AMEND BY SUBSTITUTE AND AS AMENDED AT THE RULES, POLICY AND LEGISLATIVE COMMITTEE ON SEPT. 6, 2018

Subject: Resolution No. 186-26A2 In Support of Increased Oversight, Transparency, and Accountability for Charter Schools In Relation to Fiscal, Educational, and Socio-Emotional Impacts on SFUSD Students
   - Commissioners Mark Sanchez and Stevon Cook

WHEREAS: Charter schools are a rapidly growing sector of the educational system, increasingly targeting low-income areas and communities of color; and

WHEREAS: Students with more significant needs such as those with special education needs, those with social-emotional needs, newcomers, English learners, foster youth and homeless/transitional students are not sought after for enrollment, or if enrolled are often times “counseled out” of charter schools, undermining the communities these schools purport to support; and

WHEREAS: Charter schools are not explicitly required to comply with the same standards as traditional public schools, including but not limited to Education Code sections 48900 and 48915 related to suspensions and expulsions; and

WHEREAS: Because charter schools often refuse to serve the highest needs students, traditional public schools must (and gladly do); higher needs students tend not to perform well on state tests, and these assessments are used to judge school performance; this assessment data is then used by the charter school industry to claim that charter schools outperform traditional schools; and

WHEREAS: Proposition 39 (2000) mandates that district campuses accommodate co-locations of charter schools, resulting in shortages of resources and space as well as increased tension and conflict within school communities; and

WHEREAS: Charter school boards are often not elected by their constituencies but are often appointed by outside groups that operate numerous charter schools across a given county or the state; and charter school boards do not have to comply with the Ralph M. Brown Act (the law that guarantees the public's right to attend and participate in meetings of local rule-making bodies), thus making it difficult for parents and local groups to access charter school board meetings; and

WHEREAS: Charter schools with privately appointed boards make decisions about how public funds are spent; and

WHEREAS: Charter schools are not required to track and publicly report data about their students, internal practices, and policies to the same standard as SFUSD schools, including, but not limited to, discrepancies regarding these student subgroups: those with special education needs, those with social-emotional needs, newcomers, English learners, foster youth and homeless/transitional students; and
WHEREAS: California taxpayers deserve to have transparency and accountability with respect to all public school funding; and

WHEREAS: The State of California has critically underfunded the traditional public school system for the past four decades, due to the passage and implementation of Proposition 13; and

WHEREAS: There is a lack of research and statistical analyses with respect to the financial, educational, and socio-emotional impacts of charter school expansion on the vast majority of students who remain in the traditional public setting; and

WHEREAS: California state law allows charter schools whose petitions are denied by a local school district to appeal to the State Board of Education for approval, thereby diminishing the local authority of school boards.

THEREFORE, BE IT RESOLVED: In order to ensure equitable access to all to a quality public education, the SFUSD shall conduct a full, open, and thorough analysis of the potential impact that the expansion and addition of charter schools in San Francisco will have on SFUSD’s traditional public schools; this analysis shall include, but not be limited to, investigation of the following:

1. The demographics of charter school students by subgroup as compared to nearby SFUSD non-charter schools, including:
   a. Students with special needs, including IDEA and 504, as well as their special need subcategory (for example, speech, autism, emotional disturbance, etc.)
   b. Students with social-emotional needs
   c. Newcomer students
   d. English learners
   e. Foster youth
   f. Homeless/transitional students
2. The diversion of funds from traditional public schools to charter schools;
3. The financial, academic, and socio-emotional impact of co-locating charter and traditional public schools on the same campus;
4. The number/percentage of students at charter schools who are disciplined, including expulsions, suspensions (in school, out of school, and teacher initiated), detentions, office discipline referrals, and alternative forms of discipline, as well as the reasons for discipline, disaggregated by the subgroups listed above;
5. The number/percentage of students removed from charter schools, as well as the reasons for the removals, the race/special needs profile of each student transferred out, and the receiving school;
6. Teacher credentialing and teacher retention;
7. The laws, policies, and standards to which traditional public schools are held accountable that charter schools are not; and

BE IT FURTHER RESOLVED: If a petitioning charter school that is operating as, or is operated by a non-profit benefit corporation, is approved by SFUSD, the Board of Education will exercise
its right under Cal. Educ. Code Section 47604, to be “entitled to a single representative on the board of directors of the non-profit public benefit corporation”; and

FURTHER BE IT RESOLVED: SFUSD will inform parents about their rights related to the differences between traditional public schools and charters schools; and

BE IT FURTHER RESOLVED: As part of the charter review procedure, the District shall verify that parent signatories to a charter petition reside in the boundaries of SFUSD, have students eligible to attend the proposed charter school, and are “meaningfully interested” in having their children attend the school, and verify that teachers who are signatories to a petition shall verify that they are “meaningfully interested” in teaching at the proposed charter school. Parents who are signatories to more than one charter petition per year for an individual child shall have their signature deemed invalid; and

FURTHER BE IT RESOLVED: In order to ensure equitable access to a quality public education, the District shall, pursuant to SFUSD Board Policy 1220, implement and maintain a Charter School Oversight Committee that convenes monthly and is open to community participation, and which will specifically reviews the following:

1. Demographics of students served at each charter school, disaggregated by subgroup;
2. Demographics of students who leave each charter school each year disaggregated by subgroup;
3. Demographics of students retained year to year, by grade-level, at each charter school, disaggregated by subgroup;
4. Teacher credentialing and “proper assignment” and retention rates at each charter school;
5. Parent and staff representation in charter school governance;
6. The reasons for student transfer back to SFUSD from charter schools, where applicable;
7. The provision of services to the charter school’s student’s with IEPs by the school’s Special Education Local Plan Area; and
7-8. Investigations of complaints received by SFUSD concerning charter schools.

BE IT FURTHER RESOLVED: The SFUSD Charter School Oversight Committee will establish a complaint process for parents, staff, and other interested parties and will, if warranted by a complaint, under Cal. Educ. Code Section 47604.4, “monitor the operations of a charter school located within that county and conduct an investigation into the operations of that charter school.” Parents will be notified of this procedure annually during the enrollment process. All complaints will be heard during a regularly scheduled SFUSD Board of Education meeting, and, if an investigation is warranted, the results of the investigation will be presented to the Board at a subsequent Board meeting. The number and nature of any complaints against a charter school may factor into a decision regarding renewal of the charter; and

FURTHER BE IT RESOLVED: The District shall conduct an educational and community impact analysis report as part of the process of considering co-location of a charter school on an SFUSD campus. The report will address the full learning needs of all students at the school being considered for co-location, and take into account the impact of charter school co-location on the existing campus and students attending other schools within the surrounding community; and
BE IT FURTHER RESOLVED: All prospective charter school visits to traditional public schools for the purpose of examining the campus configuration for potential co-location shall include a contingent group comprised of a site administrator, at least one parent, and at least one UESF staff member from the impacted school; and

FURTHER BE IT RESOLVED: No later than November 15 of each school year, the District will provide the public with a list of any and all existing and prospective charter schools that have requested space on an existing school campus for potential co-location in the following school year. The provided list shall include the name of the charter school(s) requested for potential co-location, and the amount of campus space requested. The District shall ensure that each school identified for a potential charter co-location the following year shall host a parent/community meeting at the impacted school no later than January 15. Before approving any charter school co-location the District shall verify the charter school's projection that at least 80 in-District students, per Proposition 39, will be enrolled in the charter school for the following school year. Any space allocated to a charter school that is not utilized is subject to return to the District school. The District may allow the charter school to keep over-allocated space for the remainder of a semester provided that the charter school is charged for over-allocated space up to what is allowable per state law; and

BE IT FURTHER RESOLVED: The District will seek to have legislation introduced and enacted to:

1. The District will petition the State of California to mandate that charter school governance boards be required to hold meetings within the District in which they are located at least six times a year at times that are convenient for parents and other community members of the charter schools; and

2. Mandate that if a charter school is not authorized by its host district, but belongs to the same charter management organization as a charter school authorized by the host district receives a Notice of Concern, Notice of Violation, or Notice to Cure from its authorizer, the host district shall immediately receive a copy of such notice; and

3. Mandate that charter schools under the oversight of SFUSD will comply with: all conflict of interest laws that pertain to public agencies including Government Code 1090, the Political Reform Act Form 700 Statement of Economic Interests, the Ralph M. Brown Act, and the California Public Records Act; and

FURTHER BE IT RESOLVED: The District will petition the State of California to mandate that if a charter school is not authorized by its host district, but belongs to the same charter management organization as a charter school authorized by the host district receives a Notice of Concern, Notice of Violation, or Notice to Cure from its authorizer, the host district shall immediately receive a copy of such notice; and
BE IT FURTHER RESOLVED: Consistent with the Board’s fiduciary duty to the SFUSD community, as a general rule, all financial transactions including, but not limited to, rent, fees, and leaseholds with charter schools shall maximize the revenue available to the District; and

FURTHER BE IT RESOLVED: Because one purpose of California’s charter law is to “encourage the use of different and innovative teaching methods,” SFUSD staff shall conduct an “innovation audit” of original and renewal charter petitions to assess whether programs described therein contribute to the provision of innovative educational offerings in SFUSD; and

BE IT FURTHER RESOLVED: The District will petition the State of California to mandate that charter schools under the oversight of SFUSD will comply with: all conflict of interest laws that pertain to public agencies including Government Code, the Political Reform Act Form 700 Statement of Economic Interests, the Ralph M. Brown Act, and the California Public Records Act; and

FURTHER BE IT RESOLVED: The Board of Education desires to reduce the number of different systems delivering education in San Francisco, and therefore invites charter schools to join SFUSD, either in part through joining the SFUSD SELPA, or entirely, by voiding their charters and becoming an SFUSD operated schools. The Superintendent or designee shall devise and articulate a process by which charter schools may apply to join the District.

BE IT FURTHER RESOLVED: Staff shall amend applicable Board Policies to be consistent with this Resolution.

Please Note:
- Referred by order of the Chair on 6/26/18 to the Rules, Policy, and Legislative Committee.
- Received a positive recommendation, with additional amendments, from the Rules, Policy, and Legislative Committee on 9/6/18.