



YPI CHARTER SCHOOLS EXECUTIVE DIRECTOR'S REPORT

September 28, 2020

The mission of the YPI Charter Schools (YPICS) is to prepare students for academic success in high school, as well as post--secondary education; prepare students to be responsible and active participants in their community; and enable students to become life-long learners. Students at YPI Charter Schools will become active citizens who characterize the ideals of a diverse and democratic society. Students will provide service to their community, take responsibility for their own learning, and develop the habits of mind and body that will empower them to be successful in high school and beyond.

CCSA:

“Highlights of Senate Bill 820 as Passed on 8/31/20

Senate Bill (SB) 820 passed the legislature on August 31, 2020 and is expected to be signed by the Governor any day. SB 820 amends several sections of the law related to the 2020-21 state budget that were originally enacted in SB 98, the Education Trailer Bill to the 2020-21 budget. This document provides a summary of the most significant changes in SB 820 that may impact charter school funding and operations in the 2020-21 school year. While this document provides a summary of the provisions of the law, each school will need to interpret and apply these new laws in the context of their specific circumstances and advice of their attorney. The addendum to this summary contains the specific language of SB 820 related to the most significant changes.

Summary of 2020-21 Requirements to Receive Funding for Growing LEAs: SB 820 Amends Education Code (EC) Sections 43502 through 43506.5 related to School funding and Growth for the 2020-21 Fiscal Year. (See specific code language in addendum)

EC 43502

- Provides funding for schools in 2020-21 based on the 2019-20 average daily (ADA) or pursuant to growth for 2020-21 as determined in Section 43505.
- Provide technical adjustments to ADA for districts in specified circumstances
- Provides clarity on ADA funding charter school that have divided or restructured pursuant to AB 1505/07. This language is consistent with existing language in other sections of SB 98.

EC 43502.5: New section requires a charter to use its enrollment lottery if it reduces enrollment to reflect funded ADA. So, if a charter chooses to reduce its enrollment because it will not receive sufficient funding for growth, it must use its lottery process to determine enrollment of new students.

EC 43503: Contains distance learning requirements. The amendment clarifies conditions of consent for recording of lessons for distance learning, an issue that has created some conflict locally.

EC 43504: Contains distance learning requirements. There is a helpful amendment that clarifies charter school credentialing requirements and flexibility to teachers for distance learning.

EC 43505: This is significantly amended section that contains conditions, requirements and timelines for funding new charter schools and adds new requirements and process for funding growing schools and districts for 2020-21.

Newly Operational Charter School Funding

- Provides new charter schools approved by June 1 (or July 9, for SBE charters), and opening in 2020-21 funding for 2020-21 based on certified enrollment on CALPADs Information Day, October 7, 2020.
- Enrollment will be converted to ADA based on the state average attendance rate.
- Schools will receive funding for July through January based on special advance per EC 47652, and payment for January on will be deferred, as with all LEAs.

Growth Funding for LEAs (except non-classroom-base charters):

- A growing LEA may receive funding for 2020-21 based on enrollment or ADA as documented in the most recently adopted budget prior to June 30, 2020 or its 2019-20 second interim report, if the document explicitly shows growth for 2019-20 to 2020-21.
- Funded ADA will be the lesser of the school's projected ADA, or actual certified enrollment (converted to ADA) on CALPADs Information Day, October 7, 2020.
- In no case will funded ADA be below prior year P-2 ADA.

Process to Receive Growth Funding:

- CDE shall post an application for funding no later than October 2, 2020.
- An LEA requesting growth funding must do so by November 6, 2020.
- An application requesting growth funding shall include:
- A copy of the LEA's most recently adopted (prior to June 30) 2020-21 budget or 2019-20 second interim report and supporting documentation, including board minutes documenting projected growth in ADA or enrollment from actual 2019-20 to 2020-21.
- Certification by the LEAs superintendent and board chair, under penalty of perjury, that the information provided is true and correct.
- Growth funding provided will be adjusted beginning with the February 2021 apportionment (but will be subject to the deferrals).

Non-classroom-based Charter School Exclusion

- Non-classroom-based Charter Schools are not eligible for growth funding and will receive 2020-21 funding based on the 2019-20 verified second principal apportionment.

EC 43506.5: A charter school that had previously opted to delay adding a grade level (per SB 98) can rescind that delay and reinstate the new grade with notice provided, as specified, no later than September 30 (see addendum).

Learning Continuity and Attendance Plan: SB 98 contained EC 43509 that establishes an alternative to the traditional LCAP for 2020-21. SB 820 provides clarifications related to the new plan (see addendum).

- By September 15, the CDE shall update the template and instructions to align the traditional LCAP budget overview for parents with the new Learning Plan and specify the amount of COVID relief funds received by the LEA (EC 43509(g)).
- By January 31, 2021, the CDE shall revise the template for the annual LCAP update to reflect the inclusion Learning Continuity Plan in the 2021-22 annual update (Section 57 of SB 820).

COVID-Relief Funds Spending Timelines: Section 59 of SB 820 (see addendum) extends the timelines for expenditure for some of the COVID relief funds, and expands the allowable use of funds previously allocated in SB 98:

- Funds allocated on the basis of LCFF supplemental grants must be used from March 1, 2020 to December 30, 2020. SB 820 allows this time to be **extended if allowed by federal law**.
- Funds allocated based on number of students with exceptional needs must be used from March 13, 2020 to **September 30, 2022**. Previously funds had to be expended by September 30, 2020.
- Federal funds allocated based on LCFF allocation must still be used from March 1, 2020 to December 30, 2020, but the state portion now may be used **until June 30, 2021**.
- **Expands allowable use of funds** to also include students in childcare, state preschool, and adult education, as well as grades TK-12, and allows funds to also be used for health testing, personal protective equipment, sanitation supplies for facilities and buses and other related needs.
- Extends LEA record retention requirement from three to five years.

Credentialing Flexibility: Section 67 of SB 820 (see addendum) contains additional suspensions of credentialing requirements due to school and testing center closures:

- Under specified conditions for 2020-21, suspends requirement to complete a teaching performance assessment for candidates of a preliminary single or multiple subject credential.
- Under specified conditions for 2020-21, suspends requirement to complete an administrator performance assessment for a candidate for a preliminary administrative services credential.
- Under specified conditions, from March 2020 through August 2021, suspends requirement to complete a reading competence instruction assessment for candidates for a preliminary multi-subject credential and a Level-1 or preliminary education specialist credential.
- A candidate for whom the assessment requirement is suspended shall complete and pass a CTC-approved performance assessment before being approved for a clear credential.
- If, due to testing center closures from March 2020 through August 2021, the requirement for a credential program applicant complete a basic skills proficiency test before entering a credential program is suspended. Basic skills proficiency test shall be completed before recommendation for a preliminary credential.
- If, due to testing center closures from March 2020 through August 2021, the requirement for completion of a subject matter examination for a university or district intern credential program are suspended, and the intern may teach in the subject area for which the intern has enrolled. The subject matter examination shall be completed before a preliminary credential.

Non-classroom-based Funding Determinations: Section 75 of SB 820 (see addendum) provides that a school with a funding determination that expires on June 30 of 2021 or 2022 shall receive its current funding level for two years if funding determination is received by June 30, 2021 or 2022, as applicable.

Other Changes Implemented by SB 820:

- **Apportionment Deferral Waivers:** Amends EC Section 14041.8 to change the deadline to submit a deferral exemption request from January 5, 2021 to **December 15, 2020**.
- **Physical Fitness Testing:** Suspended for 2020-21 school year (Section 68 of SB 820).

- **Grade 10 Proficiency Exam:** Offered only if allowable by public health orders (EC 48412).
- **State Seal of Biliteracy:** Allows waiver if unable to take the assessment (EC 51461).
- **English Language Assessment:** Sect 69 of SB 820 extends by 45 calendar days, unless otherwise determined by the Superintendent of Public Instruction, the time period required to initially assess pupils for English language proficiency. However, an LEA shall screen new pupils at the time of enrollment to informally determine English learner status to ensure pupils receive language development support.
- **Executive Order N-26-20:** Generally, makes the Governor's COVID Executive order enacted last spring inoperative as of July 1, 2020. However, several of those provisions were put in SB 98.

National:

“Summer Meal Programs Can Continue Operating as Funding Allows”

(Washington, DC, August 31, 2020) – Today, U.S. Secretary of Agriculture Sonny Perdue announced the U.S. Department of Agriculture (USDA) will extend several flexibilities through as late as December 31, 2020. The flexibilities allow summer meal program operators to continue serving free meals to all children into the fall months. This unprecedented move will help ensure – no matter what the situation is on-the-ground – children have access to nutritious food as the country recovers from the COVID-19 pandemic. USDA has been and continues to be committed to using the Congressionally appropriated funding that has been made available.

“As our nation reopens and people return to work, it remains critical our children continue to receive safe, healthy, and nutritious food. During the COVID-19 pandemic, USDA has provided an unprecedented amount of flexibilities to help schools feed kids through the school meal programs, and today, we are also extending summer meal program flexibilities for as long as we can, legally and financially,” said Secretary Perdue. “We appreciate the incredible efforts by our school foodservice professionals, year in and year out, but this year we have an unprecedented situation. This extension of summer program authority will employ summer program sponsors to ensure meals are reaching all children – whether they are learning in the classroom or virtually – so they are fed and ready to learn, even in new and ever-changing learning environments.”

“School Nutrition Association greatly appreciates USDA addressing the critical challenges shared by our members serving students on the frontlines these first weeks of school. These waivers will allow school nutrition professionals to focus on nourishing hungry children for success, rather than scrambling to process paperwork and verify eligibility in the midst of a pandemic.” said School Nutrition Association (SNA) President Reggie Ross, SNS. “We look forward to continuing our dialogue with USDA to ensure school meal programs are equipped to meet the future needs of America’s students.”

“Today’s announcement brings a huge relief to our school meal program and the community we serve,” said Lindsay Aguilar, RD, SNS, Director of Food Services for Tucson Unified School District, AZ. “Many of our families who might not qualify for free meals are still going through a tough time and are worried about how to keep food on the table. Now their children will have one less thing to worry about as they adjust to evolving in-school and remote learning scenarios. These waivers also eliminate a massive administrative burden for our school nutrition staff, allowing them to focus on feeding children.”

“These waivers will ensure every hungry child in the city of Cleveland has access to healthy school meals, while eliminating the burdensome, time consuming process of verifying and documenting enrollment,” said Chris Burkhardt, SNS, Executive Director of School Nutrition for Cleveland

Metropolitan School District, OH. “Our school nutrition team had to develop and implement a bar code verification system this fall that has greatly complicated and slowed service. With these waivers, we’ll be able to speed up meal distribution for the safety of staff and families and ensure no student is denied access to healthy meals.”

Background:

USDA’s Food and Nutrition Service (FNS) is extending a suite of nationwide waivers for the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) through the end of 2020, or until available funding runs out. This includes:

- Allowing SFSP and SSO meals to be served in all areas and at no cost;
- Permitting meals to be served outside of the typically-required group settings and meal times;
- Waiving meal pattern requirements as necessary; and
- Allowing parents and guardians to pick-up meals for their children.

Collectively, these flexibilities ensure meal options for children continue to be available so children can access meals under all circumstances. USDA is taking this unprecedented action to respond to the needs of its stakeholders, who have shared concerns about continuing to reach those in need without enlisting the help of traditional summer sites located throughout communities across the US. While there have been some well-meaning people asking USDA to fund this through the entire 2020-2021 school year, we are obligated to not spend more than is appropriated by Congress.

Importantly, the summer meal program waiver extensions announced today are based on current data estimations. Over the past six months, partners across the country have stood up nearly 80,000 sites, handing out meals at a higher reimbursement rate than the traditional school year program. USDA has continuously recalculated remaining appropriated funds to determine how far we may be able to provide waivers into the future, as Congress did not authorize enough funding for the entire 2020-2021 school year. Reporting activities are delayed due to States responding to the pandemic; however, based upon the April data we currently have available, FNS projects that it could offer this extension, contingent on funding, for the remaining months of 2020. USDA will continue to actively monitor this rapidly evolving situation and continue to keep Congress informed of our current abilities and limitations.

Since the start of the public health emergency, FNS has been maximizing existing program services and flexibilities to ensure those in need have access to food through our 15 federal nutrition assistance programs. To date, USDA has provided more than 3,000 flexibilities across these programs. USDA has also leveraged new and innovative approaches to feeding kids, including a public-private partnership that provided nearly 40 million meals directly to the doorsteps of low-income rural children. For more information on FNS’ response to COVID-19, visit fns.usda.gov/coronavirus

State:

From School Services of California –

“Legislature Passes Budget Cleanup Bill”

On its final day of business before recessing for the 2020 session, the Legislature passed a series of measures that amend the June Enacted State Budget, including Senate Bill (SB) 820—the education trailer bill.

As we reported through a number of Fiscal Report articles, SB 820 makes several policy changes, including:

- Accommodating for growth in average daily attendance (ADA) for purposes of 2020–21 apportionments for some local educational agencies (LEA), excluding non-classroom-based charter schools
- Expanding the eligible expenditures for Learning Loss Mitigation Funds to include child care and preschool programs and costs associated with health and safety
- Delaying today’s (August 31, 2020) deadline by 45 days to report the balance of any unexpended funds received from the Coronavirus Relief Fund
- Increasing funding for school nutrition programs
- Clarifying and expanding “hold harmless” provisions for early learning and care programs, including those operated by LEAs

While SB 820 garnered sufficient support to pass out of the Legislature and be presented to Governor Gavin Newsom, it did so amidst controversy. Specifically, legislators and constituents raised concerns about excluding non-classroom-based charters from funding for growth in enrollment. Opponents of this policy argue that excluding such charter schools from increased funding does not recognize when parents elect to enroll their children in schools of their choice, particularly during the COVID-19 pandemic that has catalyzed statewide distance learning. When responding to inquiries to justify the exclusion of non-classroom-based charter schools, representatives from the Department of Finance stated that, because COVID-19 has created significant uncertainty about the movement of students between LEAs and that the state is maintaining 2019–20 ADA levels for LEAs who may otherwise experience significant enrollment declines, the state would likely have to increase deferred payments to LEAs to accommodate increased costs. Furthermore, the staff noted that the 2019 Budget Act has reached the crest of deferrals the state imposed during the Great Recession.

“Education Trailer Bill—Impacts on Charter Schools”

Similar to the first education budget trailer bill for the 2020–21 Adopted State Budget (Senate Bill [SB] 98 [Chapter 24/2020]), SB 820—the education budget cleanup trailer bill—includes numerous provisions that either exclusively affect charter schools or affect them in slightly different ways than other local educational agencies (LEAs). This article covers those items uniquely pertinent to charter schools of which both charter schools and their authorizers need to be aware. (Note that the section numbers noted in parenthesis next to each title refer to the corresponding sections in SB 820.)

Attendance Lottery (Section 14)

As you are aware, the 2020–21 Adopted State Budget included an average daily attendance (ADA) hold harmless which states that all LEAs will be funded in 2020–21 based on their 2019–20 ADA. For LEAs in declining enrollment or who might be experiencing a decrease in enrollment this year due to the pandemic, this offers a reprieve. However, for those LEAs that are growing or that anticipated growth this year, the hold harmless provides a bit of a conundrum—more enrolled students with no corresponding funding. With SB 820, the Legislature provided some relief, though with limits.

SB 820 includes a provision to provide growth funding for LEAs, excluding non-classroom-based charter schools, as long as the LEA projected enrollment or ADA growth in its 2019–20 Second Interim report or 2020–21 Adopted Budget by June 30, 2020. This limitation on growth funding has a particular impact on charter schools who, unlike school districts, are not required to accept all students who apply.

Education Code Section (EC §) 47605(e)(2)(B) includes a provision that requires a charter school that has more students wishing to attend than it has capacity to hold a public random drawing to determine which students will be admitted. SB 820 takes a page from this provision for those charter schools that now find themselves with more students enrolled than is sustainable given their fiscal capacity due to the lack of or limited growth funding. In this case, the charter school must conduct a public random drawing in order to determine which students will remain enrolled in the charter school for the 2020–21 school year.

Growth Funding (Section 13)

A quick side bar regarding growth funding . . . If a charter school has ceased operation during or after the 2019–20 school year and is not providing instruction in the 2020–21 school year, the sponsoring LEA—as defined in EC § 47635(i)—absorbs the ADA of the former charter school.

Further, SB 98 included new charter school definitions as a result of changes enacted by Assembly Bill (AB) 1507 (Chapter 487/2019). SB 820 includes language for how ADA will be allocated for divided charter schools. Ultimately, the total ADA attributable to the restructured and remaining portions of a divided charter school cannot exceed the total ADA of the original charter school for the 2019–20 fiscal year. This calculated ADA will be used for any calculations for the affected charter schools that require the use of ADA.

Certificated Employees (Section 16)

AB 1505 (Chapter 486/2019) added a requirement that all charter school teachers be credentialed by July 1, 2020. It also, however, provided that teachers already employed by charter schools during the 2019–20 school year had until July 1, 2025, to obtain their certification. SB 820 clarifies that as it pertains to distance learning—where instruction must be provided under the immediate supervision of a certificated employee—the flexibility provided to charter school teachers employed during the 2019–20 school year apply. Therefore, those teachers, while not yet certificated, can provide instruction as part of distance learning.

Newly Operational Charter School Funding (Section 17)

For newly operational charter schools—either authorized by a school district or county office on or before June 30, 2020, or approved by the State Board of Education at its July 8 and 9, 2020, meeting, and beginning instruction in the 2020–21 school year—the California Department of Education (CDE) will use the certified enrollment as of Census Day, October 7, 2020, reduced by the statewide average rate of absence by respective grade span (i.e., K–8 or 9–12), as applicable.

These newly operational charter schools will receive advance funding per EC §47652 for July 2020 through January 2021, and be subject to the same deferrals as other LEAs for February through June 2021.

Rescission Notification (Section 18)

SB 98 allowed charter schools to delay adding grade levels as noted in their charter petition for the 2020–21 school year. SB 820 allows charter schools who provided that notification to rescind it. No later than September 30, 2020, the charter school must notify, in writing, its chartering authority, the CDE, and the parents or guardians of students—who indicated their intent to enroll in the charter school or affected grade levels—of the charter school’s decision to rescind the decision to add grade levels as proposed in its charter petition.

School Plan for Student Achievement (Section 73)

LEAs are required to complete a School Plan for Student Achievement (SPSA). Single-school districts and charter schools are able to use their Local Control and Accountability Plan (LCAP) to serve as the SPSA, provided certain requirements are met. As LEAs are not required to complete an LCAP for the 2020–21 school year, single-school districts and charter schools are required to complete an SPSA for 2020–21 in addition to their Learning Continuity and Attendance Plan (Learning Continuity Plan). SB 820 requires the stakeholder process used for the Learning Continuity Plan to also be utilized for the adoption of the SPSA.

Non-classroom-based Charter School Funding (Section 75)

Per SB 740 (Chapter 892/2001), non-classroom-based charter schools must take part in a funding determination process to calculate their funding amounts. SB 820 provides that non-classroom-based charter schools with funding determinations that expire on June 30, 2021, or June 30, 2022, will receive their current funding for two years upon submission of a complete funding determination request no later than June 30, 2021, or June 30, 2022, as applicable. If the charter school submits a late funding determination request, it will receive 85% funding for two fiscal years.

As of the posting of this article, Governor Gavin Newsom has not signed SB 820 into law, though he is expected to do so. Once signed, the provisions of SB 820 go into effect immediately, so we would encourage charter schools and their chartering authorities to begin planning for the required changes.

“CDE Estimates Apportionments after Cash Deferral”

The California Department of Education (CDE) has posted estimates of the impact of cash deferrals for this year, which are scheduled to begin in February 2021. The CDE estimates just released are based on an estimated 2020–21 First Principal Apportionment (P-1), reflecting the provisions in the 2020–21 Enacted State Budget.

There are three different apportionment schedules, depending on the historical characteristics of your organization. What follows is the CDE’s deferral schedule for almost 90% of the local educational agencies (LEAs) to which the “Type 1” apportionment schedule in Education Code Section (EC §) 14041(a)(2)–(4) applies:

Month	Apportionment Schedule for EC § 14041(a)(2)–(4)	Estimated Deferral Impact	Estimated Share of Annual State Aid Cash Net of Deferrals
July 2020	5%		5%
August 2020	5%		5%
September 2020	9%		9%
October 2020	9%		9%
November 2020	9%		9%
December 2020	9%		9%
January 2020	9%		9%
February 2020	9%	(4.77%)	4.23%

March 2020	9%	(7.38%)	1.62%
April 2020	9%	(7.38%)	1.62%
May 2020	9%	(7.38%)	1.62%
June 2020	Balance	(100.00%)	0.00%
New Fiscal Year			
July 2020		100%	100%
August 2020		7.38%	7.38%
September 2020		7.38%	7.38%
October 2020		7.38%	7.38%
November 2020		4.77%	4.77%

The last column in the table above can be used as the estimates of cash to be received during each of the corresponding months.

District:

With the start of the 2020-2021, we are closely watching how renewal petitions are received, reviewed and scheduled for LAUSD Board of Education approval or denial, based on the District’s interpretation of AB 1505. There are forty-two renewals scheduled this year, and how the “low, middle and high bands” of student performance and achievement on State Testing will be considered are yet unknown. This is a particularly challenging year as State testing was canceled in the 2019-2020 school year due to the pandemic. Many renewing schools were hopeful of moving into a higher band, but did not have that opportunity, and how internal assessments will be utilized will be very telling, especially for schools such as the Fenton Primary Center that does not participate in State testing due to the grade level span served.

AB 1505 is going to play a significant role in the possibilities for approval of new charter petitions, and expansion, growth and renewal of existing charter schools. FCMAT’s Fiscal Alert outlines specifically how fiscal impact criteria for new petitions and existing charter schools that seek to add one or more sites or grade levels may be used.

LAUSD has adopted its own interpretation of AB 1505 which we will observe in action when the first renewal petitions go before the board in November.

Fiscal Crisis and Management Assistance Team (FCMAT) Fiscal Alert -

“Fiscal Impact of New Charter Evaluation Criteria in AB 1505”

Background

In 2019, Governor Newsom signed into law Assembly Bill (AB) 1505 (Chapter 486/2019). This bill made significant changes to requirements for charter school petitions, including approval criteria, review timelines, renewal criteria and the appeal process. Portions of AB 1505 were operative starting January 1, 2020, but most became effective July 1, 2020.

The following changes to the charter petition process are now in place:

- The time frame for charter authorizers to review new or renewal charter school petitions is now 90 days, an increase from the previous 60 days.
- Findings and recommendations by the potential authorizer must be published at least 15 days before the final public hearing.
- Additional criteria are listed as reasons for denying a new charter school petition.

The new criteria that, if met, constitute reasons to deny a charter petition (Education Code sections 47605[c][7] and [8]) are as follows:

1. The charter school is demonstrably unlikely to serve the interests of the entire community; and
2. The authorizing school district is not positioned to absorb the fiscal impact of the proposed charter school.

Although there are implications for any potential authorizing district that uses the new criteria as a reason for denial and for the county superintendent of schools who may receive a charter petition appeal for the county board, this fiscal alert focuses on the second criterion.

New Charter Evaluation Criteria (Fiscal Impact)

AB 1505 limits use of the fiscal impact criteria to new charter petitions and existing charter schools that are adding one or more sites or grade levels to what is already authorized.

If the authorizer considers denying a petition based on fiscal impact, the law requires the authorizer to consider the academic needs of students whom the charter school proposes to serve.

Specifically, the two new criteria for denial of a charter school petition, per AB 1505, are as follows:

1. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:
 - a) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.
 - b) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.
2. A school district can deny a charter petition if it is not positioned to absorb the fiscal impact of the proposed charter school. This criterion is met if the school district meets any of the following conditions:
 - a) Has a qualified interim certification and the county superintendent of schools, in consultation with Fiscal Crisis and Management Assistance Team (FCMAT), certifies that approving the charter school would result in a negative interim certification.
 - b) Has a negative interim certification.
 - c) Is under state receivership.

Rebuttable Presumption of Denial

Charter schools proposed in a school district that is not positioned to absorb the fiscal impact of the proposed charter school shall be subject to a rebuttable presumption of denial.

A rebuttable presumption of denial means that a district's or county board of education's denial stands unless evidence to the contrary based on fact is provided. One exception to this concept is that, if the district denies a petition based on its own fiscal distress in conformance with the criteria discussed above, then upon appeal the county board of education must also take into account any finding by the district regarding negative fiscal impact.

If the school district has a positive budget certification or a "lack of going concern" designation (Education Code section 42127.6), the rules that define it as not positioned to absorb the fiscal impact of the proposed charter school do not apply, because the code specifies only a qualified or negative interim budget certification, or state receivership. In addition, the inability to absorb the fiscal impact of the proposed charter school is determined based on a qualified or negative interim budget certification, which typically occurs only at the first and second interim reporting periods. For the limited purposes of AB 1505, budget determinations at third interim, unaudited actuals or budget adoption (if applicable) do not apply as a determinant of fiscal distress.

County Office Authorizers

Because Education Code section 47605[c][8] specifies "school district," the fiscal impact provision does not apply to charter school petitions submitted directly to a county office of education as the potential authorizer.

Current law allows a county board of education to approve a countywide charter if certain criteria are met. A county board is given broad discretion on approvals and denials, which cannot be appealed to the State Board of Education (SBE). Because countywide charter approvals already provide for considerable local discretion by a county board, the fiscal impact criteria do not apply.

District and County Office Considerations

As county superintendents review and make recommendations to county boards of education on charter school appeals based on the new fiscal impact criteria, FCMAT provides the following guidance:

- Determining negative fiscal impact should be based on the most recent interim report.
- The district needs to consider whether the projected change in ADA (and associated change in revenue), net of expenditure reductions, is large enough to change its budget certification based on the data in the petition and what is known when it is submitted.
 - Understanding the estimated number and grade span of the charter school's students that would come from the authorizer's district is essential in calculating the loss of revenue.
 - The district should also analyze which schools or locations are expected to lose enrollment if the petition is approved. The petitioner's intent to enroll forms, or even a Proposition 39 Request for Facilities form, if applicable, could be used for this purpose.

- If a district intends to use fiscal impact as a reason for denial, it will need use of the 30-day increase in the time frame given for charter authorizers to review new charter school positions and work closely with its county office to validate the assertion. A district should not wait until its board votes on the denial to start discussions with its county office.
- A county office of education should ensure that determination of the fiscal impact is performed by staff other than those who would normally review a charter appeal. This segregation of duties will help a county board make an independent decision based on staff recommendations. It is important to remember that the county superintendent has the responsibility to confirm or deny a district's assertion of fiscal impact, but the county board has the responsibility to grant or deny an appeal based on the county superintendent's recommendation.
- Smaller county offices may not have enough staff to separate these responsibilities. One alternative is for one or more neighboring or nearby county offices to perform this responsibility for each other when the need occurs.

FCMAT's Role

The reference in AB 1505 to the county superintendent of schools performing its function in consultation with FCMAT does not mean that FCMAT will perform an independent analysis of every district's denial of charter for reasons of fiscal impact. FCMAT will serve as a resource and, if requested by the county superintendent, will review the same information that the county superintendent used and provide an opinion.

Conclusion

County superintendents must make a recommendation to their county board either agreeing or disagreeing with a school district's fiscal impact determination and reasoning for denial of a new charter petition. FCMAT is available for consultation on the subject, if needed. A proactive approach, working with school districts before a determination is considered, is always best because it fosters a mutual understanding of timelines, definitions and expectations.

YPICS:

Monseñor Oscar Romero Charter School will begin working on their renewal documents next month to ensure adequate time to research, prepare and produce a final charter petition no later than June 30, 2021 that accurately presents their accomplishments since the last renewal 2017, efforts to serve their respective community during the pandemic and ensuring school closures, as well as future plans which address the new reality facing all schools.

YPICS In the News LAIST

Why One Teacher Gave All 'A's' During Last Spring's Lockdowns — And Why Another School Decided Not To Change A Thing

BY KYLE STOKES IN NEWS ON SEPTEMBER 14, 2020 6:00 AM

Back in March, two days after the coronavirus pandemic forced Pasadena's John Muir High School to close its doors, history teacher Manuel Rustin sent his juniors an assignment: a simple, three-page essay. "If you would've told me at that time, when I sent that out," Rustin recalled over Zoom, "that I would arrive at a place where I'd give all my students A's, I would be like, 'Impossible!'"

Not just A's on that assignment; A's for the *entire semester* — and for Rustin, this essay was the turning point. Rustin had practically spoon-fed his students everything they'd need to write this paper: primary source documents, court cases, class notes. They'd been studying the topic — school segregation — for weeks before

the lockdown. All they'd have to do while in quarantine was watch one last documentary film. "I thought it was fine," Rustin said. "And it was *not* fine. The essays that were done were a whole mess." Of Rustin's 50 juniors, only around 20 even turned in a completed paper. "Less than 10" of those essays would've been acceptable, Rustin says — and this from a group of students he considered academically strong. "That's when I realized, 'Okay, I've got to pump the brakes,'" Rustin recalled. "In my head, we're all at home chilling. In their head, the world's falling apart." "Kids weren't prepared," he added. "Staff weren't prepared."

'THOSE POLICIES FELL APART FASTEST'

So Rustin confronted a question that many teachers and school districts faced last spring: How is a teacher supposed to grade these mostly-unfinished, mostly-awful essays?

Across Southern California, the abrupt switch to distance learning [forced many school districts to relax their student grading practices](#). Los Angeles, Long Beach and Pasadena Unified — where Rustin teaches — all promised no student would receive an "F" last semester. Many schools also promised students' grades wouldn't decline from where they stood in mid-March.

These choices were fraught. Some teachers felt relaxed grading policies actually caused students to tune out last spring.

But to Susan Brookhart, who's studied grading for 30 years, the pandemic simply exposed flaws at the core of how most teachers grade.

"Some of those policies," said Brookhart, a professor emerita at Duquesne University, "make an assumption that grades are 'pay' for work students do; essentially that means I'm grading effort, and that's not what grades should be."

And when the coronavirus hit, she said, "Those are the traditional grading policies that fell apart fastest."

EVERYONE GETS A 'TROPHY'

To Rustin — a 17-year classroom veteran and a 2011 winner of the prestigious Milken Educator Award — the inequity was obvious.

John Muir High School's students are mostly low-income. Many didn't have working internet. His students were squeezed between crises at home and a crisis at school.

So as Rustin looked over his pile of lackluster segregation essays, at first he considered making the assignment extra credit — but then quickly dismissed the idea.

"Students," he figured, "who are really chilling at home in a comfortable environment— I'm going to let them have extra credit, but the other students, they're just stuck?"

Hence Rustin's decision: He gave every student in his classes last spring an A. Not only the juniors in his history class, but the seniors in his economics classes, and the students taking his hip-hop studies elective. "It felt good, too," he remembered with a grin during an interview over Zoom.

Why not just give students a pass-fail grade? Because, he figured, fancy private schools would give their kids A's — and put his students at a disadvantage with a "public school 'P.'"

By giving them an A, "I'm not giving them a mark of excellence," Rustin explained. "This is to make sure

nobody else out there could look like they did better than you right now. I'm not giving you a trophy, I'm giving everyone a trophy, and now we don't know who did better or not because it's just not fair to judge each other in that way, right now, for this one semester."

Rustin said many of his colleagues disagreed; he said a viral Medium essay he wrote about his all-A's choice generated so much debate that he called an informal staff meeting to clear the air.

But Brookhart said Rustin had keyed on a big flaw with traditional grading practices: Awarding students points just for meeting deadlines or understanding a worksheet on the first try is inequitable, especially now, as students navigate all the hurdles of distance learning. Those hurdles include spotty internet connections, broken laptops, distractions — or all-out turmoil — at home.

"My completing this worksheet might be no skin off my nose," Brookhart said. "You completing your worksheet might be a huge effort because you had to fight to get it done." Plus, asking whether a student completed a worksheet — or even whether he understood this *one* worksheet — doesn't really answer the bottom line question: when the course is over, did he learn the material?

A PANDEMIC-PROOF GRADING POLICY?

As districts across L.A. County relaxed their grading policies, Yvette King-Berg decided the charter schools she oversaw would hold firm.

"I was like, 'No,'" recalled King-Berg, who runs the YPI Charter Schools network. "You have had 10 weeks of instruction. You need to continue to work for your grades. We're going to continue to check for mastery." King-Berg was able to make that call because her charter school network uses a very different method for determining student grades; it's called "standards-based grading."

Instead of counting each assignment for points, or rewarding students for grasping something on the first worksheet, "you're assessing students on what they know at the end," explained Mark Rothenay, a science teacher at YPI's Bert Corona High School in Pacoima.

"They're not really penalized if they make those mistakes," Rothenay said, "because it's okay to make mistakes." Boiling student grading down to that bottom-line question — "do you know the material or not?" — requires filtering out all the ways traditional, point-based grading systems measure students' effort and punish students' non-compliance.

In standards-based grading, homework becomes more about practice; teachers often *don't* grade it. Deadlines on assignments become more flexible. Even on projects or tests that do count, students get do-overs and retakes. If that sounds simple, it's not. Doing standards-based grading right involves complex changes to everything, from classroom management to report cards. Teachers need training so they can not only learn, but embrace the new system.

But YPI Charter Schools have been giving standards-based grades for years — and the system's strengths basically made Bert Corona High School's grading policies pandemic-proof. For one thing, there's no need for a hold-harmless policy: in a standards-based system, you don't really need to worry about students' grades backsliding because of a missed deadline.

"If we already said, in our judgment, that a student has mastered that skill," explained math teacher Nestor Garcia, "we can't take that back and say, 'Oh no, the student didn't do it on the final so they actually don't know it,' if we've already seen evidence that they *do* know it."

'I'M GLAD I BROKE AWAY FOR ONE MOMENT'

Bert Corona carried out King-Berg's directive. Some students did receive F's last spring, Garcia said. But overall, YPI Charter Schools officials say the semester went alright. Students stayed engaged in classes. And while they don't have data to compare, they were pleased with students' scores on some internal standardized tests.

Perhaps that's because of extensive efforts by the school's support staff to hunt down students who didn't show up for online lessons.

But Brookhart wouldn't be surprised if standards-based grading deserved some of the credit for the school's ability to maintain continuity.

"Standards-based grading has proved quite robust, and I've heard that. Anecdotes are not research data, but I have heard anecdotes like that," said Brookhart.

In her semi-retirement, Brookhart does consulting work, and she's received a lot of calls from schools intrigued by standards-based grading.

Pasadena teacher Manuel Rustin was intrigued, too. He had hoped to learn some standards-based grading practices over the summer break, and use it this year.

But he ran into the wall a lot of teachers find: Without training in standards-based practices, or a mandate from your school's administration, reforming your grading policy is really hard. (For the record, Rustin also cautioned that he felt comparisons between a district-run school like his and a charter school like Bert Corona aren't always fair; too many variables differ between his school and a charter.)

There was another reason Rustin delayed exploring a new grading system: for much of the summer, he didn't know whether his classes would be all online or partially in-person.

"So, right now I'm pretty much [grading] the way I've always done it," he said.

Still, "I'm glad I broke away at least for a moment," Rustin added, "at least for that one semester, giving them all A's, and standing by my principles of not wanting to punish a kid or letting them be disadvantaged."

'A PROMISING PRACTICE'

The good news, though, is that Rustin's fall semester is so far going much better than last spring. He said attendance has been strong. Students are much more engaged, he said — and much less panicked about the world outside of school.

Many schools' grading policies are not as relaxed this year as they were during the pandemic. In Rustin's Pasadena Unified School District, the regular A-F policy is back in effect.

And in L.A. Unified, there's no longer a blanket "no-F's" policy; the elementary and secondary grading policies have more-or-less returned to normal.

But LAUSD guidelines for this year do discourage teachers from giving out failing grades, encouraging teachers to make special arrangements with students who are missing assignments and give "Incompletes" rather than "F's" to students whose attendance is spotty.

And the district has also provided some training in mastery grading — a close cousin to standards-based grading.

"While it is not yet a directive," an LAUSD representative said in a statement, "we continue to encourage its use as a promising practice."