact, but incorporates it and the CAASPP data herein by this reference.

DCP also submitted additional data and information in response to questions that arose during the public hearing on the renewal Charter and during SCCOE Staff’s site visit that was conducted as part of the consideration of the renewal request.

The data below represents some of the most significant data provided by DCP and/or available for consideration of DCP’s academic performance.

High Performing, Mid Performing, or Low Performing per the California Department of Education

As stated above, the CDE released a list of all California charter schools’ performance data and their performance ranking. Per the CDE’s list, DCP Alum Rock is categorized as a middle-performing charter school. In the chart below, criteria 1 and 2 represent the high-performance category tests and criteria 3 and 4 determine low-performance category tests. Any school that does not qualify for high or low-performing status is automatically placed in the middle-performing category. Student groups include: Students with Disabilities (SWD), Socioeconomically Disadvantaged (SED), English Learners (EL), and various ethnicity groups.

Chart 1: High Performing, Middle Performing, or Low Performing Criteria Chart for DCP

CRITERIA 1		NO																																						
Student Group	Chronic Absenteeism					Suspension Rate					Graduation Rate					College/Career					English Language Arts					Mathematics					Language Proficiency									
	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020
STATE All Students			9	10.1				3.5	3.4				84	86				42	44				-6	-2.5				-36	-34		30.6	48.3								
School All Students			15.5	13.3				4.2	3.4	5.5			NP	79	85			37	50				-49	-42	-35			-82	-100	-77	41.4	46.2								
English Learners			14.6	12.5				6.3	4.7	7.6			53	85				11	44				-60	-65	-68			-96	-118	-101										
Foster Youth																																								
Homeless																																								
Socio Econ Disadv			16.4	15				4.6	3	6			79	86				38	52				-47	-50	-44			-80	-109	-86										
SWD			20.5	18.9				9.8	4.3	2.5													-147	-110	-102			-190	-188	-150										
African American																																								
American Indian																																								
Asian																																								
Filipino																																								
Hispanic			16.7	13.9				4.3	3.3	5.1			77	84				36	48				-57	-46	-38			-94	-106	-82										
Pacific Islander																																								
White																																								
Two or More Races																																								

CRITERIA 2		NO										CRITERIA 4		NO									
Student Group	English Language Arts			Mathematics			Language Proficiency			College/Career			2018	2019	2020								
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020											
School - All students	-42.3	-34.8	0	-100.1	-76.7	0	41.4	46.2	0	37	50	0											
STATE	-6	-2.5	0	-36.4	-33.5	0	30.6	48.3	0	42	41	0											
School - English Learners	-65.1	-67.9	0	-117.8	-100.6	0																	
STATE	-47.1	-45.6	0	-69.9	-68.6	0																	
School - SED	-50	-43.5	0	-109.2	-86.2	0																	
STATE	-34.7	-30.5	0	-67.4	-63.7	0																	
School - SWD	-110	-102	0	-188	-150.4	0																	
STATE	-95.5	-88.3	0	-125.3	-119.4	0																	
School - Hispanic	-45.8	-37.8	0	-106.4	-81.6	0																	
STATE	-31.3	-27.1	0	-65.8	-62.2	0																	

Legend:
 Colors for the above chart correspond to the five performance indicator colors from the California Dashboard.
 Orders of colors: Red - lowest performing; Orange, Yellow, Green, Blue - highest performing. NP - No Performance color
 Criteria 1: if any color other than blue or green is present, school does not qualify for high performing
 Criteria 2: if any color other than green is present, school does not qualify for high performing
 Criteria 3: if any color other than red or orange is present, school does not qualify for low performing
 Criteria 4: if any color other than red is present, school does not qualify for low performing

Green indicates, out performs the State
 Red indicates, does not out perform the State

CRITERIA 3		NO																																	
Student Group	Chronic Absenteeism					Suspension Rate					Graduation Rate					College/Career					English Language Arts					Mathematics					Language				
	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020
All Students			15.5	13.3				4.2	3.4	5.5			NP	79	85			37	50				-49	-42	-35			-82	-100	-77	41.4	46.2			

School Academics

CAASPP Data

The Tables below reflect the CAASPP information verified by SCCOE staff, (<https://caaspp-elpac.cde.ca.gov/caaspp/>) in determining DCP's student performance and progress schoolwide relative to the district and schools with the largest student populations enrolled at DCP. This comparison data is relevant as part of the consideration of the schoolwide performance of all pupil groups, giving greater weight to performance on measurements of academic performance. Due to COVID-19, all statewide testing for 2019-20 was cancelled. The tables below constitute the most recent academic data available for review. The charts only contain data on the grades tested which the school serves.

Table 1: ALL STUDENTS (percentage at or above standard on CAASPP)

2018-19 CAASPP (ELA: gr. 6-12)					2018-19 CAASPP (Math: gr. 6-12)				
Grade	DCP	ARUSD	ESUHSD	State	Grade	DCP	ARUSD	ESUHSD	State
6	23.62	34.99	*	50.01	6	28.13	26.77	*	38.52
7	33.07	40.64	*	51.37	7	25.81	23.62	*	37.84
8	40.22	42.56	*	49.41	8	15.79	28.71	*	36.63
11	56.17	*	62.25	57.27	11	12.50	*	41.75	32.24
All	35.81	38.10	62.25	51.10	All	21.96	29.17	41.75	39.73

*No data presented for the group due no enrollment at those grade levels.

Table 1, above, reflects the 2018-19 CAASPP results in English Language Arts (ELA) and Math for DCP, ARUSD, ESUHSD, and the State. DCP’s overall performance is below those of students attending ARUSD, ESUHSD, and the State. While ARUSD serves students K-8 and ESUHSD serve students 9-12, and the State serves students K-12, the ARUSD, ESUHSD, and State scores here represent only grades 6-12 to show comparison to DCP.

Table 2: Comparison of ALL STUDENTS (percentage at or above standard on CAASPP)

Four-Year Trend CAASPP (ELA: gr. 6-12)						Four-Year Trend CAASPP (Math: gr. 6-12)					
	16-17	17-18	18-19	19-20	Diff		16-17	17-18	18-19	19-20	Diff
DCP	34.89	34.69	35.81	NA	+0.92	DCP	19.96	16.15	21.96	NA	+2.00
ARUSD	37.89	38.67	38.10	NA	+0.21	ARUSD	30.76	30.43	29.17	NA	-1.59
ESUHSD	65.55	61.29	62.25	NA	-3.30	ESUHSD	41.11	39.96	41.75	NA	+0.64
State	48.56	49.88	51.10	NA	+2.54	State	37.56	38.65	39.73	NA	+2.17

Data for 2019-20 is NA or not available due to cancelation of statewide testing due to COVID-19.

Table 2, above, compares schoolwide student progress across the last four years of CAASPP assessment for DCP, ARUSD, ESUHSD, and the State. The results reflect DCP students’ rate of progress in ELA that is above their peers in ARUSD and ESUHSD, but lower than the State. Math results reflect a rate of progress for DCP students that is above their peers in ARUSD and ESUHSD, and slightly below the State.

Table 3: DCP Four-Year Trend (percentage at or above standard on CAASPP)

ELA						Math					
Grade	16-17	17-18	18-19	19-20	Diff	Grade	16-17	17-18	18-19	19-20	Diff
6	35.90	33.60	23.62	NA	-12.28	6	19.30	17.97	28.13	NA	+8.83
7	35.29	29.00	33.07	NA	-2.22	7	26.27	13.13	25.81	NA	-0.46
8	23.97	30.77	40.22	NA	+16.25	8	19.01	16.24	15.79	NA	-3.22
11	50.69	50.69	56.17	NA	+5.48	11	12.33	16.90	12.50	NA	+0.17
All	34.89	34.69	35.81	NA	+0.92	All	19.96	16.15	21.96	NA	+2.00

Data for 2019-20 is NA or not available due to cancelation of statewide testing due to COVID-19.

Table 3, above, reflects grade level, year-over-year, progress for DCP students. When looking across the table, eighth and eleventh grades show increases in ELA. Sixth and eleventh grades show increases in Math. This table also shows cohort data across grade levels (when looking diagonally on the chart). The cohorts show mixed results in ELA and Math.

**Chart 2: DCP Alum Rock
CAASPP ELA Eighth Grade Cohort Test Results Over Time**

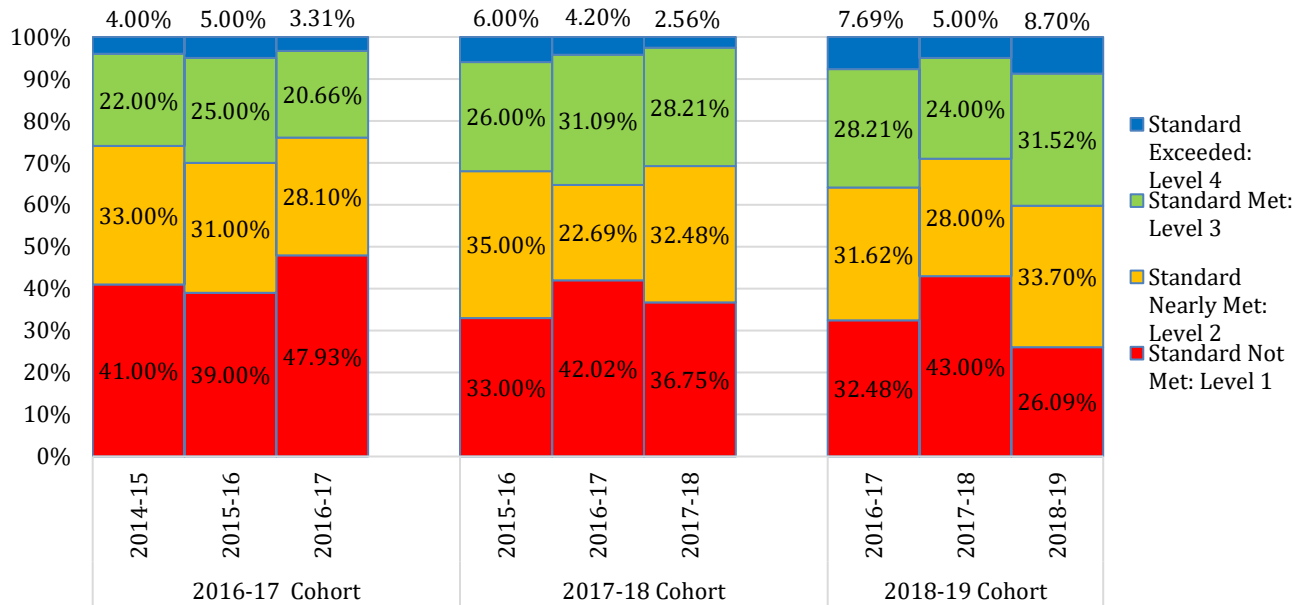


Chart 2, above, reflects the CAASPP English Language Arts eighth grade student cohort data over the last three years. The 2016-17 cohorts show slight reductions in the percentage of students who did not meet the standard from seventh to eighth grade while the 2017-18 and 2018-19 cohorts have mixed performance results.

**Chart 3: DCP Alum Rock
CAASPP EL ELA Eighth Grade Cohort Test Results Over Time**

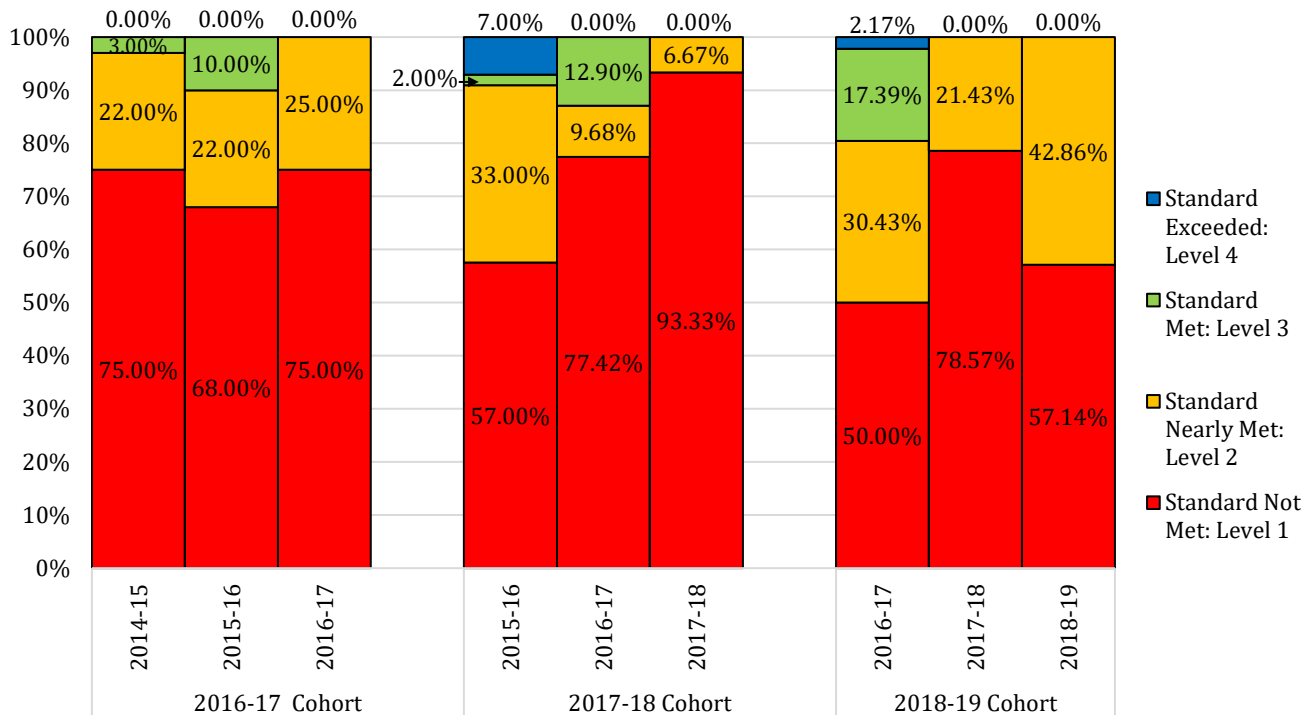


Chart 3, above, reflects the CAASPP English Language Arts (ELA) eighth grade English Learner (EL) student cohort data over the last three years. The cohorts do not show reductions in the percentage of EL students who did not meet the standard in sixth through eighth grade. The chart indicates 0.00% and does not show the performance level color where no students placed in the performance level. For example, the 2016-17 Cohort did not have any students place in Standard Exceeded: Level 4 in 2014-15, 2015-16, and 2016-17. Additionally, the 2018-19 Cohort did not have any students place in Standard Met: Level 3 or Standard Exceeded: Level 4 in 2017-18 or 2018-19.

**Chart 4: DCP Alum Rock
CAASPP Math Eighth Grade Cohort Test Results Over Time**

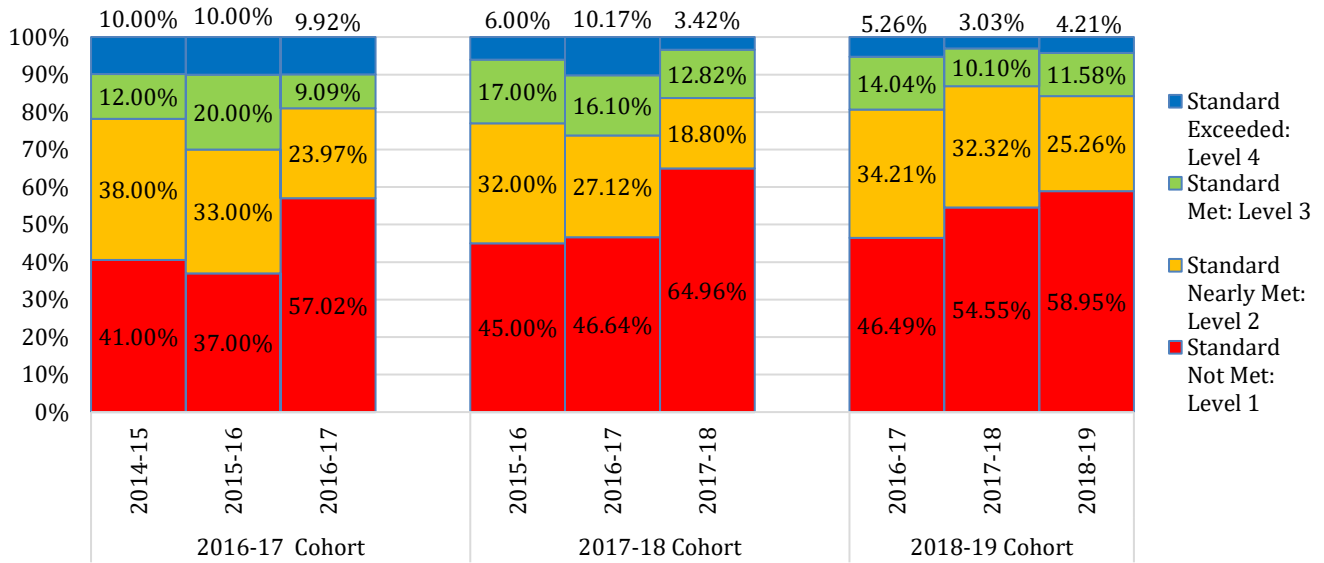


Chart 4, above, reflects the CAASPP Math eighth grade student cohort data over the last three years. The 2016-17 and 2018-19 cohorts show mixed results in the percentage of students who did not meet the standard in sixth through eighth grade while the 2017-18 cohort shows increases in the percentage of students who did not meet standard in sixth through eighth grade.

**Chart 5: DCP Alum Rock
CAASPP EL Math Eighth Grade Cohort Test Results Over Time**

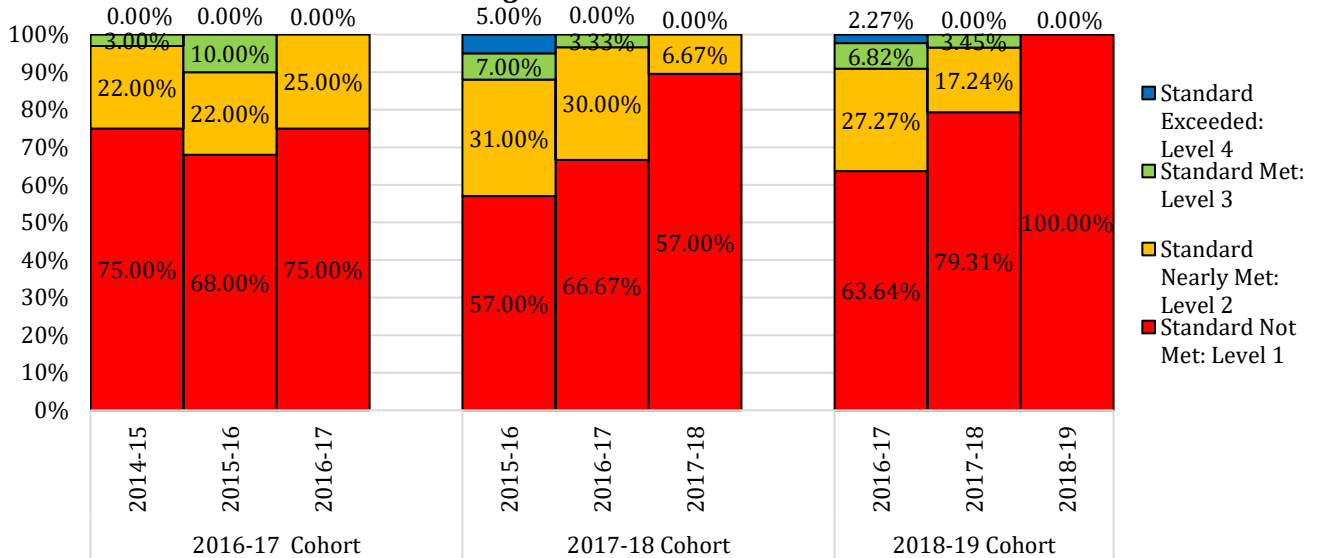


Chart 5, above, reflects the CAASPP Math eighth grade English Learner (EL) student cohort data over the last three years. The chart indicates 0.00% and does not show the performance level color where no students placed in the performance level. For example, the 2016-17 Cohort did not have any students place in Standard Exceeded: Level 4 in 2014-15, 2015-16, and 2016-17 as well as no students placing in Standard Met: Level 3 in 2016-17. The 2016-17 cohort shows mixed results in the percentage of EL students who met the standard in sixth through eighth grade. The 2017-18 and 2018-19 cohorts show increases in the percentage of EL students who met the standard in sixth through eighth grade.

Table 4: DCP Four-Year Trend for Numerically Significant Student Groups in Grades 6-12 (Percentage at or above standard on CAASPP)

ELA						Math					
	16-17	17-18	18-19	19-20	Diff		16-17	17-18	18-19	19-20	Diff
SWD	9.30	11.36	5.56	NA	-3.74	SWD	0.00	0.00	2.78	NA	2.78
Hispanic	32.80	32.98	34.22	NA	1.42	Hispanic	16.80	13.78	20.27	NA	3.47
SED	36.00	31.74	31.58	NA	-4.42	SED	20.41	13.38	19.48	NA	-0.93
EL	11.76	5.94	2.97	NA	-8.79	EL	5.17	0.99	2.94	NA	-2.78

Data for 2019-20 is NA or not available due to cancelation of statewide testing due to COVID-19.

Table 4, above, reflects the subgroup data over the last four years. In ELA, students in the Hispanic group showed an increase while students in the SWD, SED, and EL groups showed decreases. In Math, students in SWD and Hispanic groups showed an increase while SED and EL groups showed decreases.

Table 5: School Comparison Results for 2019 (percentage at or above standard on CAASPP)

2018-19 CAASPP (ELA: gr. 6-12)								
Group	DCP	Ocala	Sheppard	ARUSD	Independence	Mt. Pleasant	ESUHSD	State
All	35.81	38.83	42.31	38.10	66.88	57.62	62.25	51.10
SED	31.58	37.23	37.69	34.53	58.27	55.32	50.33	39.19
Hispanic	34.22	31.80	27.95	32.24	45.40	53.43	42.96	40.81
EL	2.97	4.44	2.88	5.06	9.38	7.55	7.64	12.81
SWD	5.56	7.23	5.17	7.88	17.31	20.93	13.48	16.35

2018-19 CAASPP (Math: gr. 6-12)								
Group	DCP	Ocala	Sheppard	ARUSD	Independence	Mt. Pleasant	ESUHSD	State
All	21.96	26.17	29.49	29.17	43.63	26.09	41.75	39.73
SED	19.48	23.95	24.78	25.53	34.38	20.33	27.71	27.48
Hispanic	20.27	20.22	11.80	23.12	15.86	18.90	16.47	28.05
EL	2.94	3.06	2.86	6.94	15.12	7.69	9.70	12.58
SWD	2.78	2.40	3.44	5.69	11.54	9.52	6.04	12.61

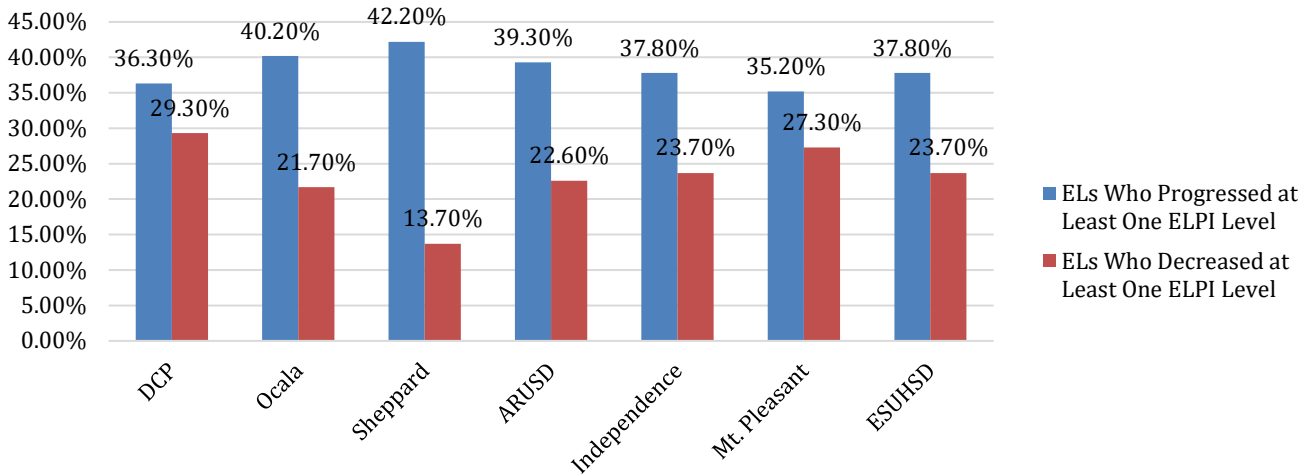
Table 5, above, reflects the 2018-19 CAASPP data as compared to the schools in ARUSD and ESUHSD which DCP students otherwise would have attended: Ocala and Sheppard middle schools and Independence and Mt. Pleasant high schools. In ELA, at DCP students in the Hispanic group outperformed their counterparts at Ocala, Sheppard, and ARUSD. DCP students in the EL group outperformed their counterparts at Sheppard. All other student groups outperformed DCP students in ELA. In Math, DCP students in the Hispanic group outperformed their counterparts at Ocala, Sheppard, Independence, Mt. Pleasant, and ESUHSD. Students in the EL group at DCP outperformed their counterparts at Sheppard in Math and DCP SWD outperformed their counterparts at Ocala. All other student groups outperformed DCP students in

Math. DCP is colored purple. The other scores are color coded: green - the score for the school or district outperforms DCP; and orange/red - DCP outperforms the school or district.

ELPAC Data

Chart 6, below, reflects the 2018-19 English Language Proficiency Assessment of California (ELPAC) data as compared to the schools in ARUSD and ESUHSD which DCP students otherwise would have attended: Ocala and Sheppard Middle Schools and Independence and Mt. Pleasant High Schools. DCP outperformed Mt. Pleasant in the percentage of students who progressed at least one English Language Progress Indicator (ELPI) level. All other schools listed outperformed DCP with the percent of students who progressed at least one ELPI level. Additionally, DCP had the largest percentage of students who decreased at least one ELPI level – 29.3%.

Chart 6: 2019 Comparison of EL Progress Measured by ELPAC



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 charter school and DASS schools, and student groups are performing across state and local measures. For state measures, performance is based on two factors: (1) current year results (Status), and (2) whether results improved from the prior year as compared to themselves (Change). Performance on state measures, using comparable statewide data, is represented by one of five colors. A performance level (color) is not provided on the Dashboard when a student group has fewer than 30 students in a student group. However, the Status/Change data will be displayed. Further, when a student group has less than 11 students, the group does not receive a performance level (color), and the group’s Status/Change is not displayed in order to protect the anonymity of the students. This information is represented by using a grey gauge with the words “No Performance Color.”

Chart 7: California Dashboard Performance Color Chart



Due to COVID-19 and the suspension of statewide testing, the California Dashboard was suspended for 2019-20. Thus, the following data is based on the 2018-19 Dashboard Data. In 2018-19, DCP was 34.8 points below standard in ELA and demonstrated an increase of 7.2 points from the prior year, making the performance level for all students Yellow. The following is a summary of the 2018-19 Dashboard performance levels in ELA for all DCP student groups. Students in the EL student group were in the Orange performance level, scoring 67.2 points below standard which was maintained from the prior year with an increase of 1.5 points. The students in the SED group were in the Yellow performance level with 42.8 points below standard and an increase of 7 points from the prior year. Students in the Hispanic student group were in the Yellow performance level with 37 points below standard and an increase of 8.7 points from the prior year. Students in the SWD group were in the Red performance level with 101.9 points below standard which was maintained from the prior year with an increase of 1.2 points.

DCP was in the Yellow performance level in Math on the 2018-19 Dashboard due to scoring 76.7 points below standard and increasing 23 points from the prior year. The math performance levels for DCP's student groups is described in the following summary. Students in the EL student group were in the Orange performance level, scoring 100.6 points below standard and increasing 25.4 points from the prior year. Students in the SED student group were in the Yellow performance level due to scoring 86.2 points below standard and increasing 22.9 points from the prior year. The students in the Hispanic student group were in the Yellow performance level due scoring 81.6 points below standard and increasing 24.7 points from the prior year. Students in the SWD group were in the Orange performance level, scoring 150.4 points below standard with an increase of 29.8 points from the prior year.

No performance color, status or change were displayed for student groups described as Asian, African American, Filipino, Homeless, Two or More Races, Pacific Islander, or White, as the group size was less than 11 students tested and data was not provided to protect students' privacy.

Other performance levels on the Dashboard for DCP Alum Rock as show in Chart 8 below, include Chronic Absenteeism – Yellow, Suspension Rate – Red, and English Learner Progress Indicator (ELPI) – Low performing with 46.2% making progress. The Dashboard performance colors are a measure of DCP's current year performance against its own past performance, and are, thus, a measure of DCP's own growth. As such, comparing the colors on DCP's Dashboard to the Dashboard colors for other schools or districts is not be an appropriate or accurate comparison of student outcomes but only of relative growth or lack of growth (e.g. a school with a lower CAASPP score could have a "better" color than a school with a higher score, because the first school had greater growth).

Chart 8, below, demonstrates most DCP student groups made improvements on all state and local indicators, except suspension rate. Students schoolwide and students in each student group moved from the two lowest performance level (colors), Red and Orange, in 2017-18 on the chronic absenteeism indicator to the Yellow performance level in 2018-19. On the graduation rate indicator all students and students in the SED and Hispanic student groups moved from Orange in 2017-18 to Green in 2018-19. On ELA indicator, students in the EL student group remained Orange from 2017-18 to 2018-19, and Students with Disabilities moved from Orange, the second lowest performance level, to Red, the lowest performance level. However, the school overall and students in the SED and Hispanic student groups improved from Orange to Yellow on the ELA indicator. On the math indicator, all students showed growth from the Red performance level to Yellow, and each student group improved at least one performance level. While students in the EL and SWD student groups did not receive a performance level due to having a group sizes less than 30, in 2018-19, students schoolwide and all students groups moved to the Green performance level from Orange or Yellow the prior year. Suspension rate is the only indicator in which students overall and each student group, except students with disabilities, demonstrated declines of two or more performance levels from 2017-18 to 2018-19.

Chart 8: DCP Alum Rock Student Group Report for 2019 per the California Dashboard

	Chronic Absenteeism		Suspension Rate		Graduation Rate		English Language Arts		Mathematics		College and Career		English Learner Progress Indicator (ELPI)	
	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019
All Students	Red	Yellow	Green	Red	Orange	Green	Orange	Yellow	Red	Yellow	Orange	Green	41.4%	Low - 46.2%
EL	Orange	Yellow	Yellow	Red	NPC	NPC	Orange	Orange	Red	Orange	NPC	NPC		
SED	Red	Yellow	Green	Red	Orange	Green	Orange	Yellow	Orange	Yellow	Yellow	Green		
SWD	Red	Yellow	Green	Green	NPC	NPC	Orange	Red	Red	Orange	NPC	NPC		
Hispanic	Red	Yellow	Green	Orange	Orange	Green	Orange	Yellow	Orange	Yellow	Yellow	Green		

NPC - No performance color given for groups of less than 30 students.

Table 6 and Chart 9, below, show detailed data comparing the chronic absenteeism indicator by student group for DCP and ARUSD in 2017-18 and 2018-19. Chronic absenteeism data is collected for students in grades K-8, so a comparison to ESUHSD is not provided. To meet the definition of a chronic absentee for the purpose of the Dashboard, the kindergarten through eighth grade student must be absent on at least ten percent of the instructional days for which they are enrolled and must be enrolled a minimum of 31 instructional days. A chronic absentee must also have attended at least one day to meet the Dashboard criteria. Chronic absenteeism data was not available for the 2016-17 school year. For most other measures, the desired outcome is a high number or percent in the current year and an increase from the prior year. For this measure, however, the desired outcome is a low chronic absenteeism rate, which means a low percent in the current year and a decline from the prior year rate.

Table 6: Comparison of DCP and ARUSD Chronic Absenteeism Data

		DCP	ARUSD
All Students	2018	15.5%	13.5%
	2019	12.5%	14.0%
EL	2018	14.6%	13.4%
	2019	12.5%	14.0%
SED	2018	16.4%	14.7%
	2019	15.0%	15.4%
SWD	2018	20.5%	22.3%
	2019	18.9%	23.3%
Hispanic	2018	16.7%	15.0%
	2019	13.9%	15.7%

Data retrieved from:
www6.cde.ca.gov/californiamodel/

Chart 9: Comparison of DCP and ARUSD Chronic Absenteeism Data

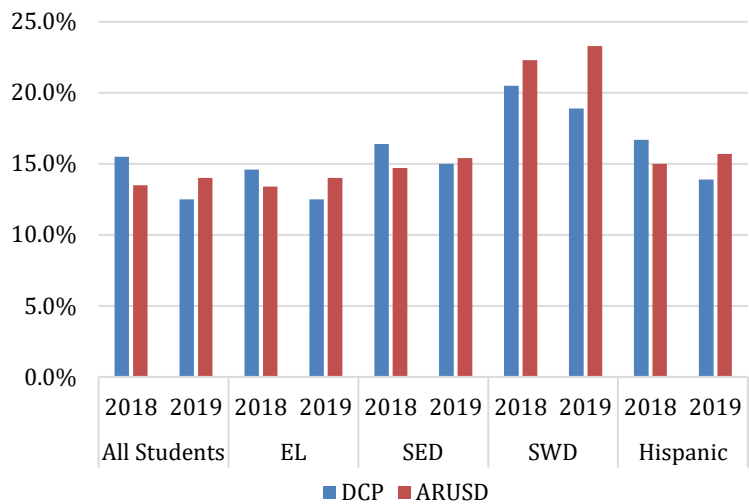


Table 7 and Chart 10, below, show detailed data comparing the suspension indicator by student group for DCP, ARUSD, and ESUHSD in 2016-17, 2017-18, and 2018-19. Suspension data vary by local education agency (LEA) and school type. LEAs and schools receive the appropriate cut scores based on their school type (elementary, middle, and high) or LEA type (elementary, high, and unified). For this measure, the desired outcome is a low suspension rate, which means a low percent in the current year and a decline from the prior year rate.

Table 7: Comparison of DCP, ARUSD, and ESUHSD Suspension Data

		DCP	ARUSD	ESUHSD
All	2017	4.2%	2.7%	4.4%
	2018	3.4%	3.4%	3.9%
	2019	5.5%	2.0%	3.4%
EL	2017	6.3%	2.6%	6.8%
	2018	4.7%	3.4%	6.1%
	2019	7.6%	2.0%	5.0%
SED	2017	4.6%	2.9%	5.7%
	2018	3.0%	3.9%	4.9%
	2019	6.0%	2.2%	4.4%
SWD	2017	9.8%	6.8%	12.3%
	2018	4.3%	7.4%	12.0%
	2019	2.5%	3.8%	10.1%
Hispanic	2017	4.3%	2.9%	6.8%
	2018	3.3%	3.6%	5.9%
	2019	5.1%	2.2%	5.2%

Data retrieved from: www6.cde.ca.gov/californiamodel/

Chart 10: Comparison of DCP, ARUSD, and ESUHSD Suspension Data

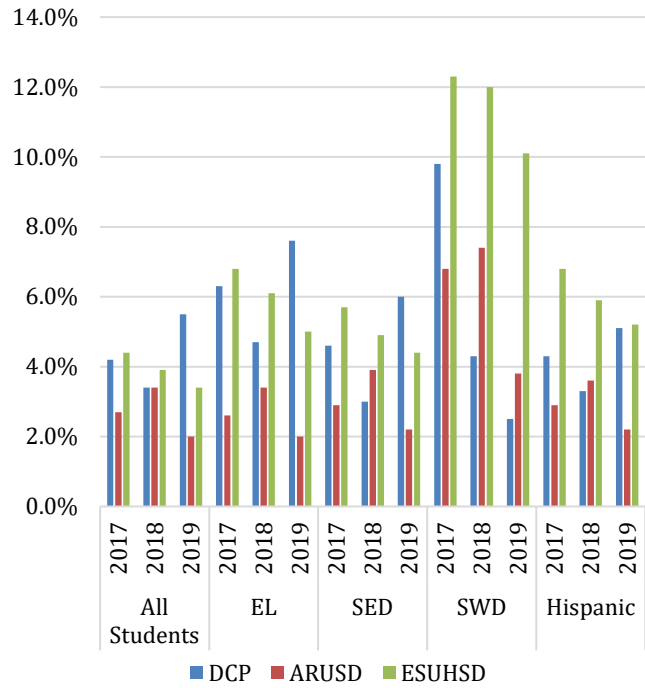


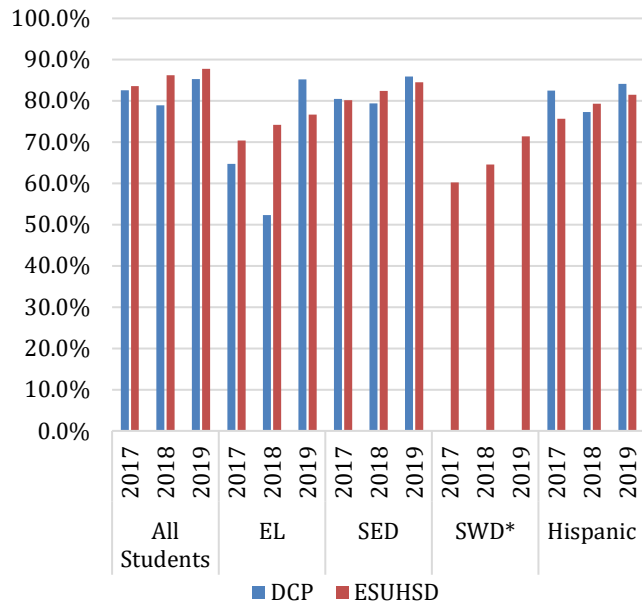
Table 8 and Chart 11, below, show detailed data comparing the graduation rate indicator by student subgroup for DCP and ESUHSD in 2016-17, 2017-18, and 2018-19. Graduation rate data is collected for students who graduate high school, so a comparison to ARUSD is not provided. For traditional high schools, the graduation rate is based on the number of students who graduate with a regular high school diploma within four or five years. To be counted as graduates, students must graduate with a regular high school diploma within four or five years of entering grade nine.

Table 8: Comparison of DCP and ESUHSD Graduation Rate Data

		DCP	ESUHSD
All	2017	82.6%	83.6%
	2018	78.9%	86.2%
	2019	85.3%	87.8%
EL	2017	64.7%	70.4%
	2018	52.3%	74.2%
	2019	85.2%	76.7%
SED	2017	80.5%	80.2%
	2018	79.4%	82.4%
	2019	85.9%	84.5%
SWD	2017	*	60.2%
	2018	*	64.6%
	2019	*	71.4%
Hispanic	2017	82.5%	75.7%
	2018	77.3%	79.3%
	2019	84.1%	81.5%

* An asterisk indicates there are fewer than 11 students, the minimum size for any reporting

Chart 11: Comparison of DCP and ESUHSD Graduation Rate Data



When reviewing DCP’s academic performance data across 2016-17, 2017-18, and 2018-19, it reflects maintenance or increases in academic achievement schoolwide and across statistically significant student subgroups. Except for the math performance of students in the Hispanic student group, DCP students generally perform the same as or below the students in the schools or districts they otherwise would have attended. AB 1505, Education Codes 47607 and 47607.2 require the County Board of Education to consider clear and convincing evidence demonstrated by verified data of measurable increases in academic achievement based on DCP’s students making at least one year of growth for each year of DCP Alum Rock’s charter term or strong post-secondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

Post-Secondary Indicators

On the California Dashboard, DCP Alum Rock students were Green in the College and Career indicator. This indicator reviews school data to determine how prepared DCP graduates are to enter college. The 2019 Dashboard shows 50% of DCP graduates were prepared to enter college. This was an increase of 13.4% from the prior year. Students in the Hispanic student group were also Green in this indicator with 47.5% prepared for college, an increase of 11.1% over the prior year, and students in the SED student group were in the Green performance level, with 51.7% prepared for college, an increase of 13.4% over the prior year. Charts 12 and 13 display the percentage students who qualified as Not Prepared, Approaching Prepared, and Prepared for College/Career Readiness at DCP and ESUHSD, respectively.

Chart 12: DCP College and Career Readiness Over Time (California Dashboard)

College/Career

The percent of students per year that qualify as Not Prepared, Approaching Prepared, and Prepared.

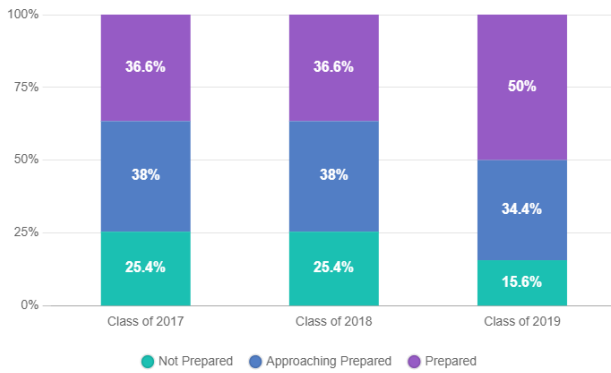
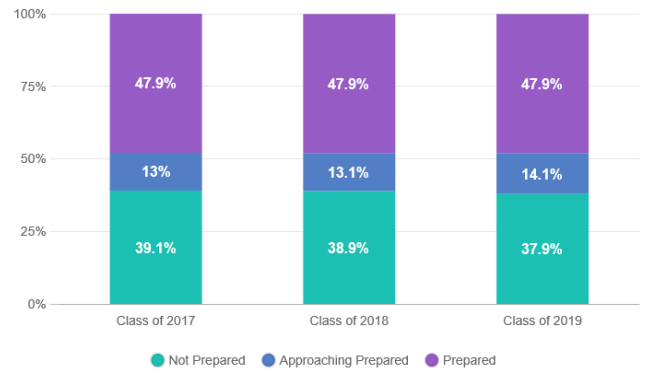


Chart 13: ESUHSD College and Career Readiness Over Time (California Dashboard)

College/Career

The percent of students per year that qualify as Not Prepared, Approaching Prepared, and Prepared.



Data retrieved from www.caschooldashboard.org

Post-secondary outcomes are determined by the number of graduates who enrolled, attended, and graduated from college. For the State, this information is collected by the National Student Clearinghouse (NSC) and the most recent available data on the CDE website is from 2017-18 (see Tables 9 and 10 below). However, this data does not provide information regarding college completion for high school graduates.

Table 9: 2017-18 College-Going Rate for California High School Students

Name	High School Completers	High School Completers Enrolled in College	College-Going Rate	Enrolled in College (In-State)	Enrolled in College (Out-of-State)	No Record of College Enrollment
DCP	57	38	66.7%	64.9%	1.8%	33.3%
ESUHSD	5,324	4,011	75.3%	72.7%	2.6%	24.7%
SCCOE*	330	199	60.3%	55.8%	4.5%	39.7%
State	493,211	282,740	64.4%	57.8%	6.6%	35.6%

*SCCOE includes the college-going rate for high school students attending schools authorized by SCCOE

Table 10: 2017-18 College-Going Rate for California High School Students by Postsecondary Institution Type

Name	High School Completers	High School Completers Enrolled in College	College-Going Rate	Enrolled In-State				Enrolled Out-Of-State	
				University of California	California State University	Community College	Private 2- and 4- Year College	4-Year College (Public/Private)	2-Year College (Public/Private)
DCP	57	38	66.7%	10	4	23	0	0	1
ESUHSD	5,324	4,011	75.3%	504	858	2,363	148	126	12
SCCOE*	330	199	60.3%	49	35	89	11	13	2
State	439,211	282,740	64.4%	31,023	52,988	155,852	13,914	26,952	2,011

*SCCOE includes the college-going rate for high school students attending schools authorized by SCCOE

Another review related to post-secondary outcomes is DCP’s graduates meeting University of California and California State University (UC/CSU) course requirements (a-g). When reviewing DCP graduate performance on a-g readiness, DCP shows significant growth.

Table 11: DCP Cohort Graduates Meeting UC/CSU Course Requirements

	2015-16	2016-17	2017-18	2018-19	2019-20
DCP	N/A	76.3%	94.6%	100.0%	N/A
ESUHSD	N/A	48.6%	52.8%	54.4%	N/A
SCCOE	N/A	74%	79%	77.6%	N/A
State	N/A	49.9%	49.4%	50.5%	N/A

2019-20 data is pending. Data retrieved from www.ed-data.org

*SCCOE includes the college-going rate for high school students attending schools authorized by SCCOE

SCCOE considered the available data and evidence from 2016-17, 2017-18, and 2018-19. As part of an addendum to the MOU, SCCOE Staff recommends that DCP be required to include in its 2020-21 Local Control Accountability Plan (LCAP) how it will continue to address the academic performance of DCP students – specifically the mixed results and declines in ELA and Math, the suspension indicator, the chronic absenteeism indicator, and the low performing English Learner Progress indicator. If those terms are included in an addendum to the MOU and DCP continues to address these academic performance concerns, giving greater weight to academic measures for all groups of pupils and considering increases in academic achievement and its strong post-secondary outcomes, DCP’s achievement data supports renewal because student performance indicates DCP has made progress that provides a benefit to its pupils, and closure is not in the best interest of pupils. As discussed in more detail below, DCP’s past fiscal and operational performance also support renewal.

Finances

DCP exhibits a healthy financial position. As of June 30, 2019, DCP had an audited reserve balance of 44%. DCP, the DCP Central Office, and the ABF Board of Directors have shown strong fiscal oversight. DCP’s Independent Auditor’s Report for the Year Ended June 30, 2019, reports an Unmodified Opinion on the financial statements, as well as on State and Federal compliance with various laws and regulations. In addition, there were no identified deficiencies, or material weaknesses, noted regarding internal controls over financial statements and internal control over compliance for fiscal year 2018-19. All fiscal reports as required by law and the SCCOE have been received on a timely basis. DCP maintains and implements sound fiscal policies and procedures, including, but not limited to, internal controls governing all financial and business-related activities.

DCP reported an Average Daily Attendance (ADA) of 714 for Fiscal Year (FY) 2019-20. However, DCP projects a decrease in enrollment for FY 2021-22 with an ADA of 651. DCP projects an ADA between 94%-95%. Charter Schools Department Fiscal Staff (Fiscal Staff) is not aware of any significant financial concerns for DCP. It appears DCP projects a healthy financial outlook with a reasonable increase in student enrollment and ADA.

Table 6: Fiscal Historical Revenue/Expenditure Data for DCP

	2017-18	2018-19	2019-20
A. Beginning balance	2,293,528	3,169,224	3,755,265
B. Revenues	8,622,255	9,131,869	8,744,485
C. Expenditures	7,746,559	8,545,828	8,551,820
D. Surplus/Deficit (B-C)	875,696	586,041	192,665
E. Ending balance (A+D)	3,169,224	3,755,265	3,947,930

Demographic Data

In accordance with Education Code Section 47607(d), SCCOE requested, received from CDE, and reviewed aggregate data reflecting pupil enrollment patterns at DCP.

REVIEW OF THE CHARTER PETITION

SCCOE Staff reviewed the renewal Petition using the criteria established in California Education Codes 47605, 47607, and 47607.2, and County Board Policy 0420.4(c) and found:

1. Sound Education Program

The DCP renewal Petition presents a research based educational program that meets all the required elements of a sound educational program. DCP Alum Rock’s mission is to prepare first generation college bound students to be leaders for tomorrow through secondary school success and college completion. It serves its targeted student population with the current enrollment of more than 89% students in the Hispanic group, 79.5% students identified as SED, and 27.4% students identified as EL. DCP’s College success framework is based upon three domains (Academic Rigor, College Coaching, and Meaningful Experience) that take place across five settings (courses, college readiness, enrichment, counseling, and family engagement). Courses are Common Core State Standards (CCSS) and Next Generation Science Standards (NGSS) aligned, and instruction is provided in a school culture that values “ganas” (desire), “comunidad” (community) and “orgullo” (pride). The Danielson Framework that provides quality instruction through the lens of equity and access, forms the basic instructional model for the school, with supporting core instructional strategies of Workshop approach, Understanding by Design, Differentiated Instruction, Project-based learning, Blended learning and Design Thinking. The adopted curriculum is CCSS and NGSS

aligned, and the scope and sequence of its implementation is strategically planned from grade 6-8 and then 9-12.

With COVID-19, DCP was able to pivot to Distance Learning (DL) to support its students' needs. During the spring of 2020, DL classes utilized Zoom, Google classroom, and other various platforms to keep students learning. During the summer, DCP re-evaluated its master schedule and pivoted even further, including additional platforms, like Pear Deck, to provide instantaneous feedback to students and provide interactive lessons. DCP middle school also shifted to a 4x4 model of instruction which created longer blocks of Humanities (ELA and Social Studies) and STEM (Math and Science) so that students and staff could better focus on the power standards and minimize learning loss. At the high school, the Master Schedule also was adjusted and focuses on power standards through semester long classes. Students across DCP receive four hours of live instruction per day and additional asynchronous work time and intervention supports.

Students Performing Below Grade Level:

Students performing below grade level receive differentiated instruction in combination with strategic intervention. Interventions include the following supports as appropriate based on benchmark assessment results: advisory/college and career readiness, flexible grouping structures, differentiated learning groups, mandatory office hours, family conferences, after school tutoring, summer school, computer-based interventions, social-emotional counseling, and guided studies class.

Special Education:

DCP is a school of the County for the purposes of compliance with the Individuals with Disabilities Education Improvement Act (IDEIA). DCP has 93 (11.1%) students identified as special education eligible, with many of these students being eligible with mild, moderate, and severe needs. These needs are identified as follows: 67% specific learning disability, 2% speech-language impairment, 12% other health impairment, 2% deaf/hard of hearing, 4% emotional disturbance, 10% autism, 1% traumatic brain injury, and 2% intellectual disability. Special education support is provided in an inclusive environment, and, as appropriate, Individualized Education Plan (IEP) goals are addressed in individual/small group settings. Although "dependent" on SCCOE, DCP Alum Rock employs its own additional special education staff to ensure IEP goals can be successfully addressed across all continuums of instruction. DCP has added additional special education staff to accommodate students with neuro-diverse needs at DCP through push-in and pull-out classes. DCP middle and high schools both have learning center models and additional supports for students with severe needs. DCP also acknowledges its obligations to comply with the terms of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

English Learners (EL):

English learners are 27.4% of DCP's student population. DCP Alum Rock is focused on developing English language fluency for its identified English learners. Full inclusion underlies the instructional delivery for all identified EL students. Small group and after school instruction as well as the use of adaptive software help support English Language Development (ELD) for designated students. DCP has an initial identification and EL reclassification processes in place. DCP also has a Seal of Biliteracy program which allows students to study and attain proficiency in two or more languages by graduation. While the Charter provides information on the ELD program, additional focus is needed in the implementation of designated and integrated ELD supports for students.

During SCCOE Staff's annual and renewal visits, informal observations, and discussions with DCP staff, DCP agreed that, although all staff have been trained, more training and follow-through is needed regarding ELD. DCP reports it is working on the development of an English Learner Master Plan; however, a plan has not yet been developed and has been discussed with DCP during the annual visits for at least two years. Staff recommends that as a condition of approval, DCP develop its EL Master Plan, submit it to SCCOE, and implement it on or before April 1, 2021. Staff also recommends that a requirement for additional training and support of DCP staff in ELD should be included in an addendum to the MOU to address the low English Learner progress indicator on the DCP California School Dashboard where 46.2% of students who are ELs are making progress toward English Language Proficiency and to address the 29.3% of students who are ELs who decreased at least one language proficiency level during the 2018-19 school year.

The Charter Schools Department Staff concluded the DCP renewal Petition provides sufficient information to substantiate the required elements for a sound educational program provided academic performance issues are remediated through the LCAP process, provisions in an addendum to the MOU, and that DCP complete, submit, and implement its EL Master Plan.

2. Ability to successfully implement the program set forth in the Petition

Staff found facts demonstrating the Petitioners are likely to successfully implement the program if DCP creates and implements plans for addressing academic declines and correcting the various issues and concerns noted through this Staff Analysis and Findings of Fact through an addendum to the MOU as described more fully throughout this Staff Analysis and Findings of Fact.

3. Affirmation of each of the conditions required by statute

SCCOE Staff found the Petition contains all of the required affirmations other than an explicit statement that DCP shall provide notice of the requirements of Education Code Section 47605(d) in the form developed by the California Department of Education, which notice shall be posted on DCP's internet website and DCP shall provide a parent or guardian a copy of this notice at all of the following times:

- (i) When a parent, guardian, or pupil inquires about enrollment.
- (ii) Before conducting an enrollment lottery.
- (iii) Before disenrollment of a pupil.

The mandatory notice was not readily found on DCP's website and DCP should immediately update its website to include this notice. DCP must also include this affirmation in an addendum to the MOU as well as in its Student/Parent Handbook.

4. Reasonably comprehensive description of the required elements

In order for the description of each element to be considered "reasonably comprehensive," it is not enough that the renewal Petition include a description, but rather the description should be acceptable to SCCOE and consistent with and not contrary to SCCOE's standards and expectations for charter schools under its oversight. SCCOE Staff's indication that the description of an element is "reasonably comprehensive" should not be interpreted to mean SCCOE Staff does not believe additional or different terms relating to that element would need to be agreed to by the Petitioner through the MOU and addendum process. Further, while SCCOE Staff may make recommendations for remediation in an area, or specify that particular issues or terms have been or will need to be clarified or resolved through the MOU or an addendum to the MOU, this does not mean other areas

may not need additional correction to be included in the MOU or in an addendum to the MOU. Further, Staff's determination that an element is reasonably comprehensive may be premised on noted issues being remediated through the MOU and addendum process.

The Charter Schools Department Staff found the Petition provides a sufficiently comprehensive description of the required elements for approval, though, as indicated in the Charter and in this Staff Analysis, additional specificity and requirements governing DCP's operations, including its compliance with the required charter elements, have been included in the MOU and/or will need to be included in an addendum to the MOU among DCP Alum Rock, its governing entity/CMO ABF, and the SCCOE.

A. Element One: Description of the Educational Program/Plan for Student Academic Achievement

SCCOE Staff concluded DCP provided sufficient information in the renewal Petition to substantiate the required elements for a sound educational program if DCP completes, submits, and implements its EL Master Plan. Also, implementation of all the elements in the Petition, need additional support and practice.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description only if DCP includes in its 2020-21 LCAP how it will continue to address the academic performance of DCP students and the means of remediating the suspensions and chronic absenteeism, the mixed results and declines in ELA and Math, and the low performing English Learner Progress indicators are provided for in the addendum to the MOU and successfully implemented by DCP; and DCP completes, submits and implements its EL Master Plan.

B. Element Two: Measurable Student Outcomes

DCP's Petition includes an LCAP, and DCP later submitted its Learning Continuity and Attendance Plan (LCP) as required by SB 98. Both plans address state requirements and provide quantitative and qualitative measures for determining student performance and progress. For the LCAP, student input was gathered in the form of the Youth Truth Survey. Parent/family input was solicited in the form of School Site Council, English Language Advisory Council, and monthly Cafecitos meetings. Staff engaged with data on school outcomes during summer onboarding and during weekly professional development sessions. For the LCP, student input was gathered through student input survey and advisory self-assessments. Parent/family input was gathered through informational phone/text messages, Family Outreach Project, surveys every two weeks, Zoom meetings, and written communication. DCP's LCAP sets benchmarks that scaffold across the three-year span, utilizing student (plus student-group) proficiency levels on CAASPP in English Language Arts and Math as the academic criteria. Additional academic metrics involve student performance and progress on the ELPAC. Attendance, absenteeism, suspension, and expulsion rates, with benchmark goals, help provide corresponding metrics in determining student outcomes.

The Charter describes the school's means of achieving parent involvement, including through parent service on School Site Council and English Learner Advisory Council. As specified in the Governance Element of the Charter, DCP and ABF have also committed to parent participation on the ABF Board and plan to add a parent to the ABF Board at its December 2020 board meeting.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description only if DCP develops, submits, and implements a plan to address the causes of the academic declines which should also be addressed in the addendum to the MOU.

C. Element Three: Method by Which Pupil Progress in Meeting Outcomes will be Measured

DCP Alum Rock has developed an assessment system which combines summative, formative, and interim assessments to inform instruction, while quantifying performance and progress. This system utilizes state assessment measures (CAASPP, ELPAC, attendance and suspension, and college/career) and their internal measurements (NWEA, local benchmarks, performance based assessments, and program based assessments) as their multiple measures. The assessments are planned and implemented systematically through an assessment calendar. DCP has committed to posting its School Accountability Report Card (including all elements required by law) on or before February 1 of each year.

In light of the State Board of Education's recent adoption of a definition and list of verified data that will be necessary to consideration of future renewals for low and middle performance tier charter schools in accordance with Education Code 47607.2, DCP is encouraged carefully to review that information and implement as necessary the use of additional such verified data to ensure that DCP will be able to measure its student progress on an ongoing basis and provide the necessary evidence of academic achievement and/or postsecondary outcomes at the time of its next request for renewal.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description.

D. Element Four: Governance Structure

In accordance with Education Code section 47604, all DCP Alum Rock campuses are operated by ABF, a California non-profit public benefit corporation with 501(c)(3) status. All staff are employees of ABF. ABF is an "entity managing a charter school" as defined in Education Code Section 47604.1.

Per the Articles of Incorporation and bylaws, the ABF Board consists of at least three, and no more than 21, members who serve staggered three-year terms. DCP Alum Rock currently has a 13 member governing board with defined roles and responsibilities. The Charter states the ABF Board will comply with all federal, state, and local laws applicable to independent public charter schools. The ABF has adopted a Conflict of Interest Code which was approved by the Santa Clara County Board of Supervisors as required by SB 126 (included in appendix).

DCP Alum Rock values parent/guardian involvement, and employs three staff members to support, sustain and expand these roles. Each DCP site has a formulated School Site Council (SSC) and English Language Advisory Council (ELAC) to ensure active parent participation and voice in helping the school reach its mission. DCP should review the configuration of its SSC to ensure compliance with the requirement of Education Code Section 65000.

Board meetings are currently held monthly in accordance with the Brown Act, and DCP has specified that it will also hold special meetings as necessary in order for the Board to carry out its functions. Because Education Code Section 47604.1 adjusted the requirements for board meetings and governance effective January 1, 2020, DCP has adjusted its meeting

schedule, the location of meetings, and inclusion of teleconference locations at each school site, to comply with the changes to the law and incorporated prior to COVID-19. The Charter specifies that DCP shall comply with the Brown Act, the Public Records Act, Political Reform Act of 1974, Government Code Section 1090 *et seq.*, and no interested person (as identified in the corporate bylaws) is permitted to serve on DCP's Board of Directors. However, there appears to be an internal inconsistency in the bylaws. The bylaws specify that the Executive Director is an officer of the corporation, and only members of the Board of Directors may be officers, but employees – which include the Executive Director – cannot be members of the Board. The bylaws should be revised to specify that the Executive Director is an employee rather than a member of the Board of Directors.

The DCP Charter specifies the Board is in the process of adding at least one ABF Board member who will be a parent of a student enrolled at DCP, which complies with SCCBOE's priorities for parental involvement in charter school governance. SCCOE staff recommend that SCCBOE include as a condition for renewal of DCP's charter, that the ABF Bylaws be revised specifically to reserve a minimum of one board seat for parents of current DCP students, consistent with the terms of the Charter and that DCP/ABF implement the plan. While the Charter specifies that parents can get involved by becoming members of the School Site Council or English Language Advisory Committee, the addendum to the MOU should also specify that parents can become members of the ABF Board of Directors and that at least one seat is reserved for a current parent.

In accordance with the SCCBOE's previously expressed position on best practices for charter school transparency, SCCOE Staff recommends that SCCBOE require as a condition of renewal that ABF's board of directors and any other legislative bodies for purposes of the Brown Act include with its posted agendas links to the backup materials for each agenda item for which there are electronic versions of backup materials that are not excluded from public disclosure. At the latter of (1) the posting of the agenda, or (2) the time the staff provides a final copy of agenda item backup materials to all or a majority of all of the members of the legislative body, it shall post a link in the pertinent agenda item to those materials not excluded from public disclosure. DCP should also regularly update its website to ensure it contains the most up-to-date information.

In accordance with the requirements of Education Code Section 47605(h), the Petition includes the names and biographies, indicating the relevant qualifications, of all persons who currently serve on the DCP Board.

In the Petition, DCP states the teaching staff of DCP schools have organized and created a union, South Bay Educators United (SBEU), with the California Teachers Association. Currently, SBEU is waiting for the Public Employees Relations Board (PERB) to recognize it as a union, but ABF has been working informally with SBEU and ABF has affirmed that it will begin bargaining as soon as PERB has ruled.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description only if the issues identified above are addressed in the MOU and/or an addendum to the MOU and are imposed as conditions for renewal.

E. Element Five: Employee Qualifications

For all administrative, instructional, instructional support, and non-instructional support capacities, DCP Alum Rock recruits qualified personnel who believe in the instructional philosophy outlined in its vision statement. In accordance with Education Code 47605(e), DCP shall be nonsectarian in its employment practices and all other operations. DCP shall not discriminate against any individual (employee or student) on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the aforementioned characteristics).

According to the Charter, all employees will demonstrate a belief in the mission, program design, instructional philosophy, and curriculum documented in the charter. All employees are subject to background check including passing FBI and DOJ requirements. All employees of the school will be employees of ABF.

DCP continues to work with SCCOE Human Resources ensure its teaching staff fulfill all the legal requirements to practice as teachers. As of the time of the SCCOE Staff renewal visit to DCP, all DCP Alum Rock Staff met the current credentialing requirements.

The Charter also specifies that teachers in “core” classes must have or be working toward Cross-cultural Language and Academic Development (CLAD) certification or a Commission on Teacher Credentialing recognized equivalent. This requirement is not limited to “core” teachers, but, rather, applies to all teachers who are assigned to provide instruction to English Learners.

The Charter’s identified qualifications for the Principal and Assistant Principal positions do not specify that any type of credential, including a teaching credential, is required, though for the Principal an administrative credential is preferred. Possession of at least a teaching credential is necessary even to allow these administrators to cover classrooms or teach classes as needs arise. The job duties assigned to the Principal, as the instructional and school leader, and the Assistant Principal, who is an instructional leader responsible for supporting a rigorous college preparatory program and coaching and evaluating teachers, are consistent with the need for at least a valid teaching credential, if not an administrative credential. While the Principals and Assistant Principals currently all have at least teaching credentials, SCCOE Staff recommends that, as a condition of renewal, the minimum qualifications for the positions of Principal and Assistant Principal be modified to include a valid teaching credential.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description only if, as a condition of renewal, the MOU and/or an addendum to the MOU specify that the minimum qualifications for the Principal and Assistant Principal include a teaching credential and clarify that all the teacher qualifications apply to all teachers and not only “core” teachers.

F. Element Six: Health and Safety

DCP provided a detailed description of all Health and Safety Policies, and addressed fingerprinting and background checks for all employees and volunteers. All staff are

expected to comply with Ed. Code 47605(c)(5)(F) and legal requirements. DCP is committed to providing a safe, compliant working environment and to updating and adopting a legally compliant school safety plan by March 1 of each year. The plan for 2020 was completed, and in April 2020, DCP also updated its safety plan to include pandemic responses and implemented the public health orders around COVID-19. DCP should commit to at least annually reviewing and updating as appropriate its health and safety policies in consultation with its insurance carrier and risk management team.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description.

G. Element Seven: Racial, Ethnic, English Learner, and Special Education Balance

On July 1, 2020, most requirements of AB 1505 took effect. Element G was updated to require that schools provide a reasonably comprehensive description of how the school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, that is reflective of the general population residing within the territorial jurisdiction of the district to which the DCP charter was initially submitted, which, as previously established is ESUHSD. ARUSD is also included, as DCP Alum Rock is located on the Ocala Middle School campus.

Table 7: Demographic Comparison of DCP and Schools and Districts for 2019-20

	Total # of Students	Hispanic or Latino	Asian	Filipino	White	African American	Two or More Races
DCP	714	88.9%	3.4%	1.7%	1.3%	2.2%	1.5%
ARUSD	10,264	78.0%	12.1%	4.5%	2.1%	1.2%	1.3%
ESUHSD	26,537	38.3%	32.7%	6.5%	4.8%	1.8%	2.3%
Ocala MS	452	78.3%	11.3%	4.9%	2.0%	1.8%	0.4%
Sheppard MS	583	57.5%	27.4%	10.5%	1.4%	0.3%	2.2%
Independence HS	2,879	32.3%	40.6%	18.0%	3.4%	2.0%	2.1%
Mt. Pleasant HS	1,265	69.8%	16.3%	6.6%	3.1%	1.8%	0.8%

Table 8: Student Subgroup Comparison Data for 2019-20

	Total # of Students	SED%	EL%	SWD%
DCP	714	77.9	28.6	11.1
ARUSD	10,264	82.7	36.5	10.9
ESUHSD	26,537	54.6	20.1	10.4
Ocala MS	452	86.5	29.6	17.5
Sheppard MS	583	80.1	20.9	12.2
Independence HS	2,879	51.3	17.7	8.1
Mt. Pleasant HS	1,265	74.8	21.9	16.4

Data gathered from Dataquest: <https://data1.cde.ca.gov>

DCP strives through recruitment and admissions practices, to achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils among its students that is reflective of the general population residing within the territorial jurisdiction of the local school district, but DCP specifies that because of its location and target student population, its racial and ethnic balance may vary somewhat from ESUHSD in that it may serve higher concentrations of traditionally underserved youth.. DCP’s strategy includes, but is not necessarily limited to: (1) printing and distributing materials in English and

Spanish; (2) An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based application process; (3) The development and distribution of promotional and informational material that reaches out to all of the various racial and ethnic groups represented in the territorial jurisdiction of the local school district; (4) Continuous outreach activities throughout the community; and (5) Ongoing data-based research into the local districts’ demographics.

Table 9: DCP Alum Rock Demographic Data from 2015-16 to 2019-20

	Total # of Students	Hispanic or Latino %	Asian %	Filipino %	White %	African American %	Two or More Races %
2015-16	580	90.0	4.3	1.0	1.4	1.2	0.5
2016-17	642	89.1	3.7	1.7	2.5	1.4	0.6
2017-18	677	88.9	3.1	1.5	1.9	2.2	1.0
2018-19	668	98.4	3.0	1.9	1.6	1.9	1.5
2019-20	714	88.9	3.4	1.7	1.3	2.2	1.5

Table 10: DCP Alum Rock Student Group Data from 2015-16 to 2019-20

	Total # of Students	SED%	EL%	SWD%
2015-16	580	86.7	33.3	9.0
2016-17	642	91.6	29.0	8.4
2017-18	677	79.5	22.9	10.0
2018-19	668	79.5	27.4	10.0
2019-20	714	77.9	28.6	11.1

Data gathered from Dataquest: <https://data1.cde.ca.gov>

DCP’s student demographics do not closely reflect the demographics of ARUSD or ESUHSD, as DCP has higher Hispanic, SED, EL, and SWD populations. This element of the Charter does, however, reflect the SCCBOE and the ABF Board’s desire to provide opportunities for the targeted demographic population to have access to choice programs.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description. DCP’s Charter includes a commitment to audit and expand its efforts as necessary to achieve the requisite balance in accordance with Education Code Section 47605(c)(5)(G).

H. Element Eight: Admissions Policies and Procedures

DCP has articulated student admission policies and procedures. The school is nonsectarian, tuition free, and does not discriminate against any pupil on the basis of protected characteristics.

Admission to the school is not determined by district of residence of pupil, or parent, except in the case of public random drawing. DCP has updated its admissions lottery procedures consistent with the updates to Education Code section 47605(c)(5)(H) and (e) of the Charter Schools Act.

In the event of a public random drawing, DCP specifies its intent to implement the following preferences in the following order:

1. Students who attend, or reside in the attendance area of, the public elementary school where the Charter School site is located (if DCP is participating in the Charter School Facility Grant Program)
2. Siblings of students admitted to or attending the Charter School, who reside within the ESUHSD
3. Siblings of students admitted to or attending the Charter School, who reside outside of the ESUHSD
4. Students currently attending other DCP charter schools
5. Students residing within the ESUHSD boundaries
6. All other applicants

Other than the preference for residents of ESUHSD, whether to permit the proposed preferences is within the discretion of the SCCBOE.

The Charter states that DCP may request, “at the time of, and as part of, conducting its lottery process, the provision of information necessary to verify admission preferences set forth in [the] Charter.” However, DCP is legally prohibited from requesting or requiring the submission of the pupil’s records prior to enrollment. As such, DCP shall not require the submission of records to support qualification for an admission preference at the time of or as part of the admissions lottery, but may specify that verification of qualification for any preference under which a potential student is admitted will be a condition of enrollment.

The Charter Schools Act requires the specifics of the admissions procedures, including the public random drawing and the means by which admissions preferences are implemented, be included in the Charter. Admission to the school is not determined by place of residence of pupil, or parent, except in the case of public random drawing in accordance with the above-described preferences. SCCOE is aware that DCP has a formalized procedure for implementing its public random drawing should one become necessary, and the basics of the drawing procedure are identified in the Charter, though SCCOE Staff recommends that more specificity on the lottery process be provided through an addendum to the MOU.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description with the inclusion in the addendum to the MOU of terms to address the noted concerns. This Element, and other components of the Charter, make reference to the “District,” and the addendum to the MOU should clarify that such references are to ESUHSD.

I. Element Nine: Financial Audit

DCP states in the Petition the audit will be conducted in accordance with Education Code Sections 47605(c)(5)(I) and 47605(m), generally accepted accounting procedures, and with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controller’s K-12 Audit Guide. The Petition states DCP financial audit procedure, which includes how the independent auditor will be selected and retained, the qualifications the independent auditor needs to possess, the timing of the audit, and a commitment to resolve any deficiencies to SCCOE’s satisfaction, and how this will be communicated to the necessary outside parties. DCP has an audit committee that selects the independent auditor.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description.

J. Element Ten: Student Suspension/Expulsion Procedures

DCP Alum Rock is committed to developing college-ready behaviors in all of its students. As such, DCP Alum Rock employs a proactive and restorative approach to discipline, supporting students in examining the impact of their actions on self and others in order to promote reflection, remediation, and in turn, agency. The process and procedures are delineated in the Parent/Student Handbook and have been updated to reflect current law.

These policies and procedures, as clarified through the terms of the MOU, are consistent with SCCOE's usual practices and are consistent with this portion of the Charter Schools Act.

The Charter Schools Department Staff believes this section, as supplemented by the MOU, includes a reasonably comprehensive description.

K. Element Eleven: Employee Retirement System

The DCP Charter states all eligible certificated employees of DCP Alum Rock shall participate in the State Teachers Retirement System (STRS). All non-certificated employees will participate in Public Employee's Retirement system (PERS) and the federal social security. All part time employees will participate in federal social security. It is not clear which employees participate in PERS and which in federal social security, so this should be clarified in an addendum to the MOU. The Charter specifies that the Chief Operating Officer is responsible for processing benefits and ensuring appropriate arrangements for retirement system coverage.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description with this clarification in an addendum to the MOU.

L. Element Twelve: Public School Attendance Alternatives

The Charter specifies that no student may be required to attend DCP, and students who reside within ESUHSD and choose not to attend DCP, may attend other district schools or pursue an intra- or inter-district transfer in accordance with existing district enrollment and transfer policies. Parents and guardians of each student enrolled in DCP will be informed on admissions forms that the students have no right to admission to a particular school of any local education agency as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description.

M. Element Thirteen: Description of the Rights of An Employee of the County Superintendent of Schools, Upon Leaving the Employment of the County Superintendent of Schools, to be Employed by the Charter School

DCP states in this element that no employees of the County are required to work at the charter school. Staff notes, however, that the County Board is the chartering authority and the County Superintendent of Schools is the employer of all employees at SCCOE. The

discussion in this Element is complete, and provides that such employees have no automatic rights of return and only such rights as the County Superintendent may choose to provide, and that employment at DCP does not provide any rights of employment at any other entity, including in the case of closure of DCP.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description.

N. Element Fourteen: Dispute Resolution

DCP includes a proposed dispute resolution procedure in the Petition, and specifies that it is amenable to altering the procedure through the MOU. As part of the SCCOE standards of excellence contained in the MOU, DCP has now agreed to the terms which are set forth in the MOU and have replaced language proposed in the Charter.

The Charter Schools Department Staff believes that this section as updated through the MOU includes a reasonably comprehensive description.

O. Element Fifteen: Closure Protocol

DCP outlines a process to be used if the charter school closes. Once documented as official action by DCP Board, there is a process addressing notification of all entities, and to ensure smooth transition of students/records to suitable alternative programs. DCP will provide a Final Audit as well as plans for disposition of assets and liabilities and transfer of pupil records. On closure the school shall remain solely responsible for all liabilities arising from the operation of the school. As a non-profit public benefit corporation, the school board will follow the California Corporation Code for any dissolution of the corporation and file all necessary filings with appropriate state and federal agencies. As part of the SCCOE standards of excellence contained in the MOU, DCP has now agreed to supplementary closure procedures described in the MOU, and in the case of a discrepancy between the MOU and Charter closing procedures, the MOU will prevail.

The Charter Schools Department Staff believes this section, as supplemented and updated through the MOU, includes a reasonably comprehensive description.

Required Supplemental Information

SCCOE Staff reviewed DCP's Petition, which includes the Budget Narrative and Budget for Fiscal Years (FY) 2020-21 through 2023-24 as requested. SCCOE Staff also reviewed additional information from documents and interviews to provide clarification on financial position. This included meeting with the DCP Staff and Board as well as conducting annual visits and reviewing Financial Audits, monthly financial statements, mandatory financial reports, and the Fiscal Crisis Management Assessment Team (FCMAT) Local Control Funding Formula (LCFF) Calculator which was re-created by SCCOE Staff to recalculate the LCFF Revenue sources reported on the Petition.

Enrollment and Average Daily Attendance (ADA)

DCP's projected budget for FY 2020-21 through 2023-24 anticipates a decrease in enrollment from 714 in FY 2020-21 (based on 2019-20 ADA as per the SB 98 hold harmless provision) to 689 in FY 2021-22. DCP projects a decrease in average daily attendance (ADA) from 669 in FY 2020-21 to 651 in FY 2021-22.

It appears DCP projects a healthy financial outlook with a reasonable enrollment and ADA increase in FY 2022-23 and thereafter.

Table 11: DCP Historical and Projected Enrollment/ADA Data

	Historical Data			Enrollment/ADA Projections			
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Actual Enrollment	677	668	714				
Projected Enrollment				714	689	697	746
ADA*	635	625	669	669	651	659	705
ADA%	94%	94%	94%	94%	94%	95%	95%

*Historical ADA data based on P-Annual

Revenues & Expenses

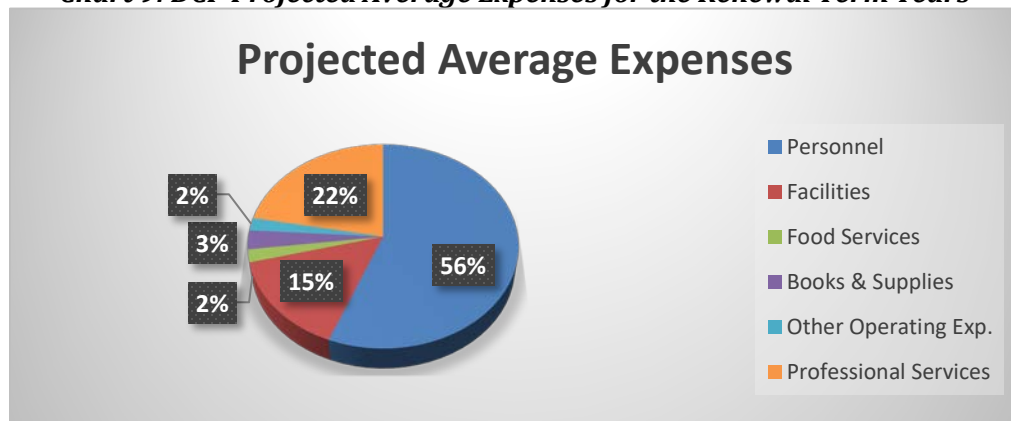
Table 12: DCP Revenue and Expense Projections

Revenue and Expense Projections				
	2020-21	2021-22	2022-23	2023-24
A. Beginning balance	3,947,930	4,082,643	4,095,178	4,105,138
B. Revenues	9,695,082	8,608,854	8,716,855	9,244,735
C. Expenses	9,560,369	8,596,319	8,706,895	9,162,885
D. Surplus/Deficit (B-C)	134,713	12,535	9,960	81,850
E. Ending balance (A+D)	4,082,643	4,095,178	4,105,138	4,186,988

DCP presents a balanced five-year budget for FYs 2020-21 through 2023-24 with detailed reasonable revenue and expense projections addressing major anticipated sources of revenue, including state, federal and local. Expenses include staffing, benefits, professional development, facility costs, materials, equipment, and other operating expenses. DCP is conservative in its revenue and expenditure projections. Spending plans align with projected revenues. Staffing financial projections appear to be reasonable. The projected expenditure costs seem to be accurately stated and demonstrate satisfactory ability to meet DCP’s financial obligations.

Fiscal Staff is not aware of any significant financial concerns for DCP.

Chart 9: DCP Projected Average Expenses for the Renewal Term Years



Cash Flow

DCP’s cash flow closely aligns with all financial documents including bank statements and reconciliation reports. In the event there is an unforeseen financial crisis, DCP’s reserves should adequately suffice during an emergency.

DCP’s petition provides reasonable cash flow projections and assumptions pertaining to cash flow timings for major revenue sources required for financial solvency and sustainability. Multiyear cash flow projections show that DCP will be positive. As of June 30, 2019, DCP had an audited cash balance of 14%.

Potential Civil Liability Effects on the School and County Office

DCP is in compliance with its current MOU, including the insurance and indemnification, defense, and hold harmless provisions, and has agreed through the new MOU to those provisions as required by SCCOE’s risk management team. There is no reason to believe that DCP will not continue to abide by SCCOE’s requirements and the agreed upon MOU and any addendum thereto. There are currently no pending litigation or other liability concerns with DCP.

5. Exclusive Public Employer

As required by the Charter Schools Act, the Charter specifies ABF shall be deemed the exclusive public employer of the employees of the Charter School for the purposes of Educational Employment Relations Act (“EERA”).

6. Requirements for Grade-Levels Served, Facility Location, and Students Served

DCP currently serves grades 6-12. It is located in ARUSD and ESUHSD and sets forth specific requirements for its facility needs. DCP Alum Rock Middle School is located at 2888 Ocala Avenue. DCP Alum Rock High School is located at 1776 Educational Park Drive.

The Charter Schools Department Staff found the Petitioners are able to meet the requirements for grade levels served, facility location, and students served.

7. Any Other Criteria Set Forth in the Statute

Since DCP’s Charter was last renewed, a number of new laws have gone into effect, including AB 1505, AB 1507, AB 1219, SB 126, SB 820, and SB 98, which enact broad changes to the Charter Schools Act. DCP will need to comply with the changes to the law, and the Charter, along with the MOU and terms of an addendum to the MOU as described above, indicate DCP will so comply.

CONCLUSION

The Charter Schools Department Staff reviewed the renewal Petition for DCP utilizing the criteria for charter approval set forth in Education Code Sections 47605, 47607 and 47607.2.

Charter Schools Department Staff recommends the DCP Charter be renewed with the conditions that DCP and ABF enter into an Addendum to the MOU with SCCOE to address Staff’s concerns, including those specifically reviewed in the Staff Analysis and Proposed Findings of Fact, as well as any additional conditions identified by the SCCBOE, and adopt the Board Resolution Conditionally Approving the Charter Renewal for DCP Alum Rock Charter School with the Addition of Conditions Pursuant to Education Code Section 47605, and, Alternatively, Making Written Factual Findings Supporting Denial & Denying the DCP

Alum Rock Charter School Charter Renewal if the Conditions Are Not Met, for the period of July 1, 2021, through June 30, 2026.

Student Impact

The Charter School office provides oversight and monitoring for 22 County Board of Education authorized charter schools. DCP was authorized in 2010 and currently serves approximately 700 students.