

SUTTER COUNTY SUPERINTENDENT OF SCHOOLS

FINDINGS OF FACT

AEROSTEM ACADEMY

CHARTER RENEWAL PETITION

FEBRUARY 23, 2021

I. Background:

The Sutter County Board of Education ("Governing Board") is a public agency authorized by the State of California. The Governing Board approved the initial petition for AeroSTEM Academy ("AeroSTEM" or "Charter School") on appeal in 2018 after Yuba City Unified School District (YUCUSD) denied the Charter School's initial petition.

On December 23, 2020, AeroSTEM submitted its charter renewal petition ("Petition") to the County Office seeking approval to operate the Charter School for a five year term, from July 1, 2021 to June 30, 2026.

On February 10, 2021, the Sutter County Board of Education held a public hearing on the provisions of the charter to consider the level of support for the Petition. There were no comments opposing the Petition, showing a lack of support for the Charter School, or expressing concerns about the Charter School. There were comments from the Charter School's staff, parents, students, and community supporting the Charter School's Petition.

On March 10, 2021, the Sutter County Board Of Education will be holding its second public hearing regarding the Petition. Following the public hearing, the governing board will either approve or deny the Petition. The Sutter County Superintendent of Schools Office has reviewed the Petition for compliance with the requirements of the Charter Schools Act of 1992 (the "Act"), including new requirements since AeroSTEM's initial petition was granted. This document contains an analysis and findings of fact for the Sutter County Board of Education's consideration and was published at least 15 days prior to that hearing and anticipated action.

While other staff and individuals were consulted during the review and analysis of AeroSTEM's Petition, key members of the Charter Review Committee were: Joe Hendrix, Deputy Superintendent; Brian Gault, Assistant Superintendent of Educational Services; Kristi Johnson, Director of Curriculum, Instruction and Accountability; Nicolaas Hoogeveen,

Director of Internal Business Services; Kathy Mercier, Director of Human Resources; Janine Hughes, Director of Special Education; Ron Sherrod, Assistant Superintendent of Business Services; and Whitney Hardison, Coordinator of External Business.

II. Overview of Applicable Law and Standard of Review:

The Act governs the creation of charter schools in the State of California. The Act states that a school district governing board considering whether to grant a charter petition "shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged."¹

Renewal petitions are governed by the standards and criteria described in Education Code section 47605 applicable to new petitions.² Education Code sections 47607 and 47607.2 outline further criteria applicable to renewal petitions pursuant to Assembly Bill ("AB") 1505, effective July 1, 2020.

A. Education Code Section 47605 Petition Review Criteria

The Board may not deny a petition unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following:

The charter school presents an unsound educational program for the students to be enrolled in the charter school.

1. The charter school presents an unsound educational program for the students 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 the number of signatures. (Note, the signature requirement does not apply to a renewal petition.)
4. The petition does not contain an affirmation of certain specific conditions set forth in Education Code section 47605, subdivision (e).
5. The petition does not contain reasonably comprehensive descriptions of certain elements in its program and operations as set forth in Education Code section 47605, subdivision (c)(5)(A-O).

¹ Ed. Code, § 47605, subd. (c)

² Ed. Code, § 47607, subd. (b)

6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act ("EERA").
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.
8. The school district is not positioned to absorb the fiscal impact of the proposed charter school.³

Charter school petitions are also required to include discussion of the impact on the chartering district, including the facilities to be utilized by the school, the manner in which administrative services will be provided, potential civil liabilities for the chartering school district, and a three year projected operational budget.⁴

B. Education Code Sections 47607 and 47607.2 Renewal Criteria - Middle Performing Charter Schools

Under AB 1505, charter schools are now designated as "high," "middle," or "low" performing depending on the charter school's performance on the California Dashboard.⁵ The California Department of Education ("CDE") makes this determination for each California charter school.

For the current renewal cycle data file, the CDE has identified AeroSTEM as a middle-performing charter school. As a middle-performing school, the Board may grant a 5-year renewal term.

For middle-performing schools, a chartering authority must consider the following in its renewal petition review process:

1. The school wide performance and performance of all subgroups on the Dashboard, providing "greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal"; and
2. Clear and convincing evidence, demonstrated by verified data, showing either:
 - (a) the school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school, or

³ A school district satisfies this paragraph if it (1) has a qualified interim certification and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification, (2) has a negative interim certification, or (3) is under state receivership.

⁴ Ed. Code § 47605, subd. (h)

⁵ Ed. Code, §§ 47607, 47607.2

- (b) strong postsecondary outcomes equal to similar peers, as defined by college enrollment, persistence, and completion rates.⁶

In addition, for middle performing schools, a chartering authority may deny a charter renewal only upon making written findings, setting forth specific facts to support the finding, that the charter school:

1. Has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school; and
2. That closure of the charter school is in the best interest of pupils; and
3. That its nonrenewal decision provided greater weight to performance on measurements of academic performance.

III. Analysis and Findings:

Requirement 1: Whether the charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

AeroSTEM has demonstrated success in its overall program during the course of its existence and this Petition contains a sound and robust educational program for students. (Petition, p. 14-45)

AeroSTEM's Mission, Vision, and Educational Philosophy include serving students who are seeking a different educational option and want to be prepared for next steps in their education. In addition to a state standards-based core course of study, the Charter School's program includes a strong emphasis on parental involvement, student interaction, student interest, technology acquisition, computer-based learning, laboratory work, and real-world learning environments. AeroSTEM Academy offers a unique classroom-based program (Appendix A: Daily Schedule) and the program is enriched with regular field trips, field experts as guest speakers, and job-shadow opportunities. Technology is integrated throughout the curriculum. By exploring Science, Technology, Engineering, and Mathematics ("STEM") through the lens of aerospace, students gain the knowledge and skills necessary to contribute to a dynamic, technology-intensive economy. (Summarized from Petition p. 14-19)

The Petition meets this requirement.

Requirement 2: Whether petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

⁶ Ed. Code, § 47607.2, subd. (b)

In order to successfully implement the program described in the Petition, Petitioners must demonstrate that they are familiar with the content of the Petition and the requirements of laws applicable to the proposed school; present a realistic financial and operational plan; have the necessary background in areas critical to the charter school's success, or have a plan for securing the services of individuals with the necessary background, including curriculum, instruction, assessment, finance and business management.

During the review of this Petition, AeroSTEM's leadership has been able to demonstrate sufficient familiarity with the content of the Petition and requirements of laws applicable to the school. The Charter School's leadership was able to answer questions regarding program specifics, including how AeroSTEM's program is geared toward the success of their population of students. While State legislation regarding funding has changed and may continue changing due to COVID-19, AeroSTEM's financial and operational plans are realistic. Its current and anticipated enrollment is relatively stable and its multi-year budget is consistent with program offerings. Petitioners have the necessary background in areas critical to the Charter School's success as evidenced by: AeroSTEM's Governing Board has a broad range of education and experience, such as governing board experience, teaching experience, aeronautics experience, and university administration experience; AeroSTEM's school administrator has a Masters in Curriculum and Instruction and Masters in Educational Leadership, and is appropriately credentialed with prior charter school administration experience in curriculum, instruction, assessment, and special education; AeroSTEM contracted with an outside agency to secure finance and business management support services and has been assigned an accountant with California Association of School Business Officials (CASBO) Chief Business Officer (CBO) certification as well as public school CBO experience; and AeroSTEM has a demonstrated history of successfully implementing its program since 2018.

Based on a review of budget documents provided by AeroSTEM (Appendix: Budget Projection) and their first interim budget, it appears the Charter School is in a viable financial position. Per the five-year budget summary, AeroSTEM is projected to meet its financial obligations in the current year and all subsequent years. The rates used are based on the most recent Local Control Funding Formula ("LCFF") calculator and the assumptions used appear reasonable based on historical trends. It is noted, due to State cash deferrals during the 2020-21 fiscal year, the charter anticipates needing a Tax Revenue Anticipation Note (TRAN) to ensure solvency. All projections appear accurate and generally accepted during the current financial climate.

The Petition meets this requirement.

Requirement 3: Whether the petition contains the required number of signatures.

Renewal petitions are not required to meet this requirement.

Requirement 4: Whether the petition contains an affirmation of each of the conditions described in Education Code section 47605(e).

The petition contained an *Affirmations and Declaration* document (pages 4-6) and a *Charter School Assurances* document (Appendix: Form C) containing affirmations of the conditions described in Education Code section 47605(e). While these two documents did not explicitly mention Education Code 47605(e)(4) and Education Code 47605(e)(5), the petition addresses both of those conditions as follows:

- Affirmation regarding Education Code 47605(e)(4) is found in Element Eight: Admission Policies and Procedures (pages 65 & 66).
- The Charter School confirmed it does not operate in partnership with the California National Guard as discussed in Education Code 47605(e)(5) and it has provided assurance within the petition that it will “follow any and all other federal, state, and local laws and regulations” that applied to the petitioner or operation of the Charter School (Appendix Form C), thereby addressing the condition in EC 47605(e)(5) if it engages in a partnership with the California National Guard.

The Petition meets this requirement.

Requirement 5: Whether the petition contains a reasonably comprehensive description of the specific elements described in Education Code section 47605, subdivision (c)(5)(A-O).

The Petition, overall, contains a reasonably comprehensive description of the specified elements.

In addition to the description of elements, the Petition provides the required discussion of the impact on the chartering district, including the facilities to be utilized by the school, the manner in which administrative services will be provided, and potential civil liability effects (pages 97 & 98), as well as the required multi-year projected operational budget (Appendix: Budget Projection).

The Petition meets this requirement.

Requirement 6: Declaration of whether the charter school is deemed exclusive public school employer for purposes of EERA.

The petition states that, “AeroSTEM Academy shall be deemed the exclusive public school employer of the employees of the Charter School for purposes of the Educational Employment Relations Act.” [Ref. Education Code Section 47605(c)(6)] (Page 4 and Appendix: Form C).

The Petition meets this requirement.

Requirement 7: Whether the charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.

The Review Committee did not find sufficient evidence that AeroSTEM is demonstrably unlikely to serve the interests of the entire community in which the school is located.

The Petition meets this requirement.

Requirement 8: Whether the county office is not positioned to absorb the fiscal impact of the proposed charter school.

The County Office does not currently meet any of the fiscal criteria articulated in Education Code section 47605 (c)(8) to indicate it is not positioned to absorb the fiscal impact of the Charter School, within the meaning of that section. (See footnote) There is no express requirement for petitioners to include information regarding these criteria within the Petition.

The Petition meets this requirement.

Requirement 9: Review of charter school's school wide performance and performance of all subgroups of pupils served by the charter school on the state and local indicators on the Dashboard.

A charter authority evaluating a middle-performing school must first consider the schoolwide performance and performance of all subgroups on the Dashboard, and shall provide "greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal." The Dashboard data is based on a scale of colors with Blue being the best/highest rating and Red as the worst/lowest rating. The spectrum in highest to lowest is as follows: Blue, Green, Yellow, Orange, and Red. Due to the limited size of AeroSTEM’s grade level testing groups, a color

was not assigned to any of the indicators. (Academic, Suspension, or Chronic Absenteeism). Instead, Academic Indicators include the distance from standard and percent meeting or exceeding standards. When the next Dashboard is published, change data can be determined.

A. Overall Dashboard Performance

The Charter School's Dashboard performance in 2019⁷ as compared to the statewide data is summarized as follows:

Indicator	2019 Dashboard		
	AeroSTEM	Statewide	Yuba City Unified
English Language Arts (“ELA”)	48.39% meeting/exceeding standards 1.5 points below standard	51.10% meeting/exceeding standards 2.5 points below standard	47.68% meeting/exceeding standards 9.3 points below standard
Mathematics	27.41% meeting/exceeding standards 46.5 points below standard	39.73% meeting/exceeding standards 33.5 points below standard	29.59% meeting/exceeding standards 51 points below standard
Suspension Rate	1.1% suspended at least once	3.4% suspended at least once	6.2% suspended at least once
Chronic Absenteeism Rate	17.4% chronically absent	10.1% chronically absent	11.4% chronically absent

B. ELA Dashboard Performance

Based on the Dashboard ratings shown in Part A (distance from standard), above, there is evidence that AeroSTEM is performing satisfactorily in comparison to statewide data. In comparison to Yuba City Unified School District, overall, AeroSTEM is performing slightly above All Students.

⁷ Note, the most recent Dashboard data is from the 2018-2019 school year. Dashboard data for the 2019-2020 school year was not assessed statewide given the school closures due to COVID-19

Statistically significant student groups in this category include Two or More Races, White, and Socioeconomically Disadvantaged. While students who are identified as Two or More Races and White are scoring above All Students and the State average, students identified as Socioeconomically Disadvantaged are scoring below. Since there was no Dashboard in 2020, change comparisons can not be determined until a new Dashboard is produced that includes academic data.

C. Mathematics Dashboard Performance

Based on the Dashboard ratings shown in Part A (distance from standard), above, there is evidence that AeroSTEM is performing significantly lower in comparison to statewide data. However, in comparison to Yuba City Unified School District, overall, AeroSTEM is performing slightly above All Students. Statistically significant student groups in this category include Two or More Races, White, and Socioeconomically Disadvantaged. While students that are identified as Two or More Races and White are scoring above All Students and the State average, students identified as Socioeconomically Disadvantaged are scoring below. Since there was no Dashboard in 2020, change comparisons can not be determined until a new Dashboard is produced that includes academic data.

D. Suspension Rate Dashboard Performance

Based on the Dashboard ratings shown in Part A, above, there is evidence that AeroSTEM students are suspended less in comparison to statewide data and Yuba City Unified School District. Statistically significant student groups in this category include Two or More Races, White, Hispanic, and Socioeconomically Disadvantaged. While students that are identified as Two or More Races and White are suspended less than All Students statewide, students identified as Hispanic and Socioeconomically Disadvantaged are suspended slightly more.

E. Chronic Absenteeism Dashboard Performance

Based on the Dashboard ratings shown in Part A, above, there is evidence that the Chronic Absenteeism rate of AeroSTEM students is higher in comparison to statewide data and Yuba City Unified School District. Statistically significant student groups in this category include Two or More Races, White, Hispanic, and Socioeconomically Disadvantaged. Chronic Absenteeism rates of all statistically significant student groups are comparable to All Students statewide. Since there was no Dashboard in 2020, change comparisons can not

be determined until a new Dashboard is produced that includes chronic absenteeism data. The charter school acknowledges that this is an area of growth and believes that in addition to tiered re-engagement strategies, the addition of a counselor one day per week will support student engagement.

The Petition meets this requirement.

Requirement 10: Clear and convincing evidence, demonstrated by verified data, showing measurable increases in the charter school's academic achievement, as defined by at least one year's progress for each year in school. (Ed. Code, § 47607.1(b)(3).)

For a middle-performing school, the chartering authority must consider clear and convincing evidence, demonstrated by verified data, showing the school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school. In essence, the chartering authority must consider whether the charter school academically progressed from the previous school year. Since AeroSTEM does not have two consecutive years of comparison data for the Dashboard or the California Assessment of Student Performance (“CAASPP”) due to the absence of testing in Spring 2020 because of COVID-19, student progress on Edmentum Exact Path, a national normed assessment, is used to demonstrate progress.

A. Verified Data: Edmentum Exact Path

Reading Assessments

	August 2019	January 2020	August 2020	Progress-August 2019-August 2020	Cohort Progress
6th Grade	37%	60%	54%	+17%	N/A
7th Grade	67%	70%	69%	+2%	+32%
8th Grade	27%	36%	64%	+37%	-3%
9th Grade	27%	31%	52%	+25%	+25%
10th Grade	75%	88%	42%	-33%	+15%

Language Arts Assessments

	August 2019	January 2020	August 2020	Progress-August 2019-August 2020	Cohort Progress
6th Grade	64%	70%	75%	+11%	N/A
7th Grade	80%	88%	87%	+7%	+23%
8th Grade	74%	65%	80%	+6%	+0%

9th Grade	36%	61%	68%	+32%	-6%
10th Grade	100%	88%	53%	-47%	+17%

Math Assessments

	August 2019	January 2020	August 2020	Progress-August 2019-August 2020	Cohort Progress
6th Grade	32%	55%	45%	+13%	N/A
7th Grade	60%	64%	53%	-7%	+21%
8th Grade	36%	32%	52%	+16%	-8%
9th Grade	18%	25%	52%	+34%	+16%
10th Grade	86%	100%	33%	-53%	+15%

Cohort Progress - August 2019 to August 2020

Cohort	Reading	Language Arts	Math
7th Grade Cohort 6th grade 2019 7th grade 2020	+32%	+23%	+21%
8th Grade Cohort 7th grade 2019 8th grade 2020	-3%	+0%	-8%
9th Grade Cohort 8th grade 2019 9th grade 2020	+25%	-6%	+16%
10th Grade Cohort 9th grade 2019 10th grade 2020	+15%	+17%	+15%

The Charter School provided its Edmentum Exact Path results for August 2019, January 2020, and August 2020 for analysis. The data is categorized by Reading, Language Arts and Mathematics results. The assessments taken in August 2020 were done virtually as opposed to August 2019 and January 2020, which were administered in person prior to COVID-19 school closures. AeroSTEM acknowledges that the data from August 2020 may not be an accurate representation of student levels of achievement due to uncontrolled factors related to virtual administration. Our analysis is based on the available data above.

Reading - All grade levels showed positive increases from August 2019 to August 2020 with the exception of 10th grade, which declined by 33%. All cohorts showed positive increases with the exception of the 8th grade cohort which declined by 3%.

Language Arts - All grade levels showed positive increases from August 2019 to August 2020 with the exception of 10th grade, which declined by 47%. The 7th and

10th grade cohorts showed positive increases, while 8th grade grew by 0% and 9th grade declined by 6%.

Math - All grade levels showed positive increases from August 2019 to August 2020 with the exception of 7th grade, which declined by 7%, and 10th grade, which declined by 53%. All cohorts showed positive increases with the exception of the 8th grade cohort which declined by 8%.

Overall - Evidence, demonstrated by verified data, showed measurable increases in the charter school's overall academic achievement. A general cohort analysis identified possible focus areas for improvement, such as Seventh Grade Reading, Math, and Language Arts as well as Eighth Grade Language Arts.

This demonstrated student achievement is sufficient to meet this requirement.

IV. Recommended Findings of Fact:

It is recommended that the Sutter County Board of Education approve the Charter School's Renewal Petition. Holistically, the Petition meets the requirements for renewal and closing AeroSTEM Academy would not be in the best interest of the pupils.