

Attachment #2

CWC Appeal to the Board



March 16, 2019

Sent via Mail and Email to: SB740@treasurer.ca.gov

California School Finance Authority
915 Capitol Mall, Suite 101
Sacramento, CA 95814

Re: Citizens of the World Charter School Mar Vista
Appeal of CSFA's Eligibility Determination
California School Facilities Grant Program ("SB 740")

Pursuant to Title 4, California Code of Regulations (CCR) Section 10170.10(d), this letter serves as Citizens of the World Charter School Mar Vista's ("CWC") appeal of the California School Finance Authority ("CSFA") staff's February 14, 2019 final decision that CWC is ineligible for SB 740 funding dollars for the 2018-2019 year ("Final Decision"), which CWC received on February 15, 2019. Accordingly, CWC requests that this appeal be considered by the CSFA Board at its next regularly scheduled meeting pursuant to 4 CCR § 10170.10(e).

Summary

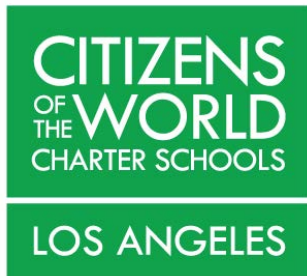
CWC is eligible for SB 740 funding for the 2018-19 year based on the following reasons, as described in depth below:

- A clear interpretation of the Regulations demonstrates that there is nothing in the Regulations that prevents CWC from qualifying for funding.
- CSFA, in its Final Decision, is making inconsistent and contradictory arguments for why CWC is ineligible for funding and imposing requirements that are not contained anywhere in the SB 740 laws or Regulations. CWC qualifies for funding based on two different methodologies. If CSFA argues CWC is ineligible for funding under one of the methodologies, then it must find CWC eligible for the other methodology. To do otherwise is to inconsistently apply the Regulations.
- CWC provides a point-by-point rebuttal to CSFA's Final Decision below that clearly demonstrates that CWC is eligible.
- CWC's authorizer, the Los Angeles Unified School District ("LAUSD"), strongly supports CWC's appeal and has shared extensive information on why CWC should be eligible.

We appreciate your support of this request and are pleased to share the details of these arguments below.

Background

As CWC explained in its initial appeal letter to CSFA staff, which is attached hereto as **Attachment A** and fully incorporated herein, CWC is a high performing school located in LAUSD and provides a strong neighborhood choice for families. Based on 2017-18 California Assessment of Student Performance and Progress ("CAASPP") data, 71% of CWC students performed at



grade level in ELA, and 62% in math. This places CWC in the top 9% in both ELA and math out of 773 LAUSD, charter and magnet elementary and middle schools. Moreover, CWC is serving all students well: all subgroups outperformed the District in both ELA and math in 2017-18 CAASPP results. Recognizing CWC's strong performance, the LAUSD Board unanimously renewed CWC's charter for a five-year term starting in the 2018-19 school year.

In addition, CWC operates its program on both LAUSD and private sites: nine (9) classrooms on an LAUSD Proposition 39 co-location site (Webster Middle School); and twenty (20) classrooms in private leased facilities to minimize its impact on LAUSD schools. The SB 740 eligibility in this appeal relates to the reimbursement for facilities rent and costs for the private site, which CWC has occupied for the last four (4) years. Receiving the support from SB 740 has been critical to maintaining the private leased facilities. Without SB 740 funding, CWC would likely be forced to apply for Proposition 39 facilities for an additional twenty (20) classrooms, which may or may not be located at one site and would have a detrimental impact on the students, families, and staff at both the new co-located LAUSD schools and CWC; if hundreds of CWC's students moved from their current school home, it would cause significant disruption to their education and the education of the hundreds of other students at the LAUSD site(s) where CWC would obtain Proposition 39 facilities. Moreover, if CWC is forced to move from its private facilities because they are no longer financially feasible without SB 740 funding, another charter school would likely move into those private facilities as soon as they become available, which would likely prevent CWC's students from being able to go back to their current school home again in the future. CWC's students and the students at the other LAUSD sites where CWC would have to obtain facilities should not be forced to endure such significant disruptions to their education without a strong legal basis, and CSFA has not presented sufficient legal support for its denial of CWC's eligibility for SB 740 funding to justify the significant disruption to hundreds of students' education throughout LAUSD.

CSFA's November 14, 2018 letter to Gillian Smith, Principal of CWC, states, "[b]ased on a review of 2017-2018 FRPM data provided by the California Department of Education, the Authority found that Citizens of the World Charter School Mar Vista had an FRPM of 25.87% and Citizens of the World Charter School Mar Vista's local elementary school, Richland Avenue Elementary (CDS# 19647336018873), had an FRPM of 52.38%. Therefore, Citizens of the World Charter School Mar Vista does not meet either of the FRPM eligibility thresholds set forth in Program regulations, section 10170.3 (d)(1)-(3)."

As set forth in CWC's initial appeal letter and as further explained below, CWC qualifies for SB 740 funding two different ways. Under the first methodology, CWC qualifies pursuant to 4 CCR § 10170.3(d)(2) because CWC is located within the attendance areas of, and its admissions preferences encompass, at least the following eleven (11) stand-alone, public, elementary magnet schools that have an attendance area spanning all of LAUSD and have 2017-2018 FRPM rates of 55% or more that were certified through the annual Fall 1 data submission to the California Longitudinal Pupil Achievement Data System (CALPADS) and reported by the California Department of Education (CDE). None of these magnet schools are dual language schools or Gifted magnets, and therefore the only eligibility requirement is that students reside within LAUSD. Rather, LAUSD students who apply will be admitted as long as space is available. Moreover, all of them are "stand-alone" schools ("Full School Magnets") and do not share a



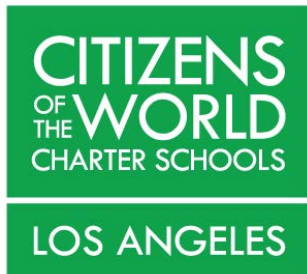
facility with another LAUSD program that is reported under the same CDS code. (See **Attachment A, Exhibit B and Attachment D**)

School Name	Grades Served	Official 2017-18 FRPM % as reported by the CDE
Carthay Elementary Of Environmental Studies Magnet	K-5	67.8%
Westside Global Awareness Magnet	K-8	82.4%
Dr. Sammy Lee Medical and Health Science Magnet Elementary	K-5	91.8%
Tom Bradley Global Awareness Magnet	K-5	95.8%
Haskell Elementary Science Technology Engineering Arts And Mathematics (STEAM) Magnet	K-5	74.0%
Lomita Math/Science/Technology Magnet	K-5	67.7%
Los Feliz Science/Tech/Engineer/Math/ Medicine Magnet	K-6	83.6%
Loyola Village Fine And Performing Arts Magnet	K-5	70.8%
Rockdale Visual & Performing Arts Magnet	K-6	62.5%
Vintage Math/Science/Technology Magnet	K-5	58.7%
San Pascual Elementary Science Technology Engineering Arts And Mathematics (STEAM) Magnet	K-6	81.2%

(See **Attachment A, Exhibit F**).

Pursuant to 4 CCR § 10170.3(d)(2), CWC also qualifies for SB 740 funding based on the actual 2017-2018 73.2% FRPM rate at Richland Avenue Elementary (“Richland”). The 2017-2018 FRPM data provided by the CDE for Richland is not an accurate reflection of Richland’s true FRPM status because it combines separate data provided by LAUSD to the CDE for both Richland and the separate, co-located “non-local” magnet/dual language immersion school, Richland Avenue Elementary World Language Immersion French (“Richland French Magnet”), which has a disproportionately low FRPM rate (30.3%) compared to Richland (73.2%). (See **Attachment A, Exhibit A**.) CWC provides an enrollment preference to Richland and is located in the attendance area of Richland Avenue Elementary School and Richland Avenue Elementary World Language Immersion Program. (See **Attachment A, Exhibits B, D-E**).

CSFA cannot deny CWC’s eligibility under both methodologies without inconsistently applying the Regulations. CSFA cannot fairly deny CWC’s eligibility based on Richland’s actual FRPM rate on the grounds that such data was not separately “reported by the CDE” in strict compliance with 4 CCR § 10170.2(p) while also rejecting CWC’s eligibility analysis based on its location within the attendance area of the above stand-alone public, elementary magnet schools for which the CDE separately reports FRPM data. Logically, CWC must qualify under one of these two methodologies, and to argue otherwise is to apply the law and Regulations inconsistently. Either the official 2017-2018 FRPM data for each public elementary school is based on the schools and data listed on the CDE’s downloadable data file (See **Attachment A, Exhibit F**), in which case CWC’s magnet school eligibility analysis must prevail as each of those magnet



schools are separately listed as public elementary schools with FRPM rates of 55% or more, or the official 2017-2018 FRPM data for each public elementary school must exclude the data for all students enrolled in any magnet program within LAUSD, in which case CWC's eligibility analysis based on Richland's own FRPM rate must prevail.

Similarly, CSFA staff's Final Decision (See **Attachment B**) does not consistently apply the Regulations. CSFA staff argued in the Final Decision that CWC does not qualify because the magnet schools are "not local" and do not "automatically admit" students. While CWC disputes these arguments because such requirements are not contained anywhere in the Regulations, then this logic would mean that CSFA should agree that Richland's own FRPM data should not be skewed by a co-located, "non-local" magnet/dual language school that also does not "automatically admit" any student. CSFA cannot credibly argue both ways.

In the Final Decision, CSFA has applied logic that is not contained anywhere in the Regulations. Notably, 4 CCR § 10170.3(d)(2) does not contain any restriction on the number of elementary schools on which a charter school may base its eligibility for SB 740 funds, mention the term "local elementary school" as referenced in CSFA staff's November 14, 2018 letter, or include any requirement that the elementary schools must "automatically admit" students. Since these requirements are not contained anywhere in the SB 740 law or Regulations, they cannot lawfully limit CWC's eligibility options as CSFA staff indicates.

Based on these arguments and more, described further below, CWC respectfully requests that the CSFA Board reverse the CSFA staff's November 14, 2018 eligibility determination for CWC and find CWC eligible to receive SB 740 funds for the 2018-2019 school year.

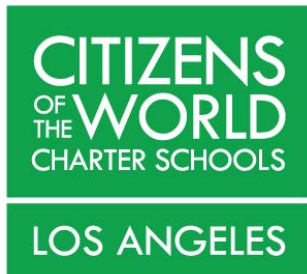
CWC is Eligible for SB 740 Funds for 2018-2019 Based on Any of the Stand-Alone Magnet Elementary Schools within LAUSD That Had an FRPM Rate of 55% or more in 17-18

Attachment A fully describes this argument and is attached hereto.

CSFA staff's Final Decision rejected this argument as set forth above on the grounds that: 1) "While CWC is located within the attendance area of these [magnet/dual language] programs, excluding Richland Avenue Elementary, they are not within the attendance areas of the elementary schools where these programs are housed"; and 2) "pupils that apply to these programs are not automatically admitted" and "the student selection process for all LAUSD magnet programs is based on the Magnet Priority Point System and only the students with the highest points can enroll in the program of their choice."

We discuss our disagreement to the CSFA staff conclusions individually.

- a. CSFA Denial Reason #1: "While CWC is located within the attendance area of these [magnet/dual language] programs, excluding Richland Avenue Elementary, they are not within the attendance areas of the elementary schools where these programs are housed"



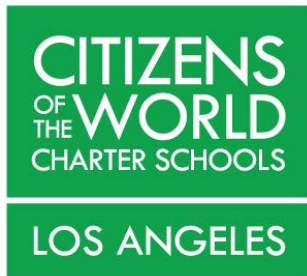
This argument is inaccurate because it incorrectly describes the attendance areas in which CWC is located, as verified in writing by CWC's authorizer, LAUSD. Moreover, it inaccurately describes the attendance areas of LAUSD's magnet programs and implies that the above-referenced magnet schools are not stand-alone, public elementary schools, which directly conflicts with LAUSD's written statements that are attached hereto. Instead, CWC is in fact located in the attendance area of all of the above stand-alone, public elementary magnet schools. **(See Attachment A, Exhibit B and Attachment D)**

Pursuant to 4 CCR § 10170.3(d)(2), an existing charter school can establish eligibility for SB 740 funds if the charter school "is physically located in the attendance area of a public elementary school in which fifty-five percent (55%) or more of the pupil enrollment is eligible for prior year FRPM and the school site gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter school site is located¹, as determined by the local school district." (Emphasis added.) It is important to highlight the fact that 4 CCR § 10170.3(d)(2) states that the elementary school attendance area where the charter school site is located must be "determined by the local school district."

CWC and LAUSD both agree that CWC is located within the attendance area of all of LAUSD's magnet programs, which span all of LAUSD **(See Attachment A, Exhibit B)**.

Neither the SB 740 Implementing Regulations nor Education Code § 47614.5 define "public elementary school" or "attendance area." However, the Education Code generally indicates that an "elementary school" is a school serving any of the grades K-8, or in some cases K-6. (See e.g., Education Code §§ 49430(e), 60010(e), 41376(a)(1)-(2).) As for an "attendance area," Education Code § 17070.15(b), broadly defines "attendance area" for the purposes of the Leroy F. Greene School Facilities Act of 1998 as "the geographical area serving an existing high school and those junior high schools and elementary schools included therein." This definition of "attendance area" is also used within the context of charter schools' requests for facilities under Proposition 39; 5 CCR § 11969.3(a)(2) provides, "The comparison group shall be the school district-operated schools with similar grade levels that serve students living in the high school attendance area, as defined in Education Code section 17070.15(b), in which the largest

¹ CWC's charter renewal petition includes an admissions preference for "Students who are currently enrolled in, and students who reside in, the attendance area of the public elementary school where the Charter School is located." (See **Attachment A, Exhibit D**.) CSFA staff have previously indicated that a charter school's admissions preferences may meet the SB 740 admissions preference requirements by mirroring the general terms of 4 CCR § 10170.3(d)(2), similar to CWC's admissions preferences here, and are not required to specifically identify every elementary school on which the charter school bases its SB 740 eligibility. CSFA staff have also indicated that a charter school may base its SB 740 eligibility on more than one public elementary school; as long as the charter school's admissions preferences encompass that elementary school, the charter school is located in that school's attendance area, and that school has a FRPM rate of 55% or more, the charter school may use that elementary school's FRPM rate to establish its SB 740 eligibility. (See **Attachment A, Exhibit H**.) The Final Decision does not contain any objections to CWC's admissions preferences or otherwise claim that CWC has not met the SB 740 admissions preference requirements. (See **Attachment B**.) As such, this appeal letter does not focus on CWC's admissions preferences and instead refers the Board to the information concerning CWC's admissions preferences that is included in CWC's initial appeal letter attached hereto as **Attachment A**.



number of students of the charter school reside. . . ." Accordingly, an "attendance area" of a school is generally understood to mean the geographical area serving that school, or in other words, the geographical area in which students must reside to be eligible to attend that school based on residency.

Specifically, as verified in writing by LAUSD, CWC is located in the attendance area of multiple public elementary schools, similar to a "zone of choice." As required by the Regulations, LAUSD clearly articulates that CWC is located in the attendance area of: 1) Richland Avenue Elementary School and Richland Avenue Elementary World Language Immersion Program; 2) Westside Global Awareness Magnet; and 3) all other LAUSD Magnet and dual language programs including the Full School magnets listed above. Please see **Attachments A, Exhibit B and Attachment D** for documentation from LAUSD. Moreover, CSFA staff has also acknowledged in writing that a charter school may be located in the attendance area of multiple public elementary schools. (See **Attachment A, Exhibits E and H**). Therefore, CWC qualifies for SB 740 funding based on an eligibility analysis of the 55% or greater FRPM rates at any of the public elementary schools whose attendance area encompasses CWC's location.

However, the Final Decision contends, without any legal or factual support, that despite CWC being located within the attendance area of all LAUSD magnet and dual language programs, CWC is still ineligible for SB 740 funds because CWC is not located "within the attendance areas of the elementary schools where these programs are housed." In other words, CSFA is taking the position that these magnet or dual language schools are not stand-alone, public elementary schools on which a charter school may base its SB 740 eligibility but rather just programs housed within a public elementary school.

As stated above, this position asserted by CSFA directly conflicts with LAUSD's statements about its own magnet schools. In a letter to CSFA in support of CWC's appeal, LAUSD states "some of LAUSD's magnet programs occupy entire school sites (Full School Magnets), while others are Magnet centers located on residential school campuses with access to activities and experiences shared with the host (non-Magnet) school" and "The Full School Magnets within LAUSD include but are not limited to Westside Global Awareness Magnet (CDS code: 19 64733 193105), Carthay Elementary of Environmental Studies Magnet (CDS code: 19 64733 6016372), and Dr. Sammy Lee Medical and Health Science Magnet Elementary (CDS code: 19 64733 0128710), among several others." (See **Attachment D**).

Moreover, CSFA's claims directly conflict with the statements made by CDE's staff member, Randy Bonnell, on which CSFA staff entirely based its rejection of CWC's second argument regarding Richland, which is explained further below. In fact, Randy Bonnell asserted, "Many schools operate various programs on their campuses; however, in most cases these are programs within schools, not separate schools." (See **Attachment B**, emphasis added). To support his claim that Richland and Richland French Magnet are the same public elementary school with the same FRPM data, Randy Bonnell relied upon the fact that Richland and Richland French Magnet have the same CDS Code and "are treated similarly" for the California School Dashboard, the CAASPP Smarter Balanced Test Results, Average Daily Attendance (ADA), and Local Control Funding Formula (LCFF) determination. Yet, each of the above-referenced eleven (11) stand-alone, public elementary magnet schools within LAUSD that have a 17-18 FRPM rate



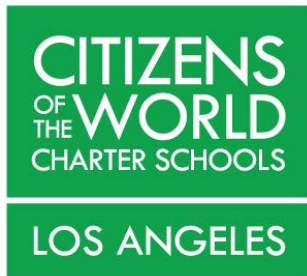
of 55% or more and are listed as public elementary schools on the CDE's 17-18 FRPM data file also have their own CDS codes, their own listing in the CDE School Directory, their own California School Dashboard reports, their own ADA and enrollment reports on the CDE's website, their own CAASPP results, and their own School Accountability Report Card (SARC), along with their own LAUSD location codes, their own principal and staff, their own website, and are not co-located within any other LAUSD program or school. (See **Attachment C**). As such, CSFA is inconsistently applying the definition of a public elementary school in rejecting CWC's eligibility.

In addition, if these magnet programs are not stand-alone schools but rather programs within another public elementary school as CSFA indicates, the Final Decision has not identified the public elementary schools where CSFA believes these magnet programs are housed. Indeed, the Final Decision cannot identify the specific "elementary schools where these [magnet] programs are housed" because these magnet schools are themselves stand-alone, public elementary schools with their own FRPM rates of 55% or more based entirely on their own enrollment, which were certified through the annual Fall 1 data submission to the California Longitudinal Pupil Achievement Data System (CALPADS) and reported by the CDE. As such, the evidence establishes that CWC is located within the attendance area of the above-referenced eleven (11) stand-alone, public elementary magnet schools, which have a 17-18 FRPM rate of 55% or more as provided to CALPADS and reported by the CDE with their own CDS codes and on which CWC may lawfully base its eligibility for SB 740 funds in accordance with each of the SB 740 program laws and Regulations.

- b. CSFA Denial Reason #2: "pupils that apply to these programs are not automatically admitted"; and "the student selection process for all LAUSD magnet programs is based on the Magnet Priority Point System and only the students with the highest points can enroll in the program of their choice."

The Final Decision indicates that the above-referenced magnet schools cannot constitute a "public elementary school" under Education Code § 47614.5(c)(2)(A) and 4 CCR § 10170.3(d)(2) because they do not "automatically admit" students and students must instead submit a specific application. However, this requirement is not contained anywhere in the SB 740 laws, which only require the charter school facility be: (1) physically located in the attendance area of a public elementary school; (2) in which 55% or more of the enrollment is eligible for prior year FRPM; and (3) the charter school gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter school site is located. (4 CCR § 10170.3(d)(2).) CWC has established its compliance with each of these requirements. Despite not being in the Regulations as a requirement for SB 740 funding eligibility, below CWC also describes how CSFA's claims that students are not automatically admitted to these magnet schools are also inaccurate as well as conflict with the arguments made by CSFA relating to CWC's eligibility based on Richland's actual FRPM rate.

As the Final Decision and the attached letters from LAUSD acknowledge, CWC is located within the attendance area of all LAUSD's magnet and dual language programs including those stand-alone magnet schools listed above, which had an FRPM rate of 55% or more in 2017-2018. (See **Attachments A-D**).



There are no eligibility requirements for students applying to any of the above stand-alone magnet schools other than living within the boundaries of LAUSD. LAUSD's letter specifically states: "for most magnet schools there are no eligibility requirements for students other than living within the boundaries of LAUSD. For these schools, all LAUSD students who apply will be admitted provided space is available. The exceptions around eligibility requirements are for Gifted magnet schools and some dual language schools that have certain language requirements." Since none of the above-listed eleven (11) stand-alone magnet schools are dual language or Gifted magnets, the only eligibility requirements for those schools is that students must reside within LAUSD. (See **Attachment D**).

In addition, according to LAUSD's Magnet Program website and policies, "All students living within L.A. Unified boundaries are eligible to apply" to any LAUSD magnet school. (See **Attachment A, Exhibit B**). There clearly are no other eligibility requirements for the above-listed LAUSD magnet schools, and like other non-magnet "public elementary schools" on which charter schools in LAUSD base their SB 740 eligibility, all LAUSD students who apply to these schools will be admitted provided space is available. (See **Attachment D**).

Moreover, even if the SB 740 laws or Regulations included a requirement that a school "automatically admit" students in order for that school to qualify as a "public elementary school" on which a charter school may base its SB 740 eligibility as the Final Decision implies, which they do not, this requirement would then need to be equally applied to Richland French Magnet, which also does not "automatically admit" students and actually requires students to have a sufficient background in French to gain admission. After removing the FRPM data for Richland French Magnet, CWC would still be eligible for SB 740 funds based on Richland's actual, verifiable 2017-2018 73.2% FRPM rate submitted to CALPADS, as explained below. (See **Attachment A, Exhibit A**). Once again, CSFA is inconsistently arguing about the definition of a public elementary school as a basis for denial.

Finally, CSFA's letter cites program requirements for Dual Language programs in the Final Decision. These points are irrelevant to the analysis because none of the above-listed stand-alone magnets on which CWC may lawfully base its eligibility for SB 740 funds are dual language schools. If these points have any weight, it is to demonstrate that Richland's actual 2017-2018 73.2% FRPM rate should not be skewed by Richland French Magnet's disproportionately low FRPM rate as explained in more detail below.

In summary, CWC qualifies for SB 740 funds for 2018-2019 by meeting each provision of 4 CCR § 10170.3(d)(2), as follows:

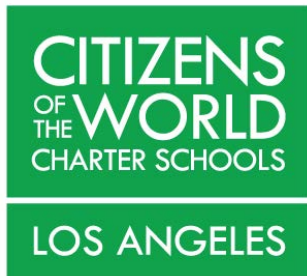
- CWC "is physically located in the attendance area of a public elementary school in which fifty-five percent (55%) or more of the pupil enrollment is eligible for prior year FRPM". This provision is met by being located in the attendance area of all of the above-listed stand-alone, public elementary magnet schools, which have more than 55% of the pupil enrollment eligible for prior year FRPM.

- CWC “gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter school site is located, as determined by the local school district”. This provision is met through the charter renewal petition’s admissions preference that is specifically aligned with the terms of 4 CCR § 10170.3(d)(2) and by providing an enrollment preference for students who live in LAUSD. The local school district, LAUSD, concurs in writing with CWC’s analysis that it is located in the attendance area of all of LAUSD’s magnet programs, including the above-referenced stand-alone magnet schools.

There is nothing in the law or SB 740 Regulations that is contradictory to the above analysis of eligibility, as unique as it may be. Although CWC understands that the practical result of the above analysis is that more charter schools within LAUSD who have under 55% FRPM would be eligible for SB 740 funds, an increase in the number of charter schools eligible for SB 740 alone cannot serve as a legal basis to reject the above analysis, which is precisely aligned with the letter of the law. Given that the deadline for charter schools to appeal CSFA’s 2018-2019 eligibility determinations has passed, CSFA’s acceptance of the above analysis as it relates to CWC’s eligibility for 2018-2019 should not result in a flood of SB 740 applications or appeals of CSFA’s 2018-2019 eligibility determinations. Further, simply because the attendance boundaries for certain public elementary schools within LAUSD are larger than others, does not necessarily mean that it will be any more difficult for CSFA staff to determine a charter school’s eligibility for SB 740 funds, nor that a determination of eligibility is inconsistent with the law or SB 740 Regulations.

Magnet schools provide excellent and uniquely tailored educational options for students within LAUSD and are designed to increase choice for families throughout LAUSD. Although the dynamics associated with enrollment at magnet schools may not have been fully recognized when the SB 740 Regulations were developed, the fact remains that magnet schools are a crucial part of the education system within LAUSD and are becoming more and more popular due to their specialized curricular focus and diversity-driven mission. In fact, LAUSD acknowledges the importance magnet schools and other choice options for parents: LAUSD states that it has created over 80 new dual language programs over the past three (3) years alone, and that “LAUSD intends to continue to support its magnet and dual language programs as a way to provide more choice to families over time.” (See **Attachment D**). CWC believes that magnet schools as a choice option will only become more prevalent moving forward. These schools should not be excluded simply because they are different than other schools with smaller attendance areas, and CSFA’s interpretation of the SB 740 laws must evolve as these and other innovative educational options grow.

Should CSFA not agree with the above analysis, CWC respectfully requests that CSFA alternatively find CWC eligible for SB 740 funds for 2018-2019 based on Richland’s actual, verifiable 2017-2018 73.2% FRPM rate submitted to CALPADS and the 63.9% FRPM rate for Richland and Richland French Magnet students who resided in the Richland residence area in 2017-18. To do otherwise would be to inconsistently apply the law and SB 740 program Regulations.



CWC is Eligible for SB 740 Funds for 2018-2019 Based on Richland's 73.2% FRPM Rate and the 63.9% FRPM Rate for Students Enrolled in the Richland Residence Area in 17-18

Attachment A fully describes this argument and is attached hereto.

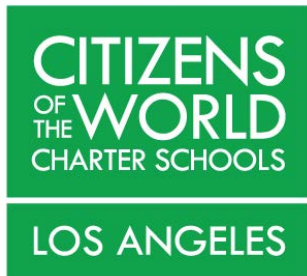
CSFA staff's Final Decision rejected this argument as set forth above on the grounds that: 1) "the Authority relies on the FRPM data reported by the California Department of Education (CDE) and certified through the annual Fall 1 data submission to the California Longitudinal Pupil Achievement Data System (CALPADS)"; and 2) "the French Immersion program constitutes a program operated within a school, not a separate co-located school."

As stated above, if CSFA does not accept the above magnet school analysis, it should agree that Richland's own 73.2% FRPM rate in 2017-18 should not be unfairly skewed by a co-located, "non-local" magnet/dual language school that has an attendance area of the entire LAUSD and does not "automatically admit" students. CSFA staff rejected this argument and stated that CSFA "must continue to use the cumulative FRPM of Richland Avenue Elementary as certified by CALPADS" on the grounds that Randy Bonnell of CDE stated "the California Department of Education (CDE) recognizes Richland Avenue Elementary as a single school" and "the French Immersion program constitutes a program operated within a school, not a separate co-located school" since Richland and Richland French Magnet have the same CDS code.

However, while the Final Decision indicates that the FRPM data for Richland and Richland French Magnet must be combined because both schools have the same CDS code and therefore constitute the same elementary school, the Final Decision also illogically indicates that the magnet schools referenced above, which have their own CDS code, are listed as public elementary schools in the CDE's FRPM data file, and are not co-located with any other program cannot constitute individual, stand-alone public elementary schools on which a charter school may base its eligibility for SB 740 funds under 4 CCR § 10170.3(d)(2) and Education Code § 47614.5(c)(2)(A). CSFA cannot credibly assert both of these arguments at the same time.

Instead, if CSFA staff argues that CWC should not qualify because the magnet/dual language programs are co-located, "not local" and do not "automatically admit" students, which CWC disputes, then this logic would mean that CSFA should agree that Richland's own FRPM data should not be skewed by a co-located, "non-local" magnet/dual language school that also does not "automatically admit" any student, and Richland's FRPM of 73.2% should deem CWC eligible for SB 740 funding.

4 CCR § 10170.2(p) defines FRPM eligibility as "the percentage of enrolled students in grades Kindergarten through 12th grade or students ages 5 through 17, whichever is greater, eligible for free or reduced price meals, as reported by the Department and certified through the annual Fall 1 data submission to the California Longitudinal Pupil Achievement Data System (CALPADS)."



Although the CDE's procedures combined Richland and Richland French Magnet's FRPM data in its FRPM report, LAUSD identifies Richland and Richland French Magnet as separate schools and reported them to CALPADS as such. Indeed, Richland and Richland French Magnet have different location codes, cost center codes and attendance areas, and serve different grade levels (Richland is K-5, Richland French Magnet is K-3). (See **Attachment A, Exhibits A, C and I.**) According to the District's School Finder, Richland Elementary School, not Richland French Magnet, is the District school of residence for students residing in the Richland attendance boundaries. (See **Attachment A, Exhibits B and C.**)

In addition, LAUSD provided CALPADS with separate, verifiable 2017-18 FRPM data for Richland and Richland French Magnet that shows Richland had a 73.2% FRPM rate in 2017-18 whereas Richland French Magnet had a 29.2% FRPM rate in 2017-18, when looking at student FRPM by grade level. The same pattern emerges when analyzing FRPM by student age, which demonstrates that Richland's FRPM rate in 2017-18 was 73.0% and Richland French Magnet's was 30.3% (See **Attachment A, Exhibit A.**) We also include the raw data set provided by LAUSD's Office of Data & Accountability, including a letter from LAUSD certifying the accuracy of the data. Moreover, LAUSD staff verified in writing that this data was provided to CALPADS in various data files and distinguished by separate location codes. (See **Attachment A, Exhibit A.**)

Therefore, LAUSD provided to the CDE, through "the annual Fall 1 data submission to the California Longitudinal Pupil Achievement Data System (CALPADS)" the separate underlying data for both Richland and Richland French Magnet. The CDE then combined this data in the published spreadsheet of FRPM percentages for its reporting, though again, the underlying data reported to CALPADS was for the two separate schools. As the data submitted by LAUSD to CALPADS was for two separate schools, the data reported to the CDE was based on these two separate data sets and thus should be sufficient to demonstrate CWC's eligibility based on Richland's 2017-2018 FRPM rate of 73.2% or the 63.9% FRPM rate for Richland and Richland French Magnet students who resided in the Richland residence area in 2017-18.

As **Exhibit A to Attachment A** demonstrates, the FRPM rate in 2017-18 for students attending Richland and Richland French Magnet who reside in the Richland attendance area was 63.2% when analyzed by students' grade level and 63.9% when analyzed by students' age. This data demonstrates that CWC's eligibility meets the legislative intent of Education Code Section 47614.5 and the SB 740 Regulations: CWC, through its admissions preferences, aims to serve and thereby provide the benefit of SB 740 funding to the low-income student population that resides within the Richland attendance area. In fact, CWC's elementary school grades currently enroll more students who otherwise would attend Richland than any other resident school (39 students, or approximately 8% of the student population).

Therefore, CWC is physically located in the attendance area of a public elementary school (i.e., Richland) in which 55% or more of the pupil enrollment is eligible for prior year FRPM, and CWC has met the requirements of 4 CCR § 10170.3(d)(2) and Education Code Section 47614.5(c)(2)(A).



Conclusion

Again, CSFA cannot fairly deny CWC's eligibility based on Richland's actual FRPM rate on the grounds that such data was not "reported by the CDE" in strict compliance with 4 CCR § 10170.2(p) while also rejecting CWC's eligibility analysis based on the above-listed stand-alone magnet schools despite its strict compliance with Education Code Section 47614.5 and 4 CCR § 10170.3(d)(2) and the fact that the FRPM data for these stand-alone, public, elementary schools are separately reported by the CDE and certified through the annual Fall 1 data submission to CALPADS.

Moreover, CWC systematically refutes CSFA staff's denial in its Final Decision through the above analysis and cites additional evidence to demonstrate how CWC is eligible for SB 740 funding in 2018-19.

We recognize that this appeal presents a unique set of facts. Specifically, we are not aware of another case in which: 1) a charter school was located in the attendance area of a public elementary school that had a magnet and non-magnet program; and 2) the magnet and non-magnet programs had vastly different FRPM rates. Notwithstanding the uniqueness of this case, CWC's eligibility is fully allowed based on Education Code Section 47614.5 and the SB 740 Regulations.

Please note that CWC is currently considering other long-term solutions to the issues presented in this appeal, and CWC intends to work collaboratively with CSFA staff to develop these long-term solutions. As a result, CWC is hopeful that it will not need to base its eligibility on the above arguments in future years or be forced to obtain facilities from LAUSD under Proposition 39 given the number of LAUSD programs and other charter schools that could be disrupted. I am pleased to share multiple letters signed by LAUSD's senior leadership in support of CWC's appeal. (See **Attachment A, Exhibits B and J, and Attachment D**).

In light of the foregoing, CWC appeals CSFA staff's November 14, 2018 determination and its Final Decision dated February 14, 2019 that CWC is ineligible for SB 740 funds for the 2018-19 school year, and respectfully requests that the CSFA Board find CWC eligible to receive SB 740 funds for the 2018-2019 school year. Please do not hesitate to contact me should you have any questions.

Respectfully,

Mark Kleger-Heine
Executive Director

Encl.