

MEMORANDUM

Staff Summary #7.a.

Date: April 10, 2019

To: Members of the California School Finance Authority

From: Katrina M. Johantgen, Executive Director

Subject: Consideration of Appeal Regarding the Charter School Facility Grant Program – Citizens of the World Charter School Mar Vista

Background: In order to ensure that grant funds through the Charter School Facility Grant Program (Program) target schools serving economically disadvantaged students, Program eligibility requires that schools meet a threshold level of Free or Reduced Price Meal (FRPM) Eligibility. Program Regulations state that Program applicants must meet one or more of the following criteria to be deemed eligible to receive funds: (1) Fifty-five percent (55%) or more of the student enrollment at the charter school site is eligible for prior year FRPM; or (2) the charter school site for which grant funds are requested 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 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. As defined in Program regulations, “Free or Reduced-Price Meal Eligibility” or “FRPM Eligibility” shall mean 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 [of Education] and certified through the annual Fall 1 data submission to the California Longitudinal Pupil Achievement Data System (CALPADS).

Citizens of the World Charter School – Mar Vista (CWC), previously known as Citizens of the World 3, has applied to the Program since 2013-14. In 2013-14 CWC, was ineligible as both the charter school and its attendance area elementary school fell below the FRPM threshold required by Regulation. In Program years 2014-15 through 2017-18, the school was found eligible based on Richland Avenue Elementary School’s (Richland) FRPM. See Attachment #1 for a history of CWC’s awards since 2013-14.

Issue: On November 14, 2018, the California School Finance Authority (Authority) notified CWC that it did not meet the eligibility threshold percentage for FRPM required for an award of funds under the 2018-2019 funding round of the Program. It should be noted that current year funding eligibility is determined using the prior school year’s FRPM data. CWC failed to meet either threshold of the FRPM eligibility test as the school itself had an FRPM percentage of 25.87%, and the public elementary school in the attendance area where CWC is located, Richland, had an FRPM percentage of 54.38%.

On January 13, 2019, CWC appealed the Authority’s ineligibility finding, contending that the charter school’s local attendance area elementary school, Richland Avenue Elementary

School, includes a dual language school named Richland Avenue Elementary World Language Immersion French (French Immersion Program). Based on this fact, the appeal makes the following two arguments:

- (1) "Richland's own FRPM data should not be skewed by a co-located, 'non-local' magnet/dual language immersion school." According to the appeal and its supporting documents, the French Immersion Program has a disproportionately low FRPM rate (30.3%) compared to Richland's (73.2%).
- (2) "CWC is located within the attendance areas of at least ten (10) public elementary magnet/dual language schools" that meet the 55% eligibility requirement. Additionally, the Los Angeles Unified School District (LAUSD) has confirmed in writing that CWC is located within the attendance area of all of LAUSD's magnet and dual language programs. This position is based on the concept that the magnet schools allow for district-wide enrollment.

On February 14, 2019, the Authority denied CWC's appeal in a Final Decision. Program regulations require the Authority to use FRPM data as reported by the CDE and certified through the annual Fall 1 data submission to CALPADS. In response to CWC's request to review the enrollment and FRPM data for Richland and its dual language program, Randy Bonnell of CDE responded, "the California Department of Education (CDE) recognizes Richland Avenue Elementary as a single school." Further, "the French Immersion Program constitutes a program operated within a school, not a separate co-located school." For these reasons, the Authority used the FRPM percentage of Richland as certified by CALPADS.

CWC's appeal includes a letter from LAUSD stating that any age-appropriate student residing within LAUSD boundaries may apply for acceptance to any of LAUSD's Magnet and Dual Language program (see Attachments #2 and #3 for further detail). Therefore, CWC argues that, for Program eligibility purposes, it is within the attendance area of all of LAUSD's Magnet and Dual Language programs. However, while CWC is located within the attendance area of these *programs* (which may draw from the entire district), with the exception of Richland, it is not within the attendance area of the physical site of the elementary schools where these programs are *housed* (which is a fixed location). Additionally, in contrast to public elementary schools, pupils that apply to these programs are not automatically admitted. For these reasons, the Authority maintained its position that CWC's two sites are located within the attendance area of Richland and that the school is ineligible for the 2018-19 funding round.

On March 16, 2019 CWC appealed the Authority's Final Decision to the Board. In its latest appeal CWC contests the Final Decision based on two factors:

- (1) CWC is eligible based on any of the Stand-Alone Magnet Elementary Schools within LAUSD that had an FRPM rate of 55% or more in 2017-18; or
- (2) CWC is eligible based on Richland's 73.2% FRPM rate and the 63.9% rate for students enrolled in the Richland residence area in 2017-18.

CWC has set forth the same arguments in each of its appeals to staff with slight refinements. CWC disputes the Authority's conclusion that CWC is not within the attendance areas of the elementary schools where the Magnet/Dual Language programs are housed. Specifically, CWC suggests that these schools may be the basis for eligibility because, unlike the French Immersion Program, they are not co-located with another public school but are stand-alone, Full School Magnets. CWC also disputes the Authority's argument that the referenced magnet schools cannot be the basis for eligibility because they do not automatically admit students.

After initially dismissing this argument as not contained in Program law, CWC reasserts that it is located within the attendance area of all LAUSD Magnet and Dual Language programs including those it specifically lists and states that there “are no eligibility requirements for students applying to any of the [proffered] stand-alone magnet schools other than living within the boundaries or LAUSD.” A notable exception are gifted magnet schools and some dual language schools, including the French Immersion Program, that have certain language requirements.

Staff notes that the existence of magnet school do not negate geographical attendance boundaries. The intent of allowing a charter school to rely on the FRPM of its attendance area elementary school is to ensure that Program funds go to schools that serve those schools catering to economically disadvantaged students. Allowing a charter school to pick and choose any school within the district as its attendance area elementary school in order to meet FRPM requirements would negate this purpose. Further, by the terms of CWC’s own charter, it does not give preference in admission to students within the attendance area of all of LAUSD’s Magnet and Dual Language programs, but rather to “[s]tudents who are currently enrolled in, and students who reside in, the attendance area of the public area of the public elementary school where the Charter School is located”¹, which is Richland. Finally, while it may be true that a data collection problem arises where a public elementary school and Magnet school are co-located, the Authority is bound to the data collected by CDE and the issue must be resolved with that entity.

Recommendation: Staff recommends denial of the appeal on behalf of CWC on the basis that neither the school nor its attendance area elementary school meet the FRPM eligibility threshold set forth in law.

Attachments

Attachment #1 - CWC Award History

Attachment #2 - CWC Appeal to the Board

Attachment #3 - CWC Exhibits to CWC Appeal (includes 1st appeal and CSFA Response)

¹ *Citizens of the World 3, Renewal Petition for a Five-Year Term (2018-2023) Submitted: September 12, 2017, Page 151.*